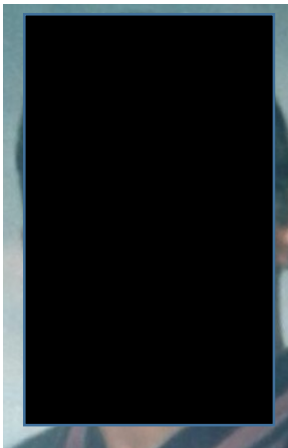


sentencing advocacy group of evanston



To: Attorney
From: Betsy Wilson
Date: October 1, 2016
Re: Donald Jones' Social History¹

(Sample Document, Names and Case Details Have Been Changed)



Donald. Age 15

Donald Jones is an optimistic man that smiles often and is pleasant to talk with. His eyes still maintain the deep, caring, and compassionate light that they did as a boy of 17. In his nearly twenty years of incarceration, Donald's behavior has been exceptional. He successfully completed several educational programs, taking advantage of every opportunity made available to him. Donald is collecting tools, preparing himself with stellar behavior, increased education, and a strong work ethic. Unlike Donald's early life, when he was constantly defending himself against gang warfare on his neighborhood streets, abandonment by his unstable mother and, ultimately, his life, Donald is now equipping himself with tools for his new life, the life he's been dreaming about for 20 years.

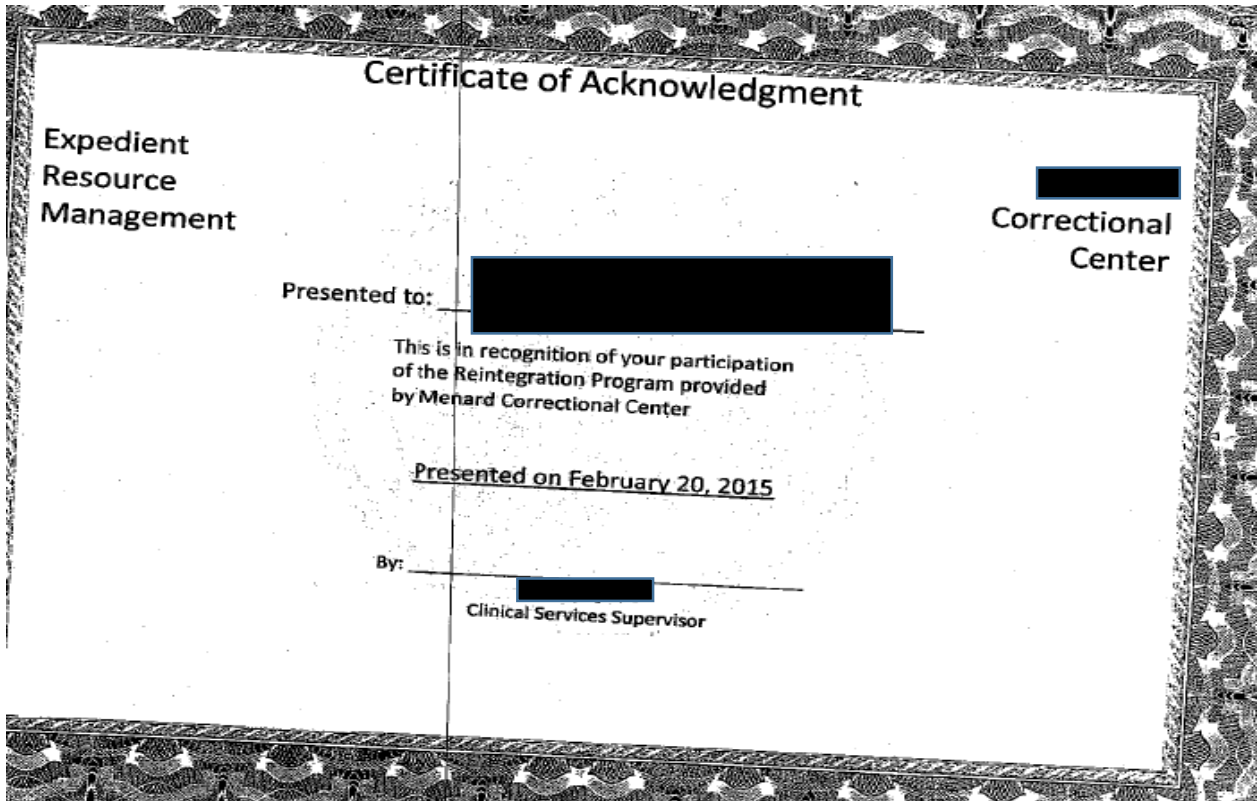
¹ Since 2005, the Sentencing Advocacy Group of Evanston has conducted investigations into the life histories of more than 60 death-penalty, juvenile-life-without-parole, and other cases in both state and local jurisdictions. SAGE is a multidisciplinary practice led by Betsy Wilson, an attorney and mitigation specialist with nearly two decades of experience in sentencing and mitigation investigations. Ms. Wilson is a nationally recognized leader in the field. She writes and presents regularly on subjects related to sentencing advocacy to national and local audiences of attorneys and mitigation specialists. She graduated from Harvard Law School and is a former recipient of the President's Award from the National Alliance of Sentencing Advocates and Mitigation Specialists.

In December, 2015, the XX Public Defender Office hired the Sentencing Advocacy Group of Evanston to conduct an investigation into Donald Jones's biological, psychological, and social history and prospects for successful release and re-integration into society. Since then, we have spent more than 600 hours conducting our investigation. We met with Mr. Jones more than 12 times and spoke with him on the phone numerous times. We completed over 16 interviews with his family, friends, and other witnesses. We reviewed over 90 documents, including school registration documents, medical records, criminal records, Department of Corrections records, vital records, social service records, and media and scholarly articles. We consulted with a dozen social-service providers to assess if and how their services will meet his post-release needs for housing, employment, education, and social support.

Donald Jones has participated in many of the educational and life skills programming, and job opportunities that have been made available to him.

Donald reports that he has taken some GED classes at Sample Correctional Center, whenever given the opportunity.² Unfortunately, because of his original sentence Donald was placed at the lowest priority for education and not allowed to consistently attend classes. He is eager to learn and has several times asked his legal team to assist him in getting steadily enrolled in the GED program at Sample.

Donald received certificates of achievement for successfully completing the Impact of Crime on Victims course, the Reintegration Program³, and the "The Learning Skills for Life Course."⁴ He has also had two job assignments in the inmate kitchen.⁵ Most recently Donald enrolled himself in and completed a course in substance abuse and has accepted a job in commissary.



² Jones IDOC 98-11, p. 16.

³ Jones Discovery 2, pp. 25 & 26.

⁴ Discovery with Transport Order and East Rogers Records, p. 10.

⁵ Jones IDOC 98-11, pp. 16, & 40.

[Redacted]

"There is no person alive who cannot make a new beginning."
... The Way to Happiness Book

Does hereby certify that

[Redacted]

*Has successfully completed the requirements necessary and is
therefore awarded this Certificate of Completion for*

The Learning Skills for Life Course

This 21st Day of August 2015 Certificate # [Redacted]

Director [Redacted]

Certificate of Achievement

This certifies that the offender has successfully completed the
Impact of Crime on Victims at [Redacted] Correctional Center.

[Redacted]

Child Abuse
Domestic Abuse
Drunk Driving
Substance Abuse
Robbery /Property Crimes
Hate/Bias

Gangs
Assault
Sexual Assault
Homicide
Restorative Justice
Crime Against the Elderly

Responsibility
Accountability
Understanding
Crime Prevention
Personal Safety

6-4-15
Date of Award

By: [Redacted]
ICVC Program Coordinator

Donald's disciplinary history is good and has been unblemished for more than 13 years.

Between 1998 and 2004 Donald had a total of one minor ticket, and eight major tickets with guilty outcomes, the last of which was thirteen years ago. None of his tickets are related to violence.⁶ An example of actions justifying these charges is a June 2, 2001 combination of violations of unauthorized movement and disobeying a direct order, when Donald refused to make cups for the dining meal and was later seen sitting down outside.⁷ The major tickets were issued as follows.

February 3, 1999	Damage of property
February 3, 1999	Violation of rules
May 27, 2001	Unauthorized movement
June 9, 2001	Unauthorized movement
June 9, 2001	Disobeying a direct order
August 8, 2003	Contraband/unauthorized property
December 25, 2003	Disobeying a direct order
January 9, 2004	Unauthorized movement
January 9, 2004	Disobeying a direct order

Donald has gone for more than 12 years without a single disciplinary charge.

Donald grew up without a steady, stable parent figure. His gang-affiliated father was rarely present in his life. His emotionally damaged mother was overwhelmed with providing for her family in the suffocating culture of criminality where Donald was forced to exist.

Though often well-meaning, Donald's mother Susan Jones was incapable of parenting him, suffering from the repercussions of her own trauma of isolation and abandonment when she was young. Her own severe emotional damage, coupled with her young age when Donald was born, often rendered her incapable of guiding and protecting Donald, particularly in the gang-infested, poverty-stricken environment in which she was attempting to function.

⁶ Jones IDOC file 99-11, pp. 13, 25, 26, 48, 60, 74, & 88.

⁷ *Id.*, pp. 13, & 26.

Susan Jones, Donald's mother, was abandoned as a child.

Susan Jones was born in Honduras in November 1964. She lived with her grandparents, Robert and Rihanna, as a child in Honduras. Her mother Ellen Adams moved to the United States shortly after Susan was born, taking with her two of Susan's sisters, Karen and Donna, and leaving Susan behind in Honduras. Susan was unsure why her mother did not take her with her when she left for the U.S.

Around the time when Susan's mother moved to the U.S., a hurricane devastated Honduras. This was a very significant natural disaster in Honduras history. Susan compared the hurricane to how the U.S. will remember New Orleans' Hurricane Katrina. Susan, her grandparents, and her aunt, evacuated to a shelter.

Susan's grandparents, Robert and Rihanna, were strict. Susan remembers experiencing strict discipline, saying "We were not allowed out on our own. We were members of the lodge, so we would go to meetings there. We would parade and have cake and lemonade. We had chores and went for groceries together." Susan recalled that life primarily consisted of chores. Not long before Susan moved to the U.S. with her mother, she snuck out of her house to see a Bruce Lee movie, although her grandmother Rihanna had told her she could not go. "I remember I wore my green dress because that was my going out dress. I came back home and walked in as if nothing happened and my grandmother called me to have dinner with the family. The next morning, I got a whooping with a belt." Susan also recalls being taught that when grown-up people were talking, she was not to get involved.

Susan attended elementary school in Honduras until she moved to the United States to join her mother and two sisters at around nine years old. She lived with her mother and sisters in a room they rented in a house on St. Louis's south side. The entire family shared this one room.

Susan had a difficult adjustment to life in St. Louis and felt rejected and victimized by her mother and sisters.

Susan's sister, Donna, describes their mother as strict. The kids, Susan, Karen, Jennifer, Donna, and Natalie were required to be inside before dark. They weren't allowed to go to sleepovers or to the movies or concerts unless an older sibling went with them. If the kids misbehaved, she'd whoop them with a belt. But, said Donna, "if she loved you, you felt like the specialist person in the world."

Ellen would not allow her children to gamble. She once caught Susan and her sisters playing cards for pennies. All three of them got whoopings for it, but Susan was the only one who was stripped down naked for the whooping while her sisters watched. When Susan told this story, it was evident that she is still deeply saddened by the humiliation attached to this memory. This humiliation and the feeling of being an outsider within her own family became an on-going theme in Susan's family life. When she would argue with her sisters Donna and Karen, they would say to her "why don't you go back to Honduras?" and "I'll tell my mom!" It was always hurtful to Susan that her sisters would refer to their mother as "my mom" as opposed to "our mom." Susan would say "she's my mom too!"

Susan recalled one instance when it was her sister Karen's turn to do the dishes. When Susan let her know she needed to take care of this chore, Karen responded with, "My mom said if we get into anything, I can pick up anything and hit you with it!" Karen tried to hit Susan and Susan blocked her just as their mother walked in. Susan ended up getting whooped while her sister did not have any consequences.

Susan's feelings of alienation and rejection by her family forced her to run away from home to avoid the agony.

Finally, Susan felt so unwanted, that she ran away when she was 15 or 16-years-old. She went to live at her brother Dennis Adams's house, where she lived in a closet.

Dennis did not know Susan was staying there, but her sister-in-law Jennifer would sneak her in when her husband was not home or asleep. During the days, Susan would attend school, then she would hang out with local teens down the street until it was safe for Jennifer to sneak her into the house. Susan took it upon herself to transfer to the neighborhood high school. She does not recall the exact amount of time she stayed at Dennis' and Jennifer's home, but "it was a long while." This is how she met Donald's biological father, Frank "Bo" Smith. He lived down the street.

As Susan's sister Donna recalls, when Susan arrived in St. Louis, she acted out at their mother and eventually she ran away. Susan went to court and told the judge that she didn't want to stay with her mother. Susan's mother felt that she had no choice but to put Susan in foster care. Donna remembers Susan to have been about 16 years old at the time, and that when she came back home, she was pregnant with Donald.

Once Susan returned to her mother's home, her mother decided she no longer wanted her and surrendered her to the foster care system, where she was terrified and traumatized by the fear of being harmed by strangers and getting confirmation of her worst fear: being worthless and unwanted by her own family.

One day Susan was in Dennis's home watching TV. She had expected him to be out for the day, when he came home and caught her there. He asked what she was doing there, saying, "You know they're looking you, right?" Dennis took Susan home to her mother's house, and her mother called the police.

The police kept asking where she had been, and Susan would only respond with, "around," because she didn't want to rat out Dennis' wife Jennifer. Because Dennis was so violent toward Jennifer, it was important to Susan to protect Jennifer throughout this process. That same night, Susan was taken by the police and placed in a foster home.

Susan's foster home looked like a regular house that had a lot of bedrooms. She was locked inside one of the bedrooms that night. The boy who had a room next to hers slipped a note under the door asking her if she wanted to sleep in his room with him. She said, "I was terrified. I didn't sleep at all that night."

The next morning, Susan went to court and her mother was there. Susan's mother told the judge, "I do not want her." Susan tells me, "I wasn't expecting that. They really didn't want me there. I was right, they didn't want me." The judge asked Susan, "Do you know anyone who would be willing to take you?" Susan called Jennifer, and Jennifer took custody of Susan.

After being abandoned by her mother for the second time, Susan was forced to live with her brother and sister-in-law, where she witnessed severe abuse inflicted upon her sister-in-law at the hands of her brother, further traumatizing her and continuing to chip away at what would soon become her parental faculties.

While living with Jennifer and Dennis, Susan often witnessed Dennis brutally beat Jennifer. She said, "He would beat her, and I would try to step in. I remember one time when he went to hit her with a comb, I stepped in and he took the comb across my face. I kept telling her she needs to leave."

Eventually Jennifer, her three children, and Susan left Dennis and stayed with a family friend. Dennis would talk Jennifer into going back home again, and this cycle would repeat. Susan recalled, "Dennis beat her so bad. He beat her so bad once, he stomped her foot and it was so black and blue...it was so bad...we left."

Donald Jones was born to 15-year-old Susan Jones, who knew so little about adulthood and motherhood that she didn't even know how a woman became pregnant.

Susan was confused when she became pregnant with Donald, because she had not yet learned about how one becomes pregnant. "My mom didn't tell me about those things." On August 25, 1980, Donald Jones was born at a local hospital, in St. Louis, Missouri, to 15-year-old Susan Jones.

Donald's first home was with his great aunt Barb and his mother, on the west side of St. Louis. There was a brief stint when Donald stayed with family on the south side, but that was short-lived. As Susan's aunt Rachelle reports, because of Susan's age and lack of maturity, some of her family had to step-in and take care of both her and Donald, specifically Susan's aunts Rachelle and Barb.

Susan would go out with her friends, and Rachelle would watch Donald. Susan remembers that Barb would buy Donald's diapers by the case. She would also buy the milk.

When Donald was two or three years old, he and Susan moved in with Aunt Barb. Susan recalls, "Barb would help a lot, she'd babysit a lot. I would go out with friends and stay out late or overnight, and she'd call and say, 'come get your child.'"

Eventually Donald and Susan moved to a new neighborhood and he would spend his weekends with his biological father's side of the family, specifically and most often his aunt Alice. Once

Susan moved to the north side with Donald, Rachelle would visit sporadically. The rest of the family lived on the south side at that time.

Donald's Aunt Rachelle remembers Donald as "mischievous, but not trouble" as a child. She tells a story about a time when Susan went somewhere and left Donald with a close friend. Donald would not listen to Susan's friend, so she called Susan, who called Rachelle to handle the situation. Rachelle said that he was not disrespectful because he would never talk back or curse. He owned up to what he did wrong and would take his consequences if he did something wrong without much debate. Consequences usually consisted of a "whooping," as it was part of the family's culture being from Honduras.

Donald's aunt Donna reports that Susan would sometimes leave Donald with other people and not come back for weeks. Donna would get phone calls from people saying that they had Donald but couldn't get a hold of Susan. Often, he ended up back with his grandmother Ellen or Donna.

Donald was without a father-figure: his biological father was first absent, then murdered; and his wife-beating, adulterous, drug-dealer step-father abandoned Donald and his family.

Donald's biological father, Frank Smith, was born in Knoxville, Tennessee in December 1962. Donald did not know his biological father well, and he only remembers seeing him twice. Donald does remember when he saw his father they would do things like go shopping, to the circus, and to shows like Disney on Ice. Donald's biological father was murdered in 1996, while Donald was locked up in juvenile detention for what Donald thinks was selling drugs.⁸ When he got the news that his father died, he thought his step-father Arnold Rogers had died. It was not until Donald was released that he found out it was not his step-father whom he had lost.

Donald said that Arnold was the man he considered his father. But Arnold hit Donald's mom and cheated on her. Donald watched the beatings happen, heard the yelling and thought, "if only I were just a little bit bigger, I would help her." Donald said that Arnold boxed, and Donald knew that as a young child he couldn't fight back and win. Around age 14 was the first time that Donald tried to intervene after Arnold hit his mom, when he threatened Arnold. By that time, Donald was involved with the neighborhood street life and his threat went a long way. Arnold stopped hitting Susan.

Arnold was born in St. Louis, Missouri in May 1965. As Arnold recalls, when he was a baby his mother took him to Honduras to live with his grandmother, where he stayed until he was about nine years old. His parents did not stay with him, rather his mother returned to St. Louis after dropping him off. As far as his role as Donald's father, close family friend, Carol Marvin, describes the relationship by saying Arnold treated Donald well. Donald respected Arnold, "but

⁸ Both Donald and Donald's discovery files indicate that he has a juvenile record, the juvenile detention centers where Donald was housed no longer have records on him.

he didn't really bother [with] him," meaning that Donald was respectful when speaking with Arnold, but he didn't necessarily listen to or obey him.

Arnold Rogers does not have a single year of formal education. Regarding never having gone to school Arnold says, "I never really got into school. That's why I'm so messed up right now." Arnold explained said it's caused him a great deal of difficulty concerning employment. He can read and write to a degree, he said enough to get by, but sometimes needs to take his time to work through certain words.

When Donald was taken to Honduras by family members under the guise of a vacation, he was and abused, neglected, and forced to work until he was rescued by his mother.

When Donald was a child he went to Honduras with his aunt Jennifer and her boyfriend Oliver. As Susan reports, Donald stayed for about a month. She said, "They abused Donald in Honduras."

When Susan went to Honduras to pick him up, Donald looked very thin. "He was not being fed. I gave them money for his food, but he wasn't being fed. He was also acting strangely in other ways. He'd duck when he walked past the TV, like he'd gotten in trouble for walking in front of it. He was afraid to eat or to ask to eat. He was there for a month or more and he did all of the house work. Just like how it happened to me, when I moved here. I had to let him know, 'if you're hungry eat. You can eat whenever you want.'"

As Donald remembers it, he spent a year in Honduras. He was "semi-kidnapped" by his aunt Jennifer when she invited him to go on vacation with her, her kids, and her boyfriend. Donald and his cousins were all beaten for no reason and treated like slaves. They worked in the yard, did farm work, and cleaned. The kids had to crawl on the floor when the boyfriend was watching television, so he would not miss any of his show.

Every time it was time for Donald to go back home to St. Louis, Jennifer and her boyfriend Oliver would make up an excuse for him to stay. Donald felt trapped and as if he had no one to turn to for help. He did not tell his mother how Oliver was treating them. Donald was there for about a year before his mother rescued him. Susan showed up, unannounced, and Donald cried and ran to her when he saw her coming down the road. Donald's cousins wanted to leave too, but they were not allowed. Donald's passport had expired by that point, so he and Susan stayed with his great grandmother in Tegucigalpa for a few weeks until he got a new one. Jennifer and her children went back to St. Louis a few months later.

"The Jungle"

Donald spent nearly his entire life, prior to incarceration, in a neighborhood nicknamed "the Jungle" by residents and law enforcement alike. The neighborhood was one of the epicenters of the gang and drug boom that brutalized many of St. Louis's low-income neighborhoods in the wake of the

mass-displacement of south- and west-side housing project residents in the 1990s.

The neighborhood was nicknamed “the Jungle” by residents and law enforcement in early 1990s, due to the extreme danger and violence faced by residents. The area was saturated with drugs, guns, violence, and gang activity, which forced the neighborhood’s youth to align with a gang as a protective measure. The primary gangs in the neighborhood when Donald was growing up there were the Gangster Disciples and the Latin Kings, though at one point while Donald was living there in the early 90s, four different rival gang territories butted up against each other in Donald’s neighborhood.

Carol Marvin was one of the neighborhood women who often looked after Donald and his younger brother Arny. Her son was close with Arny, and she became like a mother-figure to the Jones boys. Carol lived in the area from 1978 until 1996, and personally witnessed its deterioration from a nice family neighborhood to a violent, drug- and gang-saturated area. Carol explained how the culture quickly turned to that of a violent one in the late 80s and early 90s with the arrival of the displaced south- and west-side residents. "When the project people moved up there, that's when it changed. The nineties...crack came up from the south side." When Carol eventually left in 1996, and returned to the south side, it was to escape the violence.

When Susan and Donald moved to the north side of St. Louis, Susan’s boyfriend Arnold Rogers moved in with them. In 1982 their son Arnold “Arny” Jones was born. In September 1984, Susan married Arnold. She was 18 years old. They all lived together in one home for five years. When Arnold and Susan got married they went to the County Court House and signed papers. Susan said, "I was in jeans and a sweater...he was a cheater."

Felicia is Donald’s sister, the youngest of the Susan and Arnold’s children together. She discussed her father Arnold's infidelity, and the impact it had on her and her mother: "My dad and all of my other siblings [through other women] was not discussed until I was older. I visited [St. Louis] when I was around ten years old and it was like, 'this is your sister...'" Her father was living with his "girlfriend or wife at the time." Felicia has a sister who is just a few months younger than her.

Arnold “wasn't doing his job right. He cheated on her. He has a whole lot of kids and my mom found out about a lot them after the fact." Felicia doesn't know or remember anything about what her father did for work, about his side of the family, or about him as a person or parent at all.

According to Arny, his father moved out of the family home when Donald was about 14 years old. Arny said, "My mom put him out. He had another family! They lived [in the same neighborhood.] ..."[The other woman] was like a mom to me." ..."My dad had a few families. He has 14 kids." Since Arnold was born in Honduras and has returned often to visit, he has some children there as well. As Donald recalls, Susan kicked out Arnold Rogers for additional reasons

too, saying, "He hustled too, weed and crack. The area was powder, crack, and weed...the older Honduran dudes supplied it."

According to Rachele, Arnold was selling drugs and he never had stable employment. She does not believe the DJ jobs he would get could support the lifestyle he wanted. Rachele said Arnold often wore fancy clothes that she knew he wouldn't have been able to afford on what he made from DJ work.

While living in the Jungle, nearly all of Donald's caregivers, role models, and peers both sold and used drugs.

There are numerous accounts that drug use and hustling surrounded Donald in his youth. Donald would see his mother smoking marijuana in the living room at night when he was supposed to be asleep. He remembers that his little brother Army and their mother used to smoke weed, "about a normal amount...probably about four or more days per week." Donald said Susan would get all her buddies and they would all smoke weed and play cards together. The women were a tight group, they even have matching best friend chest tattoos. Both Army and Carol explained the card games Susan and the other neighborhood moms would host, rotating from house to house. Carol said, "We'd make BIG money!" They'd make food and sell it for \$10.00 a plate, as well as make money off the games themselves.

The community was impoverished, and the families struggled to make ends meet. So, while many of the mothers worked or received public aid, they would also find additional ways to supplement income. Arnold Rogers said, "People picked and chose their hustles. Some people sold drugs, the moms did their card games." The community members needed to make money for their households in some way, and at that time selling drugs and hosting card games were the most popular ways for the Honduran families in the neighborhood to make good money, quickly.

Donald knew his mother sold drugs and said she "hustled from time to time. You gotta feed your family. Everyone was. All the Honduran people." Donald knew Susan was selling because, at age 12, he saw weed bagged up in the house. "You can tell the difference between bags to sell and bags to use." He said when Susan sold drugs, she sold weed or coke. She'd hustle on the street or have people she trusted come to the house to buy. When asked how he knew they were selling, Donald said he just saw a lot of weed moving around their house. He sometimes saw "white stuff" too.

Rachele believes Susan was not working while she was with Arnold. Rachele said she was often around when Susan and her friends would smoke marijuana. There was a month when Rachele "fell on hard times" and Susan offered that she could stay with them. It only lasted one month, because Rachele didn't like the "traffic" of people coming in and out of the house, meaning the people coming and going to buy or use drugs.

Rachele became certain that Susan was dealing drugs at when Donald was staying with one of Susan's friends, and neither Donald the friend could say where Susan was. Susan's friend just

kept saying she "went out of town" and that it had something to do with a woman in the neighborhood who was a well-known drug dealer.

Rachelle threatened to call the police if she didn't hear from Susan within 24 hours, and within four to five hours of making that threat, Susan called Rachelle and said she was on her way back home. She came back to St. Louis the next day and told Rachelle she had been in Honduras because the drug dealer had asked her to make a run with some drugs.

Susan's sister Donna reports Susan would often ask the family for money. She would fly to Honduras, and then call to say she didn't have enough money to bring her daughter back.

Sometimes Donald would stay with his aunt Karen, whose three children were about his age. Donna says Karen was strict. Donald would leave her house on the south side and go back up north, though it is unclear with whom he would stay when he did that.

Donald's family on his biological father's side seems to have a very different recollection of where Donald was and who were his primary custodians when Susan would go missing. His aunt Alice recalls Donald was living with her and her mother, Mary, from the age of two months until age twelve. Alice says that, while living there, Donald was under the guardianship of his grandmother Mary. Donald explains that after moving he would spend his weekends with his biological father's side of the family, but he did not relay that he was ever there as a primary residence.

Donald was pulled into drug and gang activity as young as ten-years-old

When Donald was ten years old, he was recruited by the Gangster Disciples to work security for them. He recalls being first introduced to marijuana at age ten and began smoking weed when he was 11 or 12 years old. He would sometimes get his weed from his mother's ashtrays. He sometimes bought weed from neighborhood guys. Donald says sometimes he got it for free, but mostly he'd buy it.

When speaking with Donald's childhood friend and co-defendant, Nelson, he explained that there were older guys in their 20s in the neighborhood who "showed love" for the younger guys by paying attention to them and teaching them the ways of street life. These guys were role models for the younger boys, and models for how to sell drugs.

Donald joined the Gangster Disciples and began selling drugs. His biological father, Frank Smith had also been a GD. Donald remembers first meeting Frank when he was eight or nine years old. Frank went to jail after that. The neighborhood that Donald was living in was GD territory and, by Donald's estimate, 100% of the young males he knew were GDs, as were their older male relatives, such as brothers and uncles.

Since Donald's mother didn't have a steady job, often there wasn't enough money. Susan remembers being evicted from one of their apartments because of non-payment of rent. She knew this eviction was coming, so she had already secured a new apartment nearby in the neighborhood. Donald recalls at least two occasions when he and his family were put out of their apartments because they couldn't pay rent. They also sometimes lacked money for

utilities, and the lights and gas would get turned off. Donald remembers using the stove to heat the house. At such times, his mother would get upset, but she'd always make something happen, so they could get another apartment or get the utilities back on.

Donald never intended to engage in criminal activity, but he was acutely aware of his mother's financial struggles and he knew if he sold drugs he wouldn't be such a burden to his mother and could help her out financially. His mother implicitly condoned his behavior, telling him, "if you're going to sell drugs, sell it for yourself, don't work for other people."

Many of Donald's peers, friends of friends, and even his own brother have been pulled into the culture of violence that is so pervasive in the area.

Donald's younger brother, Arny, was also involved in a crime, for which he ended up serving approximately three years. This was a couple of years after Donald had already been sentenced to life in prison. Susan said, "When I got that call I could not believe it! How could this be happening again!?" Donald's sister Felicia remembers her mother crying and saying something like, "Maybe I'm doing something wrong [because both of my sons are in jail.]"

Jack Thomas grew up in the same neighborhood as Donald, and he and Donald were, and remain, close friends. Jack's aunt and Donald's mother were good friends. Jack experienced first-hand the struggles of growing up in the Jungle, where poverty was at the core of the pervasive drug and violence culture. He said, "I knew I was poor from a very early age, maybe nine or ten. So I was always finding little hustles, robbing people, stealing money from the parking meters." When Jack and his siblings were still living with his mother, they had no electricity, no food in the home; they had to get ready for school on their own and figure out how to get there. They would be evicted from apartment after apartment. Jack and his family were homeless. They "couch surfed and stayed with users and in crack houses."

Jack and his siblings moved in with their grandmother because their mother was a crack addict that could not provide a steady home. When Jack was a teenager, his mother was found murdered. Jack's mother had been a missing person when her body was discovered. Nelson Card's mother knocked on Jack's grandmother's door late at night and said a body had been found and they thought it might have been Jack's mother. The body was so badly beaten that they were having trouble identifying her. Jack's oldest brother, who was 21 years old at the time, had to identify her body. Jack later served time in prison for an attempted murder charge. It was, in fact, the violent act that started the sequence of events that led to the day the victims in this case, Terrence Smith and Mary Devon, were killed.

While in prison Jack capitalized on DOC programming opportunities and was determined to improve his life after being released. Jack focused on education and life skills programming and prepared for life beyond prison. Jack has since accomplished great things, educationally, professionally, and socially, which will be more specifically addressed later in this report. When speaking on Donald's upbringing, with which Jack is deeply familiar, he said, "He [Donald] was surrounded by chaos. Whether Susan and my aunt want to admit what they were doing, Donald's life was chaos." Jack is referring to the poverty, Donald's mother, her friends, and his

step-father dealing drugs in plain sight of Donald, and Donald's parents eventually abandoning him to fend for himself as a fifteen-year-old boy, in a gang, drug, and violence infested neighborhood.

Donald was abandoned by his mother. When she left the state, leaving fifteen-year-old Donald and his younger brother to care for themselves in one St. Louis's most dangerous neighborhoods, Donald quickly drowned in the crime and violence.

Susan left Donald and Arny in the hands of a neighborhood family she barely knew, at which point Donald's life became so chaotic and scattered that not a single person who was supposed to be charged with his custody and care can corroborate accounts of Donald's whereabouts and timeline.

Donald's aunt Donna recalls Susan telling her, "I think I need to get away from the north side and change my whole life." Susan told Donna that someone was going to keep Donald and Arny, and only Felicia was going to go with her. Susan left for Nashville, and the rest reads like a choose-your-own-ending children's novel. There are several accounts, none of which align with the others.

Aunt Donna's account:

Donna believes Donald's younger brother Arny stayed with his paternal family; Arnold Rogers, and his relatives. Donna doesn't know where Donald stayed. When she asked him, he'd tell her "don't worry Auntie."

Donald's account:

Donald believes that Susan could not afford to move all her children to Nashville, which is why she chose to only take Felicia. As Donald remembers, Susan and Felicia left for Nashville just after Donald graduated the eighth grade, when he was in juvenile detention. When he was released, Donald went to Nashville, to be with his mother, but only stayed for a short time before returning to St. Louis.

Donald reports that he and Arny were supposed to stay with Arnold Rogers or their aunt Donna, but instead Donald stayed in their apartment, basically by himself. Arny sometimes stayed with his father Arnold, but he often stayed with Donald, and Donald supported Arny. Donald did not want to stay with Arnold Rogers and his girlfriend, because the girlfriend was the reason Arnold and Susan split up. Donald was fiercely loyal to his mother and did not want to be around the new girlfriend.

Donald needed to find some way to take care of himself and Arny, so he sold drugs. Donald didn't allow Arny to sell drugs. He made sure that Arny had food and clothes, and they went to Arnold River's house sometimes to take showers or change clothes. Donald knew how to clean and do laundry, and his friends and girlfriend at the time helped. But he didn't know how to pay bills. When the bills arrived, he just ignored them.

Donald started selling drugs out of the apartment, until one day the police kicked the door in. Donald told his mother that they were getting kicked out the apartment, and instead of responding with sadness or fear for her children, his mother just told him to put the important things, like the TV and the couch, into storage. After they were kicked out, Donald stayed with Tammy, the mother of his friends, Larry, Kent, and Bob. Susan called Tammy and offered her money for groceries, but she would not accept it.

Shortly after losing his home, Donald was sent to juvenile detention for selling drugs. He felt bad for leaving his brother.

Aunt Rachele's account:

Susan's aunt Rachele was proud of Susan for leaving St. Louis and wanted her to keep Donald in Nashville, away from the friends he had in St. Louis. As she recalls, Donald did go to Nashville for a period, but about two weeks after he arrived, Susan called Rachele and told her not to be surprised if she were to see Donald in St. Louis because he did not like it in Nashville. Two weeks after that call, Donald returned to St. Louis. She believes Donald's friends from St. Louis had sent him money for him to make it back. That was about a month before the shooting.

Carol Marvin's account:

Carol Marvin explained that Susan left Donald and Arny Jones in her care when Susan moved to Nashville. Carol Marvin is on staff at Northwest University in the Department of Sociology and is presently pursuing her master's degree in counseling. Donald and R consider her a mother figure, and still refer to her as "mom." She lives in the same neighborhood where Arny and his family presently live and is closely involved in his life. She plans on being an active part of Donald's support system when he comes home.

Susan and Carol did not know each other well, and were not friends, but their sons were friends from around the neighborhood, so Susan asked Carol to look after the boys while she went to Nashville to visit family. Carol assumed it would be for a weekend or so, but she recalls it ending up being more than a year. When asked what Carol knew about Susan at that time she took in her children, her response was "Kids and a cheating man."

Carol reiterated several times that she barely knew Susan at all, adding that if Susan walked in the room while she and I were speaking, she would not know it was her.

While the Jones boys were living with Carol, she didn't realize she was officially Arny and Donald's guardian until the school called because Arny got in trouble. Arnold Rogers would check in on the boys from time to time, but he would never provide Carol with Susan's phone number. The boys had Susan's number, so Carol just assumed they would call and speak with her on occasion.

In remembering Donald as a child, Carol smiled and spoke with fondness, "He always had that pretty little smile, always cracking stupid jokes that wasn't even funny. He'd do his homework. I knew because I'd check it. ...I didn't get behavior calls on him. [My son] and Arny were the bad

ones! I got called to school for a machete once! They brought a machete! ...So I would know [If Donald was acting up], because they would have called. Even when Susan was back [visiting] they would still call me to the school."

As Carol remembers it, Susan showed up back in the neighborhood about a year after she initially left, to take Arny and Donald back to Nashville. When Susan stopped by Carol's house to pick up their things they didn't speak about much besides Susan's new apartment in Nashville. Susan couldn't find Donald, so she eventually just took Arny back to Nashville with her, and again left Donald behind.

State discovery account:

The State's discovery shows that Donald attended Local High School for one-and-a-half years, until finally leaving during his sophomore year to move to Nashville with his mother. Donald registered with the School District in Nashville, but in May 1997, Susan received a letter from the assistant principal of Central High School saying Donald had excessive absences during the 1996-1997 school year.⁹ That same month he was withdrawn and no longer a student with the district.¹⁰

Donald remembers that in school, it took him longer to learn than other students, and he would get frustrated. His Local High records show that he qualified for special education services and he had a moderate learning disability.¹¹

Susan's account:

As Susan remembers, "[Donald] was a follower and always took the heat. He'd been in [Juvenile Detention.] I used to go visit...eventually I just took the boys to Nashville. ...One day I came home from work and Donald's suitcase was already packed. He said he didn't like Nashville. I asked him if he was sure he wanted to go back to St. Louis and he said he did. I said I'd trust him on this one." Shortly after, Donald was arrested for murder.

Donald's family is close and have all turned their lives around. After Donald's release, he will continue to be a source of support for them and them for him.

Those with whom Donald is closest, who have a history with drugs, crime, or gang life have turned their lives around, and it is a strong bond and commitment they share. They are eager to inspire, encourage, and support Donald moving forward with a new life. Here are just a few examples of the success of Donald's support system today.

Donald's Mother, Susan Jones

Since having lived in Nashville, Susan has changed her life for the better and is an active and present mother, sister, and friend. She has left the pitfalls of the Jungle behind her and has made something of herself.

⁹ Rogers Transcript, p. 5.

¹⁰ Rogers High School, p. 1.

¹¹ CPS Records from Sullivan High School, p. 4; CPS Records from Jefferson High School, 4.

Susan also shared that, since having moved to Nashville, she has taken some college courses at Nashville Community College, and her employee records reflect that she has attended several professional development trainings in home healthcare. She has been gainfully employed for the past twenty years in school-setting childcare, retail, and for the past several years in home healthcare. Susan's employment records show that she has a Child Development Associate Degree, which is a national credential awarded by the Council for Early Childhood Professional Recognition. This credential is based on a core set of competency standards defined by the council.



Susan with her grandchildren, Donald's niece and nephew

October 22, 2010

To whom it may concern

Character Reference for [REDACTED]

The purpose of this is to provide character reference for Ms. [REDACTED] whom I have known as a friend for the past five years. Having being acquainted with [REDACTED] for the past few years put me in a position to provide you with a pretty accurate measurement of her character. Over the years I have found [REDACTED] to be honest and loyal to her acquaintances. She is very caring and empathetic to the feelings of others. She is very ambitious and eager to learn with a knack for exploring avenues to broaden her knowledge base. [REDACTED] is goal oriented, demonstrating perseverance and determination in pursuing her ambition. [REDACTED] is a good listener, good converser and has an excellent rapport with people of all ages. Her communication skills both written and verbal are excellent. I have found [REDACTED] to be very creative, organized and efficient and a great problem solver.

I highly recommend [REDACTED] for admission to your program as she seeks to pursue a new career path. She will certainly be a great asset to your organization.

If you have any questions, please do not hesitate to contact me at [REDACTED] or

[REDACTED]

Yours sincerely

[REDACTED]

Reference letter on behalf of Susan in her employee file at her home healthcare agency

In addition to Susan's education and professional accomplishments, she has become a United States citizen, and has been living in the same apartment for twenty years. Susan has successfully raised her daughter as a single mother, and Felicia is a high school graduate who doesn't get into trouble with the law, maintains employment, and has professional plans in cosmetics and cosmetology. Susan stays in close contact with Donald through phone calls, and when she visits family in Missouri she visits with Donald, and attends court dates, should there be one during her visit. Susan has been exceptionally supportive and cooperative in assisting Donald's legal team in preparation for his resentencing hearing.

Donald's Brother, Arnold Jones

Since Donald's brother Arny has been released from prison, he has worked for the same energy company for several years and has been promoted and continues to succeed. He is now able to help his brother secure employment with the same company.

Arny is married, with an eleven-year-old son, and a six-year-old daughter. Arny and his wife and children are all actively involved in their church, and his son participates in additional youth group church activities. They own their home and have been vocal about opening it to Donald.

Donald's Friend, Jack Thomas

As discussed, Jack Thomas has experienced intense trauma closely related to shared neighborhood circumstances with Donald, specifically poverty, drugs, and violence. He, in turn, responded with violence, and paid his debt to society. Jack's maturity from youth to adulthood, his desire to make something of his life, and his motivation to access prison programming led him down the path of achievement and contributing to society.

Since his release from prison, Jack has earned undergraduate and graduate degrees from St. Louis and Washington Universities, and is currently enrolled in the University of St. Louis's PhD in Social Work program. He is also an adjunct professor of Sociology at St. Louis University, a social service provider, and a community activist. He and Donald remain close, and Jack is committed to supporting Donald as he navigates life as a free man. Jack's access to support services, understanding of reentry challenges, and understanding of and compassion for Donald's childhood and incarceration circumstances will prove to be valuable and effective assets through Donald's reentry process and beyond.



Arny Jones, wife Mary, and their children

Additional Family and Friends



Aunt Donna and cousins

These are just a few examples of those who got lost in their youth when attempting to navigate their ways through chaos and danger, who were lucky enough to survive and are now well into adulthood, and far down the path of being law-abiding, productive citizens.

Donald has stayed closely connected with his family throughout his time of incarceration. Donald's younger sister Felicia was able to stay connected with her brother because, when she was younger, Donald would call weekly, and if Felicia was home Susan would put her on the phone. Felicia also recalls that when Susan would get family portraits taken, she would have a picture of Donald photo-shopped in.



Donald photo-shopped into a family photo with her mother, brother, and sister

Donald showed all the distinctive attributes of youth, attributes which, as the Supreme Court explained, diminish his culpability for the offense he committed as a child.

As a boy living in poverty, Donald was easily influenced by the gangbangers around him, whom he perceived as powerful and financially comfortable, a lifestyle afforded to them by selling drugs and exhibiting violent behavior. Donald's family situation and surroundings burdened him with more than any teen should bear, and Donald's impressionability and lack of maturity were not developed enough to handle the forces of the Jungle. As the Supreme Court has stated:

- In *Miller v. Alabama*, the United States Supreme Court found that, as compared to adults, young people have “diminished culpability,” based on common sense, “what any parent knows,” and on advances in science, which show the “distinctive attributes of youth.” Those distinctive attributes are: Children have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking.
- Children are more vulnerable to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings.
- A child's character is not as well formed as an adult's; his traits are less fixed and his actions less likely to be evidence of irretrievable depravity. These distinctive attributes include: lack of maturity and underdeveloped sense of responsibility; vulnerability to negative influences; and unformed character.¹²

Donald has grown up. As the Supreme Court explains, “the signature qualities of youth are transient; as individuals mature, the impetuosity and recklessness that may dominate in younger years can subside...identity becomes settled.”¹³ Donald is no longer a child, susceptible to the pressures of his peers, and environment, and prone to recklessness and impulsivity. He is a mature adult, who takes responsibility for his actions, demonstrates self-control and commitment to self-improvement, and is well prepared to return as a valuable member of our community.

Donald and his team will have a comprehensive reentry plan that capitalizes on their existing relationship with a reentry support program that boasts a recidivism rate that is steeply lower than the statewide average.

¹² *Miller v. Alabama*, 567 U. S. ____; 132 S.Ct. 2455, 2464-65 (2012) (internal citations and quotations omitted; bullet points added).

¹³ *Roper*, at 570 (2005).

St. Mary's House has a recidivism rate less than that of other St. Louis-area reentry programs, and Donald and his team will complete the necessary outreach and paperwork required for admission to the program.

Recidivism rates for former St. Mary's residents are only 20%, compared to the state-wide average of more than 50%.

<http://slministries.org/>

St. Mary's Ministries was founded in 1954 and is a well-known and well-regarded provider of comprehensive residential, educational, employment, and case-management services to people returning from prison to our community. In 2012, the National Criminal Justice Association awarded SLM the Outstanding Criminal Justice Program for the Midwest Region Award. In 2010, the United Way of Metropolitan St. Louis awarded SLM the Agency of the Year Award based, in part, on its valuable

and collaborative efforts in advancing the United Way mission. In 2001, St. Andrew's Court was the recipient of the Fannie Mae Foundation's Maxwell Award of Excellence work in the field of supportive housing for homeless individuals.¹⁴

Thomas Smith Center

The Thomas Smith Center at St. Mary's House provides education, career training, and job-placement services to people with past criminal histories.

St. Mary's House (SLH) is a 40 (dorm style rooms with anywhere between six and one bed) bed residential facility that provides programming and services to men who have been incarcerated. Most of the men are from the state system though occasionally they will accept someone from the county system. The general program lasts for six months and has loose confinement. In some cases, residents have been known to stay longer.

The application process is very thorough, as SLH does not want people who would not be fully committed to the program. Applications for the inmates are six pages long with many personal questions where they look for goals, significant adjustments, and growth. The program director, Chris Roach, has spoken directly with SAGE, and is committed to working with our clients. Chris wants to admit individuals who will advocate for themselves, show a willingness and eagerness to undergo the program, and who will take full advantage of everything that St. Mary's Ministries has to offer for the full six to eight months.

Applicants need to be drug-free to gain entry and maintain residency in the program and are often tested during their stay. SLH offers psychological and behavioral programs through Adler University's School of Psychology. SLH is the only re-entry program to which the Illinois Review

¹⁴ J. Reichert, *Evaluation of St. Mary's Ministries: Case studies of former residents of St. Mary's House and Grace House*, St. Louis, IL: Illinois Criminal Justice Information Authority (2015); http://www.icjia.state.il.us/assets/pdf/researchreports/slm_case_study_report_051115.pdf.

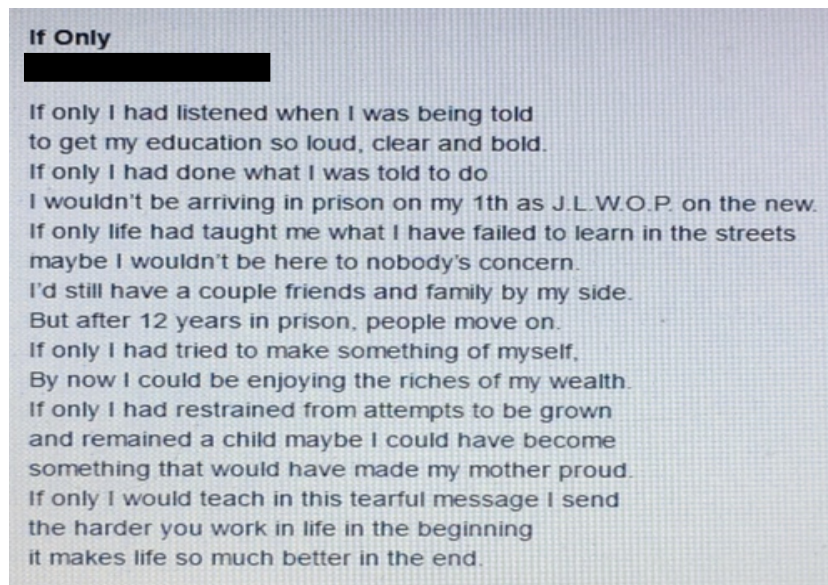
Board will release “C numbers.” Of those C number inmates, none of them who have gone through the program have gone back to prison.

St. Mary’s House does have a curfew; 11:00 p.m. Monday through Thursday; 1:00 a.m. Friday and Saturday; weekend passes from 12:00 p.m. Friday through 11:00 p.m. Sunday. SLH also provides laundry, clothing if needed, a gym, and daily living essentials such as soap. Everything SLH offers is free to residents.

Donald is well prepared to be released to St. Mary’s, a well-respected provider of post-incarceration wrap-around services. St. Mary’s participants have a recidivism rate that is half the state-wide recidivism rate.¹⁵

Conclusion

“...the signature qualities of youth are transient; as individuals mature, the impetuosity and recklessness that may dominate in younger years can subside.” - United States Supreme Court, Roper v. Simmons¹⁶



When he was 29-year-old, Donald's poem featured on the website usprisonculture.com

Seventeen-year-old Donald Jones was the product of being raised in a culture of violence and poverty and was forced to navigate his way through this world in the absence of parents when he was just fifteen-years-old. As told through the voices of those who knew him best, and by his own account, Donald never set out to defy the law, or be a child who felt he needed to carry a pistol for protection. He was an easy-going, likeable boy who cared deeply about his family and his friends. Donald saw his mother struggling to care for him and his siblings, so he did the only thing he felt he could do to alleviate some of her pain; he took to the streets to make money,

¹⁵ <http://smministries.org/>.

¹⁶ *Roper v. Simmons*, 543 U.S. 551, 570 (2005) (internal citations, quotations, and brackets omitted).

just as he observed other neighborhood families do to keep the lights on and food on the table. Donald saw his little brother suddenly without parents, and facing homelessness and a lack of basic resources, and was the only one there to care for him, so he provided for him the only way he and every other 16-year-old boy he knew in the Jungle, knew how; he hustled.

In the near-twenty years since Donald has been sentenced to life without the possibility of parole, not only has he literally matured from a child to an adult, but he has grown and evolved into a man who has expressed remorse for the actions of his youth and taken responsibility for his personal development.

Through the pursuit of DOC programing opportunities in education, life skills, and support curriculum, Donald has been an active participant in bettering himself. But this is not just Donald's journey, it is also that of his family, friends, and other loved ones as well; his primary support group. They are strong and committed, and far from naïve. They have a great understanding of where Donald comes from, and the Machiavellian lifestyle most thought necessary to survive that caused many to take harmful steps that either landed them in prison, or nearly so. Of those who were lucky enough to survive, some had additional fortune in evading severe legal consequences, and have expressed great gratitude for that gift. Others did their time in custody. All of those in Donald's inner-circle have learned from their mistakes and have become positive and productive citizens.

Like those in his core support system, Donald has grown, matured, accepted responsibility for his mistakes, and is dedicated to becoming the man he was meant to be. Donald wants to be a positive contributor to society, a working and family man. He wants to redeem himself and to be a part of something greater than he. With the support of his family, friends, community resources, and by his own will and commitment, Donald will be a productive and positive contributor to his future, his family and his community. Donald is ready to re-enter society.