

**Petition for Commutation of Sentence
of Ronald Lee Hoke, Sr.
To the Honorable
George F. Allen
Governor of the Commonwealth
of Virginia**

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Petition for Commutation of Sentence

Ronald Lee Hoke, Sr., respectfully asks the Governor to commute his sentence of death to a lesser sentence. The Petitioner is scheduled to be executed on **December 16, 1996**. While the Petitioner has admitted that he killed Virginia Stell (indeed, he turned himself in and confessed when he was not a suspect), the Petitioner is not guilty of the capital murder of the victim - that is to say that he did not rape Virginia Stell; he did not rob Virginia Stell as an integral part of the killing; and he never abducted the victim with the intent to extort pecuniary benefit. Moreover, the Petitioner, a relatively uneducated individual with a history of psychological problems, received a trial which calls into question the very integrity of the Courts of the Commonwealth of Virginia. The Governor, in the exercise of his discretionary powers under Article V, Section 12 of the Virginia Constitution and Virginia Code Section 53.1-219, should commute the Petitioner's sentence to life in prison, if for no other reason than to safeguard the integrity of the Courts of the Commonwealth.¹

The Petitioner's Background

Ronald Hoke's early upbringing can be described as chaotic and neglectful, if not dangerous. Hoke was the product of an alcoholic and abusive father, and an alcoholic and neglectful mother. Mr. Hoke had been married twice before his marriage to Ronald's mother; Mrs. Hoke had been married once previously. Before Ronald was born, his mother was convicted of neglect of her

¹ Copies of the Virginia Supreme Court's opinion affirming the conviction, the U.S. District Court's opinion granting the writ of habeas corpus and vacating the conviction, and the U.S. Court of Appeals for the Fourth Circuit's opinion reversing the District Court, are attached as Exhibits A, B and C, respectively.

minor children, and received a one year sentence. Her two children by her first husband later were placed in foster homes. As a result of this neglect and abuse, Hoke ran away from home several times, and seems never to have formed any lasting attachments with his family (tellingly, in his ten years on Virginia's death row, he has never had a visit from a member of his family). Not surprisingly (perhaps predictably), Hoke ran away several times as a youth, and got into minor scrapes with the law, but nothing of a serious or violent nature. In his first psychological examination, at the age of 10, Hoke tested in the dull-normal range, and was noted to be quite emotionally immature, like that of a child half his age.

Hoke's adult years were marked by frequent admissions to psychiatric institutions. He was admitted to the Great Lakes Medical Center in June 1975, when he was in the Navy, where he received treatment for repeated suicide attempts. Shortly thereafter, he was admitted to Portsmouth Naval Hospital, where he was diagnosed as having Personality Disorder. In August 1975, Hoke was admitted to the National Naval Medical Center, Psychiatric Service, in Bethesda, Maryland.. Later that same month, he was admitted to the Naval Regional Medical Center in Portsmouth, Virginia, where he was diagnosed with a severe mixed personality disorder. Hoke's next admission was to the Nevada Mental Health Institute, in May 1976, where the staff observed self-inflicted wounds, and were told of repeated suicide attempts.

Hoke's next psychiatric admission was to the Sheboygan Memorial Hospital, in Wisconsin, in September 1985. There, he was diagnosed with dysthymic disorder. Later that same month, on September 17, 1985, Hoke was admitted to Richmond Metropolitan Hospital and then transferred to Central State Hospital, just prior to the crime for which he now stands sentenced to die, and which is discussed more fully below. Hoke has two children by his former wife, Judy, Ronald Lee Hoke, Jr. and Michael Paul Hoke.

In September 1986, in his pre-trial competency evaluation, Hoke was diagnosed with Borderline Personality Disorder by Dr. A.M. Masri. In his post-trial sentencing report in October 1986, Hoke was diagnosed as having Dysthymic Disorder with intermittent major depression superimposed on Dysthymic Disorder, by Samuel Royola, M.D., and Barbara Marget, M.S.W., Clinical Social Worker. In their report, Dr. Royola and Ms. Marget noted that Hoke was "chronically depressed." They further stated: "In turning himself in, he [Hoke] willingly accepted responsibility for his own actions. Ronnie is not a heinous, conscienceless killer. We have witnessed his grief and remorse." They also concluded that, in their professional judgment, "Mr. Hoke was not competent, and not fully aware of right and wrong at the time of the offense."

Importantly, Dr. Royola and Ms. Marget stated that, in their opinion, Hoke "is rehabilitatable." They further concluded that Hoke had made "remarkable amounts of progress" since his arrest. Most importantly, in their considered medical and professional opinions, **"Ronald Hoke would not be a future danger to society with appropriate drug rehabilitative treatment."**²

The Murder of Virginia Stell

In late September 1985, Hoke decided to take a bus trip from his hometown of Hagerstown, Maryland, to Florida. When the bus reached Washington, D.C., Hoke was given a substance by another passenger which turned out to be PCP. By the time Hoke got to Richmond, he was "freaking out," and he asked a police officer in the Richmond bus terminal for assistance. He was then admitted to Richmond Memorial Hospital, and then transferred to Central State, in Petersburg. On September 30, 1985, less than one week from the murder on October 5, the Staff Psychiatrist at Central State wrote that "there is no evidence of any suicidal or homicidal

² A copy of Dr. Royola and Ms. Marget's post-sentence report dated October 23, 1986, is attached as Exhibit D.

tendencies at this time.”

Hoke was discharged from Central State on October 4, 1985. Upon his discharge, he was given a vial containing 24 Xanax pills. Central State then purchased Hoke a bus ticket back to his hometown of Hagerstown. Unfortunately, the Central State staff chose not to stay with Hoke at the bus station, to make sure that he actually boarded the bus. He didn't. Instead, he cashed in the bus ticket, and with the money from the ticket, wandered out of the bus station, and ultimately, into a Petersburg bar known as The European.

In The European, Hoke flirted with a number of women, before meeting Virginia Stell. Hoke and Stell struck up a conversation, and within a short while, they were seen leaving the bar together, laughing and talking, arm in arm.

Hoke and Stell walked to her apartment. By this time, Hoke had ingested all of the Xanax pills given to him by Central State, as well as a large quantity of beer and other alcoholic beverages, and possibly some PCP. Hoke and Stell made love at her apartment, which included anal intercourse. After they made love, Ms. Stell began to cook some sausages in the kitchen. The frozen sausages began to smoke in the hot pan. The smoke detector in the apartment went off and buzzed loudly. Hoke tried to quiet the smoke detector, but when he was unable to shut it off, he ripped it from the wall and broke it. At this, Virginia Stell slapped him in the face. Unfortunately, at that moment, there was a kitchen knife on top of the ironing board next to the bed. Upon being slapped, Hoke, now very high on Xanax, beer, other alcohol and possibly PCP, picked up the knife and stabbed Virginia Stell twice.

After the murder, Hoke rummaged through Ms. Stell's purse. He found, ironically, a bottle of Xanax, which he took. It was this bottle of pills for which Hoke was later convicted of “murder in the course of a robbery.” Hoke took nothing but the bottle of pills from the victim. He left the

apartment, unseen by any witnesses, and completely unknown by any of the witnesses at The European who saw him leave with Virginia Stell.

Hoke Turns Himself In and Confesses

The murder of Virginia Stell was a mystery to the Petersburg Police Department. Detective Duffus of the Petersburg Police Department later testified that the department had four or five officers working the case, in addition to lab technicians. The police did two sweeps of the apartment complex where Virginia Stell lived. They interviewed the witnesses from the European. They interviewed the known friends of Virginia Stell. Despite their efforts, the police never identified Hoke as a suspect, and never even knew his name until the day Hoke turned himself in and confessed.

A few days after the murder, on October 7, 1985, Hoke, now returned to Hagerstown, was in a phone booth, trying to call the police to turn himself in. A patrol car happened by. Hoke flagged down the officer and told him that he had "killed a woman in Petersburg." Hoke was taken into custody, and waived extradition to Virginia. He waived his right to counsel, and confessed to the Petersburg Police. When asked later why he had confessed, Hoke stated that he was racked with guilt and remorse, and that he saw the victim in his dreams. Hoke was so remorseful for his crime that during the interviews with the police he embellished his acts somewhat, and asked on a number of occasions: "Now, this will get me killed, won't it?"

The Capital Murder Charge

Initially, Hoke was not charged with capital murder. Rather, he was charged with first degree murder. When the Commonwealth Attorney's office changed hands as a result of the local election, Assistant Commonwealth Attorney Joe Preston was assigned to the case. Hoke initially was represented by the Petersburg Public Defender's Office. However, when it became clear to

the Public Defender's Office that it was representing Emmitt Sallis, the jailhouse snitch who later perjured himself as a witness at Hoke's trial, they were forced to withdraw from the case, and John Maclin was appointed as Hoke's counsel.

John Maclin later testified that Joe Preston told him that he (Preston) wanted to be "the first black prosecutor to put a white man on death row." Although Preston denied having said this, the United States District Judge found, after hearing the testimony of Maclin and Preston and having the opportunity to assess the credibility of both, that Preston did indeed say that he wanted to be the first black prosecutor in Virginia to put a white man on death row. The dissenting Judge of the U.S. Court of Appeals for the Fourth Circuit, Judge Hall stated as follows on this issue:

No one, white or black, should be allowed to pick a man for death on account of his race. It has happened in our country, of course, perhaps many more times than our collective shame will ever permit us to acknowledge. Blacks, as an enslaved race for one century and an oppressed one for another, have suffered in gross disproportion. Nevertheless, the sins of the white race will not be purged by offering up Ronald Hoke as a sacrifice to a vengeful black prosecutor.

Thus, Hoke, having turned himself in and confessed when he was not even a suspect, found himself to be at the mercy of local and racial politics, and found himself charged with capital murder.

Hoke's Trial

Hoke, a relatively uneducated man, with an extensive history of psychiatric hospital admissions, never really had a chance. Hoke was caught between a vengeful, racially motivated and fundamentally dishonest prosecutor on the one hand, and a neglectful, incompetent, mismatched court-appointed defense attorney on the other. Indeed, Hoke's defense counsel, Mr. Maclin, recently has been suspended from the practice of law by the Virginia State Bar for neglect of client matters.

Hoke's trial - both the guilt or innocence phase and the sentencing phase - took one day. At the conclusion of the guilt or innocence phase of the trial, in the evening, the trial judge advised the jurors that "we would prefer to get it over with and finish." He further advised the jurors that because they already had served more than twelve hours of jury duty, they were already into their third day of compensation, and would be paid the same if they stayed and did the sentencing phase that night, as they would if they came back the next day. Joking that they had "run out of cokes" (as well as, apparently, due process), the trial judge told the jurors that the sentencing phase would proceed "as quickly as possible."³

The trial itself could serve as a law school textbook case of defense counsel blunders and mistakes. The following occurred during Hoke's trial:

* Prior to the trial, Mr. Preston, the prosecutor, obtained a copy of the defense counsel's consulting psychiatric expert's report, in blatant violation of Virginia Code Sec. [cite?]. This completely compromised the defense's psychiatric expert, so much so that the defense was unable to call the expert as a witness at the sentencing phase. More importantly, the defense, having lost the use of its expert, was in no position to plea bargain the case down to first or second degree murder.

* The day before the start of Hoke's trial, on August 4, 1986, Hoke's defense counsel announced to the Court that Hoke would "plead guilty to the murder, but not guilty to the rape, robbery or abduction." The Court immediately informed Mr. Maclin that Hoke could not plead guilty to part of the capital murder charge, and not guilty to the other part. It was obvious, therefore, that Hoke's counsel was completely unprepared to try the capital murder case as late as

³ It is unclear from the trial transcript what time the proceedings began in the morning. Assuming that they began, as most Circuit Court trials do, at 10:00 a.m., then the sentencing phase did not even begin until 10:00 p.m. (the jurors being into their third six hour payday).

the day before the start of the trial.

* After the jury was chosen, a juror who was struck by the Commonwealth was permitted to remain seated and was substituted for an agreed-upon juror, without anyone noticing the substitution.

* Although the medical examiner, Dr. Fierro, testified for the Commonwealth, Dr. Fierro never offered an opinion at the trial on whether Virginia Stell had been raped, and no other expert offered an opinion on whether Virginia Stell had been raped.

* At one point, Mr. Maclin stated that he intended to present reputation evidence of the victim's unchaste character. The Court inquired as to whether he had any evidence of specific conduct of the victim. Mr. Maclin said that he did not. The Court did not allow the reputation evidence. During this exchange between Mr. Maclin and the Court, the prosecutor, Mr. Preston sat silently by and said nothing, knowing the whole time that there were specific instances of sexual conduct by the victim in the police files. In fact, there was one witness, Dale Greisert, unknown to the defense, who told the police that he had had anal intercourse with the victim at the victim's request, and that she had provided the lubricant for the occasion. This evidence of a sexual act strikingly similar to the one between Hoke and the victim, would have been admissible, and would have added a great deal of credibility to Hoke's version of events, that he did not rape Virginia Stell. Yet, rather than disclose this evidence, the prosecutor not only sat silent during this exchange between defense counsel and the Court, the prosecutor actually relied on the presence of the lubricant in his closing argument, inviting the jurors to draw the inference of a rape from its presence ("the Commonwealth submits you decide what the margarine was used for"). This was a blatant violation of the prosecutor's duty to turn over to the defense exculpatory evidence, as found by the U.S. District Court.

- * The Commonwealth presented the testimony of Emmitt Sallis, a jailhouse snitch.

Incredibly, the prosecutor elicited the following testimony from Sallis:

He [Hoke] said that it happened on Union Street and that he was living in Maryland and he came down here on different occasions because he knew the woman. He sold drugs to the woman or somebody in that apartment complex. And he said that they had went out that day and when he came back, because he was supposed to sell some drugs to her and he found out that she had ripped him off, so he found out he couldn't get his stuff back so he killed her.

Nothing could have been further from the truth and the Assistant Commonwealth Attorney knew it. At the first evidentiary hearing before the U.S. District Court, Mr. Preston stated that the meeting between Stell and Hoke at The European had been "random," that there was "no prior connection between Virginia Stell and Ronnie Hoke," and that he, Preston, "never believed ... that he [Hoke] had known this lady at all other than meeting her at that restaurant." When the obvious inconsistency was pointed out to the prosecutor, the District Judge found that his response was "incomprehensible." Thus, the jury was presented with the tale of a drug deal gone bad, something that not even the prosecutor believed had ever happened, rather than the real story: a man with an extensive psychiatric history just having been released from a mental institution, picking up a stranger in a cheap bar, having consensual sex with her, and then reacting violently to being slapped by the woman.⁴

- * Not content to rely at trial on a version of events which the prosecutor knew to be untrue, the prosecutor further compounded the unfairness of the proceedings by allowing Emmitt Sallis to lie about his past criminal history and about whether he had received anything in exchange for his testimony. On his past criminal history, Sallis testified that he had been convicted of grand

⁴ Hoke and his counsel do not suggest that Hoke was acting in self defense, or that the character of the woman made the act any less senseless, unjustifiable and brutal. However, it is important to note that the real story here is a far cry from the "drug deal gone bad" presented to the jury by the prosecutor.

larceny, forgery and a "car offense, driving license, something like that." In fact, Sallis had been convicted of sixteen felonies, and a number of misdemeanors. Moreover, Sallis was facing revocation of an eight year suspended sentence for receiving stolen property, as well as sentencing on another charge. Sallis' charges in neighboring Colonial Heights were resolved favorably, with a short sentence, specifically on the condition that he continue to cooperate in the Hoke case. Despite the fact that Sallis' sentencing in Colonial Heights was resolved on the condition that he continue to cooperate in the Hoke case, Sallis answered under oath "No sir," when asked if the Commonwealth had offered him any deals in exchange for his cooperation. None of this evidence, which would have destroyed Sallis' credibility as a witness, was disclosed to the defense, and the prosecutor sat silent as a sphinx as Sallis told lie after lie.

* During the guilt phase, Mr. Maclin conceded that the fact that Hoke had just been released from a mental hospital immediately before the offense was irrelevant - despite the fact that this, coupled with Hoke's extensive drug and alcohol use just prior to the crime could have made the difference between capital murder and first or second degree murder (malice and premeditation being essential elements of capital murder). Indeed, Mr. Maclin completely missed the fact that he had an expert, Dr. Royola who would have testified that in his opinion, "Mr. Hoke was not competent, and not fully aware of right and wrong at the time of the offense."

* The jury instruction on the definition of capital murder misstated the offense. The portion of jury instruction No. 5 which defined murder during the commission of an abduction stated "murder during the commission of or subsequent to the abduction," which is not part of the statute (thereby giving the jury a means of convicting Hoke which does not exist under Virginia law). Moreover, the instruction completely omitted the phrase "for the purpose of extorting" money or other benefit of value, thereby permitting the jury to convict Hoke under this portion of

the statute without any evidence whatsoever of any intent to extort, as required by law.

* During closing argument in the guilt or innocence phase, Mr. Preston impermissibly commented on Hoke's presumption of innocence, stating that "every defendant who has ever been sent to the penitentiary or ever been convicted of a serious crime was presumed innocent," as though Hoke already had been convicted. Mr. Maclin, Hoke's own attorney, in his closing agreed, stating that "Hoke has given up his presumption of innocence" (which he did not), and that Hoke "still has the burden of innocence."

* During his closing argument, Mr. Maclin completely gave the case away by stating: "It certainly appears to have been premeditated." No competent defense attorney in a case like this, where the killing seems to have come out of nowhere, after the defendant and the victim have just made love, would concede to the jury that the killing was premeditated, yet that is exactly what Mr. Maclin did in his closing remarks.

* Mr. Preston, the prosecutor, even argued to the jury that the victim had opened up her home, "the sacred home, ladies and gentleman," thereby implying that Ms. Stell was being charitable to Hoke when she took him home, rather than inviting him home for an evening of casual, even felonious, sex.

* Mr. Maclin never asked for a jury instruction that all murder is presumed to be second degree murder (which is the law), nor did he ask for an instruction that if the Defendant's mental faculties were so impaired as to preclude premeditation, then the jury could only find him guilty of second degree murder (also the law).

* During the sentencing phase, Mr. Preston further inflamed the jury by quoting from the Bible and saying "Whoever striketh a man a mortal blow must be put to death." Not even the trial judge could tolerate this kind of argument, and he told Mr. Preston to stop it (without even an

objection from defense counsel).

* Despite Hoke's extensive history of abuse and neglect in his young years by alcoholic parents, and despite Hoke's extensive history of psychiatric problems and diagnoses of personality disorder and the like, Mr. Maclin never subpoenaed the records from any of the mental institutions, and never presented any testimony on Hoke's upbringing or psychological background or history during the sentencing phase of the trial. No family member testified on Hoke's behalf. When later asked about this, Mr. Maclin testified that he assumed that, had Hoke's mother wanted to testify, she would have contacted him.

* Hoke's defense counsel did not engage, nor call any expert witnesses concerning Hoke's potential for future dangerousness. Just after the trial, on October 23, 1986, Dr. Royola and Ms. Marget concluded that, in their professional opinions, "Ronald Hoke would not be a future danger to society with appropriate drug rehabilitative treatment." The jury never heard any testimony concerning Hoke's potential for future dangerousness at all.

In short, in a one day trial, a series of errors and misstatements by Hoke's counsel, coupled with the suppression of evidence and the presentation of perjured testimony by the prosecutor, inexorably led to a sentence of death for Ronald Lee Hoke.

Hoke is Not Guilty of Capital Murder

At the outset, it must be admitted that Hoke killed Virginia Stell. He has never denied it. He turned himself in, at a time when he was not even a suspect and his name had not even been connected to the crime. Hoke easily could have gone to Canada (which would not extradite him for a capital offense) before his name was linked with the crime. However, Hoke turned himself in and admitted to the killing. But that most emphatically does not mean that is guilty of capital murder. He is not. The U.S. District Court found Hoke to be "actually innocent" of the crime of

capital murder.

**1. Hoke Did Not Abduct Virginia Stell
With the Intent to Extort Anything
From Her.**

The Virginia Code (Sec. 18.2-31) requires, in order to be convicted of a murder in the course of an abduction, that there be an intent to extort pecuniary gain or other value. This is the classic kidnap-murder case, where the victim or the victim's family is extorted for some benefit. Here, there was no extortion of any kind. All of the witnesses agreed that Hoke and Stell were very friendly at the European, and that they left together talking, and arm in arm. No witness ever suggested that Hoke abducted Virginia Stell from the European. When Hoke stabbed Ms. Stell, he did bind her feet and hands. However, there was never any testimony that, while she was bound, Hoke extorted anything from Virginia Stell, or that he even asked her for anything. No evidence was ever presented that Hoke attempted to extort anything from the victim.

It is important to note that this is not an issue that was resolved by the jury against Hoke. The jury never even knew that intent to extort was an element of the offense, because it was omitted from the instructions. Thus, Hoke was convicted of an offense which actually does not exist at law.

2. Hoke did not Rape Virginia Stell.

Throughout his confession and testimony, even at a time when Hoke was seeking the death penalty for his crime, Hoke has consistently maintained that he did not rape Virginia Stell. The medical examiner, Dr. Fierro, did not offer an expert conclusion as to rape at Hoke's trial. There were bruises to the victim's forearms, but those are at least as consistent with Hoke's version, that they occurred during the stabbing, as they are with the Commonwealth's, that they occurred during a rape. In fact, the victim's feet were very tightly bound, something completely

inconsistent with a finding of rape.

Dr. Ballow, a board certified pathologist, who has been practicing for twenty-five years, testified before the U.S. District Court that there was no evidence from which a conclusion of rape could be drawn. There were no signs of trauma to the victims genital organs. Dr. Ballow testified that it was likely that Dr. Fierro's conclusions as to rape (belatedly offered) were most likely incorrect. First, Dr. Fierro was wrong in one critical respect - the wound to the victim's abdomen was from the front to the back, so the victim could not have been stabbed while lying on her abdomen, as suggested by Dr. Fierro. Dr. Ballow also testified that the fact that the victim's mouth was gagged does not indicate a rape; nor did the fact that the victim was found stomach down on the bed.

Dr. Fierro, the Commonwealth's expert, found no evidence of vaginal injury. Her conclusion of "rape" offered for the first time at the U.S. District Court hearing, depended upon her view that Hoke and Stell probably had vaginal sex first, and then Hoke stabbed Stell and had anal intercourse with her at or about the time of the stabbing. Once again, this version of events is belied by the fact that the stab wound - the one that Dr. Fierro testified was the fatal wound - was to the front of Ms. Stell's body.

In short, the evidence of rape was nonexistent at Hoke's trial, and lacked credibility before the U.S. District Court. The jury in Hoke's trial was invited to find a rape by Mr. Preston's implication that Ms. Stell invited Hoke into "the sacred home," and that Ms. Stell, a 56 year old woman, would not have invited Hoke into her home for the purpose of having anal sex. This, despite the fact that the prosecutor knew that there were witnesses out there who had precisely the same kind of sex with Ms. Stell, with her consent and willing participation, and using a lubricant produced by Ms. Stell herself. Had these exculpatory witness interviews been provided

to the defense at trial as required by the Constitution, Hoke never would have been convicted of murder in the course of a rape. Surely, the Governor can not send this man to his death based on such non-existent and withheld evidence. Hoke most emphatically did not rape Virginia Stell, and cannot be executed on the basis of a "murder in the course of a rape."

**3. Hoke's Taking of a Bottle of Pills
Cannot Stand as the Basis for Putting Him to Death.**

Hoke was convicted of murder in the course of a robbery solely on the basis that he took a bottle of Xanax pills from the victim's purse, after the murder had been completed. Even the trial judge at Hoke's trial described this as an "afterthought," as opposed to part of the scheme to kill Virginia Stell.

Virginia law requires that the robbery be part of an interdependent scheme to kill the victim, as opposed to an afterthought. When this issue was raised on direct appeal in the Virginia Supreme Court, the Court relied on the testimony of Emmit Sallis - testimony later proven to be false - to affirm the conviction. The Court specifically cited the testimony of Sallis, that Hoke had gone to Petersburg to "get his stuff back," to make the critical link between the murder and the "robbery," and to affirm Hoke's conviction. Without Sallis's perjured testimony, there was nothing to prove that the killing and the taking of the pills were part of any common scheme. Without Sallis' testimony, the charge of "murder in the course of a robbery" falls apart. Once the prosecutor admitted under oath that even he never believed Sallis's testimony, the conviction of murder in the course of a rape cannot stand as the basis for putting Hoke to death.

Conclusion

The relief sought here is discretionary. We are sure that the Governor, in making this most difficult decision, will judge this case completely on its own merits, and not on the basis of public

perceptions nor in relation to any other case now nor previously before the Governor. The Governor is not only the enforcer of laws in the Commonwealth; he is the protector of the integrity of the Commonwealth, its institutions and its citizens. History ultimately will be the judge of whether the death penalty is an appropriate response to crime in our society, and the people of the Commonwealth have spoken, and said that it is. Surely, however, history will not be tolerant of those who have put to death one convicted on perjured evidence, and in violation of the most basic rules of decency and fair play. We are sure that, if given the opportunity to answer the question "Would you want the apparatus of your Commonwealth to put a man to death on the basis of perjured evidence," the vast majority of the good and decent citizens of the Commonwealth would answer with a resounding NO. We implore the Governor to use his most benevolent instincts, to spare the life of Ronald Lee Hoke Jr., and to commute his sentence to life in prison.

**Respectfully submitted,
Ronald Lee Hoke, Sr.**