



APPLICATION TO THE BOARD OF
PARDONS AND PAROLES
FOR EXECUTIVE CLEMENCY

FOR MITCHELL TERRY MINCEY

BEFORE THE
BOARD OF PARDONS AND PAROLES
STATE OF GEORGIA

APPLICATION OF MITCHELL TERRY MINCEY
FOR A 90-DAY STAY OF EXECUTION AND FOR
COMMUTATION OF HIS SENTENCE OF DEATH

APPLICATION
NO. _____

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INTRODUCTION

Mitchell Terry Mincey, by his undersigned counsel, applies to the Georgia Board of Pardons and Paroles, pursuant to Article IV, § II, ¶ II(a) and (d) of the Georgia Constitution, O.C.G.A. 49-9-20, 42-9-42(a) and Chapters 475.2.01 (1) and 475.3.10 (2) (6) of the Rules of this Board: (i) for consideration of his application for commutation of his sentence of death, imposed by the Superior Court of Bibb County on August 26, 1982; (ii) for a ninety (90) day stay of execution, presently scheduled for October 25, 2001 at 7:00 p.m., to permit consideration of his application; (iii) for a full and fair hearing before the full Board, allowing him to present witnesses and to be heard through his counsel; and after that review, (iv) for the commutation of his sentence of death.

SUMMARY OF FACTS

On the evening of April 12, 1982, Mitchell Terry ("Terry") Mincey, Tim Jenkins and Bobby Jones robbed the Mini Foods store on Houston Road outside of Macon, Georgia. In the course of the robbery, the clerk, Mrs. Paulette Riggs, was shot twice

and died, and Mr. Russell Peterman, a customer who pulled up to the gas station/food store while the robbery was in progress, was shot twice and survived. While Mr. Peterman lost sight in one eye, he survived the attack. Two teenagers, James "Bubba" McCook and Mechele McCook, who were in the store at the time of the robbery, escaped unharmed.

Both Jones and Jenkins pled guilty soon after the incident and agreed to testify at trial against Mr. Mincey in exchange for reduced sentences. For his cooperation, Jones pled to counts of murder, armed robbery and aggravated assault and received a life sentence. He remains incarcerated at Wilcox State Prison in Abbeville, Georgia. See DOC Printout re: Robert Jones. For his cooperation, Jenkins pled to counts of armed robbery and aggravated assault and also received a life sentence. He was released from prison ten years after the crime in 1992. See DOC Printout re: Timothy Jenkins. The remainder of his sentence was commuted in 1997. See Order of Commutation for Timothy Jenkins. Jenkins remains a free man. The District Attorney of the Macon Judicial Circuit, Willis Sparks, III, elected to seek the death penalty against Terry Mincey. Terry went to trial on capital murder charges less than five months after the crimes. With the assistance of co-defendants Jenkins and Jones, the District Attorney was able to secure a guilty verdict and death sentence for Mr. Mincey. A central point in the State's closing argument at sentencing was that if Terry "gets out, somebody will die. It's just that simple," implying that Terry would be released if the jury did not sentence him to death. Trial Transcript 494-495. After the jury was released, Mr. Mincey was sentenced to life imprisonment without the possibility of parole under the Habitual Offender statute (he had been indicted under this statute as well). **The jury never knew that Mr. Mincey would be sentenced to life without the possibility of parole regardless of the sentence it handed down.** Terry Mincey has remained on Death Row in Jackson, Georgia since trial. Contrary to the District

Attorney's grandiose predictions, Terry's prison record has been exemplary in his nineteen years on Death Row.

The evidence presented at trial showed that the three drove to the Mini Foods Mart in Jones' Mustang and that both Terry and Tim Jenkins exited the car. Jones remained in the car, in possession of a sawed-off shotgun. Terry was armed with a .380 Llama semiautomatic pistol, while Jenkins was armed with an Arminius .38 revolver. Terry went into the store, ordered Mrs. Riggs to remove money from the cash register, and directed Mrs. Riggs and the McCooks to go outside the store. Mrs. Riggs and the McCooks walked outside and over to Tim Jenkins, who was positioned at an ice machine at the front of the store. As this was occurring, Mr. Peterman pulled up to the gas pumps at the front of the store. Terry walked out towards Mr. Peterman and shot him twice. Mr. Peterman survived. At trial, both Jenkins and Jones testified that Jenkins re-entered Jones' car at this point, while the McCook children ran. Jenkins and Jones further testified that Terry walked toward Mrs. Riggs and fired two shots at her and ran back to the car. Due to Jones' distinctive automobile (it was painted in primer and was missing its hood and headlights), all three were apprehended within hours.

The evidence presented at trial showed that Mrs. Riggs suffered two wounds, one fatal and one nonfatal. The nonfatal bullet was removed from under her cheek, while the fatal bullet, which entered her skull and exited from her neck, was never recovered. See Trial Testimony of Leo Erbele, M.D. Dr. Erbele's speculation was that the fatal bullet, which appeared on a hospital x-ray, somehow was entangled in Mrs. Riggs clothes and was lost in the confines of the emergency room. While the non-fatal bullet and its cartridge case were matched to Terry's .380 (as were the cases recovered near Mr. Peterman), the fatal bullet's cartridge case was never recovered at the scene. Dr. Erbele testified at trial that the fatal wound was consistent with one caused by a .38 caliber bullet.

The evidence presented at trial is fraught with perjured and manufactured testimony, riddled with inconsistencies and inaccuracies, and it is truly terrifying that Terry Mincey stands to be executed in a few days on the basis of this perjured, inconsistent, inaccurate, and purchased evidence and testimony. This Board must act to stop this travesty before Terry Mincey is executed.

TERRY MINCEY DID NOT FIRE THE FATAL SHOT THAT KILLED PAULETTE RIGGS

Evidence has been uncovered that conclusively proves that Tim Jenkins, and not Terry Mincey, fired the fatal shot which killed Paulette Riggs. In a sworn affidavit, Mechele McCook Reagan describes the scene that night:

I was at the Mini Foods store on Houston Rd. in Macon the night Paulette Riggs and Mr. Peterman were shot. I testified at Terry Mincey's murder trial about some of what happened that night.

My brother, Bubba McCook, and I were inside the Mini Foods store when Terry Mincey came inside with a gun. Mr. Mincey ordered us to go outside and get into a car. As we walked towards the cars, I saw another man standing near the ice machine that was at the corner of the store. His arms were crossed and in his hand, which was resting on his forearm, was a hand gun. He was with Terry Mincey that night. I later found out that his name was Tim Jenkins.

Jenkins was holding his hand gun in plain view. Mincey ordered me and my brother to walk around to the side of the store. There was a trash dumpster back there and we stood next to it. Jenkins then came around to the side of the building with Paulette Riggs. He had Ms. Riggs by the arm and he had his gun pointed at her. About this same time, Terry Mincey went out toward the gas pumps and shot Mr. Peterman.

My brother told me to run once we saw Mr. Peterman get shot. My brother said something about making a break for it and we did. As I ran away from the store, Jenkins was holding Paulette Riggs by the arm with the gun pointed toward her body.

I fell down about three times as I was running away and decided to stay on the ground and play dead. My brother kept running and knocked on the door of a nearby house.

As we were running away, I heard four or five more shots. I also heard Ms. Riggs scream.

I spoke with District Attorney Will Sparks that night and told him about the information in this affidavit. I remember being in his car and telling him what happened. Prior to my testimony at Mr. Mincey's trial, District Attorney Sparks told me to only answer the questions that he asked me.

Tim Jenkins never told us to run that night. My brother and I ran that night after Mr. Peterman was shot because we believed that Jenkins was going to shoot and kill us. I know that Jenkins has been released from prison. I am concerned about providing this information because I am afraid that Jenkins will harm me, my family and my brother if he learns about my statement. I am very troubled by how this case was handled. I do not understand how District Attorney Sparks could give Mincey the death penalty while Jenkins is out of prison and a free man. This really bothers me because the last thing I saw before I ran away was Jenkins holding a gun on Ms. Riggs and I told that to District Attorney Sparks. Because of what I saw, I can not help but think that Jenkins may have shot Ms. Riggs.

See Affidavit of Mechele Reagan.

The other (then) teenager at the scene, James "Bubba" McCook, confirms his sister's account of the events of that evening:

While my name is James, I am also known as Bubba. I testified at Terry Mincey's murder trial in Macon in 1982. I testified to some of the things that happened at the Mini Food Store on Houston Road.

I was in the Mini food Store with my sister, Mechele McCook and Paulette Riggs. Terry Mincey came in the store and pointed a gun at me. He ordered me and my sister to go outside. We walked along the front of the store and saw the other man standing there. He also had a handgun.

This second man's name is Tim Jenkins. Me and my sister ducked over to the side of the building. A little while later, Jenkins came over to the side of the building with Ms. Riggs. He had her by the arm. He was pointing a gun at her.

At about the time Jenkins had Ms. Riggs by the arm while pointing a gun at her, Terry Mincey went out by the gas pumps and shot Mr. Peterman. We were still by the trash dumpster.

I figured that we were going to be shot, too so, I told my sister to run. We both ran away. Jenkins was still standing there holding Ms. Riggs with his handgun pointed at her. Jenkins did not tell us to run.

After we ran I heard four or five more shots. I ran to a neighbors house. I talked to Will Sparks about what happened. He told me that he needed me to testify. He said it was very important since we were eye witnesses. I thought all three would be tried for murder.

See Affidavit of James McCook.

The initial statements that Mechele and Bubba McCook gave to District Attorney Sparks referred to in their affidavits were never disclosed to lawyers representing Terry Mincey until very recently. Statements given to District Attorney Sparks by Tim Jenkins' ex-wife, Julie Chavies, were not disclosed either:

I was married to Tim Jenkins for about one year back in 1982. Tim was arrested, along with Terry Mincey and Bobby Jones, about two weeks after Tim and I were married. They were charged with murder and all three of them went to prison. I didn't divorce Tim until after he went to prison.

I spent some time with Terry on the night of the murder. I remember that he stopped by our place and was upset with his girlfriend. Terry stayed for a while and then left. I was in school at the time and studying, so I stayed home.

Later that night Tim came home really late. He was very nervous, pacing around, and mumbling to himself. I got up and saw that he was in the bathroom scrubbing his hands with Ajax. After scrubbing his hands, he cleaned his gun. Tim bought the gun a few weeks before this happened. Tim was very hyper while cleaning his gun. I remember asking him what was going on and he kept saying that he was with Terry and that they did a terrible thing. Tim did not want to tell me too many details about what had happened earlier that night, but he did say that he had to figure out what to do because of the mess that him and Terry had gotten themselves into. At one point, Tim said, 'I did a terrible thing -- we were getting high and riding around and we killed them.' I didn't know what to think.

The police came to the house the next morning and arrested Tim. They also searched our place and took Tim's gun. I was stunned that morning when the police showed up. I just couldn't believe that Tim was serious when he said something about him and Terry killing someone. The police

returned Tim's gun to me a few months later. I gave the gun to my father, and as far as I know, he still has Tim's gun.

I talked with the District Attorney Sparks not too long after Tim was arrested and he told me that Tim was going to be held responsible for the woman's death. I told the District Attorney Sparks what happened when Tim came home late that night. I told him about Tim scrubbing his hands, cleaning his gun and the statement he made about him doing a terrible thing. Sometime shortly after my conversation with District Attorney Sparks, Tim told me that he was going to plead guilty. I met with District Attorney Sparks and someone else from his office several time after this. They wanted my help in prosecuting Terry and said it would help my husband. District Attorney Sparks never asked me again about what Tim did or said that night. They were more interested in Terry. They asked me about statements Terry made to me while in jail. Terry never would talk to me about what Tim did that night. He said that he was 'not a snitch.'

I can still remember how surprised and frightened I was when I learned about the things that Tim and Terry had done to those people at the gas station that night. I just couldn't believe that I was married to a man who would do such a thing and I was thankful that he never hurt me.

After Terry Mincey was put on death row, one of his lawyers came to see me. I signed an affidavit in September 1993. Terry's lawyer told me that Tim testified that he was in the car when the woman was killed and he never fired his gun. All I could think about was that Tim had just got out of prison. I did not tell Terry's lawyer about Tim scrubbing his hands and cleaning his gun. I didn't really want to tell Terry's lawyer about how Tim was nervous and all of the things that he was saying and doing that night. I knew that Tim had just gotten out of prison and I did not want him to find out that I was telling on him. I was so afraid that Tim would hurt me if I was saying something that would send him back to prison or to death row.

When I was talking to Terry's lawyers in 1993, I remember telling them that it was not fair that Tim got out of prison while Terry was on death row. However, I did not tell them about Tim scrubbing his hands and cleaning his gun because I was terrified and I figured that Mr. Sparks would know that it wasn't fair that Terry was on death row and Tim was out of prison. I figured that Mr. Sparks would fix it and make it fair. So I just told Terry's lawyers that Tim said something bad happened and that I thought it involved drugs. I just didn't know what else to do because I was frightened.

I have recently been contacted again by people working with Terry's lawyer. They told me Tim is still out of prison and Terry is scheduled to be executed on October 25th. As we were talking about what happened at the gas station, I told them about what happened that night when Tim came home. I told them about Tim scrubbing his hands and cleaning his gun and how Tim told me that he was there when the lady was killed. I now feel that I have to talk about what Tim did when he came home the night after the woman was killed and what he said to me while in jail before Terry's trial. I always thought that Mr. Sparks would make sure that the judge knew what I told him about Tim. I now know that never happened.

See Affidavit of Julie Chavies.

This testimony provided by the McCooks and by Ms. Chavies is confirmed by the analysis of case materials by Kelly Fite, former Chief of Ballistics for the Georgia Bureau of Investigation:

The State's theory at trial was that Mr. Mincey was the sole shooter at this armed robbery murder. According to the State, neither co-defendant Jenkins nor Jones fired a shot at the scene, although both were armed during the robbery. Co-defendant Jenkins' ex-wife, Julie Chavies, has recently provided a sworn affidavit which provides three facts relevant to my evaluation of the ballistics evidence in this case: 1) that co-defendant Jenkins was scrubbing his hands with an abrasive cleanser when he arrived home that night; 2) that co-defendant Jenkins cleaned his gun that night; and 3) that co-defendant Jenkins made a statement to his wife that he 'did a terrible thing' and that 'we killed them.' The behavior of co-defendant Jenkins as described by his wife is consistent with someone who had just fired a handgun and who was trying to destroy any evidence that he had just fired the handgun.

There were only three (3) .380 caliber cartridge cases found at the crime scene. Two were recovered near the surviving victim Peterman and one near the deceased victim Riggs. According to the State's theory, Mr. Mincey shot both victims twice with a Llama .380 caliber automatic pistol. If that theory were true, there should have been a fourth .380 caliber cartridge cases at the scene in the vicinity of the deceased victim. A search of the crime scene with the assistance of a metal detector failed to produce a fourth cartridge case. It is significant to note that this scene was secured almost immediately and the parameters of the scene were known to law enforcement investigators.

The absence of a fourth .380 cartridge case supports the theory that a second gun was involved in the shooting of Ms. Riggs that was not an automatic and would therefore not eject a cartridge case. On the night of the crime, Codefendant Jenkins was carrying an Arminius .38 caliber revolver which was recovered from Jenkins' house upon his arrest the next morning. If Jenkins had fired the fourth shot from the .38 caliber revolver, that would explain the absence of a fourth cartridge case at the scene. A competent ballistics and crime scene investigation of this case would have explored the possibility that the fatal shot came from Jenkins' .38 caliber revolver.

Mr. Jarvis [the GBI ballistics expert] testified that the one bullet removed from Mr. Peterman and the one nonfatal bullet removed from Ms. Riggs were fired from the Llama .380 caliber automatic pistol that was recovered from Mr. Mincey's home. According to Dr. Erbele, the Bibb County Medical Examiner, the fatal bullet which entered the right side of Ms. Riggs' skull exited through Ms. Riggs neck on the right side. Dr. Erbele testified that this bullet was lost:

It apparently was in the clothing, because one X-ray showed this other bullet on the film, but it was not in the body, nor was there any wound to the trunk [of her body]; so apparently that other bullet had fallen in the clothing and got lost.

Dr. Erbele also testifies that the wounds to Ms. Riggs are consistent with a .38 bullet, the actual caliber of the revolver that codefendant Jenkins had at the robbery.

Proper crime scene and evidence handling techniques would have assured that the fatal bullet was recovered, taken into police custody and properly tested. No such tests were done because the bullet was apparently lost in the confines of a brightly lit and sterile emergency room or, more likely, after the body and clothes were taken into police custody. Even more troubling is the fact that there is no evidence that a follow up investigation was conducted to find the 'lost' fatal bullet after it became apparent that the bullet was present in Ms. Riggs clothes when the x-rays were taken at the hospital. Because of improper police conduct, the fatal bullet was "lost" and never examined or tested.

A visual inspection of the bullet could have confirmed whether it was a .38 caliber or a .380 caliber bullet. Although both caliber bullets are essentially same diameter, the .38 caliber bullet is longer than the .380 caliber bullet. Because of the different profile and size between the .38

caliber and the .380 caliber bullet, the x-rays of Ms. Riggs may provide evidence to support whether the fatal bullet came from the Llama .380 or the Arminius .38 depending on the quality of the x-ray and the position of the bullet. Again, there is no indication that the x-ray was ever examined for such purposes. Well established forensic ballistic procedures would have ensured that such an examination was conducted. According to the Bibb County Coroner's Office and the Georgia Bureau of Investigation, the x-rays are not in their records on this case, thus making a current examination impossible.

Finally, I feel compelled to note one other troubling aspect about the handling of the ballistics evidence in this case. The records indicate and Ms. Chavies confirms that Jenkins' Arminius .38 caliber revolver was released to her on September 30, 1982. This is unprecedented in my experience. In my thirty three years of work in this field, I have never known of a firearm being returned to a defendant's family member when that weapon was used in the course of a serious felony.

Based upon my review of these materials, it is my expert opinion that an insufficient investigation was conducted concerning the ballistics evidence in this case and that improper evidence handling techniques resulted in the loss of crucial evidence necessary to determine the caliber weapon which fired the fatal shot. I further opine that the available evidence supports the theory that the fatal shot to Ms. Riggs was from the Arminius .38 caliber revolver. The absence of a fourth .380 caliber cartridge case is inconsistent with the bullet being fired from the Llama .380 and consistent with the bullet being fired from a revolver. Moreover, Dr. Erbele testified that the fatal wound was consistent with a wound from a .38 caliber bullet. Because critical evidence – the fatal bullet and the x-rays – have been lost or destroyed, further analysis of the ballistics evidence is impossible.

See Affidavit of Kelly Fite.

Similarly, R. Robert Tressel, thirty-year veteran of homicide and medical examiner investigations, has reviewed the case and has made the following conclusions:

I fully concur with Mr. Fite's conclusions and the bases for his conclusions: 1) that the behavior of Jenkins after the crime as described by his wife is consistent with someone who had just fired a handgun and who was trying to destroy any evidence that he had just fired the handgun; 2) that an

insufficient investigation was conducted concerning the ballistics evidence in this case and that improper evidence handling techniques resulted in the loss of crucial evidence which would have conclusively established the caliber weapon which fired the fatal shot; and 3) that despite the loss of this evidence, the available evidence supports the theory that the fatal shot was from the Arminius .38 caliber revolver. In addition to concurring with these conclusions, I offer my professional opinion on the following matters.

Based upon my review of the file of the Bibb County Coroner which included color autopsy photographs and the trial testimony of then-Bibb County Coroner Dr. Leo Erbele, Mrs. Riggs sustained two (2) bullet wounds, both to the head. Dr. Erbele testified that one of the shots was fatal. The projectile which caused Ms. Riggs' death entered on the right side of her head above her ear and traveled downward at an almost straight trajectory and exited from the right side of her neck. The autopsy photographs show that at the point where the bullet left the neck it created a wound which "gulleys" the outer layers of the skin. There is no indication that it reentered the body after exiting the neck. Dr. Erbele noted on the autopsy chart that there was a bruise on the right shoulder below the exit wound. This bruise is consistent with the trauma caused when the bullet exited the neck and struck the shoulder. At the time of the autopsy, Dr. Erbele had the x-rays from the emergency room. He obviously saw the "fatal" bullet on the x-ray and initially attributed it to an old bullet wound on the autopsy chart. By the time of trial, he had concluded that this was actually the fatal bullet that had exited the neck and fell into Mrs. Riggs' clothing:

It apparently was in the clothing, because one X-ray showed this other bullet on the film, but it was not in the body, nor was there any wound to the trunk [of her body]; so apparently that other bullet had fallen in the clothing and got lost.

(Trial Transcript at 100.) I concur with Dr. Erbele's trial testimony that the bullet exited the neck and fell into Mrs. Riggs' clothing. This is also consistent with the exit wound and corresponding bruise on the right shoulder as the impact point. As Mr. Fite opined, proper evidence handling techniques would have prevented the loss of this critical piece of evidence.

As noted by Dr. Erbele in his trial testimony, the nonfatal wound was caused by a bullet that entered Mrs. Riggs' head in the left ear area. The course of this bullet's travel was left to right, back to front, and downward. It came to rest lodged

in the skin underneath the right cheek. Dr. Erbele noted a bruise on her cheek corresponding to the bullet under the skin. This type of bruising is entirely consistent with the trauma caused when the bullet came to rest under her skin. This phenomenon occurs when there is an object flush against the skin when the bullet impacts the inner side causing the bruise. In this case, the location of the nonfatal projectile in the right cheek and the corresponding bruise on the outer cheek is entirely consistent with a scenario where Mrs. Riggs becomes incapacitated by the fatal shot and falls to the ground with her right cheek against the ground when the nonfatal shot is fired at her. Based upon these clear objective factors, it is my expert opinion that the fatal shot was the first shot.

The fact that the fatal bullet penetrated Mrs. Riggs' skull, cranial cavity and the brain membrane forcing skull shards into the brain and then traveled through the brain ultimately exiting in the right neck is consistent with the type of wound caused by a high velocity projectile such as a .38 caliber bullet. The wound inflicted is inconsistent with one that would be created by a .380 caliber bullet. The velocity and mass of a .38 caliber bullet, and thus, it's potential for causing tissue damage, is considerably greater than that of a .380 caliber bullet. This is why virtually all law enforcement agencies issue officers handguns of .38 caliber or greater to insure that the weapon has sufficient "stopping" power. Similarly, it is telling that all three shots which were clearly fired by the Llama .380 did not exit either Mr. Peterman's nor Mrs. Riggs' bodies. It is my professional opinion that the wound caused by the fatal bullet is consistent with being fired from the Arminius .38 caliber revolver and not the Llama .380 automatic.

The support for the State's theory that Mr. Mincey fired both shot into Mrs. Riggs comes from the testimony of Jenkins and Jones. The State offered no physical evidence to support the theory that the fatal shot was fired by Mr. Mincey. The failure to find a fourth .380 cartridge casing at the scene in the vicinity of Mrs. Riggs' body completely undermines the testimony of Jones and Jenkins. There is no question that if there indeed was a fourth cartridge case present at the scene, it would have been found. Evidence Technician Jim Higgins notes in his supplemental report that the grassy area where the body was located was swept with a metal detector with negative results. A view of the crime scene photographs show that the area in question is very defined and covered by short trimmed grass making a search for a casing relatively simple.

In his pretrial statement taken on April 13, 1982 at 1300 hours, Jones indicates that after shooting Mrs. Riggs the

first time, "Terry [Mincey] then walked over to her and [put] the gun about six to twelve inches away from her head and shot again." At trial, he said that Mr. Mincey bent down and shot Mrs. Riggs again. Trial testimony of Mr. Jones at 306. Under either scenario, there should have been clear signs of stippling and gunpowder residue around the bullet entry wound. Dr. Erbele does not report the presence of either stippling or gunpowder residue around either wound on Mrs. Riggs. Based upon the statement and testimony of Jones' description of the second shot stippling and gunpowder residue would have been present. The absence of stippling is confirmed by the photographs I have viewed of both gunshot wound to Mrs. Riggs head. This absence of stippling and gunpowder residue indicates that the bullets were fired from a gun which was more than thirty-six (36) inches away from Mrs. Riggs when fired which is entirely inconsistent with either scenario presented by Jones.

In any criminal case where you have two or more co-perpetrators who are providing evidence against another perpetrator, investigators need to be cognizant of the whether the cooperating co-perpetrators had an opportunity to "get their story together." In this case, Jones and Jenkins both confirm in their pretrial statements and trial testimony that after the crimes Jones dropped Mr. Mincey off first. This provided Jones and Jenkins the opportunity to coordinate their stories.

Another significant factor to look for with cooperating co-perpetrators are inconsistent statements. In this case, there are a number of statements given by Jones and Jenkins pretrial and numerous inconsistencies in the statements. Jones signed three handwritten statements to investigators on April 13, 1982 and gave a fourth statement as evidenced by handwritten notes of the district attorney. Jenkins signed two handwritten statements to investigator on April 13, 1982 and gave a third statement to the district attorney. District Attorney Sparks argued to the jury during his closing argument that defense counsel for Mr. Mincey did not cross examine Jones and Jenkins about their pretrial statements because Jones' and Jenkins' pretrial statements were consistent and contained no substantial differences to their testimony. A review of Jones' and Jenkins' pretrial statements reveals numerous inconsistencies and substantial differences in their statements and their testimony. Moreover, neither Jones nor Jenkins were forthright with investigators in their first statements and only after further questioning do they reveal additional information. Finally, some of the more damaging details that are offered against Mr. Mincey appear for the first time during the interview with the district attorney, such as the assertion that Mr. Mincey said "I could get the chair for this."

Because of the urgency of this case, I am unable to catalog the numerous inconsistencies and discrepancies that mitigate Jones' and Jenkins' role and aggravate Mr. Mincey's role. Instead, I focus below on the several major factors from their statements and testimony which support the theory that Jenkins fired the fatal shot into Mrs. Riggs.

In the first two signed statements given by Jones, he does not say that he saw Mr. Mincey shoot Mrs. Riggs. Instead, he said in his first statement that "Terry started chasing them and caught the woman. I heard *one shot* and Terry run a[nd] go in the car." In his second statement, Jones stated that "Terry chased them and caught the woman. The other boy [Jenkins] got back in the car. I then heard *a shot*. Terry ran back to my car and got in and said 'Lets' go for it.'" In both of these statements, Jones is saying that Mr. Mincey only shot Mrs. Riggs once. In the second statement, he is adding the fact that Jenkins is in the car before he hears the one shot. Jones had a reason for attributing only one shot to Mr. Mincey and for making sure that Jenkins was in the car before he heard the one shot – one reason would be that Jones fired one of the two shots into Mrs. Riggs. It is common for criminal defendants who are attempting to shift blame to another to include some aspects of the story that are true. Attributing only one shot to Mr. Mincey in his first two statements is a significant factor in evaluating Jones' subsequent statements.

In his third signed statement, Jones' story evolves to him having seen Mr. Mincey shoot Mrs. Riggs twice:

Terry ran the woman down hollering "stop, stop" at her. She did stop and thats when he shot her the first time. I guess he shot her in the neck because she grabbed it and went down on her knees. Terry then walked over to her and the gun about six to twelve inches away from her head and shot again.

In direct contradiction to this statement, Jenkins, who is sitting in the same car as Jones, claims that he could not see Mr. Mincey shoot Mrs. Riggs because the dumpster blocked his view. According to Jenkins, he only saw Mr. Mincey chase her, heard Mrs. Riggs say something and then heard two shots. During his interview of Jones, the district attorney seemed to raise the same concern with Jones about the dumpster blocking his view. At trial, Jones gives yet another version of the Riggs shooting which incorporates the dumpster as an obstacle and shifts back to hearing the shots, but not actually seeing Mr. Mincey shoot Mrs. Riggs:

A. ... Well, I heard a shot, and I saw her hand come up behind her neck like that.

Q. You heard a shot. Was she still facing in this direction?

A. Yes, sir.

Q. And you heard a shot, and you could see this lady that you now know to be Mrs. Riggs reach back and grab her neck, is that right?

A. Right.

Q. What happened after that?

A. Well, she fell out of my view.

Q. All right. Tell us, why was she out of your view, what was blocking your view?

A. This dumpster between the car and where she was at.

Q. How high is that dumpster out there?

A. Just a little less than shoulder height.

Q. So if a person, if you were sitting in the car and a person was standing erect, could you see them over the dumpster?

A. See their heads and shoulders, that's it.

Q. What you are saying is that after she fell, then, you couldn't see her because of the dumpster, is that right?

A. Yes.

Q. Tell us what happened after that.

A. Well, I saw Terry's head bend down, and I heard another shot.

Q. Tell us what happened after that, Mr. Jones.

A. Terry just come got back in the car.

Trial Testimony of Mr. Jones at 306-7. Moreover, it is significant to note that Mr. Perterman testified that Jones' Mustang was backed into the lot. This means that Jones'

vantage point from the front seat of the car could not have been better than Jenkins' alleged view from the back seat. None of these major discrepancies were brought out at trial by Mr. Mincey's counsel on cross-examination or in closing argument.

Jones and Jenkins also tell an entirely different story about Jenkins involvement with the McCooks and Mrs. Riggs after they exit the store. According to Jones, when the McCooks exited the store, Jenkins "pointed toward the ice machine and said 'stand right over here.' The kids done what he said and stood there." Jones' April 13, 1982, 1300 hours statement. His testimony at trial was consistent with this statement. In contrast, Jenkins insists that when the McCooks walked out of the store they walked past him, around the corner of the store and that was the last he saw of them. According to Jenkins, the McCooks were gone around the side of the store before Mrs. Riggs and Mr. Mincey left the store. This glaring discrepancy can not be reconciled.

The discrepancy between Jones and Jenkins continues with Mrs. Riggs' exit from the store. Jones claimed that Mr. Mincey told Mrs. Riggs to go over and stand with Jenkins and the McCooks and that she did that and put her arm around the McCooks. Jones said that Jenkins kept the McCooks and Mrs. Riggs there and watched them as Mr. Mincey approached Mr. Peterman. According to Jones, the McCooks and Mrs. Riggs stood at the ice machine with Jenkins until Mr. Mincey shot Mr. Peterman. At that point, Jones testified that the McCooks and Mrs. Riggs started to run around to the back of the store. He said the McCooks were only six to eight feet in front of Mrs. Riggs. Jenkins' story is nothing like Jones' story. As set forth above, Jenkins said the McCooks have already left when Mrs. Riggs comes out of the store. According to Jenkins, when Mrs. Riggs came out of the store he walked away from the store -- 10 to 15 to 20 feet depending on the statement -- so that Mrs. Riggs could pass behind him and not be able to identify him. Instead of leaving, Jenkins' version is that Mrs. Riggs stays behind him and twice asks him if he was with Mr. Mincey. According to Jenkins, he pointed to the rear of the store to get her to go. The second time, he told her "Go." Jenkins testified that he never turned to face Mrs. Riggs so she would not recognize him and did not talk so she would not recognize his voice. Again there is no way to reconcile Jenkins' testimony with Jones' testimony.

The McCooks' pretrial statements and testimony however are consistent with Jones' version of the events in front of the store. The McCooks clearly indicated that they remained there with Jenkins at the ice machine and that

when Mrs. Riggs came out Mr. Mincey turned Mrs. Riggs over to Jenkins and they all stayed there until Mr. Peterman was shot and then the McCooks ran. In the district attorney's notes of his interview of Ms. McCook, he notes that she said that Jenkins took Mrs. Riggs when she came out and later took Mrs. Riggs towards the car. The McCooks were also very clear that Jenkins never told them or Mrs. Riggs to go or to run. Mr. Ballard also raises further questions about the credibility to both Jones' and Jenkins' testimony that Jenkins got in the car before Mrs. Riggs was shot. According to Mr. Ballard, after the gunfire stopped, he reported seeing seeing white males – not a white man – getting into the car.

A final analysis of the conflict leaves Jenkins' version of the story at odds with Jones' and the McCooks' version. An objective investigator would ask why did Jenkins go to such great lengths to distance himself from the McCooks and Mrs. Riggs at the front of the store. An objective investigator would ask why did Jenkins try so very hard to convince the jury that Mrs. Riggs never got a look at his face and remained behind him at all times. An objective investigator would ask why would Jenkins be so clearly afraid of Jones' version of his role outside the store. The simple and obvious answer would be that Jones' version put Jenkins in a position where he had a motive and opportunity to shoot Mrs. Riggs. She clearly had ample opportunity to identify him and she was right there with him when Mr. Peterman was shot and the McCooks took off running.

Although Jones and Jenkins both testify that Mr. Mincey fired both shot into Mrs. Riggs, the divergence of their testimony after this basic fact calls into serious question Jenkins' actions in front of the store. On this point, Jones has no reason to fabricate his story. Like his first two statements in which he attributes only one shot at Mrs Riggs to Mr. Mincey, his story about Jenkins' role in the front of the store rings true and is supported by the McCooks. Jenkins, of course, who was armed with a .38 caliber revolver had every reason to fabricate his story so as not to put himself at risk of being the person who had a motive and the best opportunity to fire the first and fatal shot into Mrs. Riggs. Instead, he wanted to make sure that the jury heard that he had no motive – Mrs Riggs never saw his face – and he had no opportunity – he was at least ten feet in front of Mrs. Riggs when Mr. Peterman was shot.

The recently obtained statements from Julie Chavies, Mechele [McCook] Reagan, James McCook and Joey Holcomb provides new information about Mr. Jenkins' alleged role in the crimes and shooting of Mrs. Riggs. This new evidence is entirely supported by the ballistics

evidence, and consistent with an analysis of the crime scene. During his closing argument, the District Attorney conceded that the missing fatal bullet left open a slight opportunity to raise doubt about who fired the fatal shot. A professional analysis of this case and the physical evidence would have provided a substantial opportunity to show that Jenkins may have been the one who killed Mrs. Riggs. The newly discovered evidence tips the balance towards establishing that the totality of the evidence supports the theory that Jenkins inflicted the first and fatal wound with his Arminius .38 caliber revolver.

See Affidavit of R. Robert Tressel.

Finally, both Jenkins and Jones have admitted the truth of what happened that night, in direct contradiction to their trial testimony. Jones has finally admitted that he indeed saw Jenkins shoot Mrs. Riggs and that Terry did not kill her. See Affidavit of Jeffrey Walsh; Affidavit of David J. Holcomb. Unwilling to release this information himself, Jones has withheld this critical piece of information, which is corroborated by witness statements and scientific evidence, in hopes of appearing before this Board and receiving his freedom. See Affidavit of Jeffrey Walsh. While Jenkins testified at Terry's trial that he was back in the car at the time Mrs. Riggs was shot and could not see her body, he has recently made statements indicating that he indeed was not in the car. See Affidavit of John Hanusz.

The District Attorney's repeated concealment and manipulation of multiple pieces of critical evidence and testimony strongly points to one conclusion – that Tim Jenkins, a free man, fired the shot that killed Paulette Riggs and that Terry Mincey is scheduled to die for a murder which he did not commit.¹

1. This is not the only evidence which has been concealed by the prosecution in Terry's case. A few years before the this case, Terry sustained extensive head injuries in a motorcycle accident. District Attorney Sparks spoke to state psychological examiners who told him, "Brain damage in auto accident. Reflexes more active on one side. This indicates motor muscle power difference. It is possible he might now be more susceptible to irrational behavior." See Notes of Willis Sparks. The substance of this conversation was not disclosed to the defense until habeas corpus proceedings in
(continued...)

This point is not lost on Terry Mincey's jurors:

I have now reviewed the affidavit of Michele Reagan dated 10/19/01, the affidavit of James McCook dated 10/19/01, the affidavit of Julie Chavies dated 10/15/01 and the affidavit of Kelly Fite dated 10/19/01. If these new facts had been presented to me as a juror in this case, I would not have considered a death sentence to be an appropriate penalty for Terry Mincey.

See Affidavit of Louis Medaris.

All of the above strongly mitigates against Terry's impending execution and supports commutation of his sentence.

**JURORS WOULD HAVE VOTED FOR LIFE HAD IT NOT BEEN FOR THEIR DESIRE
TO ENSURE THAT TERRY REMAIN IN PRISON FOR A LONG TIME**

At the penalty phase of Terry's trial, the District Attorney resorted to highly inappropriate scare tactics to bully the jurors into sentencing Terry to death:

It seems to me that my job was to do everything I could to prevent Terry Mincey from leaving another human being there on the ground. (Trial Transcript "TT", p. 493)

A life sentence does not prevent someone from committing another injury. There are guards in prison, there are teachers in prison, and sometimes people escape. What do you think Terry Mincey will do if he escapes? (TT-494)

If he gets out, somebody will die. It's just that simple. (TT-494-495)

[The death penalty is] the only verdict that will absolutely insure that this malicious human being will never again inflict injury on anybody the way he's done in this case. (TT-500)

1. (...continued)
the early 1990's, ten years after trial. In those habeas proceedings, Terry was evaluated by a psychologist who determined that Terry suffered from organic brain damage – a fact that would have undoubtedly influenced the jury's decision in either the guilt or penalty phase of Terry's trial. See Affidavit of James D. Larson, Ph.D.

And the question is whether or not Terry Mincey is going to get a life sentence, the same [as Jones and Jenkins], or whether or not he's going to go to Death Row. (TT-509)²

Never did the jurors learn that Terry would receive a sentence of life without parole as an habitual offender. After the jury was excused, the judge pronounced Terry's sentence:

Mr. Mincey, you have also been found guilty on Count Two of this indictment of the offense of armed robbery. I find that this is the fourth felony conviction that you have been convicted of, and I sentence you to the Habitual Offender Statute of the state of Georgia. The sentence on Count Two is **life in the penitentiary without parole** consecutive to the sentence on Count One.

TT-565-66 (emphasis added). The jurors were deprived of this critical information and thus made a decision premised on a false choice:

After evaluating the evidence presented at trial, I concluded that if we (the jury) voted for a life sentence, there might be a chance that Mr. Mincey could be paroled after seven years. I felt that a death sentence was the only way to be sure that he would never be released.

See Affidavit of Louis Medaris. Similarly, Juror Susan S. Strickland has sworn:

I sat on the jury that convicted Terry Mincey and sentenced him to death almost 20 years ago. At the end of the evidence, I felt that Mr. Mincey should not be sentenced to death. But I was a young woman then and the other jurors were older people, and some of them said he ought to be sentenced to death so he wouldn't get out of prison again. I didn't think we should sentence him to death, but I felt I had to go along with the others.

I still do not believe that Mr. Mincey should be put to death. It has been 20 years since we sentenced him, and I have never felt that he should be executed. It has weighed very heavily on my mind ever since. I feel that Mr. Mincey should be sentenced to life imprisonment without the possibility of parole. That's what I wanted 20 years ago, but I didn't have that choice. I feel that life without parole is the appropriate solution now.

2. The jury had already been informed that both Jenkins and Jones were eligible for parole, even with life sentences.

See Affidavit of Susan S. Strickland.

**CONTRARY TO THE ASSERTIONS OF THE PROSECUTION,
TERRY'S PRISON RECORD HAS BEEN EXEMPLARY FOR NINETEEN YEARS,
FILLED WITH SELF-IMPROVEMENT AND CARING AND LASTING RELATIONSHIPS**

As a result of the misinformation received by the jurors, they were coerced into making their verdict. The parole issue and the manufactured evidence were not the only untruths presented to the jurors: the prosecutor's predictions of future violent and assaultive behavior of the Terry Mincey they portrayed as a remorseless and merciless killer have proven to be similarly untrue. **Terry Mincey has gotten into trouble while incarcerated for the past nineteen years just once. Fourteen years ago, he refused on one occasion to place a food tray back on the cart.** See Disciplinary Report. The performance sheets composed by his inmate counselors bear out the fact that Terry has been a model inmate. Here are some examples:

10/83	Adjustment to H-3 since arrival has been appropriate.
11/85	Participates in crochet program.
1/86	Continues participation in crochet program and yard sports. Appropriate behavior for period.
3/86	Continues to receive visits from friends and family. Continues to have cooperative attitude.
11/87	Terry seems to be coping with daily situation well at this point.
6/88	Client is encouraged to become involved in high school refresher courses.
8/88	Client continues to get along well in the cellblock and no problems are reported.
6/89	Inmate's behavior continues to be appropriate with no major problems or needs assessed.

2/90 Mincey related no major problems or needs this period. His behavior in G-1 is satisfactory.

2/91 No behavior problems noted during this period.

8/91 He [Mincey] spends a lot of his time reading and playing board games. He participates in G-house activities and appears to get along with the other inmates. He has presented no management problems.

9/91 Inmate spends most of his time studying the Japanese language, as he has a Japanese friend that visits him occasionally. Attitude and behavior appear to be appropriate.

11/91 Mincey has been working on an afghan which he recently completed. He has kept himself constructively occupied and has related no problems.

12/91 He is interested in organ donation and is reading all available material on it and plans to write letters so that inmates may be given an opportunity to donate theirs. He does a lot of reading and crocheting. His attitude and behavior continue to be satisfactory.

8/92 He [Mincey] participates in the crochet program. Keeps himself constructively occupied. Related no problems at this time.

4/93 He [Mincey] has related no problems this month.

6/93 He [Mincey] participates in crochet program and reads a lot. He has related no problems this month.

4/94 Inmate has related no problems this reporting period; he has kept a low profile, presented no management problems.

6/94 This inmate does a lot of reading. He has presented no management problems.

10/94 He [Mincey] seems to be able to get along with staff/peers.

3/95 Seems to have good staff/peer relationship. File continues to remain DR free. No major problems indicated.

8/95	Behavior is appropriate.
1/96	No behavior problems noted.
10/96	No behavior problems noted.
3/97	No behavior problems noted.
12/97	No behavior problems noted.
7/98	No major problems during this reporting period.
10/98	He [Mincey] likes to read, participate in yard call, and does weaver craft.
2/99	Reads a lot, self-improvement materials.
6/99	Mincey participates in yard call and, does a lot of studying (Japanese), reading.
12/99	Mincey reads, does crochet occasionally, participates in G-house recreation, has caused no management problems.
5/00	He [Mincey] keeps constructively occupied by crocheting, participating in yard call, reading, receives some visits including pastoral visits. Attitude and behavior appropriate.
8/00	Enjoys learning foreign language. No DR's in the past year.
4/01	Reads constantly, stimulating his mind, maintains sobriety. Overall he appears to follow institutional rules.

See GD&CP Performance Sheets.

Simply put, the records have not borne out the prosecutor's speculation. They illustrate the opposite conclusion. What is seen is a human being with an insatiable thirst for knowledge who has flourished in a controlled, institutional setting, making friends around the country and world and forming caring, stable, and loving relationships with them:

The man we see today is humorous, thoughtful, and creative – he has made me an afghan and on Christmas knitted a scarf and cap for me. When the prison Scrabble game

board wore out and with some restriction about purchasing a new one, he made his own game board and tiles from plastic. He has calmed me down when I became exasperated at some of the prison rules...explaining to me that someone has abused the privileges and so restrictions became necessary. I know Terry has searched to find a way to give life meaning and purpose. He has proposed that death be administered in such a way that his organs could be donated to give life to others. I would trust him to speak meaningfully and truthfully to older children I might bring to visit him.

See Letters From Family and Friends.

The testimony this Board will hear when it convenes will include statements from people whose lives Terry has touched over the past nineteen years – men, women, and children to whom Terry has been a friend, a wellspring of humor, and a source of emotional support as they have confronted life's most trying moments – facing up to one's alcoholism, grieving the death of a parent, and suffering severe brain injury as a result of a car accident. Terry has been there for each of them with gentle comfort and insight.

It is readily apparent that Terry Mincey, as he stands before the Board, is much different from the twenty-one year old man who stood before a jury in Bibb County in 1982. He is a much different individual from the one that was involved in the tragic events of April 12, 1982. He is well aware that his actions that fateful evening hurt many people and expresses continual remorse regarding his role. This remorse will be evident in the live testimony that is presented to this board and is evident in the included letters from Terry's family and friends. For example, a longtime friend notes,

Terry indicated to me that he was so overwhelmed by what had happened that he found it hard to imagine how he could ever begin to make amends or relieve the burden of guilt, which included not only what had happened to the crime victims, Peterman and Riggs, but their families and even to his own.

See Letters From Family and Friends. Terry himself has reflected long and hard over the events of April 12, 1982 and his role in those events. In an attempt to explain his

process of self-examination, (because he acknowledges he has no explanation for the tragedy itself), he has referred close friends to the following passage from Chaim Potok's Wanderings:

This happens: a man will perform a sudden unthinking act of heroism or horror, and then spend much of his life in an effort to penetrate into himself and search out the hidden source of his deed.

Often there is no source other than the irrationality that is the underground ocean upon which our species floats.

Often he will invent a source, and that will be his frail raft of reason.

But on occasion he will discover feelings and ideas buried deep within himself, frightening ideas, for they are at odds with everything he has been taught to hold dear – and yet somehow they seem to him burning and blinding with truth – and he will try to see the shape of them, but they may yet be without form through he senses their power and is alternately attracted and repelled by their luminescence.

Then he will haul them out of himself and stare at them in fear and astonishment, as does Moses in the wilderness.

Or, in Terry's own words, much simpler,

Maybe everyone doesn't want help but I know a few such as me do want help. Remorse is a word I never felt or thought about until I got myself into this. How anyone can be happy with what happened beats the hell out of me. I can't change what has happened but I know that I can try to help in the prevention of it happening again. I don't have the expert knowledge to write a book but I'm going to try and use enough first hand knowledge to make notes so someone can make something useful to help people.

Id.

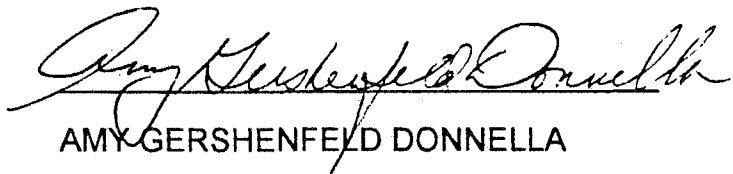
CONCLUSION

On behalf of Mitchell Terry Mincey, I, Amy Gershenfeld Donnella, Counsel for the Petitioner, respectfully request that the Board order commutation of his death sentence. This case is deserving of relief. The evidence shows that the co-defendant most culpable in the murder of Paulette Riggs, Tim Jenkins, received only a ten year

sentence. The evidence shows wholly improper conduct used by the prosecution for the purpose of securing a death sentence. The evidence shows that Terry Mincey did not fire the fatal shot for which he is about to be executed. Similarly, the evidence shows that the Terry Mincey that took part in the tragic events of April 12, 1982 is not the same Terry Mincey that asks for the mercy of this Board today. The evidence shows that Terry Mincey has shown exemplary behavior while incarcerated and is a thoughtful and caring individual who has much to offer to the world around him. The evidence shows that Terry has enriched the lives of many of us who know him, who love him, whose lives would be diminished by his death.

I beg of this Board to grant Mitchell Terry Mincey's plea for mercy.

FILED THIS 23rd DAY OF OCTOBER, 2001.

A handwritten signature in cursive script, reading "Amy Gershenfeld Donnell".

AMY GERSHENFELD DONNELLA

COUNSEL FOR MITCHELL TERRY MINCEY

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AFFIDAVIT OF MICHELE M. REAGAN

I, MICHELE M. REAGAN, having been duly sworn hereby says:

1. My name is Michele M. Reagan. I am over twenty-one years of age and competent to testify to the truth of the matters set forth herein.

2. My married name is Michele M. Reagan. My maiden name was Michele M. McCook. I was at the Mini Foods store on Houston ~~Street~~ ^{20 Mr.} in Macon the night Paulette Riggs and Mr. Peterman were shot. I testified at Terry Mincey's murder trial about some of what happened that night.

3. My brother, Bubba McCook, and I were inside the Mini Foods store when Terry Mincey came inside with a gun. Mr. Mincey ordered us to go outside and get into a car. As we walked towards the cars, I saw another man standing near the ice machine that was at the corner of the store. His arms were crossed and in his hand, which was resting on his forearm, was a hand gun. He was with Terry Mincey that night. I later found out that his name was Tim Jenkins.

4. Jenkins was holding his hand gun in plain view. ^{MR Mincey} ~~ordered~~ ordered me and my brother to walk around to the side of the store. There was a trash dumpster back there ^{and we stood next} ~~and we stood next~~ stand next to it. Jenkins then came around to the side of the building with Paulette Riggs. He had Ms. Riggs by the arm and he had his gun pointed at her. About this same time, Terry Mincey went out toward the gas pumps and shot Mr. Peterman.

5. My brother told me to run once we saw Mr. Peterman get shot. My brother said something about making a break for it and we did. As I ran away from the store, Jenkins was holding Paulette Riggs by the arm with the gun pointed ~~at her~~ *toward her body. MR*

6. I fell down about three times as I was running away and decided to stay on the ground and play dead. My brother kept running and knocked on the door of a nearby house. As we were running away, I heard ^{*four or five MR*} more shots. I also heard Ms. Riggs scream.

7. I spoke with District Attorney Will Sparks that night and told him about the information in this affidavit. I remember being in his car and telling him what happened. Prior to my testimony at Mr. Mincey's trial, District Attorney Sparks told me to only answer the questions that he asked me.

8. Tim Jenkins never told us to run that night. My brother and I ran that night after Mr. Peterman was shot because we believed that Jenkins was going to shoot and kill us. I know that Jenkins has been released from prison. I am concerned about providing this information because I am afraid that Jenkins will harm me, my family and my brother if he learns about my statement. I am very troubled by how this case was handled. I do not understand how District Attorney Sparks could give Mincey the death penalty while Jenkins is out of prison and a free man. This really bothers me because the last thing I saw before I ran away was Jenkins holding a gun on Ms. Riggs and I told that to District Attorney Sparks. Because of what I saw, I can not help but think that Jenkins may have shot Ms. Riggs.

I swear the foregoing is true and accurate to the best of my knowledge this 19 day of
October, 2001.

FURTHER AFFIANT SAITH NAUGHT.


MICHELE M. REAGAN

Sworn to and subscribed to before me this 19th day of October, 2001.


NOTARY PUBLIC, STATE OF GEORGIA


Notary Public, Clarke County, Georgia
My Commission Expires June 9, 2002


State of Georgia
County of Bibb



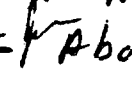
Affidavit of James McCoek

I, James McCoek, Having been duly sworn hereby says:

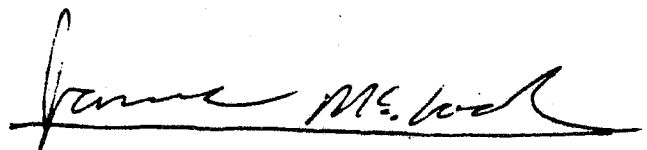
1. My Name is James McCoek. I am over the age of Eighteen and competent to testify to the matters set forth herein.
2. While my Name is James, I am also known as Bubba. I testified at Terry Mincey's murder trial in Macon in 1982. I testified to some of the things that happened at the Mini Food Store on Houston Road.
3. I was in the Mini Food Store with my sister, Michelle McCoek, and Paulette Riggs. Terry Mincey came in the store and pointed a gun at me. He ordered me and my sister to go outside. He walked along the front of the store and ~~and~~ saw the other man standing there. He also had a handgun.
4. The second man's name is Tim Jenkins. Me and my sister walked over to the side of the building. A little while later, Jenkins came over to the side of the building with Ms. Riggs. He had her by the arm. He was pointing a gun at her.
5. At about the time Jenkins had Ms. Riggs

By the men while pointing a gun at her, Terry Mincey went at by Gas Pump + shot Mr. Peterman. We were still by the tank dumpster. 

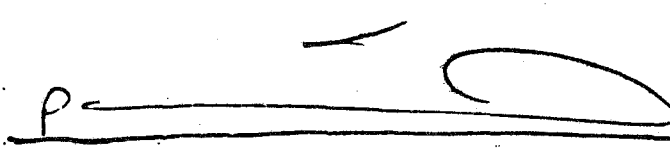
5.  I figured that we were going to be shot, too. ~~So~~ So, I told my sister to run. We both ran away. Jenkins was still standing there holding Ms. Riggs with his hand gun pointed at her. Jenkins did not tell us to run.

6. After ~~we~~  we ran ~~we~~  I heard four or five more shots. I ran to a neighbors house. I talked to Will Sparks ~~about~~  about what happened. ~~He~~ He told me that he needed me to testify. He said it was very important since we were eye witnesses. I thought ^{all this} ~~all this~~ would we be tried for murder.

I swear the foregoing is true and accurate to the best of my knowledge this 19th Day of October, 2001.


JAMES MCLOCK

Sworn to and Subscribed to on the 19th Day of October, 2001.


Notary Public, State of Georgia
Notary Public, Clarke County, Georgia
My Commission Expires June 9, 2002

State of Georgia
County of Clayton

AFFIDAVIT OF JULIE CHAVIES

I, JULIE CHAVIES, having been duly sworn hereby says:

1. My name is Julie Chavies. I am over the age of twenty-one and competent to testify to the matters set forth herein.

2. I was married to Tim Jenkins for about one year back in 1982. Tim was arrested, along with Terry Mincey and Bobby Jones, about two weeks after Tim and I were married. They were charged with murder and all three of them went to prison. I didn't divorced Tim until after he went to prison.

3. I spent some time with Terry on the night of the murder. I remember that he stopped by our place and was upset with his girlfriend. Terry stayed for a while and then left. I was in school at the time and studying, so I stayed home.

4. Later that night Tim came home really late. He was very nervous, pacing around, and mumbling to himself. I got up and saw that he was in the bathroom scrubbing his hands with Ajax. After scrubbing his hands, he cleaned his gun. Tim bought the gun a few weeks before this happened. Tim was very hyper while cleaning his gun. I remember asking him what was going on and he kept saying that he was with Terry and that they did a terrible thing. Tim did not want to tell me too many details about what had happened earlier that night, but he did say that he had to figure out what to do because of the mess that him and Terry had gotten themselves into. At one point, Tim said, "I did a terrible thing -- we were getting high and riding around and we killed them." I didn't know what to think.

5. The police came to the house the next morning and arrested Tim. They also searched our place and took Tim's gun. I was stunned that morning when the police showed up. I just couldn't believe that Tim was serious when he said something about him and Terry killing someone. The police returned Tim's gun to me a few months later. I gave the gun to my father, and as far as I know, he still has Tim's gun.

6. I talked with the District Attorney Sparks not too long after Tim was arrested and he told me that Tim was going to be held responsible for the woman's death. I told the District Attorney Sparks what happened when Tim came home late that night. I told him about Tim scrubbing his hands, cleaning his gun and the statement he made about him doing a terrible thing. Sometime shortly after my conversation with District Attorney Sparks, Tim told me that he was going to plead guilty. I met with District Attorney Sparks and someone else from his office several time after this. They wanted my help in prosecuting Terry and said it would help my husband. District Attorney Sparks never asked me again about what Tim did or said that night. They were more interested in Terry. They asked me about statements Terry made to me while in jail. Terry never would talk to me about what Tim did that night. He said that he was "not a snitch."

7. I can still remember how surprised and frightened I was when I learned about the things that Tim and Terry had done to those people at the gas station that night. I just couldn't believe that I was married to a man who would do such a thing and I was thankful that he never hurt me.

8. After Terry Mincey was put on death row, one of his lawyers came to see me. I signed an affidavit in September 1993. Terry's lawyer told me that Tim testified that he was in the car

when the woman was killed and he never fired his gun. All I could think about was that Tim had just got out of prison. I did not tell Terry's lawyer about Tim scrubbing his hands and cleaning his gun. I didn't really want to tell Terry's lawyer about how Tim was nervous and all of the things that he was saying and doing that night. I knew that Tim had just gotten out of prison and I did not want him to find out that I was telling on him. I was so afraid that Tim would hurt me if I was saying something that would send him back to prison or to death row.

9. When I was talking to Terry's lawyers in 1993, I remember telling them that it was not fair that Tim got out of prison while Terry was on death row. However, I did not tell them about Tim scrubbing his hands and cleaning his gun because I was terrified and I figured that Mr. Sparks would know that it wasn't fair that Terry was on death row and Tim was out of prison. I figured that Mr. Sparks would fix it and make it fair. So I just told Terry's lawyers that Tim said something bad happened and that I thought it involved drugs. I just didn't know what else to do because I was frightened.

10. I have recently been contacted again by people working with Terry's lawyer. They told me Tim is still out of prison and Terry is scheduled to be executed on October 25th. As we were talking about what happened at the gas station, I told them about what happened that night when Tim came home. I told them about Tim scrubbing his hands and cleaning his gun and how Tim told me that he was there when the lady was killed. I now feel that I have to talk about what Tim did when he came home the night after the woman was killed and what he said to me while in jail before Terry's trial. I always thought that Mr. Sparks would make sure that the judge knew what I told him about Tim. I now know that never happened.

I swear the foregoing is true and accurate to the best of my knowledge this ^{15th JC}~~14th~~ day of
October, 2001.

FURTHER AFFIANT SAITH NAUGHT.

Julie Chavies
JULIE CHAVIES

Sworn to and subscribed to before me this ^{15th}~~14th~~ day of October, 2001.

[Signature]
NOTARY PUBLIC STATE OF GEORGIA

STATE OF GEORGIA
COUNTY OF FULTON

AFFIDAVIT OF R. ROBERT TRESSEL

Personally appeared before the undersigned officer duly authorized by law to administer oaths, R. Robert Tressel, who being duly sworn, states as follows:

1. I, R. Robert Tressel, am a forensic investigator in private practice. Over the course of the past twenty-seven years as a Homicide Investigator and as a Medical Examiner's Investigator, I have processed and examined over five hundred homicide scenes in the State of Georgia. A copy of my curriculum vitae is attached to this affidavit.

2. This past week, I was retained by counsel for Mitchell Terry Mincey, to review and examine evidence regarding the homicide of Paulette Riggs and the assault of Russell Peterman in Bibb County, Georgia on April 12, 1982. I was asked to analyze the available information regarding the crime scene and the physical evidence collected and to provide my professional opinion as to whether the evidence supports the State's theory of the homicide case - that Mr. Mincey was responsible for firing both shots that struck Mrs. Riggs. I have also been asked to provide my expert opinion as to whether the statements and testimony from Mr. Mincey's two co-perpetrators is consistent with the physical evidence and the State's theory of the homicide.

3. In the course of my analysis, I have reviewed the following documents:
Guilt Phase Summations; GBI DOFS reports (4/28/82, 5/3/82) GBI Autopsy Report (Paulette Riggs) (4/21/82); GBI Autopsy Report (Paulette Riggs) (4/21/82); Bibb Co. Medical Examiner's Report (4/14/82); Notes on Autopsy of Paulette Riggs (composed by Capt. J.M. Modena, n.d.); Return Slip for Jenkins' .38 Arminius (9/30/82); List - "Evidence Not Taken To Crime Lab";

Trial Testimony of Jim Higgins (BCSO); Trial Testimony of Dr. Leo Erbele (Bibb Co. ME); Trial Testimony of Jay Jarvis (GBI); Affidavit of Julie Chavies (10/15/01); Crime Scene Diagram (Inv. Smallwood, 4/13/82); Photo of Llama .380 (recovered from Mincey residence); Supplemental Report of Jim Higgins re: Crime Scene Investigation (4/15/82, 4/16/82); Ambulance Trip Report/Hospital Record (Paulette Riggs); Body Diagram (Paulette Riggs); DA's Sketch of Crime Scene; Original Statement of James "Bubba" McCook (aka McCulloch); DA's Interview Notes of James "Bubba" McCook (aka McCulloch); Trial Testimony of James "Bubba" McCook (aka McCulloch); Original Statement of Mechele McCook; DA's Interview Notes of Mechele McCook; Trial Testimony of Michele McCook; Original Statement of Russell Peterman; Trial Testimony of Russell Peterman; Statement of Timothy Jenkins (4/12/82); Statement of Timothy Jenkins (4/13/82); DA's Notes of Interview with Timothy Jenkins; Trial Testimony of Timothy Jenkins; Statement of Robert Jones (4/13/82); Statement of Robert Jones (4/13/82) (unedited); Statement of Robert Jones (4/13/82) (edited); DA's notes of Interview of Robert Jones; Trial Testimony of Robert Jones, Affidavit of James McCook, Affidavit of Mechele Reagan, Affidavit of John Hanusz, Affidavit of Jeffrey Walsh, Affidavit of Kelly Fite, Affidavit of David Holcomb and the file of the Bibb County Coroner which included color photographs of the scene and the autopsy of Mrs. Riggs.

4. I fully concur with Mr. Fite's conclusions and the bases for his conclusions: 1) that the behavior of Jenkins after the crime as described by his wife is consistent with someone who had just fired a handgun and who was trying to destroy any evidence that he had just fired the handgun; 2) that an insufficient investigation was conducted concerning the ballistics evidence in this case and that improper evidence handling techniques resulted in the loss of crucial evidence

which would have conclusively established the caliber weapon which fired the fatal shot; and 3) that despite the loss of this evidence, the available evidence supports the theory that the fatal shot was from the Arminius .38 caliber revolver. In addition to concurring with these conclusions, I offer my professional opinion on the following matters:

THE FATAL SHOT WAS THE FIRST SHOT

5. Based upon my review of the file of the Bibb County Coroner which included color autopsy photographs and the trial testimony of then-Bibb County Coroner Dr. Leo Erbele, Mrs. Riggs sustained two (2) bullet wounds, both to the head.. Dr. Erbele testified that one of the shots was fatal. The projectile which caused Ms. Riggs' death entered on the right side of her head above her ear and traveled downward at an almost straight trajectory and exited from the right side of her neck. The autopsy photographs show that at the point where the bullet left the neck it created a wound which "gulleyed" the outer layers of the skin. There is no indication that it reentered the body after exiting the neck. Dr. Erbele noted on the autopsy chart that there was a bruise on the right shoulder below the exit wound. This bruise is consistent with the trauma caused when the bullet exited the neck and struck the shoulder. At the time of the autopsy, Dr. Erbele had the x-rays from the emergency room. He obviously saw the "fatal" bullet on the x-ray and initially attributed it to an old bullet wound on the autopsy chart. By the time of trial, he had concluded that this was actually the fatal bullet that had exited the neck and fell into Mrs. Riggs' clothing:

It apparently was in the clothing, because one X-ray showed this other bullet on the film, but it was not in the body, nor was there any wound to the trunk [of her body]; so apparently that other bullet had fallen in the clothing and got lost.

(Trial Transcript at 100.) I concur with Dr. Erbele's trial testimony that the bullet exited the neck and fell into Mrs. Riggs' clothing. This is also consistent with the exit wound and corresponding bruise on the right shoulder as the impact point. As Mr. Fite opined, proper evidence handling techniques would have prevented the loss of this critical piece of evidence.

6. As noted by Dr. Erbele in his trial testimony, the nonfatal wound was caused by a bullet that entered Mrs. Riggs' head in the left ear area. The course of this bullet's travel was left to right, back to front, and downward. It came to rest lodged in the skin underneath the right cheek. Dr. Erbele noted a bruise on her cheek corresponding to the bullet under the skin. This type of bruising is entirely consistent with the trauma caused when the bullet came to rest under her skin. This phenomenon occurs when there is an object flush against the skin when the bullet impacts the inner side causing the bruise. In this case, the location of the nonfatal projectile in the right cheek and the corresponding bruise on the outer cheek is entirely consistent with a scenario where Mrs. Riggs becomes incapacitated by the fatal shot and falls to the ground with her right cheek against the ground when the nonfatal shot is fired at her. Based upon these clear objective factors, it is my expert opinion that the fatal shot was the first shot.

**THE FATAL SHOT WAS FIRED FROM A HIGH VELOCITY HANDGUN
CONSISTENT WITH THE ARMINIUS .38 REVOLVER**

7. The fact that the fatal bullet penetrated Mrs. Riggs' skull, cranial cavity and the brain membrane forcing skull shards into the brain and then traveled through the brain ultimately exiting in the right neck is consistent with the type of wound caused by a high velocity projectile such as a .38 caliber bullet. The wound inflicted is inconsistent with one that would be created by a .380 caliber bullet. The velocity and mass of a .38 caliber bullet, and thus, it's potential for causing

tissue damage, is considerably greater than that of a .380 caliber bullet. This is why virtually all law enforcement agencies issue officers handguns of .38 caliber or greater to insure that the weapon has sufficient "stopping" power. Similarly, it is telling that all three shots which were clearly fired by the Llama .380 did not exit either Mr. Peterman's nor Mrs. Riggs' bodies. It is my professional opinion that the wound caused by the fatal bullet is consistent with being fired from the Arminius .38 caliber revolver and not the Llama .380 automatic.

THE PHYSICAL EVIDENCE IS INCONSISTENT WITH STATEMENTS OF THE CO-PERPETRATORS

8. The support for the State's theory that Mr. Mincey fired both shot into Mrs. Riggs comes from the testimony of Jenkins and Jones. The State offered no physical evidence to support the theory that the fatal shot was fired by Mr. Mincey. The failure to find a fourth .380 cartridge casing at the scene in the vicinity of Mrs. Riggs' body completely undermines the testimony of Jones and Jenkins. There is no question that if there indeed was a fourth cartridge case present at the scene, it would have been found. Evidence Technician Jim Higgins notes in his supplemental report that the grassy area where the body was located was swept with a metal detector with negative results. A view of the crime scene photographs show that the area in question is very defined and covered by short trimmed grass making a search for a casing relatively simple.

9. In his pretrial statement taken on April 13, 1982 at 1300 hours, Jones indicates that after shooting Mrs. Riggs the first time, "Terry [Mincey] then walked over to her and [put] the gun about six to twelve inches away from her head and shot again." At trial, he said that Mr. Mincey bent down and shot Mrs. Riggs again. Trial testimony of Mr. Jones at 306. Under either

scenario, there should have been clear signs of stippling and gunpowder residue around the bullet entry wound. Dr. Erbele does not report the presence of either stippling or gunpowder residue around either wound on Mrs. Riggs. Based upon the statement and testimony of Jones' description of the second shot stippling and gunpowder residue would have been present. The absence of stippling is confirmed by the photographs I have viewed of both gunshot wound to Mrs. Riggs head. This absence of stippling and gunpowder residue indicates that the bullets were fired from a gun which was more than thirty-six (36) inches away from Mrs. Riggs when fired which is entirely inconsistent with either scenario presented by Jones.

**THE STATEMENTS OF THE CO-PERPETRATORS
SUPPORT THE THEORY THAT JONES FIRED THE FATAL SHOT**

10. In any criminal case where you have two or more co-perpetrators who are providing evidence against another perpetrator, investigators need to be cognizant of the whether the cooperating co-perpetrators had an opportunity to "get their story together." In this case, Jones and Jenkins both confirm in their pretrial statements and trial testimony that after the crimes Jones dropped Mr. Mincey off first. This provided Jones and Jenkins the opportunity to coordinate their stories.

11. Another significant factor to look for with cooperating co-perpetrators are inconsistent statements. In this case, there are a number of statements given by Jones and Jenkins pretrial and numerous inconsistencies in the statements. Jones signed three handwritten statements to investigators on April 13, 1982 and gave a fourth statement as evidenced by handwritten notes of the district attorney. Jenkins signed two handwritten statements to investigator on April 13, 1982 and gave a third statement to the district attorney. District

Attorney Sparks argued to the jury during his closing argument that defense counsel for Mr. Mincey did not cross examine Jones and Jenkins about their pretrial statements because Jones' and Jenkins' pretrial statements were consistent and contained no substantial differences to their testimony. A review of Jones' and Jenkins' pretrial statements reveals numerous inconsistencies and substantial differences in their statements and their testimony. Moreover, neither Jones nor Jenkins were forthright with investigators in their first statements and only after further questioning do they reveal additional information. Finally, some of the more damaging details that are offered against Mr. Mincey appear for the first time during the interview with the district attorney, such as the assertion that Mr. Mincey said "I could get the chair for this." Because of the urgency of this case, I am unable to catalog the numerous inconsistencies and discrepancies that mitigate Jones' and Jenkins' role and aggravate Mr. Mincey's role. Instead, I focus below on the several major factors from their statements and testimony which support the theory that Jenkins fired the fatal shot into Mrs. Riggs.

12. In the first two signed statements given by Jones, he does not say that he saw Mr. Mincey shoot Mrs. Riggs. Instead, he said in his first statement that "Terry started chasing them and caught the woman. I heard *one shot* and Terry run a[nd] go in the car." In his second statement, Jones stated that "Terry chased them and caught the woman. The other boy [Jenkins] got back in the car. I then heard *a shot*. Terry ran back to my car and got in and said 'Lets' go for it.'" In both of these statements, Jones is saying that Mr. Mincey only shot Mrs. Riggs once. In the second statement, he is adding the fact that Jenkins is in the car before he hears the one shot. Jones had a reason for attributing only one shot to Mr. Mincey and for making sure that Jenkins was in the car before he heard the one shot – one reason would be that Jones fired one of

the two shots into Mrs. Riggs. It is common for criminal defendants who are attempting to shift blame to another to include some aspects of the story that are true. Attributing only one shot to Mr. Mincey in his first two statements is a significant factor in evaluating Jones' subsequent statements.

13. In his third signed statement, Jones' story evolves to him having seen Mr. Mincey shoot Mrs. Riggs twice:

Terry ran the woman down hollering "stop, stop" at her. She did stop and that's when he shot her the first time. I guess he shot her in the neck because she grabbed it and went down on her knees. Terry then walked over to her and the gun about six to twelve inches away from her head and shot again.

In direct contradiction to this statement, Jenkins, who is sitting in the same car as Jones, claims that he could not see Mr. Mincey shoot Mrs. Riggs because the dumpster blocked his view.

According to Jenkins, he only saw Mr. Mincey chase her, heard Mrs. Riggs say something and then heard two shots. During his interview of Jones, the district attorney seemed to raise the same concern with Jones about the dumpster blocking his view. At trial, Jones gives yet another version of the Riggs shooting which incorporates the dumpster as an obstacle and shifts back to hearing the shots, but not actually seeing Mr. Mincey shoot Mrs. Riggs:

A. Well, I heard a shot, and I saw her hand come up behind her neck like that.

Q. You heard a shot. Was she still facing in this direction?

A. Yes, sir.

Q. And you heard a shot, and you could see this lady that you now know to be Mrs. Riggs reach back and grab her neck, is that right?

A. Right.

Q. What happened after that?

A. Well, she fell out of my view.

Q. All right. Tell us, why was she out of your view, what was blocking your view?

A. This dumpster between the car and where she was at.

Q. How high is that dumpster out there?

A. Just a little less than shoulder height.

Q. So if a person, if you were sitting in the car and a person was standing erect, could you see them over the dumpster?

A. See their heads and shoulders, that's it.

Q. What you are saying is that after she fell, then, you couldn't see her because of the dumpster, is that right?

A. Yes.

Q. Tell us what happened after that.

A. Well, I saw Terry's head bend down, and I heard another shot.

Q. Tell us what happened after that, Mr. Jones.

A. Terry just come got back in the car.

Trial Testimony of Mr. Jones at 306-7. Moreover, it is significant to note that Mr. Perterman testified that Jones' Mustang was backed into the lot. This means that Jones' vantage point from the front seat of the car could not have been better than Jenkins' alleged view from the back seat. None of these major discrepancies were brought out at trial by Mr. Mincey's counsel on cross-examination or in closing argument.

14. Jones and Jenkins also tell an entirely different story about Jenkins involvement with the McCooks and Mrs. Riggs after they exit the store. According to Jones, when the McCooks exited the store, Jenkins "pointed toward the ice machine and said 'stand right over here.' The kids done what he said and stood there." Jones' April 13, 1982, 1300 hours statement. His testimony at trial was consistent with this statement. In contrast, Jenkins insists that when the McCooks walked out of the store they walked past him, around the corner of the store and that was the last he saw of them. According to Jenkins, the McCooks were gone around the side of the store before Mrs. Riggs and Mr. Mincey left the store. This glaring discrepancy can not be reconciled.

15. The discrepancy between Jones and Jenkins continues with Mrs. Riggs' exit from the store. Jones claimed that Mr. Mincey told Mrs. Riggs to go over and stand with Jenkins and the McCooks and that she did that and put her arm around the McCooks. Jones said that Jenkins kept the McCooks and Mrs. Riggs there and watched them as Mr. Mincey approached Mr. Peterman. According to Jones, the McCooks and Mrs. Riggs stood at the ice machine with Jenkins until Mr. Mincey shot Mr. Peterman. At that point, Jones testified that the McCooks and Mrs. Riggs started to run around to the back of the store. He said the McCooks were only six to eight feet in front of Mrs. Riggs. Jenkins' story is nothing like Jones' story. As set forth above, Jenkins said the McCooks have already left when Mrs Riggs comes out of the store. According to Jenkins, when Mrs. Riggs came out of the store he walked away from the store - 10 to 15 to 20 feet depending on the statement - so that Mrs. Riggs could pass behind him and not be able to identify him. Instead of leaving, Jenkins' version is that Mrs. Riggs stays behind him and twice asks him if he was with Mr. Mincey. According to Jenkins, he pointed to the rear of the store to

get her to go. The second time, he told her "Go." Jenkins testified that he never turned to face Mrs. Riggs so she would not recognize him and did not talk so she would not recognize his voice. Again there is no way to reconcile Jenkins' testimony with Jones' testimony.

16. The McCooks' pretrial statements and testimony however are consistent with Jones' version of the events in front of the store. The McCooks clearly indicated that they remained there with Jenkins at the ice machine and that when Mrs. Riggs came out Mr. Mincey turned Mrs. Riggs over to Jenkins and they all stayed there until Mr. Peterman was shot and then the McCooks ran. In the district attorney's notes of his interview of Ms. McCook, he notes that she said that Jenkins took Mrs. Riggs when she came out and later took Mrs. Riggs towards the car. The McCooks were also very clear that Jenkins never told them or Mrs. Riggs to go or to run. Mr. Ballard also raises further questions about the credibility to both Jones' and Jenkins' testimony that Jenkins got in the car before Mrs. Riggs was shot. According to Mr. Ballard, after the gunfire stopped, he reported seeing seeing white males – not a white man – getting into the car.

17. A final analysis of the conflict leaves Jenkins' version of the story at odds with Jones' and the McCooks' version. An objective investigator would ask why did Jenkins go to such great lengths to distance himself from the McCooks and Mrs. Riggs at the front of the store. An objective investigator would ask why did Jenkins try so very hard to convince the jury that Mrs. Riggs never got a look at his face and remained behind him at all times. An objective investigator would ask why would Jenkins be so clearly afraid of Jones' version of his role outside the store. The simple and obvious answer would be that Jones' version put Jenkins in a position where he had a motive and opportunity to shoot Mrs. Riggs. She clearly had ample opportunity

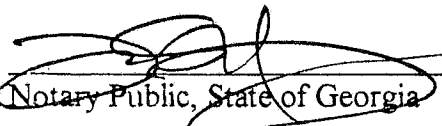
with his Arminius .38 caliber revolver.

This affidavit is true and correct to the best of my knowledge and based upon my personal review of the evidence and materials provided to me.

Executed on this 22nd day of October, 2001.


R. Robert Tressel

Sworn to and subscribed before me this 22nd day of October, 2001.


Notary Public, State of Georgia

My Comm. Expires 12/31/2003

CURRICULUM VITAE

RALPH ROBERT TRESSEL

DATE OF BIRTH: July 18, 1953

NATIONALITY: U. S. Citizen

MARITAL STATUS: Married, Two Children

WIFE: Teresa Diane Langston Tressel

HOME ADDRESS: 447 Cotton Mill Drive
Hiram, Georgia 30141

PROFESSION: Forensic Investigator/Consultant in
Forensic Evidence and Investigation

TITLE: Owner - Forensic Investigative Services

EDUCATION: Graduated - Sprayberry High School 1971
Kennesaw Jr. College 1972-1973

SPECIALIZED TRAINING: Basic Recruit Training
Cobb Regional Police Academy
1973 80 hours

Basic Mandate Training
Georgia Police Academy
1973 120 hours

Robbery & Burglary Seminar
Cobb Regional Police Academy
1975 16 hours

Rape Investigation Course
Cobb Regional Police Academy
1975 16 hours

Governor's Crime Awareness Program
Cobb Regional Police Academy
1975 16 hours
1976

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Sex Crimes Workshop
Georgia State University
1976 40 hours

Arson & Bomb Workshop
Cobb Regional Police Academy
1977 40 hours

Basic Hostage Negotiations
F.B.I. - Atlanta, Georgia
In Association with F.B.I.
Quantico, Va
1977 40 hours

Advanced Criminology
Georgia Police Academy
In Association with F.B.I.
Quantico, Va
1978 40 hours

Homicide Investigation
University of Georgia
1979 40 hours

Terrorism Seminar
University of Georgia
1979 40 hours

Police Supervision
University of Georgia
1979 40 hours

Interviews & Interrogations
Georgia Police Academy
1979 40 hours

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RALPH ROBERT TRESSEL

Police Discipline
Cobb County Police Department
1980 4 hours

Firearms Investigation Techniques
Department of the Treasury
1981 40 hours

Stress Management
Cobb County Police Department
1981 4 hours

Blood Stains/Spatter Workshop
Florida Institute of Law Enforcement
St. Petersburg, Florida
1981 40 hours

Sex Crimes
Georgia Police Academy
1981 40 hours

Interviews & Interrogations Level II
Georgia Police Academy
1981 40 hours

Hostage Negotiations
Cobb Regional Police Academy
1982 16 hours

Search & Seizure
Cobb Regional Police Academy
1982 16 hours

Computer Applications in Law Enforcement
Georgia Police Academy
1984 40 hours

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RALPH ROBERT TRESSEL

Search Warrants & Affidavits
Georgia Police Academy
1984 16 hours

Law Enforcement Supervision
Georgia Police Academy
1984 120 hours

Medico-Legal Death Investigation
St. Louis University School of Medicine
St. Louis, Missouri
1985 40 hours

Arson Investigation Seminar
Atlanta, Georgia
1986 16 hours

Homicide Investigation
National Law Enforcement Institute
Atlanta, Georgia
1986 16 hours

Police Medico-Legal Investigation of Death
University of Miami School of Medicine
Miami, Florida
1986 40 hours

Bloodstain Evidence Seminar
National Law Enforcement Institute
Santa Rosa, California
1988 40 hours

Satanic & Cult Influences in Homicide
Valencia Community College
Orlando, Florida
1989 28 hours

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RALPH ROBERT TRESSEL

Second National Conference on Child
Fatalities and Physical Abuse
National Center for Prosecution of
Child Abuse
American Prosecutor's Research Institute
San Diego, California
1991 32 hours

Crime Scene Reconstruction
Pattern Injury Interpretation
Dr. Joseph L. Burton
Marietta, Georgia
1985 - Present

Biomechanics and Occupant Kinematics
Dr. Joseph L. Burton
Marietta, Georgia
1990 - Present

PREVIOUS EMPLOYMENT:

Operations Manager
Cobb County Medical Examiner's Office
Marietta, Ga
1985 - 1998 (Retired)

Sergeant, Crimes Against Persons Unit
Cobb County Police Department
Marietta, Georgia
1978 - 1985

Detective, Crimes Against Persons Unit
Cobb County Police Department
Marietta, Georgia
1975 - 1978

Police Officer - Patrol Division
Cobb County Police Department
Marietta, Georgia
1973 - 1975

CURRICULUM VITAE

RALPH ROBERT TRESSEL

ADDITIONAL INFORMATION:

Member

Fraternal Order of Police

Police Officer's Association of Georgia

Instructor

Death Investigation

North Central Georgia Law Enforcement
Academy

1983 - 1998

Homicide Investigation

North Central Georgia Law Enforcement
Academy

1983 - 1998

Crime Scene Processing

North Central Georgia Law Enforcement
Academy

1990 - 1998

Inmate & Jail Deaths

North Central Georgia Law Enforcement
Academy

1990 - 1998

Drug Deaths

Cobb County District Attorney's Drug
Awareness Program

1985 - 1998

Advanced Crime Scene Processing

North Central Georgia Law Enforcement
Academy

1993 - 1998

Advanced Crime Scene Processing

North West Georgia Law Enforcement
Academy

1995 - 1996

CURRICULUM VITAE

RALPH ROBERT TRESSEL

CONSULTANT

- Abused and Battered Children
- Blood Spatter Interpretations
- Crime Scene Reconstruction
- Homicide Investigations
- Traffic Accident Reconstruction
- Injury Pattern Interpretations
- Crime Scene Evidence Collection
- Evidence Collection/Retention

APPOINTMENTS:

January 1990 - Elected to Board Of
Directors National Sudden Infant Death
Syndrome Georgia Chapter

May 1990 - Appointed to the Cobb County
Child Abuse Protocol Committee pursuant to
Georgia H.B. 1318

July 1990 - Awarded Instructors Certificate
to teach Death Investigation to law
enforcement officers of the State of
Georgia
(Renewed 1995)

January 1991 - Assisted the incorporation
of and elected to the Board of Director
of Sudden Infant Death Research Foundation

Fulton County)
State of Georgia)

Affidavit of Kelly Fite

Personally appeared by the undersigned officer duly authorized to administer oaths,
KELLY FITE, who being duly sworn, states as follows:

1. I, KELLY FITE, am over the age of eighteen. This affidavit is made upon my personal knowledge and I am competent to testify to the truth of the matters set forth herein.

Qualifications

2. I was a forensic and ballistics expert with the Georgia Bureau of Investigation for thirty one (31) years from 1968 to 1999. I have been in private practice since leaving the Georgia Bureau of Investigation. My training with the Georgia Bureau of Investigation included course work in crime scene investigation at the Georgia Police Academy in Atlanta, Georgia and the Miami-Dade Crime Scene School as well as extensive specialized training in ballistics. I have taught classes in Crime Scene Investigation and numerous ballistics courses at the Georgia Police Academy.

3. I have testified as an expert witness in forensic ballistics in state courts in Georgia, Alabama, Florida, Maryland and New York. I have also given expert testimony in federal courts in Georgia, Tennessee and Alabama. I have provided expert testimony approximately 2,700 times.

4. I have been asked by the attorneys representing Terry Mincey to offer my expert opinion on ballistics issues in the capital case of State v. Mincey, Bibb County Indictment No. 23067, in light of a newly discovered evidence provided by an ex-wife of the one of Mr. Mincey's

co-defendants.

Documents Reviewed

5. In the course of my evaluation of the ballistics issues in this case, I have reviewed the following materials: GBI DOFS reports (4/28/82, 5/3/82); GBI Autopsy Report (Paulette Riggs) (4/21/82); Bibb Co. Medical Examiner's Report (4/14/82); Notes on Autopsy of Paulette Riggs (composed by Capt. J.M. Modena, n.d.); Return Slip for Jenkins' .38 Arminius (9/30/82); List - "Evidence Not Taken To Crime Lab"; Trial Testimony of Jim Higgins (BCSO); Trial Testimony of Dr. Leo Erbele (Bibb Co. ME); Trial Testimony of Jay Jarvis (GBI); Affidavit of Julie Chavies (10/15/01); Crime Scene Diagram (Inv. Smallwood, 4/13/82); Photo of Llama .380 (recovered from Mincey residence); Supplemental Report of Jim Higgins re: Crime Scene Investigation (4/15/82, 4/16/82); Ambulance Trip Report/Hospital Record (Paulette Riggs); Body Diagram (Paulette Riggs); Guilt Phase Summations; and the sworn affidavit of Julie Chavies. Such materials are among the sources of information which experts in my field normally and regularly rely upon when forming and expressing expert opinions on issues of forensic ballistics.

Findings

• The Chavies Affidavit

6. The State's theory at trial was that Mr. Mincey was the sole shooter at this armed robbery murder. According to the State, neither co-defendant Jenkins nor Jones fired a shot at the scene, although both were armed during the robbery. Co-defendant Jenkins' ex-wife, Julie Chavies, has recently provided a sworn affidavit which provides three facts relevant to my evaluation of the ballistics evidence in this case: 1) that co-defendant Jenkins was scrubbing his hands with an abrasive cleanser when he arrived home that night; 2) that co-defendant Jenkins

cleaned his gun that night; and 3) that co-defendant Jenkins made a statement to his wife that he "did a terrible thing" and that "we killed them." The behavior of co-defendant Jenkins as described by his wife is consistent with someone who had just fired a handgun and who was trying to destroy any evidence that he had just fired the handgun.

• **The .380 Cartridge Cases**

7. There were only three (3) .380 caliber cartridge cases found at the crime scene. Two were recovered near the surviving victim Peterman and one near the deceased victim Riggs. According to the State's theory, Mr. Mincey shot both victims twice with a Llama .380 caliber automatic pistol. If that theory were true, there should have been a fourth .380 caliber cartridge cases at the scene in the vicinity of the deceased victim. A search of the crime scene with the assistance of a metal detector failed to produce a fourth cartridge case. It is significant to note that this scene was secured almost immediately and the parameters of the scene were known to law enforcement investigators.

8. The absence of a fourth .380 cartridge case supports the theory that a second gun was involved in the shooting of Ms. Riggs that was not an automatic and would therefore not eject a cartridge case. On the night of the crime, Codefendant Jenkins was carrying an Arminius .38 caliber revolver which was recovered from Jenkins' house upon his arrest the next morning. If Jenkins had fired the fourth shot from the .38 caliber revolver, that would explain the absence of a fourth cartridge case at the scene. A competent ballistics and crime scene investigation of this case would have explored the possibility that the fatal shot came from Jenkins' .38 caliber revolver.

• The Lost "Fatal" Bullet

9. Mr. Jarvis testified that the one bullet removed from Mr. Peterman and the one nonfatal bullet removed from Ms. Riggs were fired from the Llama .380 caliber automatic pistol that was recovered from Mr. Mincey's home. According to Dr. Erbele, the Bibb County Medical Examiner, the fatal bullet which entered the right side of Ms. Riggs' skull exited through Ms. Riggs neck on the right side. Dr. Erbele testified that this bullet was lost:

It apparently was in the clothing, because one X-ray showed this other bullet on the film, but it was not in the body, nor was there any wound to the trunk [of her body]; so apparently that other bullet had fallen in the clothing and got lost.

Dr. Erbele also testifies that the wounds to Ms. Riggs are consistent with a .38 bullet, the actual caliber of the revolver that codefendant Jenkins had at the robbery.

10. Proper crime scene and evidence handling techniques would have assured that the fatal bullet was recovered, taken into police custody and properly tested. No such tests were done because the bullet was apparently lost in the confines of a brightly lit and sterile emergency room or, more likely, after the body and clothes were taken into police custody. Even more troubling is the fact that there is no evidence that a follow up investigation was conducted to find the "lost" fatal bullet after it became apparent that the bullet was present in Ms. Riggs clothes when the x-rays were taken at the hospital. Because of improper police conduct, the fatal bullet was "lost" and never examined or tested.

• The Missing X-rays

11. A visual inspection of the bullet could have confirmed whether it was a .38 caliber or a .380 caliber bullet. Although both caliber bullets are essentially same diameter, the .38 caliber

bullet is longer than the .380 caliber bullet. Because of the different profile and size between the .38 caliber and the .380 caliber bullet, the x-rays of Ms. Riggs may provide evidence to support whether the fatal bullet came from the Llama .380 or the Arminius .38 depending on the quality of the x-ray and the position of the bullet. Again, there is no indication that the x-ray was ever examined for such purposes. Well established forensic ballistic procedures would have ensured that such an examination was conducted. According to the Bibb County Coroner's Office and the Georgia Bureau of Investigation, the x-rays are not in their records on this case, thus making a current examination impossible.

• **The Released Arminius .38 Caliber Revolver**

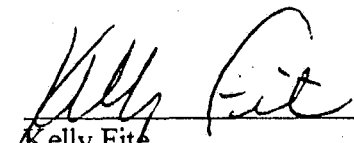
12. Finally, I feel compelled to note one other troubling aspect about the handling of the ballistics evidence in this case. The records indicate and Ms. Chavies confirms that Jenkins' Arminius .38 caliber revolver was released to her on September 30, 1982. This is unprecedented in my experience. In my thirty three years of work in this field, I have never known of a firearm being returned to a defendant's family member when that weapon was used in the course of a serious felony.

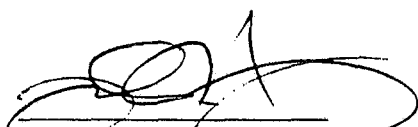
Conclusion

13. Based upon my review of these materials, it is my expert opinion that an insufficient investigation was conducted concerning the ballistics evidence in this case and that improper evidence handling techniques resulted in the loss of crucial evidence necessary to determine the caliber weapon which fired the fatal shot. I further opine that the available evidence supports the theory that the fatal shot to Ms. Riggs was from the Arminius .38 caliber revolver. The absence of a fourth .380 caliber cartridge case is inconsistent with the bullet being fired from the Llama

.380 and consistent with the bullet being fired from a revolver. Moreover, Dr. Erbele testified that the fatal wound was consistent with a wound from a .38 caliber bullet. Because critical evidence – the fatal bullet and the x-rays – have been lost or destroyed, further analysis of the ballistics evidence is impossible.

Executed this 19 day of October, 2001.


Kelly Fite


Notary Public

NOTARY PUBLIC
STATE OF CALIFORNIA

STATE of Georgia

County of Sumter

AFFIDAVIT OF DAVID J. HOLCOMB

I, DAVID J. HOLCOMB, Having been duly sworn does
Hereby say:

1. MY NAME IS DAVID J. HOLCOMB. I AM OVER THE
AGE OF 21 AND COMPETENT TO TESTIFY TO THE MATTER
SET FORTH HEREIN.

2. I Grew UP IN LIZELLA, GEORGIA. LIZELLA IS NEAR
MARIETTA, GEORGIA. I REMEMBER THE NIGHT BACK IN 1982 WHEN
THE POLICE CAME TO MY PLACE AND ARRESTED Bobby ^{JONES} .
AT THAT TIME, I WAS LIVING WITH A MAN NAMED CHUCK
JOHNSON. HE AND CHUCK ALSO GOT ARRESTED. THE POLICE
ARRESTED Bobby BECAUSE HE WAS INVOLVED IN A MURDER.
THE POLICE THOUGHT ME AND ^{CHUCK} WERE INVOLVED
WITH THE MURDER, TOO. THE POLICE FIGURED OUT THAT
ME AND ^{CHUCK} HAD NOTHING TO DO ^{WITH IT AND} WERE NOT INVOLVED
AND LET US GO HOME.

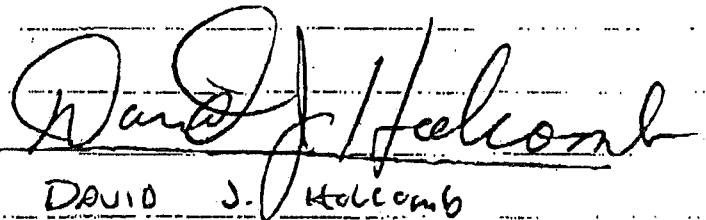
3. I WAS SURPRISED WHEN THE POLICE SHOWED UP
TO ARREST Bobby. I HAD KNOWN Bobby ALL OF MY
LIFE. HE USED TO RACE CARS, PARTY AND RUN
TOGETHER, Bobby AND ^{ME} WERE FRIENDS SINCE

we were kids.

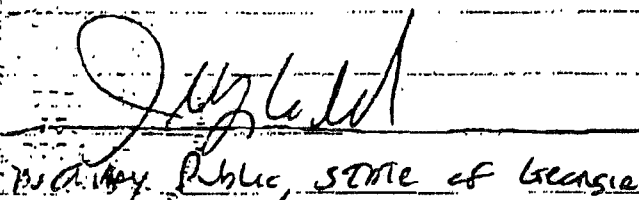
4. Not long after I was let out of jail, Bobby wrote me a letter. He apologized for getting me arrested. Bobby also drew a map ~~that~~ ^{where} showed ~~where~~ ^{my} he hid his sawed off shotgun. It was not far from ~~my~~ ^{my} trailer park, off of Knoxville Road. I went and found his gun and got rid of it. In the same letter Bobby told me that he and ~~the~~ Terry did not kill Paulette Riggs. Bobby's letter said that the guy they were with killed Ms. Riggs. The other guy's name was Tim Jenkins. I never heard from Bobby again.

Further Affiant SAITH NAUGHT.

I swear the foregoing is true and correct this 21st Day of October, 2001.


DAVID J. Holcomb

Sworn to and subscribed to this day 21st Day of October, 2001.


Notary Public, State of Georgia

State of Georgia
County of Fulton

AFFIDAVIT OF JEFFREY WALSH

I, JEFFREY WALSH, having been duly sworn does hereby say:

1. My name is Jeffrey Walsh. I am over the age of eighteen and competent to testify to the matters set forth herein. This affidavit is made upon my personal knowledge.


2. I am providing investigative assistance to Terry Mincey's counsel. As part of my responsibilities I interviewed Bobby Jones. I met with Bobby Jones at Wilcox State Prison during the summer of 2001. He identified himself as the Bobby Jones that was with Terry Mincey and Tim Jenkins the night Russell Peterman and Paulette Riggs were shot.

3. Bobby Jones told me that Tim Jenkins was not in the car when Ms. Riggs was shot. He then went on to explain that he saw Tim Jenkins shoot Ms. Riggs with his revolver. Bobby Jones acknowledged that he testified differently at Terry Mincey's trial. Mr. Jones told me that he testified against Terry Mincey, and said that Jenkins was in the car when Ms. Riggs was shot, to avoid the death penalty.

4. I interviewed Mr. Jones again in October, 2001. He again acknowledged that Jenkins was not in the car and shot Ms. Riggs. He refused to sign an affidavit. Mr. Jones told me that signing an affidavit that told the truth would require him admitting that he perjured himself at trial and that would damage his chances at parole. He told me that hurting his chances at parole was the only reason he would not sign an affidavit.


I swear the foregoing is true and accurate to the best of my knowledge this 19th day of October, 2001.

FURTHER AFFIANT SAITH NAUGHT.



JEFFREY WALSH

Sworn to and subscribed to before me this 19th day of October, 2001.



NOTARY PUBLIC, STATE OF GEORGIA

Notary Public, DeKalb County, Georgia
My Commission Expires June 26, 2004

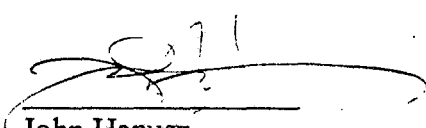
STATE OF GEORGIA
COUNTY OF FULTON

Affidavit of John Hanusz


COMES NOW, John Hanusz, being duly sworn and authorized, and hereby deposes and states the following:

1. I, John Hanusz, am over eighteen years old and am competent to testify to the matters contained in this affidavit. This affidavit is based on my personal knowledge.
2. I am a staff attorney at the Georgia Resource Center and licensed to practice law in the State of Georgia. At the behalf of Amy G. Donnell, counsel for Terry Mincey, I accompanied Jeffrey Walsh to interview Timothy J. Jenkins at his home near Macon, Georgia on October 13, 2001. After knocking on the door, we were greeted by a man who acknowledged that he was the same Timothy Jenkins that accompanied Terry Mincey and Robert Jones on the evening of April 12, 1982. Mr. Walsh and I introduced ourselves as individuals working with Mr. Mincey's current counsel.
3. Jenkins was reluctant to discuss the events on the night in question. He stated that once Mr. Mincey was dead, he would no longer "have to worry about what happened that night."
4. In response to repeated requests to talk about the crime, Jenkins stated that he thought he told the lawyers who visited him last time that he didn't want no one coming back again. Jenkins became visibly frustrated in the face of repeated questions about that evening and stated, "you don't know what it's like to see the blood flying from that woman's head, and I do." Jenkins then concluded that he had nothing more to say about the incident. Mr. Walsh and I then left Jenkins' property.

Further affiant saith not.


John Hanusz

SWORN TO AND SUBSCRIBED BEFORE ME
THIS, THE 17 DAY OF OCTOBER, 2001.


Notary Public, State of Georgia
My commission expires:
Notary Public, DeKalb County, Georgia
My Commission Expires June 26, 2004

STATE OF FLORIDA)
) ss:
COUNTY OF SUWANNEE)

AFFIDAVIT OF LOUIS MEDARIS

I, LOUIS MEDARIS, having been duly sworn, hereby depose and say:

1. My name is Louis Medaris. I am over the age of twenty-one and competent to testify to the truth of the matters set forth herein.

2. I was a juror in the 1982 case of Terry Mincey, who was tried, convicted and sentenced to death in Macon, Georgia. Since that time I have relocated and I am now a resident of Live Oak, Florida.

3. After evaluating the evidence presented at trial, I concluded that if we (the jury) voted for a life sentence, there might be a chance that Mr. Mincey could be paroled after seven years. I felt that a death sentence was the only way to be sure that he would never be released. When I saw the victim's husband and child in the courtroom, I was deeply affected. Given the facts as we knew them at that time, I thought that the death penalty was justified in this case.

4. I have now reviewed the affidavit of Michele Reagan dated 10/19/01, the affidavit of James McCook dated 10/19/01, the affidavit of Julie Chavies dated 10/15/01 and the affidavit of

Kelly Fite dated 10/19/01. If these new facts had been presented to me as a juror in this case, I would not have considered a death sentence to be an appropriate penalty for Terry Mincey.

FURTHER AFFIANT SAYETH NAUGHT.

Louis Medaris
LOUIS MEDARIS

Sworn to, or affirmed, and subscribed before me by Louis Medaris, who is personally known to me, or who presented the following identification: Driver's License, on this the 20th day of October, 2001.

Theresa Farley Walsh
Notary Public, State of Florida



Theresa Farley Walsh
MY COMMISSION # CC738260 EXPIRES
May 16, 2002
BONDED THRU TROY FAIR INSURANCE, INC.

State of Georgia

County of Bibb

AFFIDAVIT OF SUSAN S. STRICKLAND

Comes now the Affiant, Susan S. Strickland, who, being first duly sworn by an officer authorized by law to administer oaths, deposes and states as follows:

1. I, Susan S. Strickland (formerly Susan Schwed), am over the age of eighteen. This affidavit is based upon my personal knowledge, and I am competent to testify to the truth of the matters set forth herein:

2. I sat on the jury that convicted Terry Mincey and sentenced him to death almost 20 years ago. At the end of the evidence, I felt that Mr. Mincey should not be sentenced to death. But I was a young woman then and the other jurors were older people, and some of them said he ought to be sentenced to death so he wouldn't get out of prison again. I didn't think we should sentence him to death, but I felt I had to go along with the others.

3. I still do not believe that Mr. Mincey should be put to death. It has been 20 years since we sentenced him, and I have never felt that he should be executed. It has weighed very heavily on my mind ever since. I feel that Mr. Mincey should be sentenced to life imprisonment without the possibility of parole. That's what I wanted 20 years ago, but I didn't have that choice. I feel that life without parole is the appropriate solution now.

This 17 day of October, 2001.


Susan S. Strickland

Sworn to and subscribed before me
this 17 day of October, 2001.



NOTARY PUBLIC
Notary Public, DeKalb County, Georgia
My Commission Expires June 26, 2004

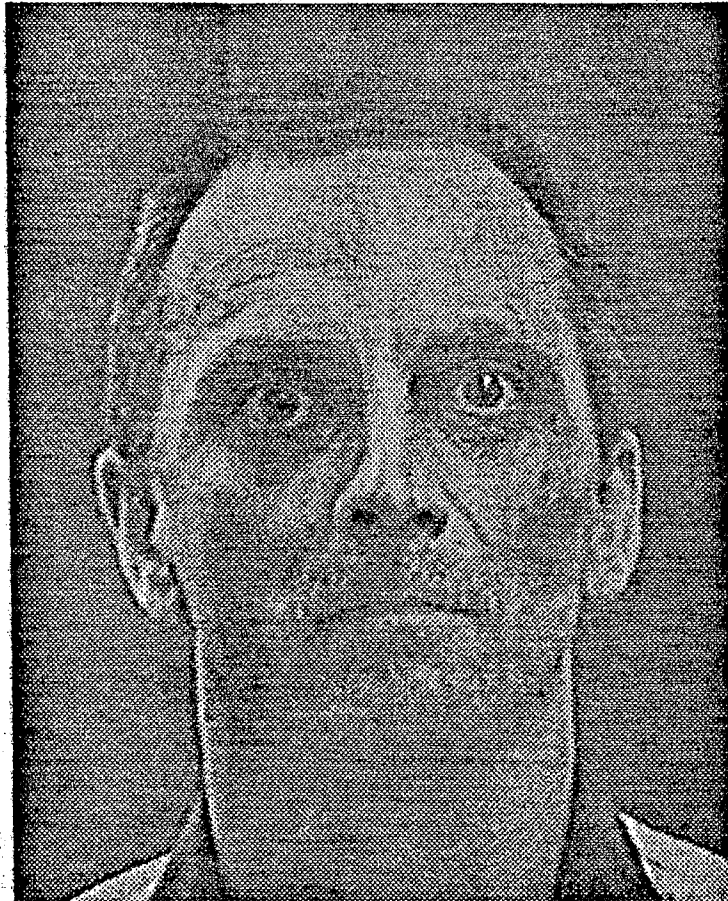
[GDC Home](#)[Individual Records](#)[Population Statistics](#)

Offender Query

[Click here to start over](#)

Please use your browser's BACK button to return to list.

JONES, ROBERT M



PHYSICAL DESCRIPTION

DOB: 11/30/1959	RACE: WHITE	GENDER: MALE
HEIGHT: 5'11"	WEIGHT: 133	EYE COLOR: UNKNOWN
		HAIR COLOR: UNKNOWN

SCARS, MARKS, TATTOOS

INCARCERATION DETAILS

MAJOR OFFENSE: MURDER

MOST RECENT INSTITUTION: WILCOX STATE PRISON

MAX POSSIBLE
RELEASE DATE: LIFE,
W/POSSIBLE
PAROLE

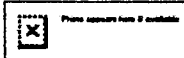
Important Release Information

TENTATIVE PAROLE MONTH:	N/A
ACTUAL RELEASE DATE:	CURRENTLY SERVING
CURRENT STATUS:	ACTIVE
KNOWN ALIASES	
A.K.A. JONES, ROBERT	
A.K.A. JONES, ROBERT M	
STATE OF GEORGIA - CURRENT SENTENCES	
OFFENDER ID NUMBER:	149764
OFFENSE: AGGRAV BATTERY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	04/12/1982
SENTENCE LENGTH:	10 YEARS, 0 MONTHS, 0 DAYS
OFFENDER ID NUMBER:	149764
OFFENSE: ARMED ROBBERY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	04/12/1982
SENTENCE LENGTH:	LIFE
OFFENDER ID NUMBER:	149764
OFFENSE: MURDER	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	04/12/1982
SENTENCE LENGTH:	LIFE
STATE OF GEORGIA - PRIOR SENTENCES	
OFFENDER ID NUMBER:	107479
OFFENSE: NOT AVAILABLE	
CONVICTION COUNTY:	UNKNOWN
CRIME COMMIT DATE:	04/26/1977
SENTENCE LENGTH:	NOT AVAILABLE
OFFENDER ID NUMBER:	107479
OFFENSE: NOT AVAILABLE	
CONVICTION COUNTY:	UNKNOWN
CRIME COMMIT DATE:	04/26/1977
SENTENCE LENGTH:	NOT AVAILABLE
OFFENDER ID NUMBER:	107479
OFFENSE: NOT AVAILABLE	
CONVICTION COUNTY:	UNKNOWN
CRIME COMMIT DATE:	04/26/1977
SENTENCE LENGTH:	NOT AVAILABLE
OFFENDER ID NUMBER:	107479
OFFENSE: ARMED ROBBERY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	

SENTENCE LENGTH:	6 YEARS, 0 MONTHS, 0 DAYS
OFFENDER ID NUMBER:	107479
OFFENSE: ARMED ROBBERY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	
SENTENCE LENGTH:	6 YEARS, 0 MONTHS, 0 DAYS
OFFENDER ID NUMBER:	107479
OFFENSE: BURGLARY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	
SENTENCE LENGTH:	6 YEARS, 0 MONTHS, 0 DAYS
OFFENDER ID NUMBER:	107479
OFFENSE: THEFT OF MOTOR VEH, PART	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	
SENTENCE LENGTH:	5 YEARS, 0 MONTHS, 0 DAYS
STATE OF GEORGIA - INCARCERATION HISTORY	
INCARCERATION BEGIN	INCARCERATION END
09/22/1982	ACTIVE
09/09/1977	05/30/1980

EDCH080

Individual Records Population Statistics

Offender Query
Click here to start over**Please use your browser's BACK button to return to list.****JENKINS, TIMOTHY****PHYSICAL DESCRIPTION**

DOB: 07/21/1960	RACE: WHITE	GENDER: MALE
HEIGHT: 5'10"	WEIGHT: 145	EYE COLOR: GREEN
HAIR COLOR: BROWN		

SCARS, MARKS, TATTOOS**INCARCERATION DETAILS****MAJOR OFFENSE: ARMED ROBBERY****MOST RECENT INSTITUTION: HOUSTON COUNTY CI**

MAX POSSIBLE RELEASE DATE:	LIFE, W/POSSIBLE PAROLE	Important Release Information
TENTATIVE PAROLE MONTH:	/	Important Parole Information
ACTUAL RELEASE DATE:	08/01/1992	
CURRENT STATUS:	INACTIVE	

KNOWN ALIASES**A.K.A. JENKINS, TIMOTHY JOSEPH****STATE OF GEORGIA - CURRENT SENTENCES**

OFFENDER ID NUMBER:	149783
OFFENSE: AGGRAV BATTERY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	04/12/1982
SENTENCE LENGTH:	20 YEARS, 0 MONTHS, 0 DAYS
OFFENDER ID NUMBER:	149783
OFFENSE: ARMED ROBBERY	
CONVICTION COUNTY:	BIBB COUNTY
CRIME COMMIT DATE:	04/12/1982
SENTENCE LENGTH:	LIFE

STATE OF GEORGIA - PRIOR SENTENCES**STATE OF GEORGIA - INCARCERATION HISTORY**

INCARCERATION BEGIN	INCARCERATION END
09/22/1982	08/01/1992



STATE BOARD OF PARDONS AND PAROLES
Atlanta, Georgia

ORDER OF COMMUTATION

WHEREAS, TIMOTHY JENKINS Serial Number EF149783
has been convicted of the following offenses:

OFFENSE	COURT OF CONVICTION	SENTENCE BEGIN DATE	SENTENCE
Armed Robbery (23067) (count 2)	Bibb Superior	9/2/82	Life (c/f 4/13/82)
Aggravated Battery (count 3)			20 years concurrent

UPON review of this case, it is the finding of the Board that the best interests of justice will be served by commuting the prison portion of said sentence(s) to time served; now

THEREFORE: Under the authority vested in the State Board of Pardons and Paroles, it is

HEREBY ORDERED: That the prison portion of the above-described sentence(s) be and the same is/are commuted to time served. (This order does not affect any probated sentences).

It is directed that copies of this order be furnished to the Clerk(s) of Court in the county of conviction, and to the above named individual.

GIVEN UNDER THE HAND AND SEAL of the State Board of Pardons and Paroles, this the 21st day of January, 1997.

STATE BOARD OF PARDONS AND PAROLES

FOR THE BOARD: K.C. Richardson
K.C. Richardson

(S E A L)

With Tony Gray, Dr Terrell Lower
+ Dr James Craig

history of drug abuse

D Said ^{there} day of getting that high on quaaludes -
L.S.D. - didn't say where got.

Explained that many ^{of} quaaludes on market. fake
over dist so to powder.

Not remember exact words but said if asked
probably slipped it in his c.g. cke. They think
he implied he took wheat.

Agree no more detail on L.S.D.

Said "high" on it.
Dr Craig ^{asked} if remembered being arrested, 12 yrs. Tels
them how many cases of officers.

Didn't think he said when took. Some time that
day.

Said took L.S.D. & quaaludes all the time
over a period of time.

under
brain

Said the account of accident had what from
memory but knew couldn't detect any ^{notes or} ^{memory} ^{notes}
to blame crime on it.

He didn't seem to be contending insanity.

Craig - ~~on~~ Brain scan negative.

Brain damage in auto accident. Defendant more active in
ride. This indicates motor much more
active. ET is possible he might have been more
susceptible to structured behavior

& know to work.

Dr. Somerton neurologist says he'd returned
to pre trauma alertness & personality.

They haven't seen him since from post center

Errational behavior permitting from injuries
would probably have shown up before now.

Ernie: went down daily for months - he
didn't have handwritten notes ^{with} him.

No previous psychiatric treatment or mental
health care.

They often ask "Do you really think you're
crazy?" - the inmate's said "no" to a question like
that.

SAT to
must
be done.

Give him the MMPI
personality not normal
came out extreme & dominating but trying to come
out enough to suggest a psychiatric clinic
inquiry

Case could account for that.

No sign of guilt. Plans increased up.

Didn't even play crazy. Suspended open.

L.S.D. would've made him wild then - would've
accelerated the present feelings.

3
On the occasion said grief down interstate at
10:00 p.m. ^{also} 2 big agates got on his ^{car} sunshield & he had
to stop. Got out. - About killed.

No addiction to L.S.D. like alcohol, etc.
physical had but could become psychologically dependent

Emerson said had returned to pre-war
personality & alcohol.

Minsky told them he was unconscious for 4 days

↳ Date of admission ~~Sept~~ Aug, 1980 discharged
8-15-80.

All 3 heard whole interview
but Dr. Jones did testify alone.

Only testimony entered from said interview the 3.
Ag. can get.

STATE OF FLORIDA)

COUNTY OF ESCAMBIA)

AFFIDAVIT OF JAMES D. LARSON, PH.D.

Personally appeared before the undersigned officer duly authorized by law to administer oaths, James D. Larson, Ph.D., who being duly sworn deposes and states as follows:

1. My names is James D. Larson. I am over the age of 18 and competent to make this affidavit. I am a psychologist, and I have been licensed in the state of Florida since 1973. I hold undergraduate degrees in Biology and Psychology from Nebraska Wesleyan University and a Ph.D. in Clinical Psychology from the University of Wyoming. As a psychologist, I have had specialized training in forensic psychology. I have performed in excess of one thousand court-ordered evaluations in the last ten years. Approximately one hundred of these evaluations have been on defendants charged with first degree murder. I am currently in private practice as a clinical psychologist in Pensacola, Florida. A copy of my curriculum vita is attached hereto as attachment 1.

2. The opinions I express in this affidavit are formed with a reasonable degree of psychological or scientific certainty. They are based on materials and information discussed in this affidavit. This includes evaluation and testing procedures normally and regularly relied upon by individuals in my profession to obtain conclusions such as I have formed herein.

3. At the request of counsel for Terry Mincey, I performed a psychological evaluation of Mr. Mincey which consisted of a complete neuropsychological battery, interview with mental status examination, and a review of extensive medical and legal

records. The interview and psychological testing lasted approximately twelve hours and was conducted on August 20 and August 27, 1993.

The wide variety of tests administered are routinely administered by neuropsychologists to determine neurological and intellectual deficits. These tests, which are widely used and considered to be standard neuropsychological testing devices, provide objective documentation for the existence of brain damage. The psychological tests given to Mr. Mincey included the Wechsler Adult Intelligence Scale-Revised, Wide Range Achievement Test-Revised, the Memory Assessment Schedule, portions of the Wechsler Memory Scale, the Rey-Auditory Verbal Learning test, the Rey-Osterreith Complex Figure Test, selected portions of the Woodcox-Johnson, Category Test (Booklet form), Trail Making A and B, Sea Shore Rhythm Test, Spacial Perception Test, Aphasia Screening Test, Finger Tapping Test, Grip Strength Test, Grooved Peg Board Test, Sensory Perceptual Examination, Boston Naming Test, Symbol Digit Modalities Test, Bender-Gestalt, Benton Judgment of Line Orientation Test, Paced Auditory Serial Attention Test, and the Wisconsin Card Sorting Test.

4. Before and after my examination of Mr. Mincey, I reviewed materials with respect to Mr. Mincey's background. Included in my review of background materials were:

- a) Affidavit of Patricia Mincey, b) Affidavit of Ruth Mincey, c) Affidavit of Cora Rose Mincey, d) Affidavit of David Sweitzer, e) Affidavit of Dicky Felton Little, f) Affidavit of Ed Igou, g) Affidavit of Ricky Sears, h) Affidavit of Ricky Felton Little, i) Affidavit of Durwood Shores, j) Affidavit of Bobby Jones, k) Affidavit of Henry Thomas, l) Affidavit of Julie Chavies, m) Affidavit of Henry Mincey, n) Affidavit of Wynndale Woodall, o) hospital Records from Mr. Mincey's 1980 motorcycle accident, p) hospital Records from an

automobile accident in 1975, q) testimony of Mr. Mincey's murder trial, r) Records from Central State Hospital, s) District Attorney's notes from conversations with Central State Examiners, t) Statements of Geraldine Willis to the District Attorney, u) Mr. Mincey's school records, v) various medical records, w) Mr. Mincey's birth certificate, x) divorce records of Mr. Mincey's parents, and y) prison records. Based on my examination and testing of Mr. Mincey and my review of relevant data I have formed expert opinions about Mr. Mincey's neuropsychological status and its relevance to several legal issues.

5. Summary of Findings: As a result of Mr. Mincey's serious head injury suffered during his motorcycle accident in 1980, it is my opinion that at the time of the offense Terry Mincey would have met the criteria for Organic Mental Disorder, Not Otherwise Specified and probably an additional diagnosis of Organic Personality Disorder. In addition, his history of drug use would justify an additional diagnosis of polysubstance abuse. The drug use would have greatly magnified the impairments caused by Mr. Mincey's brain damage.

6. Social History and Background Materials: Mitchell Terry Mincey was born in Taylor Memorial Hospital, Hawkinsville, Georgia, on April 23, 1960. He is the youngest of four siblings. The oldest child is Mr. Mincey's sister Patricia, born in 1951, followed by sister Marsha, born in 1954, and brother Wayne, born in 1959. Their parents are Annie Shelton Mincey and Cleveland Leonard Mincey. Cleveland Leonard Mincey died in February 1993, as a result of lung and liver cancer.

7. Mr. Mincey was born a few weeks prematurely and weighed only 5 pounds and 3 ounces. He was so tiny and fragile-looking that the family dared not touch him, for fear of hurting him. Mr. Mincey remained a small child throughout his childhood. As he grew, Mr. Mincey had a severe speech impediment, and only his mother could understand what he

was trying to say most of the time, and even she had difficulty. He did not stutter or stammer, but his pronunciation was incomprehensible.

8. The neighborhood children teased Mr. Mincey about his speech impediment, further compounding the alienation he endured as a result of his family's frequent relocations, described below. His speech problem remained pervasive until after he started school, when it began to fade. There are still some words today that he cannot pronounce properly.

9. Mr. Mincey's father, C. L. Mincey, was an itinerant Methodist Minister in the South Georgia Methodist Conference, beginning in 1957, three years prior to Mr. Mincey's birth. When C. L. Mincey joined the ministry, the family gave up their home in Savannah and began travelling to the different towns to which he was assigned, in each place living in the parsonage owned by the church. The parsonages were often run down and had leaking roofs and old furniture. The family was forced to uproot and relocate a great deal. C. L. received the worst church assignments with the lowest wages. Thus, the family often had financial difficulties. Before joining the ministry, C. L. Mincey had worked the night shift at Union Camp in Savannah, Georgia, and made a reasonable wage. It is very clear that his wife was not at all supportive of his decision, and she remained deeply unhappy with the life of a minister's wife throughout the remainder of the marriage.

10. Mr. Mincey comes from a deeply troubled, unhappy family. His mother was a bitter, angry person who was extremely dissatisfied with her lot as a minister's wife, and who was an indifferent mother to her children at best. His father was also disturbed, unhappy, and emotionally and physically absent from all of his children, but from Mr. Mincey in particular. In Mr. Mincey's early years, he was physically abused by his mother,

and later on, in his early teens he was essentially abandoned and left to his own devices. He suffered physical abuse also at the hands of his older, stronger brother Wayne, and occasionally from his maternal grandmother also. Neither of Mr. Mincey's parents were able to show the children any affection.

11. C.L. Mincey was not a successful minister. Although all Methodist ministers move around fairly often, he was transferred far more often than most. The maximum length of time a minister could stay in one church in the South Georgia Conference at the time that he was preaching was four years, and most often appointments did last this long. C.L. Mincey, however, usually stayed only one or two years in one place before the local church Board of Stewards requested of the District Superintendent that he be replaced. Members of his congregations describe him as a troubled, angry man who offended and upset many members of his churches by his continual sarcasm and unpleasant manner. Moreover, he was accused in at least two of his churches, Jeffersonville and Pearson, of making sexual passes at and/or conducting affairs with female members of the congregation. His transfer from Jeffersonville was requested and executed after less than one full year of his appointment there, after a female church member reported to her husband that C.L. Mincey had made a pass at her. The husband subsequently informed the church Board of Stewards. His affair with at least one woman in Pearson was common knowledge among church-goers there.

12 C. L. Mincey was often absent from his home for work reasons also, visiting church members and the sick, attending meetings and preaching. In several of the places to which he was assigned, he was responsible not only for the church in the town in which he lived, but also for two or three other churches in outlying rural areas that made up his

circuit. Frequently he would be away from home overnight and sometimes for as much as a week at a time. When in town, he often would not return home in the evenings until after the children were in bed.

13. When he was home, he did not provide his children with the necessary love and support. His relationship with Mr. Mincey was the worst of all. He never communicated with Mr. Mincey, except by yelling at him, arguing with him or denigrating him and putting him down with harsh criticism. Wayne was his father's clear favorite of the two boys, and C. L. took Wayne's side in any disagreement. Wayne could do no wrong in his father's eyes, while Mr. Mincey could do nothing right.

14. When Mr. Mincey reached the age of about 13, his father paid little attention to him. He dismissed him by calling him "nothing but a dope addict" and a "long-haired hippy". They had no real conversations; if they began to talk to one another, the discussion rapidly descended into an all out screaming match. After the separation of his parents, Mr. Mincey lived with his mother in the trailer in Lizella and would leave any time he knew his father was coming to visit.

15. Mr. Mincey's mother administered frequent whippings to her children, most often with a switch which she would send them out into the yard to pick themselves. If they came back with one that was too thick to hurt much, she would send them back out for a thinner one. Mr. Mincey was a hyperactive child, who found it very difficult to sit quietly in one place for any length of time, something which he was called upon to do at least once and frequently two or three times on a Sunday, when the children were made to go to church. He was made to sit on the back pew next to his mother, and she would dig her

fingernails into him if he dared make a sound. If he cried out with pain or tried to get away from her, he got a whipping when he got home.

16. If one of the children did something wrong and Mrs. Mincey did not know which one it was, the mother would stand all four of them in a line and tell them she would whip all of them, to be sure of getting the real culprit. After she started whipping the first one, Mr. Mincey always owned up to whatever it was that had been done, whether he had in fact done it or not. Mr. Mincey frequently took the blame and the beating for things he hadn't done, rather than tell on whomever was really responsible.

17. Mr. Mincey attended a total of nine different schools until the time that he dropped out during his second attempt at 10th grade. When he was going to school, Mr. Mincey was cutting classes on a regular basis beginning from at least 8th grade, when Mr. Mincey was 15 years old, and increasingly throughout the remainder of his school career. It was also in his 15th year of age, while in the 8th grade in school, that he began to get involved with drugs, and hung around with a group of people who were for the most part considerably older than he and who introduced him to and supplied him with a range of illegal substances. He began smoking marijuana frequently, and quickly graduated to amphetamines and valium.

18. The Macon high schools which he attended were rough, violent, and drug-infested places. The principal and teachers were physically assaulted, and students were knifed and beaten. Drugs were freely available, especially marijuana, speed, and LSD. Mr. Mincey and his school friends skipped class regularly. Mr. Mincey and his friends would drink liquor and smoke marijuana virtually every day and take other drugs as and when they became available. Mr. Mincey took quaaludes, acid, THC, MDA, crystal meth, and Valium

regularly when he was in the 10th grade. Later, he took PCP whenever he could get it and also cocaine and barbiturates. He had a supplier in the Lizella area from whom he obtained PCP regularly, and it is also probable that much of what was sold as THC was in fact PCP. He complained of flashbacks from the acid, causing his visual field to start "strobing," like light flashing through trees when you are travelling in a car.

19. In July of 1980, Mr. Mincey was involved in a serious accident while riding his motorcycle at a high rate of speed. Mr. Mincey hit a car and was thrown 30 yards. His motor cycle helmet was cracked in two by the impact, and Mr. Mincey was knocked unconscious. He suffered head injuries as well as a broken collarbone and abrasions, and was in intensive care at a Macon public hospital for a week in a "lethargic" state. The records of his stay there indicate a cerebral contusion and concussion. He also suffered a grand mal seizure while in the X-Ray room. This was the second time Mr. Mincey had been treated for concussion. In 1975, he and a friend were involved in a car accident near McRae, Georgia, in which Mr. Mincey sustained severe lacerations of his arm and face and cerebral concussion. He was released from hospital after staying for one night.

20. As a result of his accident in 1980, Mr. Mincey suffered lasting damage, and his personality and behavior changed markedly. When he was first released from the hospital he was in considerable pain from his shoulder and from his head. His headaches were so bad that he could not stand to even hear his girlfriend breathing next to him. He obtained prescriptions for Quaaludes, and whenever his head or shoulder hurt him, instead of lying down in the dark, he would simply take a Quaalude to attempt to take care of the pain. He took Quaaludes this way constantly and continued to take them one after the other even after his pain lessened, and they were no longer always necessary. This was the beginning

of a new period of drug addiction for Mr. Mincey, which rapidly expanded to include speed, barbiturates, marijuana, PCP, acid, cocaine, and more Quaaludes. This addiction continued until he was arrested in April 1982, on the charges for which he received a death sentence.

21. Mr. Mincey's personality changed considerably after the motorcycle accident, and Mr. Mincey's behavior became unpredictable after the accident. He had difficulty with both short-term and long-term memory. He would forget that someone had told him something just moments after they had done so, and he had difficulty comprehending a long sequence of speech that he heard. People often had to repeat what they were saying several times before he understood what they were trying to tell him. People describe him as "acting kind of dumb" after the accident, and say that "his thinking slowed down." His friends used to tease Mr. Mincey by telling him that the accident "scrambled" his brain. He has had at least one blackout, while incarcerated at the County Jail on his current charges. He apparently fell off a stool backwards after he blacked out and hit his head on the floor. He was unconscious for a time afterwards.

22. He also could not remember things that had happened months or years prior to the accident. An old friend of his met him in a bar some time afterwards, and, in the middle of their conversation, Mr. Mincey suddenly stated that, while his friend looked familiar, he had no idea who he was. His friend at first thought that Mr. Mincey was joking, but then realized he was completely serious. He told him his name and recounted some of their experiences together over the several years that they had been friends, but though Mr. Mincey concentrated hard, he could not recall any of it.

23. Mr. Mincey did not have the control over his emotions that he had before the accident and broke down crying on several occasions over quite trivial and insignificant

events. He also became very depressed. He had previously been a happy-go-lucky type personality, who did not appear to let anything get him down. Afterwards he became withdrawn and worried about everything. He said that he'd used up all of his chances in life, that he would die soon, and that it didn't matter as he had nothing to live for anyway. In addition, Mr. Mincey became very paranoid and often thought someone was watching him.

24. Mr. Mincey was also apt to do nonsensical things just out of the blue, for no apparent reason. A friend recalls the time when he was in a car with Mr. Mincey, pulling into the friend's father's driveway after visiting a fast food restaurant. Mr. Mincey suddenly picked up the trash from the car and threw it out onto the driveway as they were pulling in, right in front of his friend's father. The father was angry, and his friend was simply bewildered, as Mr. Mincey had always shown the utmost respect and politeness towards his friend's parents and would never have dreamt of doing such a thing prior to the accident.

25. In 1982, Mr. Mincey was convicted of shooting a customer and a clerk during a convenience store robbery. A co-defendant reports that Mr. Mincey lost control in the middle of the robbery when a man drove up to the gas pump. It appears that they had not planned for this occurrence and that Mr. Mincey was unable to adapt to a change in the plan. Earlier that same day, Mr. Mincey had taken purple microdot LSD. Shortly before the robbery, Mr. Mincey was noticeably under the influence of LSD.

26. Mr. Mincey was evaluated prior to trial by doctors from Central State Hospital. The Central State Hospital personnel mention in their report to the trial judge that Mr. Mincey has a substantial drug history. Mr. Mincey's head injuries are mentioned in the report, but there is no indication of what, if any, testing was conducted. Notes of a

conversation between the evaluating doctors and the District Attorney reflect that the Central State doctors believed that Mr. Mincey had suffered brain damage as a result of the head injuries. They found his reflexes more active on one side, indicating psychomotor deficits. They also noted that he may therefore be susceptible to irrational behavior.

27. Statement of Opinion: A review of records indicated a positive history for neuropsychological impairments. First, records document childhood hyperactivity and related school problems consistent with a childhood diagnosis of Attention Deficit Hyperactivity Disorder. It is reported in several of the records that Mr. Mincey was hyperactive and had difficulty in concentrating. Children with this disorder typically find school frustrating. Such children are at high risk for developing negative attitudes and impaired achievement motivation in school, especially when this disorder goes unrecognized and untreated. Such children are at high risk for school management problems, truancy, failure, and future dropout.

28. During Mr. Mincey's childhood, this disorder was treated with the same medications as it is now and was well known to professionals. Mr. Mincey was at higher risk for negative outcome of this disorder because it went undiagnosed and untreated, which in part may have resulted from such frequent family moves that his teachers lacked sufficient history and developmental observation. Such children need structure in the home and require careful parenting to minimize high risk features. Mr. Mincey did not get this much needed structure and parental attention. He was thus at higher risk for negative outcome because of the inattentiveness of his parents and the disrupted family dynamics in his home.

29. Second, Mr. Mincey has a lengthy history of intense childhood, adolescent, and adult polysubstance abuse. Mr. Mincey used many different drugs, including cocaine,

amphetamines, quaaludes, marijuana, THC, LSD, and acid. Affidavits of Mr. Mincey's friends indicate the hallucinogenic drugs such as LSD and PCP were Mr. Mincey's drugs of choice. Mr. Mincey's substance abuse problem is not surprising in light of his family history of substance abuse, his undiagnosed and untreated attention deficit hyperactivity disorder, and his dysfunctional family. Children such as Mr. Mincey are at high risk for severe substance abuse problems. These children turn to drugs and alcohol as a coping mechanism when appropriate help is unavailable.

30. Third, the records document two motor vehicle accidents in which Mr. Mincey suffered head injuries and which required hospitalization. On December 13, 1975, Mr. Mincey was involved in an automobile accident, and on July 14, 1980, Mr. Mincey was seriously injured in a motorcycle accident. Hospital records from the 1980 accident document a closed head injury with documented concussion, contusion, and grand mal seizure. It is also well-documented that after this head injury Mr. Mincey experienced personality changes, memory impairments, and impulsivity. These impairments are all consistent with brain damage caused by a closed head injury like that suffered by Mr. Mincey in the motorcycle accident.

31. Psychological testing from this evaluation reflected residual signs of a closed head injury. Among the indications of the residual signs of the injury are a) achievement scaled scores which were significantly higher than expectation when expectation is based on measured ability (intelligence), b) indications of compensatory mechanisms consistent with attempts found in closed head injury patients to compensate for cognitive deficits (i.e., memory and concentration processes), c) concreteness, and d) difficulty focusing concentration.

32. Now thirteen years post-injury, my opinion is that Mr. Mincey has made a very good accommodation and no longer manifests gross signs or symptoms of prior documented brain injury or neuropsychological impairments. However, as stated above, certain neurological deficits still remain. Mr. Mincey has a strong desire to go beyond his neurological deficits, and, as a result, over the last twelve years he has trained himself well to compensate for these impairments. For example, to get around his shortcomings in memory, Mr. Mincey studies in an almost obsessive manner so that he can force himself to remember. This kind of compensatory behavior is typical of neurologically impaired individuals.

33. While today Mr. Mincey has learned to get around many of his impairments, at the time of the offense in 1982, it is my opinion that his cognitive functioning was compromised by changes caused by his documented closed head injury. The closed head injury would have altered Mr. Mincey's cognitive and personality functioning resulting in additional impairments of impulse control, increased frustration, impaired judgement, impaired memory and concentration, and increased irritability.

34. Furthermore, records from numerous sources consistently document continued substance abuse, including hallucinogenic drugs, during this critical post-accident period. Long term substance abuse, such as that seen in Mr. Mincey's case, aggravates the impairments noted above. Thus, the on-going drug use made much worse Mr. Mincey's problems with impulse control, judgment, memory, concentration, increased irritability, and frustration which were caused by the head injury.

35. The personality and cognitive difficulties which Mr. Mincey experienced as a result of the head injury and long term drug use were magnified and compounded again on

the day of the crime. Records indicate that Mr. Mincey took LSD on the day of the offense and was visibly under the influence of this drug at the time of the offense. LSD causes hallucinations and markedly impairs cognitive and perceptual functions. When a person like Mr. Mincey, who already suffers from cognitive deficits, takes LSD, the impairments that are already present are magnified by the effects of the drug. Thus, Mr. Mincey's already severe impairments caused by the head injury were dramatically increased on the day of the crime by the use of LSD.

36. It is my opinion that the head injury that Mr. Mincey suffered in his motorcycle accident altered his cognitive and personality functioning resulting in impairments of impulse control, increased frustration, impaired judgement, impaired memory and concentration, and increased irritability. Furthermore, I believe that these impairments would have been significantly exacerbated by the cumulative affects of long term polysubstance abuse and additionally exacerbated by acute effects of documented ingestion of psychedelic drugs ingested at the time of the incident. Diagnostically, Mr. Mincey would have met the criteria for Organic Mental Disorder, Not Otherwise Specified and probably an additional diagnosis of Organic Personality Disorder. Additionally, Mr. Mincey would have met the criteria for Polysubstance Dependence.

37. Relevance to Legal Issues: Given the constellation of Mr. Mincey's neurological impairments as aggravated by the long term drug use and use of LSD on the day of the offense, it is my opinion that Mr. Mincey's ability to control his behavior and actions on the day of the offense was seriously impaired. In addition, the stress of a robbery would have aggravated Mr. Mincey's deficits and impaired his ability to act in a rational manner.


38. It is my understanding that during Mr. Mincey's trial, the district attorney attempted to minimize the effects of the head injury by pointing out that Mr. Mincey had a record of armed robbery dating to before the motorcycle accident. The argument of the district attorney is incorrect and misleading. Records and observations of his co-defendant, Mr. Jones, indicate that during the prior armed robbery, Mr. Mincey maintained his composure and did not hurt anyone. After the head injury and the resulting cognitive impairments, Mr. Mincey was unable to act rationally in the high stress situation of an armed robbery and simply lacked the mental capacity to control his behavior. Mr. Mincey's co-defendant, Mr. Jones observed that Mr. Mincey's behavior at this robbery was different from during the pre-head injury robberies. Mr. Jones description of Mr. Mincey becoming confused, losing control, and essentially decompensating is extremely consistent with someone who suffered from organic brain damage. As the doctors from Central State Hospital acknowledged, in such a situation Mr. Mincey would be highly susceptible to "irrational behavior." Therefore, it is my opinion that Mr. Mincey's head injury was a significant factor in the case -- a factor which when considered establishes that Mr. Mincey's actions on the night of the offense were the irrational impulsive actions of a brain damaged individual and not the actions of a cold, calculated, and premeditated murderer.

Further affiant saith not.

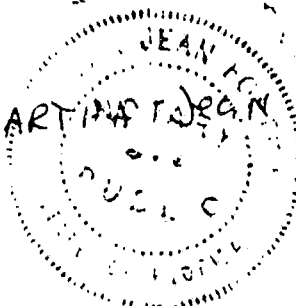

James D. Larson, Ph.D.

Sworn to and subscribed to before me,
this 28 day of September, 1993

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office.


NOTARY PUBLIC

MY COMMISSION EXPIRES 10/7/94
MY COMMISSION # CC 653245



**PSYCHOLOGICAL
ASSOCIATES, P.A.**

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Pensacola, Florida 32501
Telephone 904-434-5033
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ACADEMIC VITA

PERSONAL DATA:

Name: James D. Larson, Ph.D.
Address: Psychological Associates, P.A.
600 East Government Street
Pensacola, Florida 32501
Phone: (904) 434-5033
Place of Birth: Grand Island, Nebraska
Date of Birth: December 21, 1943

ACADEMIC DEGREES:

<u>Degree</u>	<u>Major</u>	<u>Year</u>	<u>Institute</u>
B.A.	Biology/Psychology	1966	Nebraska Wesleyan University
M.A.	Psychology	1967	University of Wyoming
Ph.D.	Clinical Psychology	1971	University of Wyoming

ACADEMIC HONORS:

Blue Key	1965	Men's National Honor Fraternity
Beta Beta Beta	1965	National Honorary Biological Society
Psi Chi	1965	National Honorary Psychology Society

LICENSE:

Licensed as a Psychologist in State of Florida in 1973
License Number: PY0002379

James D. Larson, Ph.D.
Wendy E. McKee, Ed.D.
Timothy J. McManis, Ph.D.
Richard J. McManis, Ph.D., Psy.D.
Mae J. McManis, M.A.
Karen R. McManis, Ph.D.
Stephen C. Lott, Psy.D.
Donna M. Blanchard, Ph.D.

ACADEMIC VITA

James D. Larson, Ph.D.

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WORK EXPERIENCE:

Current	Independent practice in Clinical Psychology, including: <ul style="list-style-type: none">a) Senior Partner of Psychological Associates, P.A. a private group practice and consulting firm in Pensacola, Florida.b) Private Case load: Evaluation and Treatment of a broad range of Psychological Disorders.c) Vocational Rehabilitation Vendor: Evaluate Vocational Rehabilitation clients Consult with staff on case-by-case basisd) Development Services Vendor: Evaluate developmentally delayed and retarded clients under auspices of HRS in State of Florida.e) Office of Disability Determinations Vendor: Evaluate mental disabilities to aid in determination of eligibility of SSI disability benefits.
1974-1977	Director of the Intensive Treatment Units of the Child Developmental Center (Lakeview Center, Inc. previously the Escambia County Community Mental Health Center) Developed and directed a multi-disciplinary partial hospitalization program for severely emotionally disturbed children with a staff of 11.
1971-1973	Staff Psychologist (Lakeview Center, Inc. previously the Escambia County Community Mental Health Center). Psychologist working with crisis intervention, drug abuse, alcohol abuse, juvenile court consultation, and community consultation.

ACADEMIC VITA

James D. Larson, Ph.D.

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- 1970-1971 Psychological Intern (Norfolk Regional Center, Norfolk, Nebraska)
Internship was divided: Inpatient psychiatric and Community Mental Health Center outpatient treatment. This A.P.A. approved internship provided training in a wide range of assessment procedures and treatment modalities.
- 1981-1986 Chief Consulting Psychologist, West Florida Community Care Center. Provided direct and indirect services to this psychiatric hospital in Milton, Florida.
- 1983-1986 Chief Consulting Psychologist, Road Camp 5 (An Escambia County Road Camp Prison): Provided Psychological Evaluation, Consultation to medical staff, and direct services to inmates.

PROFESSIONAL ORGANIZATIONS:

American Psychological Association - member
Florida Psychological Association - member; Advisor Council
Pauhandle Chapter of Florida Psychological Association - Past President
N.P.N.P. - member
(Neurologists, Psychiatrists, Neuropsychiatrists, and Psychologists)

CONSULTANT

Department of Health & Human Services, Social Security Administration, Office of Hearings & Appeals, Region IV, Atlanta, GA.

PUBLICATIONS

Foulkes D., Larson, J.D., Swanson, E.M., and Rardin, M.W. (1969) Two studies of childhood training. American Journal of Orthopsychiatry, 4, 627-643.

Larson, J.D., and Foulkes, D. (1969) Electromyogram suppression during sleep, dream recall, and orientation time. Psychophysiology, 5, 548-555.

Larson, J.D., Martin, R., and Fitzgerald, B.J. (1971) Social class, reported parental behavior and delinquency status. Psychological reports, 28, 323-327.

TERRY MINCEY
GD & CP FILE

DISCIPLINARY REPORTS

DISCIPLINARY REPORT

Dennis Carl
SIGNATURE

TPM/ MAX DATE
UDS

GD&CC
INSTITUTION NAME

522
CODE #

I. Offender: Mincey, Terry
Name: Last, First, M.I.

Maximum
Security

EF-160842
ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
Failure to follow							
1. instructions	C-15	G	Guilty	4			
2				5			
3				6			

9-23-87

Approx. 1055 hrs.

Date

Time of Offense

Charles J. Freeman
Signature of Reporting Official

B. Factual Statement: On 9-23-87, at approx. 1055 hrs., I Officer Charles Freeman instructed inmate Mincey, T. EF-160842, G-1-13, that if you remove a tray from the food cart you are instructed to place the food tray back on the food cart after finishing your meal. Failure to do so will result in a disciplinary report. Inmate Mincey, T. did not bring his tray back to the food cart after finishing his meal. Therefore, inmate Mincey, T. failed to follow instructions.

C. Charges served on accused: 9 24 87 0925 hrs.
mo. dy. yr. time

Charles J. Freeman
Signature of Official

III. Investigative Report:

A. Summary of Investigation: Based upon my investigation I find that inmate Mincey, T., EF-160842, G-1-13, did refuse to bring his food tray back to the food cart. Therefore, I find the disciplinary report to be factual.

B. Sgt.
Title

Mark Clark
Signature

9 23 87
mo. dy. year

C. Advocate's Name:

IV. Warden's Disposition Recommendation
Greatest High

Moderate

Low

Raymond J.
Signature

9-25-87
mo. dy. year

V. Disposition of Disciplinary Committee

A. Justification for findings: Inmate stated he would not jump on anymore sinking ships.

B. Action Recommended: 15 days loss of mail, store, visitation, recreation, library, telephone probated 30 days effective 9-28-87.

C. T.P.M. extension:

X

Isolation:

D. Inmate advised of his right to appeal

YES

NO

Member

Member

D. E. Higgins
Signature of Chairman

9 28 87
mo. dy. year

VI. Warden's Recommendation:

☒ Approved

☐ Disapproved

☒ Modified

Raymond J.
Warden's Signature

9-28-87
mo. dy. year

VII. Commissioner's Decision:

☐ Approved

☐ Disapproved

☐ Modified

Signature

mo. dy. year

TPM	_____ days
Isolation	_____ days
Withdraw TPM?	_____ (Y/N)

Distribution:

- cc: 1. DOC
2. Bd. of P. & P.
3. Return to Warden
4. Return to Inmate
5. Institutional file
6. Inmate copy

canary
green
goldenrod
blue
pink
white

PART III INVESTIGATION

1. DATE CONDUCTED: 9 23 87 / 2138 PM
MONTH DAY YEAR TIME

2. INMATE STATEMENT: no statement

3. OTHER FACTS ABOUT THE INCIDENT (SUMMARIZE) : none

4. STAFF/INMATE WITNESS TESTIMONY (SUMMARIZE) : none

5. PHYSICAL EVIDENCE: none

6. INVESTIGATORS COMMENTS AND CONCLUSIONS (BASED UPON WHAT) :

Based upon the fact that inmate Mincey
did not return his tray to the food cart, I
find this report to be true

7. ACTION TAKEN:

☐ RECOMMEND EXPUNGE

☒ H RECOMMEND FOR DISCIPLINARY HEARING

INVESTIGATORS SIGNATURE: Mark Clark

DATE/TIME COMPLETED INVESTIGATION Sept. 23, 1987

12145 PM

THE FOLLOWING LIST OF ITEMS MUST BE READ TO EACH INMATE BY THE INVESTIGATING OFFICIAL DURING THE INVESTIGATION.

1. A DISCIPLINARY HEARING WILL NOT BE CONDUCTED UNTIL 24 HOURS AFTER YOU ARE SERVED WITH A DISCIPLINARY REPORT.
2. YOU MAY REQUEST IN WRITING (LISTING REASONS) FROM THE SUPERINTENDANT THAT THIS HEARING BE CONTINUED FOR A PERIOD OF (5) DAYS IN ORDER THAT YOU MAY PREPARE YOUR CASE. THIS EXTENSION IS AT THE DISCRETION OF THE SUPERINTENDENT. THIS REQUEST MUST ACCOMPANY THE INVESTIGATION REPORT.
3. YOU MAY REQUEST THAT AN EMPLOYEE APPOINTED BY THE SUPERINTENDENT ACT AS YOUR ADVOCATE AT THE DISCIPLINARY HEARING OR YOU MAY REPRESENT YOURSELF AT THE HEARING.
4. YOU MAY REQUEST WITNESSES ON YOUR BEHALF, BUT YOU MUST LIST EACH WITNESS BY NAME AND WHAT THE TESTIMONY OF EACH WITNESS MIGHT BE.
5. YOU DO NOT HAVE TO MAKE A STATEMENT CONCERNING THIS DISCIPLINARY REPORT, BUT THE DISCIPLINARY COMMITTEE MAY TOGETHER WITH OTHER EVIDENCE DRAW AN ADVERSE INFERENCE FROM YOUR SILENCE.
6. THE CHAIRMAN OF THE DISCIPLINARY COMMITTEE WILL ADVISE YOU OF THE DECISION OF THE COMMITTEE AND YOUR RIGHT TO APPEAL ANY ACTION TAKEN BY THE COMMITTEE

THE ABOVE RULES HAVE BEEN READ TO ME BY THE INVESTIGATOR AND I CERTIFY BY MY SIGNATURE THAT I UNDERSTAND THE SAME.

ADVOCATE REQUESTED _____ (YES OR NO)

WITNESSES REQUESTED: (NAME, CELL NUMBER AND STATE ID NUMBER) AND WHAT THE TESTIMONY OF EACH IS LIKELY TO BE.

None

DATE: 9-23-87 Refused Mary E. Clark
INMATE SIGNATURE INVESTIGATOR'S SIGNATURE

TERRY MINCEY GD & CP FILE

PERFORMANCE RECORDING SHEETS

DATE	INFORMATION	SIGNATURES
5/85	No problem noted	SO
6/85	Appropriate behavior	SO
7/85	Overall behavior good	SO
8/85	Completed performance plan	SO
9/85	No problem noted	SO
10/85	Overall Good Adjustment	SO
11/85	Complained about mice in the cell house. Received visits from family. Participate in Crochet program. No problems.	SO
12/85	Meet w/ classification committee. Requested Christmas package. Make monthly phone call. Appropriate behavior. Received institutions of care package and Christmas cards.	SO
1/86	Signed direct deposit to inmate account. Participate in Crochet, Needle Craft and Yard sports. Continues to complain about mouse in the cell house. Refused information to the sanitation officer. Appropriate behavior for this period.	SO
2/86	Received visits from family. Also make monthly phone call. Continues to participate in unit programs. No problem noted.	SO
3/86	Received work order from company. Participate in Needle Craft, Crochet, and yard.	SO

DATE	INFORMATION	SIGNATURES
	Spots. Received visits from friends. Continues to have a cooperative attitude.	
4/18/6	Requested monthly package. Request approved. Made monthly phone call. No visits during this period. Continues to participate in unit programs meet with the Classification Committee. Said the nurse finally went away. Had some complaints about food.	SD
5/18/6	Received visits from family and friends. Only participate in yard call and weaver craft. Said no money for croquet. Continues to have a good attitude. NO problem during this reporting period.	SD
6/18/6	Continues to receive visits from friends. Requested and received monthly package. Made monthly phone call. Meet with the Classification Committee. NO problems noted.	
7/18/6	Complain constantly about croquet program. Refuses to accept decisions on the program.	SD
8/18/6	Participates in unit programs. Receives visits. Counseled on her attitude about the croquet program.	SD
9/9/6	Quarterly Review by Classification Committee: Minney's conditions stable. He was in a fairly good mood. His biggest complaint was the clothing situation. He reports personal clothing being stolen. on -	

DATE:

INFORMATION:

SIGNATURE:

10/86 inmate had problems with crochets. He was counseled and appeared satisfied with answers received. He continues to participate in program. He has maintained appropriate behavior for this period.

11/11/86 Council inmate concerning issues regarding crochets - inmate attempts to manipulate & has to be confronted with the reality of his environment.

12-17-86 Council inmate & received file still release & manipulative but appears to have stabilized complaints on past issues.

1-5-87 Council inmate & received program - continues crochets & successful with few complaints - appears stable at this time.

2-23-87 Council inmate - continues crochets & outfit really via packages - no major problems.

3-13-87 Council inmate regarding crochets program & his concerns - advised staff as to concerns discussion to resolve issue - no other problems.

4-25-87 Council inmate in general session - no major problems.

5-6-87 Council inmate concerning program participation - stable to date.

6-26-87 Council inmate regarding program & his need for consistent supplies.

7-21-87 Council inmate & received participation in program - no problems.

7/30/87

Talked with inmate money this date about Crochet program. He wishes for larger needles and Crochet Kits to be ordered by inmates of G. House. He seems to have set himself as a spokesman for this project, the being the third time he has bought it up over the past 2 years.

Jm.

INMATE NAME: _____

INMATE I. #: _____

DATE: _____

INFORMATION: _____

SIGNATURE: _____

8/87 Inmate has talked with myself and Mr. McCann about the Crochet program and changes "he" would like to see take place. Wants to order kits as mentioned last month. He continues to be belligerent on insubordination as he talks about these issues. There seems to be some indications in his conversations that he is going to force these changes if necessary. Jm

9/25/87 Had two letters from Inmate Mering about price list for yarn. He has ordered yarn many times in last several months and no change in price has occurred in that time. He has sent out an order with wrong price which was deliberate, trying to confuse the Coordinator and create problems with processing the order. Myself and Mr. McCann has talked with him recently about the program rules & regulations. Jm

10/12/87 Minimum contact with Client this period. He seems to have settled down some from last two months concerning yarn program. Jm

11/22/87 Yarny seems to be coping with daily situation well at this point. He has made no request of counseling at this point. Jm

2/21/87 Minimum contact with Counseling this period. Seems to be utilizing normal programs (yarn, package, yarn etc). Jm

4/18/88 No problem concerning Client at this point. He has made no request of counseling at this point. He seems to be handling daily situation well. Jm

PERFORMANCE RECORDING SHEET

INMATE NAME: _____ INMATE I.D.#: _____

DATE: _____ INFORMATION: _____ SIGNATURE: _____

ARRIVED ACMI

DATE NOV 5 1987

- 2/24/88 Terry has settled somewhat and seems a bit better adjusted to G-1 Cellblock. He makes regular phone calls home & utilizes yard and other privileges of the unit. He has somewhat of a personality problem and tends to be a bit tough guy. Will continue to monitor later.
- 3/30/88 Minimal request from Terry this period. (phone, packages, yard request etc.). Terry does not seem to have any major problems and usually has no problem relating them if he has. He keeps a low profile this period.
- 4/20/88 Behavior for Month appropriate. Has made no unusual request from Counseling Staff.
- 5/12/88 General Session held with no problem revealed. Terry continues to dominate the interview if he can and ramble from one subject to another. He has a good attitude.
- 6/2/88 Completed Work/Activity Report for Client encouraged to become involved in High School Refresher Courses.
- 6/20/88 General Session reveals no problem needing Counselor intervention. Terry's behavior for this session & period is appropriate.
- 7/28/88 Monthly Contact reveals no problem area needing Counselor intervention. Terry has made reg. monthly request.
- 8/29/88 Terry has made no request of Counseling this month. He continues to get along well in the Cellblock and no problems are reported.
- 9/17/88 Monthly Contact with Client - Office Visit. Covered General Questions - no problems noted. Behavior for this period appropriate.

INMATE NAME: Minney, Terry INMATE NUMBER: EF-160942
 DATE: 9-7-88 INFORMATION: _____ SIGNATURE: [Signature]

9/19/88 General Callout for Monthly Contact.
 filled out SS. Card. Terry Was usual joking
 Self.

10/24/88 behavior for this period appropriate. [Signature]
 He continues to utilize unit privilege on Rights
 basic interview in medical areas this period. He wanted
 to spe. Medication in cell for emergency use. Denied.

11/30/88 Red Cross Contacts this period indicates Terry [Signature]
 in general self. never gives answer to question but always
 makes things seem dark and gloomy. He verbalized in major
 problem this date.

12-20-88 Limited Contact with client this period. He has
 made only normal monthly request for this period. He does
 not like to be called to office and usually refuses. Seem
 to be receiving regular family visits. [Signature]

1-14-89 Counselor interview - he has been
 very rigid in his case record. appears more
 open to discussing personal issues. - [Signature]

2-13-89 Counselor interview in a session session.
 - he verbalizes feelings in a rapid-fire manner
 in attempt to ventilate feelings. - [Signature]

3-29-89 Counselor interview - appears to have
 fatalistic perceptions regarding outcome of his
 case. - [Signature]

4-1-89 Counselor interview in extensive session
 regarding his focus on "donating" his organs
 in midst of his skepticism - explaining to
 him a life was not a viable system. - [Signature]

5-10-89 Critical contact with inmate -
 no major adjustment or behavioral problems
 assessed. No additional needs assessed during
 this period.

6-21-89 Monthly session with inmate. [Signature]
 Inmate's behavior continues to be appropriate
 with no major problems or needs assessed.
 Attorney of Record updated and signed by inmate. [Signature]

July, 1989 Mincey's behavior continues to be satisfactory during this period.

Letter from State Board of Pardons & Parole given to inmate (7-21-89). No additional needs assessed at present time - P.P.

August 1989 - Mincey was assigned to P.P. My caseload this month. This subject is very vocal and has many complaints, one of which is the way the crotch program has been operated in the past, but, to this inmate seems to do some good. TMR

9-27-89 - Subject has been low key this period. He related no major problems or needs. His attitude was satisfactory during session. Mincey continues to participate in crotch and yard. TMR

11-29-89 - Mincey seems to always have something to say or complain about. This inmate takes up quite a bit of staff time. His attitude is ~~not~~ satisfactory this period. TMR

12-31-89 - Mincey continues to be loud. He has not asked for counselor assistance this period but he presents as if. He is vocal about his and others problems. TMR

1-31-90 - Mincey related a number of requests to me and the classification committee. His attitude towards staff has been satisfactory. Behavior appropriate. TMR

2-23-90 - Mincey related no major problems or needs this period. His behavior is ~~not~~ satisfactory. TMR

3-20-90 - Mincey has been requesting ^{help} from counseling to have oxy 10 placed on the store order form. Store personnel are attempting to have this product added. Mincey Attitude has been satisfactory this month. No Behavior problems observed. TMR

INMATE NAME: Minicy, TonyINMATE I.D.#: EF-160842

DATE: _____

INFORMATION: _____

SIGNATURE: _____

- 4-19-90 Informal him of Counselor change. He explained his medical problem to counselor but stated he was receiving medication provided by doctor from ACAF and everything seemed ok at present. He seemed made to counselor. His overall behavior & attitude appear satisfactory at present. B. Demery
- 5-8-90 Completed Work/Activity Plan. Discussed his store account with him & met with him, Mr. Duggan, Capt. Battle & Mr. McCom to discuss some issues in G-1 Cellblock. He appears to have settled down a little & appears ~~to~~ receptive to counseling about interpersonal interacting with staff. B. Demery
- 5-22-90 Requested a special visit from Mari J. OHTA, from North Carolina. Refused to Mr. Moulden. B. Demery
- 6-4-90 Discussed some issues about store items and problems with T.V. in G-1. Work order for T.V. turned in today by Sgt. Krenge. Attitude & behavior appear to be improving and he seems to be accepting responsibility better than before in past. B. Demery
- 7-5-90 Discussed many issues as usual. He continues to improve concerning many things. He is very demanding and does not seem to be receptive to any change or discussion from others. He seems to have turned in on most things and appear pleased with certain issues. Will monitor behavior. B. Demery
- 7/9/90 Counselor with inmate Minicy concerning a package he received through the mail that was unauthorized. He was very outspoken indicating staff and the system is out to get him. He is a chronic complainer and needs to work on his listening skills. C. Puckett
- 7-30-90 He has special visit apparently ask about credit books approval & new order. B. Demery
- 8-1-90 Saw him at Red Party, discussed Capt. Hanks & how the order him and other report. B. Demery

INMATE NAME: Mincey, T. INMATE I.D.#: EF-160842
 DATE: _____ INFORMATION: _____ SIGNATURE: _____

- 8-21-90 Continues to complain about color charts for yome. He is scheduled to meet with class committee on 8-27-90 for 6 month schedule meeting. *B. Dammf*
- 9-11-90 Discussed addition to visit list & why she was not to be added. He ^{stated} knows why this was done but does not want to accept it as usual. He will complain to me & to Mr. Mordle via a letter today. He continues to have problem due to fact that he does not accept authority well or only only a regulator without an argument. *Dammf*
- 10-2-90 Had meeting concerning problem between him & officer Proctor. It appears that Mincey has let his attitude toward others get him into more problems. The officer agreed not to place a Dis/Reg at this time but this continues to be a major problem with Mincey. It appears he has total lack of respect for authority figures & does not seem to relate very well to peers. *Dammf*
- 11-5-90 Continues to complain about Mr. Proctor. It appears that Mincey cannot accept any form of authority without an argument. He appears to resent any authority figure & does not accept any type supervision well. Attitude & behavior continue to remain as usual. *Dammf*
- 12-6-90 Mincey has not made any request or complaints this period. This is the first time in several months he has not made some sort of complaint so maybe he is making some better adjustment. Will continue to monitor his behavior pattern. *Dammf*
- 12-10-90 Discussion in office per his report. With some medication put in store. Referred report to Mr. Kollman. Wants T.V. schedule changed per G.I. He will have to discuss with Capt. Battle. Attitude ok. *Dammf*

INMATE NAME: MinceyINMATE NUMBER: EF 160842

DATE	INFORMATION	SIGNATURES
12-19-90	Met with Capt. Battle to discuss T.V. schedule & other things. He continues to want changes made to T.V. schedule.	Deane
1-3-91	Mincey has stopped making so many demands & appears to have settled down a little in 6-1 cellblock. He is usually strong willed & open to want everything to go his way at all times. Have counseled with him many times concerning this situation.	Deane
1-7-91	Has requested time to sit in low sitting to punch hole in some paper. I instructed him to chat with Sgt in 6-house coming thru seg. He coming with some real strong ideas at times in the opinion of the comb.	Deane
1-16-91	Requested addition to visitation list. Sent form; referred to Mr. Marshall	
2-13-91	Requested that counselor check on his visitation list & check with counselor Mr. Conn who has talked with him about a specific type of projector which would be acceptable for him to use. Has related the other concerns during this period. No behavior problems noted during this period.	Anderson
3-6-91	Have counseled with client about several concerns during this period: Special yard call, problems with TV audio, getting inmates more games, addition to visitation and receipt of funds list, and special visit. He appears to feel superior to the other inmates, states he only associates with one other inmate whom he feels is "not like the others". He has superior attitude and behavior & attitudes have been appropriate.	Anderson

DATE	INFORMATION	SIGNATURES
4-22-91	Had a lengthy counseling session with inmate Dady; he states he does a lot of reading; participates in yard call, occasionally in the cricket program and in the clean up detail. He talked to inmate about family relationships; he states his father is the only one of his immediate family who comes to visit him. Inmate related that he looked over a list of antisocial behaviors and stated that he got all of those behaviors except one. He states that he cannot blame his family for his crime, but he holds himself responsible and guilty for the present circumstances.	Teal
5-28-91	Inmate Minney has generally gotten himself, Mr. Dady, reabsorbed on his visiting list. His requests for special visits for this month will approach. Received inmate work/activity plan & Status Report with him, which he signed. He continues to keep himself busy, mostly in the cricket program, at present attitude & behavior appear appropriate.	Teal
6-13-91	Minney has been approved for a special visit with his mother this date. He continues to do extensive reading and participates in a special cellhouse clean up detail for which he receives a fifteen minute call. He uses this time to cricket and participate in yard call. He has related one professional during his reporting period.	Teal

INMATE NAME

Mincey, Terry

INMATE NUMBER:

EF-160842

DATE	INFORMATION	SIGNATURES
2-11-91	Inmate does not receive regular visits. He did receive a Special visit by his brother on July 4. He has related no problems during this period and the only request has been for a girlfriend and to check out encyclopedias. He seems oblivious to the seriousness of his situation, always laughing and kidding about things. Attitude & behavior appear satisfactory.	Teal
2-7-91	Inmate has been approached for a special visit this month; he receives very few visits. He spends a lot of his time reading and playing board games. He has kept a low profile this period, has made few requests. He participates in L-house activities and appears to get along well with the other inmates. He has presented no management problems.	M. Teal
2-16-91	Conferred with inmate on a couple of things. On date, he is concerned that when inmates have special visits, they have to come at 3:00 p.m. Checked with Mr. McCann on that; he claimed that it is because of feeding time. Also, inmate wants a large piece of art paper; recreation does not have it in the size he wants. Inmate spends most of his time studying the Japanese language, as he has a Japanese friend who visits him occasionally. It appears that his family visits him very little. Attitude & behavior appear to be appropriate.	M. Teal

INMATE NAME:

Mincey, Terry

INMATE NUMBER:

E7-160852

DATE	INFORMATION	SIGNATURES
10-24-91	Inmate receives regular visits; he participates in cellhouse sanitation detail; appears to keep himself constructively occupied. He has presented no management problems this period; attitude & behavior satisfactory.	M. T. Cal
11-22-91	Mincey has been working on an afghan which he recently completed. He is receiving regular visits at present. He has kept a low profile this period, has kept himself constructively occupied, and has related no problems.	M. T. Cal
12-12-91	Inmate is now receiving regular visits, but they are from friends rather than family. He is interested in some location, and is reading all available material on it, and plans to write letters so that inmates may be given the opportunity to donate there. He does a lot of reading and checking. His attitude and behavior continue to be satisfactory.	M. T. Cal
1-17-92	Inmate has been persistent in getting an answer as to why the color yellow was taken from the aprons & threads. Called him to the office and let him read the policy statement concerning this and again explained it to him, as well as had Capt. Smith also to explain it to him. Inmate is not always accepting of answers, but wants to argue the point.	M. T. Cal
2-28-92	Inmate is receiving regular visits at present; he has requested no telephone calls this month. He keeps himself constructively occupied in reading and the Cracit program. Behavior and attitude have been appropriate.	M. T. Cal

INMATE NAME:

Mincey, Terry

INMATE NUMBER:

E4 160842

DATE	INFORMATION	SIGNATURES
3-12-92	Inmate met with Classification Committee. He brought in some socks in a bag, stated this was his replacement socks. He complained about how the socks looked. He also wanted another place added to list where inmates can purchase clothing items; and he brought out picture of "wiggly eyes" that inmates would like to purchase for stuffed animals. No other problems related. Attitude is becoming appropriate.	M. Teal
4-22-92	Inmate has asked for several items to be added to their credit program and asked for individual color charts; these are not permitted. He does a lot of reading and studying; he had related no problems this period.	M. Teal
5-18-92	In a counseling session inmate requests some additions to visiting list; it appears from his file that he is getting regular visits at present. He made some suggestion about items to be added to their list. Suggested he bring them up at classification. No other problems related.	M. Teal
5-26-92	Mincey request a special visit for 6-2-92. This was approved.	Harrell
6-16-92	Mincey has had some problems in getting his glasses, which were ordered on March 31. Called Med. adm.; his prescription was lost in the shuffle of changing contractors. A new order has been put on it. He has made some changes in his visiting list. Is presently getting regular visits. No problems related this period.	

DATE	INFORMATION	SIGNATURES
7-8-92	Inmate received his glasses, but they were not the right ones. Called Medical Section and was told that they would send them back. Inmate a little upset by all the trouble he has been having in getting some glasses; wrote the Medical Director. No other problems related.	M. T. Cal
8-25-92	Mincey has been approved for a Special visit by his father & Stepmother for next month. He participates in the Cricket program; recently completed an appeal. Keeps himself constructively occupied. No other problems at this time.	M. T. Cal
9-25-92	Inmate receives visits mostly from friends rather than family. He continues to participate in the House Cricket program; he had expressed an interest in moving to another cellblock, but stated he has some inmates who "own" him in his present cellblock, and doesn't want to move just yet; relations good with roommates.	M. T. Cal
10-29-92	Inmate has been attempting to have another store added to the list of retailers from which inmates may order their share. This request has been denied, as there are already three approved retailers. He is not receiving regular visits at this time.	M. T. Cal
11-25-92	Inmate had annual physical done this month with no major problems noted. He was sent to Court last month. He participates in the Cricket program on a regular basis. He does not receive regular visits.	M. T. Cal
12-28-92	Inmate keeps busy with reading and challenging tests. He requested & received his WIROT Score. He is interested in a program dealing with donation of organs. Does not	

INMATE NAME:

Minney Terry

INMATE NUMBER:

E7-160842

DATE	INFORMATION	SIGNATURES
1-27-93	Inmate does not receive regular visits. He has received two this month. He participates in mail call and in the croquet program on a regular basis. He has related no problems this month.	M. Teal
2-15-93	Received a call from inmate Stepmore on 2/10 saying that his father died. Talked to inmate about this on this date and next day. Chaplain Harrell saw him on 2-12; seems to be handling the news well. He does not have good relationship with mother and sister. Was permitted to make emergency call.	M. Teal
3-22-93	Inmate recently met with Classification Committee. He complained that he has a gastric skin problem and nothing helps it but hydrocortisone, which the pharmacy has not been giving him enough of. He also brought up a problem with the radio station. Lt. Cook will attempt to resolve this. He other problems related.	M. Teal
4-19-93	Inmate was taken to local doctor (dermatologist) this date. He is receiving visits from friends at present, none from family. Has related no problems this month.	M. Teal
5-20-93	Minney requested special visit from this month, but visitors did not show. He recently was sent to see a dermatologist in Kyffin, whom he states told him he has Scabies. Thinking had some problems with receiving his medication in a timely manner; this was resolved.	M. Teal
6-9-93	Work, Activity Plan & Status Report was completed on inmate. He participates in croquet program, reads a lot. He has related no problems this month.	M. Teal

DATE	INFORMATION	SIGNATURES
7-9-93	Inmate is requesting a special visit on July 24; he is not receiving regular visits at this time. He continues to do a lot of reading; photographs in cabinet picture when finances permit.	M. Teal
8-11-93	Mickey complained about the weekend photographer for H-House; Mr. McCann will check into this problem. He also complained about the way the radio stations are selected. This problem was resolved. Inmate is taking keeping himself constructively occupied with his reading and is presently interested in learning about poisonous snakes; as the inmate watched a recent TV program on snakes, which aroused his curiosity.	M. Teal
9-9-93	Inmate has requested to make an addition to his visitation list. He has been asking about obtaining copies of some of his institutional record, and he was told that he needs to contact his attorneys about this. He is specifically interested in what his psychologicals contain.	M. Teal
9-22-93	Inmate had power of attorney papers drawn up by legal aid, notarized, & requested that a copy be placed in his file.	
10-20-93	Inmate has written up a paper to be sent to the judge in which he requests to drop his appeals and terminate services of his lawyers. He is angry because he does not agree with the way his lawyer is handling his case. He has raised no other problems.	M. Teal

DATE	INFORMATION	SIGNATURES
11-9-93	Inmate has reportedly been writing letters to anyone who he thinks may help his cause & being able to donate his organs in the event of his death. He had a problem with sending some court papers off, as he wanted them typed, but was unable to obtain typing service. He goes out on mail call, has related no other problems at this time.	M. Teal
12-14-93	Inmate was informed that his step-mother called Chaplain concerned because she hasn't heard from Wm. in some time. He will call her to let her know that he is alright. He has been approved to receive a special visit on Dec. 30. Related no problems this month.	M. Teal
1-31-94	Inmate has made request concerning his receipt of funds list; he is thinking of making some changes. He has also made a request that all inmates receive a White Envelope, which will be brought up at Classification. He has related no other concerns.	M. Teal
2-28-94	Inmate complained about the strip search procedure and Capt. Clark explained to him why and how it is to be done. He accepted the fact that it is a rule which has to be enforced. He is attempting to add someone to his visitation list & have his girlfriend removed.	M. Teal

DATE	INFORMATION	SIGNATURES
3-15-94	<p>Armate requested some cancelled.</p> <p>Checked to see he was having problems with a magazine he ordered. He met with classification and states he has special sensitivities, but does not know at which grade yet. He asked that all inmates be permitted to have a plastic lunch; this request was denied.</p>	M. Teal
4-27-94	<p>Armate has related no problems this reporting period; he has kept a low profile, presented no management problems. He had requested to be able to receive some eyeglasses from outside, but this request was denied. He does not receive regular visits at this time.</p>	M. Teal
5-9-94	<p>Armate wanted to know about receiving a special visit from someone from another country; information was given him. He likes to read, relates no problems at this time.</p>	M. Teal
6-24-94	<p>This inmate does a lot of reading, is receiving visits, though none from his family. He has been quiet this month, has related no problems caused no management problems.</p>	M. Teal
7-27-94	<p>Armate has asked a lot of questions this period. asked about receiving value upon getting black or blue jeans shoes, having fine point pins put on store list, using hole puncher, putting something on store list for a pen. Completed needs assessment/program plan with him. He states he reads, writes, & crochets.</p>	M. Teal

INMATE NAME:

Macey, Terry

INMATE NUMBER:

E7-160842

DATE

INFORMATION

SIGNATURES

8-23-94

Inmate met with Classification Committee. M. Teal brought up several items such as inmates being able to get graph paper, items on store lists, etc. He is studying Japanese; participates in cricket program. He is not receiving regular visits at this time; relate no major problems.

9-29-94

On 9-11-94 Received a Visit from a Friend MARGIE WENGER. His File Contains no DR's for this Report Period. On 9-1-94 He Received a Counselor Change from Mr. Teal to William Smith.

WTS

10-26-94

On 10-15-94 He Received a Visit from a Friend MARI OHTA. On 10-18-94 He Received a Pastoral Visit. He seems to be able to get with Staff/Peers.

WTS

11-23-94

On 11-2-94 His Uncle Bill Henry was added to his Visitation list. He has submitted Request for 2 Christmas ^{PACKAGES} ~~with~~ NO management problems suggested.

WTS

12-14-94

He has ask for a Special Visit from a MARI OHTA + A AKIKO OHTA for 12-28-94.

WTS

12-20-94

The Special Visit he Requested from AKIKO OHTA for 12-28-94 has been Approved.

WTS

INMATE NAME

Muncey, Jerry

INMATE NUMBER

DATE

INFORMATION

SIGNATURES

1-24-95

on 1-15-95 he received a special visit from his cousin, a friend & aunt.
 on 1-18-95 he received a pastoral visit from Rev. Randy Loney.
 seems to be able to get along with his peers.

WTS

2-22-95

on 2-3-95 a SABRINA WORK WEEK removed from his VISITATION LIST.
 A BONNIE EDCLMAN was added to his VISITATION LIST. on 2-20-95 he appeared before CC. He had several ideas that he brought up. He would like to see the pen-around group changed. The time that the videos are shown. He also states that he needs a new pair of tennis shoes.
 seems to have a good staff/peer relationship. no major problems suggested at this time.

WTS

3-29-95

on 3-10-95 he had a PASTORAL VISIT.
 on 3-23-95 he had a PASTORAL VISIT.
 He has received no family visits THIS 6 MONTH. Seems to have good STAFF/PEER RELATIONSHIP.
 File CONTINUES TO REMAIN ON FREE. NO MAJOR PROBLEMS INDICATED

WTS

INMATE NAME:

Mincey, Jerry

INMATE NUMBER:

DATE

INFORMATION

SIGNATURES

4-17-95

Informal Mincey that I am his assigned counselor. He stated that he had some bad teeth & needed to lose his teeth. Currently this is considered contagious as he can't use it. He also reported a problem he had getting library books. I talked with Mr. Smith in Education & this was taken care of. Behavior is appropriate.

CB

5-3-95

Mincey concerned about visitation the difficulty in getting people added to his visitation list. Talked about how he could work around the system to get what he wanted.

CB

-17-95

Sewing thread was ok'd for use by Mincey by Major Battle for use by Mincey.

CB

6-2-95

Mincey voiced concerns about the radio system changeover, holiday movie call & wanted to know when the workday will be. The rock station has been out & he's also concerned about which headphones they will have approved. He said they haven't been getting their extra movie on holidays. No major issues. Behavior is appropriate.

CB

7-11-95

Still complaining about movie situation. I spoke with coach Johnson who said they would not get a holiday movie but he would send down all the movie titles he had to be viewed on the weekend in stead of just one. No other concerns reported. Behavior is appropriate.

CB

8-4-95

I explained the after price increase to him. Reported that Major Battle had reviewed & rejected some of the

PERFORMANCE RECORDING

INMATE NAME: Mincey, Terry

INMATE NUMBER: 160842

DATE: INFORMATION:

SIGNATURES:

8-4-95 cont. looks he had received from a book club. I asked the Mayor who said they were how to book + that Mincey could not have them. No other issues at this time. Behavior is appropriate. GB

9-18-95 Complained about radio station being out + having to alternate stations when it wasn't done before. He also complained about a problem with the weekend videos. The video problem is an ongoing issue because you can't place everybody. This was discussed with inmate. He made no other requests or complaints at this time. Behavior appropriate. GB

10-6-95 Requested that I check on some movies on video + getting him a haircut. Almost always has some kind of request or issue to discuss but causes no management problems. GB

11-17-95 Made request for names of the movies that will be shown over the weekend. Discussed MAP goals. Behavior has been appropriate. GB

12-5-95 Complained about not receiving all available videos for their video movie time. Requests to have more games added to their approved games. Is in compliance with MAP goals. Behavior is appropriate. GB

1-18-96 There had been a misunderstanding about a lady on his visitation list but it was straightened out, although he did miss a special visit because of it. He is MAP compliant. No behavior problems noted. GB

2-19-96 Met with CC. He asked about numerous issues. No management problem presented. He is MAP compliant. No major issues were presented. GB

INMATE NAME: *Mincey, Jerry*INMATE NUMBER: *160842*

DATE INFORMATION SIGNATURES

3-7-96

He was randomly selected for a drug test this date. Commented that last night's video was good. No MAP deficits are noted. Behavior is appropriate.

GB

3-25-96

Mincey sent out some paperwork that was taken to inmate accounts and a printout for past year was given him. He also asked about adding an aunt to his visitation list and had an affidavit in his court documents showing she is aunt. Asked Ms. Putnam about this; she said he can use it if I make proper notations.

M. Deal

4-9-96

Saw Mincey this date. He requested a pair of gym shorts; made up a list of all H-4 residents who needed a pair of gym shorts. Asked about receiving hard back books; told him we checked and they have to be paperback.

M. Deal

5-15-96

He had a problem with an incoming piece of mail that somehow got into the outgoing mail and he didn't get it for a few days later. I checked with the mail room, the C House mail clerk and the first shift supervisor that was on duty the day this piece would have arrived here. Nothing was found out. Evidently it was just an inadvertent mistake. His MAP is unchanged. No behavior problems have been noted.

GB

PERFORMANCE RECORDING SHEET

INMATE NAME: Mincey, Terry

INMATE NUMBER: EF 160842

DATE	INFORMATION	SIGNATURES
1-1-96	He doesn't believe the policy that bans hardback books is fair. He has no other issues at this time. MAP goals are unchanged. His behavior problems noted.	CB
7-19-96	He had several issues relating to things he wants including some educational materials. His requests are being considered. MAP was completed. He was polite & cooperative.	CB
8-6-96	He asked no requests this date. MAP remains unchanged. He was polite & respectful.	CB
8-22-96	Met with CC this date. Issues discussed were the new gym program, Japanese language books & the need of a new stove list. He was polite & cooperative. He sometimes chooses to push an issue if he get a "No" answer.	CB
9-9-96	Discussed issue of football games on the radio. He wanted station to be changed when this occurs. It should be noted this. MAP is unchanged. He sometimes shows a sarcastic attitude.	CB
10-8-96	Saw inmate this date. He raises no problems nor has any issues to discuss. His MAP deficits are noted. Behavior is appropriate.	CB
11-8-96	He is concerned about headphones for new system & is interested in helping choose a good set that won't break like the one provided. His MAP deficits noted. His behavior problems noted.	CB
12-18-96	Inmate has no issues to discuss. His MAP deficits noted. His behavior problems indicated.	CB
1-10-97	Inmate has no requests. MAP is unchanged. His behavior problems noted.	CB
2-21-97	He met with the classification committee this date.	CB

INMATE NAME

Moncy, Terry

INMATE NUMBER:

DATE	INFORMATION	SIGNATURES
2-21-77 cont	Discussed TV audio problems, personality conflicts & a lack of movies being posted for change that occur in G. House. NAP is unchanged. Behavior is appropriate. G. Ballard	
3-10-97	Inmate states he is doing ok. NAP is unchanged. No behavior problems noted. G. Ballard	
4-11-97	Discussed problems with the library list. He participates in yard call. NAP is unchanged. No behavior problems noted. G. Ballard	
5-8-97	He has no issues for discussion. He participates in yard call & he reads a lot. NAP is unchanged. Behavior is appropriate. G. Ballard	
6-25-97	Discussed videos provided by recreation. He wanted to request that caption can be shown. NAP is unchanged. No behavior problems noted. G. Ballard	
7-21-97	NAP revision now completed, no changes made. No behavior problems noted. He requested that G. House have a workout. Mr. McLean was notified. G. Ballard	
8-18-97	NAP is unchanged. No behavior problems noted. J. Brown	
9-10-97	NAP is unchanged. No behavior problems noted. Met with CC last week - everything O.K. J. Brown	
10-24-97	NAP is unchanged. Behaviors is appropriate. Makes few requests. J. Brown	
11-18-97	NAP is unchanged. Made several request for special visits. No behavior problems. J. Brown	
12-30-97	NAP is unchanged. Problems with phone call. Want to call people at different numbers - not listed. No behavior problems noted. J. Brown	

PERFORMANCE RECORDING SHEET

INMATE NAME: Mincey, Terry

INMATE NUMBER: EF 160842

DATE	INFORMATION	SIGNATURES
2-20-98	Interview w/ Above I/M For classification - States Concerns About being charged medical co-pay For pre-existing conditions. States his diet need to be address. States Change in a Horney if Record - Will Forward this info ASAP	R. Murphy
3-20-98	I/M Forwarded Change in a Horney of Record info - Informed Warden's Office. No Change in NAP.	R. Murphy
3-19-98	Interview w/ Above I/M who states he's doing okay. Appears in good health. No problems noted. NAP unchanged.	R. Murphy
4-14-98	I/M states he's "doing okay". Appears in good health. NAP is unchanged	R. Murphy
5-27-98	I/M states he "doing okay". Appears to be in good health. States discontent w/ Counselor process. ing of special visitations & other requests For visitors. Counselor communicated wishes of Unit mgr. NAP is unchanged	R. Murphy
6-17-98	I/M states he's "doing okay". Appears in good health. No problems. NAP is unchanged	R. Murphy
6/19/98	Mincey has been transferred to my counsel. He has complained about the lack of continuity in the counseling staff, which there does seem to be frequent changes. He does not receive regular visit at this time.	Metcal
7/17/98	Mincey has been approved for a special visit for next weekend. He does not receive regular visit. He has addressed a couple of questions/suggestions pertaining to the visitation rules. No major problems this reporting period.	Metcal
8-27-98	Mincey is requesting a special visit for Sept. 7. He does not receive regular visits at this time. He has written a letter with several issues	Metcal

PERFORMANCE RECORDING SHEET

INMATE NAME: _____

INMATE NUMBER: _____

DATE	INFORMATION	SIGNATURES
	<p>which was submitted to Unit Manager. He met with Classification Committee this month & asked about adding to his visitation list. He was given forms to send out to those he wishes to add.</p>	
9/14/98	<p>Mincey requested & was approved for a special visit, which he received on Sept. 13. He is receiving regular visits at this time. He relates no problems this reporting period, sends out suggestions at times which are passed on to Unit Manager.</p>	M. T. Raf
10/26/98	<p>Mincey has requested a special visit & the friends did visit him. He does not receive regular visits at this time. He occasionally makes suggestions on how we can more efficiently do things. He likes to read, participates in yard work & does unassisted.</p>	M. T. Raf
11/19/98	<p>Mincey had a problem in exchanging his clothing items. Talked with Security concerning this & it has been resolved. He does not receive regular visits at this time. He requested a special visit which was approved. He has related no other problems this reporting period.</p>	M. T. Raf
12/8/98	<p>Mincey has requested a special visit for the latter part of the month. He sent out a letter explaining what actually took place in a recent incident between two inmates. He does not receive regular visits; has related no problems this reporting period.</p>	M. T. Raf

PERFORMANCE RECORDING SHEET

INMATE NAME

Mincey, Terry

INMATE NUMBER

160842

DATE

INFORMATION

SIGNATURES

4/15/99	Mincey has a problem with medical. He has sensitivity to different foods, & during this time he has been treated for several other things, including eczema, but it was determined that he is sensitive to some foods. He said that in the past he was given Benadryl to take as a preventative measure, but now medical has decided that he should get the Benadryl after he has a reaction to the foods. He has submitted a letter to Mr. Fletcher, Deputy warden of case & treatment to have her check into this.	M. T. Tef
4/9/99	Mincey has been attempting to see a DDR, which has not been made available to him as of this date. He is still concerned that Benadryl cannot be left in the cellhouse for him to take before he has symptoms. Dr. Pallack has explained to him that this cannot be done. Mincey has written to Dep. Warden & Unit Manager regarding his problem. He does receive visits & reads a lot, self-improvement materials.	M. T. Tef
4/15/99	Mincey met with Classification committee. He said he sent in a sick call request either Sunday or Monday night. He should not have a skin rash, which he has been attempting to have medical leave him some Benadryl that he can take at the onset of this rash. Also, asked that I check to see if Mr. McCann has talked to Dr. Pallack about his situation. He asked about inmate being able to sit 'many blue room'; also, about getting a religious history book from Chaplain office.	M. T. Tef

3/3/99 Minzey complained that he has sent Medical in sick call requests last week & one this week & has not had any response from Medical section as of yet. Called Medical, was told they do have a sick call request from Minzey & he will be seen either tomorrow or the next day. Minzey stopped by office later this date to let me know that he is on his way to Medical. He is still attempting to get Medical to leave some Penadyl in his cell so he can take it when he needs it.

PERFORMANCE RECORDING SHEET

INMATE NAME:

Mincey, Terry

INMATE NUMBER:

160842

DATE

INFORMATION

SIGNATURES

4/1/99	Mincey has been frustrated for the last couple of weeks about his inability to receive proper medical attention concerning his reaction to certain foods & medical request to prescribe an adequate antibiotic for him to use as needed.	H. Teal
5/7/99	Mincey informed me that he was sent to Dermatology Clinic & the Dermatologist told him all the things he had been telling Dr. Pallack. He appeared to be hopeful that his problem would now be resolved. He is attempting to get approval from inmates to order their own Crochet hooks; this has been presented to Mr. McCann. Mincey appears to be doing well; has caused no management problem this reporting period.	H. Teal
6/11/99	Mincey came to office for counseling session. He had several issues he wanted to discuss. Yesterday they didn't have a volleyball to play with at all, as it was flat. The drum case should be relaxed somewhat. The TVs are still being jammed by certain inmates who want to take control of them & do this to harass inmate Spivey. I will talk to Unit Manager about these issues. Mincey participated in yard call, doing a lot of studying (Japanese), reading.	H. Teal
7/14/99	Talked to Mincey this date. He has been having some problems with his leg. He states "he was acting like he was a teenageer when sent on yard call and he trusted it". He is	H. Teal

Over →

now able to get around slowly.

He does a lot of Making/Studying

weavecraft program, & participate

in yard call. Has caused no management

problems this reporting period.

8/9/99 Henry continues to do well; has not caused H. to
any management problems. He was caught with
a crochet item made of many blues & was
told to take it down & to get rid of any other
items containing many blues. He showed me some
Color Charts which had been signed by former
D. House counselor, showing that many blues
was approved at that. He was then told that
he can keep it, but not order any more
blues of any shade. He checks out books from
library, participate in yard call. Classification
completed. I D current.

PERFORMANCE RECORDING SHEET

INMATE NAME

Mincey, Terry

INMATE NUMBER

160842

DATE

INFORMATION

SIGNATURES

9/13/99	<p><i>Mincey has had a problem with the postal rate he is being charged. He showed me some receipts he received from the post office, showing different rates, but he said they are charged the highest rate. Have this information to Mr. Harper, who had the postmaster check it out. He said it is not the scales, but the system. They will check into this. Mincey has requested a special visit for this Thursday, but has gotten no response to it. He is attempting to add to his visitation list attitude & demeanor appropriate.</i></p>	<i>H. Teal</i>
10/7/99	<p><i>Talked with Mincey this date. He had complained that he was overcharged for a package which he mailed, & in checking administration sent him five stamps. He refused them, saying they owe him more than the five stamps. Also, he has complained about the reception of radio station 106.3. This has been brought to Unit Manager attention. Mincey participates in G-Home Recreation, does not receive regular visits. He is attempting to add to his visitation list & to get a special visit.</i></p>	<i>H. Teal</i>
11/9/99	<p><i>Inmate has asked to obtain a copy of how many inmates have been approved for special visit on non regular visitation days. He was told that because of shortage of staff, those requesting weekdays will be limited. Although Mincey does receive visits, they are mostly from friends rather than family. He states no problems; attitude & demeanor appropriate.</i></p>	<i>H. Teal</i>

12/1/99 Talked to inmate this date about a problem H. Teal
he is having. He states the one inmate who
"gets on his nerves" has been moved next door
to him; he keeps him awake all night shouting
back & forth to his friend. Mincey asked about
moving to H-house, as there is a vacancy. He
states he would be able to get along with all
the other inmates over there. Told him to write
a letter to Mr. McCann making this request.
Mincey reads, does crochet occasionally, participates
in K-house recreation, has caused no management
problems.

1/20/00 Saw Mincey this date. He was busy H. Teal
crocheting an afghan. He states he is
still enjoying living in H-house where he
has his own TV; it is so much quieter.
He asked that I inquire about having a
tape recorder placed in the room downstairs
so he can listen to tapes, as they do in
H-house; also, to find out if they might
be able to use their personal razors, even
if they have to go to the booth to use
them. Attitude, behavior appropriate.

SIGNATUM

2/2/00	Henry met with Classification Committee this date. He has submitted a request for special visit later this month and asked about the status on it. Checked with Mr. Buttrick & he asked that I obtain more information before she make a decision. He asked again about having a room in H. House where he can listen to tapes. No decision has yet been made on this. He participates in recreation program, crocheting program, reads a lot; states no other problems. No changes in visiting list or attorney list. I.D. current.	M.T. 100
3/10/00	Saw Henry this date. He appears to be doing well; related no problems other than he needed clothing request forms & also that he has a couple of packages to be mailed out. Engaged appropriate officers of these requests. He receives some visits, reads, participates in crocheting program. Has counsel no management problems. Disposition period.	4900
4/10/00	Completed WAP with Henry this date. He participates in recreation, the weaving & crocheting program, does a lot of reading. He does not receive regular visits. States he still enjoys living in H. House. His attitude & behavior are appropriate.	M.T. 100

PERFORMANCE RECORDING SHEET

INMATE NAME:

Mincey, Terry

INMATE NUMBER:

160842

DATE	INFORMATION	SIGNATURES
5/19/00	Saw Mincey this date. He was concerned about who will be the next inmate to be moved from G-1 House. Told him I have no idea, as several have expressed a desire to go so he keeps constructively occupied by checking, participating in yard call, reading, etc. Receives some visits, including paternal visits. Attitude & behavior appropriate.	M. Teal
6/5/00	File reviewed for sex offender visitation per SOPHC03-0002.	No sex offender identified M. Teal
6/24/00	Saw Mincey this date. Introduced him to his new counselor and provided him with forms. He states everything is going well for him at this time. He spends a lot of time in reading, participates in yard call. Does not receive regular visits. Attitude & behavior appropriate.	M. Teal
7-20-00	Can be assigned to this counselor.	Swick
7-21-00	Saw inmate during yard call today. Questioned how to get all supplies that are supplied by institution. Advised him to send me the list and I would see that Coach Terry received their request. No other requests. No behavior problems reported.	Swick
8/9/00	Mincey returned to C-Home from 11 House due to attitude.	Swick
9/14/00	Mincey made four requests: 1. wants to move to G-2 instead of G-3. Lt. denies request @ present. Inmate just wants to move to a cellblock w/ friends. 2. Requests a special visit w/ mother & Cousin - advised to submit request in writing. 3. Requested his name be removed from the television viewing roster because he doesn't watch much tv and claims it is the cause of a lot of fights & discipline denied - he can give that day away & live it on the last channel. 4. Inquired if his Japanese tapes were still available. Yes. No behavioral problems reported, only has a I want it my way attitude.	Swick

COUNSI

PERFORMANCE RECORDING SHEET

INMATE NAME: Mincey, Jerry

INMATE NUMBER: 160842

DATE	INFORMATION	SIGNATURES
8/17/00	G.D. & C.P. INITIAL CLASSIFICATION/RECLASSIFICATION Detail Assignment: <u>N/A</u> Dorm Assignment: <u>G-3-79</u> Program Assignment: <u>N/A</u> Security Level: <u>max</u> Transfer Request: <u>N/A</u> Denies not for classification. Requested to make change in visitation list and addition to phone list. Provided a list of his attorney. Denies any physical altercations w/ any inmates. Claims he participates in yard call. Occasionally participates in library services, croquet program, credit program, picture program. Enjoys learning foreign languages. Claims he does not make monthly phone calls. He receives visits on a regular basis. Medical problem current. Next assessment due 3/02. He is not a mental health inmate. No DR's in the past year. Requested a copy of the consent decree. Provided.	
9/21/00	Saw Mincey today. He had no requests of concern. He stated all is going well at this time. No DR's or behavior problems reported. When Mincey first moved back from H house, he made numerous requests of concern but he has been fairly quiet the past 3-3 weeks. Behavior appropriate.	J. Smith
10/12/00	Met w/ Mincey today. Claims no issues to discuss. Reports no problems or requests of this time. No DR's or behavioral problems reported.	J. Smith
11/14/00	Saw Mincey today. Throughout the month he has sought help in court for a 50% medical copy for 9/21 that he says he should not have been charged for because the procedure was to follow up & did not. The fact is he requested to see medical on 9/20. He was seen on 9/21. Followup had nothing to do w/ the copy. He cannot accept this. He has been approved for 2 special visits on 11/14/00. No DR's during the past reporting period.	J. Smith
12/18/00	Saw Mincey today. During the past reporting period he has made several complaints. He continues to argue w/ medical copy discussed in 11/14/00. He is aware of procedure to request to ensure he disagrees with	J. Smith

COUNS1

PERFORMANCE RECORDING SHEET

INMATE NAME: Murphy, Jerry

INMATE NUMBER 140842

DATE	INFORMATION	SIGNATURES
12/15/00 cont'd	<p>① He has complained about how his medication is administered (discussed in notes in inmate's presence)</p> <p>② He requested copies made of a medical description sheet sent to him by his lawyer; denied for we don't make copies for inmates. Murphy cannot accept this. He is reported in food reporting period.</p>	
1/17/01 (P)	<p>Saw Murphy today. He continues to complain about medical. ① He says they are not seeing him quite enough on rounds, his medicine he requests, and ② that he should not have to pay the \$100 copay from September.</p> <p>He is reported. He continues to receive visits.</p> <p>(A) Murphy will not accept that his \$100 payment to medical will stand. He expects staff to provide immediate response to his request which is impossible. My attempt to talk him out of it.</p> <p>(P) Continue seeing him periodically throughout the month and monitor him. (Note: medical is aware of Murphy's request/complaint)</p>	<p>DSW</p> <p>12</p> <p>Don't Well</p>
2/19/01 (P)	<p>G.D. & C.P.</p> <p>INITIAL CLASSIFICATION/RECLASSIFICATION</p> <p>Detail Assignment: <u>N/A</u></p> <p>Work Assignment: <u>G-3-79</u></p> <p>Program Assignment: <u>N/A</u></p> <p>Security Level: <u>Maximum</u></p> <p>Transfer Request: <u>N/A</u></p> <p>Met w/ Murphy today for six month reclassification. He has 12 people on his list and receives regular visits from friends. He requested to make changes to his list. He does not make monthly calls - his choice. His current attorneys are Ann Smalley, John Hanney, and Bob Wells. He stated in response to the question has he had any physical alterations since he came here his incarceration, he stated if you don't have it in the file, I'm not going to "help" you out for telling you. He was advised this question is for the protection. He replied "You go have me in the wrong place - in death row." The file reflects no physical alterations while inmate. Murphy has received only 1 letter since his incarceration 1/83. He was for 2 years to follow in medical in 9/87. Murphy does not go outside for recreation due to an old knee injury. He does not attend religious services nor participate in the track program. He checks out books occasionally from the library. He obtains items through the extra/extra program. He currently is working on his genealogy - leaving little time for anything else.</p>	

MISC COMMENTS

PERFORMANCE RECORDING SHEET

INMATE NAME: Mincey, Jerry

INMATE NUMBER 160842

DATE	INFORMATION	SIGNATURES
2/19/01 cont'd	Mincey claims problem w/ his knee and has seen medical. Mincey is not a mental health inmate. Cellhouse behavior is described as constant complaining, but tends to follow institutional rules. He does not appear to irritate others among other inmates. Following the correct procedure of sending correspondence through counsel instead of Unit Manager + Institutional Div. when appropriate procedure is through counsel. (A) Mincey was cooperative during review of exception to his reply regarding physical altercation. (P) Continue monitoring inmate's behavior and seeing inmate at least monthly.	
2/20/01 (A)	Mincey was received approval to add activities but one was denied due to criminal history. He wrote a note requesting to know "what is the problem?" (A) Mincey appears to take "no" personal when the restriction is only following procedure. (P) Continue monitoring behavior	Doni Webb
2/20/01 (A)	Saw Mincey today. He again was addressing issue w/ the Unit Manager that he had previously been given an answer to. During the past month he has sent various notes to the counselor complaining about stamps, SOS pads for inmate use, other inmates aware of his prison record demanding to know why a potential visitor was denied (due to his) suspicion of other inmates and his medical copy as he questioned since Sept. Mincey has been concerned regarding every issue but he continued to bring the subjects up. No DR's reported. (A) Mincey does not like to be told no. (P) Monitor behavior.	Doni Webb
4/14/01 (A)	Met Mincey today to discuss / update WAPP. Mincey read the WAPP, agreeing w/ all rules. Chief remains the same. He has now found chess card game and reads consistently stimulating his mind, sees medical as needed, claims no mental health issues, maintains sobriety, and has no communication deficits. (A) Mincey was appropriate today. Overall he appears to follow institutional rules although is argumentative at times. (P) Monitor behavior.	Doni Webb

MISC COURT

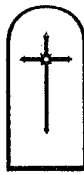
PERFORMANCE RECORDING SHEET

INMATE NAME: Minley

INMATE NUMBER 160872

DATE	INFORMATION	SIGNATURES
5/21/01	(D) 1st entry as counselor. Handed various package/magazine requests. — (A) Attitude towards counselor appropriate. — (P) Monitor behavior —	W. J. J. J. B. J. J. J.
5-31-01	O.T.A. 5-31-01 R.F.A. 5-31-01	N. J. J. J.
6/15/01	(D) Mincey has made no recent requests. Last one concerned access to list of books in law library. Expl. book was in canon desk. All he had to do was request it from security. (A) Attitude seemed appropriate. — (P) Monitor behavior —	W. J. J. J. B. J. J. J.

MISC COUNS1



GLENN MEMORIAL
United Methodist Church

October 8, 2001

Re: Terry Mincey

To Whom It May Concern:

As I got to know Terry in the first months about 4 years ago, I was struck by his awareness of how his crime had broken the social fabric in his community. He had many stories to tell of the victims, rescuers, and how they had been connected to him or to his family. He appears to have sincere regret for decisions that robbed another of their life and he, of his adult life. He is not the rebellious young man who planned a robbery gone wrong.

The man we see today is humorous, thoughtful, and creative - he has made me an afghan and one Christmas knitted scarf and cap for me. When the prison Scrabble game board wore out and with some restriction about purchasing a new one, he made his own game board and tiles from plastic. He has calmed me down when I became exasperated at some of the prison rules (especially about books or being told that my clothing is not appropriate when it is something I wear to church on Sundays!) explaining to me that someone has abused these privileges and so restrictions became necessary. I know Terry has searched to find a way to give his life meaning and purpose. He has proposed that death be administered in such a way that his organs could be donated to give life to others. I would trust him to speak meaningfully and truthfully to older children I might bring to visit him.

I don't know what value there would be for the State of Georgia to kill this man. I suspect he will find a way to make his life meaningful and good if allowed to live, even though he would be in prison for the rest of his life.

Sincerely,

Ellen L. Mintzmyer

October 21, 2001

To whom it may concern:

I have been fortunate to know Terry Mincey since 1982, when we began corresponding by mail. And since 1984 I have visited him numerous times at the state prison in Jackson, Georgia. We met as reporter and convict, but over time we became friends. We remain friends today. I am not a religious man, but I do have a deep, humble belief in God's grace; and I can say without reservation that an abiding example of God's grace in my life has been, and continues to be, Terry's friendship.

I pray that through the mercy of those who can decide and act in such matters, that he will be spared his impending execution.

In April of 1982, when Terry Mincey, Bobby Jones, and Tim Jenkins were arrested for the Mini-Foods robbery that left Paulette Riggs dead and Russell Peterman badly wounded, I was a 23-year-old police-and-courts reporter for my hometown paper, the Macon Telegraph. Throughout that spring and summer I covered their prosecutions: the indictment, the hearings, the guilty pleas of Jones and Jenkins and, finally, Terry's trial and sentencing.

This is how I first heard of Terry Mincey.

And in those two decades since 1982 I have gotten to know a Terry Mincey apart from the news stories and the press releases, the testimonies and courtroom arguments, the briefs and the judicial decisions that have built what appears and reappears in public records about him. In nineteen years, I believe I have come to know his character in a way that could never be captured by news reports and court filings, and this is my attempt to share that with you.

I hope you will bear with the length of my letter. I have refreshed my memories and impressions by reviewing our 19 years of correspondence. As you can imagine the case would be with any friendship so lengthily documented, it has been hard to decide what I should include. Ultimately I have probably included too much, and I hope that you will blame me, not Terry, for imposing too much on your time. But I believe it is better that you should have too much, than too little, as we are talking about my friend's life.

Back in 1982 I first contacted Terry after his trial in August. He was in the Bibb County Law Enforcement Center jail, and I wrote him a letter asking him if he would write me. I had spent the spring of that year researching a series of stories about Georgia's process of death penalty appeals, I introduced myself to Terry (favorably, I hoped) as someone interested in hearing about his experiences.

Our first conversation took place on, I think, Labor Day, in 1982. Terry called me from the Bibb jail. At first I was a bit intimidated, for Terry had a "street" tone of voice - bluff and assertive, sprinkled with jailhouse lingo -- which made me wary. I had covered the Macon "cops and courts" beat for two years, and I had enough experience to know that imprisoned people often sought out reporters for their "cause," and that they could be demanding and manipulative. I was convinced that many criminal defendants were psychologically unpredictable. I'd had my share of them call me up and try and get me interested in their cases. On top of all this, Terry was a convicted murderer who was something of a mystery. He had not testified during his trial, so I had no idea what to expect.

But as I listened, Terry's active intelligence filtered through his "street" talk and got my attention. We talked about hobbies, places in Macon, people we both knew, impressions we had of his trial. And I could tell immediately that if his mental alertness and range of chat was any indication, Terry was obviously neither the brain-damaged drug addict nor the cold, single-minded felon that he'd been depicted as at trial.

For example, his attraction to motorcycles was not astounding in itself; but that he recalled in pretty minute detail where and how far he had traveled (8,756 miles in two months) on his favorite (a Kawasaki KZB 4L 1000), and so on - that was pretty impressive. Terry seemed to have a storyteller's gift for details, and he filled his anecdotes with them. He included things like how he'd met his stepmom-to-be playing chess with her son, or how he used to speed his motorcycle over the Lake Tobesofkee bridge at Lower Thomaston Road. When I looked beyond the slangy diction, and listened to what he was saying, he definitely had an interesting personality, an active mind. To a reporter like myself, these were the things that caught my attention, and made him interesting.

So, although at this point I never imagined becoming Terry's friend, I did make up my mind to go forward with the correspondence. Terry seemed like a good source for "inside" information on jail and the death penalty, and he did not seem to have any particular agenda in mind.

As his letters arrived it was clear that my impression of Terry's intelligence was correct. On paper the posturing was less noticeable than the frantic onrush of commentary and details, questions, reflections, and opinions. I liked the way he responded to my promise "not to try and lay any religion on you." "That makes me wonder what your religious beliefs are. So let me know what you think about it," he wrote back. Clearly, this wasn't the average convict letter, full of self-pity, complaints about unfairness, and demands for attention. He genuinely seemed as interested in writing to me, as I was in writing to him.

Within a week or two we also tried to arrange a visit at the Macon-Bibb County Law Enforcement Center. But Sheriff Ray Wilkes blocked media from meeting with Terry, and as things turned out it would be almost two years before we sat down and talked face-to-face. But in the meantime, Terry wrote detailed answers to my questions about jail routine in the Bibb County Law Enforcement Center, and he was sometimes disarmingly open with his feelings about his circumstances. In an early letter he wrote, "I try to take it in stride but inside it all really hurts. The pressure of the trial was hell and my nerves were shot when I came back [to jail each night]. I had to take pills to calm myself for a couple of days until I could actually cope with it."

From the time we met in 1982 Terry has adhered to his lawyers' advice that he not discuss the details of the crime. The trial, he told me, was "like reliving a nightmare." In the early years, Terry indicated to me that he was so overwhelmed by what had happened that he found it hard to imagine how he could ever begin to make amends or relieve the burden of guilt, which included not only what had happened to the crime victims, Peterman and Riggs, but their families and even to his own.

In one letter he recounted how his father had decided to move from Lumber City to Tennessee "to forget the past and get a new start where my case isn't tearing up the newspapers," and how he, Terry, was "sad that I was the cause of their moving."

In March of 1983 Terry wrote about remorse:

"Maybe everyone doesn't want help but I know a few such as me do want help. Remorse is a word I never felt or thought about until I got myself into this. How anyone can be happy with what happened with beats the hell out of me. I can't change what has happened but I know that I can try to help in the prevention of it happening again. I don't have the expert knowledge to write a book but I'm going to try and use enough first hand knowledge to make notes so someone can make something useful to help people."

A recurring topic in his year at the Bibb County Jail was Terry's (mistaken) belief that he could take educational courses once he entered the state system and was transferred to Death Row at Jackson. He wrote, "My first list of books when I hit Jackson will include a collegiate dictionary and a good thesaurus."

Terry worked hard at learning to transfer his ideas to paper. He put a lot of effort and detail into answering my questions about what life was like behind bars. Furthermore, when I asked him to describe the convicts in the jail and what impressions they made, he included himself in his descriptions, often critically. He also talked about anger, and how his own anger over small things was a burden to him. In March of 1983 he wrote, "I get mad when I try to explain for someone how to help themselves earn a quicker release, and they just listen but never do anything to help themselves."

Terry and I finally met face-to-face on December 12, 1984. I came down from Athens on a "special visit." Terry was in H-House at the Georgia Diagnostic and Classification Center in Jackson, and we had finally succeeded in finding a way to have me added to his list of visitors. What I remember most is that we "overdid" the visit. We spent nearly six hours together talking and getting to know each other better.

Anyway, my visits with Terry have always been less eventful for the details than for the purpose they have served us both - in Southern terms, we visited not so much for the conversation as "for the company." I think we both used the first few visits as a way to see whether the person we were writing was the same "in person." And, once convinced that was the case, we settled into a comfortable routine. At first we both smoked, and I would bring cigarettes and we would smoke and talk about newspaper stories, movies, books that I had sent him.

As we both quit smoking - he first in 1985 or so, then I in 1992 - we carried on the same routine, substituting soft drinks and snacks for cigarettes when the prison installed vending machines in the visiting area. Over the years, we have tended to use the visits as times for catching up on recent events and simply enjoying one another's company. I have laughed a lot with Terry in our visits. With his eye for detail, he tells good stories about his "neighbors" and the daily life on the Death Row cellblocks, and he always introduces me to the other inmates in the visitation area. He loves SCRABBLE and "trivia" questions, and he jokingly calls me his hired, unpaid researcher as I try and hunt down SCRABBLE rules or use my library experience at locating answers to questions. (He went so far as to design his own SCRABBLE gameboard and tiles, and my wife made a friend for life when she used a Microsoft spreadsheet to print the tiles out for him.) Terry once invested a fair amount of time in playing chess, but as he resignedly admitted to me, "I'm too compulsive to be a good player. I seem to be preoccupied and can't totally focus my attention on board strategy - thus causing more losses." He also crochets, as do many inmates, to try and produce some sort of income and to make gifts for friends. As a result, I have come away

with probably more than my share of crochet, including three great afghans - one of them large enough for a queen size bed - which only stopped when I complained of no more closet space.

At the outset, I offered to find and send books to Terry. In the fall of 1983 I found a small, second-hand bookstore in Athens that would mail books out to Terry for me, per correctional rules about sources of books sent to inmates. In the early years I sent him novels that he liked (Louis L'Amour, Robert Ludlum, Leon Uris) as well as various books I had read by and about prisoners - Norman Mailer's Executioner's Song, Jack Abbot's In the Belly of the Beast, and so on. He was also receiving a number of books from family and friends. In 1984 he sent a catalog of over 150 books he had read that year alone. As time went on, I recommended fewer books because Terry would do his own picking of titles from book clubs. Some of his favorites, that I am aware of, include:

Chaim Potok's history of the Jews, **Wanderings**;

Thor Heyerdahl's **Kon Tiki**;

Alfred Lansing's **Endurance**;

Adventure novels by Frederick Forsyth, Ken Follett, Clive Cussler, and Eric von Lustbader;

Westerns by Louis L'Amour;

James McPherson's civil war history, **Battle Cry of Freedom**;

Hammer of the Gods, a history of Led Zeppelin (his favorite rock band);

Dr. Jack Kevorkian's **Medical research and the death penalty and Prescription: Medicide**;

Leonard Scott's Vietnam novels (**Charlie Mike**, **The Last Run**) and Richard

Marcinko's Navy SEAL novels (**Rogue Warrior**);

The Forbidden Zone by Michael Lesy, a book he first became interested in for its sketch of Captain Treadwell, who ran the executions at GDCC until he retired;

Anything by the British military historian John Keegan (**History of Warfare**, **The Mask of Command**, **The Face of Battle**, **World War II**, etc.);

A Bright Shining Lie: John Paul Vann and America in Vietnam, by Neil Sheehan;

Gerald Posner's **Case closed : Lee Harvey Oswald and the assassination of JFK**;

Swallowing Clouds, a book-long essay on Chinese food, culture, and language;

Elaine Pagel's **The Gnostic Gospels** and **Adam, Eve, and the Serpent**.

To my confessions he listened patiently, and he said something which I shall never forget: He said it seemed strange, after years of relating to me as though I were somehow of a different, better class from him, to see that I had traveled some of the same roads. He said, "With a twist here or there in another direction, we could be sitting in each other's places, you here and me out there." And with a small warm smile and a two-handed handshake he welcomed me to a mature world where I would have to live with regrets and make my way forward. Sooner than either of us expected, I think, he would actually demonstrate to me how it was done.

In 1988 the Butts County Superior Court denied Terry's petition for habeas corpus relief and the Georgia Supreme Court followed suit. Terry's state habeas appeals had been denied. In early 1989 he became involved with Dr. Jack Kevorkian, who was campaigning to give death-sentenced inmates a way to "pay" for their crimes through organ donation. Terry had been a driver's license "donor" before he was imprisoned, and after he was sentenced to death he had looked into the possibility that lethal injection would make organ donation possible. When he learned that injection still damaged organs (like electrocution), he had dropped the idea. Now, Kevorkian was writing condemned prisoners and newspapers recommending his own brand of "deep anesthesia" be

substituted for lethal injection. When Macon Telegraph reporter Randall Savage wrote Terry asking how he felt about it, Terry was quick to respond.

Terry corresponded with Savage despite the objections of people (lawyers, friends) who thought that endorsing organ donation ran counter to his own interests. He did so despite disliking other stories Savage had done on Terry's appeals. In a letter from January 1989 Terry told me he would answer Savage's questions because "this idea is a good one that needs all the positive publicity it can get."

In the years between 1985 and 1988 he was receiving money - mostly from his father - and he was crocheting afghans to sell. Terry has always fretted about asking for money; in his earliest letters, it was apparent that he agonized over his poverty and his reliance on his family for support. He insisted on sending me money for books that I would have gladly paid for out of my own pocket. But by 1989 he had exhausted most of the known outlets for selling afghans, in part because by then most of his family - including his mother - had stopped corresponding or visiting. An exception was Terry's father. Then in late 1989 his father was diagnosed with terminal cancer. At around the same time he learned that his execution date had been re-set for the coming February 1990. In December Terry wrote:

"I have no idea how my Dad will fare....Rose is my stepmom and she thinks I should get a job. Obviously, if my Dad dies I will never see any help from her. It's a totally depressing situation....

"The fact that my mom, 2 sisters & 1 brother, 1 stepsister, 1 stepbrother, do not help, do not write, etc. is an even worse situation.

"I've disposed of all my stuff except the very basics.... I'm just trying to write to keep myself distracted. My dad is in terrible shape.... I did not even tell them about the [execution] date because I saw no reason for making them worry about me."

Terry's execution order was eventually vacated, and it was about this time that Terry began corresponding with Mari Ohta, a young Japanese exchange student. Mari arrived as - in my opinion - a friend of inestimable value to Terry at this time when he desperately needed hope.

In June 1990 Terry wrote of his father's having come down "so I could see him a last time." Terry writes of how his father's ravaged physical appearance was a shock and how, though "I kept my composure through our visit, but I cried all the way back [to his cell]. ... I'm not really sure how I will deal with this in the long term. It's tough. When he needs my help most I'm unable to do anything at all."

But still, amid his legal struggles and worry about his father's fatal illness, he took the time to interrupt his relations of his own worries to counsel me to "take your time and work through" some girlfriend and work issues I was struggling with. "You my friend are in the real world where problems are always there," he reminded me in a letter that summer. "I don't have those types of problems."

Terry seemed, by the summer of 1990, to have worked his own way through a very dark time and emerged a changed man. Dealing with his own situations, he was no longer tenacious to a fault. For example: When it came time to paint G-House he

wanted to get on the paint crew in order "to insure my cell is 100% perfect." However, when some other inmates had their own ideas about using the paint crew to finagle extra sack lunches, Terry ended up excluded. His final comments to me on the situation were that prisoners were "really the same as people in AA. We have a problem we must face each and every day and learn to be in control."

By 1991 he was writing that he was studying Japanese, and receiving translation reference guides from Mari and her family. In April I had been accepted at the University of Arkansas for additional graduate study, and my moving away from Georgia was imminent. In May we had a visit where Terry seemed particularly withdrawn. When I got home I wrote and asked why, and his response was that he did not mean to seem moody or depressed, that he had in fact simply been feeling quiet. "Just thinking of how fortunate I am with friends like you, Mari et cetera, makes me feel so good and also puts me in a serious type mood. Life does that to me." Over these past ten years, I have seen more and more of this type of serenity in Terry, more evidence to me how he has changed.

His behavior at other times of depression is certainly consistent with this analysis. In the time that he has been in prison, when Terry has been depressed, fearful and losing hope, he has often reacted by trying to reduce his possessions and/or distance himself from his friends.

And when in 1992 Mari's romance bloomed with her future husband, Bill Weir, Terry reacted with realistic happiness for her. During this year, unsurprisingly, he took a chance at reconnecting with some women from the pre-1982 period, but it opened old wounds so he realistically dropped his attempts. In the long run, Terry went about doing what he was doing with fewer illusions and (my perception) more acceptance: He set to work supporting himself as best he could, financially by making afghans, physically by exercising and altering his diet to treat his allergies, mentally by reading and studying Japanese, socially by writing.

In 1993, Terry suffered multiple setbacks: His father died February 9th. Of his father's death, he wrote he was confused and chaotic, "looking for cures," "doing some serious thinking on what I have to do," and "open to suggestions." dropping his appeals would do as much harm, or more, than doing nothing at all.

A news agency contacted him for comments on Kevorkian, who had been jailed again, and Terry seemed to be regaining balance as his focus changed from his own problems to those of others. He took an opportunity to write the warden asking that convicts be allowed to donate blood. As he began to focus on external things he could do to be useful, he noted the change in his attitude. He put some energy into helping a Vanderbilt divinity student who was seeking his input on Kevorkian and the ethics of euthanasia. Confronted by people actively appearing to invite him to use his mind and pen on behalf of worthwhile issues, Terry decided it was better to take an active role in combating his depression, and he again swallowed his pride and asked for "5 or 10 or 15 dollars a month."

Writing about his correspondence with Melissa Donahue, the Vandy graduate student, he again taught me a thing or two about managing expectations. I had married my wife in 1993 and much of my correspondence with Terry now included bits and pieces of my whining or uncertainty, especially about having taken on a wife with two young daughters who became my stepdaughters. And what Terry was able to tell me about his evolving relationships with people was of help to me in adjusting my own expectations, a big accomplishment in my own grapples with my newfound roles as husband and parent.

(Terry's "success" in prison - his minimal conflicts or disputes with other inmates - has been facilitated, I think, by his genuine interest in and respect for other people's ideas and beliefs. This has minimized his conflicts with them, or short-circuited them. Thus he has never been the source of trouble to the institution that some prisoners, bent on manipulating or controlling others for some perceived advantage, have been.)

"As I get older," Terry wrote in January 1994, "I see less and less in common with my much younger associates and friends. So I guess I'm going through another stage in life with no idea what to do about it. But I'm trying to keep my sense of humor. It's '94 and I'm trying to take a slower approach to everything and hoping that style will enable me to deal with things better." And in his next letter, specifically in relation to the correspondence he was carrying on with Mrs. Donahue, he wrote that he expected their correspondence to cease once he'd given her what info he could for her theses, but that he had adopted a new attitude to this sort of "break" in a relationship.

"I'm pleased I could be of help regardless of how limited it was. Am I becoming too cynical? Probably. I've learned from many past experiences that you can't make friendships out of nothing, and it takes common interests. And I've also had my share of those who mean well and attempt to boost my spirits by asking me to help them with term papers. My stepbrother and stepsister are two prime examples. The papers came out well but that's all the contact we've had since the mid-'80s. But I'm telling you this because I need an outside source to keep score for me concerning if my analysis of this comes true or not ... I do my best to be realistic and mature in recognizing that life does not work that way [i.e., that any chance encounter can or must result in an enduring friendship], but those temporary connections can be good, and when the separation does occur it does not have to make either party sour on the other."

In 1994 and 1995, Terry often wrote about changes going on in the prisons. Changes in the correctional system by the governor led to swift and frequent turnovers in administration and rules. On occasion, Terry let these rules bother him and cause him to do things like reduce or stop his book requests. In 1994 he described problems with inmate store stocks but announced his intention to be persistent, having learned in the past that continuing his written appeals had paid off: "Due to my tenacity I got us I, J, and K crochet hooks and blue yarn and peanut butter. You could not believe all the excuses I heard over the years, but I kept at it. I'll continue the same way on the Oxy-10," which he thought the store should carry for acne sufferers as well as for "black guys who get rashes from shaving with razors."

By the fall of '94, Terry's friend Mari Ohta was married and pregnant and Terry made sure that I remained up to date on all the details, as I was also an "expecting" parent. He kidded me about my entry into "the 'dad' business" and made sure that I, like Mari, understood that all children should be introduced early to Led Zeppelin! (Over the next few years, through the birth of Mari's first boy, Taro, and her second, Shogo, whether I wanted to or not I received from Terry all the details of the young boys' growth and their escapades during Mari's visits to GDCC. In a typical passage from a 1997 letter, he fretted about how Taro fell during a visit and got a bad bruise on his head. "I fear it may have damaged the underlying bone because it swelled up so fast and was blue as soon as we picked him up. I'm waiting for an update now. Mari will more than likely dismiss it as just a routine experience for a kid, but it has me worried sick.")

My daughter was born in January 1995, and around the same time my father became very ill. My visits and letters dwindled as my family responsibilities grew, but Terry was typically willing to give me more slack than I felt justified in taking. Hearing of my dad's illness, in typical Terry fashion he withdrew his request for some articles and a book, telling me not to worry about him while such things were imperative. And when my dad died in March of that year, Terry wrote a short and very touching letter.

At this point, in the mid-1990s we settled into a routine of relying on occasional letters. With a new baby in addition to my two stepdaughters, my family life required a lot more of my time. Terry and I adopted a "keep in touch" attitude - I was typically forgetful in remembering to send money to him, but I would tell him to not worry about asking. He would write with small requests every five or six months: Could I help him locate tennis shoes that he used to be able to order but which were no longer available; could I send 25 dollars to help out with magazine subscriptions that were about to expire; and similar small things that I had promised to help out with. He kept me up to date on his other correspondents, and shared his thoughts and feelings on the executions of people that had been friends of his on Death Row.

Around the same time, some of Terry's relatives in southeast Georgia had begun to write and visit him. Since his father's death, Terry had spent a lot of time reading over navy history (his father had been a WW2 naval veteran) and looking into family history. I cannot remember whether he contacted these relatives as part of his genealogical interests, or whether he had already been in touch and they agreed to help him out. But, when I moved to New Hampshire, Terry and I decided that it made sense for him to remove me from his "regular" visitor list in order to enable some of his cousins to visit without seeking "special" visits. And although his Uncle Henry has been getting older and not quite as able to travel as he was, Terry and that wing of the Mincey family have been pretty regular correspondents these past five years.

In March '97 Terry's sister Marsha had resumed writing him after more than ten years of no word. His response: "I'm pretty bitter about how they turned their back on me, but I want family unity and will try to work toward that no matter what." As it turned out, Terry's willingness to work things out has led to a reconciliation of sorts between Terry and his mother. By 1998 he writes of how his mother is helping him with his genealogical searches, and although he does not expressly say whether he and his brother are on speaking terms, he does mention with some pride that he has a new niece via Wayne and his wife.

In mid-1998 Terry mentioned how he was getting a lot of letters from a nephew, Wayne Jr., who was "building 270 days in the California Youth Authority System." Terry wrote, "He writes a lot but that's because he is in jail with nothing else to do. He will build a lot of time, too. His words make that clear. Just like me, he does not see the personal flaws and can't alter them until he admits them to himself. But I'm going to write and maybe I can be of some use without preaching to him about what he has to do."

Finally, as I mentioned above, one of the ways Terry has chosen to spend these past few years is through genealogical investigations. Just as he threw himself behind organ donation lobbying in 1989, he has devoted a large amount of time these past five years to researching his "family tree." He has put a lot of effort into constructing a chart which includes a couple hundred ancestors, based on inquiries he has made to relatives. Much of the incentive for this has been, again, the desire to contribute something useful.

I have not tried to build a case for what Terry could do were his death sentence commuted. I frankly am not sure what he would do. He has said the prospect of living in prison the rest of his life is a fearful prospect to him. I believe that he would do his best to make, in his own words, "something useful."

Still, should you talk to Terry today I know that he will tell you that he admits his responsibility for the events of April 12, 1982. He not only admits, he accepts the responsibility for his role in the crime, and he is prepared to accept the sentence he was given. But it is my belief that, should his sentence be commuted, he will move forward as he has for the past nineteen years - turning his remorse into his mission, taking what life puts in his path and making the best he can of it.

Remorse: Merriam-Webster's dictionary defines it as a "a gnawing distress arising from a sense of guilt for past wrongs." Terry once told me that his trial was "like re-living a nightmare." I believe this is why you find Terry lobbying to die under Kevorkian's deep anesthesia -- to preserve his organs for donation. It is why he lets the Macon Telegraph publicize his efforts, even though he knows that, like clockwork, the mention of a condemned prisoner in a newspaper is like a bellwether that summons the "letters to the editor" which scream at prosecutors to explain why he still lives and to urge legislators to reduce appellate review. Remorse is why Terry traces family lineage for a family that, as often as not, has turned their backs on him, or writes a nephew in juvenile detention in the hope that he can make a lasting impression by his own desperate example. In Terry's own words:

"Maybe everyone doesn't want help but I know a few such as me do want help. Remorse is a word I never felt or thought about until I got myself into this. How anyone can be happy over beats the hell out of me. I can't change what has happened but I know that I can try to help in the prevention of it happening again. I don't have the expert knowledge to write a book but I'm going to try and use enough first hand knowledge to make notes so someone can make something useful to help people."

And, lastly, his change for the better: Terry has spent nearly twenty years reflecting upon his life and his actions, and with much work he has let go the immature mindset and reactions that led him to do so much damage to the world around him. He told me many years ago (above) that "a few such as me do want help." Death Row inmates don't have access to the corrections system's educational facilities, but that hasn't stopped Terry. I stop to wonder at what he could have done with his Japanese language had he had access to something as simple as tapes. Or a computer. Granted, he forfeited those things many years ago when he impulsively ended up with a gun in his hand, in a car with Bobby Jones and Tim Jenkins. But I believe Terry Mincey is no longer the reckless, angry young man of April 1982.

Particularly in the years since his father's death, he seems to have undergone a dramatic, temperamental change in the way he manages anger, the way he handles frustrations, losses, and anxieties. The "old" Terry tended to be tenacious to a fault, determined to force his will and way through problems with anger. But to talk with Terry today is a different experience. He seems to have been very successful at learning to use patience and a sense of humor. When we are talking about something and he starts to get agitated, he is aware of it, and instead of

giving his anger the rein he waves it off, laughs, sighs, whatever. This is not the same Terry who, at 22, had to go back to jail at night and take sedatives to calm down from the anxiety of "reliving a nightmare."

Whether it's a new mail officer who interprets the rules differently to Terry's disadvantage or a cellblock neighbor who won't bathe, Terry accepts what life puts in his path with a sober, realistic mindset. When a cellblock neighbor gets on his nerves, he makes an effort to approach the person and see what, if anything can be done. If nothing, he recounts this to me with a laugh and a "what the hell..." If he and the prison staff have a disagreement, he puts his argument down on paper instead of carrying it in a chip on his shoulder. He no longer expresses the "all-or-nothing" attitude of an immature young man, but commits himself to doing what little he can. Maybe it just means occasionally talking to a person rather than building a wall between them. These are the details that for the past ten years I have seen more and more frequently in Terry's stories about life on Death Row, and they represent to me a league's difference. He has changed.

To close, I would like to share with you something I came across in the course of my work at the University of Georgia Library.

As I mentioned, I manage an historical research collection about Georgia and its people. In 1996, for the 300th birthday of the state's founder, General James Edward Oglethorpe, the Georgia Historical Quarterly published a collection of essays and testimonials, James Edward Oglethorpe : new perspectives on his life and legacy. I happened to pick up this book the other day, looking for an answer to a researcher's question about the life of Oglethorpe. And as I was reading this collection, I discovered two interesting passages. The first was a seldom-mentioned but authoritative fact about Oglethorpe, the founder of Georgia; the other was a quote from a commemorative sermon held at an English church once attended by Oglethorpe.

In the first, Sir Keith Thomas of Oxford University told how the 26-year-old Oglethorpe killed a man in a "night-house of evil repute," in April 1722 "when overcome with wine," Then as now, murder was a hanging offense but, "Somehow," Thomas wrote, "he got away with it."

The second passage is from the book's epilogue, by the Reverend John Ashe, Vicar of Godalming, England. It is a commemorative sermon entitled "Oglethorpe's Life as God's Grace in Action." Ashe wrote:

"Founding the colony of Georgia gave people an opportunity for a new start-perhaps a second chance after failure; and that is a principle which lies at the heart of the Christian gospel. The Christian gospel writes no one off as useless. Christ offers us all a second chance-or even a third or fourth or fifth. Indeed the words of Jesus suggest that we should give each other a 'second' chance as many as 'seventy times seven' times.... To find ways of giving people a second chance, of helping them to rebuild their lives-these are Christian actions. There is a saying about helping others: 'Give a man a fish and you feed him for a day; Teach him to fish-and you feed him for life.' General

Oglethorpe might be said to have fed people for life-by
creating new opportunities for them to start again."

Second chances - that is the proud legacy of the Georgia that I call home. That
is what I want to tell my daughter as she grows up. Second chances. Creating new
opportunities. Feeding people for life with mercy, not with the old fears and
unyielding wrathful anger of that old man I met on Highway 16 that day in 1984,
that day when I made my first visit to Death Row to visit Terry Mincey.

And I pray that you, as trusted servants of Georgia, will consider this legacy
when you consider the fate of my friend.

Respectfully,

Keith Hulett
155 Pebble Creek Drive
Athens, GA 30605

October 22, 2001

Georgia Board of Pardons and Parole,

My name is Jennifer Weathers. I have been corresponding with Terry Mincey for about two years and my grandfather and I have had several visits with him. My grandfather, Henry Mincey, is Terry's uncle, which makes Terry and I cousins.

He is extremely intelligent and often talks of subjects that I don't know much about. He loves to read and likes trivia questions trying to stump me and everyone else for fun.

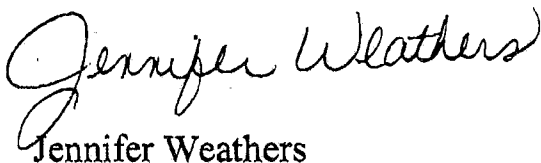
I am married with two children and he always asks about my children and family. He is very interested in meeting my husband and I pray that one day he will.

On visits with my grandfather, who will turn 82 years old next month, Terry is always concerned about his health and well being. He is very grateful and appreciative of our time together and of being able to see his uncle who is unable to drive.

On many occasions Terry has expressed remorse for the role he played in the events that took place 19 years ago. I don't see him as anything but a kind, caring and intelligent person, who I have no doubt would further educate and better himself if given the chance.

Thank you for the opportunity to address the board.

Sincerely,



Jennifer Weathers

10-19-01

Mr. Walter S. Ray
The State Board of Pardons and Paroles
Floyd Veterans Memorial Building
Balcony Level, East Tower
2 Martin Luther King, Jr. Drive SE
Atlanta, GA 30334-4904

Dear Mr. Ray,

This is a request to have Terry Mincey's death sentence commuted to life imprisonment. This option was not available when he was originally sentenced. Having known Terry for almost 5 years, it does not make sense to me how it would serve the state of Georgia to execute him.

He knows his conduct as a young man was reprehensible but has rehabilitated himself during his 19 year stay on death row. He has used his time wisely in self examination, self education and an outreach into the community making friends. He has had an exemplary record while on death row.

He has been given no opportunity to make retribution to the families whose lives he tore apart. Our system punishes perpetrators, but has no regard for the victims of crimes. Instead of killing murderers, why not make them work and support those they have harmed? What message do we send to our children. What rehabilitation occurs for the felon? Is the state of Georgia for rehabilitation? If so, you need to really look at this case.

Terry is no treat to society and would even be an example to other inmates if taken off death row.

Sincerely,

Astrid K. Jackson
Astrid K. Jackson
807 Lullwater Road
Atlanta, GA 30307
404-378-9973

I sent this to Governor Barnes too.

AKJ

September 26, 2001

Ms. Amy G. Donnella
Attorney at Law
301 Chamounix Rd.
St. David, Pa 19087
U.S.A.

Dear Ms. Donnella:

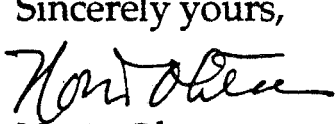
I am writing this letter to you today in the hope that it might help you and those concerned know a little more about my old friend, Terry Mincey. Through our daughter in North Carolina, Mari Ohta-Weir, Terry and I became acquainted with each other some ten years ago, and since then we have been corresponding regularly.

I realize the crime Terry committed was a grave mistake and am certain that he realizes it also. I realize also that I do not know all that goes on around him in prison. For me, however, he seems to be a most normal person, a good citizen, except for the fact that he committed this crime. Through my daughter, I provided a few books of the Japanese language for him, and he made a great effort and taught himself the language well enough to understand and write some simple sentences.

Our family has received the things he made with yarn and other materials, which to me is a very good proof of his efforts to improve his life. He has frequently impressed me with his knowledge about affairs in Japan, including sports. I am sure that he is knowledgeable about other parts of the world as well.

From what I learned about him, I believe Terry is a good person, and I do pray that his sentence be reduced and that he be allowed to continue to be my friend in prison.

Sincerely yours,

 (大田 憲男)

Norio Ohta
Professor (American Studies)
Tezukayama Gakuin University
Osaka, Japan

Enc. One of Terry's envelopes

Dear Amy Donnella,

Hello. My name is Miho Oka.
I am writing you because I want you
to know how serious Terry Mincey
has been for these several years.

I was introduced to Terry from my
sister in NC, and we started writing.

He told me how he committed a crime.
He had realized it was a terrible thing
to do for a human being, and regrets
what he had done. It seemed to me
that he was ready to accept the punish-
ment for his crime.

He is a curious guy and he asks
many questions about Japan. He even
studied Japanese characters by himself
and writes me to my address in Japanese.

TERRY MINCEY
EF180942 G-HOUSE
P.O. BOX 3577 GDF HW
JACKSON, GA 30239

〒 5 6 9
大阪府
高槻市
宮川原
岡美穂
4 15 1 201

JAPAN

Also, he's made me some hand crafts which were made with many colors of yarns. I live in Osaka Japan, and I have never met Terry face to face. Still, I can easily tell that he is very much a well learner and a hard worker.

I just hope his sentence will be reduced. I would like him to visit Japan some day and tell people and children about his experiences. Please concern.

Sincerely Yours,

Sep. 26, 2001

Dear Amy Donnell,

How do you do? We are acquainted indirectly with Jerry Mincy. We don't know Jerry personally, but we have bed spread crocheted by Jerry. They are beautifully made and we enjoy using them. A person who takes time for something like this seems very calm and tender-hearted.

We would like to ask you for your kind consideration and generosity to Jerry Mincy.

Thank you,

Friendly Yours,

Mikiko Numata
Chi Yoko Ohta

Minako Imashioya
Kazuko Kamijo
Junko Fujioka

1
Sep 26, 2001

Dear Amy Donnell,

Hi! How do you do?

My name is Akiko Ohta and a friend of Jerry Mincey. I started writing Jerry about ten years ago with a request of my daughter, Mari.

He crocheted me a beautiful bed spread with shell pattern in different shades of orange as a present for Mari's mom. Several friends of mine who saw this bed spread asked him to make them also and so he did. All of us were so pleased with his work. Then he made me another one in red and blue with very ^{un}usual stitches and still another one in red and black. I change my bed spread according to the season and my feelings, always appreciating Jerry for his hard work.

I also visited him in prison twice once with my daughter the other by myself. He asked me any question about food, house, clothes, places and customs and every day life in Japan. He is interested in Japanese martial arts such as Judo, Kendo, Aikido and strongly recommends that Mario's sons take one of those lessons.

He is also interested in Japanese food and tells us that he would like to eat shrimp tempura as much as he could.

My daughter taught him Japanese writing and gave him a Japanese dictionary. He must have studied very hard and always writes my address in Kanji, Chinese characters.

He starts his letter with Japanese like 親愛なる明子様 Dear AKIKO.

長い間御無沙汰しましたか。お元気ですか。

ほくも 元気です。


(I haven't written you for a long time but how have you been?)
I am fine, thank you.

He uses several Japanese phrases in his letter. Above writing must have taken lots of practice to Gerry.

He asks me lots of questions on the things he read or watched on T.V.

I write one-page letter about once a month and Gerry writes 10-page letter back. Hard to keep up with reading. He gives me Christmas card and a Birthday card every year.

So including those, I have received about 100 letters from him for ten years. One time I was pretty depressed and he must have sensed it from my letter. He tried to

Cheer me up by saying, "You need me there, then you will be so busy to entertain me and you won't have any time to get depressed."  (he always draws this.)
I really appreciated his sense of humor. He has all the reasons to feel depressed yet has tenderness to cheer me up with his humor.

I remember his blue eyes with a twinkle and his lips so friendly. He didn't look bitter at all.

I would like Jerry to come to visit me in Japan and enjoy Shrimp Tempura and practice Judo or Kendo as he dreamed of.

I know he committed a terrible crime which he must have repented so much, so deeply over 20-years' serving.
I personally believe that Jerry could really appreciate living in society again and I wish I knew some way to make it possible!

I thank you so much for taking time
for my letter. I am sure my husband
and another daughter will join me
asking you for your consideration and
generosity to Very sincerely.

Friendly yours,
Akiko Ohta