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A BRIEF SUMMARY:

January 1984, while serving time at Old Folsom Prison for a crime I committed in 1974, I appeared before the Parole Board for the second time and was found suitable for parole. I was granted a tentative four year release date that would have been finalized after my participation in a psychiatric evaluation program recommended by the Parole Board which was held at CMC State Prison. Before I could be transferred I was wrongfully charged and convicted of killing inmate Edward Brooks.

On March 24, 1984, at 11:00 am Edward Brooks was stabbed to death on the maximum security exercise yard of the 4-A Security Housing Unit (SHU) by two inmates. Mitchell Celestine and I was accused of the stabbing by the gun tower Officer Dennis Stafford.

I have always maintained that I was playing basketball when Brooks was attacked and that I am factually innocent of any involvement in this crime and evidence supporting me became available immediately after the incident.

The first of many pieces of evidence proving my claim appeared just minutes after Brook's body was removed from the exercise yard on a stretcher by correctional officers.

Prison policy and procedures mandate that after a serious incident has occurred on an exercise yard the victims are removed first followed by the identified assailants who are taken into custody to prevent further incidents on the yard and to preserve physical evidence.

Officer Dennis Stafford was responsible for ordering inmates off the exercise yard. Warren Jordan and Rickey Bonville were ordered off the exercise yard first, both were stripped searched by officers who recorded finding cuts, scrapes and blood on their hands, arms and blood spots were found in Bonvilles face. Both men will later confess to killing Edward Brooks.

After fourteen inmates were ordered off the exercise yard by Officer Stafford, Celestine and I were removed and stripped searched by officers who found no physical evidence on either of us and there was no indication that we were being accused of any involvement in the incident.

At the 1530, institutional count more proof of my innocence emerged when Sgt. Jimmy Walker, conducting the count stopped at my cell to inform me that Officer Stafford had charged me with the stabbing of Brooks. Before I could voice my protest Sgt. Walker stated; "I know you weren't involved because I was watching you play basketball from the first tier window, you had the ball in your hands when Stafford fired his first warning shot." Sgt. Walker then stated that he intended to exonerate me of the wrongful charge by first writing a 128-B information chrono and placing it in my central file and he advised me to call him to my disciplinary hearing.

Sunday morning March 25, 1984, after learning that Officer Stafford had

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had charged me with the stabbing death of Brooks, Rickey Bonville made his first confession to killing Brooks when he called Officer Stafford to his cell in an attempt to correct him for the mistake he had made by charging me and he told Stafford that it was him (Bonville) who had stabbed Brooks and added that he kept walking after the first warning shot because he was trying to get closer to the toilets to get rid of the knife he had used in the attack. Officer Stafford documented the confession.

March 26, 1984, Sgt. Jimmy Walker searched Bonville's cell and discovered 44' inches of strapping metal missing from inside the cell. The remaining strapping metal was removed and placed into evidence. One of the knives recovered from the crime scene will be matched to the metal that had been placed into evidence.

March 27, 1984, Officer Judy Colvin, acting as the investigative employee on my behalf interviewed Officer Stafford and asked him; "Where was Burks when the incident took place?" Officer Stafford replied; "Burks was playing basketball when in the outer boundaries of the attack area." Officer Stafford contradicted the charge he had given me three days prior to the interview, what made him admit that I was playing basketball when the incident took place? Officer Colvin interviewed several inmates who were on the exercise yard the day of the murder and they all stated I was playing basketball when the incident took place.

March 29, 1984, I appeared at the disciplinary hearing and requested Sgt. Jimmy Walker as my sole witness. When I asked Sgt. Walker to repeat what he had told me, Sgt. Walker replied; "I don't know what you are talking about!" Sgt. Walker reneged on his promise to exonerate of the wrongful charge.

April 7, 1984, after hearing of Sgt. Walker's deception, Warren Jordan summoned the Sgt. to his cell to tell him that he was not going to allow him to "rail-road" the Black inmates in the housing unit. Jordan then admitted that he had stabbed Edward Brooks to death and that Sgt. Walker knew that it was him! Sgt. Walker reported Jordan's confession to the D.A.s' office. On April 9, 1984, DA Investigator Ray Schultz an interview with Jordan who made a detailed confession describing why and how he killed Brooks and why he came forward to confess.

July 1984, I was indicted for the murder of Edward Brooks, along with Mitchell Celestine, Rickey Bonville and Warren Jordan, the latter two were indicted based upon their confessions. Dennis Stafford was the only witness throughout the trial.

July 1987, the trial began with no additional evidence of my involvement and Officer Stafford remained the sole eyewitness who would give his fifth version of his alledged eyewitness account trying to modify his false testimony to fit into the crime scene.

Officer Stafford and Sgt. Jimmy Walker, gave false testimony at trial covering up the fact that both knew I was playing basketball when Brooks was attacked by Jordan and Bonville. Their false testimony led

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to my wrongful conviction for the murder of Edward Brooks. In what can only be described as a travesty and miscarriage of justice Warren Jordan and Rickey Bonville were acquitted while Mitchell Celestine and I were convicted and sentenced to life without parole for a crime we did not commit.

I have consistently pursued justice and freedom. In February 2000, I hired Private Investigator David Lynn, who interviewed Sgt. Jimmy Walker now at Captain at Folsom Prison. Sixteen years after the cover-up he tells the truth forgetting the perjured testimony he gave at my trial. Captain Walker revealed when Brooks was being attacked he and other officers were looking out of the first tier windows watching the basketball game and saw the attack on Brooks. At my trial Captain Walker and his officers testified they were searching cells on the first tier when they heard the warning shot and then ran out to the exercise yard. Why did Walker and his officers cover up the fact that they were at the window, why did they perjure themselves at my trial?

In His May 2006, declaration Rickey Bonville revealed that between 1984 and 1988, he worked for Sgt. Jimmy Walker and other Folsom Prison Administrators as a liasion between prisoners helping them control gang violence and became an invaluable asset to the Administrators after he successfully orchestrated a peace treaty between warring gang factions inside the prison. After his release from prison Bonville continued to work with police agencies in California. It has become clear that Sgt. Walker's motivation for covering up Bonvilles role in the murder of Brooks is rooted in his utilization of Bonville to control gang violence at the prison.

The Northern California Innocence Project has assisted me in locating physical evidence for DNA testing, the two knives, cloth handles and bloody clothing from the victim and crime scene. Forensic Laboratory Reports indicated that more than two blood types were found on the cloth handles wrapped around the two knives. Jordan and Bonville had cuts on their hands. DNA testing will prove they both used the knives to kill Brooks. Celestine and I had no cuts on us.

February 2002, the DA's crime Laboratory responding to our request for the evidence informed us that all the physical evidence once stored in their freezed had been signed out and never returned by DA Investigator Ray Schultz. Our efforts to recover the two weapons from Folsom Prison has failed after the prison suthorities claimed the weapons had been lost or destroyed.

Presently I am seeking relief through the courts with the newly discovered evidence we have obtained which supports my innocence. We are also asking Governor Brown to reduce my sentence via clemency petition from LWOP to 25 years to life. I have an established pattern of rehabilitation over the last 30 years of programming, self-help and mentoring younger inmates. I believe I had a "Fair Trial" but so-called fair trials have often turned out to be tragic miscarriages of justice.

I thank you for your time and consideration in my cause for justice.

Sincerely,

Jeffrey Milo Burks

THE FACTUAL INNOCENCE OF JEFFREY MILO BURKS

Ten points pertaining to the factual innocence of Jeffrey M. Burks, excerpts taken from the comprehensive summary prepared by David Lynn, Private Investigator.

On March 24, 1984, inmates Edward Brooks, Ronald Jenson and James Gaulden were victims of stabbing assaults while on the Folsom Prison maximum security exercise yard. As a result Brooks died from his wounds and although Jenson was stabbed four times, he survived as did James Gaulden who sustained a wound to his back. On September 3, 1987, Jeffrey Burks and Mitchell Celestine were convicted for the murder of Brooks, a murder two others have confessed to committing and who have declared Burks and Celestine to be factually innocent.

- 1) Correctional Officer (C.O.) Dennis Stafford was the only eyewitness presented by the Sacramento District Attorney's Office and whose sole testimony is the basis for the wrongful conviction of Jeffrey Burks. C.O. Stafford in an effort to cover up his failure to do his job knowingly and willfully lied by accusing Jeffrey Burks and Mitchell Celestine of stabbing Edward Brooks to death, but his trial testimony and other eyewitness accounts of the incident along with the physical evidence should have exonerated Jeffrey Burks and Mitchell Celestine. (See Summary pg. 5-13)
- 2) The day Edward Brooks was murdered Sgt. Jimmy Walker and four other Correctional Officers were searching cells inside the 4A housing unit on the first floor when they stopped searching to look out of the windows to the exercise yard just minutes before Brooks was attacked, Sgt. Walker observed Jeffrey Burks playing basketball when the first warning shot was fired by C.O. Stafford. Later that day Sgt. Walker told Jeffrey Burks he would exonerate him of the wrongful charge made by C.O. Stafford, but he reneged on his promise. (See Summary pg. 13-16)
- 3) Three former correctional officers contradict C.O. Stafford and Sgt. Jimmy Walker's false testimony. (See Summary pg. 17-18 new evidence #4,#5,#6)
- 4) The sole eyewitness clearly commits perjury, blatantly lies after revealing the truth of Jeffrey Burks' innocence to fellow correctional officer Judy Colvin who had been assigned by the prison to investigate the murder of Edward Brooks. (See Summary pg. 19,20 and 21.)
- 5) In his first four versions of witnessing the stabbing assault C.O. Stafford only accused and charged Jeffrey Burks and Mitchell Celestine with stabbing to death Edward Brooks and that was his testimony. Today thirty five years later C.O. Stafford has a fifth version. In an interview with Private Investigator David Lynn, C.O. Stafford stated, "My testimony was accurate throughout and I would not change any of it." "I am 100% sure Burks, Celestine, Jordan and Bonville were all stabbing Brooks. The knives were flying." The additions of Jordan and Bonville stabbing Brooks and seeing knives in the assailants hands contradicts C.O. Stafford's first four versions. (See Summary pg. 22-26 Declaration of David Lynn)

- 6) The declarations of Warren Jordan and Rickey Bonville (confessions) supporting evidence of their involvement in the murder of Edward Brooks. (See Summary pg. 27-36)
 - 7) Folsom Prison Policy dictated the order in which inmates are processed off exercise yards following serious incidents. The victims are removed first followed by the suspects to prevent further incidents and to preserve crime scene and physical evidence. Warren Jordan and Rickey Bonville were the 5th and 6th inmates ordered off the exercise yard by C.O. Stafford as suspects and both were found with blood and cuts on them. C.O. Stafford denied ordering them off as suspects because he could not explain why he did not order Burks and Celestine off the yard first if he in fact observed them attacking Brooks and Jenson as he claimed. His fellow Officers set the record straight. (See Summary pg. 37-40)
 - 8) Why accuse Jeffrey Burks? C.O. Stafford told inmate James Wilkerson, "he had to cover his ass." Thus he falsely accused Burks and Celestine of stabbing Edward Brooks, but his testimony is refuted by other eye-witness testimony and the physical evidence presented at the trial. (See Summary pg. 41-42 and new evidence)
 - 9) Ronald Jenson, the only surviving victim of the attack, has from day one declared Jeffrey Burks to be innocent. Just days after the attack took place Jenson wrote notes to Jeffrey and signed a statement declaring Jeffrey's innocence April 1984. Today Ronald Jenson remains committed in declaring Jeffrey's innocence. (See Summary pg. 43-45 Declaration of Ronald Jenson)
 - 10) Race may have played a role in the wrongful conviction of Jeffrey Burks. Indications of racism against the four defendants surfaced during the trial concerning the murder of Edward Brooks. A clear pattern of racial bias in Deputy District Attorney John O'Mara's selection of white jurors over African American's became apparent during the jury selection process. And, racially charged comments were made in private by the White District Attorney's staff who thought they were speaking to friendly like minded whites. (See Summary pg. 46-48)
- On top of the prejudured testimony Jeffrey Burks attorney's completely failed to adequately represent him which added to this tragic miscarriage of justice and the unlawful imprisonment of an innocent man 35 years and counting. (See Summary pg. 49-53)

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