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**The Office of the Governor
George W. Bush, Governor**

CONFIDENTIAL MEMORANDUM

TO: Governor George W. Bush

FROM: Claudia Nadig ^{CN}
Assistant General Counsel

THROUGH: Margaret A. Wilson ^{MAW}
General Counsel

DATE: December 7, 2000

RE: Scheduled Execution of Claude Howard Jones, #980, December 7, 2000 at 6:00 p.m.

EXECUTIVE SUMMARY

Claude Howard Jones was sentenced to death for the murder and robbery of forty-four year old Allen Edward Hilzendager, a liquor store owner in Point Blank, Texas. Kerry Daniel Dixon, a codefendant, received a sixty year sentence for aggravated robbery. Timothy Mark Jordan, another codefendant, received a ten year sentence for aggravated perjury and was released on parole November 17, 1994.

Jones has exhausted all of his state and federal appeals.

Jones did not file a request for clemency with the Board of Pardons and Paroles. The only decision to be made is whether to grant a thirty-day reprieve.

At this time, I do not recommend that a reprieve be granted and do not anticipate making a favorable recommendation for a reprieve prior to his execution.

GOVERNOR'S CLEMENCY DECISION

DENY

GRANT


GOVERNOR GEORGE W. BUSH

REPRODUCED FROM THE HOLDINGS OF THE TEXAS STATE ARCHIVES

This memo consists of information obtained from the Board of Pardons and Paroles executive clemency file as well as analysis, advice, opinions, and recommendations from General Counsel attorneys to Governor George W. Bush.

I. BRIEF SUMMARY OF THE FACTS

Forty-nine year old Claude Howard Jones was convicted and sentenced to death on August 10, 1990 for the murder of forty-four year old Allen Edward Hilzendager during the robbery of his liquor store.

On the afternoon of November 14, 1989, Jones, codefendants Kerry Daniel Dixon and Timothy Mark Jordan, and Jordan's girlfriend, Terry Hardin, were gathered at the trailer owned by Jordan's father. Between 5:00 and 6:00 p.m., Jones and Dixon left Jordan and Ms. Hardin at the trailer and drove to Zell's liquor store in Point Blank, Texas. Jones got out of Dixon's truck and approached Allen Edward Hilzendager, the owner, who was standing in the parking lot. Jones and Mr. Hilzendager spoke briefly and then the two men entered the store. Mr. Hilzendager went behind the counter where he was shot three times by Jones. Meanwhile, Dixon had driven away from the store, stopped a short distance away, turned the lights off, and then returned to the liquor store parking lot. After the shots were fired, Dixon drove in front of the store and turned the lights back on. Jones walked out of the store and got into the truck which then drove away.

Wendy Goodson, who was with her father, Leason Goodson, at a house across the street from the liquor store, witnessed these events. She described the person who got out of the truck and went into the store with Mr. Hilzendager as having a distinct "pot belly" and light colored hair and wearing a light colored shirt. When the shots were fired, Ms. Goodson asked her father "if they shot him." Mr. Goodson looked across the street and saw one person in the store and another in the truck. He described the man in the store as having a large stomach and wearing a tight fitting gray jogging shirt.

At 9:30 p.m., Dixon and Jones returned to the trailer where Jordan and Ms. Hardin were staying. Jordan went out to speak with Dixon while Jones went inside. Dixon told Jordan that Jones had shot that "thing," referring to Mr. Hilzendager, who they claimed was a homosexual.

Three days after the murder, Jones, Dixon, and Jordan robbed a bank in Humble, Texas and stole approximately \$15,000. The three men purchased plane tickets and flew to Las Vegas but returned to Houston a few days later. Upon their return, Dixon threw the gun used in murder into the Trinity River.

Law enforcement officers received information that Dixon and Jordan had been planning a robbery in the area and that Ms. Hardin had recently purchased a gun. Ms. Hardin admitted to purchasing the weapon and said that it was Jones and Dixon who had left the trailer that evening. She described Jones as being stocky with a "pot belly" and said he was the only one wearing a gray sweatshirt jacket that night. When Jordan was interviewed about the murder, he told law enforcement officers that the gun used in the murder was the one purchased by Ms. Hardin and that it had been taken from his father's trailer by Jones or Dixon shortly before the murder. Jordan also stated that both Dixon and Jones had told him that Jones had shot Mr. Hilzendager. Dixon was also

questioned and admitted throwing the gun in the river. With assistance from Dixon, the weapon was located. Test bullets fired from the gun matched the bullets that killed Mr. Hilzendager.

Jones claims to be innocent. According to his version of events, Dixon and Jordan were the ones who robbed and murdered Mr. Hilzendager. He also alleged that Jordan had been molested as a child by Mr. Hilzendager and that the murder was probably a "hate crime" because the victim was a homosexual. Jones further claimed that Dixon had the same physical characteristics as he did and owned an identical gray jogging shirt. Finally, he stated that Ms. Hardin provided a false alibi for Jordan.

II. SUMMARY OF THE EVIDENCE

The evidence presented at trial included:

- testimony from Ms. Hardin,
- testimony from Jordan,
- testimony from Mr. Goodson and his daughter,
- testimony from a chemist employed by DPS that hair samples taken from the crime scene matched those taken from Jones but did not match those taken from Dixon,
- testimony from another witness who identified a truck belonging to Dixon as closely resembling the truck that was at the scene of the crime.

III. BACKGROUND INFORMATION AND PERSONAL HISTORY

Jones was born in Houston on September 24, 1940. He resided with there until age twelve when he moved to Liberty, Texas and then Crescent City, California. He returned to Houston at age eighteen. Beginning at age nineteen, he spent most of his life incarcerated in state prisons in Texas, Kansas, Missouri, and Arkansas. He has seven half-brothers.

Jones attended public schools through the eighth grade and completed a GED while incarcerated in the Kansas State Prison. Because he has been incarcerated for most of his adult life, Jones has little work experience but claims to have been employed as a journeyman electrician during periods when he was out of prison.

Jones was married three times and fathered two children. He married Jennie Troyack at age eighteen and had a son with her. The marriage ended in divorce and his son later died. He married Glenda Kennedy in 1950 and had a second son with her. The marriage ended in 1963 when his wife died. He married Betty Sullivan in 1985. The couple had no children and divorced in 1987.

Jones has been diagnosed with carpal tunnel syndrome, cardiovascular disease, non-insulin dependent diabetes, and hypertension. He had a stroke on November 20, 1997. Jones has not been diagnosed with any mental illnesses.

Jones admits to the use of drugs beginning at age fourteen. He started out inhaling glue and by age sixteen was using marijuana regularly. At age twenty-six, he began using methamphetamines and heroin. He also admits to limited use of LSD and cocaine. Jones began using alcohol at age thirteen and, by age seventeen, was an excessive drinker. He admits to being an alcoholic.

IV. PREVIOUS CRIMINAL HISTORY

Jones lengthy criminal record began when he was a juvenile and detained for burglary of a school. He was convicted of statutory rape at age seventeen and was sentenced to one year in a juvenile facility.

As an adult, Jones was arrested numerous times. In addition to capital murder, he has been charged with disturbing the peace, public intoxication, robbery by assault, theft, carrying a prohibited weapon, auto theft, illegal possession of narcotics, vagrancy, robbery, murder, and aggravated robbery. The murder charge involved pouring gasoline on another inmate in the Kansas State Prison and setting him on fire.

While incarcerated in TDCJ, Jones has been cited for two minor and two major disciplinary violations. The minor violations involved fighting without a weapon and refusing or failing to obey an order. The major violations involved possession of contraband.

V. SUMMARY OF PROCEEDINGS

Jones was convicted and sentenced to death on August 10, 1990 in the Second 9th District Court in San Jacinto County. The Court of Criminal Appeals affirmed his conviction and sentence and certiorari was denied by the U.S. Supreme Court.

Jones filed a request for state habeas relief which was denied by the Court of Criminal Appeals. He then filed a request for federal habeas relief which was denied for the federal district court, and the U.S. Supreme Court.

VI. BASIS FOR CLEMENCY

Jones did not submit a request for clemency to the Board of Pardons and Paroles.

VII. CONCLUSION

Jones was convicted of capital murder for the murder of forty-four year old Allen Edward Hilzendager during the robbery of a liquor store on November 14, 1989.

Two witnesses to the crime testified at trial that a man matching Jones' description had committed the murder. An expert testified that Jones' hair matched the hair found at the scene of the crime. One witness testified that the clothes described by the eyewitnesses matched the clothing worn by Jones on the day of the murder. A codefendant testified that both Jones and Dixon stated that Jones was the shooter. Jones guilt is not in doubt. He has had full and fair access to judicial review of his case.