



OFFICE OF THE DISTRICT ATTORNEY
216TH JUDICIAL DISTRICT
GILLESPIE AND KERR COUNTIES

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August 3, 2017

Texas Board of Pardons and Paroles
Clemency Unit
P. O. Box 13401
Austin, TX 78711

Re: Jeffery Lee Wood - Capital Murder

(Execution Date: Subsequent Writ of Habeas Corpus is pending before the Texas Court of Criminal Appeals after grant of stay of execution. No execution date is currently pending.)

Dear Chairman and Members of the Texas Board of Pardons and Paroles:

I am the original trial prosecutor in this case and am now the elected District Attorney. I have previously written two letters to this Honorable Board opposing clemency in this case. While I still stand by the facts set out in those letters, I now write respectfully requesting that you recommend Governor Greg Abbott grant clemency to this Offender and commute his Death sentence to a Capital Murder Life sentence.

During the early morning hours of January 2, 1996, Jeffery Lee Wood and Daniel Reneau committed the offense of Capital Murder in the City of Kerrville, Kerr County, Texas by killing Kris Keeran while in the course of committing or attempting to commit the offense of Robbery at a convenience store. Reneau shot the victim with a .22 caliber handgun. Wood was a party to the offense.

The guilt/innocence phase of the Offender's Capital Murder trial began on February 23, 1998. On February 25, 1998 the jury returned its verdict finding the Offender guilty of Capital Murder. At the punishment phase of the trial, the jury answered the special issues in a manner that required the court to impose a death sentence. The trial court imposed said sentence on March 2, 1998. (For further details on the

appellate and post conviction State and Federal writ history, please see Exhibit F, the State's Response to the Offender's Subsequent Writ of Habeas Corpus).

The Offender's second execution date was set for August 24, 2016. Execution Order, *State v. Wood*, No. A96-17 (216th Dist. Ct., Kerr County, Tex. May 20, 2016). About three weeks later, Offender filed a subsequent state habeas application. Writ Habeas Corpus, *Ex parte Wood*, No. A96-17-2 (216th Dist. Ct., Kerr County, Tex. Aug. 2, 2016). The CCA stayed the Offender's execution and remanded two of Applicant's claims so that they may proceed on the merits. Order, *Ex parte Wood*, No. WR-45,500-02 (Tex. Crim. App. Aug. 19, 2016) (Exhibit A). The state habeas trial court issued its order regarding said claims on March 1, 2017 finding that there existed no controverted, previously unresolved factual issues material to the legality of the Offender's confinement and ordered the parties to submit Proposed Findings of Fact and Conclusions of Law (Exhibit B). The parties timely submitted their proposed findings of fact and conclusions of law as ordered. However, on April 14, 2017, the Offender filed a "Motion to Stay and Place Case in Temporary Abeyance" (Exhibit C) requesting that the CCA place the writ in abeyance to give the parties an opportunity to attempt to resolve this pending subsequent writ of habeas corpus by agreement. The State having no objection to said motion, the state habeas trial court signed an "Order Requesting Placing Case in Abeyance" on April 13, 2017 (Exhibit D). Therefore, the state habeas trial court has not yet submitted its Findings of Fact and Conclusions of Law and the CCA has not yet issued a ruling on the Offender's subsequent writ of habeas corpus (however, the CCA has called the state habeas trial court inquiring on the issuance of the Findings of Fact and Conclusions of Law).

For your convenience, I have attached a copy of the Offender's subsequent writ of habeas corpus as well as the State's response (Exhibit E and F, respectively).

While I am aware that requests for clemency in Death Penalty Capital Murder cases are normally considered when there is an execution date pending, I respectfully ask that you consider this request for commutation of sentence and act on it now, in the absence of such an execution date, in the interest of justice and judicial economy for the following reasons.

At the time of the jury trial in this case, I was a newly licensed attorney with thirteen months of experience. I was not familiar with Dr. James P. Grigson. I did not make the decision to call him as a witness until after voir dire had begun in this case. I met with Dr. Grigson shortly before the trial on the merits began and it was at that time that I decided to use him as an expert witness. I was not aware that Dr. Grigson had been expelled from the American Psychiatric Association and Texas Society of Psychiatric Physicians until well after the jury trial of this case. Had I known about Dr. Grigson's issues with said organizations, I would not have

used him as the State's expert witness in this case on the issue of future dangerousness.

For that reason, combined with other factors unique to this Offender and to this case, I now respectfully request that his sentence be commuted to Capital Murder Life. The unique factors include (1) the Offender was not actually the person who shot the victim, (2) the Offender has a documented history of sub average IQ and was in Special Education classes in high school, (3) the victim's family did not desire the State seek the death penalty against this Offender, (4) the shooter in this case, co-defendant Daniel Reneau, has been executed, (5) since being sentenced to death in 1998, Offender has not committed any acts of violence, (6) Offender had no violent criminal history prior to associating with his co-defendant, Daniel Reneau, (7) based on today's standards combined with the issues involving Dr. Grigson set out above, the penalty now appears to be excessive, and (8) the jury was not aware of Dr. Grigson's issues with the APA and the TSPP at that time of the jury trial (three jurors have submitted affidavits indicating that had they been made aware of Dr. Grigson's issues with said organizations, they would not have found beyond a reasonable doubt that the Offender would probably commit future acts of violence that would constitute a continuing threat to society).

Undersigned, with the permission of the Offender's writ counsel, The Honorable Scott Sullivan, has conferred with David Knight, Chief of Police for the City of Kerrville, Kerr County, Texas, and with The Honorable N. Keith Williams, the Presiding Judge for the 216th Judicial District of Kerr County, Texas. Chief Knight is familiar with the facts of the case and was a police officer with the City of Kerrville at the time of this offense. Judge Williams has been the presiding judge of the 216th Judicial District Court of Kerr County, Texas for over eight years and is familiar with the facts of the case as well as the issues in the writ of habeas corpus though his involvement in the writ proceedings (The Honorable Stephen B. Ables presided over the trial of this case). Both Chief Knight and Judge Williams join in this request as indicated by their respective signatures below.

The Crime Victim's Assistance Coordinator for this office was unable to locate a member of the victim's family to obtain their opinion or recommendation on this request for commutation of sentence.

I would like to add that the elected District Attorney at the time, E. Bruce Curry, allowed me to make the decision on whether or not to seek the death penalty in this case; therefore, the decision to seek the death penalty was mine. Again, I now respectfully request that this Offender's Death sentence be commuted to a Capital Murder Life sentence.

If you have any questions, please do not hesitate to contact me. Chief Knight may

be reached at (830)257-8181. Judge Williams may be reached at (830)792-2290.
Thank you for consideration in this matter.

Yours truly,

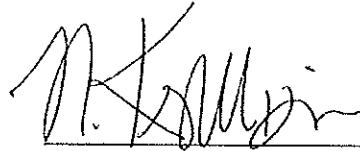


Lucy Wilke

Agreed:



David Knight
Chief of Police
City of Kerrville



N. Keith Williams
Presiding Judge
216th Judicial District Court
Kerr County, Texas

cc: Sian Schilhab, General Counsel, Texas Court of Criminal Appeals (without exhibits)

Edward Marshall, Chief, Criminal Appeals Division, Texas Attorney General's Office (without exhibits)

J. Scott Sullivan, Writ Counsel for Offender (without exhibits)