

CASE HISTORY

Defendant: Jimmy D. Jones **D.O.B:** Dec. 7, 1974 **Current Status:** Incarcerated

Present Institution: Wabash Valley Correctional Facility **D.O.C:** 891782

County & State of Conviction: Marion County, Indiana

Cause No: 49G02-9312-CF-160463

Crimes Charged: Attempted Murder, class A felony & Felon w/ Gun, class D felony

Date of Arrest: Nov. 30, 1993 **Date of Trial:** July 26, 1994 **Date of Sentence:** Aug. 26, 1994

Current Sentence: 45yrs on the Attempted Murder, & 3yrs on the Felon w/ Gun sentences were ordered to be served consecutively for a total of 48yrs

Earliest Possible Release Date: Nov. 28, 2017

Judge: Pro-Tem Stephanie Roth **Prosecutor:** Barbara Crawford

Public Defender: Wilson T. Turner

Direct Appeal Cause No: 49A04-9412-CR-508 **Direct Appeal Denied:** Aug. 31, 1995

Petitioner Files Pro Se Petition for Post-Conviction Relief: Feb. 17, 1998

Petition for Post-Conviction Relief Cause No: 49G02-9312-PC-160463

Petition for Post-Conviction Relief Denied: Aug. 4, 2003

Appeal of Petition for Post-Conviction Relief Denied: Feb. 6, 2004

Petitioner Files Pro Se Motion to Correct Erroneous Sentence: July 8, 2011

Court Denied Motion to Correct Erroneous Sentence: July 11, 2011

Petitioner Files Pro Se Petition for Successive Post-Conviction Relief: Oct. 4, 2011

Petition for Successive Post-Conviction Relief Denied: March 15, 2012

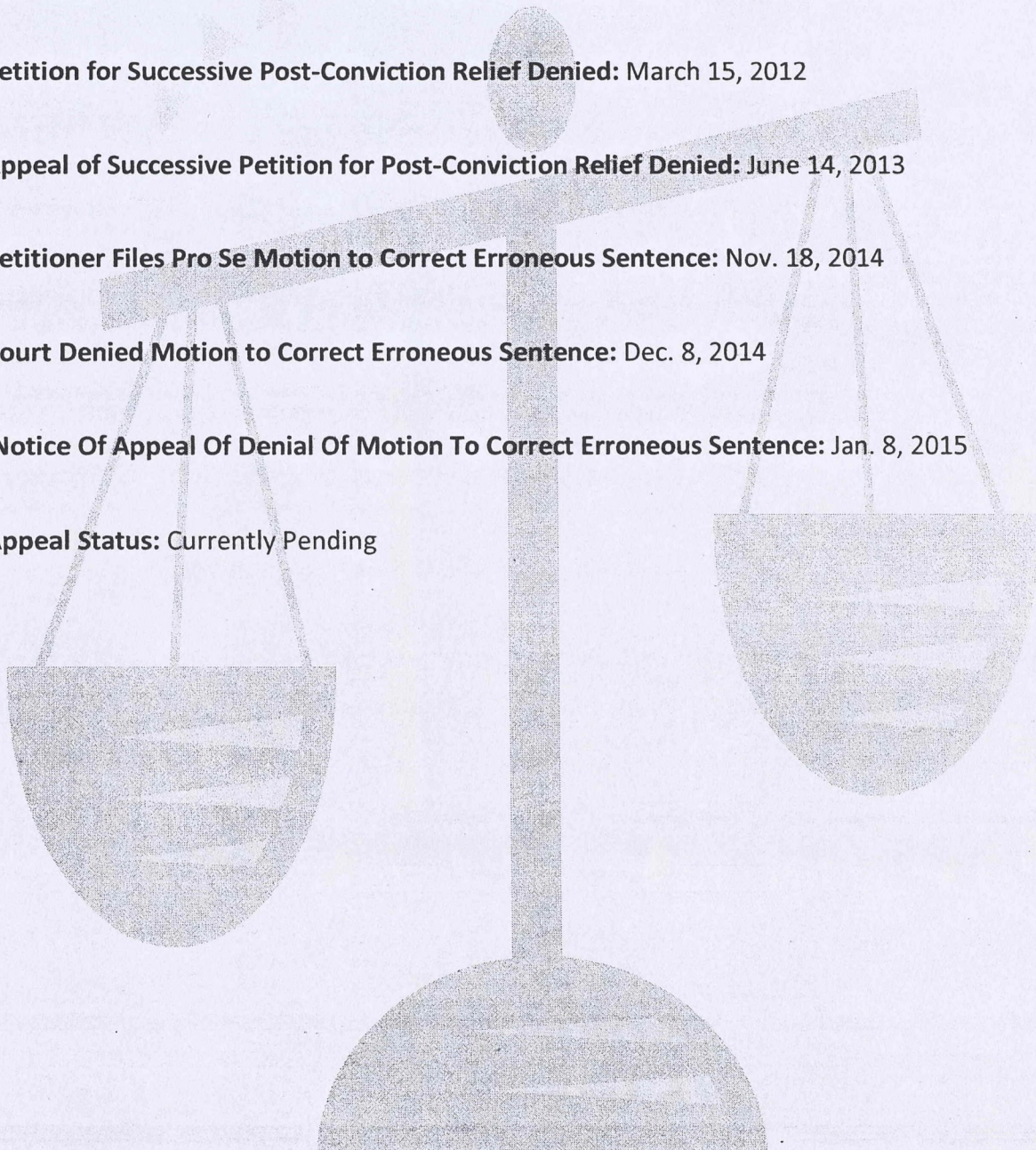
Appeal of Successive Petition for Post-Conviction Relief Denied: June 14, 2013

Petitioner Files Pro Se Motion to Correct Erroneous Sentence: Nov. 18, 2014

Court Denied Motion to Correct Erroneous Sentence: Dec. 8, 2014

Notice Of Appeal Of Denial Of Motion To Correct Erroneous Sentence: Jan. 8, 2015

Appeal Status: Currently Pending



On Nov. 30 1993 I was an 18yrs old kid, who like most young black males stuck in the ghetto, so caught up in the streets the criminal lifestyle. Because of such I had little sense of who I really was or where my life was headed. Unfortunately for me that night I would find myself in a situation that would change my life forever & make me apart of the prison industrial complex for next 20 odd years.

It was late in the evening when I pulled in to the parking lot of the apartment complex my sister was living in at the time. My purpose for being there that night was to simply run in her apartment, change my clothes & go hook up with a female I was involve with at the time. As I got out of the car I was driving, which just so happen to be stolen, I looked up & notice a police car entering the opposite end of the parking lot. Living the type of lifestyle I was coming into contact with the police wasn't an option. See not only was the car I was driving stolen, but I also had several outstanding warrants for my arrest for everything from probation violation to attempted murder. So I immediately took off running before the police could even pull up & see

who I was. Yet he had definitely seen me & was now preparing to give chase.

As I ran off I made my way to the back door of my sister's apartment. When I reached my sister's apartment I was unable to get in because the back door was lock & as I went to pounding on it I heard the police officer running around the building in pursuit of me.

Now the fear really set in, for I know if the police officer caught me I would end up in jail that night & probably sent to prison for a very long time. So once again I attempted to flee but the officer happens to be in better shape than I was & as he gave chase managed to maintain sight of me as I led him through several areas of the apartment complex. No matter how hard I tried to get away the officer wouldn't let up & worse yet seems to be catching up to me. It was at that moment I became so over whelm with fear that I lost any sense of reasoning & made probably the worst decision of my young life. Thinking I might be able to scare the officer & slow down his pursuit of me, I fire a shot over my shoulder from the small .38 caliber revolver I had on me. When I fired that first shot I never stopped to aim the gun at the

officer or even tried to hit him, which was never my intentions. I was scared of going to back to jail & all I wanted to do was scare him so he would slow his pursuit of me & allow me to get away. Looking back on it now I can obviously see that this was a very stupid decision but at the time I was thinking from an 18 year old kid perspective that was high on drugs. & the officer did indeed slow his pursuit of me once I fired that first shot. Yet I realize that my actions were wrong that night for they placed this officer in so much fear for his own life that he forgot all his training & ended up firing a volley of shoots but failed to hit me a single time.

I continued to run & fired another shot over my shoulder, once again in the air, only when I fired this second shot I could not even see or knew where the officer was. I just kept shooting, wanting to make sure he knew I was not trying to go to jail that night & it was in his best interest to stop chasing me. By this time I had ran a little further & put distance between myself & the officer. I had managed to make a complete circle from where the chase first began & was now once again in the area of the apartment complex where my sister lived. But before I could make it inside my sister's apartment I saw the officer coming around one of the

apartment buildings which caused me to fire another shot in the air. The officer responded by returning fire, but instead of hitting me he ended up shooting up the side of the building that I had ducked behind. This gave me the perfect opportunity to affect my escape & while he was focus on shooting up the brick wall, I manage to reach my sister's apartment & disappear inside.

As with any shootings that involve a police officer once the call went out over the radio, other police officers immediately responded to the scene. Within minutes they had the entire apartment complex flooded with police who had rush to the scene to help their fellow. It was just my luck that one of those officers responding to call happen to be a police officer who I've had several run ins with over the years leading up to this incident & had developed a serious hatred towards me. This officer was bent on seeing me behind bars & was aware of the fact that my sister lived in these apartments where the shooting had taken place. So when this officer arrived on the scene he seem to already have it in his mind that I might be involved in this shooting, despite the fact that the officer who I was chasing me had no idea who I was or where I had disappeared to. It was this other officer

who had it out for me that came straight to my sister's apartment & started beating on the door, yelling for her to tell him her. Upon hearing the last name Jones he then responded, "That's his sister! He's in here! Open this door bitch!" Now remember, the original police officer who had chased me had no idea who J was or where J had gone, so the police did not have any probable cause to demand entry into my sister's apartment. But the fact that we knew nothing about the law or our constitutional rights, made easy for this officer to violate them. Through intimidation he scared my sister, who feared the police would break her door down if she did not comply with this officer's demands. So she open the door & an army of police rushed inside with their guns drawn, cussing & yelling demands to know where J was.

At this point J realize that J was caught so J came down the stairs where J had been hiding & surrender. After they arrested me two detectives arrived on the scene & went to threatening my sisters with arrest & the lost of custody of their babies, who were also there in the apartment while all of this was going on, if they did not consent to a search of the apartment. Scared & not knowing her rights my sister she

Had no choice but to cooperate with the police & signed the consent form which allowed them to search the apartment without a proper search warrant. During their search the police found the gun & this pretty much sealed my fate.

Once I was arrested in charged the court appointed me a public defender to represent because I could not afford to hire an attorney. However this court appointed attorney just so happen to be an ex-police officer. Even with the back of understanding of the legal system I had at the time, I knew better then to allow this lawyer to handle the case. & he did not seem all that interested in representing me either. So I asked the court to appoint me another attorney & this time received this Black dude who lured me in to a false sense of security & leaded me to believe he had my best interests at heart when in fact he too could care less if my case received the fair & impartial treatment the law required. Such naïve-ism on my part allowed this "so called brotha" to severe me right up to the prison industrial complex. This "so-called brother" tricked me into waiving my right to a jury trial & as a result my case ended up being heard by a Pro-temp judge who seems to be completely bias. It is obviously she had decided my guilt even before the lawyers gave their opening

arguments became as soon as both sides rested their cases she immediately found me guilty without even take a recess to deliberate the facts presented before her. & it was this Pro-temp judge who would eventually sentence me to forty-eight years, which excided maximum sentence the law allowed in my case.

Now here I am, twenty-one years later, still trapped within the prison industrial complex fighting for my freedom. My case has been reviewed several times by the courts of appeal that have yet to give me any sense of justice. This is despite the fact that my sentence exceeds statutory mandate allowed under the law & constitute a fundamental error that require the court to correct my sentence.

Please don't take what I have said here the wrong way, as if I am proclaiming to be innocent of any guilty in what happen to me. I take full responsibility for what happen that night twenty odd years ago. It was through the actions I chosen that made it possible for me to victimize by the criminal justice system & severed right up to the prison industrial complex. Therefore I don't blame the "system" but I have issues with it due to the fact that while it proclaims

to be there to uphold the law yet will violate laws to justify keeping me incarcerated.

Refusing to allow the injustices of an injustice system break me, I have chosen to take advantage of the time I've been held in prison & use it to educate myself on the ways of the world so I will be better prepared to survive out in society once I am release. Through my own personal studies over the years, I've acquired valuable knowledge that will help me succeed once I get out. Not only have I earned a G.E.D, but I've also earned a college degree as well as over fifty other certificates of completion for a wide range of skill sets. I've also acquired a better than average understanding of the law & legal process which has given me a desire to become a paralegal. Hopefully I can find willing individuals or organizations to help me pay for the correspondence courses that will certify me as a paralegal so I can have this valuable & marketable job skill to help me make a successful transition back into my community. Maybe it's my ego but I feel that I must prove not just to myself but also all of those who played a role in my injustice treatment at the hands of the criminal justice system. Despite their best

efforts prison did not break me, for I am far too strong to ever be broken.

My only regret, however, besides the precious moments lost with family, is the fact that no one was really around when I was growing up to teach me all of what I know now about myself as a Black Man & the history of the struggle of Black People. I believe had this knowledge been shared with me as a youth it would have changed my life & provided me with the necessary foundation I needed to insure I reached my full potential. Knowledge is indeed powerful & the more aware you are the better prepared you are. Trust that I am indeed prepared now as my release from prison approaches & I hope to get out of here & play a serious role in the uplifting of my community by being there to share with the youth important knowledge so they will not only avoid the pitfalls out on society waiting to destroy their lives, but also rise above that which is expected of them & achieve their full potential. Hopefully my community will give me a chance to prove just how committed I am to these words & embrace me once I am release as I have now embrace my responsibilities to the community.

***I thank all those who have taking the time to read this &
hope by doing so you have develop a better understanding of
who was, who I am, & the Man I am working towards
becoming.***

Respectfully & Sincerely

Angela Juan Baker

Jimmy Jones #891782

P.O. Box 1111

Carlisle, In 47838

