

## A CASE FOR INNOCENCE

Jack Alderman presents a compelling case for innocence. As the State itself has admitted, Jack Alderman's conviction at trial and death sentence were based on the testimony of John Brown, who claimed that he and Jack Alderman killed Barbara Alderman<sup>1</sup>

Newly discovered evidence now proves that John Brown's trial testimony of Jack Alderman's role in the murder was materially false, and strongly suggests that Brown alone committed the murder.

*First*, newly obtained expert testimony regarding the medical and physical evidence in this case establishes that Mr. Alderman could not have been involved in Barbara Alderman's murder and the subsequent disposal of her body as Mr. Brown testified. For example, Brown claimed, after he had hit Barbara Alderman on the head with a wrench, that he and Jack Alderman carried her to the bathtub, where she was submerged. He then claimed both changed their clothes and went out to the local bars. However, Jack Alderman had not changed and only Brown's bloodied clothes were in evidence. Brown claimed that the two then returned to the apartment later in the evening and removed Barbara Alderman's body from the bathtub, where they had left her for approximately 4 hours, rolled her in a 4½' x 5' quilt, carried her down the stairs to the car about 50 feet away, placed her body in the trunk of the car, drove into the creek, and moved her body from the trunk to the driver's seat with her body hanging headfirst out into the water. Had Alderman participated in the murder as Brown claims, he would have been lifting, rolling, and carrying an adult corpse with a bleeding head wound in and out of the bathtub, out of the apartment, and into and out of the car trunk without getting any blood on his shirt, shoes, hair, body, or the white bandage on his left, middle finger. Yet the evidence shows that there were no such bloodstains. The affidavit of forensic scientist Marilyn Miller now shows that Brown's story is utterly inconsistent with the watery blood on Alderman's trousers. The watery blood is consistent with the watery blood on the gurney where Alderman identified his wife's body. After a thorough examination of the physical evidence, Miller concludes that the bloodstains on Alderman's pants do not corroborate Brown's testimony.

Evidence was far more consistent with Brown having killed Barbara Alderman on his own.

*Second*, an investigator for Mr. Alderman recently located Ms. Gerlinde Carmack, an alibi witness whom the police failed to locate at the time of Jack Alderman's trial. Knowing that she was an essential witness, Alderman's defence counsel made a motion to the court for a delay of the trial until Ms. Carmack could be located. The motion was denied and Mr. Alderman was forced to proceed without the crucial testimony of a witness who could attest to his whereabouts on the night of the murder.

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<sup>1</sup> December 4<sup>th</sup> 1978 retrial before Judge Cheatham; for the State Andrew J Ryan 111, Diastrect Attorney; for the defendant (John Brown), Alex Zipperer; for the Blase family, John Ranitz. Ryan" I will just put on the record that I felt- and Mr Ranitz I think would agree with me- without the testimony of John Brown a conviction on Mr Alderman would have been hard to obtain". Rannitz "Right. It would have been almost a legal impossibility".

Gerlinde Carmack has now provided a sworn affidavit confirming that Brown was lying about Alderman's actions the night of the murder. According to Gerlinde Carmack, she was with Jack Alderman for all but half an hour on the evening of the murder. Further, her testimony is consistent with the statement she gave the police at the time of the murder, and directly contradicts the testimony of John Brown. If the jury had heard Gerlinde Carmack's testimony, it would have heard a version of what happened that night from a witness far more credible than John Brown, an admitted murderer and who without having given his false testimony, would certainly have faced execution for the crime.

*Third* Brown's version of events is critically undermined by his subsequent admission that he testified against Mr. Alderman pursuant to an undisclosed "deal" with the State. From the time of his original trial Mr. Alderman has maintained that John Brown received leniency from the State in exchange for his testimony. Although convicted of the same crime, John Brown's death sentence was inexplicably reduced to a life sentence, with the consent of the State, and, even more inexplicably, he was ultimately released from prison as a free man after only 12 years. In 1998, after release from parole and obtaining total legal freedom, therefore with nothing to lose or gain, Brown testified in an affidavit that at the time of the trial he met privately with the Assistant District Attorney who told Brown that if he testified against Alderman "he would make sure it was to my benefit." This revelation discredits Brown's entirely self-serving testimony - without which the State admits it would not have obtained a conviction, much less a death sentence.

Moreover, the State never disclosed this promise to John Brown in exchange for his testimony, either to Jack Alderman's defense counsel or to the juries that convicted Jack Alderman and sentenced him to death. It was denied three times. In three separate court proceedings, Brown swore that the State did not promise him *anything* in exchange for his testimony and the Prosecution stood silently by and allowed the lies to go unchallenged. The State thereby violated Mr. Alderman's right to due process under the Fourteenth Amendment of the U.S. Constitution both by knowingly allowing Brown's false testimony to stand uncorrected, and by failing to disclose this material, exculpatory evidence to Jack Alderman's defense counsel.

*Fourth and finally*, recently obtained medical and psychiatric records for John Brown from the Veteran's Administration and his military service in Vietnam, plus testimony from six new witnesses, reveal that Brown had severe, longstanding mental illness and was prone to violence, depravity toward women, and pervasive untruthfulness that render his trial testimony unbelievable and inherently unreliable.

Specifically, medical and psychiatric records reveal that Brown was diagnosed with acute schizophrenia, had regular episodes of black rages, which included acts of extreme violence, and was a habitual drug user. The affidavits of six new witnesses, Brown's closest relatives - two children, two step-children, his widow, and his ex-wife- paint a consistent picture of an extremely violent and disturbed individual. All four children describe incidents of Brown molesting and beating them. They describe fearing for their own and their mothers' lives. His ex-wife describes regular physical abuse, including an incident where he brutally raped her, choking and biting her throughout. His widow describes frequent and unpredictable violent outbursts,

including (on more than one occasion) Brown grabbing her, putting a gun to her head, and telling her that he would blow her head off if she blinked.

Brown testified in his own and Alderman's trials that he killed Barbara Alderman because Jack Alderman threatened him and he was afraid of him. He testified time and again that he did not want to hurt Barbara, but did so because he was afraid Jack would kill him. The accounts of Brown's family members directly contradict the picture Brown painted of himself at trial of a man who shied away from violence. On the contrary, their stories are in keeping with acts of extreme violence against women - consistent with John Brown killing Barbara Alderman on his own. It is very difficult to believe that a person so prone to violence himself would have been bullied and coerced by another into doing something he did not want to do. Particularly ( as State prosecutor Drew pointed out ) since Jack Alderman is much smaller and blind in one eye.

Uncontroverted evidence shows that Jack Alderman was and is a kind, considerate man who had never hurt anyone. At the time of trial, Jack Alderman had no criminal history, and many witnesses testified to his reputation for honesty and peacefulness in the community. Since that time, the people who know him in prison, including fellow inmates, prison guards, attorneys and priests, uniformly describe Jack as a peaceful man, a model prisoner, and a role model for others.

Jack Alderman's conviction and pending execution rest almost exclusively on the testimony of John Brown - a violent, abusive, and mentally ill man who admitted to killing Barbara Alderman, and who was granted leniency for his testimony against Jack Alderman. If Alderman is executed without a retrial, it will be without the opportunity for a jury to hear about Brown's undisclosed deal, accounts of Brown's brutally violent behaviour, the testimony of a crucial alibi witness, who was never called to the witness stand and new scientific evidence strongly suggesting that Brown alone killed Barbara Alderman.

The question is: **Why was Jack Alderman sentenced to death on the evidence of an accused murderer?** Surely the law would recognize that the risk of a guilty person trying to save their own skin through malicious allegation is simply too great.