

Response to article by Michael Baker of OKLAHOMAN

Dear Editor,

First, let me thank Governor Henry and Lt Governor Askins for giving me two stays of execution thereby promoting justice.

Second, let me thank the prosecution for making it possible for me to expose their flawed, unjust and manipulative legal efforts **PUBLICLY**, because otherwise my statements would likely be dismissed as just "sour grapes."

The "hook" to get people interested in the 1981 movie "ABSENCE OF MALICE" (starring Paul Newman) began "Suppose you picked up this morning's newspaper and your life was a front page headline... And everything they said was accurate... But none of it was true." **That's how I feel.**

After seeing Baker's article about my case, I am greatly disturbed by many things that were said. They were reported accurately, but were designed by the originator (the prosecution in my case) to manipulate public opinion against an innocent man. The manipulation by the prosecution is likely because "it's his job" to get/uphold a conviction. The "evidences" given by the prosecution were deceptively full of omissions and partial truths. I am disturbed by the fact that your newspaper blindly repeated them, and fear that they will influence whether or not I die for something I didn't do.

Let me list each of Branham's self-serving distortions (along with the real truth) line item by line item as they appeared in Baker's article.

\* *Matthews was identified by an accomplice as the one who shot Earl Short.*

That is true, but that same person later recanted and admitted to lying under oath. It is rumored that he later recanted the recant. The most recent news about him is that he says that Matthews was not the shooter, but declines to identify who was. Hardly a credible witness. Especially since one of the suspects (possibly his real accomplice) was his uncle, Harry Wayne Clary.

\* *Minnie Short, who had her throat cut during the burglary but survived, identified her husband's attacker as wearing brown coveralls. A bottle of xanax, \$500 cash and a .32-caliber pistol were taken during the burglary.*

That is true, but there were two omissions. The first omission is the rest of the story about the coveralls. Her statement about coveralls was stricken from the record and the jury was instructed to disregard it because it was not credible. Also, witness Tucker, who said he saw "someone" in the vicinity of the crime (a short while later) wearing brown coveralls stated that the coveralls from Matthews was not as clean as the coveralls he had seen earlier. The second omission is that Minnie Short said both attackers had an Oklahoma accent. She testified, under oath, that she had known me all my life and did not hear a voice that she could identify as my voice that morning.

\* *When Matthews was arrested, authorities found a prescription bottle of xanax issued to Minnie Short, three \$100 bills in his freezer and a pair of brown coveralls.*

This is true, but the omission is that I gave an affidavit explaining that Tracy Dyer, a confessed perpetrator, gave it to me **as he so admitted** in a written statement given to my attorney, Matthew Haire.

\* *Matthews was last seen by his girlfriend when he left home with the accomplice the evening before the murder.*

This is true, but the omission is that there were two witnesses, (one gave an affidavit) that I was in their residence at time of the crime. My court appointed attorney (who refused to present any evidence in my behalf) wouldn't call them up to testify. Also, my girlfriend had locked me out of the house, so how COULD she have seen me? (Talk about misleading!)

*\* A man testified that he loaned Matthews a .45-caliber pistol just hours before the murder.*

This is a partial truth. That man, Mark Sutton, was later fired by his employer, Wal-Mart, for stealing guns. Although Sutton testified that he LOANED the gun to Matthews, my affidavit about giving it to me for resale is consistent with Wal-Mart's investigation which led to his termination. Since it was for sale, I sold it to Tracy Dyer and Harry Wayne Clary for \$300 the evening before the murder, which is why there were three \$100 bills in my freezer.

When I was arrested I had \$34 in my wallet and \$300 in the freezer. (Some of the \$300 had to go to Mark Sutton so I had it in the freezer instead of my wallet.) Tracy Dyer (and his uncle) had about \$2000 laying on the coffee table. Tracy had repaid a debt to an uncle, paid off some loan companies, had his truck repaired, went to Norman and bought drugs (crank) and still had about \$2000 left. Minnie Short testified that she told one of the criminals about \$1000 under the mattress and \$4000 in the pickup truck. The criminals stole \$5000, not \$500.

If two criminal "partners" commit a crime that produces money, they split it and go their separate ways. Even after Tracy and Clary spent some of the money, the fact that so much of it was still left indicates that Tracy's partner was there with him and the money. His partner (and real killer) had to be his house guest; Harry Wayne Clary. This information was never used in my defense, and was never pursued by OSBI.

*\* The Shorts' .32-caliber pistol and a .45-caliber pistol were found buried behind Matthews' house five months after the murder. Ballistics examination confirmed a bullet fragment recovered from Short's body was fired from that .45-caliber pistol.*

This is true, but the omission is that the .45-caliber pistol was found in a FRESHLY DUG HOLE. Both I and Tracy Dyer had been continuously incarcerated for five months. Since neither of us could have buried it, the **real killer** (and possessor of the murder weapon) **in still at large**.

Dick Frye, an investigator employed by the state of Oklahoma, gave an affidavit stating that he believed that the gun buried behind my property was done by someone other than myself!!!!

The real truth is that there is not one shred of evidence to place me at the crime scene: no DNA, not fingerprints, not gun residue, (for which I was tested) not fiber evidence, and not voice recognition.

**NOTHING.**

**NO PHYSICAL EVIDENCE AND NO CREDIBLE CIRCUMSTANTIAL EVIDENCE!!!!**

Still, the attorney general and his assistant seem determined to focus **only** on the evidence that would make them look good, and push the rest of the evidence back out of public view. **And I'm dead.** Apparently, the Attorney General's office is willing to let me die and let the real killer go free in order to avoid admitting a mistake. **Will no one try to right this wrong? Somebody?** (<http://home.allegiance.tv/jeff.matthews/>)

An issue that was raised by the prosecution in my clemency hearing was his declaration of my guilt because two juries convicted me and the appeals courts upheld the conviction. Although that statement is an attempt to distort the truth that should be obvious to everyone, the following two questions should be addressed publicly.

- 1) Were the jurists wrong? All twelve of them?
- 2) Were the appeals courts wrong? All of them?

WERE ALL TWELVE OF THE JURISTS WRONG?

Yes, but it wasn't their fault. Since my court appointed attorney refused to present any evidence in my defense, the prosecutor was free to misrepresent the facts and thus sway the jury. **JUST AS THE ATTORNEY GENERAL AND HIS ASSISTANT ARE CURRENTLY DOING** in their submission to the Oklahoman for the article recently published about me. In a Habeus petition filed on August 25, 2003, the Federal Public Defender made those very charges (ineffective defense counsel and prosecutor influencing the jury) about my jury trial, so it's not just my opinion. The Federal Public Defender proved they were wrong!

WERE ALL OF THE APPEALS COURTS WRONG?

They probably didn't break the law, but they were guilty of the "it's not my job" perpetuation of injustice. In the opinion rendered by the judges, after reviewing my submission to the court of appeals for the tenth circuit, consider the following example.

On page 15 of the released document, in speaking of the "freshly dug hole" in which the murder weapon was found, the judges said (and I paraphrase) "**freshly dug** is unclear and could mean anything from a day to a year."

Even the color of the earth in the disturbed area would have been meaningful. If it meant 2 days, I obviously didn't put it there. Rather than seek to quantify the length of time meant by the original report (in an attempt to seek justice) they simply said (again I paraphrase) "the data is unclear and it's not our job to fix it so we'll not overturn the conviction."

My life is at stake and they say "it's not my job?" So, were the appeals courts wrong? ..... you choose!  
(They certainly discarded the nation's promise of LIBERTY AND JUSTICE FOR ALL)

<http://home.allegiance.tv/jeff.matthews> has many of the pertinent details. If you would like to ask me a question, email [jeff.matthews@allegiance.tv](mailto:jeff.matthews@allegiance.tv) and I will do my best to respond.

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