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November 22, 2004

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

47th District Attorney
Rebecca King
501 S. Fillmore, Suite 5A
Amarillo, Texas 79101

Re: Cause No.: 20,692-B; THE STATE OF TEXAS VS. JOHNNY FRANK GARRETT; In the 181st
District Court; Potter County, Texas

Dear Mrs. King:

I have been hired by the family of Johnny Frank Garrett to pursue every means possible within our legal system to clear his name. In the capacity of Attorney for the Estate of Johnny Frank Garrett I have decided to amicably request post-conviction DNA testing of items collected and preserved by the Amarillo Police Department and the Potter County District Clerk. Only you can order release and/or agree to testing of these items without judicial intervention or litigation.

As I'm sure you realize, Tex. Code Crim. Pro. Art. 38.38 was enacted to allow for post-conviction DNA testing when reasonable suspicion of a wrongful conviction arises. In that regard, I would like to summarize facts which I am sure you will agree not only exceed reasonable suspicion but in fact prove beyond any reasonable doubt that Johnny Frank Garrett was innocent. I have enclosed a letter I received from the true killer wherein he admits to a "secret confession" he gave to me when questioned at the Potter County Correctional Facility. In addition, please consider the following verifiable statements of fact.

1. Leoncio Perez Rueda, Cuban refugee and convicted felon, arrived in Amarillo in late 1980. During the spring of 1981, ten elderly women were raped and brutally beaten in their homes in the northeast section of Amarillo.
2. After reviewing the facts of each crime, APD concluded that a Hispanic, possibly Cuban, was the perpetrator.
3. APD launched a sweep of the Cuban community, stopping, searching, detaining, questioning, arresting, and checking backgrounds of all suspicious males. In some cases, hair and blood samples were forced from potential suspects, including Leoncio Perez Rueda.

4. On July 8, 1981, Narnie Box Bryson, 77, was brutally beaten, raped, mutilated, and strangled to death in her home within walking distance of the previous rapes. The killer's semen and curly black hairs were sent to the FBI for analysis. Witnesses reported spotting a Hispanic male in the vicinity of the crime near the time of Bryson's death.
5. Approximately two weeks after the Bryson murder, Leoncio Perez Rueda was arrested after he was caught peeping in the window of an elderly woman in the same neighborhood as the Bryson murder. He was charged with trespass and released without serious inquiry. Suddenly, the rapes stopped.
6. Then, on Halloween night, 115 days after the Bryson murder, the killer struck twice in the same night. On Van Buren Street, an elderly woman was raped, beaten into a coma, and left for dead. Later that evening, a few blocks east of Van Buren, 76-year-old Sister Tadea Benz was brutally beaten, raped, mutilated, and strangled to death at the St. Francis Convent. Police recovered the killer's hair, semen, socks, V-neck T-shirt, and footprint from the scene of Sister Benz's murder. Both Halloween night victims lived just blocks from the Bryson murder.
7. Rape was confirmed by the medical examiner who autopsied Sister Benz. Again, curly black hair samples were collected from the crime scene and some were forwarded to the FBI, but for some unknown reason, the killer's semen was left in the laboratory of the medical examiner.
8. DA Hill and chief investigators at APD believed the murders of Sister Benz and Mrs. Bryson were "too similar" not to have been committed by the "same man." In fact, APD outlined the following comparisons in news reports:
 - ❖ Witnesses reported a Hispanic male in the vicinity of both crimes near the time of each victim's death.
 - ❖ Both victims were associated with religious groups assisting Cuban refugees.
 - ❖ Both victims were elderly women.
 - ❖ Both victims died during the early morning hours.
 - ❖ Both victims were raped.
 - ❖ Both victims were strangled with a cord or rope.
 - ❖ Both victims were mutilated in similar ways.
 - ❖ Both murders occurred within blocks of each other and in the same part of town as the ten other rape victims.
 - ❖ The killer's curly black hairs were found at the scene of each murder.
9. On November 4, 1981, DA Hill made the following statement to an *Amarillo Daily News* reporter: "I have a strong feeling that there is one person involved in the deaths of the Bryson women and the nun."
10. A week after Sister Benz's murder, APD found a witness who spotted a Hispanic male near the convent at the time of Sister Benz's death. The witness picked Fernando Flores from a photo lineup. He could pass for Leoncio's twin. Flores was arrested and the DA

declared the case "solved." APD released Fernando within days when blood tests confirmed he was not the killer. The Van Buren Street victim emerged from her coma but with no memory of the crime.

11. DA Hill publicly apologized for his "premature optimism" for "solving" the case. Then, within seventy-two hours of the apology, local clairvoyant, "Bubbles," called the *Amarillo Daily News* to report a frightening dream she had. She envisioned the murderer as a teenage male living near the convent. He had a slender build, dark hair, and an "Abe Lincoln" face. He lived in a small white house, which Bubbles actually found while combing the neighborhood surrounding the convent. Bubbles had worked with APD on one other occasion and was allegedly instrumental in catching the murderer in that case.
12. A few days after Bubbles dream, APD found a new suspect who, *coincidentally*, matched the clairvoyant's description. Seventeen-year-old Johnny Frank Garrett lived in the same white house Bubbles discovered just blocks from the convent. He had a slender build, dark *brown* hair, and an "Abe Lincoln" face.
13. Garrett was arrested and thrown in a jail cell with convicted serial killer Jay Kelly Pinkerton. Despite pressure to sign an eight-line confession concocted by anxious APD detectives, Garrett professed his innocence and refused to sign. Garrett's mother and sister vouched for his presence at home the night of Sister Benz's murder and the Van Buren Street rape.
14. For some unexplained reason, within days of Garrett's arrest, the medical examiner threw out the semen samples from Sister Benz's autopsy. He testified at trial that he did this because nobody told him to save them. Years later, this same medical examiner was prosecuted and sent to jail for falsifying government records and other fraudulent activities.
15. Garrett was convicted but swore he would appeal and someday be exonerated. Throughout the appellate process, Garrett was passed from one court appointed lawyer to another until finally he lost trust and hope in the system. Despite a written plea from the Pope to commute Garrett's sentence to "life," the State of Texas executed Garrett on February 11, 1992. Unlike ninety-eight percent of all previously executed prisoners in Texas, Garrett claimed his innocence until his last breath.
16. Inexplicably, DA Hill never attempted to connect Garrett to the Bryson murder or the Van Buren Street rape, despite having DNA from Garrett and the perpetrator of both crimes. The Bryson and Van Buren Street cases died cold deaths.

17. Twenty-three years later, in March of 2004, the Texas Department of Public Safety notified APD that a random DNA match was made between the semen samples collected from the Bryson autopsy and a Hispanic male incarcerated in New Mexico. The killer of Narnie Box Bryson was located. His name: Leoncio Perez Rueda. The same Hispanic male caught just two weeks after the Bryson murder peeping in the bedroom window of what would have been his next elderly victim. In 1981, Leoncio was receiving assistance from Catholic Family Services and living with a Catholic family on Van Buren Street, just blocks from the first Halloween night victim.
18. I recently interviewed Leoncio at the Potter County Correctional Facility. During the interview he detailed his sexual encounter with Mrs. Bryson and methodically explained how she was partially suffocated with a pillow then strangled with a telephone cord. He showed me scars on his right arm where she scratched him during the suffocation. When I asked of other elderly victims he described the rape and brutal beating of a nun on Halloween night. He also described a white V-neck T-shirt Mrs. Bryson had allegedly given to him prior to her murder. His description mirrored the shirt found at the scene of the Benz murder. He also described a pocket knife which I believe he used to inflict the mutilating stabs and gouges found on Sister Benz's body. Leoncio gave me his fingerprints and samples of his fingernails and curly black hair.
19. Unbelievably, Garrett's appointed lawyers never raised the following evidentiary facts or issues at trial or on appeal.
- ❖ Foreign black hairs not matching Garrett's were found on Sister Benz's white fitted sheet. (APD Evidence tag #9)
 - ❖ A white V-neck T-shirt with Sister Benz's blood and foreign black hairs not matching Garrett's was found at the base of Sister Benz's bed. (APD Evidence tags #6 & #8)
 - ❖ Foreign black hairs not matching Garrett's were found on the blue nightgown Sister Benz wore while she was raped, stabbed, and strangled to death. (APD Evidence tag #11)
 - ❖ A footprint not matching any shoe of Garrett's was found in the glass on the floor below the window where the killer entered the convent. (APD Evidence tag #34)
 - ❖ A bent butter knife found beneath Sister Benz's bed (alleged by the DA to have been used to stab Sister Benz more than a dozen times) had no blood on it.
 - ❖ The FBI confirmed the butter knife was not the weapon used to stab Sister Benz.
 - ❖ Blood possibly from the assailant was found on an exit door and on a wall at the convent, but the DA, APD and Garrett's own lawyers decided against comparing the samples with Garrett's blood. (APD Evidence tags #20 & #21)

- ❖ Foreign hair not matching Garrett's was found in Sister Benz's mouth at autopsy. (APD Evidence tag #54)
- ❖ Unidentified fingerprints were found in Sister Benz's room. (Never tagged by APD or connected to any person who had access to Sister Benz's room)
- ❖ Foreign black hairs not matching Garrett's were found on Sister Benz's abdomen, back, and breast. (APD Evidence tags #55 & #56)
- ❖ The FBI confirmed none of the knives confiscated from Garrett's home could have cut the screen to the convent window where the assailant entered.
- ❖ The FBI confirmed none of the footprints found near the vicinity of the murder were Garrett's. (APD Evidence tag #108)
- ❖ On November 2, 4 and 6, 1981, a few days before Fernando Flores' arrest, APD took hair samples from suspects Jorge Emillo, Abrea Bufill, Adan Rodriguez Zaragoza, Pablo Hernandez, and Jorge Francis Belis. Each Hispanic man had dark black head and pubic hair similar to those black hairs found throughout the crime scenes at the Bryson and Benz murders.
- ❖ During the days immediately following Sister Benz's murder, neighbors living in the vicinity were questioned by APD about a suspicious Hispanic male seen near the convent on the night of the murder.

20. Dozens of Garrett's fingerprints were left throughout the convent a few days before the murder when Garrett walked in the front door during the afternoon and rummaged through a half dozen rooms, closets, and dressers, including a locked cabinet he used the butter knife to pry open. Unfortunately, Garrett's lawyers never requested access to the convent to substantiate this claim. Garrett testified he went into the convent to steal necklaces with crosses on them. The necklaces were found in his possession at the time of his arrest. A fourteen-year-old boy verified (at trial but outside the presence of the Jury) he was with Garrett on October 28, 1981, when Garrett entered the convent to steal the necklaces.
21. One juror not struck by Garrett's trial lawyers was a blood relative of the State's first and most prominent punishment witness, Judge Jerry Shackelford. The judge and juror shared the same last name. Handwritten notes on a juror questionnaire confirm Garrett's lawyers knew the juror and judge were related. Four jurors not struck by Garrett's lawyers were personally acquainted with police officers listed as the State's witnesses during the guilt-innocence phase of the trial. Another juror not struck by Garrett's lawyers not only knew, but had conducted business with the medical examiner.
22. Johnny Frank Garrett's first court-appointed appellate lawyer, Mr. Bruce Sadler, withdrew suddenly as Garrett's counsel after accepting a job offer from DA Hill to work in the Appellate Division of the 47th District Attorney's Office. Garrett's

subsequent lawyers never protested "conflict" or asked for recusal, despite having knowledge of numerous confidential communications between Sadler and Johnny Frank Garrett. Mr. Sadler is now *your* employee.

The following crime scene items were collected, cataloged and remain preserved by the Amarillo Police Department and/or the Potter County District Clerk.

- a) APD control #6 white V necked t-shirt.
- b) APD control #8 foreign hair from t-shirt.
- c) APD control #9 foreign hair from white fitted sheet.
- d) APD control #11 foreign hair taken from blue nightgown.
- e) APD control #20 swabbing of blood from hall wall across from room 18.
- f) APD control #21 swabbing of blood taken from east 2nd floor fire exit door.
- g) APD control #25 vacuum collection from carpeted floor Room 18. (brown pubic hair alleged at trial to be Garrett's was admitted as evidence.)
- h) APD control #30 foreign hair found on white pillow case and gown.
- i) APD control #37 athletic sock with 3 blue rings.
- j) APD control #46 foreign hair from white athletic sock.
- k) APD control #54 foreign hair found in victim's mouth.
- l) APD control #55 foreign hair found on victim's abdomen and back.
- m) APD control #56 foreign hair found on victim's left breast.
- n) APD control #59 sheets with foreign hair.
- o) Fingerprints from Room 18 not matching Sister Benz, Johnny Frank Garrett or any other person who had access to Sister Benz's room.

In addition, Johnny Frank Garrett gave head and pubic hair samples shortly after his arrest - - APD control #71 - 84.

Our request is simple and may alleviate the necessity of costly litigation. Please accept this letter as our formal request to obtain copies of the foreign fingerprints recovered from Room 18 and DNA testable samples of the other items to determine if a match exists with Leoncio Perez Rueda and/or any other person including Johnny Frank

Garrett. We will employ an independent lab and the family of Johnny Frank Garrett has agreed to pay the entire cost associated with testing. Alternatively, your office could forward all samples to a mutually agreeable lab.

If our very reasonable request is met, the Garrett family has authorized me to convey complete immunity from civil prosecution for all governmental agencies and employees involved in the wrongful prosecution and execution of Johnny Frank Garrett. In the event this request is not met within 14 days of your receipt of this letter, the Garrett family will have no choice but to pursue further remedy by way of civil litigation which will necessarily include as Defendants most law enforcement agencies and personnel involved in the case.

Acting now as the conscience of this community, having promised by oath to uphold the law and at all costs seek justice, I hope you agree it is your moral and legal duty to comply with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Quackenbush", written in a cursive style.

Jesse Quackenbush

JQ/vh

cc: Office of the Governor, Governor Rick Perry, P.O. Box 12428, Austin,
Texas 78711-2428
Charlotte Cameron
L.T. Matthiesen

Enclosures: Letter from Leoncio Perez Rueda admitting to his "secret confession"