

W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

March 1, 2002

Sister Helen XXXXX
Street
Manitowoe, Wisconsin 54220-5215

Re: Jessie James Cummings

Dear Sister Helen:

Thank you for your letter and interest in the Jessie James Cummings case. I am attaching a Memorandum I requested on the possibility of DNA testing. As a matter of course, we review every death row case to determine whether additional forensic work may be in order.

In this case, the remains of the victim were not amenable to the recovery of any biological specimens and her clothing was not recovered either. With these facts, there can be no DNA testing because there is simply nothing to test.

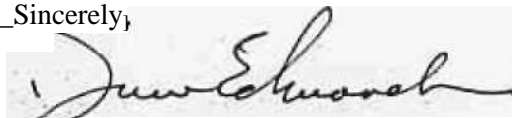
The evidence in this case, consisting primarily of the sworn testimony of two witnesses/accomplices, was submitted to a jury, which found it sufficient beyond a reasonable doubt. While Mr. Cummings claims innocence, you must keep in mind that he initially denied all knowledge of these crimes and only years later, admitted disposing of the body of his sister. He initially fabricated a story about her disappearance.

This case continues on appeal and other issues may be raised so the final outcome cannot be known at this time. However, our role will be to represent the state in this matter and I do so with confidence that the jury reached the correct decision.

I appreciate hearing from you and hope you will feel free to contact me if I may be of any other service. Thank you for your service to the Lord and in this case.

Sincerely,

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W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:seh

MEMORANDUM

TO: W.A. Drew Edmondson

FROM: Robert Whittaker

SUBJECT: Status of Jessie James Cummings case for response to Sister Helen's letter

DATE: February 26, 2002

Cummings' habeas petition is pending before the Eastern District of Oklahoma.

Cummings was convicted of the murder of his sister, Judy Ann Moody Mayo, and her minor daughter, Melissa Moody. The evidence was that he ordered his two wives to kill Mayo and while he was in Oklahoma City with his father, one of his wives (Anita) shot her to death and both wives drug her body into a cellar. They handcuffed Moody to the bed while Cummings was still gone. When Cummings returned, they drug Mayo's body out of the cellar and deposited it near Atoka City Lake. Upon return, the wives held Moody while Cummings had sex with her and he then took her and one of his wives—Sherry, the one who did not shoot Mayo—for a drive. While on the drive, he stopped and took Moody off into the woods and came back alone with blood on his plastic gloves and front of his clothes. On the way home, he dumped his clothes near the city lake.

Mayo's body was found a few days later; she had died from multiple gunshot wounds. A month later, Moody's skeletonized body was found. While the cause of death was uncertain, there were injuries on four of her ribs indicating sharp force injuries, such as caused by a knife.

Cummings clothes were not recovered and Moody's body was unclothed save for two friendship bracelets on her wrists. There were no clothes found in the search around her body. Thus, no specimens were retained that would be suitable for DNA testing.

The crimes were unsolved until the wives came forth with their statements that Cummings had forced them to kill Mayo and that he had himself killed Moody. Both wives entered pleas of guilty on lesser sentences in exchange for their testimony. Sherry received consecutive sentences of 10, 10 and 15 years (a total of 35 years); Anita received life for the murder of Mayo.

Cummings was convicted of both murders and the jury found that Cummings was a continuing threat as to both murders; the jury found in addition that the murder of Moody was committed to avoid or prevent arrest or prosecution. The jury returned sentences of death as to both murders.

On appeal, the Court of Criminal Appeals reversed his conviction for the murder of his sister, Judy Mayo, but affirmed the conviction and sentence for the murder of Melissa Moody. Certiorari was denied June 7, 1999.

Cummings has filed his petition for writ of habeas corpus in the Eastern District of Oklahoma. An evidentiary hearing was ordered and was held on June 25, 2001. Following the hearing, the magistrate issued findings of fact and conclusions of law favorable to the prosecution on October 25, 2001. The case is pending final disposition of the habeas petition.