

JAMES D. BEDNAR  
EXECUTIVE DIRECTOR



FRANK KEATING  
GOVERNOR

**STATE OF OKLAHOMA  
OKLAHOMA INDIGENT DEFENSE SYSTEM**

**DNA FORENSIC TESTING PROGRAM  
P. O. Box 926  
NORMAN, OKLAHOMA 73070  
VOICE (405) 325-3633  
FACSIMILE (405) 325-7567**

*Jamie Pybas, Attorney  
Julie Gardner, Attorney  
Kathleen Smith, Attorney  
Laura Schile, Forensic Science Specialist  
Kim A. Marks, Investigator  
DNA Defense Team*

November 4, 2002

Mike and Virginia Gonzalez  
382 Green Meadow Drive  
Valley View, Texas 76272

Dear Mr. and Mrs. Gonzalez:

Enclosed is a copy of the correspondence we sent to Josh regarding the inability of the DNA Forensic Testing Program to offer assistance with his innocence claim. We did a thorough review of Josh's case before determining that DNA testing would not provide proof of his innocence as required by the statute under which our Program operates.

Also enclosed is a list of factual innocence projects that you may want to contact to inquire about assistance for Josh if you have not already done so. We truly regret that we cannot help Josh and we wish you the best of luck in your search for other relief.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Smith".

Defense Counsel

Enc.

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November 4, 2002

Joshua Stump, #140432  
Oklahoma State Penitentiary  
P.O. Box 97  
McAlester, OK 74502-0097

Dear Mr. Stump:

We have completed a review of your case, including your Initial Screening and Assessment Form, plea paperwork, formal application, portions of your trial case file and information provided by your family. We have also contacted your trial attorney, Jim Rowan. After meeting with our supervisor, we regret to inform you that you do not qualify for acceptance into the DNA Forensic Testing Program because DNA testing of existing evidence would not provide "conclusive or near conclusive" proof of actual innocence as required by statute.

You admit that you and Robert Anderson attempted to steal the victims' car, but claim that you walked away while Anderson went back and got into a shoot-out with the victims. According to our research, previous forensic analysis supported your claim that Anderson was the shooter; however, further analysis through DNA testing would not prove that you did not take part at all in the crime or show how far away you were when the shooting occurred. Therefore, DNA testing of evidence would not provide proof of your innocence and your case does not meet our Program's eligibility requirements.

We are sorry that we cannot assist you further and we wish you the best of luck.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Smith".

Defense Counsel

cc: Mike and Virginia Gonzalez