

TCADP Execution Alert: Support Clemency for Jedidiah Murphy

The State of Texas is scheduled to execute Jedidiah Murphy on Tuesday, October 10, 2023, a date recognized globally as World Day Against the Death Penalty.

Murphy was convicted and sentenced to death in 2001 by a Dallas County jury for kidnapping and killing 79-year-old Bertie Cunningham while in the throes of a mental health crisis brought on by years of abandonment, neglect, and abuse.

Murphy immediately accepted responsibility for his crime and expressed profound remorse for the irreplaceable loss and pain his actions have caused. In the 23 years he has spent on death row, he has experienced a genuine spiritual and personal transformation grounded in his Jewish faith.

Now, fueled by remorse for his crime, love for his family, a desire to help others, and his religious devotion, he has become a role model to others.

Support clemency for Jedidiah Murphy

Murphy has filed an application with the Texas Board of Pardons and Paroles in which he asks for the commutation of his death sentence to a lesser penalty or, in the alternative, a 180-day reprieve.

We're asking you to email the members of the Texas Board of Pardons and Paroles directly at bpp_clemency@tdcj.texas.gov to urge them to **recommend clemency** for Murphy (you must include his TDCJ #999392 and DOB 09/01/1975 in your appeals). Share your concerns with Governor Greg Abbott.

Adapt our sample message or use the talking points below to craft your own email. Contact information for the Board and Governor is also below. *Contact the Board by Friday, October 6, 2023.*

Additional background information and talking points for your appeals

Inflammatory testimony about "future dangerousness"

- During the punishment phase of Murphy's trial, the jury's verdict was heavily influenced by inflammatory testimony about an unadjudicated prior violent crime Murphy maintains he did not commit.
- The victim in that crime identified Murphy *three years* after it occurred, only after seeing his picture on the news in connection with his arrest for the kidnapping and killing of Mrs. Cunningham. Her testimony about Murphy during the punishment phase of his trial in the Cunningham case was pivotal to the State's argument he constituted a "future danger," which

the jury must accept to impose a death sentence in Texas.

- Evidence discovered by appellate attorneys undermines the victim's identification of Murphy, however, and forensic evidence, including fingerprints, supports his claim of innocence of that crime. His requests for DNA testing to prove his innocence in this other case have been denied.

A childhood marked by abuse, neglect, and mental illness

- Murphy's early childhood was marked by domestic violence, alcoholism, and abuse by his father. He was abandoned twice by his mother, and, after experiencing the death of three caregivers within a four-month period, he began a turbulent journey through two different adoptive placements and various foster care institutions, all of which continued the cycle of trauma, abuse, and neglect.
- Shortly after being placed in his first foster home, where he was abused, Murphy began experiencing auditory hallucinations and, later, frequent blackouts and bouts of memory loss. Around the age of 12, his anxiety and depression became unbearable, and he used alcohol and marijuana every morning to block the voices in his head.
- In the year leading up to his capital offense, Murphy's auditory and visual hallucinations intensified, and his desperate attempts to self-medicate induced an uncontrollable addiction to alcohol. He attempted suicide twice and desperately sought out mental health treatment seven times in less than three months.
- Murphy was diagnosed with depression, bipolar, and dissociative identity disorder, a severe and rare mental health condition known for its onset after one has experienced severe, chronic physical and sexual torment. Despite his attempts to get psychiatric help, Murphy was denied admittance into a mental health treatment facility.
- His mental state at the time of his trial, which was impacted by inconsistent medication—including overmedication—by jail personnel and another suicide attempt, was not explained to the jury by his attorneys.

Transformation on death row and embrace of his Jewish faith

- Although Murphy was born to a Jewish mother and raised in part by Jewish grandparents, he lost touch with his Jewish faith after he entered the foster care system. While incarcerated on death row, Murphy was able to begin a course of religious study and forge strong connections with rabbis through the prison ministry program and other faith organizations. In February 2016, with the assistance of Rabbi Dovid Goldstein, Murphy was able to celebrate his belated bar mitzvah (a Jewish coming-of-age ritual) while on death row.
- Murphy continues his practice of the Jewish faith, including celebrating Jewish holidays, meeting with rabbis, and engaging in prayer and religious studies. Not only have his faith and fellowship sustained him throughout his incarceration, but they have contributed to his personal transformation and strengthened his desire to contribute to society in a positive way.
- Jedidiah Murphy is not the same person who arrived on death row 23 years ago. He has accepted responsibility for his crime and expressed profound remorse for the irreplaceable loss

and pain his actions have caused. Yet, he has not let his crime define him; he is committed to making a difference in the lives of others: his daughter, Alyssa, who was failed by the same system that failed to protect Murphy when he was a child; his granddaughter, Haven; his friends; his family; and his fellow prisoners on death row. Through field ministry, he believes he could continue to support and sustain others the way that prison ministry and his faith community have supported and sustained him.

Sample email message

Dear Chairman Gutiérrez and Members of the Texas Board of Pardons and Paroles,

I am writing to urge you to recommend commuting the death sentence imposed on Jedidiah Murphy (TDCJ #999392 and DOB 09/01/1975) to a lesser penalty. Murphy is scheduled to be executed on October 10, 2023, for kidnapping and killing Bertie Cunningham, a terrible crime for which Murphy immediately accepted responsibility and expressed remorse.

At the time he killed Mrs. Cunningham, Murphy was a suicidal, traumatized young adult struggling not only with the effects of his turbulent, abusive childhood—including years in the foster care system— but also with an untreated psychotic disorder that he self-medicated with copious alcohol consumption. When he killed Mrs. Cunningham, he was deep in the throes of a mental health crisis brought on by years of abandonment, neglect, and trauma.

I am concerned the jury that sentenced Murphy to death heard highly inflammatory testimony from the victim of a violent crime who identified him as the assailant *three years after the fact*. Murphy maintains he did not commit that crime, which was unadjudicated, and evidence discovered by appellate attorneys undermines the victim’s identification of Murphy, while forensic evidence, including fingerprints, supports his claim of innocence in that case. The victim’s testimony about Murphy during the punishment phase of his trial in the Cunningham case was pivotal to the State’s argument he constituted a “future danger” and weighed heavily on the jury’s deliberations.

In the 23 years he has spent on death row, Murphy has not been dangerous to anyone. On the contrary, he has experienced a genuine spiritual and personal transformation grounded in his Jewish faith. Now, fueled by remorse for his crime, love for his family, a desire to help others, and his religious devotion, he has become a role model to others. Through field ministry, he believes he could continue to support and sustain others the way that prison ministry and his faith community have supported and sustained him.

In calling for mercy for Jedidiah Murphy, I do not condone his actions, but I do believe he deserves to live the rest of his life in service to others. I urge you to recommend the commutation of his sentence to a lesser penalty.

Respectfully,

Contact information for the Texas Board of Pardons and Paroles and Governor Abbott

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8610 Shoal Creek Boulevard

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Fax (512) 467-0945
bpp_clemency@tdcj.texas.gov

Chairman: David Gutiérrez

Texas Governor Greg Abbott

Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Information and Referral Hotline: (800) 843-5789 [for Texas callers]

Information and Referral and Opinion Hotline: (512) 463-1782 [for Austin, Texas and out-of-state callers]

Office of the Governor Main Switchboard: 512-463-2000

Online Contact: <https://gov.texas.gov/contact/>