

# Certificate of Completion

This Certifies That

**Mark Jordan**

has satisfactorily completed

## *Effective Communication Skills*

This certificate is issued this Month of January, 2016.

For completing 12 hours of Adult Continuing Education

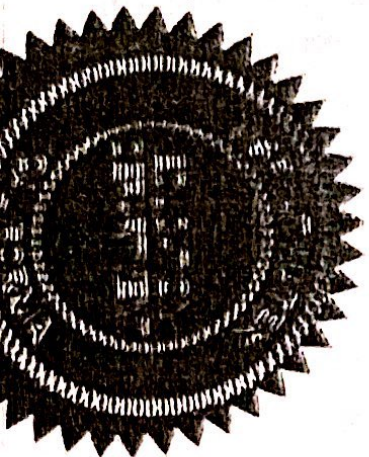
USP Atwater Education Department

*M. Chavez*

M. Chavez, Supervisor of Education

*B. Pena*

B. Pena, Education Technician



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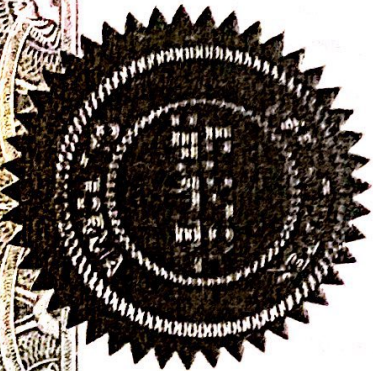
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## PETITION FOR COMMUTATION OF SENTENCE

To The President of the United States:

COMES now Mark Jordan, a federal prisoner, and respectfully prays for a commutation of sentence, a reduction of prison sentence only. In support thereof, Mr. Jordan submits as follows.

### I. PETITIONER

1. Mark Jordan, Register No. 48374-066, a natural citizen of the United States, SS No. [REDACTED] was born on May 13, 1976, in Philadelphia, Pennsylvania. He is currently confined at the United States Penitentiary in Tucson, Arizona, and his last application for commutation of sentence was submitted to President William Clinton in 1998 on grounds not herein stated.

### II. OFFENSES FOR WHICH COMMUTATION IS SOUGHT

2. Mr. Jordan is currently serving an aggregate sentence of 738 months premised on two convictions in the federal courts. Mr. Jordan has been imprisoned since 1994, at the age of 18, and his current projected release date from the BOP is November 2048.

#### A. Eastern District of Pennsylvania

3. Mr. Jordan was initially convicted on a plea of guilty in the United States District Court for the Eastern District of Pennsylvania of three (3) counts of bank crimes in violation of 18 U.S.C. 2113(d) (Counts 1, 2 and 4) and two (2) counts of use and possession of a firearm in relation to a crime of violence (Counts 3 and 5), in violation of 18 U.S.C. 924(c)(1). United States v. Mark Jordan, Criminal No. 94-524.

4. On October 30, 1995, Mr. Jordan was sentenced to 318 months imprisonment, and restitution, followed by five (5) years of supervised release. Specifically, Mr. Jordan was sentenced to 78 months for the three bank crime offenses (counts 1,2 and 4), to a 60-month statutory mandatory minimum sentence on the first 924(c) firearm offense, and to a 240-month statutory mandatory minimum on the second ("stacked") 924(c) firearm offense. The "stacking" of 924(c) firearm counts resulted in 240 of the 318 months imposed. With respect to this sentence, any unpaid portions of the restitution imposed has expired, and Mr. Jordan did not appeal from his conviction or sentence. See Judgment, Appendix A.

5. In 2018, Congress passed the First Step Act, Section 403 of which, titled Clarification of 924(c), prevents the stacking of multiple 924(c)(1) firearm charges in a single prosecution. See Pub. L. No. 115-391, 132 Stat. 5194, Section 403. However, Congress failed to make that clarification retroactive to those who, like Mr. Jordan, were convicted under the prior misapplication of 924(c)(1) by stacking offenses.

#### B. District of Colorado

6. In 2005, a jury found Mr. Jordan guilty of killing David Stone, while both were inmates at the United States Penitentiary in Florence, Colorado. Mr. Jordan was convicted in the United States District Court for the District of Colorado of second-degree homicide and assault. *United States v. Mark Jordan*, Criminal No. 04-229 (D. Colo.). Mr. Jordan was sentenced in March of 2016 to 420 months imprisonment, restitution in the amount of \$2,522, and five (5) years of supervised release. Mr. Jordan's term of imprisonment was aggregated by the Bureau of Prisons with the pre-existing term imposed by the Eastern District of Pennsylvania, extending his projected release date to November 2048.
7. At trial, Mr. Jordan sought to introduce evidence that another inmate, Sean Riker, committed the crime, but the district court refused to admit the alternative perpetrator evidence or permit the defense to call Mr. Riker to testify. Mr. Jordan challenged the district court's ruling on appeal, but the Tenth Circuit concluded that the district court had not abused its discretion in excluding the evidence and testimony, and affirmed, although not without noting that it may have decided the issue differently. *United States v. Jordan*, 485 F.3d 1214, 1219-22 (10th Cir. 2007).
8. Mr. Jordan subsequently filed a motion for DNA testing and comparison between DNA recovered from the handle of the murder weapon (a shank) and the DNA profile of Sean Riker, the alternative suspect, pursuant to the Innocence Protection Act. That motion was denied by the district court and a divided panel of the Tenth Circuit affirmed the denial. *United States v. Jordan*, 594 F.3d 1265, 1269 (10th Cir. 2010). Mr. Jordan also filed a pro se Section 2255 motion. The Tenth Circuit denied a certificate of appealability for Mr. Jordan to appeal from the district court's denial of that motion. *United States v. Jordan*, 461 F. App'x 771, 773 (10th Cir. 2012).
9. In October of 2012, the United States Attorney received a letter from Mr. Riker in which he confessed to the murder of Mr. Stone and admitted that Mr. Jordan was innocent. That letter was forwarded to Mr. Jordan, whose attorneys then obtained a signed and notarized statement from Mr. Riker in April 2013, in which he explained in more detail how he committed the murder, but then forced the murder weapon on Mr. Jordan. See Appendix B (Letter from Sean Connelly to U.S. Attorney Walsh with attachments). His attorneys also received a signed and notarized statement from Mr. Riker's wife in which she stated that Mr. Riker had told her that he killed someone when he was in prison and had gotten away with it. Finally, his attorneys had the handle of the murder weapon tested for Mr. Riker's DNA. The DNA found on the handle of the shank matched Mr. Riker's DNA. See *In re Jordan*, 2013 U.S. App. LEXIS 26368 (10th Cir. Nov. 14, 2013) (Appendix C). Consequently, the Tenth Circuit granted Mr. Jordan leave to file a second Section 2255 motion in the district court. *Id.*
10. In addition, Mr. Jordan's trial attorney, James Castle, provided an affidavit admitting to having rendered constitutionally ineffective assistance to Mr. Jordan at trial by virtue of failing to have the DNA from the handle of the murder weapon matched to Riker's DNA profile. See Affidavit of James Castle, Esq., Appendix D.
11. Mr. Jordan's second 2255 motion was converted to a motion for a new trial. Unfortunately, just prior to the hearing in the district court, Mr. Riker recanted his confession to the murder, expressing distress about information posted on the internet concerning him, and the district court found that neither Mr. Riker's confessions to the murder of David Stone nor his denial that he killed David Stone are credible such that Mr. Jordan could not meet the legal standard for a new trial. See *United States v. Jordan*, 806 F.3d 1244 (10th Cir. 2015), cert. denied 136 S.Ct. 1700 (2016).

### III. CRIMINAL RECORD

12. Mr. Jordan was a first-time offender when he was arrested and convicted in 1994, at the age of eighteen. He was charged both federally and by the State of Pennsylvania for all related robbery offenses he committed in a two-month span. Mr. Jordan pleaded guilty in the State of Pennsylvania to the related offenses and received a sentence of 19-38 years to be served concurrently with his federal sentence. See *Commonwealth of Pennsylvania v. Mark Jordan*, No. CP-51-CR-1105801-1994. As a juvenile, Mr. Jordan was the subject of a misdemeanor criminal information which was subsequently expunged. With the exception of the above convictions subject of this Petition, Mr. Jordan has no other criminal record.

### IV. REASONS FOR SEEKING COMMUTATION

A. Under 2018 clarifying amendments to 924(c) wrought by the Fair Step Act, Mr. Jordan's sentence in the Eastern District of Pennsylvania would be 20 years less were he sentenced for the same offenses today.

Although he was a first-time offender, the government charged Mr. Jordan with two counts of violating 18 U.S.C. section 924(c), use and possession of a firearm in relation to a crime of violence, in a single prosecution. At the time he was convicted, 924(c) provided for a mandatory minimum sentence of 5 years, and, in the case of a "second or subsequent conviction" a mandatory minimum sentence of 20 years imprisonment, to be served consecutive to the sentence for any other count. See 924(c)(1)(C) (1994). The court determined that this meant Mr. Jordan must be sentenced to a mandatory minimum of 25 years imprisonment on the two 924(c) counts, in addition to the 78-month sentence for the underlying bank crimes.

On December 21, 2018, President Trump signed into law the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194, Section 403 of which, titled Clarification of 924(c), amended the statute to outlaw the draconian practice of "stacking" 924(c) convictions for sentencing purposes in a single prosecution. See *id.*, codified at 18 U.S.C. section 924(c)(1)(C) (amended "by striking 'second or subsequent conviction under this subsection' and inserting 'violation of this subsection that occurs after a prior conviction under this subsection has become final.'").

As such, in light of the FSA clarifying amendment, Mr. Jordan could not be charged and sentenced on a second 924(c) firearm count today, a recognized misapplication of the law for which he received an additional 20 years imprisonment. Unfortunately, Congress failed to make that clarification of 924(c) retroactive to those who, like Mr. Jordan, fell victim to the pre-FSA misapplication of the law. Mr. Jordan would not be sentenced today to more than 78 months for the same offenses. Instead, he was sentenced to 318 months due to the misapplication prior to the FSA's clarifying amendment.

B. Mr. Jordan's actual innocence

Historically in the United States, criminal defendants have a right to present a complete defense to the charge(s) against them. This right includes compulsory process to present the testimony of material witnesses. In the case of Mr. Jordan's murder trial, however, a district court prevented his defense from calling as a trial witness Sean Riker, the individual known to be responsible for the murder of David Stone with which Mr. Jordan had been improperly charged. And that decision led to the conviction of an innocent man.

Years after Mr. Jordan was wrongfully convicted of this offense, that perpetrator finally came forward and fully confessed to murdering Mr. Stone and letting Mr. Jordan take the fall. That confession by Mr. Riker was corroborated by the discovery of his DNA on the handle of the murder weapon, and a separate admission to his wife that he killed a man while he was in prison and had gotten away with it. Unfortunately, that new evidence came too late, and, according to the same district court judge who refused to allow Mr. Riker to testify during the trial and who presided over all proceedings in the case, did not meet the legal threshold for obtaining a new trial. See Appx B and C.

Mr. Jordan's trial was fundamentally tainted by the preclusion of Mr. Riker's testimony. Moreover, even Mr. Jordan's trial attorney admits to having rendered ineffective assistance of counsel by failing to match Riker's DNA to that recovered from the handle of the murder weapon. See Appx D. As such, the jury not only failed to hear from the actual murderer, but it was also deprived of the knowledge that his DNA was recovered from the murder weapon.

The constitutional violations aside--as egregious as they are--the more significant fact is that they led to the conviction of an innocent man, a man who, as explained more fully below, has responded to his wrongful conviction and incarceration in an extraordinary manner. Indeed, those familiar with the case and who fought diligently to prove Mr. Jordan's innocence include the most prominent legal professionals in our country, many of whom worked on the case pro bono, such as Professor Laura Rovner, Director of Clinical Programs at the University of Denver; Raymond P. Moore, now a federal judge seated on the United States District Court for the District of Colorado; Sean Connelly, former appellate judge and Special Assistant to the U.S. Attorney General who was the lead prosecutor on appeal in the case against Oklahoma City bomber Timothy McVeigh; and Michael Kotlarczyk, now an assistant district attorney in Colorado. These individuals argued vociferously and in earnest for Mr. Jordan's innocence, but were ultimately unable to convince the judge who presided over every proceeding to admit it had erred and to grant Mr. Jordan the new trial and justice he deserved.

### C. Mr. Jordan's Extraordinary and Compelling Rehabilitation

Mr. Jordan's post-incarceration story is extraordinary. He decided early on that he would not be defined by his conviction, but by how he chose to respond to it. He immediately focused on education, attaining literacy, earning his GED, and enrolling in college. As he continued with his own education, Mr. Jordan began to study the criminal justice system and tutor fellow disadvantaged prisoners, teaching GED and Adult Continuing Education courses for the prison's Education Department.

Even through the torture of more than a decade in solitary confinement at the infamous supermax in Florence, Colorado due to the wrongful homicide allegation, Mr. Jordan earned his certification in paralegal studies and turned his attention to protecting the shared constitutional rights of prisoners and the public, prevailing in a series of federal lawsuits against the Department of Justice and the Bureau of Prisons. When the BOP sought to cut off prisoners' receipt of internet-generated printouts, Mr. Jordan was able to establish a right of members of the community to send to prisoners through the mail internet-generated materials. When the justice department sought to prevent prisoners from publishing in the press, he successfully sued in federal court to establish the right of federal prisoners to publish under a byline in the news media and obtained a nation-wide injunction prohibiting the BOP from enforcing a contrary rule.

Mr. Jordan remains on the front lines of meaningful justice reform advocacy, serving as Policy Advisor for the non-partisan Center for Federal Justice Reform.

By continuing to focus on education during his incarceration, Mr. Jordan has amassed more than 50 degrees and certificates representing thousands of hours of course study in diversified subject areas, including Physics, biology & Human Behavior, Natural Law & Human Nature, Philosophy, Chemistry, Anatomy, Classic Literature, Cognitive Behavioral Therapy, Paralegal Studies, Constitutional Law, Administrative Law, Hispanic Heritage, Spanish, Complex Data Processing, Resume Writing and Essential Leadership, among dozens others. See Appendix E.

Putting his education to work, Mr. Jordan also served a term as the Offender Re-entry Affairs Clerk at the United States Penitentiary in Atwater, California, under the leadership of warden Andre Matevousian. In that position, Mr. Jordan implemented and instructed Earning Freedom, a cognitive-based, personal growth offender re-entry course developed by former BOP prisoner Michael Santos.

Mr. Jordan has also acted as a testifying and non-testifying expert in the subject areas of prison life and culture and prison-related litigation, particularly involving the BOP. He has consulted on a number of criminal matters, including in multiple federal death penalty cases.

Recently, after obtaining certification in COVID-19, Mr. Jordan has assisted the United States Penitentiary in Tucson, Arizona with its efforts to prevent and control the spread of the novel corona virus in the penal environment, taking a voluntary supplemental lead orderly position to help monitor and train others in viral sanitation.

While Mr. Jordan has emerged as one of the nation's foremost experts on federal justice reform, and spends much of his time assisting fellow prisoners with their re-entry endeavors, his incarceration continues solely because he and his supporters have been unable to have his wrongful conviction overturned by the court.

#### V. CERTIFICATE AND PERSONAL OATH

I hereby certify under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information and belief. I understand that any intentional misstatements of material facts contained in this application may cause adverse action on my petition for executive clemency and may subject me to criminal prosecution.

Respectfully submitted this \_\_\_\_ day of September 2020.

---

Mark Jordan

48374-066

P.O. Box 24550

Tucson, AZ 85734

# APPENDIX

## A



**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
V.  
MARK JORDAN

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)  
Case Number: 2:94CR00524-1

(Name of Defendant)

Michael Kelly  
Defendant's Attorney

EASTERN DISTRICT OF  
PENNSYLVANIA

THE DEFENDANT:

- pleaded guilty to count(s) 1, 2, 3, 4, and 5  
 pleaded nolo contendere to count(s) \_\_\_\_\_  
 which (was) (were) accepted by the court.  
 was found guilty on count(s) \_\_\_\_\_  
 after a plea of not guilty.

<u>Title/Sect</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC §2113(d)	Armed Bank Robbery.	09/09/94	
18 USC §2113(d)	Armed Bank Robbery.	09/12/94	
18 USC §924(c)(1)	Using and carrying a firearm in relation to a crime of violence.	09/12/94	
18 USC §2113(d)	Armed Bank Robbery.	09/13/94	

(offense text continued on page 1.01)

*\* See amended order*  
 1st 2nd 3rd 4th SKA  
 4.VV

The defendant is sentenced as provided in pages 1 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).  
 Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: \_\_\_\_\_  
 Defendant's Date of Birth: 05/13/76

10/30/95  
Date of Imposition of Judgment

Defendant's Mailing Address:

Clarence C. Newcomer  
Signature of Judicial Officer

F.C.I. FAIRTON  
FAIRTON NJ 08039

CLARENCE C. NEWCOMER  
JUDGE USDC EDPA  
Name & Title of Judicial Officer

Defendant's Residence Address:

SIGNED: OCTOBER 31, 1995  
Date

2009 LARDNER STREET  
PHILADELPHIA PA 19149

JOSEPH DOMINGUEZ, AUSA  
EVA CINTRON, USPO

A TRUE COPY CERTIFIED TO FROM THE RECORD  
 DATED: 10-31-95  
 ATTEST: Michael Kelly  
 CLERK, UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF PENNSYLVANIA

DEFENDANT: MARK JC AM  
CASE NUMBER: 2:94CR00524 - 1

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<u>Title/Sect</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
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(offense text continued from page 1)

18 USC §924(c)(1)	Using and carrying a firearm in relation to a crime of violence.	09/13/94 ✓ VV	5
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DEFENDANT: MARK JO. AN  
CASE NUMBER: 2:94CR00524 - 1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 318 months.

- 60 months on Count(s): 3 to run consecutively to count 1, 2, and 4.
- 78 months on Count(s): 1, 2, and 4 to run concurrently.
- 240 months on Count(s): 5 to run consecutively to count 1,2,4 not 3.

78 months on counts one, two and four to be served concurrently and a term of 60 months on count three, to be served consecutively, and a 240 month term of imprisonment on count five, to run consecutively with counts one, two and four, but concurrently with count three.

[ ] The court makes the following recommendations to the Bureau of Prisons:

It is recommended that the defendant be incarcerated as close to his family as possible.

[X] The defendant is remanded to the custody of the United States Marshal.

[ ] The defendant shall surrender to the United States Marshal for this district.

[ ] at \_\_\_\_\_ am/pm on \_\_\_\_\_.

[ ] As notified by the United States Marshal.

[ ] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

[ ] before 2:00 p.m. on \_\_\_\_\_.

[ ] As notified by the United States Marshal.

[ ] As notified by the probation office.

RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on 12-15-95 to USP Allenwood at PA, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL  
By [Signature]  
Deputy Marshal

DEFENDANT: MARK JO. AL  
CASE NUMBER: 2:94CR00524 - 1

Judgment--Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years.

5 years as to Count(s): 1, 2 and 4

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall not possess a firearm or destructive device. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the schedule of payments set forth in the financial obligation portion of this Judgment. The defendant shall comply with the following additional conditions:

The defendant shall submit to urinalysis testing and participate in a program of drug treatment as directed by the probation office. The defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**FINANCIAL OBLIGATIONS**

The defendant shall pay the following total financial penalties in accordance with the schedule of payments set out below:

Count	Assessment	Fine	Restitution
1	\$ 50.00	\$ 1,000.00	\$ 1,033.00
2	\$ 50.00	\$ 1,000.00	\$ 4,316.00
3	\$ 50.00	\$ 1,000.00	\$ .00
4	\$ 50.00	\$ 1,000.00	\$ 5,266.00
5	\$ 50.00	\$ 1,000.00	\$ .00
<b>Totals:</b>	\$ 250.00	\$ 1,000.00*	\$ 10,615.00

(\*total printed is the amount entered and not the sum of the counts listed)

**FINE**

- The court has determined that the defendant does not have the ability to pay interest in full. It is ordered that:
  - The interest requirement is waived.
  - The interest requirement is modified as follows:

**RESTITUTION**

Each restitution payment shall be divided proportionately among the payees named unless specified in the priority payment column below. Restitution shall be paid to the following persons in the following amounts:

Name of Payee	Amount of Restitution	Priority Order of Payment
MELLON-PSFS ATTN: JAMES M. FLUEHR \$	1,033.00	1
CORESTATES BANK ATTN: 104 LOSS PREVENTION, SFC \$	4,316.00	1
BENEFICIAL SAVINGS BANK ATTN: BURTON VISCUSI \$	5,266.00	1

*Handwritten notes: 5319.00, 3034.00, See order*

**SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) fine costs; (5) interest; (6) penalties.

The total fine and other monetary penalties shall be paid as follows:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in installments which the probation officer shall establish and may periodically modify provided that the entire financial penalty is paid no later than 5 years after release from incarceration, if incarceration is imposed. If probation is imposed, not later than the expiration of probation.
- in monthly installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ months. The probation officer may periodically modify the payment schedule, provided the penalty is paid in full in accordance with the term specified above. The first payment is due 30 days after the date of this judgment. The second and subsequent payments are due monthly thereafter.

DEFENDANT: MARK JO. AN  
CASE NUMBER: 2:94CR00524 - 1

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All financial penalty payments are to be made to U.S. Clerk of Court Eastern District of Pennsylvania except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the above payment options are subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g).

Unless otherwise ordered by the court, any financial penalty imposed by this order shall be due and payable during the period of incarceration, with any unpaid balance to be a condition of supervised release. Any financial penalties collected while the defendant is incarcerated shall be reported by the Bureau of Prisons to the Clerk of the Court and the probation officer. The probation officer shall notify the United States District Court, the Clerk of the Court, and the United States Attorney's Office of the payment schedule and any modifications to that schedule.

DEFENDANT: MARK JC AL  
CASE NUMBER: 2:94CR00524 - 1

STATEMENT OF REASONS

The Court adopts the factual findings and guideline application in the presentence report.

OR

The Court adopts the factual findings and guideline application in the presentence report except  
Page 7 paragraph 53, 55, 56 thru 65/ Page 12 paragraph 96

Guideline Range Determined by the Court:

Total Offense Level: 26

Criminal History Category: III

Imprisonment Range: 78 to 97 months and \_\_\_\_\_ months consecutive.

Supervised Release Range: 3 to 5 years

Fine Range: \$ 12,500.00 to \$ 125,000.00

Fine waived or imposed below the guideline range, because of inability to pay.

Restitution: \$ 10,615.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons(s):

OR

The sentence departs from the guideline range

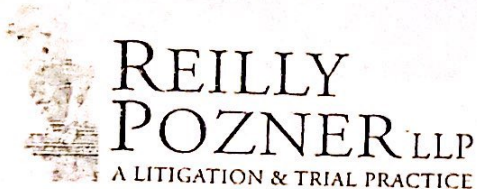
upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

# APPENDIX

## B





Sean Connelly, Esq.  
[sconnelly@rplaw.com](mailto:sconnelly@rplaw.com)

September 27, 2013

VIA HAND DELIVERY

John Walsh, U.S. Attorney  
Robert Troyer, First AUSA  
James Allison, Criminal Division Chief  
Robert Russel, Appellate Division Chief  
David Conner, AUSA  
U.S. Attorney's Office, District of Colorado  
1225 17<sup>th</sup> Street, Suite 700  
Denver, CO 80202

**Re: Request that Government Forego Procedural Defenses to New Trial Motion  
in *United States v. Mark Jordan*, No. 04-CR-0229-LTB (D. Colo.)**

Dear John, Bob, Jim, Bob, and Dave:

Dramatic new evidence supports Mark Jordan's insistent claims that Sean Riker committed the killing for which Jordan stands convicted. We are representing Mr. Jordan pro bono at the request of, and together with, Prof. Laura Rovner of the University of Denver Law School's Civil Rights Clinic.

As detailed below, Riker has provided a sworn declaration confessing to the killing and affirming Jordan's innocence. Recent DNA testing corroborates this confession by linking Riker, not Jordan, to the knife used to stab the victim.

We will be filing a Fed. R. Crim. P. 33 new trial motion based on this newly discovered evidence. The government could seek to avoid the merits of that motion, as the rules establish a three-year deadline absent good cause and excusable neglect. Fed. R. Crim. P. 45(b)(1)(B). Extending the deadline, so the compelling new evidence of actual innocence can be considered on its merits rather than avoided on a technicality, is warranted under the extraordinary circumstances of this case. We ask the government to waive procedural objections (as it has done in other cases) and allow the courts to decide on the merits whether the new evidence entitles Jordan to relief.

A. Background

Mark Jordan consistently has maintained that he was innocent, and Sean Riker guilty, of killing David Stone. When his trial attorneys tried to prove this by calling Riker to the stand, Judge Babcock precluded them from doing so based on the purportedly inadequate foundation; he commented it would be "a different story" if there were "independent admissible evidence"—such as "Riker's fingerprints [being] found on" the murder weapon. Tr. 744.

Jordan's sole appellate challenge to his conviction was to the ruling "barring the defense from introducing evidence in support of his theory that an alternate perpetrator, inmate Sean Riker, actually murdered Stone." *United States v. Jordan*, 485 F.3d 1214, 1218 (10th Cir. 2007). The Circuit wrote that "this case highlights many of the difficulties in evaluating alternative perpetrator evidence." It rejected the trial court's attempted analogy to the Oklahoma bombing case, because the excluded evidence here was "not nearly as speculative as the proffer" there or "so totally lacking of a 'connection with the crime'" as in a leading Supreme Court case. *Id.* at 1221 (distinguishing *United States v. McVeigh*, 153 F.3d 1166 (10th Cir. 1998); and *Holmes v. South Carolina*, 547 U.S. 319 (2006)). Tellingly, the Circuit judges wrote, "In hindsight, we might have evaluated Jordan's proffer somewhat differently. And the defense could have provided more substance to the anticipated testimony and presentation of exhibits." *Id.* 1222. It nonetheless was unable to find any abuse of discretion or prejudicial error. *Id.* at 1222-23.

Jordan, in the years since his conviction was affirmed, insistently has maintained his innocence and consistently has sought to link Riker to the killing. His motion under the Innocence Protection Act to have the murder weapon shank tested for Riker's DNA was rejected, though the Circuit did "note that the district court erred in stating that Mr. Jordan's DNA was found on the shank." *United States v. Jordan*, 594 F.3d 1265, 1268 n.1 (10th Cir. 2010). After appointed counsel inexcusably abandoned him, his collateral challenges to the conviction under 28 U.S.C. § 2255 proved unsuccessful; in denying a certificate of appealability, the Circuit erroneously wrote that "[a]dditional evidence linking Mr. Jordan to the attack included his DNA on the knife...." *United States v. Jordan*, 461 Fed App'x 771, 773 (10th Cir. 2012). In fact, Jordan was *excluded* as the source of the previously unidentified source of the DNA.

#### B. Newly Discovered Evidence of Jordan's Innocence.

On October 22, 2012, AUSA Dave Conner received a hand-written letter dated one week earlier in which Riker finally took responsibility for the Stone killing. AUSA Conner immediately forwarded this letter to Jordan. Thereafter, we obtained sworn declarations and forensic evidence that Riker, not Jordan, killed Stone.

Riker's sworn declaration confessing to the killing, and exonerating Jordan, was executed on April 11, 2013. Riker swore: "On June 3, 1999, I stabbed and killed David Stone at the USP in Florence, Colorado. Mark Jordan, who has been convicted of that killing, is in fact innocent of it." Ex. A ¶ 1. Riker's former wife previously provided a sworn declaration recounting how Riker had made oblique references to having gotten away with murder at Florence. Ex. B.

Riker's confession is corroborated by newly discovered evidence previously denied to Jordan. Riker's sworn confession predicted his DNA would be found on the murder weapon (Ex. A. ¶ 16), and Riker then agreed to submit to a buccal swab that would be used to compare his DNA to DNA found on the murder weapon. The DNA test was unable to exclude Riker's DNA from the murder weapon, even though it did conclusively exclude Jordan and would have excluded 99.99% of the Caucasian, African-American and Hispanic population. Ex. C at 2.

C. New Trial Standards

The Tenth Circuit has written: "No one can doubt that a confession by another party to the crime for which the petitioner has been tried and convicted, if discovered after conviction, would be grounds for a new trial." *Casias v. United States*, 337 F.2d 354, 356 (10th Cir. 1964). Accordingly, numerous courts have granted new trial motions based on a third party's post-conviction confession to the crime for which the defendant stands convicted. One notable case involves a new trial granted to an inmate six years after conviction when another inmate confessed to the crime. *United States v. Figueroa*, 2007 WL 2345283 (E.D. Pa. 2007). Other cases granting new trials based on third party confessions include *United States v. Contreras-Mendoza*, 366 F. Supp. 2d 446 (N.D. Tex. 2005); *United States v. Carmichael*, 269 F. Supp. 2d 588 (D.N.J. 2003); and *Ledet v. United States*, 297 F.3d 737 (5th Cir. 1962).

Here, the new evidence easily meets the first four of the Tenth Circuit's "five-part test to determine whether newly discovered evidence warrants a new trial." *United States v. LaVallee*, 439 F.3d 670, 700 (10th Cir. 2006). Specifically, "(1) the evidence was discovered after trial, (2) the failure to learn of the evidence was not caused by [Jordan's] own lack of diligence, (3) the new evidence is not merely impeaching, [and] (4) the new evidence is material to the principal issues involved." *Id.* The fifth and final inquiry is also met because "the new evidence is of such a nature that in a new trial it would probably produce an acquittal." *Id.* At the very least, the newly discovered evidence entitles Jordan to an evidentiary hearing. *See United States v. Velarde*, 485 F.3d 553, 560 (10th Cir. 2007) (court "required to conduct [an] evidentiary hearing only if the admissible evidence presented by petitioner, if accepted as true, would warrant relief as a matter of law").

Jordan's new trial motion should be heard and decided on its merits because courts extend the normal three-year new trial deadline "for good cause" even "after the time expires if the party failed to act because of excusable neglect." Fed. R. Crim. P. 45(b)(1)(B); *see also Alva v. Teen Help*, 469 F.3d 946, 952 n.11 (10th Cir. 2006) ("the court may consider an untimely motion [under Rule 33] if it determines the defendant's delay was due to excusable neglect"); Advisory Committee Notes to 2005 Amendments to Rule 33 and Rule 45 (noting that Rule 33's time periods are subject to Rule 45's excusable neglect standard). In considering whether excusable neglect exists, courts use the four-factor test developed in *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380 (1993) (requiring consideration of (1) prejudice to opposing party (2) length of delay and potential impact on proceedings (3) reason for delay, including whether it was within moving party's control and (4) whether movant acted in good faith). After *Pioneer*, "fault in the delay remains a very important factor—perhaps the most important single factor—in determining whether neglect is excusable." *United States v. Torres*, 372 F.3d 1159, 1162 (10th Cir. 2004) (citing *Pioneer*); *see also United States v. Munoz*, 605 F.3d 359, 372 (6th Cr. 2010) ("The *Pioneer* factors do not carry equal weight; the excuse given for the late filing must have the greatest import. While the others might have more relevance in a closer case, the reason-for-delay factor will always be critical to the inquiry") (internal quotations omitted).

Jordan, who consistently has maintained his innocence while being rebuffed in efforts to establish Riker's guilt, acted in good faith and could not previously have obtained the new evidence. Indeed, Riker now swears, "In the years following the killing, I let Mark Jordan take the fall for Stone's death, I continuously told the authorities big fabricated lies about what I had observed." Ex. A ¶ 13. Nor can the government, which took a full five years to indict the case, claim cognizable prejudice from allowing the newly discovered evidence of innocence to be heard on its merits. To the contrary, prosecutors have a special obligation to ensure that justice is done and "special precautions are taken to prevent and to rectify the conviction of innocent persons." See ABA Model Rules of Prof'l Conduct R. 3.8 cmt. 1.

#### D. Procedural Request

We are requesting simply that the government forego arguments that Jordan's Rule 33 motion is out of time or otherwise procedurally barred. This would not limit the government's right to make any other arguments against the new trial motion.

It would be an injustice for procedural impediments to result in an innocent man being required to serve time—in Jordan's case, essentially a life sentence—for a crime that newly discovered evidence shows he did not commit. Notably, and for precisely that reason, the Justice Department's original position was that there should be no time limits on new trial motions based on newly discovered evidence of innocence. See 3 Wright, et al., *Fed. Prac. & Proc. Criminal* § 590 (4th ed. 2013) (Advisory Committee's original proposal allowing such motions at any time "was eloquently supported by former Attorney General Homer Cummings, who could see 'no reason, in logic, in justice, or in expediency' why there should be any time limit on motions of this kind"). More recently, on July 18, 2013, the Innocence Project announced that the Justice Department had categorically agreed "not to raise procedural objections, such as statute of limitations and procedural default claims, in response to petitions of criminal defendants seeking to have their convictions overturned because of faulty FBI microscopic hair comparison reports and/or testimony."

This would also spare the parties and courts from the multiple procedural thickets for presenting an actual innocence claim at this juncture. Rule 33 plainly is a proper means of raising a freestanding actual innocence claim based on newly discovered evidence. See *Ruth v. United States*, 266 F.3d 658, 661 (7th Cir. 2001). The Tenth Circuit has further suggested, however, that federal prisoners may bring freestanding actual innocence claims under 28 U.S.C. § 2255(h)(1). *Case v. Hatch*, \_\_\_ F.3d \_\_\_, 2013 WL 1501521, at \*17-18 (10th Cir. Apr. 12, 2013). In that event, however, we would also couple the actual innocence claim with constitutional challenges to the original conviction. And, to avoid any unforeseen procedural traps, we would explore the possibility of seeking 28 U.S.C. § 2241 relief under the 28 U.S.C. § 2255(e) savings clause. See *Prost v. Anderson*, 636 F.3d 578 (10th Cir. 2011).

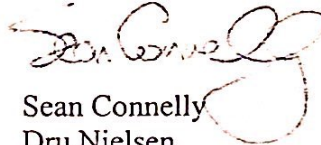
Forgoing procedural defenses would allow one motion in one court focused on the single issue of whether newly discovered evidence establishes Mark Jordan's innocence. If it does, all should agree the conviction should be set aside; otherwise, the conviction should stand.

U.S. Attorney's Office  
September 27, 2013  
Page 5

\* \* \*

Thank you all for your consideration of this very important matter. Given the uncertain deadlines, we would prefer to know whether we can reach a procedural agreement by October 15, 2013, so we could know what to file by October 22, 2013 (the one-year anniversary of AUSA Conner's receiving and forwarding the Riker letter). We are available to meet at your earliest convenience to discuss this case further.

Sincerely,



Sean Connelly  
Dru Nielsen  
Michael Kotlarczyk

SC/jc

Cc: Prof. Laura Rovner

EXHIBIT A

# EXHIBIT A

### DECLARATION OF SEAN A. RIKER

1. On June 3, 1999, I stabbed and killed David Stone at the USP in Florence, Colorado. Mark Jordan, who has been convicted of that ~~killing~~ <sup>is</sup> in fact innocent of it.
2. On the morning of June 3, 1999, Jordan asked me for a knife. He said he needed it because he was being threatened by a black prisoner and was afraid he was going to get attacked in the yard that day.
3. I agreed to make a knife for Jordan. I went and got a "blank" - a piece of aluminum that was part of a light fixture, which ~~I~~ <sup>we</sup> took back to my cell and sharpened into a knife. I wrapped the handle of the knife with part of my bed sheet.
4. I did not make the knife with the intention of ~~hurting~~ <sup>hurting</sup> Stone. On the morning of the ~~killing~~ <sup>killing</sup>, I had no intention of ~~hurting~~ <sup>hurting</sup> Stone. Jordan, to my knowledge, never had any intention of assaulting Stone.
5. There were several white gangs on the compound including the Nazi Low Riders, of which I was a member, and the Dirty White Boys. I had some previous issues with Stone because he had been holding himself out to be a member of the Dirty White Boys when he was not actually a member. Jordan didn't affiliate with any of the gangs.
6. Later that day while out in the yard, Jordan and I walked the track. The inmate that Jordan feared hadn't come out into the yard yet so we went to talk to David Stone.
7. Stone and I got into an argument. Stone told me to get off the yard or he would kill me. He treated me like a punk in front of the black inmates at a nearby table. He caught me off guard and ~~put me in fear for my life.~~
8. Jordan and I walked away. After we were away from the table, I told Jordan to give me the knife, which he did.
9. I walked back to Stone and stabbed him in the lower back and then twice in the upper shoulder area.
10. After I stabbed Stone, there was a lot of chaos. I forced Jordan to take the knife and told him to run.
11. The officers directed all the prisoners to the bleachers, myself included. They gave me a pat search and then sent me back to my unit.
12. At some point ~~days later~~ <sup>days later</sup>, I was placed in the Special Housing Unit (SHU). While I was there, I was approached by the Unit Manager, W.C. Clarke. Clarke told me that

Jordan was running his mouth about me being the person that stabbed Stone. Because of this, other prisoners believed Jordan was a snitch. This helped convince other prisoners to say they thought it was Jordan that killed Stone.

13. In the years following the killing, I let Mark Jordan take the fall for Stone's death, I continuously told the authorities big fabricated lies about what I had observed.
14. I know Tyrone Davis and Gary Collins did not witness and could not have witnessed Mark Jordan killing David Stone.
15. In 2012, while in a Wisconsin state prison for reasons entirely unrelated to the Stone killing, I finally began to take responsibility for having killed Stone. On October 15, 2012, I sent a letter to the federal prosecutor admitting to the killing.
16. I believe my DNA would be found on the knife.

I DECLARE under penalty of perjury on this 11 day of April 2013 that the foregoing is true and correct.

Sean A. Riker  
Sean A. Riker

s.s. ) County of Grant  
)  
) State of Wisconsin

Subscribed and sworn before me this 11 day of April, 2013.  
My commission expires:

11/24/14

Ellen K Ray  
Notary



ARTICLE 10

10.1 The Board of Directors shall have the authority to...

10.2 The Board of Directors shall have the authority to...

10.3 The Board of Directors shall have the authority to...

10.4 The Board of Directors shall have the authority to...

10.5 The Board of Directors shall have the authority to...

**EXHIBIT B**

AFFIDAVIT OF TAYLER ANNE MORRISON

I, Tayler A. Morrison, being of lawful age and duly sworn under oath, affirm and state as follows:

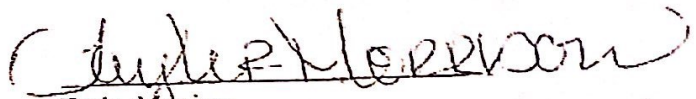
1. I am 29 years old and I live in Fort Collins, Colorado at an address that I would like to keep confidential in order to assure the safety of myself and my children.
2. In November 2006, I married Sean Riker.
3. During my marriage to Sean, I learned that one of Sean's fellow inmates at USP Florence was murdered. I now know that the inmate was David Stone.
4. Sean was a violent husband. I was the victim of much physical and emotional abuse during our marriage.
5. In 2007, during one night of abuse, I said something to Sean which prompted him to respond something to the effect of, "You have no idea what I am capable of." Without thinking, I said something to the effect of, "What, are you going to kill me like you did that guy in Florence?" Sean replied something to the effect of, "Yeah and I got away with it." He said something else that left me with the impression that if I ever told anyone about it, the same would happen to me.
6. Later, at times when Sean seemed more vulnerable, I would ask him about what happened in Florence. Sean would always respond that he would never be stupid enough to give me any details that I could use against him.
7. I believe Sean was being truthful when he admitted to the killing of David Stone. I don't think he said what he said just to intimidate me. I knew from experience that when he was in his rage mode, he tended to exhibit unfiltered honesty. Sean also already knew that I was very scared of him and his violence. He didn't need to tell me that he killed David Stone in order for me to be scared of him.
8. Sean continued to abuse me and my children. On November 9, 2009, Sean was arrested in Wisconsin for multiple charges, including sexually abusing my oldest daughter. I testified against him at trial.
9. Sean was convicted on those charges in November 2011 and later sentenced to 200 years in prison. Fortunately I have no fear that Sean will ever be released from prison during his lifetime.

10. After Sean was imprisoned, I began to read online about Mark Jordan's conviction for the murder of David Stone. In August 2012, I sent a letter to Mark Jordan describing Sean's confession. A true and correct copy of the August 16, 2012 letter that I sent to Mark Jordan is attached as Exhibit A to this affidavit.

11. I am willing to testify in court regarding the statements in this affidavit.

THE AFFLIANT SAYS NOTHING FURTHER.

Dated this 5<sup>th</sup> day of ~~November~~, 2012.  
December

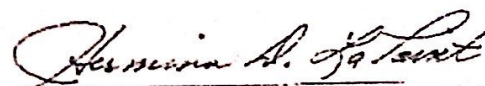
  
Tayler Morrison

Subscribed and sworn to before me this 5<sup>th</sup> day of ~~November~~, DECEMBER, 2012, by Tayler Morrison.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: FEBRUARY 25, 2016



  
Notary Public

# EXHIBIT C



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Reilly Pozner LLP  
 1900 Sixteenth Street, Suite 1700  
 Denver, CO 80202  
 Contact: Shanon DeBelle  
 Case Reference: Profile v. Buccal

Report Date 07/15/13  
 Case No. F13-60135  
 Report No. 1



## Forensic Report

### Description of Evidence

Sample No.	Sample Description
13-60684	Reference - Sean Anthony Riker
#3	Shank Material - DNA profile provided by Denver Police Department - 7/25/2005
#3	Shank Handle - DNA profile provided by Denver Police Department - 7/25/2005

### Method Summary

Laboratory analyses were performed in accordance with validated standard operating procedures. Samples were processed by one or more of the following techniques, depending on the nature of the evidence and the analysis requested.

**Forensic Evidence Examination:** All samples are visually examined by a trained Forensic Biologist. Physical examination is augmented, as necessary, with an alternate light source. Select sub samples are subjected to additional testing with Kastle-Meyer, human salivary amylase, PSA, microscopy or creatinine, as warranted.

**DNA Extraction and Purification:** DNA extractions are performed by one of the following techniques: EpiCentre QuickExtract, PrepFiler™, Promega DNA IQ System, QIAamp Viral RNA Mini Kit, MinElute PCR Purification Kit or proteinase K/phenol-chloroform, depending on the nature of the sample.

**DNA Quantification:** Human DNA is quantified using the Hoefer DQ 200 Fluorometer, Quantifiler and/or Quantifiler Y Human DNA Quantification Kit, as appropriate.

**DNA Analysis:** DNA amplification and fragment analysis are performed using the AmpFISTR Identifier, Yfiler, or MiniFiler Kit and ABI PRISM® 3130xl Genetic Analyzer manufactured by Applied Biosystems. A summary of the loci analyzed are presented with the laboratory results. NIR indicates that no interpretable result was obtained for that locus.

**Statistical Analysis:** Autosomal statistical calculations are performed using DNA View and allele frequencies found in JFS, 2003, Vol. 44 (6), JFS 2001, Vol. 46 and FSC 2001 Vol. 3. DNA profile frequencies are calculated using a theta value of 0.01. Y-STR profile frequencies are derived from www.appliedbiosystems.com/yfilerdatabase.



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#### Quality Assurance

Chromosomal Labs • Bode Technology has been assessed by the Forensic Quality Services-International (FQS-I) and found to comply with the requirements of ISO/IEC 17025:2005 and Forensic Requirements for Accreditation (FRA 1 and FRA 2). The Scope of Accreditation includes Biological Screening, DNA in forensic casework and DNA databasing for CODIS. The complete scope of the accreditation is identified in the FQS-I Register of Accredited Laboratories.

All laboratory quality control parameters, including positive and negative controls and reagent blanks were within acceptable tolerances.

#### Results

##### Interpretation

Sample No.: 13-60684 - Reference - Sean Anthony Riker

1. This sample produced a distinct autosomal DNA profile consistent with a male.

Sample No.:

1. #3 - Shank Material - DNA profile provided by Denver Police Department - 7/25/2005  
This sample produced a partial autosomal DNA profile with results at 8 of 13 loci. Based on these DNA test results, Sean A. Riker is excluded as a DNA donor to this sample.

Sample No.:

1. #3 - Shank Handle - DNA profile provided by Denver Police Department - 7/25/2005  
The DNA test results are consistent with a mixture of more than one DNA donor and are consistent with the DNA profile of Sean A. Riker (13-60684) at 11 of the 13 comparable loci. Based on these results, Sean A. Riker cannot be excluded as a DNA donor to this sample.
2. The probability of excluding a random individual of the Caucasian, African American and Hispanic population is at least 99.99%. D21S11, D2S1338, D19S433 and D7S820 were not utilized in this calculation.

#### Evidence Disposition

The untested portion of the physical evidence submitted will be returned to the client or agency from which it was received.



# CHROMOSOMAL LABS

Bode Technology

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www.bodetech.com

Unless otherwise noted, this report contains the results of samples tested by Chromosomal Labs • Bode Technology. Additional samples may have been submitted with this case which were not authorized for testing. Please refer to the attached Chain of Custody for a list of materials received. The Chain of Custody is an integral part of this report.

In compliance with FBI Quality Assurance Standards for Forensic DNA Testing Laboratories, this report has been subject to an administrative and two independent technical reviews prior to release to ensure that conclusions and supporting data are reasonable and within the constraints of scientific knowledge.

*Aaron Schlum*

Aaron Schlum, MSFS  
Forensic DNA Analyst

*Vince Miller*

Vince Miller, Ph.D.  
Forensic DNA Technical Leader  
Chief Technical Officer

DNA Analyst cb Review MAA



# CHROMOSOMAL LABS

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#3 - Shank Handle - DNA profile provided by Denver Police Department - 7/25/2005

Locus	Alleles			
DBS1179	10	13		
D21S11	29	(30)	32.2	
D7S820	10			
CSF1PO	11	12		
D3S1358	15	16	(17)	
TH01	6	(7)	(9)	9.3
D13S317	11	12		
D16S539	(9)	13		
D2S1338	NT			
D19S433	NT			
vWA	15	16	(17)	(19)
TPOX	8	(11)		
D18S51	12	(13)	16	
AMEL	X	Y		
D5S818	12			
FGA	(19)	21	25	

NT-denotes locus not tested  
( )- denotes wecker alleles

DNA Analyst DT Review M. W. B.





CHROMOSOMAL LABS

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www.bodetech.com

DNA Results

13-60684 - Reference - Sean Anthony Riker

Locus	Alleles									
DBS1179	10	13								
D21S11	30	31								
D7S820	11	12								
CSF1PO	11	12								
D3S1358	16									
TH01	7	9								
D13S317	11	12								
D16S539	9	13								
D2S1338	16	18								
D19S433	13	14								
vWA	17	19								
TPOX	11									
D18S51	13	16								
AMEL	X	Y								
D5S818	12									
FGA	19	21								

#3 - Shank Material - DNA profile provided by Denver Police Department - 7/25/2005

Locus	Alleles									
DBS1179	10	13								
D21S11	29	32.2								
D7S820	NR									
CSF1PO	NR									
D3S1358	15	16								
TH01	NR									
D13S317	11	12								
D16S539	NR									
D2S1338	NT									
D19S433	NT									
vWA	15	16								
TPOX	at least 8									
D18S51	NR									
AMEL	X	Y								
D5S818	12									
FGA	21	25								

NT-denotes locus not tested  
NR- denotes no reaction  
\* It is unknown what "at least 8" signifies on this Denver Police Department data table.

DNA Analyst *[Signature]* Review *[Signature]*

# APPENDIX

# C

UNITED STATES COURT OF APPEALS

FILED  
United States Court of Appeals  
Tenth Circuit

FOR THE TENTH CIRCUIT

November 14, 2013

Elisabeth A. Shumaker  
Clerk of Court

In re:

MARK JORDAN,  
  
Movant.

No. 13-1436  
(D.C. Nos. 1:08-CV-02447-LTB &  
1:04-CR-00229-LTB-1)  
(D. Colo.)

ORDER

Before **LUCERO, TYMKOVICH, and BACHARACH**, Circuit Judges.

Mark Jordan has filed a motion for authorization to file a second or successive 28 U.S.C. § 2255 motion to vacate his conviction. For the following reasons, we grant authorization.

In 2005, a jury found Mr. Jordan guilty of killing David Stone, while they were both inmates at the United States Penitentiary in Florence, Colorado. At trial, Mr. Jordan sought to introduce evidence that another inmate, Sean Riker, committed the crime, but the district court refused to admit the alternative perpetrator evidence. Mr. Jordan challenged the district court's ruling on appeal, but we concluded that the district court had not abused its discretion in excluding the evidence, and affirmed. *United States v. Jordan*, 485 F.3d 1214, 1216, 1219-22 (10th Cir. 2007).

Mr. Jordan subsequently filed a motion for DNA testing of the murder weapon (a "shank") pursuant to the Innocence Protection Act. That motion was denied by the

district court and this court affirmed the denial. *See United States v. Jordan*, 594 F.3d 1265, 1269 (10th Cir. 2010). He also filed a pro se § 2255 motion. This court denied a certificate of appealability for Mr. Jordan to appeal from the district court's denial of that motion. *See United States v. Jordan*, 461 F. App'x 771, 773 (10th Cir. 2012).

Mr. Jordan has now filed a motion for authorization to file a second or successive § 2255 motion based on new evidence that Mr. Riker committed the crime for which he was convicted. In order to be entitled to authorization, he must show that his new § 2255 motion relies on: "newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found [him] guilty of the offense." 28 U.S.C. § 2255(h).

At this stage in the proceedings, Mr. Jordan is seeking to pass through the first procedural gate to bring a second or successive claim by making a prima facie showing that he has met the newly discovered evidence standard in § 2255(h). *See Case v. Hatch*, 731 F.3d 1015, 1027 (10th Cir. 2013); 28 U.S.C. § 2244(b)(3)(C) ("The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection."). Our role at this stage is to make a "preliminary assessment" based on the application. *Case*, 731 F.3d at 1029. Mr. Jordan meets his prima facie burden for authorization if he makes "a sufficient

showing of possible merit to warrant further exploration by the district court.” *Id.* at 1028 (internal quotation marks omitted). We conclude that Mr. Jordan has made a prima facie showing.

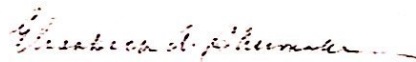
In October 2012, the United States Attorney received a letter from Mr. Riker in which he confessed to the murder of Mr. Stone and asserted that Mr. Jordan was innocent. Mot. for Auth., Ex. C-1. That letter was forwarded to Mr. Jordan. His attorneys then obtained a signed and notarized statement from Mr. Riker in April 2013, in which he explained in more detail how he committed the murder, but then passed the murder weapon to Mr. Jordan. *Id.*, Ex. C-2. His attorneys also received a signed and notarized statement from Mr. Riker’s ex-wife in which she stated that Mr. Riker had told her that he killed someone when he was in prison. *Id.*, Ex. C-3. Finally, his attorneys had the murder weapon tested for Mr. Riker’s DNA. The DNA found on the shank was consistent with Mr. Riker’s DNA. *Id.*, Ex. C-4.

The evidence Mr. Jordan has presented—Mr. Riker’s confession to killing Mr. Stone, corroborated by Mr. Riker’s DNA on the murder weapon and testimony by his ex-wife—if proven, could be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found Mr. Jordan guilty of the crime. Accordingly, Mr. Jordan has met his prima facie burden for authorization with “a sufficient showing of possible merit to warrant further exploration by the district court.” This grant of authorization “shall not be appealable and shall not be

the subject of a petition for rehearing or for a writ of certiorari.” 28 U.S.C.  
§ 2244(b)(3)(E).

We also grant Mr. Jordan’s motion for leave to file a reply and his unopposed motion to file Exhibit F under seal.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk

APPENDIX

D

# APPENDIX

## D

### DECLARATION OF JAMES A. CASTLE

1. I was lead trial counsel for Mark Jordan in *United States v. Jordan*, No. 04-cr-00229-LTB.

2. I have been a criminal defense attorney in Colorado, handling cases in state and federal courts, for almost three decades. Upon graduating from the University of Denver Law School in 1984, I joined the Colorado State Public Defender's Office. I left there in 1992 and in the ensuing years I have been in private practice. I am a current board member and past president of the Colorado Criminal Defense Bar. I have been appointed as "learned counsel" by the Administrative Office for the United States Courts to handle capital cases. I have also been recognized as an expert in the field of criminal defense and ineffective assistance of counsel and teach attorneys regularly in the area of criminal defense.

3. As part of my role as counsel for Mark Jordan, I was in charge of analyzing and presenting both the DNA evidence and the alternate perpetrator defense. In addition I had final say in the investigative, tactical and legal decisions in the case. In 2005, after a jury trial, Mr. Jordan was convicted of murdering David Stone. The conviction troubled me then, and it has continued to trouble me ever since.

4. A critical component of the theory of defense was that it was our position that it was Sean Riker, rather than Mark Jordan, who stabbed Mr. Stone. During trial it was our intent and desire to present evidence that Mr. Riker was a viable alternate suspect. We attempted to do so but at the urging of the prosecution the trial court (Babcock, J.) rejected our alternate perpetrator proffer and precluded us from calling Mr. Riker as a witness or from producing other evidence which implicated Mr. Riker as being involved in the stabbing.

5. I was aware prior to Mr. Jordan's trial of the specifics of how to establish an evidentiary foundation for, and to make effective use of, an alternate perpetrator or alternate suspect defense. Indeed, in 1997, I wrote a published article and presented to the Colorado Criminal Defense Bar on the use of the Alternate Suspect Defense and am often used as a resource by defense counsel on the use of Alternate Suspect evidence.

6. I have reviewed transcripts of the proffer I made to the trial court. My proffer fell below the level of reasonably competent counsel given the evidence that was available to me at the time. I am not proud of having to make such an admission but am even less proud at the presentation I made to Judge Babcock who relied upon me as counsel for Mr. Jordan to provide the court with all facts and arguments relevant to the alternate perpetrator defense. I have read the 10<sup>th</sup> Circuit decision in *U.S. v. Jordan*, 485 F.3d 1214 (2007), and echo their statement, that, "the defense could have provided more substance to the anticipated testimony and admissibility of exhibits." *Jordan*, 485 F.3d at 1222.



7. There were several deficiencies in the oral proffer. Examples include the failure to adequately discuss the DNA evidence, failure to propose relevant evidentiary theories of admissibility, point to other pieces of evidence supporting Mr. Riker as the actual murderer and calling Mr. Riker as a witness out of the presence of the jury so that the court could assess his testimony. When I reviewed the proffer I was also saddened to observe that I did not constitutionalize the issue in a manner which was professionally acceptable. My proffer was deficient by failing to invoke the federal constitutional right to present an alternate perpetrator defense. I knew at the time of trial that infringements of this right could violate the Due Process, Compulsory Process, and Confrontation Clauses. There is no excuse for my failure to "constitutionalize" the argument for admissibility at Jordan's trial. For purposes of both the trial and potential appeal, I know the need for making the best record possible. I should have been prepared to make a better record at the time and should have supplemented the deficient oral proffer with a detailed written proffer.

8. Of even more significance is the failure to pursue DNA analysis. Given the defense theory that Mr. Riker committed the stabbing, and the expert testimony linking the only DNA on the murder weapon "shank" to the victim and an unidentified person other than Jordan, the defense should have sought to obtain a DNA sample from Riker or requested and analyzed the DNA profile that was likely in the possession of the FBI. I could and should have inquired whether Riker's DNA was in the CODIS database and, if it was not, I could have sought to obtain a sample pursuant to a court order or when we interviewed Riker. I unreasonably failed to pursue these steps.

9. At the time of Mr. Jordan's trial the U.S. government should have had a full DNA profile on file which could have easily been compared to DNA of the "unidentified person" left on the handle of the shank used to kill Mr. Stone. Although government expert, Mr. LaBerge of the Denver Police Department, may not have had access to Mr. Riker's profile, the U.S. government certainly had easy access to the profile. That profile could have been presented to Mr. LaBerge or any other DNA expert and they could have made a quick analysis as to whether Mr. Riker's DNA profile was consistent with the DNA profile of the "unidentified person." This would have required no testing, no extraction or any laboratory analysis of specimens but merely a simple comparison of two columns of numbers. I have no reasoned explanation for not asking for Mr. Riker's profile so that such an analysis could be done. I simply missed it. This failure is inexcusable and as I have now learned this mistake was probably the difference between conviction and acquittal and this troubles me greatly. This is the kind of error that ethical counsel must admit even though it is an admission of an unprofessional mistake.

10. As the attorney who represented Mr. Jordan and as an attorney versed in what constitutes ineffective assistance of counsel it is my opinion that I provided constitutionally ineffective assistance of counsel in *United States v. Jordan*. In particular, the rejected alternate perpetrator proffer could and should have been

much stronger based on information I possessed at the time. In my opinion if I had performed effectively, the defense should have been able to introduce evidence of Mr. Riker's involvement and Jordan's innocence.

11. In conclusion I did not effectively represent Mark Jordan in the critical areas of representation outlined above. I apologize to the court and Mr. Jordan for such failure. I believe Mr. Jordan has suffered prejudice as a result of my deficient performance. Had the proffer been stronger (as it could and should have been), and had the defense sought to match the DNA on the shank to Mr. Riker, there would have been strong admissible evidence that could have been used effectively before a jury to obtain a not-guilty verdict. Alternatively, if the evidence concerning Mr. Riker was still excluded, a stronger proffer, in my opinion, would have established constitutional error that would have required reversal of the conviction on direct appeal.

I declare under penalty of perjury on this 17th day of October 2013 that the foregoing is true and correct.

\_\_\_\_\_  
James A. Castle

STATE OF COLORADO COUNTY OF DENVER, Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Notary Commission Expires: \_\_\_\_\_

# APPENDIX

# E

**Blackstone Career Institute**  
Established A.D. 1890

U.S.A.

Confers this Diploma of  
**Legal Assistant/Paralegal**

upon

**Mark Jordan**

*who has fulfilled all the requirements prescribed by the School and is entitled to all of the honors rights and privileges thereunto appertaining.*

*In Testimony Whereof this recognition of achievement is*

**Given this 17th day of September A.D. 2003**



*K. J. McLaughlin*  
President

*Valerie L. Behle B.S., M.Ed.*  
Director of Education

TCP10  
PAGE 001

\*  
\*

INMATE EDUCATION DATA  
TRANSCRIPT

\*  
\*

09-07-2020  
08:51:00

REGISTER NO: 48374 066  
FORMAT.....: TRANSCRIPT

NAME...: JORDAN  
RSP OF: TCP-TUCSON USP

FUNC: PRT

----- EDUCATION INFORMATION -----

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TCP	ESL HAS ENGLISH PROFICIENT	02-07-1996 1040	CURRENT
TCP	GED EARNED GED EARNED IN BOP	04-29-1996 1021	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
TCP	ACTIVITIES COORDINATOR CLASS	06-17-2020	CURRENT				
TCP	MONEY MANAGEMENT SS ACE	08-06-2020	CURRENT				
TCP	PREPARE FOR RELEASE II SS ACE	08-12-2020	CURRENT				
TCP	SAFE FOOD HANDLING SS ACE	08-24-2020	CURRENT				
TCP	PERSONAL FINANCE 101 SS ACE	07-27-2020	08-03-2020	P	C	P	7
TCP	IN THE KITCHEN SELF-STUDY ACE	06-15-2020	07-21-2020	P	C	P	3
TCP	COVID 19 INFORMATION CLASS	05-08-2020	06-09-2020	P	C	P	3
TCP	PREPARE FOR RELEASE I SS ACE	05-18-2020	06-09-2020	P	C	P	8
TCP	COLD FLU INFORMATION CLASS	04-26-2020	05-11-2020	P	C	P	3
TCP	ARCYLIC PAINTING INTERMEDIATE	10-31-2018	12-11-2018	P	C	P	6
TCP	ARCYLIC PAINTING CLASS	09-04-2018	10-16-2018	P	C	P	6
ATW RHU	R6-PARENTING:RSP FATHERHOODSHU	02-06-2017	02-21-2017	P	C	P	6
ATW RHU	R2-CONSUMER MATH, CAREER PREP	02-06-2017	02-21-2017	P	C	P	9
ATW RHU	R3-CONSUMER MATH, BANKING	02-06-2017	02-21-2017	P	C	P	2
ATW	R2-JOB INTRVW SKILLS SHU	01-01-2017	01-04-2017	P	C	P	2
ATW	R2-RESUME WRITING SHU	01-01-2017	01-04-2017	P	C	P	2
ATW	R3-PERSONAL FIN MGMNT SHU	01-01-2017	01-04-2017	P	C	P	2
ATW	R2-JOB SEARCH SKILLS SHU	01-01-2017	01-04-2017	P	C	P	2
ATW	R6-PAINLESS ALGEBRA	01-01-2017	01-04-2017	P	C	P	11
ATW	R2-JOB SEARCH SKILLS SHU	12-21-2016	12-21-2016	P	C	P	2
ATW	R3-PERSONAL FIN MGMNT SHU	12-21-2016	12-21-2016	P	C	P	2
ATW	R2-RESUME WRITING SHU	12-21-2016	12-21-2016	P	C	P	2
ATW	R2-JOB INTRVW SKILLS SHU	12-21-2016	12-21-2016	P	C	P	2
ATW	R1-LIFELONG HEALTH	12-01-2016	12-07-2016	P	C	P	37
ATW	R6- EARNING FREEDOM: M SANTOS	05-06-2016	06-14-2016	P	C	P	30
ATW	R6-CULTURAL STUDIES 1	02-08-2016	04-14-2016	P	C	P	16
ATW	R6-POST SECONDARY PREP 102	02-06-2016	04-14-2016	P	C	P	16
ATW	R4-COMMUNITY REENTRY COUNCIL	03-25-2016	03-25-2016	P	C	P	4
ATW	R6-COMMUNICATION STRATEGIES	12-01-2015	01-26-2016	P	C	P	12
ATW	R3-CONSUMER MATH, BUYING CAR	12-08-2015	12-08-2015	P	C	P	16
BSY	GREETING/HOLIDAY CARD MAKING	10-30-2013	12-24-2013	P	C	P	6
BSY	DATA ENTRY OPERATOR CERTIFICAT	03-14-2013	08-17-2013	P	C	M	150
BSY	RECEPTIONIST CERTIFICATE	03-14-2013	08-17-2013	P	C	M	150
BSY	(C)BACK SAFETY-CAI	08-19-2013	08-27-2013	P	C	P	2
BSY	BEG OIL PAINT;W;12:30-3:30;JB	05-29-2013	07-10-2013	P	C	P	6
BSY	(V)BUSINESS WRITING-CAI	03-14-2013	05-03-2013	P	C	P	10
BSY	(A)GRAMMAR-CAI	03-12-2013	03-17-2013	P	C	P	2
BSY	COMPUTER AIDED INSTR. ORIENT.	03-11-2013	03-12-2013	P	C	P	1
BSY	BEG CERAMICS;T&R;12:30-2:00;JB	11-29-2012	01-18-2013	P	C	P	6
LEW SMU	SMU ACTIVITY PACKET	03-19-2011	07-22-2011	P	C	P	18

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MORE PAGES TO FOLLOW . . .

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RSP OF: TCP-TUCSON USP

FUNC: PRT

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LEW SMU	SMU PERSONAL GROWTH II RPP 6	06-15-2011	07-28-2011	P	C	P	3
LEW SMU	SMU PERSONAL GROWTH I RPP 6	03-22-2011	06-15-2011	P	C	P	3
LEE	LEADERS BREED LEADERS WORKSHOP	07-07-2010	07-14-2010	P	C	P	3
LEE	RPP1 AIDS AWARENESS	07-08-2010	07-08-2010	P	C	P	1
LEE	RPP5 RPP ORIENTATION	07-08-2010	07-08-2010	P	C	P	1
FLM CTL	BITS OF HISTORY	12-09-2009	03-02-2010	P	C	P	36
FLM CTL	HISTORY OF SCIENCE - PART 2	10-29-2009	12-30-2009	P	C	P	27
FLM CTL	BATTLES OF THE ANCIENT WORLD	10-14-2009	12-08-2009	P	C	P	24
FLM CTL	HISTORY OF SCIENCE - PART 1	08-27-2009	10-28-2009	P	C	P	27
FLM CTL	ENGINEERING AN EMPIRE	07-22-2009	10-13-2009	P	C	P	2
FLM CTL	BIOLOGY & HUMAN BEHAVIOR	06-04-2009	08-26-2009	P	C	P	36
FLM CTL	HISTORY OF NUMBERS	03-12-2009	06-03-2009	P	C	P	36
FLM CTL	HISTORY OF WORLD WAR II	02-18-2009	04-28-2009	P	C	P	30
FLM CTL	HISTORY OF EUROPEAN ART PART 2	12-18-2008	03-11-2009	P	C	P	36
FLM CTL	ARCHITECTURAL WONDERS	12-24-2008	02-17-2009	P	C	P	24
FLM CTL	HISTORY OF EUROPEAN ART PART 1	09-25-2008	12-17-2008	P	C	P	36
FLM CTL	AMERICAN EXPERIENCE PART 4	10-01-2008	12-23-2008	P	C	P	36
FLM CTL	WAR OF 1812 & LIFE OF HITLER	07-23-2008	10-01-2008	P	C	P	30
FLM CTL	SCIENCE WARS	07-03-2008	09-24-2008	P	C	P	36
FLM CTL	AMERICAN EXPERIENCE - PART 3	04-30-2008	07-22-2008	P	C	P	36
FLM CTL	THE VIKINGS - PART 2	05-01-2008	07-03-2008	P	C	P	27
FLM CTL	THE VIKINGS - PART 1	02-28-2008	04-30-2008	P	C	P	27
FLM CTL	TEN DAYS THAT CHANGED AMERICA	02-20-2008	04-29-2008	P	C	P	30
FLM CTL	FAMOUS ROMANS	12-06-2007	02-27-2008	P	C	P	36
FLM CTL	BIOG: EXPLORERS & EARLY AMERIC	11-14-2007	02-19-2008	P	C	P	42
FLM CTL	FAMOUS GREEKS	09-13-2007	12-05-2007	P	C	P	36
FLM CTL	JAZZ - PART 2	09-05-2007	11-13-2007	P	C	P	30
FLM CTL	A HISTORY OF IMPRESSIONISM	06-21-2007	09-12-2007	P	C	P	36
FLM CTL	JAZZ - PART 1	06-27-2007	09-04-2007	P	C	P	30
FLM CTL	PHYSICS IN YOUR LIFE - PART 1	02-15-2007	04-18-2007	P	C	P	27
FLM CTL	AMER. REVL. + US MEXICAN WAR	01-24-2007	04-03-2007	P	C	P	30
FLM CTL	NATURAL LAW & HUMAN NATURE	11-23-2006	02-14-2007	P	C	P	36
FLM CTL	ANIMALS OF THE WORLD	11-01-2006	01-23-2007	P	C	P	36
FLM CTL	THE WORLD OF BYZANTIUM	08-31-2006	11-22-2006	P	C	P	36
FLM CTL	THE AMERICAN EXPERIENCE PART 1	08-09-2006	10-31-2006	P	C	P	36
FLM CTL	R. E. LEE AND HIS HIGH COMMAND	06-08-2006	08-30-2006	P	C	P	36
FLM CTL	COSMOS	05-17-2006	08-08-2006	P	C	P	36
FLM	CALCULUS MADE CLEAR	06-13-2002	07-09-2002	P	W	V	9
FLM	ALEXANDER AND HELLENISTIC AGE	05-29-2002	07-09-2002	P	W	V	18
FLM	EYES ON THE PRIZE, PART II	04-04-2002	06-12-2002	P	C	P	30
FLM	POLITICAL THEORY	02-20-2002	05-28-2002	P	C	P	42
FLM	WORLD PHILOSOPHY	01-10-2002	04-03-2002	P	C	P	36
FLM	THE AMERICAN PRESIDENTS	12-05-2001	02-19-2002	P	C	P	30
FLM	VOICE&VISIONS-AMERICAN POETS	10-04-2001	01-02-2002	P	C	P	39
FLM	THE WORLD OF CHEMISTRY	08-29-2001	12-04-2001	P	C	P	39

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MORE PAGES TO FOLLOW . . .

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FLM	KING ARTHUR & CHIVALRY	07-12-2001	10-03-2001	P	C	P	36
FLM	AMERICAN CIVIL WAR - PART 2	05-30-2001	08-28-2001	P	C	P	36
FLM	THE POWER OF PLACE	01-03-2001	03-13-2001	P	W	V	21
FLM	PEOPLE'S CENTURY-PART 1	01-11-2001	03-13-2001	P	W	V	18
FLM	ANATOMY-MUSCULAR/SKELETAL SYS	11-06-2000	02-07-2001	P	C	F	20
FLM	HISPANIC HERITAGE	11-02-2000	01-10-2001	P	C	P	30
FLM	ANCIENT GREEK CIVILIZATION	10-03-2000	12-25-2000	P	C	P	36
FLM	AMERICAN MUSIC	10-04-2000	12-19-2000	P	C	P	33
FLM	CLASSIC LITERATURE	11-06-2000	12-13-2000	P	W	V	10
FLM	HOW TO READ POETRY	08-10-2000	11-01-2000	P	C	P	36
FLM	LITERATURE OF FILM 2	07-11-2000	10-04-2000	P	C	P	36
FLM	READING & CRITICAL THINKING 3	07-03-2000	09-26-2000	P	C	P	36
FLM	READING & CRITICAL THINKING 2	04-03-2000	06-23-2000	P	C	P	36
FLP	OE BUS AM 9:00 AM - 10:30 AM	01-25-1999	04-01-1999	P	W	V	3
FLP	INTERMEDIATE SPANISH	10-21-1998	02-11-1999	P	C	P	25
FLP	BASIC CONVERSATIONAL SPANISH	02-11-1998	04-15-1998	P	C	P	20
ATL	BLOOB PRESSURE	06-13-1997	06-26-1997	P	C	P	2
ATL	ANATOMY/KINESIOLOGY	06-01-1997	06-06-1997	P	C	P	2
FAI DCU	PARENTING PROGRAM	01-17-1995	03-30-1995	P	C	P	4

----- HIGH TEST SCORES -----

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
ABLE	LANGUAGE	8.2	01-29-1996	ALP	F	
	NUMBER OPR	13.0	01-29-1996	ALP	F	
	PROB SOLV	13.0	01-05-1995	ALP	E	
	READ COMP	13.0	01-05-1995	ALP	E	
	VOCABULARY	12.5	01-05-1995	ALP	E	
GED	AVERAGE	60.0	04-18-1996	ALP	PASS	PA
	LANG PROF	0.0	04-18-1996	ALP	AP	PA
	LIT/ARTS	58.0	04-18-1996	ALP	AP	PA
	MATH	58.0	04-18-1996	ALP	AP	PA
	SCIENCE	68.0	04-18-1996	ALP	AP	PA
	SOC STUDY	60.0	04-18-1996	ALP	AP	PA
	STATE HIST	0.0	04-18-1996	ALP	AP	PA
	WRITING	58.0	04-18-1996	ALP	AP	PA

G0000

TRANSACTION SUCCESSFULLY COMPLETED

# Certificate of Achievement

Awarded to:

Jordan #48374-066

C1-225



For participation and outstanding efforts towards obtaining better Mental and/or Physical health and fitness in the:

## Covid 19 Ace Class

Federal Correctional Complex Tucson  
Recreation Department

06-09-2020

Date

*J. Riley*  
J. Riley, Recreation Specialist



# Certificate of Achievement

Awarded to:

JORDAN #48374-066

C1-225



For participation and outstanding efforts towards obtaining better Mental and/or Physical health and fitness in the:

## COLD & FLU CLASS

Federal Correctional Complex Tucson  
Recreation Department

05-11-2020  
Date

  
J. Riley, Recreation Specialist

# *Certificate of Completion*

*This is to certify that*

**MARK JORDAN**

#48374-066

*has completed Emotional Self-Regulation,  
a Psychology Services group,  
at the United States Penitentiary, Tucson, Arizona.*

December 27, 2018  
Date



  
Dr. Licata, Staff Psychologist

# *Certificate of Completion*

*This is to certify that*

**MARK JORDAN**

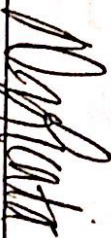
#48374-066

*has completed Criminal Thinking,  
a Psychology Services group,  
at the United States Penitentiary, Tucson, Arizona.*

August 20, 2018

*Date*



  
Dr. Licata, Staff Psychologist

# Certificate of Completion

*This Certifies that*

*Mark Jordan*

*Has satisfactory completed*

## *College Preparation 102*

*Consisting of 16 hours of adult continuing education*

*This certificate is hereby issued this 14<sup>th</sup> day of April 2016.*

*R. Villa*  
Supervisor of Education



*M. Magdaleno*  
M. Magdaleno, Education Technician