



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

PRESS RELEASE

1/8/19

OSCAR CLIFTON 1976 MURDER CONVICTION REVIEW RELEASED

Exeter teenager Donna Jo Richmond was murdered on December 26, 1975.

Oscar Clifton, a convicted sex offender, was prosecuted and convicted in July of 1976 for the kidnap, attempted rape and murder of Richmond. Additionally, Clifton was convicted of child molest in relation to his actions earlier in the day near the town of Woodlake; and, the crime of indecent exposure for his actions directed at a 21-year-old female which took place less than 30 minutes before, and less than a mile from, the location where the kidnapping of Richmond took place. Previously in 1965, Clifton was convicted of assault with intent to commit rape of an 18-year-old female.

The conviction review process included the thorough examination and evaluation of police reports, photographic evidence, forensic laboratory reports (including DNA analysis), trial and appellate transcripts, and a complete review of information submitted to the Office of the District Attorney by supporters of Clifton.

“Immediately after the arrest of Joseph DeAngelo in connection with the Golden State Killer crimes, I directed my office’s Conviction Review Unit to once again revisit the Clifton case which had long held public interest due to its similar time frame and geographic location,” said District Attorney Tim Ward. “Upon completion of this latest review, I am again confident, just as this office was the previous times we reviewed the case, that the countless hours of report analysis, evidence evaluation, court transcripts, and DNA evaluation solidifies that Oscar Clifton tragically and violently ended the life of Donna Jo Richmond in an orange grove the day after Christmas in 1975.”

The analysis of the review is attached to this press release.

**Note: The language contained in the analysis is graphic and, at times, vulgar.*

*Media inquiries can be directed to the Office of the District Attorney, County of Tulare
Assistant District Attorney Dave Alavezos (559) 636-5494*



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

MEMORANDUM FOR RECORD

Date: January 7, 2019

Subject: Final Report of Conviction Review Re: Oscar Clifton

Process of a Conviction Review

The Conviction Review Unit reviews and investigates claims of actual innocence raised after a criminal conviction, relating to offense or degree, regardless of whether the defendant is still serving a sentence.

Claims of factual innocence after conviction may be made in writing by the defendant, defense counsel, or a third person. The requesting party shall have the initial burden to produce evidence of innocence. The request must raise a meaningful claim of factual innocence and not be merely a request for resentencing, a reweighing of conflicting evidence, or relief from collateral consequences.

Generally speaking, a conviction review is limited to determining whether the claim of innocence is based upon credible and verifiable evidence of innocence, or upon the existence of new technologies to test or retest remaining relevant evidence.

The fact that the claims have been previously rejected by a trial court or appellate court, or could have been raised by the defense earlier, shall be considered, but does not necessarily preclude further inquiry.

The existence of a reasonable doubt as to guilt will not necessarily result in a conclusion that the defendant is actually innocent; the standard is whether the review revealed, by clear and convincing evidence, a plausible claim of actual innocence undermining confidence in the conviction. If the decision is that the District Attorney has lost confidence in the conviction, prosecutors will seek to have the conviction vacated.

Evidence Warranting a Subsequent Conviction Review

With the arrest of Joseph DeAngelo in April of 2018, his DNA profile became available to compare with evidence collected during the Donna Jo Richmond murder investigation and a partial DNA profile which was developed during the post-conviction appellate process. A further explanation of the DNA investigation will be provided during the subsequent analysis of this report. More on this topic will be discussed under the following section.

The Office of the District Attorney for Tulare County considered this potential new evidence concerning Joseph DeAngelo to warrant a conviction review. Prior to obtaining a DNA profile for Joseph DeAngelo, but immediately after his arrest, this office began an exhaustive review of Oscar Clifton's conviction for the murder of Donna Jo Richmond based on the claims of those supporting Oscar Clifton.

DNA Evidence

In 2011, a partial Y-STR DNA profile was developed from semen attached to one of Donna's pubic hairs. Y-STR is specific to the "Y" (male) Chromosome making it particularly informative in sexual assault cases involving female victims of male assailants. This particular test located a specific DNA profile at three of the possible 16 locations. No DNA was identifiable at the remaining 13 locations.

Recently a Y-STR DNA profile was developed for Joseph DeAngelo. DeAngelo's DNA is **not consistent** with the DNA profile contained in the semen which was analyzed; therefore, Joseph DeAngelo is excluded as a potential suspect in the murder of Donna Jo Richmond.

During the 2011 analysis a known sample of Oscar Clifton's Y-STR DNA was compared to the partial profile developed from the semen attached to Donna Jo's public hair. Clifton's DNA profile was consistent at all three DNA locations. Thus, Clifton cannot be eliminated as the contributor of the semen found on the victim. The DNA analysis provides additional support for the conviction of Oscar Clifton in the murder of Donna Jo Richmond.

Materials Considered and Reviewed

The Tulare County District Attorney's Office assigned an Assistant District Attorney, a Senior Deputy District Attorney and members of the Bureau of Investigations to conduct this review. The Unit reviewed thousands of pages of evidence which included: police reports, photographic evidence, forensic laboratory reports, available trial transcripts, numerous Writs and Appeals in conjunction with the associated habeas transcripts of witness testimony, post-conviction DNA evidence reports; as well as a complete review of information provided to us by Clifton supporters related to Oscar Clifton's conviction for the 1975 murder of Donna Jo Richmond.

Additionally, the Office also reviewed the 1965 police reports for Oscar Clifton's conviction for assault with intent to commit rape as well as the appellate record upholding that conviction.

1965 Conviction for Assault with Intent to Rape

On June 29, 1965, at approximately 4:00 in the afternoon, 18 year old Connie G. was sunbathing at the St. Johns River at Road 168 north of Farmersville and west of Woodlake (RT 23, 27, 43). She testified about what occurred while she was sunbathing at a Preliminary Hearing on August 4, 1965; and again, at Trial on December 6 and 7, 1965.

(Note: "RT" indicates the court reporter's transcript for the trial and states which pages numbers are referenced).

Ms. G. testified that she noticed a tall skinny man she later identified as Oscar Clifton, running towards her (RT 29, 48). When she first noticed Clifton, he was twenty feet away (RT 49). Clifton was wearing a blue bathing suit and had some type of nylon a stocking covering his head to the neck area (RT 35). Connie yelled "help" and started to run, Clifton chased after her (RT 30). Clifton was able to grab Connie and immediately put his hand over her mouth with his other hand holding the back of Connie's neck (RT 30, 46). Clifton forced Connie to the ground during the course of their struggle (RT 29). After obtaining control of the struggling Ms. G., Clifton ordered her to "shut up" and directed her to go under a nearby bridge (RT 31). As a result of the struggle, Ms. G. ended up with a cut lip along with a bruised and scratched knee (RT 31). Ms. G. agreed to comply but was able to escape and get assistance from a Mr. Miller who had driven up and stopped beside the road (RT 32).

After reaching safety, Connie noted that Clifton had reappeared on the opposite side of the bridge wearing the same bathing suit but without the stocking (RT 33, 35). With the

nylon stocking removed Ms. G. was able to note that Clifton had long blond hair and she had a view of the side of his face (RT 36). Mr. Miller made a call to the Sheriff's Department requesting assistance (RT 37). TCSO deputy Buford arrived and placed Clifton in the back of his patrol vehicle and brought him to where Connie who made a positive identification (RT 38, 39). Clifton was still wearing his blue bathing suit when directed to stand in front of Connie for an in-field identification (RT 39). Ms. G. went on to state she also recognized Clifton's voice as the same and the man who had assaulted her minutes prior (RT 39).

Mr Miller also identified Oscar Clifton in court at the Preliminary Hearing and again at Trial as the person who he first observed climbing up the riverbank on the opposite side of the bridge from where he first observed Connie G. in a state of panic.

During the course of the investigation officers contacted a Mrs. Janet Ann Butler who testified at trial that she was living in a house on East Marionette just east of Exeter by the Exeter Cemetery on June 29, 1965 (RT 12). Mrs. Butler was home with her three-year-old daughter watching a movie matinee when heard someone knocking at her door at 2:05 in the afternoon (RT 13 and 18). Mrs. Butler identified the person knocking at her door as Oscar Clifton (RT 18). Clifton claimed to be looking for directions to an unknown family, and further stated he was looking for work (RT 19). After telling Clifton that she did not know who he was looking for, Clifton stated he was looking for someone to "F***". Mrs. Butler slammed the door shut and ran to lock the back door, observing Oscar Clifton headed out her driveway towards Exeter (RT 19). Oscar Clifton was brought to the home of Mrs. Butler's parents that evening where she identified him as the person who had been at her door (RT 20).

Oscar Clifton was convicted of this offense in 1965. The conviction was not presented to the jury in the subsequent 1976 murder trial; however, it is relevant to the conviction review process in terms of similarity of conduct and motivation.

Statement of Facts re: Donna Richmond Murder

At approximately 3:45 pm on December 26, 1975, Donna Jo Richmond left her friend Don Lee's residence at 2114 N Anderson Road, Exeter, to ride home on her bicycle. Donna lived at 1848 E List Avenue which was approximately five miles from Don Lee's residence (RT 609).

Between 6:00 and 7:00 pm on December 26, 1975, David Richmond, Donna's brother, found Donna's bicycle in an orange grove about three quarters of a mile from the intersection of Spruce and Firebaugh (*a fifteen to seventeen-minute bicycle ride from Don Lee's residence by stipulation*) (RT 603, 630-632, 1399, 1463).

At 5:45 pm on December 26, 1975, Laverne Lamb discovered a pair green pants belonging to Donna Jo Richmond on the white center divider on Avenue 264 approximately 3.9 miles from Oscar Clifton's residence (*located at 14402 Ave 264*).

At approximately 1:30 pm on December 27, 1975, Jesus Lara discovered the body of Donna Jo Richmond while spraying in an orange grove east of Road 204 between Avenues 288 and 292 near the Friant Kern Canal (RT883-885, 891-893). Donna's body was found 3.4 miles from her bicycle and 12.1 miles from Oscar Clifton's residence (RT 1464, 1467).

An autopsy found that the cause of death was manual strangulation associated with blunt trauma to the head and multiple stab wounds to the head and body. There was no physical evidence that Donna's vagina had been penetrated, but her pubic hair was crusted with dirt and semen. In 1976 the criminalist was unable to obtain a blood type for this particular semen (*Note: post-conviction DNA testing conducted during the appellate process generated results in 2011 in the form of a partial Y-STR DNA profile for semen found on Donna's pubic hair*). The autopsy established the time of death to be consistent with a time frame of 4:00 to 6:00 pm on December 26, 1975 (RT 1104-1105, 1154-1159).

During the investigation on December 27 and 28, 1975, Donna's shoes, panties, and her sanitary napkin and belt were found. The panties, sanitary napkin and belt were found 7.7 miles from the body on the side of Road 176, one half mile north of Ave 264. Donna's pants were found one half mile further west on Ave 264 towards Visalia. Approximately one third mile farther west from pants, Donna's first shoe was discovered, again to the side of Ave 264. A second shoe belonging to Donna was located on the side of Ave 264 even further to the west and about 1.6 miles from Oscar Clifton's home located on the same avenue (RT 830-837, 853, 860, 869-870, 875-876, 1464-1465).

Two incidents occurring hours prior to Donna Jo Richmond's murder

On December 26, 1975, at approximately 3:00 pm, Oscar Clifton, driving a white Ford pickup, stopped near 14-year-old Beth B. of Woodlake, California. Clifton motioned for Beth to come over towards the pickup, which she did. Clifton asked Beth if she "had a good looking pussy to put a penis in." At trial Beth positively identified Oscar Clifton and a photo of his truck (RT 530-532, 542).

Sometime shortly after 3:30 pm on December 26, 1975, 21-year-old Gloria M. was picking oranges eleven miles from Beth B.'s home. The orange grove was near Exeter at the intersection of Spruce Avenue (Road 204) and List Avenue. Gloria noticed a white pickup going west on the adjacent List Avenue with a male driver. A short time later the same pickup passed again, headed east on List Avenue. Within minutes Gloria turned to look behind her and discovered Oscar Clifton standing approximately ten feet away holding his penis with both hands and grinning. Gloria told Clifton to leave and ran for

help. At trial Gloria also identified Oscar Clifton and stated a photo of his pickup was similar to the one she saw passing by on List Avenue (RT 547-552, 558, 567, and 1462). Gloria testified that Clifton was wearing a white long-sleeved sweater identifying a white sweater seized from Clifton's residence during the subsequent homicide investigation as being similar to the one he was wearing on December 26, 1975 (RT 553, 557-558, 1171).

Physical Evidence tying Oscar Clifton to the murder

Tire tracks were found and photographed at the locations where the body, bicycle and panties were discovered (RT 647, 651, 871-872, 897-898, 912-913, 924, 852, 970-973). At the scene where the panties were found, the tracks measured approximately 64-1/2 inches from the inside edge of the left front tire to the outside edge of the right front tire, and approximately 61-1/2 inches rear wheel tracks. The wheelbase of the vehicle making the tracks (i.e., distance from front to rear tire) was approximately 150 inches (*Note: Sgt. Hensley testified to both a wheelbase of 130 inches and 150 inches*). Oscar Clifton's pickup truck had a front width of 64-1/2 inches, rear width of 60-3/4 inches, and wheelbase of 152 inches (RT 963-964). Expert testimony established that there is usually some deviation when comparing such measurements because of tire inflation and coarse condition of the soil (RT 964).

Charles Morton, a criminalist with the Institute of Forensic Sciences in Oakland, conducted an examination of photographs of the tire tracks at the locations where the body, bicycle and panties were found and compared these photographs with inked impressions made by the tires on Clifton's pickup truck (RT 988). This examination established that Clifton's vehicle had two different models of tires: B.F. Goodrich Silvertown Extra Miler 700-15LT tires with similar tread patterns on the right rear and left front of the vehicle; and, B.F. Goodrich Heavy Duty Express Nylon 700-15LT tires with similar tread pattern on the right front and left rear (RT 1072).

Mr. Morton testified that the tire tracks found at the three locations above (body, bicycle, and panties) were comparable in tread pattern and tire position on the vehicle leaving the tracks with tires on Clifton's pickup truck. He also stated that certain tire wear patterns were comparable and consistent as well (RT 991-997). His conclusion was that the tire tracks made at all three scenes were made by a vehicle which had the same general tread design, in the same positions on the vehicle, as the tire placement on the white Ford pickup belonging to Oscar Clifton (RT 988, 1084).

Mr. Morton also examined a photograph of a footprint taken at the scene where Donna's body was found and compared it to a pair of boots owned by, and seized from the residence of, Oscar Clifton (RT 999-1000). He concluded that, in terms of general dimensions of the heel of Clifton's boot and a line impression on the heel that

corresponded to a depressed area in the soil, the boot print found under the orange tree at the body scene consistent with appellant's boot. (RT 1002, 1022, 1025-1026, 1084-1085).

An invoice book was discovered approximately two feet from where Donna's bicycle had been located (RT 597-598, 633, 639, 651). Latent palm and finger prints taken from the invoice book were compared to known prints of Oscar Clifton and his wife; both had prints on the invoice book. (RT 661-669).

Defendant's Statements and Rebuttal Evidence

From the invoice book found near Donna's bicycle, detectives were able to track down Oscar Clifton's name and address (*the book contained the names of recent customers and the name "A. Clifton"*). Clifton was arrested at his residence on December 27, 1975, at approximately 0100, for kidnapping (RT 786-788).

Upon arrest, Clifton initially stated that he had nothing to worry about because he had been with Bill Rose in the morning and then was at a location on the north side of Visalia in the afternoon. When asked where he had gone in Visalia, Clifton changed his story and said that he met Bill Rose at a construction site between 3:00 and 4:00 pm on December 26, 1975 (RT 821-823, 825). (*Note: Clifton's post-arrest statement was subject of much litigation but ultimately was found by the trial and appellate courts to have been a voluntarily provided to law enforcement following Miranda warnings*).

During the trial, Bill Rose testified that he saw Oscar Clifton in Visalia on December 26, 1975, at approximately 11:00 am and did not see him again on that date even though they had a pre-arranged appointment to meet at 2:00 pm (RT 862-864).

At trial, Clifton claimed he was at Deborah Roberts' house at approximately 2:55 to 3:07 pm (RT 1179-1181) and then drove to 1734 S. Garden Street in Visalia arriving at approximately 3:40 pm. While there for about ten minutes, Clifton testified that he observed some people moving a freezer sometime between 3:30 and 3:50 pm on December 26, 1975. Clifton called Frank Thomas who testified that he and some other people were moving a freezer between 3:10 and 3:20 pm on December 26, 1975, but he never observed Clifton (RT 1247-1250).

The prosecution called Bill Irwin, Jim Hoover and George Taylor who testified on rebuttal that they moved a freezer at the Garden Street address on December 26, 1975, from approximately 2:10 to 2:35 pm (RT 1405, 1437-1438, 1446-1447). None of the men recalled seeing Oscar Clifton or his pickup truck (RT 1405, 1439, 1447).

Clifton also claimed to have worn his knee brace all day on December 26, 1975; and denied wearing his cowboy boots (RT 1171-1172, 1201). Dr. Florio testified that while

Oscar Clifton had been the recipient of three knee operations he could run without his brace at the same speed as a normal person (RT 1326-1332).

Case History after Conviction

Oscar Clifton filed numerous Appeals, Petitions for Writs of Habeas Corpus, and Petitions for Writs of Certiorari. None of the State and Federal courts, after reviewing the evidence, concluded that Clifton was wrongly convicted of the kidnap, attempted rape and murder of Donna Jo Richmond.

Summary

Oscar Clifton, a convicted sex offender, approached three girls on December 26, 1975: the first identified him as the man who called her over to his truck and asked if she had a “nice pussy to put a penis in” in the town of Woodlake at approximately 3 pm; the second identified him as the man who drove by in his truck twice before coming up behind her and exposing himself at approximately 3:30 in Exeter; the third was Donna Jo Richmond who he approached while she was riding her bike home through the orange grove less than a mile from where he approached the second girl.

Oscar Clifton kidnapped Donna, leaving her bicycle and accidentally dropping an invoice book out of his truck containing his name and palm prints, and transported her 3.4 miles away to another orange grove where he attempted to rape her after which he strangled then stabbed her 17 times. Upon leaving Donna’s body, Oscar Clifton drove home throwing out Donna’s underwear (along with a sanitary belt and pad), pants and shoes. The clothing evidence was recovered along the road to Oscar Clifton’s residence with a quarter of a mile detour along the route on a side road.

Finally, as discussed previously, the DNA analysis provided additional support for the conviction to stand. Therefore, based on the totality of the circumstantial evidence presented at trial and the subsequent appeal process, there is ample evidence to support the conviction of Oscar Clifton.

The Tulare County District Attorney’s Office considers this matter closed.