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OFFICE of CAPITAL and FORENSIC WRITS



Benjamin B. Wolff
Director

May 19, 2026

The Honorable Judge Katherine N. Thomas
184th District Court
Harris County Criminal Justice Center
1201 Frankin, 17th Floor
Houston, Texas 77002

RE: Pre-Sentencing Memorandum, *State v. Clarence Curtis Jordan*, Cause No. 276428

Dear Judge Thomas,

Forty-eight years ago, Clarence Jordan was first sentenced to death. Forty-three years ago, Clarence Jordan was re-sentenced to death following the appellate reversal of his first conviction and sentence. Neither jury considering Mr. Jordan's fate had a comprehensive perspective on the "diverse frailties"¹ of Mr. Jordan's life, and he was deprived of the individualized sentencing determination required by the Constitution.² At his first trial, nothing of Mr. Jordan's mental illness, upbringing, childhood struggles, or cognitive limitations was presented to the jury. At his second trial, Mr. Jordan, then debilitated by paranoid schizophrenia and with a mind addled by delusions and distracted by hallucinations, insisted on being called "Father Nature" and a news reporter observed Mr. Jordan to be smoking a cigarette and drinking coffee as the death sentence was pronounced. Thirty-eight years ago, the Court of Criminal Appeals declared Mr. Jordan to be so mentally ill that the Eighth Amendment precluded his execution. And thirty-eight years ago, Mr. Jordan was largely forgotten about by the Texas criminal legal system, even as Supreme Court jurisprudence evolved in such a way to make clear that his death sentence was unconstitutional.

In May 2025, the Office of Capital and Forensic Writs intervened and filed a post-conviction writ on Mr. Jordan's behalf, arguing that his death sentence was unconstitutional. The

¹ See *Woodson v. North Carolina*, 428 U.S. 280, 304 (1976).

² See *Lockett v. Ohio*, 438 U.S. 586 (1978).

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Harris County District Attorney filed a brief in support, agreeing that the Constitution demanded that Mr. Jordan’s sentence be overturned. Last month, the Court of Criminal Appeals agreed. *See Ex parte Clarence Curtis Jordan*, WR-17,434-02 (Tex Crim. App. Apr. 9, 2026) (unpublished). The State has now announced that it will not seek the death penalty a third time against Mr. Jordan, who, on top of his life-long cognitive and mental illness challenges, is now addled by a stroke, blind, and unable to ambulate, speak, or feed himself. So Mr. Jordan now appears (in absentia due to his fragile, incapacitated medical condition) before this Court to be sentenced to the only remaining legal sentence in this matter, life in prison.

But Mr. Jordan remains entitled to an individualized sentencing determination, to have his story—the story he can no longer tell himself—be told. This pre-sentencing memorandum follows. In addition, as explained below, counsel for Mr. Jordan respectfully request that this Court recommend that Mr. Jordan be evaluated for the Medically Recommended Intensive Supervision (MRIS) program.

* * *

A small child sitting alone, rocking back and forth for hours, surrounded by people yet utterly separate. This is how Clarence Jordan started this life, shaped by circumstances outside of his control. Now, more than 70 years later, Clarence Jordan continues to be left behind, existing at the mercy of systems in which he still has no control. Forgotten by the courts, plagued by mental illness, hampered by intellectual disability, and shackled by chronic medical issues, Clarence Jordan has been lost for far too long.

Clarence Curtis Jordan was born on April 9, 1956, in Coleman County, Texas, a small rural area just south of Abilene. He was one of nine children born to his mother, Veo Jordan, and his father, Oran Jordan Sr. Out of the six boys and three girls,³ Mr. Jordan or “C.C.”—as his

³ Renard Jordan, Jerry Jordan, Mary Ann Brown, Chris Swain, Curtis Jordan, Oran Jordan, Clarence Jordan, Yvonne Brzezniak, and Eric Jordan.

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family called him--was the third youngest, born barely a year after his closest sibling, Oran Jr.⁴ Growing up in Coleman Texas, Mr. Jordan 's parents were busy, perhaps too busy to notice and address the higher needs of a child like him. The family was living and working on his granddaddy Earl Jordan's farm. Earl had been a farm laborer since he was 14 years old, and now his son, Oran Sr., and the older children were doing the same. Oran Sr. was a rough man. Even after marrying Veo, he rarely listed a permanent address, instead listing her as a contact that would know how to find him. He would come and go from their lives, always having a volatile relationship with Veo. They would separate and then reconcile, continuing the abusive cycle.

Veo by all accounts was a kind, loving woman, spending her days looking after the house and kids while also helping on the farm. Her occupation was listed as housewife. She did her best. Her children thought of her as a good mama and a strong lady. But she had her hands full. She was 34 years old when Mr. Jordan was born in 1956, and she was already responsible for five other children. Her husband was largely absent, and when he was home, things could be hard. Mr. Jordan 's elder brother, Jerry, recalls that he and his siblings had a lonely life, that they were bringing themselves up on their own. Mr. Jordan particularly had a family life that was hard. He was often left alone, not abandoned intentionally but abandoned nonetheless. His self-soothing behaviors, the silent rocking and glazed eyes, were an attempt to provide himself comfort when no one else could. His odd behaviors didn't go unnoticed; they just went untreated.

Mr. Jordan was always considered to be different, and although his mother and siblings loved him, his differences separated him. Being different was bad, so members of his family thought something about Mr. Jordan must be bad as well, because he was different. Mr. Jordan needed and craved attachment, yet the connections that should have been easy were not, and the interventions that could have helped him were not received. Early signs of intellectual and neurological challenges were missed, and the warning signs of mental illness were not acknowledged, either ignored or seen as something that needed to be prayed away. It wasn't until

⁴ The social history that follows is based on records contained in the record in this case, records obtained by counsel, and interviews with surviving siblings and other family members.

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1971, when Mr. Jordan was already involved with Harris County Juvenile Probation Department, that any real attention was paid to his developmental, intellectual, and mental health. Dr. Thomas Cool noted that, in addition to having a full-scale IQ of only 56, Clarence had indications of perceptual disabilities which suggested the possibility of organic deficit. App.Ex.A.⁵ Dr. Cook also noted that Mr. Jordan had a very poor sense of awareness of self, was very impulsive without an awareness of any consequences to his behavior and was “massively lacking in social comprehension.” *Id.* These issues did not appear from nowhere; they are instead the product of the instability, inattention, and lack of help that has plagued Mr. Jordan since he was born. Mr. Jordan was a child often alone, unfairly labeled, struggling to find his own way and place in the world. He began to be forgotten before he even had a chance to be seen.

As Mr. Jordan began to get older, things didn’t get better. The family moved from their small farm in Coleman to Houston’s 3rd Ward around 1964. Oran Sr. got work as a cook and waiter on the Santa Fe Railroad line, making around \$6,000 a year. He would be gone for days or weeks at a time, traveling from Texas to Chicago and back. When he was home, he would sometimes have some tip money that he would give to the kids to buy a treat, but most of the time money was tight. Mr. Jordan’s brother, Oran Jr, started working as a shoeshine boy to bring in some extra money for his mom. Some of the other boys would do this too, working small jobs outside of school. Mr. Jordan would sometimes join Oran, and they would work together shining shoes on the weekend. The family lived in a neighborhood that had once been nice but was now struggling. Their home was a small, two-bedroom apartment, a tight squeeze for Mr. Jordan’s parents and the five youngest kids that were still living with them. Some of the older girls would also pop in and out, staying in the small space when Oran Sr wasn’t around.

The change from rural Coleman to the big city bustle of Houston was an adjustment for all of them, but it was particularly rough for Mr. Jordan. In the country there wasn’t as much opportunity for a vulnerable kid to get swept up into a bad crowd, less chance for someone to take advantage of a socially and intellectually challenged boy. That was not the case in Houston.

⁵ App.Ex.[letter] citations refer to exhibits appended to the Subsequent Application for Writ of Habeas Corpus.

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Life in the big city provided Mr. Jordan with a chance to be found. Unfortunately, those that found him were not the people that this lost soul needed. Mr. Jordan was barely even 8 years old when he started hanging out with an older crowd; high school boys, some even older. Mr. Jordan was considered to be nice and polite, even if he seemed different and often hyperactive. His new friends saw something in Mr. Jordan that others didn't recognize, though, a sort of suggestibility and impulsiveness that they could use. They taught him to gamble and to play dice. He was good at it, learned the tricks, and didn't have any fear. His underdeveloped social awareness made it easy to get Mr. Jordan to hustle, and these "friends" liked it. They liked that they could get him to do what they wanted, and Mr. Jordan liked that he felt like he belonged. He would do anything to keep that attention.

Mr. Jordan's first encounter with the law was not long after he moved to Houston and got hooked up with this older group. In 1965, police arrested young Mr. Jordan, then just 8 years old, for "malicious mischief," graffiti—instead of taking him home or contacting his parents. Not long after that, Mr. Jordan stopped going to school consistently and instead started spending his time roaming around the 4th and 5th wards. Mr. Jordan fell onto a rough path, spending more and more time away from home. He started sleeping on the streets when he was around 12 and 13, sometimes for days at a time before going home or crashing at a friend's apartment. Barely a teenager, yet trying to act like a man, growing up too fast just so he could finally feel seen.

The only thing keeping him hanging on to a bit of childhood was his mom, the glue holding the pieces together. Veo loved him and Mr. Jordan adored her. She was the biggest support that he had, even if her attention was always divided. She did her best, kept the kids clothed and fed, making meals of hot dogs and rice to stretch out the groceries. For all practical purposes, she was trying to raise her youngest five children alone in a big city. Even though he was struggling, Mr. Jordan would do anything for his mom and family. His brothers Jerry and Oran said he would give them the shirt off his back if they needed it. Mr. Jordan tried to protect people too, stepping between his dad and mom when things got violent, even though he was just a boy himself. Veo would try to protect him as well, but Mr. Jordan needed more than what she could give. The boy that was always by himself, always distant from the others, needed deeper understanding and care. Instead, he kept drifting further away, still lost and alone.

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By 1968, when Mr. Jordan was around 12 years old, Veo decided she wasn't able to help him off this path alone. She got so worried that she sent Mr. Jordan away from Houston to go live with his elder brother, Jerry. Jerry was a preacher in Abilene, ministering to the congregation of a Church of God in Christ church, something he began to do as a teenager. Veo hoped that a smaller town, a stable home, and strong religion would help Mr. Jordan overcome the behavioral issues she was seeing.

Jerry Jordan loved his little brother and welcomed him into his home and family. But in many ways, it was too little too late. Mr. Jordan wasn't used to a strong male figure in his life. His dad was mostly absent and, when he was present, Oran Sr. was very hard on Mr. Jordan. Jerry was only 24 years old himself, caring for his own children as well as his brother. While he was able to counsel church members and preach the word of God, he wasn't able to identify the signs of intellectual and adaptive deficits Mr. Jordan was displaying nor was he able to acknowledge any signs of mental illness. Jerry tried to keep Mr. Jordan in school, having him attend Mann Junior High School in Abilene. He tried to treat Mr. Jordan like one of his own, setting limits and curfews. But it was hard for Mr. Jordan to accept the tough love his brother tried to offer. His impulsiveness and lack of understanding made the rules and discipline too much to take, especially after so many years with no real oversight. Mr. Jordan pushed back, and after a little less than two years Jerry had to admit that he was out of his depth as a parental figure for his younger brother. Mr. Jordan was sent back to Houston in 1969 to once again live with his mother. Jerry let him go hoping things would change but worried they would not.

Once back in Houston, Mr. Jordan's behavior and mental health spiraled. He once again joined up with his older friends, eager to get back into city life after being forced to be in Abilene. In March of 1970, not long after returning to Houston, 13-year-old Mr. Jordan was charged with burglary and felony theft and began being monitored by Harris County Juvenile Probation. The Juvenile Court, however, dismissed the case in the next year because "Clarence was a retarded child." This decision came from an intellectual disability evaluation ordered by the court which found that:

Clarence is basically a very dull, simple, underdeveloped boy whose intellectual potential is likely not any greater than at the above stated level (Full Scale IQ:

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56). There are indications of specific perceptual disabilities which suggest the possibility of organic deficit.⁶

Alongside his developmental deficits, signs of mental illness were also becoming more apparent. Mr. Jordan would later report that as a child he frequently felt like there were creatures inside of him that would stick and torture him, and that he heard voices speaking to him. Although neither Mr. Jordan nor his family know exactly when these issues started, Mr. Jordan's struggles and personal stress were soon to become even worse, heightening these existing challenges. In April of 1971, just days after being once again referred to the juvenile system for trespassing, Mr. Jordan would lose the one source of consistent love, support, and concern that he had.

Mr. Jordan's mother, Veo Brown Jordan, died suddenly on April 25, 1971, at the age of 48. She was found dead in their apartment after experiencing a cerebral cardiovascular event. Her death shattered Mr. Jordan. He had just turned 15 years old a few weeks before her death, and this loss was more than he could process. His behavior got worse; his anger spiked. His already impaired judgment became almost nonexistent. In the months after his mother's death Mr. Jordan was referred to juvenile probation three more times. In May and July for burglary and theft, and in July for simple assault. Mr. Jordan was masking his pain by throwing himself into the dangerous world of his older friends. Despite this string of events, as well as the intellectual evaluation that led the courts to label him a "retarded child," there is no indication that help was provided or that anyone tried to intervene. Neither his own family nor the juvenile system would or could step in to guide Mr. Jordan away from those that were influencing and taking advantage of him.

Oran Sr. could not care for his youngest children when his wife passed, nor did he appear to desire to be the parent they needed. He sent them all, including Mr. Jordan, back to Abilene to live with Jerry. This was the last time Mr. Jordan saw his dad, having just lost his mother; he was

⁶ 7 RR1 3169 (May 18, 1971 Intellectual Evaluation of "Clarence Jordan, N/M/15").

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just 15 years old. The children did not even have an address for their father and would not have any contact with him for years. For Mr. Jordan's brothers and sisters, going to Abilene and living with Jerry was a good thing. They were able to have some stability and become involved in school and community. Mr. Jordan, on the other hand, was furious to be taken from Houston. He was losing too many things at once; first his mother, then his crew, and now his fragile sense of independent self. His brain could not handle these changes and disruptions. Not long after arriving back in Abilene, Mr. Jordan left in the middle of the night. He scrounged money together and hopped a bus back to Houston, returning to the city in the late summer of 1971.

In October of 1971, Mr. Jordan was dropped from the rolls of Miller Junior High for lack of attendance. He never completed his 8th grade year and never returned to school for any measurable period. Once back in Houston, Mr. Jordan spent some time living with his older sister, Mary Ann Brown. At other times he lived with a friend of his mother's, Lucile Redman. Lucile's children had grown up with Mr. Jordan and cared for him. Even though he had a few options, Mr. Jordan spent a lot of time living on the streets. His life was chaotic, even though it is what he thought he wanted. This chaos was something that made his developmental and mental health issues even worse.

By April of 1972, Mr. Jordan was back in court charged with robbery. He was only 16 years old. Mr. Jordan was once again evaluated by the courts, this time to determine if he should be certified as an adult for prosecution. During his psychological evaluation it was noted that:

"Clarence's performance on the other instruments indicates that he views the world as a very dangerous place. He was extremely wary about revealing anything about himself to the examiner, and usually hid behind stereotypic and repetitive responses that were directly tied to the objective stimulus."⁷

Despite these findings, teenage Mr. Jordan was prosecuted as an adult and sentenced to TDC for a six-year term. He ended up serving three and a half years before being released at the age of 19. By all accounts, the time in prison changed Mr. Jordan for the better. The structure and

⁷ 7 RR1 3165 (June 8, 1972, psychological evaluation of Clarence Jordan, Lou Ann Mock).

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rigidity helped calm his mind and temper his social struggles. He came out ready to start over, yet once again his demons and mental decline eventually overtook his intentions.

When he got out of prison in 1975, Mr. Jordan finally had moments of happiness and security. Before he went in, he had fallen in love with Doris Redman, the daughter of Lucile. Doris and Mr. Jordan had met in elementary school in Houston and had formed a relationship while he was living with her mom. They had started a family before Mr. Jordan began his prison sentence, and Doris was pregnant with Mr. Jordan's child while he was locked up. When he was released, Mr. Jordan was thrilled to meet his son. Doris was good for him, and they made a life for themselves. Mr. Jordan considered her his wife, even though they never married. When Doris and Mr. Jordan had their second child, Mr. Jordan would stay home and care for them all, thriving having a connection that he had always craved.

Mr. Jordan was able to work simple jobs to support his growing family. His brother Curtis helped him get work, including two jobs pressing steel, where he lost the first joint on his index finger in an accident. He also worked as a busboy and as a general helper for an air conditioning company. He was proud to be taking care of his wife and children, managing menial and repetitive work for decent stretches. But these moments would not last.

Despite the love he had for his wife, his suggestibility and his mental health continued to pull him away. His behavior became more erratic, most likely due to being in the prodromal period of schizophrenia. Impulsivity, mood swings, and possible delusions impacted him. Between May 1977 and February 1978, Mr. Jordan was charged with several counts of robbery. In ways that are clear with the benefit of hindsight, Mr. Jordan was breaking, psychotically. Stress between Mr. Jordan and Doris's family added to the chaos. Mr. Jordan moved in with his sister-in-law, Caroline, due to Doris' mother not approving of the two of them living together without being married. Doris was living with him anyway, off and on, up to the day he was arrested for his capital offense. She loved him, and both she and her mother believed that was a good man.

As before, no one recognized what was happening to Mr. Jordan, no one was able to get him help. Mr. Jordan was trying to handle his issues on his own but of course was not capable of truly helping himself. The fragile, lonely child was now a man with intellectual, developmental,

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and mental health issues larger than he could ever handle. Mr. Jordan, despite now being surrounded by people who believed in him, was still truly lost and alone.

Shortly after being arrested on the capital murder charges, psychologist J.M. Bloom of the Forensic Psychiatric Unit of the Harris County Psychiatric Hospital evaluated Mr. Jordan. What he found was consistent with the onset of schizophrenia. This evidence was never presented, or indeed even considered at the time. Yet, with the benefit of hindsight, Mr. Jordan's failing mental health was patently obvious had they looked.

At Mr. Jordan's trial, the story of this broken young man was never told. Indeed, at his 1978 trial, there was nothing related to mental health or cognitive dysfunction presented, and none of what is now thought of as "mitigation" was given to the jury to consider. *But see Woodson v. North Carolina*, 428 U.S. 280, 304 (1976) (Juries considering whether to impose the death penalty must be able to consider the "diverse frailties of humankind."); *Lockett v. Ohio*, 438 U.S. 586 (1978) (The Eighth Amendment mandates the "consideration of the character and record of the individual offender and the circumstances of the particular offense."). Bloom reported that on the Ammons Test, Mr. Jordan obtained an IQ of 60, which is in the mild intellectual disability range. On the Bender Gestalt, there were significant number of errors, indicating the presence of organic brain dysfunction. App.Ex.B at 1-2; App.Ex.C at 1. While questioning Mr. Jordan, Dr. Bloom noted significant struggles with thinking and communication. Mr. Jordan was unable to provide his exact date of birth and mumbled in an incoherent manner. He was vague and disordered in his response to questioning. Mr. Jordan stated that the president of the United States was "John Hill." *Id.* He told the examiner that he was married (he was not) and had "a nice wife" but could not provide her contact information. He could not recall her address and misreported the number and sexes of his children. Mr. Jordan knew he had been arrested in February but could not provide the year. He also believed that if he was convicted on this capital murder charge, he would receive probation. *Id.* Mr. Jordan also shared visual and auditory hallucinations, including seeing who he described as his wife in everything she does and hearing her talking to him, and hearing his mother talking to him after she died. App.Ex.B at 1-2. He said that he suffers from dizziness and feeling as if he is going to faint, something that he had experienced "all of my life." Indeed, there was a surfeit of developmental, mental health and intellectual disability evidence that could have been presented, but none of this humanizing

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evidence was ever presented and the cognitively limited and mentally ill Mr. Jordan was judged without this powerful evidence being heard.

Instead, as a journalist chronicled, Mr. Jordan “who has a 7th grade education, covered his face with his hands as prosecutor Terry Wilson asked the jury to sentence him to die.” *Man, 21, Sentenced To Die In Clerk’s Killing in Holdup*, Hous. Chron. (Houston, Tex.), Aug. 19, 1978, at 1. Four years later, the Court of Criminal Appeals reversed Mr. Jordan’s conviction and sentence on a jury selection issue. See *Jordan v. State*, 635 S.W.2d 522 (Tex. Crim. App. 1982). During preparation for his second trial, Mr. Jordan was admitted to the Psychiatric Unit of Harris County Jail. He remained there until November 19, 1982, and doctors administered numerous anti-psychotic medications to him during his stay. 12 RR2 8, 62.

During that time Mr. Jordan underwent another psychological evaluation, this time by Dr. Jerome Brown, Ph.D. In the report, Mr. Jordan described years of struggle that were only getting worse. Mr. Jordan said that he had been “bothered by hallucinatory activity for many years” and when asked what he saw and heard he stated “Old, weird, burnt-up looking people...appearing here and there...people slashing at my ear...ugly as a son-of-a-bitch.” App.Ex.B at 2. Mr. Jordan told Dr. Brown about one occasion when he was hiding under his blanket in his cell and one of the “burnt-up looking people reached over and hit me on the head through the blanket” and that when he heard voices that others could not hear they would say “all kinds of crazy shit...God is a creature...they’re a creature...they come from all around me...in my ear loud talking...just...not that loud, but loud enough”. *Id* When asked how long he had such experiences, the defendant stated that it had been going on since he was a small child. *Id*.

In September and October of 1983, the Harris County District Attorney retried Mr. Jordan and again sought a death sentence. This time at trial, counsel for Mr. Jordan presented expert testimony that Mr. Jordan suffered from “organic brain dysfunction,” which an expert explained was akin to mental “retardation,” and showed evidence of brain damage. 16 RR2 104. Mr. Jordan continued to suffer from paranoid schizophrenia during the trial, characterized by hallucinations and delusions, including, among other things, testifying that he was “Father Nature” and not Clarence Jordan. 16 RR2 101. During his competency hearing, Mr. Jordan told the court,

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[W]hen I come down here from—you can say from the sky or wherever, you know, make me no difference. When I come down here I was black all over. I was black all over. I come through computer time or I flew down hereby the power that I possessed. So I landed over there where I stay in Coleman, Texas. I can't remember going into my mother or anything like that, because I didn't really see all that I needed to see. I also remember I was going, I went to an Indian reservation, and I was in a crate, where the individual hold the baby, and things like that. I was going through different things with this power from house to house and things like this here. And like, it seemed like it was, it was real, it was really real, you know.

12 RR2 36.

Mr. Jordan described fighting green creatures with pointed ears using his hands and swords while incarcerated. *Id.* at 38. He also spoke about how he just listens to the voices he hears, which sometimes come from “little old bitty witches, like little bitty creatures.” *Id.* at 39.

Despite this overwhelming evidence, the state argued that Mr. Jordan was indeed competent to stand trial. They did not dispute his serious mental illness, cognitive limitations or brain damage. They instead argued that, even in the face of clear incompetence and vulnerability, Mr. Jordan should once again face a sentence of death. By the conclusion of this second trial, Mr. Jordan was so far removed from reality that it is not clear if he had any understanding of the seriousness of what he was facing. During a trial in which he described seeing monsters, experiencing auditory and visual hallucinations, and experiencing tactile and physical effects of his illness, Mr. Jordan was unable to grasp that his life was in jeopardy once again. Clarence Jordan, now “Father Nature” was observed “quietly sipp[ing] a cup of coffee and smok[ing] a cigarette as the death sentence was read.”⁸

⁸ *Man Calling Himself ‘Father Nature’ is Sentenced to Die in Clerk’s Death*, Hous. Chron. (Houston, Tex.), Oct. 11, 1983, at 1.

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On appeal, counsel for Mr. Jordan raised four points of error, including the denial of a medical expert who might opine as to brain damage suffered by Mr. Jordan. The Court of Criminal Appeals, however, affirmed. *Jordan v. State*, 707 S.W.2d 641 (Tex. Crim. App. 1986).

On June 19, 1987, counsel for Mr. Jordan filed an application for writ of habeas corpus pursuant to Article 11.07 of the Texas Code of Criminal Procedure. The writ contained a single claim: Mr. Jordan was incompetent to be executed pursuant to the then newly decided Supreme Court case, *Ford v. Wainwright*, 477 U.S. 399 (1986). After considering three psychological evaluations as evidence, each of which concluded that Mr. Jordan was unable to comprehend the “pendency, nature, and purpose of his execution,” the convicting court recommended relief on Mr. Jordan’s *Ford* claim in 1987. *Ex parte Jordan*, 758 S.W.2d 250 (Tex. Crim. App. 1988). The following year, this Court followed the trial court’s recommendation and, in the first Texas case interpreting *Ford v. Wainwright*, held that Mr. Jordan was incompetent to be executed and stayed his execution until such a time wherein he regained competence. *Ex parte Jordan*, 758 S.W.2d 250 (Tex. Crim. App. 1988). Since that time, Mr. Jordan’s incompetence to be executed has not been in doubt.

The consequence of the *Ford* finding was that Mr. Jordan was without counsel yet remained under a death sentence. For the next decades, as Mr. Jordan was shuffled between the Estelle Unit and the psychiatric prison hospital of Jester IV, and he was without counsel to advocate for him, the Supreme Court decided several cases that made clear that his death sentence was unconstitutional under the Eighth Amendment to the United States Constitution. But until this Court appointed the Office of Capital and Forensic Writs in November 2024, Mr. Jordan was without counsel to advocate for him.

In the meantime, Mr. Jordan, already debilitated by life-long neurological impairments and mental illness, began suffering a cascade of medical problems. In 2010, Mr. Jordan suffered a left pontine stroke, resulting in brain damage to his brain stem and other areas of the brain, right side hemiparalysis, and a variety of other physical effects. Since then, he has been non-ambulatory and bedbound; indeed, UTMB has considered Mr. Jordan a quadriplegic since at least 2020. Following his stroke, he has struggled with worsening aphasia and is presently non-verbal. In addition, he has experienced dysphasia (difficulty swallowing); he is unable to feed

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himself or properly swallow food, and requires an endoscopic gastric tube to obtain nutrition. He also has a blood disorder, polycythemia vera, which causes circulatory problems that can result in heart attacks, strokes, or pulmonary embolisms. In addition, Mr. Jordan suffers from coronary artery disease and hypertension, which not only affects his heart health, but his vision: he suffers hypertensive retinopathy, which, in conjunction with cataracts, affect his ability to see. In effect, he is blind, mute, confined to a hospital bed or chair, captive not only of his life-long mental illness and neurological disabilities, but his deteriorated physical and cerebral condition.

* * *

Mr. Jordan was largely neglected by the Texas criminal legal system for the last several decades while serving an unconstitutional death sentence. *See Ex parte Clarence Curtis Jordan*, WR-17,434-02 (Tex Crim. App. Apr. 9, 2026) (unpublished). He was indisputably severely mentally ill and incompetent, unable to advocate for himself, unable until recently to have an attorney advocate for him. Mr. Jordan is now entitled to be sentenced to the sentence to which he should have been sentenced decades ago: life in prison. On behalf of Mr. Jordan, we ask that this Court sentence Mr. Jordan accordingly.

In addition, given Mr. Jordan's medical condition, counsel requests that this Court recommend that Mr. Jordan be evaluated as soon as possible by the Texas Correctional Office on Offenders with Medical or Mental Impairments branch of TDCJ for placement in Medically Recommended Intensive Supervision (MRIS) and annotate this recommendation on Mr. Jordan's new judgment and sentence paperwork. *See* Tex. Govt. Code 508.146.⁹

⁹ The Medically Recommended Intensive Supervision (MRIS) program is available to incarcerated persons serving a sentence other than the death penalty and life in prison without the possibility of parole, who are terminally ill, elderly, physically handicapped, mentally ill, developmentally disabled, cognitively impaired, persistently vegetative, or who otherwise have health conditions requiring regular care. The MRIS program allows incarcerated persons with such conditions to serve the remainder of their sentences, and receive appropriate medical care, outside of prison under strict supervision pursuant to a medically recommended intensive supervision plan, provided they do not pose a threat to public safety. *See generally* Tex. Govt.

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Sincerely,

/s/ Benjamin B. Wolff, Esq.

/s/ Guillermina Passa, Esq.

/s/ Jennifer Canzano, M.S.W.

Code 508.146. *See also* Program Guidelines and Processes, Texas Correctional Office on Offenders with Medical or Mental Impairments, PGP-01.04 (Eff. Sept. 1, 2025), *available at* https://www.tdcj.texas.gov/documents/rid/TCOOMMI_PGP_0104_MRIS.pdf; Correctional Managed Health Care Policy Manual, No. A-08.6 (Eff. 7/29/25) [Medically Recommended Intensive Supervision (MRIS) Screening], *available at* https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhc_policy_manual/A-08.06.pdf; BPP-Pol.145.204 (Eff. Oct. 18, 2018) [Texas Board of Pardons and Paroles Policy], *available at* https://www.tdcj.texas.gov/bpp/policies_directives/POL%20145.204%20_MRIS.pdf.

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