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Edward Poindexter disputes Nebraska Governor's claim about commutation request

January 30, 2016

3:15 PM MST



Ed Poindexter has served 45 years in prison for a crime he says he didn't do

Ed Poindexter/Michael Richardson

Edward Poindexter, serving a life sentence following a controversial, COINTELPRO-tainted trial for the August 17, 1970 murder of an Omaha policeman, disputes the charge he has not asked for reconsideration of his case.

Spokeswoman Sonya Fauver, with the Governor's office, responded to justice advocate Sandy Shevack on Jan. 6, that **Poindexter has to ask for action on his case**. Shevack had written to Governor Pete Ricketts seeking compassionate release for Poindexter and his co-defendant **Mondo we Langa**, formerly David Rice. Poindexter suffers from diabetes, hypertension, and complications from neuropathy. Fauver wrote to Shevack in an email message, "As of to date, Mr. Rice and Mr. Poindexter have not submitted an application to the Nebraska Board of Pardons requesting a

commutation of their sentences.”

Ed Poindexter and Mondo we Langa were targets of J. Edgar Hoover's clandestine COINTELPRO counterintelligence operation at the Federal Bureau of Investigation. The two men, leaders of Omaha's Black Panther affiliated National Committee to Combat Fascism, were marked for prosecution by Paul Young, the Special Agent in Charge of the Omaha FBI office. Young requested, with Hoover's approval, the FBI Laboratory withhold a report on the identity of the anonymous 911 caller that lured Patrolman Larry Minard, Sr. to his bombing death. The jury that convicted the “**Omaha Two**” never got to hear the recorded voice of Minard's killer.

In a letter to an Omaha supporter, Poindexter disputed the statement he had not requested a commutation. Poindexter wrote, “I requested a commutation of my sentence in 1987 and 1993 to no avail. It's on record.”

The Nebraska Supreme Court has verified that Poindexter applied for commutation from the Board of Pardons, not once but twice: “The record shows that the Nebraska Board of Parole has denied Poindexter parole several times. The record also shows that the Board of Pardons has denied Poindexter a commutation hearing on at least two occasions, March 1987 and May 1993.”

Poindexter appealed the Board of Pardons denials of a commuted sentence for Parole Board consideration to the Nebraska Supreme Court, which, in 2008, also denied Poindexter a chance at parole. “The Board of Pardons has the unfettered discretion to grant or deny a commutation of a lawfully imposed sentence for any reason or for no reason at all....Because Poindexter has not yet received a commutation of his sentence to a term of years, he is not yet eligible for parole.”

“We conclude that under both the statutes in place when Poindexter committed his crime and the current statutes, Poindexter is not eligible for parole until the Board of Pardons commutes his life sentence to a term of years. We further conclude that Poindexter did not have a liberty interest in having his sentence commuted.”

Poindexter, who has exhausted his appeal rights seeking release, continues to maintain his innocence in Minard's death. Poindexter, along with Mondo we Langa, say they are victims of a wrongful conviction. Prior to Paul Young's request to withhold a laboratory report, Young had carried out two other COINTELPRO misdeeds against Poindexter.

Poindexter was accused in a bogus letter to the *Omaha Star* of pocketing bail money. A second bogus letter to Black Panther headquarters accused Poindexter of leaking to “Whitey's newspaper,” the *Omaha World Herald*. Anonymous phone calls to selected people by FBI agents followed the false letters. COINTELPRO was unknown at the time of the trial and the jury had no idea Poindexter was the victim of FBI dirty tricks.

Poindexter must now decide if Governor Pete Ricketts is willing to consider examining Poindexter's

case for wrongful conviction or if the statement about application for commutation would merely lead to another exercise in futility like the two earlier requests. A 1982 letter from the Nebraska Department of Corrections to Robert Bartle, then Poindexter's attorney, contains an explanation why some lifers get parole and others, like Poindexter, do not. Superintendent Gary Grammer wrote the Nebraska Board of Parole informed him that "eligibility for a commutation of a life sentence is that there are no written guidelines for eligibility."

Poindexter responds to the Parole Board statement with a question. "If there were no guidelines for eligibility, how can they say I am required to have a commutation?"

Ed Poindexter is serving life without parole, even though he was never given such a sentence. Nebraska has yet to consider federal tampering with Poindexter's trial under COINTELPRO directives. Governor Ricketts was not then in office and had no role in Poindexter's prosecution. Ricketts could assert "states rights" and decide at a commutation hearing to review federal actions undertaken against Poindexter in Nebraska that were contrary to justice.



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