

James M. Dailey: A Case of Innocence

James Dailey, a veteran who proudly served his country during three tours in Vietnam and one tour in Korea, has spent more than 30 years on death row for a murder he did not commit. The Florida Supreme Court has yet to rule on his substantial claims of actual innocence. The Governor must intervene to prevent the execution of an innocent man.

The case against Mr. Dailey was wholly circumstantial

- No eyewitness or physical evidence tied Mr. Dailey to the murder.
 - In closing argument, the prosecutor conceded that there was no “physical evidence,” “no fingerprints,” and “no hair or fibers.”
- The State bolstered its circumstantial case by using unreliable and uncorroborated snitch testimony to convict Mr. Dailey.
 - After the State failed to secure a death sentence against co-defendant Jack Percy, law enforcement went to the jail, pulled every inmate from Mr. Dailey’s pod, showed them newspaper articles and offered leniency in their cases.
 - It was then and only then, that anyone came forward implicating Mr. Dailey.
 - The State sought and used the testimony of known con man and child sex offender, Paul Skalnik. The State ultimately dismissed his pending child sexual assault case in exchange for his cooperation. He was released without bond following his testimony against Mr. Dailey and went on to commit another child sexual assault in Texas, and is currently serving time in a federal prison for other crimes.
 - The prosecutor at Mr. Dailey’s trial has since testified that she would not use Skalnik again because she could not in good faith put him on the stand believing he would give truthful testimony.
 - The State failed to correct his blatantly false testimony at Mr. Dailey’s trial.
- The State has opposed granting Mr. Dailey a new trial even though Mr. Dailey’s original jury never heard the vast majority of evidence relating to his innocence.

The physical evidence that exists already *excludes* Mr. Dailey

- FBI forensic experts determined that the hair found in the victim’s hand did not match Mr. Dailey.

The true killer has repeatedly confessed to being solely responsible

- Co-defendant Jack Percy has sworn to an affidavit confessing to murdering the victim.
- While in the county jail awaiting trial, Jack Percy told fellow inmate Travis Smith that “Percy committed the crime himself . . . [this] was his charge and his charge alone.”
- Prior to trial, Percy failed a polygraph and asked police to see a priest.
- Later, at Union Correctional Institution, between 1992 and 1996, Percy told fellow inmate Juan Banda that “Mr. Dailey was innocent of the crime that he was sentenced to death row

for.” Percy reiterated his guilt and Dailey’s innocence to Banda in a third confession at Jackson Correctional Institution in 2007.

- Police reports from May 1985 reveal that Mr. Percy left his residence with the victim shortly before the crime and Mr. Dailey was not with them; Percy then returned home *alone*. This information was wrongfully withheld from Mr. Dailey’s trial attorneys.
- Deposition testimony from June 1986 shows that Mr. Percy was seen alone, with the victim, near the crime scene, around the time the victim was killed.
- Jack Percy has an extensive history of violence, particularly against women. Percy’s Kansas criminal court file includes arrests for battery, terroristic threats, rape and assault. Percy was previously indicted in another capital case, a murder-for-hire in Missouri.

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