

Missourians for Alternatives to the Death Penalty  
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# ANNUAL REPORT

2015

*A year-end compilation of death penalty data for the state of Missouri.*

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## 2015 Overview

### Snapshot

- 6 executions in 2015.
- No new death sentences in Missouri in 2015.
- Death sentence for David Barnett thrown out by a federal judge because trial attorneys did not present evidence about the “horrors” of his childhood.<sup>1</sup>
- 1 Commutation: Kimber Edwards to Life in Prison, because of the growing doubt concerning his guilt.<sup>2</sup>
- 1 Death Row Inmate’s sentence vacated by the Missouri Supreme Court: Reggie Clemons, because of allegations of police coercion, prosecutorial misconduct, and a stacked jury.<sup>3</sup>
- 4 stays of execution, 1 of which (Andre Cole) was overturned by a Circuit Court.
- The Cole County Circuit Court ordered the Missouri Department of Corrections to disclose information pertaining to identity of the supplier of lethal injections drugs.<sup>4</sup>
- Frank R. Baumgartner (University of North Carolina at Chapel Hill), released a report demonstrating that racial and geographic disparities were cause for “concerns that the death penalty is applied in an unfair, capricious, and arbitrary manner.”<sup>5</sup>
- Pope Francis condemned the death penalty in the United States.
- Sr. Helen Prejean came to Springfield and Kansas City, MO to speak about the death penalty and raise awareness among college students. New voices from Evangelical communities begin to express concerns about capital punishment, at both the national and state level.

### Mission

Missourians for Alternatives to the Death Penalty (MADP) is a statewide organization working to repeal the death penalty in Missouri by educating and informing fellow citizens and legislators about the costs and consequences of the death penalty system in Missouri.

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<sup>1</sup> [http://www.stltoday.com/news/local/crime-and-courts/federal-judge-throws-out-death-sentence-for-st-louis-county/article\\_a7513ea0-7c1a-590f-877c-7ddfa2cdea8c.htm](http://www.stltoday.com/news/local/crime-and-courts/federal-judge-throws-out-death-sentence-for-st-louis-county/article_a7513ea0-7c1a-590f-877c-7ddfa2cdea8c.htm)

<sup>2</sup> [http://www.stltoday.com/news/local/crime-and-courts/nixon-commutes-death-sentence-for-convicted-murderer-kimber-edwards/article\\_ba43a356-35bc-597c-9c20-0ea5a30aea41.html](http://www.stltoday.com/news/local/crime-and-courts/nixon-commutes-death-sentence-for-convicted-murderer-kimber-edwards/article_ba43a356-35bc-597c-9c20-0ea5a30aea41.html)

<sup>3</sup> [http://www.stltoday.com/news/local/crime-and-courts/missouri-supreme-court-throws-out-reginald-clemons-murder-conviction/article\\_1ca50602-406d-5701-97ad-c56377357d2a.html](http://www.stltoday.com/news/local/crime-and-courts/missouri-supreme-court-throws-out-reginald-clemons-murder-conviction/article_1ca50602-406d-5701-97ad-c56377357d2a.html)

<sup>4</sup> <http://kcur.org/post/missouri-ordered-name-lethal-injection-drug-provider#stream/0>

<sup>5</sup> <https://www.unc.edu/~fbaum/articles/MissouriExecutions-2015.pdf>

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## Purpose

Missourians for Alternatives to the Death Penalty has put together an annual report to inform citizens and elected officials about issues associated with the death penalty in Missouri during the past year. Information found in this report includes death penalty sentences in Missouri, executions, stays, and other relevant information.

## Progress

As noted by the Death Penalty Information Center, Missouri still features prominently in the capital punishment landscape, “Three states, Texas (13), Missouri (6), and Georgia (5) accounted for 86% of the country’s executions in 2015 — and just four states, Texas (23), Missouri (16), Florida (10), and Georgia (7) have conducted 89% of all U.S. executions in the past two years.” Nonetheless, Missouri has not imposed one new capital sentence in 2015. In addition, serious concerns regarding innocence, racial injustice, and failures of the criminal justice process have stopped the executions of four Missouri men this year alone. Finally, geographic isolation characterizes application of the death penalty here, with just 2.6% of the state’s 114 counties accounting for the majority of executions.

Staci Pratt

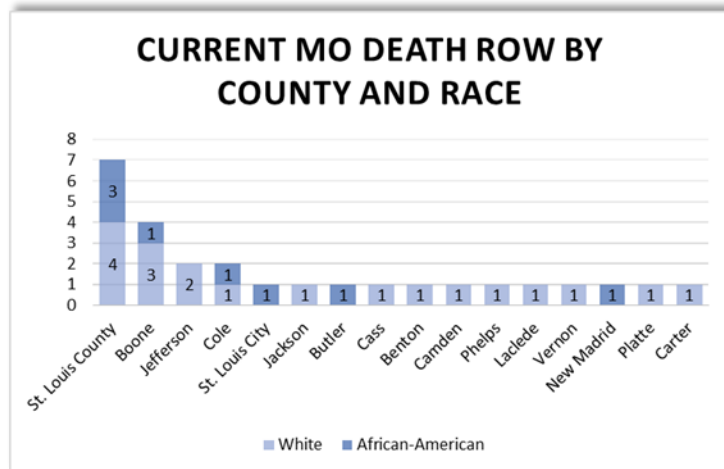
Missouri State Coordinator, MADP

December 17, 2015

## Missouri Death Row

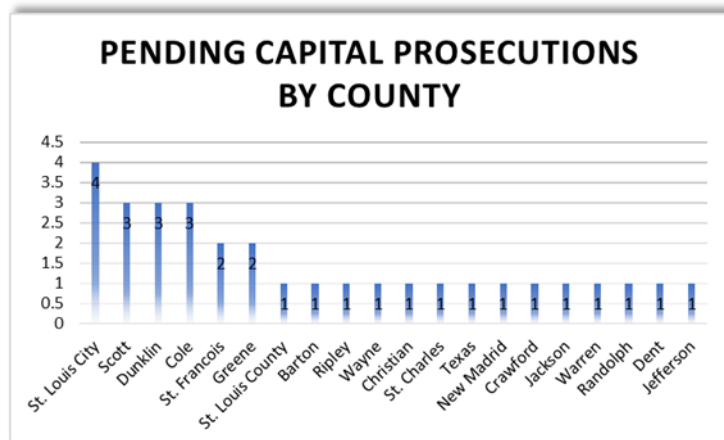
### Current MO Death Row

Missouri Department of Corrections provided a list of current death row inmates on December 16, 2015. There are 27 inmates on death row with a demographic breakdown that includes 19 white males (68%) and 8 African-American males (32%). U.S. Census data reveals that Missouri has a population that is 83.5 % white and 11.8 % African-American. The over-representation of African-Americans on death row presents a microcosm of the bigger reality of racial bias in Missouri’s criminal justice system. In addition, Missouri’s application of the death penalty is based on a geographic lottery: just a handful of counties act as the source of the majority of capital sentences.



### Capital Punishment Prosecutions

In both 2015 and 2014, no new capital sentences were handed down in Missouri. While there are currently, (as of November 19, 2015) 31 pending cases where prosecutors are seeking the death penalty, capital sentences are declining overall. Where prosecutions continue, they are geographically isolated to a few counties.



## Missouri Executions

### Executions in 2015

There were 6 executions in Missouri in 2015, compared to 10 in 2014. As a matter of context, according to the Death Penalty Information Center’s 2015 Annual Report, “Three states, Texas (13), Missouri (6), and Georgia (5) accounted for 86% of the country’s executions in 2015 — and

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just four states, Texas (23), Missouri (16), Florida (10), and Georgia (7) have conducted 89% of all U.S. executions in the past two years.”<sup>6</sup>

DATE	NAME	RACE	SENTENCING COUNTY
2/11/15	Walter Storey	White	St. Charles
3/17/15	Cecil Clayton	White	Jasper
4/14/15	Andre Cole	African-American	St. Louis County
6/09/15	Richard Strong	African-American	St. Louis City
7/14/15	David Zink	White	St. Clair
9/01/15	Roderick Nunley	African-American	Jackson

Case details appear below and highlight deeply problematic issues in Missouri’s application of the death penalty.

**Walter Storey:** Storey was convicted and sentenced to death for the 1990 murder of a woman in her home in St. Charles County. Storey had a traumatic youth, characterized by physical and sexual abuse, and drug addiction. Once incarcerated, he demonstrated possibilities of rehabilitation. He was instrumental in the development of a Native American sweat lodge in the prison and deeply involved in the prison restorative justice program. He became a trainer in the Puppies for Parole program where he successfully trained a number of service animals. Members of the faith community petitioned Gov. Nixon to “take a stand for life, healing, mercy and justice and convene an Independent Board of Inquiry to examine the appropriateness of Mr. Storey’s death sentence in light of his rehabilitation efforts, or as an alternative, commute Walter Timothy Storey’s sentence to life without parole.”<sup>7</sup>

Missouri executed Tim Storey on February 11, 2015.

**Cecil Clayton:** Clayton was convicted for the murder of a Barry County Sheriff in 1996. Cecil was a 75 year old man, who as a result of an industrial accident lacked 20 percent of his frontal lobe. The brain scan below demonstrates the missing brain tissue in the lower right section of the image.

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<sup>6</sup> <http://www.deathpenaltyinfo.org/YearEnd2015>

<sup>7</sup> Letter from Missouri Catholic Conference.

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The damaged area controls judgment, intellectual functions, and emotional adjustment. The loss of so much vital brain tissue deeply altered Cecil's behavior to include paranoid delusions, schizophrenia and organic personality changes. Prior to the accident, Cecil possessed an IQ of 99; at the time of his execution, his IQ measured 71. The Missouri Supreme Court refused to entertain counsel's request for a hearing related to Cecil's competency for execution, with Justice Stith emphatically dissenting.

"Here, as in *Hall*, Cecil Clayton most recently has posted an IQ score of 71. The majority does not deny that if Clayton had a score of 66, or some score below 70, he would be entitled to a hearing as to his intellectual disability. But, because his score is 71, it says he does not. That is **exactly what the Supreme Court disallowed!**" (Emphasis in original)<sup>8</sup>

Cecil was executed on March 17, 2015.

**Andre Cole:** Cole was convicted of murder in a homicide involving a dispute over child-support in 1998. Tried and sentenced to death by an all-white jury in St. Louis County, Andre was an African-American man who faced the systemic exclusion of all potential African-American jurors from his trial. St. Louis County includes the City of Ferguson, characterized by racially biased law enforcement and prosecutorial practices condemned by the U.S. Department of Justice. St. Louis County also ranks 9<sup>th</sup> among all counties in the U.S. in the number of murder convictions leading to executions.

- **Racially Biased Jury Selection:** Cole's case represents the larger pattern and practice of racially charged prosecutions. In 2014, Missouri executed Herbert Smulls, an African-American who was also sentenced to death by an all-white jury in St. Louis County in 1992. Kimber Edwards, also African-American, faced execution after conviction by an all-white jury in St. Louis County. In each of these cases, prosecutors challenged the participation of African-Americans in the jury, striking eligible panelists from service. St. Louis County is 24% African-American.

More than **60** elected officials, organizations and clergy signed an April 2 **letter** urging Gov. Nixon to reconsider the impending execution of **Andre Cole, based on concerns over racial bias.**

Nevertheless, Cole was executed on April 14, 2015.

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<sup>8</sup> <http://www.theatlantic.com/politics/archive/2015/03/missouri-cecil-clayton-execution/387967>.

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**Richard Strong:** Strong was convicted for two counts of murder in the October 2000 deaths of his girlfriend and her two year old daughter. Woefully incompetent mitigation counsel, mental illness and extreme childhood trauma characterize his case. Strong was diagnosed with Schizotypal Personality Disorder, PTSD and Major (Recurrent) Depression. He also possessed an IQ of 74, and spelled at a 2<sup>nd</sup> grade level. Problematic issues include:

- **Horrific childhood trauma:** Due to the incompetence of mitigation counsel, the trial jury never learned of Strong's horrific childhood and history of mental illness. Poverty, sexual and physical abuse, and neglect characterized his childhood, and this had a huge effect on him as an adult.
- **Woefully inadequate legal counsel:** In violation of the ABA standards for representation in death penalty cases, the attorney overseeing the sentencing phase of trial had just finished law school the previous year and had never tried a criminal case, much less a capital case. Jurors, and his own trial attorneys, had no clue about Mr. Strong's brutal childhood and psychological issues.
- **St. Louis County case.** Mr. Strong was the 4<sup>th</sup> African-American man set for execution in 2015, in cases coming from St. Louis County.

Missouri executed Richard Strong on June 10, 2015.

**David Zink:** Zink was found guilty of first degree murder in St. Clair County in 2004, relating to the abduction and death of a woman whose car he had rear-ended in July 2001 near Stafford, Missouri. Zink represented himself during the guilt phase of the trial, insisting on a defense of "voluntary manslaughter"—despite advice from the public defenders' office. He changed his decision to represent himself after he was found guilty and agreed that the public defenders should represent him in the penalty phase of the trial.

Serious issues of mental health and competency comprised his self-defense at trial. According to appellate filings, "His lead trial attorney testified that he believed Mr. Zink was incompetent because Mr. Zink's mental illness kept him from understanding that his fear that the victim would report him to the police and he would be sent back to prison was not legally sufficient "provocation" for "sudden passion," a necessary element of the offense of voluntary manslaughter. Expert witnesses testified that "his rigid, inflexible thinking causes him to hyper-focus on insignificant details, and thereby, fail to grasp the larger picture."

Missouri executed David Zink on July 14, 2015.

**Roderick Nunley:** Nunley was convicted of first degree murder for the abduction and death of a young woman who was waiting at a bus stop in Kansas City, Missouri in 1989. Expressing genuine remorse, Roderick immediately took responsibility for his crime following his arrest. He gave the police a detailed statement, told his attorney he was guilty and accepted that he deserved punishment. Nunley was an African-American man facing consequences for the



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homicide of a white female. He hoped a guilty plea would result in life in prison without the possibility of parole. Instead, prosecutors refused a plea deal and the judge imposed a death sentence.

- **Plea Decision Made in a Racial Context.** Post-conviction attorneys raised the issue of racial bias in the offer and acceptance of plea bargains at the Jackson County Prosecutor's office. According to these attorneys (John Hurtz and John Turner), a review of homicide files housed at the Criminal Records Department of the Circuit Court of Jackson County revealed that "the prosecutor made no death demand in the face of an offer to plead for life without parole in any of the 45 cases where males were victims and males were defendants, any of the 6 cases where females were defendants, any of the three cases where a white male had killed a white female, the single case where a white male had killed a black female, and any of the 15 cases where a black male had killed a black female." In a case involving an African-American defendant who sexually assaulted and murdered six young African-American women, during a similar time frame, Jackson County prosecutors accepted a plea deal for life without parole.
- **No Juror Evaluation of Mitigation.** Despite repeated appellate directives, a jury never heard Roderick's social history or received mitigation evidence to evaluate the sentence appropriate to his case. Medical examiners testified that Roderick suffers from "severe personality disorder," stemming, in part, from a "seizure disorder from numerous [childhood] head injuries." Finally, they also indicated cocaine use rendered Roderick "acutely intoxicated" during the time in question.

Missouri executed Roderick Nunley on September 1, 2015.

## Stays of Execution

In 2015 there were 4 stays of execution in Missouri. Andre Cole, whose stay was later overturned by the MO Circuit Court, was effectively executed on his scheduled day. \*Kimber Edwards' death sentence was first overturned by the Missouri Supreme Court and later commuted to life in prison by Governor Jay Nixon amidst a growing doubt concerning his guilt.<sup>9</sup> Ernest Lee Johnson's execution was stayed because of its unconstitutionality in regards to excessive pain from a lethal injection execution.<sup>10</sup>

DATE OF SCHEDULED EXECUTION	NAME	AGENCY GRANTING STAY	REASON FOR STAY
1/28/15	Marcellus Williams	Missouri Supreme Court	Request for DNA Testing

<sup>9</sup>[http://www.stltoday.com/news/local/crime-and-courts/nixon-commutes-death-sentence-for-convicted-murderer-kimber-edwards/article\\_ba43a356-35bc-597c-9c20-0ea5a30aea41.html](http://www.stltoday.com/news/local/crime-and-courts/nixon-commutes-death-sentence-for-convicted-murderer-kimber-edwards/article_ba43a356-35bc-597c-9c20-0ea5a30aea41.html)

<sup>10</sup>[http://www.stltoday.com/news/opinion/ernest-johnson-cannot-be-legally-executed/article\\_828c3b97-9317-5ec2-b311-81234b6ed88e.html](http://www.stltoday.com/news/opinion/ernest-johnson-cannot-be-legally-executed/article_828c3b97-9317-5ec2-b311-81234b6ed88e.html)

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4/14/15	Andre Cole	U.S. District Court	Concerns of mental competency
5/12/15	Kimber Edwards*	Missouri Supreme Court	No formal reason, but reports allege capital attorneys' heavy caseload played a role
11/03/15	Ernest Lee Johnson	U.S. Supreme Court	Lethal injection unconstitutional due to concerns about excessive pain given Johnson's physical condition

## A Look Back: Trend Analysis

Missouri has had a surge in executions since 2008.<sup>11</sup> According to Dr. Baumgartner's report on the arbitrariness in the application of the death penalty in Missouri, geography plays a critical role in determining who receives a death sentence<sup>12</sup>. In his report, Dr. Baumgartner states. "A person convicted of homicide in St. Louis County is three times more likely to be executed than if they were convicted of the same crime in the vast majority of other counties in the state, and 13 times more likely to be executed than if they are convicted of the same crime in the city of St. Louis."<sup>13</sup> Missouri's capital punishment system is arbitrary and highly discriminatory.

The following data shows just how arbitrary and discriminatory Missouri's death penalty system is. Such disparities in race, geography, and gender, are causes for concern that this system is broken and applied capriciously.

## Missouri Discriminates According to County<sup>14</sup>

Most of Missouri's executed prisoners came from just 2.6% of the states' 114 counties.

Homicides committed in Callaway, Schuyler, and Moniteau counties are 30 to 70 times more likely to result in an execution.

There have not been any executions from convictions in 92 of Missouri's 114 counties.

The table below, taken from Dr. Baumgartner's report, shows how disproportionate the execution rate is in a handful of counties. These findings suggest that certain counties will punish

<sup>11</sup> Data for chart retrieved from the *Death Penalty Information Center* Execution Database.

<sup>12</sup> Frank Baumgartner, "The Impact of Race, Gender, and Geography on Missouri Executions," 2015. <https://www.unc.edu/~fbaum/articles/MissouriExecutions-2015.pdf>

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

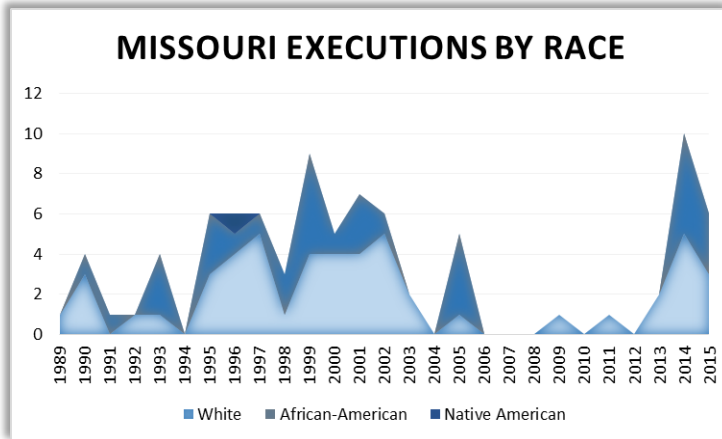
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more harshly than others, but not necessarily because more homicides are committed in that county.

## MO COUNTIES WITH EXECUTIONS BY HOMICIDES<sup>15</sup>

COUNTY	POPULATION (2010)	HOMICIDES (1984-2012)	EXECUTIONS (1976-2014)
<b>St. Louis County</b>	998,954	1,008	23
<b>St. Louis City</b>	319,294	4,462	8
<b>Jackson</b>	674,158	2,879	8
<b>Callaway</b>	44,332	22	5
<b>Clay</b>	221,939	550	4
<b>Jefferson</b>	218,733	105	4
<b>Boone</b>	162,642	136	3
<b>St. Charles</b>	360,485	117	3
<b>St. Francois</b>	65,359	37	3
<b>Butler</b>	42,794	49	2
<b>Lafayette</b>	33,381	29	2
<b>Warren</b>	32,513	17	2
<b>Washington</b>	25,195	15	2
<b>Schuyler</b>	4,431	4	2
<b>Greene</b>	275,174	218	1
<b>Platte</b>	89,322	204	1
<b>Franklin</b>	101,492	75	1
<b>Cole</b>	75,990	58	1
<b>McDonald</b>	23,083	25	1
<b>Marion</b>	28,781	24	1
<b>Randolph</b>	25,414	21	1
<b>Audrain</b>	25,529	19	1
<b>Moniteau</b>	15,607	3	1

<sup>15</sup> Table taken from Baumgartner report.



## Discrimination by Gender and Race

According to Dr. Baumgartner’s report on the racial, gender, and geographic disparity in the application of the death penalty in Missouri, African-American offenders are given the death penalty at a disproportionate rate when compared to White offenders.<sup>16</sup>

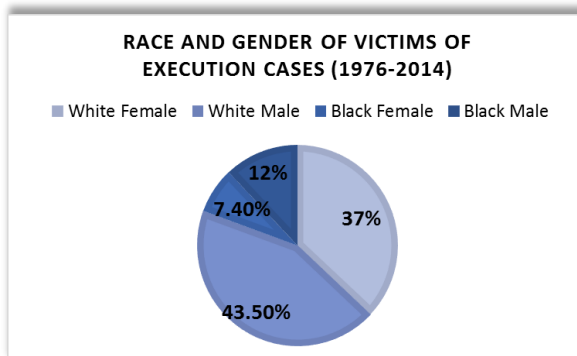
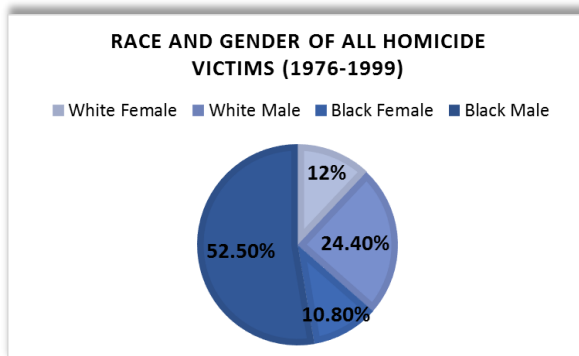
African-American on African-American homicides are extremely unlikely to result in the death penalty. White-on-African-American homicides have resulted in the death penalty only once in Missouri. The only case of a White person having been given the death penalty for killing an African-American person was in 1984 when Aryan Nation member Robert O’Neal killed African-American inmate Arthur Dade in prison.

In comparison, the majority of the 31 African-American men who have been executed in Missouri were given the death penalty for having murdered White victims.

No women have been executed in Missouri

White women represent 12% of all homicide victims, but 37% of victims in execution cases in Missouri

African-American men represent 52% of all homicide victims, but only 12% of victims in execution cases



These charts reveal a stark disparity; when a victim is white, an execution is far more likely.<sup>17</sup>

<sup>16</sup> <https://www.unc.edu/~fbaum/articles/MissouriExecutions-2015.pdf>

<sup>17</sup> Data for pie charts taken from Baumgartner report.

Homicides involving White victims are 7 times more likely to result in an execution than those involving African-American victims.

Homicides involving White female victims are nearly 14 times more likely to result in an execution than those involving African-American male victims.

## Missouri Exonerees

One hundred and fifty prisoners that were on death row have been exonerated since 1973 nationwide. Mistakes have been made in Missouri, too. Four so far, but possibly more.

### Clarence Richard Dexter

Missouri Conviction: 1991, Charges Dismissed: 1999

Dexter was accused in 1990 of murdering his wife of 22 years. Police overlooked significant evidence that the murder occurred in the course of a botched robbery and quickly decided that Dexter must have committed the crime. Dexter's trial lawyer was in poor health and under federal investigation for tax fraud and failed to challenge blood evidence presented at trial. The conviction was overturned in 1997 because of prosecutorial misconduct.<sup>18</sup> The state's blood expert admitted that his previous findings overstated the case against Dexter. On the eve of Dexter's retrial in June, 1999, the prosecution dismissed the charges and Dexter was freed.<sup>19</sup>

### Eric Clemmons

Missouri Conviction: 1987, Acquitted: 2000

In 1983, Eric Clemmons started a 50-year prison sentence for killing a man in St. Louis during a fight. In 1987, he was accused of stabbing Henry Johnson, a fellow inmate, to death. A jury convicted Clemmons of the murder and a Judge sentenced him to die. It was later determined that a police captain withheld exculpatory evidence and presented false testimony at trial.

Armed with new evidence proving his innocence in the stabbing of Johnson and a new attorney, Clemmons filed a federal appeal with the same federal court that had previously rejected his appeal. The three-judge panel reversed their opinion and ordered a new trial.<sup>20</sup>

When all the new evidence was presented at re-trial, a circuit court jury acquitted Clemmons in 3 hours on February 18, 2000. Clemmons remains incarcerated on other charges, which he is also challenging.<sup>21</sup>

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<sup>18</sup> Missouri v. Dexter, 954 S.W.2d 332 (1997).

<sup>19</sup> Missouri State Public Defender System Memo, 6/7/99 and Kansas City Star, 6/9/99.

<sup>20</sup> Clemmons v. Delo, 124 F.3d 944 (8th Cir. 1997).

<sup>21</sup> Kansas City Star, February 27, 2000.

## Joseph Amrine

Missouri Conviction: 1986, Charges Dismissed: 2003

Joseph Amrine, 46, was released from jail in June 2003 after the Missouri Supreme Court, in a 4-3 vote, overturned his conviction and death sentence. Amrine was sentenced to death for the murder of a fellow prison inmate, Gary Barber, and spent seventeen years of his life on Missouri's death row.

Amrine maintained his innocence since the alleged incident, and investigators were never able to find any physical evidence linking Amrine to the crime. Amrine was convicted mainly because of the testimony of fellow inmates, three of whom later recanted their testimony, admitting that they lied in exchange for protection. Six other prisoners testified that Amrine had been playing cards elsewhere in the prison when Barber was fatally stabbed. The Missouri Supreme Court originally ordered Amrine released in April of 2003, citing the alarming fact that there was not credible evidence to uphold the conviction or the death sentence.<sup>22</sup> Amrine's release was postponed, however, when Prosecutor Bill Trackett filed amended murder charges against Amrine in order to conduct DNA tests on blood stains found on the pants Amrine wore the day of Barber's death. DNA tests were inconclusive and on July 28, 2003, prosecutor Bill Tackett announced that he would not seek a new trial of Amrine and that he would be released.<sup>23</sup>

Arthur Benson, one of Amrine's lawyers, said that he is in the initial stages of planning a civil case seeking compensation for the years Amrine spent behind bars for the prison killing. Sean O'Brien, another of Amrine's attorneys, expressed his relief and disappointment, "It's been a long time coming and we worked harder than we should have had to exonerate somebody."<sup>24</sup>

## Reginald Griffin

Missouri conviction: 1983, Charges Dismissed: 2013

Missouri dismissed all charges related to his death sentence on October 25.<sup>25</sup> Griffin had been sentenced to death for the murder of a fellow inmate in 1983. His conviction was overturned in 2011 by the Missouri Supreme Court<sup>26</sup> because the state had withheld critical evidence. Griffin's conviction relied on the testimony of two jailhouse informants who received benefits in exchange for their testimony. Prosecutors withheld evidence that guards had confiscated a sharpened screwdriver from another inmate, Jeffrey Smith, immediately after the stabbing. Both of Griffin's co-defendants consistently said the third person involved in the crime was Smith, not Griffin.

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<sup>22</sup> *Amrine v. Roper*, Mo. Sup. Ct. No. SC84656, April 29, 2003.

<sup>23</sup> Associated Press, July 28, 2003.

<sup>24</sup> The Associated Press, July 28, 2003.

<sup>25</sup> Associated Press, "Ex-death row inmate exonerated in prison stabbing," Oct. 30, 2013.

Missouri's Attorney General Chris Koster said it was "the appropriate and ethical decision at this time."

<sup>26</sup> *Griffin v. Denney*, No. SC91112, Aug. 2, 2011.

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Cyndy Short, the current lead attorney for Griffin, said, "Reggie and his family are overjoyed. This has been a massive weight upon them all for three decades."

In overturning Griffin's conviction, the Missouri Supreme Court said, "There is no physical evidence connecting Griffin to the weapon found in the gymnasium. There is no physical evidence demonstrating any contact between Griffin and Bausley. Instead, Griffin's continued incarceration for Bausley's murder is premised on the recanted testimony of inmate Curtis and the impeached testimony of deceased inmate Mozee. Overlaying the entire case is the revelation that the State failed to disclose evidence that tended to implicate Smith, impeach Curtis and Mozee, and bolster the trial testimony of inmate Rogers, who maintained that the inmate fleeing the crime scene was not Griffin."

## Strides Made in 2015

### Missouri Department of Corrections Lawsuit

In May 2014, former St. Louis Public Radio host, Chris McDaniel, along with the ACLU and the Reporters Committee for Freedom of the Press, filed a lawsuit against the Missouri Department of Corrections for their violation of the state's open-records law by refusing to release information about the source of drugs in the lethal injections used at executions. Cole County Circuit Court ruled in McDaniel's favor, however, the MODOC has yet to release any information pertaining to the source of the lethal injection drugs. Because of their failure to comply, McDaniel announced in September 2015 that he would take them back to court. A similar lawsuit was filed by The Associated Press, The Guardian, and three Missouri papers—the St. Louis Post-Dispatch, the Kansas City Star, and the Springfield News-Leader, because of the MODOC's refusal to release the information.<sup>27</sup>

### Pope Francis Condemns the Death Penalty

On September 24, 2015, Pope Francis addressed the U.S. Congress: "The Golden Rule also reminds us of our responsibility to protect and defend human life at every stage of its development. This conviction has led me, from the beginning of my ministry, to advocate at different levels for the global abolition of the death penalty."

### David Barnett's Death Sentence is Thrown Out by a Federal Judge

Due to inadequate evidence to show the "horrors" of Barnett's childhood on the part of trial lawyers, a federal judge struck down his death sentence in August this year. Details include that his father was a violent alcoholic and that Barnett was sexually abused by another man. Barnett

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<sup>27</sup> [http://www.cjr.org/united\\_states\\_project/missouri\\_death\\_penalty\\_secretcy\\_lawsuits.php](http://www.cjr.org/united_states_project/missouri_death_penalty_secretcy_lawsuits.php)

had made several suicide attempts since the age of 8. Prosecutors have 180 days to decide whether or not to seek a new death sentence.<sup>28</sup>

## Kimber Edwards' Commutation

Governor Jay Nixon commuted Edwards' death sentence just days before his scheduled execution on November 6, 2015, because of doubts raised about his guilt.<sup>29</sup> Edwards, who originally confessed to having hired Orthell Wilson to kill his wife, Kimberly Cantrell, has since recanted that coerced confession and maintained his innocence. Orthell Wilson, who originally confessed that Edwards had hired him, has also since recanted and confessed that he acted alone. Edwards' death sentence was commuted to life in prison.

## Reggie Clemons Supreme Court Hand Down

On November 24, 2015, the MO Supreme Court handed down a 4-3 decision that vacated Clemons' convictions and sentences for the 1991 first degree murder of two white women. Cited as causes for this decision are allegations of police coercion, prosecutorial misconduct, and a stacked jury.<sup>30</sup>

## Growing Concern

There's a growing concern over the unequal and unfair application of the death penalty. There are too many human errors possible in the lengthy death penalty process for it to be beneficial to society in any way. It is fundamentally a broken institution.

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<sup>28</sup> [http://www.stltoday.com/news/local/crime-and-courts/federal-judge-throws-out-death-sentence-for-st-louis-county/article\\_a7513ea0-7c1a-590f-877c-7ddfa2cdea8c.htm](http://www.stltoday.com/news/local/crime-and-courts/federal-judge-throws-out-death-sentence-for-st-louis-county/article_a7513ea0-7c1a-590f-877c-7ddfa2cdea8c.htm)

<sup>29</sup> [http://www.stltoday.com/news/local/crime-and-courts/nixon-commutes-death-sentence-for-convicted-murderer-kimber-edwards/article\\_ba43a356-35bc-597c-9c20-0ea5a30aea41.html](http://www.stltoday.com/news/local/crime-and-courts/nixon-commutes-death-sentence-for-convicted-murderer-kimber-edwards/article_ba43a356-35bc-597c-9c20-0ea5a30aea41.html)

<sup>30</sup> [http://www.stltoday.com/news/local/crime-and-courts/missouri-supreme-court-throws-out-reginald-clemons-murder-conviction/article\\_1ca50602-406d-5701-97ad-c56377357d2a.html](http://www.stltoday.com/news/local/crime-and-courts/missouri-supreme-court-throws-out-reginald-clemons-murder-conviction/article_1ca50602-406d-5701-97ad-c56377357d2a.html)



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