

Oklahoma court issues stay of execution just hours before planned lethal injection

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Death row inmate Richard Glossip was granted a last-minute, temporary stay of execution from the Oklahoma Court of Criminal Appeals only hours prior to his date with death, scheduled for 3 pm local time. Glossip's attorneys had filed materials with the court, including new evidence that strongly points to their client's innocence.

Three hours before the scheduled lethal injection, Oklahoma Department of Corrections Director Robert Patton confirmed to Glossip's witnesses, who were already on scene at the McAlester prison to observe the execution, that the stay had been granted.

This is the third time Glossip, 52, has faced execution and then been granted a reprieve. He had already been moved to the special isolation cell adjacent to the execution chamber and had been given his final meal.

The appeals court set yet a fourth execution date, September 30, in order "to give fair consideration to the materials" submitted by Glossip's attorneys supporting their client's innocence claim. The court could still issue a separate order before September 30, granting or denying additional requests by Glossip's lawyers, potentially further delaying his execution.

On Tuesday, Oklahoma Governor Mary Fallin stated that she would not intervene to stop the execution.

Glossip is still in line to be the first inmate executed in Oklahoma since a June 29 US Supreme Court 5-4 ruling that executions using the sedative midazolam could go forward. The *Glossip v. Gross* case was brought by Glossip and two other prisoners, who argued that their lethal injections could subject them to cruel and unusual punishment, which is banned by the US Constitution's Eighth's Amendment.

Last year, three death row inmates killed with a lethal injection protocol including midazolam—Dennis McGuire (January 2014 in Ohio), Clayton Lockett

(April 2014 in Oklahoma) and Joseph Wood (July 2014 in Arizona)—all choked, gasped and writhed in pain for between 25 and 90 minutes prior to their deaths.

In an "overhaul" of Oklahoma's lethal injection protocol prison authorities have only increased the dosage of midazolam, with no scientific proof that this will avoid similar gruesome executions.

Glossip was convicted and sentenced to death in 1998 for the 1997 murder of Barry Van Treese, owner of the Best Budget Inn in Oklahoma City. Motel handyman Justin Sneed, 19 at the time and living at the motel in exchange for maintenance work, confessed to beating his boss to death with a baseball bat. A week later, however, he told police that Glossip, his supervisor at the motel, had instructed him to do it.

According to the state's theory, the motel was in shabby condition and short on cash, and that as manager Glossip was responsible. Prosecutors claimed Glossip feared losing his job because of this and recruited Sneed to kill Van Treese, after which Glossip would convince the owner's widow to give him the Best Budget Inn and a second motel in Tulsa.

Sneed was given a life sentence at a medium-security prison after striking a deal to finger Glossip for the murder. The state's case lacks forensic evidence and is almost entirely based on Sneed's testimony. An appeals court overturned his 1998 conviction, finding that Glossip was poorly defended by his since-disbarred attorney. Glossip was retried and convicted again in 2004.

Glossip says that Sneed informed him of the murder—and that he failed to immediately relate that to police—but that he is innocent of the crime and did not solicit Sneed to commit the crime.

In a sworn affidavit released by Glossip's lawyers Monday, Michael Scott, Sneed's former cellblock

neighbor, wrote, “I know Justin made up stuff to try and save his own life, and get a better deal: a life sentence on a soft yard. ... I heard Justin talking about the deal he made, and what he did to Richard. Justin was happy and proud of himself for selling Richard Glossip out.”

In a letter to the Oklahoma clemency board last October, Sneed’s daughter O’Ryan Justine Sneed, wrote regarding Glossip, “I strongly believe he is an innocent man ... sitting on death row. ... For a couple of years now, my father has been talking to me about recanting his original testimony. But has been afraid to act upon it, in fear of being charged with the Death Penalty.”

The new material presented by Glossip’s attorneys includes a sworn affidavit by a former cop-turned-lawyer, who testified that the detectives who questioned Glossip and Sneed had a history of abuse, misconduct and coercing wrongful confessions.

Phil Cross, an investigative reporter for Oklahoma City’s local Fox TV station, has also exposed discrepancies in the medical examiner’s testimony at retrial, raising questions whether the jury was misinformed.

During the 2004 trial the pathologist testified that Van Treese slowly bled to death, leaving jurors with the impression that he could have been alive for as long as eight hours after Sneed’s attack. This testimony was contradicted by the autopsy report.

Jurors may have been left with the impression that Van Treese could have survived if Glossip had notified police immediately that Sneed had informed him of the beating.

Earlier this month, a juror from Glossip’s original trial came forward saying she would not have voted to convict him if she had known of the new information now coming to light.

Glossip and 48 other inmates remain on death row in Oklahoma. Two other prisoners are currently scheduled for execution in the state: Benjamin Cole, October 7, and John Grant, October 28. According to the Death Penalty Information Center (DPIC), as of April 1 there were 3,002 prisoners languishing on death row across the US.

DPIC lists 155 people who have been exonerated from death row in America since 1973, which raises the near certainty that innocent individuals have been sent

to their deaths.

Montez Spradley, 32, was released last week after spending nearly 10 years in prison for a 2004 murder in Birmingham, Alabama. Spradley was sentenced to life in prison by his jury, but the trial judge overturned that sentence, condemning him to death.

The Alabama Court of Criminal Appeals unanimously overturned his capital murder conviction and death sentence four years ago, citing errors occurred in his trial. After serving four more years in connection with a plea made on unrelated charges, Spradley was finally released September 4.

He told The Marshall Project: “For a black man, or a white man, it’s pure hell on death row. It’s no place any man wants to be. You have to be very strong to go through something like that. If you are not strong you lose faith and hope. It will kind of kill your spirit.” He said he was happy to being alive: “I just want to be free and be around my kids and my family and my loved ones. Just glad to be home.”



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