

# Oklahoma governor stays Richard Glossip execution for 37 days

Ed Hightower  
1 October 2015

At the 11th hour, Oklahoma Governor Mary Fallin stayed the execution of Richard Glossip yesterday so that the state can review its procedures in the administration of the lethal injection cocktail to be used. The cocktail, which contains the sedative midazolam, has earned infamy for causing several agonizing “botched” executions in the past several years, where victims writhed in agony and complained of severe pain for more than an hour in some instances.

Richard Glossip was the key plaintiff in the June 2015 Supreme Court case that upheld legality of lethal injections containing midazolam, in a ruling that the use of deadly chemicals, even without making the victim fully unconscious, does not violate the US Constitution’s ban on cruel and unusual punishment.

On Monday, the Oklahoma Court of Criminal Appeals (OCCA) denied Glossip’s request for a stay of his execution until new evidence showing his innocence could be reviewed. On Wednesday afternoon the US Supreme Court explicitly declined to intervene. Governor Fallin’s office issued a statement shortly before Glossip was to be killed:

“Last-minute questions were raised today about Oklahoma’s execution protocol and the chemicals used for lethal injection. After consulting with the attorney general and the Department of Corrections, I have issued a 37-day stay of execution while the state addresses those questions and ensures it is complying fully with the protocols approved by federal courts.”

In other words, Fallin wants to make sure that Glossip is put to death in a manner that will at least appear less inhumane than what he would have suffered yesterday.

Glossip’s case serves as an example not only of the brutality of the death penalty, but also as an indictment of the American criminal justice system.

Glossip was convicted of the 1997 killing of his boss,

a motel owner named Barry Van Treese, despite the fact Glossip himself did not commit the killing (another man confessed to it) and that no physical evidence linked him to the crime at all. Glossip’s first conviction hinged only on the testimony of his alleged co-conspirator, a 19-year-old methamphetamine addict named Justin Sneed, who confessed to beating Van Treese to death with a bat.

In overturning this first conviction and granting a new trial, the OCCA found that Glossip’s defense attorney was so ineffective “that no adversarial proceeding took place.” The OCCA also criticized the trial judge’s exclusion of a video of Sneed’s custodial confession and interrogation by police detectives.

Sneed’s statements in the video vastly differed from his trial testimony, where he made the elaborate claim that Glossip instructed him to purchase trash bags, a hack saw and muriatic acid to dispose of Van Treese’s corpse. Sneed does not make any such claims in the video, calling his credibility into serious question. Furthermore, he initially told his interrogators that Glossip was not involved in the killing. It was only when a detective told him that “he knew” Glossip masterminded the whole affair that Sneed changed his account of Glossip’s involvement.

The OCCA went so far as to say that the interrogation video would have shown the jury “how clearly and unambiguously the detectives telegraphed to [Sneed] that they wanted him to inculcate [Glossip].”

Even so, in Glossip’s second trial in May-June 2004, the judge did not allow the jury to see the video. The court also excluded evidence from a psychological evaluation which tended to show that Sneed was prone to violent outbursts and was so close to incompetent that swaying his opinion would be extremely easy. Sneed himself was spared the threat of the death

penalty in exchange for his testimony against Glossip.

Glossip's case sparked international outrage. Actor Susan Sarandon endorsed his defense against execution. Even an episode of television talk show *Dr. Phil* raised serious doubts about Glossip's conviction.

As is always the case, the prosecutor opposed every effort to have additional evidence of Glossip's innocence considered. The prosecutor, David Prater, referred to the media attention in the case as "a bullshit public relations campaign." According to documents that Glossip's attorneys filed with the OCCA on September 24, Prater brazenly attempted to intimidate those witnesses who came forward to discredit Sneed's account of the Van Treese killing.

The first of these defense witnesses was Michael Scott, who was an inmate at Joseph Harp Correctional Center with Sneed in 2006. In an affidavit, Scott testified that Sneed frequently bragged about framing Glossip in order to get a deal from prosecutors and avoid the death penalty.

Scott was ultimately released from prison. Someone with access to Oklahoma Department of Corrections records and files illegally obtained and leaked details about Scott's incarceration to the media, including *The Oklahoman*, which ran a story on Scott in the September 19 edition.

Following this provocation, police harassed Scott's mother at her place of work last Tuesday, before they prepared to arrest him for failure to pay \$200 in court fines in a traffic matter unrelated to his prior incarceration.

Prosecuting attorney Prater arranged for the issuance of a warrant for Scott's arrest at the home where he and his mother lived. A disproportionately large group of officers, between 10 and 15, came to Scott's residence and demanded that he surrender himself. When Scott complied, he was not taken through the usual booking procedure. Rather, he was taken to an interrogation room to meet with Prater and one or more police officers.

Scott reported that he felt in fear of his life while in the room with Prater and the police. He said he was pressured to retract the claims made in his affidavit. He was asked about prescription medication that his mother used and which police would only know about if they had conducted a warrantless search of her home.

Prater took the same crooked measures against

another defense witness, Joe Tapley, issuing a warrant for his arrest when he refused to speak with Prater about his testimony.

Other sordid details about the Glossip case are too numerous to list within the scope of this article. At the summit of this mountain of injustices stands Glossip's murder by lethal injection in state custody, which has only been delayed.

Governor Fallin's intervention must be viewed in the context of increasing popular hostility to state institutions generally, and to the courts, police and prosecutors in particular. Fear exists at the highest levels of state that the next incident of official brutality, whether a murder by police or a botched or flagrantly unjust execution, could spark broader opposition to the social order as a whole.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**