

Missouri governor issues last-minute stay of execution for Marcellus Williams

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Missouri Governor Eric Greitens has granted a last-minute stay of execution for death row inmate Marcellus Williams, who was facing death by lethal injection at 6 p.m. local time Tuesday. Williams, 48, was convicted and sentenced to death in 2001 for the 1998 stabbing death of Felicia Gayle, 42, a former reporter with the *St. Louis Post-Dispatch*.

Attorneys for Williams have argued that he is innocent, and that DNA tests of the murder weapon produced “conclusive scientific evidence that another man committed this crime.” Gayle was in her home when she was brutally stabbed 43 times with a butcher knife.

The Republican governor said he was appointing a board of inquiry to investigate the case. “A sentence of death is the ultimate, permanent punishment,” Greitens said in a statement. “To carry out the death penalty, the people of Missouri must have confidence in the judgment of guilt. In light of new information, I am appointing a Board of Inquiry in this case.”

Kent Gipson, one of Williams’ attorneys, stated before the stay, “They’re never going to ever confront an actual innocence case more persuading than this involving exonerating DNA evidence. I’ve seen a lot of miscarriages of justice, but this one would take the cake.”

Missouri officials, however, still contend that Williams is guilty because of other “compelling non-DNA evidence.” State Attorney General Joshua D. Hawley points in court filings to the statements of a man who served time with Williams, and Williams’ girlfriend, who both told police that Williams confessed to the killing.

The state also wrote that Williams sold a laptop taken from Gayle’s home and that other items belonging to Gayle were found in a car driven by Williams the day

of her murder.

State prosecutors have no material evidence connecting Williams to the crime scene. Hair samples found at the scene do not match Williams’ DNA and a footprint found at the scene also does not match the defendant’s shoes, according to his lawyers.

Last week, the Missouri Supreme Court rejected Williams’ request for a stay of execution without explanation. Williams also had a last-minute appeal filed with the US Supreme Court, which is now set aside.

Missouri officials have argued in court that in order to exonerate Williams, “DNA evidence would have to explain how Williams ended up with the victim’s property, and why two witnesses independently said he confessed to them, or at least provide a viable alternative suspect.”

These arguments turn the rule of law on its head. First, for a conviction, evidence must convince jurors that a defendant is guilty “beyond a reasonable doubt.” Also, DNA evidence does not play an active role in explaining the significance of other evidence, such as the whereabouts of the victim’s property. Finally, a defendant is under no obligation to “provide a viable alternate suspect,” only that he is not guilty.

The Missouri attorney general’s office made the same conjectural argument to the US Supreme Court, writing in its filing, “It is reasonable to assume people not involved in the murder handled the knife in the kitchen. And there is no reason to believe Williams would not have worn gloves during a burglary and murder, as he wore a jacket to conceal his bloody shirt.”

Williams’ case has drawn the attention of Amnesty International and Sister Helen Prejean, the Catholic nun who is a well-known opponent of the death penalty.

Samuel Spital, director of Litigation at the NAACP Legal Defense & Educational Fund, told CNN that the lack of physical evidence linking Williams to the crime is “not the only disturbing aspect of the case.”

Williams is black and the victim was white. The trial prosecutor was allowed to preemptively strike six out of seven prospective black jurors. “Whatever one’s views of capital punishment, it is both morally and constitutionally intolerable for a death sentence to be imposed if the defendant is innocent or if the verdict is marred by racial discrimination,” Spital said.

Williams’ stay of execution comes against the backdrop of falling public support for the death penalty. A Pew Research Center survey last year found that American support for capital punishment fell below 50 percent for the first time since Richard Nixon was president. This marks a sharp fall from public sentiment in the mid-1990s, when four in five people supported the death penalty.

There have been 16 executions so far this year in the US: Texas, five; Arkansas, four; Alabama and Virginia, two each; and one each in Missouri, Georgia and Ohio. The state of Arkansas attempted to put eight men to death over the course of 11 days in April; in the end, four were executed .

There are 42 executions planned through 2021, all of them in just four states: Ohio, Florida, Texas and Nevada. Thirty-seven of these 42 are scheduled in Ohio, which resumed executions last month with the execution of Ronald Phillips after a three-year hiatus.

Phillips’ execution was the first since the January 2014 lethal injection of Dennis McGuire, who gasped and heaved over a period of more than two hours on the execution gurney before succumbing to the deadly chemicals as his family watched.



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