

Missouri executes 64-year-old man convicted on flimsy evidence

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Walter Barton, 64, was executed Tuesday by lethal injection in the state of Missouri despite new evidence that has made jurors question his murder conviction which had been repeatedly overturned. This marked the first execution since the onset of the coronavirus pandemic and the declarations of states of emergency which brought non-essential activity to a halt.

To the end, Barton maintained he was innocent in the October 9, 1991, sexual assault and stabbing death of Gladys Kuehler, 81.

“I, Walter ‘Arkie’ Barton, am innocent and they are executing an innocent man!!” the condemned man wrote by hand in a “Last Statement” form provided him by the Missouri Department of Corrections.

The United States Supreme Court had turned down a request to the delay the execution two hours before Barton was killed. Missouri Republican Governor Mike Parson astonishingly told the media he had heard nothing that would cause him to change his mind, and in mechanical bureaucratic-speak said the execution would “move forward as scheduled.”

“Barton breathed heavily five times after the lethal drug entered his body, then suddenly stopped. He was pronounced dead at 6:10 p.m.,” the Missouri Department of Corrections said in a statement for the press.

Since 1976, when the death penalty was reinstated by the Supreme Court, more than 7,800 people have been sentenced to death and 1,518 executed in the US. Barton was the ninetieth person executed in Missouri since that time.

In a dark irony apparently lost on the media, Barton was executed at a prison in Bonne Terre, Missouri, about 60 miles south of St. Louis, where CBS News reported that “Strict protocols were in place to protect workers and visitors from exposure to the coronavirus.”

Presumably, measures were also taken to ensure that Barton made it to the death chamber without contracting and dying prematurely from coronavirus.

Prisons and jails across the country have been one of the main vectors for the spread of the deadly virus. With extremely limited testing, there are already 89 confirmed COVID-19 infections among prisoners, guards and staff in Missouri’s prison system.

The state murder of Barton is an example of deep contempt the likes of Parson and the court system have for the most basic ideas of justice.

“Today’s execution is a dark and tragic reminder that Missouri’s criminal justice system is unabashedly flawed and rife with misplaced priorities,” Sara Baker, legislative and policy director for the ACLU of Missouri, said in a statement to the *Kansas City Star*.

Between 1993 and 2006, Barton was tried a total of five times with the prosecution’s case hinging on blood spatter evidence and an incentivized jailhouse informant.

Barton’s first trial ended in a mistrial in 1993, followed that same year by a deadlocked jury. He was convicted in 1994, and sentenced to die before the conviction was overturned, as was another in 1998. A fifth trial secured a final conviction that led to Barton’s execution this week.

It is worth considering this Associated Press summary of the case against Barton and his defense:

“Police noticed what appeared to be blood stains on Barton’s clothing, and DNA tests confirmed it was Kuehler’s. Barton said the stains must have occurred when he pulled Kuehler’s granddaughter away from the body. The granddaughter first confirmed that account, but testified that Barton never came into the bedroom. A blood spatter expert at Barton’s trial said the *three small stains* likely resulted from the ‘impact’

of the knife... [but] the findings of Lawrence Renner, who examined Barton's clothing and boots, concluded the killer would have had far more blood stains." (Emphasis added)

Barton, with three small spots of blood on his shirt, was convicted of the first-degree murder of a victim who had her throat cut and was stabbed more than 50 times!

The defense also produced affidavits from three jurors who said the evidence presented by Renner was "compelling" and that it would have affected their deliberations, and a jury foreman said the additional evidence would have made him "uncomfortable" to recommend the death penalty.

Barton's attorneys also argued that a female jailhouse informant—who claimed Barton talked of killing her like he had killed the "old lady"—had 29 prior convictions, was unreliable, and had criminal charges dropped in exchange for her testimony.

The American Bar Association called on Parson to halt the execution, while the Innocence Project demanded a board of inquiry to investigate Barton's conviction and sentence.

Barton's attorney, Fred Duchardt Jr., had also argued that the COVID-19 pandemic had made it virtually impossible to conduct investigations, secure records or conduct interviews for clemency petitions.

"Walter Barton's conviction relies solely upon two of the known leading causes of wrongful convictions—testimony from a jailhouse informant and flawed forensic science, in this case faulty blood pattern analysis," Vanessa Potkin, the Innocence Project's post-conviction litigation director, said in a statement prior to the execution. "There is simply no reliable evidence left to sustain his conviction."

But convict and execute the state did, evidence be damned.

The next execution in the US is set for June 16 in Texas even while the pandemic is expected to continue to spread inside and outside of prison walls.

Texas Department of Criminal Justice spokesman Jeremy Desel said screening of witnesses and press will involve questions based on potential exposure to the coronavirus and health inquiries.

The Texas death chamber is not a heavy traffic area and is isolated from all parts of the prison in Huntsville, and it is constantly cleaned, Desel reassured CBS

News.



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