

Missouri sets Marcellus Williams' execution date despite clear evidence of innocence

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The US death penalty system is rife with injustice—capital defendants denied access to competent counsel; racial disparities in the courtroom; the packing of death row with the poor, marginalized and disenfranchised. But even by these already blatantly unjust standards, the state of Missouri's plan to execute Marcellus Williams stands out for its overt brutality and grotesque injustice.

Williams, 55, was convicted and sentenced to death for the August 1998 murder of Felicia Anne Gayle, 42, a local St. Louis reporter. Gayle was found dead in her home, stabbed 43 times; her husband found her with the knife still in her neck.

This month, the Missouri Supreme Court set a September 24 execution date for Williams—who has consistently maintained his innocence—despite a motion filed by St. Louis County Prosecuting Attorney Wesley Bell to vacate Williams' conviction because newly presented DNA proved by clear and convincing evidence that he did not commit the murder.

Bell stated that the DNA evidence in Williams' case, “when paired with the relative paucity of other, credible evidence supporting guilt, as well as additional considerations of ineffective assistance of counsel and racial discrimination in jury selection, casts inexorable doubt on Mr. Williams' conviction and sentence.”

The perpetrator left behind considerable forensic evidence at the crime scene, including fingerprints, footprints, hair and trace DNA on the murder weapon. None of this forensic evidence has been tied to Williams.

Gayle's murder went unsolved for 15 months, until Williams' former girlfriend Laura Asaro and Henry Cole, a jailhouse informant, named Williams as the killer. Cole testified that Williams confessed to the crime while the two were imprisoned together. Cole and Asaro were incentivized by promises of leniency in their own pending criminal cases and a \$10,000 reward put up by the

victim's family for information leading to an arrest.

Both witnesses' statements were inconsistent with their own prior statements, each other's accounts and evidence from the crime scene. The only other testimony supposedly implicating Williams was from a witness who said Williams sold him a laptop taken from the victim's home. The jury never heard that Williams told the witness he had received the laptop from Asaro.

According to the Center on Wrongful Convictions, informant testimony has been present in 49.5 percent of wrongful convictions in the US since the mid-1970s. The National Registry of Exonerations found that of the 54 individuals exonerated of murder and other serious crimes in Missouri, 11 were convicted with the use of informant testimony.

Williams, who is African American, was wrongfully convicted of murdering a white woman. His jury was comprised of 11 white people and one black person. Then-prosecuting attorney Bob McCulloch successfully removed six of seven qualified black prospective jurors with peremptory challenges.

A 2022 study from the University of North Carolina on capital cases in St. Louis County over a 27-year period revealed that convicted individuals were 3.5 times more likely to receive a death sentence if the victim was white and the defendant was black, compared to if the victim was black.

In 2015, the Missouri Supreme Court stayed Williams' execution after new DNA testing showed that he was not the source of DNA found on the murder weapon. However, in 2017, without conducting a hearing or making any findings based on the outcome of the DNA testing, the special master appointed by the Supreme Court to review the evidence sent Williams' case back to the Court, which again scheduled an execution date.

On August 22, 2017, just hours before Williams' scheduled execution and after he had his last meal, then-

Governor Eric Greitens, a Republican, stayed the execution and convened a board of inquiry to investigate the case, which under Missouri law was to remain in place until the board concluded its review and issued a formal report.

Then, on June 29, 2023, the current governor, Mike Parson, also a Republican, dissolved the board of inquiry, which had not issued a report or recommendation. Missouri Attorney General Andrew Bailey sought a new execution date. Williams sued the governor, who tried to dismiss the lawsuit, but on June 4, 2024, the Missouri Supreme Court dismissed the lawsuit and scheduled a new execution date for Williams, September 24, 2024.

A petition demanding the halt of Williams' impending execution has so far received over 484,000 signatures.

The Missouri Attorney General's Office has opposed every innocence claim for the last three decades. It has argued in death penalty cases that DNA evidence of innocence is not reason enough to stop an execution.

The Midwest Innocence Project, which has taken up Williams' case, reports that in a 2003 oral argument in the case of death row inmate Joseph Amrine before the Missouri Supreme Court, Justice Laura Denvir Stith asked Assistant Attorney General Frank Jung, "Are you suggesting ... even if we find that Mr. Amrine is actually innocent, he should be executed?" Jung replied, "That is correct, your honor."

Amrine was exonerated in 2003 by the same court. Two other Missouri death row prisoners, Kevin Strickland and Lamar Johnson, were exonerated in 2021 and 2023, respectively. The same arguments used to railroad innocent people to death are still being made by the Missouri Attorney General's Office.

In dissolving the board of inquiry into Williams' case, Governor Parson exemplified the arbitrary and vindictive character of the death penalty system in America, when he stated, "This board was established nearly six years ago, and it is time to move forward. We could stall and delay for another six years, deferring justice, leaving a victim's family in limbo, and solving nothing. This administration won't do that."

Marcellus Williams has spent 23 years on death row despite a wealth of evidence that he did not commit the crime for which he was convicted. He has spent much of his time at Potosi Correctional Center studying Islam and writing poetry.

Williams says he wrote his first poem when he was 14 years old: "There was a girl that I wanted to impress, so I wrote her a poem and she liked it." His poems touch on

love, loss and climate change, among other topics.

He explained to the Innocence Project, "If I felt that a poem would aid someone in looking at a traumatic, stressful or difficult situation in a different light from another perspective that could possibly be a step upon the path of healing, then I would write a poem for that person."

His poem "At last ... Another's heartbeat," posted on the Innocence Project's website, describes Williams' loneliness during his incarceration:

the silhouettes of their bond visible still at the
last glow of the sun
they experience each other and the life of the night
as it begins to stir
standing there in silence holding hands
no rush to go back inside
there is so much beauty and comfort in being in
love and just being...
—amidst sounds of buzzing
chirps
crickets
the pleasant but irregular blowing of the wind
fireflies dancing in step with the light of the moon
how strange it is to become aware of another's
heartbeat but forget one's own—
finally love.



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