

Missouri Supreme Court blocks plea deal that would stop Marcellus Williams' impending execution

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Developments this week in the case of Marcellus “Khaliifah” Williams, a prisoner on Missouri’s death row, have exposed the brutality and arbitrary character of the state killing machine in America. An execution date looms for a man who by all accounts is innocent. He has always maintained his innocence, but all his appeals and post-conviction pleadings have been unsuccessful.

Williams, 55, was convicted and sentenced to death for the August 1998 murder of Felicia Anne Gayle, 42, a well-known St. Louis reporter. Gayle’s husband found her dead at the foot of the stairs in their home, stabbed 43 times, with the knife still in her neck.

Williams has been on death row for murder for nearly two-and-a-half decades. No forensic or eyewitness evidence, or motive connects him to the crime for which he stands accused. No court has reviewed DNA evidence that could have ruled him out as the perpetrator. Despite this, the current Missouri governor, attorney general and state supreme court have upheld the conviction, working assiduously to see to it that Williams is put to death.

In 2021, the Missouri legislature passed a law that allows a prosecutor to challenge convictions in cases where the prosecutor “has information that the convicted person may be innocent or may have been erroneously convicted.” The law came in response to developments in forensic science and growing recognition that not considering such new evidence can lead to wrongful convictions. The legislation says that a hearing must be held on such challenges; it also allows the attorney general to participate in the proceedings.

In line with this law, St. Louis County Prosecuting Attorney General Wesley Bell filed a motion to

overturn Williams’ conviction. Bell is running for the US House after defeating the incumbent, Representative Cori Bush, in the Democratic primary.

Bell said the two main witnesses against Williams, both of whom stood to profit financially from giving their testimony, were not credible; the prosecution had excluded prospective jurors because they were black; and the bloody fingerprints, shoeprints and hair found at the crime scene were not those of Williams.

Critically, analysis of DNA found on the murder weapon excluded Williams as having committed the murder. New developments surrounding this DNA evidence were at the center of last week’s developments. An evidentiary hearing at the St. Louis County Courthouse in Clayton, Missouri had been set for August 21 to hear Bell’s arguments on Williams’ innocence.

But those assembled in the courthouse, including Williams and his legal team, instead were hit with a bombshell. Matthew Jacober, a special counsel representing Prosecuting Attorney Bell, revealed that the knife used to kill Gayle had been contaminated by the prosecution team due to its being mishandled and improperly stored. A new round of testing had determined that traces of unknown male DNA on the murder weapon could not exclude the prosecutor’s investigator as the source.

This meant that the DNA evidence could not be presented to support the prosecuting attorney’s claim of Williams’ innocence. Despite the lack of evidence pointing to Williams’ guilt, Bell’s case was weakened. If the exoneration motion were to fail, Williams would run out of options and face imminent execution.

Instead, Bell proposed, and Williams and his counsel

accepted a deal in which Williams would enter a so-called Alford plea, where he would maintain his innocence but agree that the state has enough evidence to convict him, while avoiding a death sentence. Key to the deal, Williams would have the right to appeal his sentence if new exculpatory evidence came to light.

The presiding circuit court judge, Bruce F. Hilton, accepted the deal, but Missouri Attorney General Andrew Bailey objected, saying that the judge had exceeded his power and did not have his consent as the “exclusive authority” to review death penalty cases. He asked the state Supreme Court to intervene. In its ruling, the court blocked the plea deal and said that Judge Hilton had to go ahead with the evidentiary hearing or argue why he shouldn’t have to do so. On August 22, the judge scheduled the hearing for August 28.

“It is in the interest of every Missourian that the rule of law is fought for and upheld—every time, without fail,” Bailey said in a statement following the Supreme Court’s ruling. “I am glad the Missouri Supreme Court recognized that. We look forward to putting on evidence in a hearing like we were prepared to do yesterday.”

“Instead of taking the opportunity to prove his innocence at the hearing scheduled originally, Williams instead tried to plead guilty to a crime he claims he did not commit. No innocent man is willing to spend the rest of his life in prison unless he knows he is guilty,” Bailey’s statement added.

Tricia Rojo Bushnell, an attorney for Williams and executive director of the Midwest Innocence Project, told CNN that the presence of law enforcement’s DNA on the weapon “proves the State of Missouri disregarded critical protocols in the investigation of this case, including mishandling pivotal evidence.”

She added, “But regardless of who may have touched the weapon between 1998 and today and deposited DNA on it, there is no doubt that Marcellus Williams did not do so,” she said. She emphasized that the plea deal would have kept Williams alive while the fight continued to prove his innocence.

Williams had faced two prior execution dates. In 2015, the Missouri Supreme Court stayed his execution after DNA testing first showed he was not the source of DNA found on the murder weapon. However, in 2017, without conducting a hearing, 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. Then on August 22, 2017, just hours before Williams’ scheduled execution, then-Governor Eric Greitens, a Republican, stayed his execution and convened a board of inquiry to investigate the case and issue a formal report.

On June 29, 2023, the current governor, Republican Mike Parson, dissolved the board of inquiry, which had not issued a report or recommendation. Attorney General Bailey sought a new execution date, which was set for September 24, 2024. The Missouri Attorney General’s Office has opposed every innocence claim for the last three decades.

Bailey, who is seeking reelection in November, is seeking the support of the most reactionary, pro-death-penalty forces in the state and beyond. Despite the attorney general’s efforts to stop their release, Missouri death row inmates Kevin Strickland and Lamar Johnson were exonerated, in 2021 and 2023, respectively. There are 12 prisoners currently on death row. The execution of Christopher Leroy Collings is scheduled for December 12. Since the US Supreme Court reinstated the death penalty in 1976, Missouri has sent 99 individuals to their deaths.

A petition demanding the halt of Williams’ execution has so far received more than 523,715 signatures.



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