

US Supreme Court orders new trial for Oklahoma death row inmate Richard Glossip

Kevin Reed
26 February 2025

The US Supreme Court ruled on Tuesday that Oklahoma death row inmate Richard Glossip is entitled to a new trial because he was unfairly convicted by a jury in 1997.

In a 5-3 decision, the high court threw out the conviction of Glossip, 62, after acknowledging that Oklahoma prosecutors had violated his constitutional right to a fair trial by allowing a key witness to give testimony that they knew to be false.

Five justices—Chief Justice John Roberts and justices Sonia Sotomayor, Elena Kagan, Brett Kavanaugh and Ketanji Brown Jackson—supported the decision, while justices Clarence Thomas and Samuel Alito dissented and upheld the conviction and death sentence. Justice Amy Coney Barrett would have allowed a state appeals court to decide how to proceed and Justice Neil Gorsuch recused himself from the case due to prior involvement as an appellate judge.

The decision in *Glossip v. Oklahoma* was delivered by Justice Sotomayor. She wrote, “Turning to the merits, we conclude that the prosecution violated its constitutional obligation to correct false testimony.” She said prosecutors violated the Due Process Clause of the Fourteenth Amendment which guarantees that the government cannot take away a person’s life, liberty or property without following fair procedures. She concluded, “Glossip is entitled to a new trial.”

Expressing the constituency within the American ruling class for the death penalty, Clarence Thomas called the majority ruling a violation of black-letter law, claiming that the Supreme Court did not have jurisdiction to review the criminal appeals court’s ruling or order a new trial.

Thomas also wrote that the lies of the key witness were not relevant to the underlying case and accused the majority of fashioning a “defendant-friendly standard” by ruling in Glossip’s favor. Thomas also wrote, “After having bent the law at every turn to grant relief to

Glossip, the court suddenly retreats to faux formalism when dealing with the victim’s family.” Thomas made this claim because the victim’s family sought to present their own evidence of Glossip’s guilt, which was denied because it was not part of the original trial.

Glossip, who worked as a manager at Best Budget Inn in Oklahoma City, was convicted and sentenced to death for murder-for-hire in the January 7, 1997, killing of Barry Van Treese, the owner of the motel.

Van Treese was beaten to death with a baseball bat. Justin Sneed, a maintenance worker at the motel, confessed to the killing and claimed Glossip hired him to do it in exchange for money. The state argued that Glossip masterminded the murder because he feared being fired for mismanaging the motel.

The sole direct evidence against Glossip was Sneed’s testimony. Sneed claimed Glossip pressured him to commit the murder. In exchange for testifying against Glossip, he avoided the death penalty and received a life sentence instead.

Glossip maintained his innocence and stated he was not involved in the murder. During the trial, Glossip’s defense attorneys failed to present key evidence that could have challenged Sneed’s credibility. Sneed was a drug addict with a history of mental illness and later evidence indicated he may have been pressured by police to implicate Glossip. No physical evidence ever tied Glossip to the crime.

After his conviction and being sentenced to death in July 1998, Glossip faced nine scheduled execution dates because his case has been stayed several times due to new legal challenges and public outcry. In 2001, the Oklahoma Court of Criminal Appeals threw out his conviction and said that he had been inadequately represented.

In August 2004, a second Oklahoma jury convicted Glossip again and sentenced him to death. He successfully appealed his conviction to the Oklahoma Court of

Criminal Appeals in 2007, but the court upheld the conviction in a 3-2 decision.

In October 2014, the Oklahoma Attorney General said the state did not have an adequate supply of the drugs used for executions and delayed Glossip's death and those of two other inmates. In January 2015, the US Supreme Court halted executions in Oklahoma until the state decided on the drugs to be used in lethal injections.

By the time the Supreme Court reinstated the Oklahoma death penalty in September 2015, Glossip's attorneys had submitted evidence that Sneed had psychiatric problems and had contradicted himself about the murder in a 1997 evaluation. In the end, the appeals court ruled in another 3-2 decision that the execution would proceed.

Glossip was hours from being executed when prison officials discovered they had received the wrong lethal drug, a mistake that led in part to a six-year moratorium on executions in the state.

In 2022, an independent review ordered by the Oklahoma Attorney General found significant flaws in Glossip's conviction and recommended a new trial. Despite this, Oklahoma courts repeatedly upheld his conviction.

After the Supreme Court decision on Tuesday, Glossip's wife wrote in a text to the Associated Press: "Rich and I opened the decision together on the phone this morning, knowing it would be a life-changing moment. To say that we are overcome with emotion is an understatement. We are deeply grateful. Today is truly an answered prayer."

The outcome of the case was, in part, due to the unusual fact that Oklahoma's Republican Attorney General Gentner F. Drummond had concluded the trial was unfair and teamed up with Glossip's defense team in the appeal to the Supreme Court.

Robert Dunham, director at the Death Penalty Policy Project, said in an email to Courthouse News, "The Supreme Court clearly got it right. An innocent man's life has been spared—at least for now. But that is only part of the story."

Dunham said Glossip should not have had to fight so hard for a fair trial and that the courts failed him time and time again.

Dunham added, "Richard Glossip's case shows how easy it is for a state to condemn an innocent man to die and how hard it is to set him free. Every year, states cavalierly execute people who may well have been innocent. But we've had more than 700 death penalty cases overturned because of misconduct by police and

prosecutors, and more and more exonerations in cases in which prisoners have spent decades on death row with prosecutors pushing to deny them access to the courts."

The US is the only western country that still regularly conducts executions and there are more than 2,200 people on death row.

As of 2024, most countries worldwide (144) have abolished the death penalty in law or practice. Many nations (112) have removed it entirely from their legal systems, while others have restricted its use to exceptional circumstances such as wartime crimes (9). Some countries still retain the death penalty in their laws but have not carried out executions for over a decade (23), effectively making them abolitionist in practice.

While 55 countries continue to use capital punishment, global trends show a steady movement toward abolition, with increasing popular opposition to the practice and human rights organizations and international bodies advocating for its complete elimination.

For the first time, a Gallup Crime Survey in October 2023 reported that more Americans believe the death penalty is applied unfairly (50 percent) than fairly (47 percent). Previous surveys have shown as many as 61 percent of the public believed the death penalty was applied fairly in the US.

The drop in support for capital punishment is in part due to the exposures of wrongful convictions in recent decades through the work of organizations such as The Innocence Project and other legal efforts. At least 197 people in the US have been exonerated and released from death row since 1973. These individuals were wrongfully convicted and later proven innocent through new evidence, witness recantations and revelations of judicial misconduct or misconduct by law enforcement.



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