

URGENT ACTION

GOVERNOR STAYS EXECUTION, ORDERS INQUIRY

On 22 August, the governor of Missouri issued a stay of execution for Marcellus Williams who was due to be put to death later that day. The governor will appoint a Board of Inquiry to review the case and make a recommendation on clemency.

Marcellus Williams was convicted in 2001 of the murder of Felicia Gayle, who was stabbed to death in her home in University City, St Louis, Missouri on 11 August 1998. There was some circumstantial evidence, but no forensic or eyewitness evidence, linking Marcellus Williams to the crime. The use of informant testimony was troubling, as was a jury selection process which led to a jury consisting of 11 white people and one black person in a case that involved an African American defendant charged with the murder of a white victim. After a sentencing phase at which they were given no evidence of the defendant's background of severe abuse, poverty and mental disability, the jurors voted for the death penalty, which the judge imposed in August 2001.

Marcellus Williams' appeal lawyers have raised serious questions about the credibility of the informant witnesses, and have sought DNA testing on evidence, which they have argued could "reveal the identity of the real killer". Limited DNA testing at the time of the trial did not match Marcellus Williams. In 2016, DNA testing was conducted on the handle of the knife used in the murder. According to the tester, a DNA profile sufficient to conclusively exclude Marcellus Williams as the contributor could not be developed. Another forensic DNA expert retained by the lawyers concluded that "Williams could not have contributed to the detected profile", and "the most reasonable explanation for the profile detected on the knife is that Marcellus Williams is not a contributor". On 14 August 2017, the lawyers filed a petition in the Missouri Supreme Court, and included a new report from another DNA expert who also concluded that "Marcellus Williams is excluded as a possible contributor of the DNA profiles obtained from the knife handle". On 15 August, the Missouri Supreme Court dismissed the petition and the execution remained scheduled for 22 August.

On 22 August, Governor Eric Greitens issued a stay of execution so that he could appoint a five-member Board of Inquiry to consider "all evidence presented to the jury, in addition to newly discovered DNA evidence, and any other relevant evidence not available to the jury". The Board "shall report and make a recommendation to the Governor as to whether or not Williams should be executed or his sentence of death commuted".

In a statement accompanying his executive order, Governor Greitens said: "A sentence of death is the ultimate, permanent punishment. 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." He said that the five members of the Board he would appoint would include retired Missouri judges, and that the Board would have "subpoena power over persons and things, pursuant to state law".

No further action by the UA Network is requested at this time. Many thanks to all who sent appeals.

This is the first update of UA 183/17. Further information: www.amnesty.org/en/documents/amr51/6791/2017/en/

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