

URGENT ACTION

URGE PAROLE BOARD TO RECONSIDER CLEMENCY

Richard Glossip is scheduled to be executed in Oklahoma on 16 September. The case against him is circumstantial and he maintains his innocence. The parole board voted against clemency in 2014. It should reconsider that decision.

Richard Glossip, now 52, was sentenced to death in July 1998 for the murder of Barry Van Treese, whose body was found on 7 January 1997 in one of the rooms of the motel he owned in Oklahoma City. At the trial, Justin Sneed, who worked as a maintenance man in return for a free room in the motel, confessed to killing the victim but said that Richard Glossip, the manager of the motel, had asked him to do it. Justin Sneed testified against Richard Glossip in order to avoid the death penalty and is serving a life sentence. In 2001, the Oklahoma Court of Criminal Appeals granted Richard Glossip a new trial because his legal representation at trial had been “so ineffective that we have no confidence that a reliable adversarial proceeding took place”. The Court noted that there was no forensic evidence against Richard Glossip and that the “only direct evidence” linking him to the murder was Justin Sneed’s trial testimony, and that “no compelling evidence corroborated Sneed’s testimony”.

Richard Glossip was re-tried in 2004 and again convicted and sentenced to death. The case against him remained circumstantial. The prosecution argued that Justin Sneed was dependent on Richard Glossip and Sneed testified that Glossip had offered him US \$10,000 to kill Barry Van Treese. In 2007, the Court of Criminal Appeals ruled that there was adequate evidence to corroborate Justin Sneed’s testimony, including evidence that Richard Glossip had made attempts to conceal the body from discovery, was intending to leave the area, and had some US \$1,200 in his possession which he could not account for. The federal District Court judge who denied his habeas corpus petition in 2010 nevertheless wrote that “The State’s case against petitioner hinged on the testimony of one witness, Justin Sneed, petitioner’s accomplice, who received a life sentence in exchange for his testimony. Unlike many cases in which the death penalty has been imposed, the evidence of petitioner’s guilt was not overwhelming.”

In October 2014, the Oklahoma Pardon and Parole Board voted unanimously against clemency. At the hearing, Richard Glossip maintained his innocence, asserting that he neither planned nor participated in Barry Van Treese’s murder. The governor cannot commute a death sentence without a recommendation to do so from the Board, but she does have the authority to grant a 60-day reprieve. Last month, Governor Mary Fallin issued a statement that “Postponing his execution an additional sixty days does nothing but delay justice for the family of Mr. Van Treese”.

Please write immediately in English or your own language:

- Calling on the Board to rehear Richard Glossip’s case and recommend commutation of his death sentence;
- Calling on the Governor to grant a 60-day reprieve and to urge the Board to reconsider clemency;
- Noting the circumstantial nature of the case against Richard Glossip and that the key evidence against him was the testimony of the person who killed the victim, testimony given to avoid the death penalty;
- Explaining that you are not seeking to downplay the seriousness of the crime or the suffering caused.

PLEASE SEND APPEALS BEFORE 16 SEPTEMBER 2015 TO:

Oklahoma Pardon and Parole Board

PO Box 53448, Oklahoma City, OK 73152, USA

Fax: +1 405 602-6437

Email: contact.us@ppb.ok.gov

Salutation: Dear Board members

Governor Mary Fallin

Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 212

Oklahoma City, OK 73105, USA

Fax: +1 405 521-3353

Salutation: Dear Governor

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

URGE PAROLE BOARD TO RECONSIDER CLEMENCY

ADDITIONAL INFORMATION

A judge who dissented from the 2007 decision of the Oklahoma Court of Criminal Appeals to uphold Richard Glossip's conviction and death sentence argued that Richard Glossip had been denied a fair trial when the prosecution was allowed to post summaries of witness testimony around the courtroom and to leave them there until the end of the guilt stage, which "placed undue and unfair emphasis on this summarized testimony", allowed witnesses to learn about earlier testimony, and the prosecution effectively to make a continuous closing argument. The judge also argued that Richard Glossip had been denied an "informed consideration of his claims on appeal" when the judge refused to order these exhibits preserved or digitally photographed. However, in 2013 the US Court of Appeals for the 10th Circuit concluded that "Glossip received a fundamentally fair trial". The US Supreme Court declined to take the case.

Richard Glossip was scheduled to be put to death on 29 January 2015, when his execution was stayed in order that the US Supreme Court could consider the constitutionality of the use of the sedative midazolam in Oklahoma's three-drug lethal injection protocol. On 29 June, in a five-to-four ruling the Court upheld use of the drug. In a particularly noteworthy dissent, Justice Stephen Breyer, joined by Justice Ruth Bader Ginsburg, argued that "In 1976, the Court thought that the constitutional infirmities in the death penalty could be healed... Almost 40 years of studies, surveys, and experience strongly indicate, however, that this effort has failed. Today's administration of the death penalty involves three fundamental constitutional defects: (1) serious unreliability, (2) arbitrariness in application, and (3) unconscionably long delays that undermine the death penalty's penological purpose. Perhaps as a result, (4) most places within the United States have abandoned its use" (for more information, see <http://www.amnesty.org/en/documents/amr51/1976/2015/en/>). They urged the Court to hear arguments about the constitutionality of the death penalty per se, regardless of the execution method used in any particular jurisdiction. Justice Breyer concluded by revealing that he believed it "highly likely" that the death penalty violates the constitutional ban on "cruel and unusual punishments".

On 24 July 2015, lawyers for the Oklahoma prisoners in the *Glossip v. Gross* case petitioned the US Supreme Court to reconsider its ruling, and this time specifically to consider the constitutionality of the death penalty per se, as the dissent had urged. The petition argued that the case of Richard Glossip was "well-positioned to challenge the reliability of the death penalty as punishment for those who commit the most reprehensible crimes. He has always maintained his innocence." It noted the circumstantial nature of the case, and that in October 2014, Justin Sneed's daughter "came forward and stated that her father has been afraid to recant his testimony about Mr Glossip because he fears he would himself then be sentenced to death." His daughter had said that "I am sure that Mr Glossip did not do what my father originally said, that he did not hire my father to kill Mr Van Treese..." On 28 August 2015, the US Supreme Court refused to rehear the *Glossip v. Gross* case.

There have been 20 executions in the USA this year, bringing the number of prisoners put to death across the country to 1,414 since the US Supreme Court upheld revised capital statutes in 1976, four years after overturning existing laws because of the arbitrary manner in which death sentences were being handed out. Oklahoma accounts for 112 of these executions, and remains one of the most die-hard of the USA's death penalty states (for more information, see <http://www.amnesty.org/en/documents/AMR51/055/2001/en/>). Some 140 countries are abolitionist in law or practice. Amnesty International opposes the death penalty in all cases, unconditionally.

Name: Richard Glossip
Gender m/f: m

UA: 192/15 Index: AMR 51/2380/2015 Issue Date: 7 September 2015