

URGENT ACTION

COURT GRANTS TWO-WEEK STAY OF EXECUTION

On 16 September, the Oklahoma Court of Criminal Appeals granted Richard Glossip a two-week stay of execution hours before he was due to be put to death. His execution has been rescheduled for 30 September.

Richard Glossip was sentenced to death 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. Justin Sneed, who worked as a maintenance man at the motel, confessed to killing the victim but said that Richard Glossip, the manager of the motel, had offered him money to do it. Justin Sneed testified against Richard Glossip in order to avoid the death penalty. Richard Glossip has consistently maintained his innocence and the case against him is circumstantial. A federal judge wrote in 2010 that “The State’s case against [Richard Glossip] 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 [Glossip’s] guilt was not overwhelming.”

On 15 September, Governor Mary Fallin said: “Yesterday, forty-eight hours before Glossip’s scheduled execution, his attorneys presented my office with a binder of what they have labelled ‘new evidence.’ After reviewing it with my legal team, we have determined the vast majority of the limited content they have presented is not new; furthermore, we find none of the material to be credible evidence of Richard Glossip’s innocence.” For this reason, Governor Fallin rejected Glossip’s request for a stay of execution; however she urged Glossip’s legal team to present whatever information they had to the courts. She concluded that “In the event that a court refuses to issue a stay, Richard Glossip will be executed tomorrow. I hope the execution brings a sense of closure and peace to the Van Treese family, who has suffered greatly because of Glossip’s crimes.”

On 16 September, the Oklahoma Court of Criminal Appeals granted an emergency request for a stay of execution. The Court said it was issuing the stay so that it could give “fair consideration” to the materials included along with the request. At the same time, it reset the execution for 30 September 2015. Responding to the stay, Governor Fallin reiterated that “court is the proper place for Richard Glossip and his legal team to argue the merits of his case. My office will respect whatever decision the court makes, as we have throughout this process.”

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;
- 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 30 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

And copies to:

Governor Mary Fallin

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

Oklahoma City, OK 73105, USA

Fax: +1 405 521-3353

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.

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ADDITIONAL INFORMATION

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

Further information on UA: 192/15 Index: AMR 51/2466/2015 Issue Date: 17 September 2015