

# URGENT ACTION

## MAN CLAIMING INNOCENCE FACES EXECUTION

Walter Barton's execution is scheduled for 19 May 2020. He is on death row in Missouri, USA since 2006 in connection with the 1991 murder of a woman, for which he maintains his innocence. He faced five trials over 15 years before being convicted and sentenced to death. Expert opinion and evidence, never heard by a trial jury, counter key elements of the prosecution's theory which led to Barton's conviction. The 19 May execution would be the first in the USA since COVID-19 was declared a pandemic. Governor Parson can grant Barton's request for clemency, halting the execution.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

**Michael L. Parson,**  
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Dear Governor Michael Parson,

Walter Barton faces execution on 19 May. He was convicted for a 1991 murder following five trials – the first two trials were declared “mistrials” and two separate subsequent convictions were overturned on appeal for prosecutorial misconduct.

Walter Barton maintains his innocence. Expert testimony never heard by a trial jury refutes the prosecution's expert witness' analysis of the blood on Barton's clothes, confirming Barton's explanation – evidence that would have been “compelling” to three trial jurors' recent affidavits. Other evidence, undermining the credibility of a key witness, a jailhouse informant, was never presented at trial.

The death penalty is the ultimate denial of human rights. Since 1973, 167 people have been exonerated from US death rows on innocence grounds.

Walter Barton's execution would be the first in the USA since COVID-19 was declared a pandemic. I urge you to grant him clemency.

Yours sincerely,

## ADDITIONAL INFORMATION

Walter Barton was convicted and sentenced to death in 2006 for the murder of a 81-year-old mobile home park operator in Ozark, Missouri on 9 October 1991. This was the fifth trial in this case. Walter Barton maintains his innocence and is scheduled for execution on 19 May 2020.

Expert testimony never heard by a trial jury refutes the state's expert witness' analysis of the blood spatter on Barton's clothes, and confirms Barton's explanation. At trial, evidence was presented that Walter Barton, along with the victim's granddaughter and a neighbour, discovered the victim's body. Walter Barton informed police that small stains found on his clothing likely happened when the granddaughter moved toward the body, he attempted to hold her back, and both slipped in the blood drenched room. The state's expert gave the opinion that the stains on the clothes came from impact against a blood source causing spatter and could not have been deposited in the way that Walter Barton described. However, a certified crime scene and bloodstain pattern examiner conducted a full analysis of the same clothing for a federal Habeas Corpus appeal, in which relief was denied. That expert determined that none of the clothes stains were the result of impact spatter, but rather were consistent with Walter Barton's explanation. He further concluded that the clothing taken from Mr. Barton could not have been those worn by the killer because there were only a few, very small blood stains on the clothing, whereas the killer's clothes would have been blood soaked in light of the number and kinds of wounds inflicted upon the victim. Three trial jurors have recently signed affidavits indicating that the new blood analysis would have been "compelling" to them. Additional impeachment evidence of a jailhouse witnesses at the fifth trial was also never presented to a jury due to the failure of Mr. Barton's trial attorneys. On 27 April 2020, the Missouri Supreme Court denied a stay of execution, finding that the above information presents only "competing expert testimony" and "mere[ ] impeachment evidence" that discredited the prosecution's case but did not establish his innocence.

Walter Barton was tried five separate times – the first two trials were declared mistrial – the first before the trial started and the second after a jury could not reach a verdict, the next two trials resulted in convictions and death sentences which were overturned on appeal due to prosecutorial misconduct – the fifth and final trial resulted in a conviction and death sentence in 2006. That last conviction was upheld by a 4-3 decision by the Missouri Supreme Court in 2007. Supreme Court Judge Michael Wolff, in his dissenting opinion, wrote: "From the first mistrial in 1993 through three completed trials, post-conviction proceedings, multiple appeals, there is a trail of mishaps and misdeeds that, taken together, reflect poorly on the criminal justice system."

Walter Barton's execution would be the first in the USA since the COVID-19 was declared a pandemic. Texas, the only other state with scheduled executions that could legally move forward since a national emergency was declared because of COVID-19, has stayed or delayed all six execution dates. During its denial of his request for a stay of execution on 27 April 2020, the Missouri Supreme Court declined to address Barton's additional request to put off his execution because of public health dangers relating to the coronavirus pandemic.

The death penalty is the ultimate denial of human rights and Amnesty International opposes the sentence in all circumstances. Since 1973, 167 people have been exonerated from US death rows on innocence grounds. As of today, 106 countries have abolished the death penalty for all crimes and more than two-thirds are abolitionist in law or practice.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 19 May 2019

**NAME AND PREFERRED PRONOUN:** Walter Barton (He, him, his)

**LINK TO PREVIOUS UA:** N/A