

EXECUTIVE ORDER
17-20

WHEREAS, Marcellus Williams stands convicted of first degree murder and is currently awaiting execution of a sentence of death, which is scheduled to occur on August 22, 2017; and

WHEREAS, Williams contends that newly discovered DNA evidence, which was not available to be considered by the jury that convicted him, proves his innocence; and

WHEREAS, Article IV, Section 7 of the Missouri Constitution provides that “The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper...”; and

WHEREAS, the General Assembly, in furtherance of these constitutional powers, has given the Governor the discretion to appoint a Board of Inquiry, “whose duty it shall be to gather information, whether or not admissible in a court of law, bearing upon whether or not a person condemned to death should be executed or ... whether the person’s sentence should be commuted,” § 552.070 RSMo.; and

WHEREAS, Williams has submitted an application for clemency and requested the appointment of a Board of Inquiry pursuant to Section 552.070, RSMo., to review evidence and provide the Governor with a recommendation on Williams’ claim of innocence and application for clemency.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby invoke the provisions of Section 552.070, RSMo., and establish a Board of Inquiry in the matter of Marcellus Williams, an inmate condemned to death, and hereby order a stay of execution for Williams until such time as the Governor makes a final determination as to whether or not he should be granted clemency.

In furtherance of this Order, I hereby direct the following:

1. The Board will be comprised of five members appointed by the Governor.
2. The Board shall 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 assess the credibility and weight of all evidence.
3. Pursuant to Section 552.070, RSMo., the Board shall have subpoena power over persons and things. The Board may apply to the Circuit Court of Cole County, or any other court of competent jurisdiction, for a subpoena.
4. Pursuant to Section 552.070, RSMo., the Board shall close all of its proceedings and hold all collected information in strict confidence.

5. Pursuant to Section 552.070, RSMo., the Board of Inquiry 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 WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 22nd day of August, 2017.

Eric R. Greitens
Governor

ATTEST:

John R. Ashcroft
Secretary of State