

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

FOR IMMEDIATE RELEASE - October 24, 2014

Contact: Sarah Turberville, Senior Counsel, (202) 580-6938 or
sturberville@constitutionproject.org

TCP: Judges' Brief Warns Allowing Christeson Execution to Proceed Without Court Review Would "cast a pall" over the Judicial Process

WASHINGTON, D.C. -- Last month, the Supreme Court of Missouri set an Oct. 29th execution date for Missouri death row inmate Mark Christeson. Today, a group of former state appellate and federal district and circuit court judges - from across the political spectrum and the nation, including the state of Missouri - filed an [amicus brief](#), organized by The Constitution Project, and drafted with the *pro bono* assistance of Goldstein & Russell P.C., in support of Christeson's request for a stay of execution with the Eighth Circuit Court of Appeals.

Asserting their strong interest in maintaining the fairness and public legitimacy of the judicial system, the judges acknowledge that they have a "heavy responsibility to ensure that the process is beyond reproach," particularly in capital cases. The judges take no position on the merits of Christeson's claims, but they are united in their view that a court must thoroughly examine allegations that attorneys appointed to represent Christeson abandoned him and then worsened their malfeasance by misleading Christeson about their errors. Their abandonment has left Christeson as the only man on Missouri's death row to have been deprived of any federal review of his death sentence. "To permit an execution without further review," the brief warns, "would cast a pall over the process."

At his trial, jurors never heard evidence that Christeson was raised in a climate of poverty, abuse, crime, and incest - all bearing on both his culpability for the crime and on the appropriateness of a death sentence in his case. Christeson's state court constitutional review was denied by the same judge who oversaw the original trial - despite the fact that he had been voted off the bench in the election following Christeson's trial and thus was no longer a sitting Missouri judge. This judge denied Christeson's appeal by signing and dating, without editing, a 170-page order entirely drafted by the Attorney General's Office.

Christeson was then denied any federal review of his case simply because his appointed lawyers filed his hastily assembled federal petition four months late. Indeed, the appointed lawyers did not even meet Christeson for the first time until more than six weeks after the deadline for filing his federal petition had passed - and more than eleven months after they had been appointed. As a result, Christeson stands to "be executed without any meaningful federal review of his death sentence," the brief warns.

The judges further state that while "the interest of finality in capital cases is substantial, it cannot be allowed to trample the interest of fairness." The brief urges the Eighth Circuit to stay Christeson's execution to permit the federal courts to at least address Christeson's substantial arguments concerning his lawyers' conduct. "Our system would be broken indeed," the brief concludes, "if it did not even provide [Christeson] with an opportunity, assisted by conflict-free counsel, to present his case to a federal court. Before our system orders appellant executed, it should at least hear from attorneys who have his best interests at heart."

#

[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



Try it FREE today.