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September 5, 2014

Governor Jeremiah "Jay" Wilson Nixon
c/o Mr. Ted Ardini
Office of Governor Jay Nixon
P.O. Box 720
Jefferson City, MO 65102
FAX: 573-526-3291

Re: URGENT - pending execution of Earl Ringo, Jr. on Sept. 10, 2014

Dear Governor Nixon:

We are a Democrat and a Republican, a former Governor and Attorney General of the State of Texas and a former Attorney General of the Commonwealth of Virginia. We believe death is an appropriate punishment for some of those who have committed the most heinous of offenses and we have carried out this solemn duty while in office: as Governor of Texas, one of us was responsible for 19 executions; as Attorney General of Virginia, 36 executions. We know well the compelling and competing interests that pressure a Governor to deny clemency so that "justice is served," or to stay an execution as the ultimate act of mercy.

In this instance, we believe that the interests of justice and fairness are best served in the granting of a stay of execution to Earl Ringo, Jr.

We understand that Mr. Ringo and his co-defendant, Quentin Jones, were sentenced to death for the senseless murder of two restaurant employees, Dennis Poyser and JoAnna Baysinger, in Columbia in 1998. We acknowledge the pain suffered by the victims' families in the wake of this tragedy as they have forever lost the company and warmth of their loved ones.

But we also know that capital cases are layered and complex and we believe that there a number of facts and circumstances surrounding the proceedings in Mr. Ringo's case and the execution process itself, which provide persuasive justification for a stay of execution.

Mr. Ringo's co-defendant, who was indisputably the killer of one of the victims, testified for the prosecution in order to avoid the death penalty. Mr. Ringo, who is African-American, was then tried and sentenced to death by an all-white jury. During federal habeas proceedings, the trial judge did not appoint qualified counsel for Mr. Ringo until one month before the habeas petition was due, irrevocably limiting Mr. Ringo's ability to investigate and present a plea for relief to the federal courts. And just this week, it has been revealed that the Missouri Department of Corrections has used midazolam in executions – the drug injected in the embarrassing and horrific botched executions in 2014 in Arizona and Oklahoma – conflicting with the

Department's previous sworn testimony that this drug would never be used in Missouri. We also understand that Mr. Ringo's counsel have asked you to appoint a Board of Inquiry to examine the role that race played in Ringo's trial and death sentence. In addition, a study is underway at the St. Louis University School of Law, under the supervision of the law school Dean and former Chief Justice of the Missouri Supreme Court, Michael Wolff, to examine capital sentencing in Missouri.

We believe these facts and the information that may be adduced through a Board of Inquiry review and the SLU sentencing study provide ample justification to suspend this execution. This is also an opportunity to demonstrate to communities across Missouri that their concerns about racial fairness and justice are heard.

We continue to reflect upon our time in office when we were forced to grapple with the vexing problems presented by death penalty cases. Due to our roles in executions, some have called us murderers – no better than the convicted whose execution we oversaw. Others have demanded to know why it took so long for an execution to take place.

Regardless of one's view on the ultimate punishment, a rush to justice is never advised. We know the wiser course is to make every allowance in instances where the wrong decision may not be undone. Your decision to stay the execution will permit errors to be corrected and permit the examination of the proportionality and fairness of the death sentence in Mr. Ringo's case. Such thoughtful and deliberate review is virtually impenetrable to criticism.

For all of these reasons, we respectfully urge you to stay Mr. Ringo's execution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark White". The signature is fluid and cursive, with a large, sweeping initial "M".

Mark White

Governor, Texas, 1983-1987; Attorney General, Texas, 1979-1983; Secretary of State, Texas, 1973-1977; Assistant Attorney General, Texas, 1965-1969

A handwritten signature in blue ink, appearing to read "Mark Earley, Jr.". The signature is cursive and includes a prominent "Jr." at the end.

Mark Earley, Jr.

Attorney General, Virginia, 1998-2001; Senator, Virginia State Senate 1988-1998