



News Release

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Gov. Nixon Halts Execution, Grants Clemency for Richard Clay

January 11, 2011, JEFFERSON CITY, MO - With the hours ticking away, Gov. Jay Nixon on Monday, Jan. 10 halted the execution of Richard Clay set for Jan. 12 and commuted his sentence to life without parole.

In issuing his surprise decision, Gov. Nixon stated that he believed Mr. Clay was guilty of the 1994 shooting of Randy Martindale in a murder-for-hire scheme in southern Missouri. Nonetheless, Gov. Nixon used his constitutional authority to spare Clay's life. The governor gave no reason for his action.

A week before, the Catholic bishops of Missouri joined with other religious leaders of the state in submitting a clemency application to Gov. Nixon on behalf of Mr. Clay. The bishops, who have long opposed capital punishment because it disregards the sanctity and dignity of human life, urged Gov. Nixon to halt the execution and conduct an independent review of the case to ensure that all the facts are made known.

Gov. Nixon's decision came as a godsend to family, friends and attorneys of Mr. Clay, who had been working tirelessly in the last weeks to save his life.

"Everyone who has worked to save Rick's life is deeply appreciative of Gov. Nixon's decision to halt the execution," said Rita Linhardt of the Missouri Catholic Conference. "We know that clemency isn't granted often in death penalty cases, so we are thankful to Gov. Nixon for his courageous and humane act."

Mr. Clay has steadfastly declared his innocence of the murder in New Madrid. In the weeks leading up to his execution date, there was growing public outcry about the possibility that Missouri was executing an innocent person.

On Jan. 3, a press conference was held at the State Capitol to raise awareness of the case. Jennifer Herndon, Clay's attorney, outlined the case noting that no physical evidence has ever connected Clay to the crime. In fact, the evidence and motive have consistently pointed to others more likely to have committed the murder, such as Mr. Martindale's wife, Stacy, who was the beneficiary of her husband's \$100,000 life insurance policy and who discussed plans with her then-boyfriend Charles Sanders to kill her husband.

Complicating the case are claims by Clay's present attorney that the prosecutors during the trial presented false and misleading evidence to the jury and prevented the jury from hearing evidence that supported Clay's

innocence. The prosecutors also misled the jury about the plea agreement made with Charles Sanders, who was their star witness.

In 2001, U.S. District Judge Dean Whipple of Kansas City found merit with claims raised by Clay's defense attorneys, including that prosecutors withheld evidence, and ordered a new trial, but this decision was reversed on appeal to a higher court.

"Gov. Nixon's decision to stop the execution does not deal with Mr. Clay's claims of innocence," said Mrs. Linhardt. "But where there is life, there is hope. By stopping the execution, Mr. Clay and his attorneys may now have the opportunity to one day prove his innocence."

This was only the fourth time since the re-instatement of the death penalty in 1977, that a Missouri Governor granted clemency to an inmate facing imminent execution. The last time clemency was granted was by then-Gov. Carnahan in 1999 when he granted clemency to Darrell Mease at the personal request of Pope John Paul II.

Pope John Paul was in St. Louis for a visit at the time and made the following remarks regarding the death penalty at the Papal Mass at the Trans World Dome:

"...The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate and serve the Gospel of Life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitely denying criminals the chance of reform (cf. Evangelium Vitae, 27). I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary..."

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