



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2468</b>		DATE: <b>3/26/2024</b>	
COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>AMY BARTHOLOW</b>		PHONE NUMBER: <b>573-777-9977</b>	
BUSINESS/ORGANIZATION NAME: <b>MISSOURI STATE PUBLIC DEFENDER SYSTEM</b>		TITLE: <b>DISTRICT DEFENDER</b>	
ADDRESS: <b>1000 W. NIFONG BLVD. BLDG 7, SUITE 100</b>			
CITY: <b>COLUMBIA</b>		STATE: <b>MO</b>	ZIP: <b>65203</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>3/26/2024 11:59 PM</b>

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**I am in Support of this Bill on its face with its intension and current information.**



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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>BEATRICE PARWATIKAR</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>beatrica98@gmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/25/2024 8:24 PM</b>

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**I'm in support of this bill because I believe the jury should determine the sentence of death not just the judge. I feel the safety of society would be care for in the sentencing of life imprisonment. Thank you**



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<b>WITNESS NAME</b>		
<b>BUSINESS/ORGANIZATION:</b>		
WITNESS NAME: <b>BILL Z. STEPHENS</b>		PHONE NUMBER: <b>314-793-5580</b>
BUSINESS/ORGANIZATION NAME: <b>MISSOURIANS TO ABOLISH THE DEATH PENALTY (MADP)</b>		TITLE: <b>BOARD MEMBER</b>
ADDRESS:		
CITY:	STATE: <b>MO</b>	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>BRIAN BERNSKOETTER</b>		PHONE NUMBER: <b>573-636-2022</b>	
REPRESENTING: <b>MISSOURI ASSOCIATION OF CRIMINAL DEFENSE</b>		TITLE:	
ADDRESS: <b>101 E. HIGH</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>		
<b>BUSINESS/ORGANIZATION:</b>		
WITNESS NAME: <b>BRIAN KAYLOR</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME: <b>WORD&amp;WAY</b>		TITLE: <b>EDITOR &amp; PRESIDENT</b>
ADDRESS:		
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>
		ZIP: <b>65109</b>
EMAIL: <b>bkaylor@wordandway.org</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>3/26/2024 1:44 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

**This unjust loophole needs to be closed. One person should not be able to sentence someone to death. If a jury cannot reach a unanimous decision, then the state should not execute the person found guilty.**



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>CAROL COREY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>carolcore@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/19/2024 10:17 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**My understanding is that this bill corrects a 'loophole' that has resulted in the death of eight individuals who otherwise would have lived out their natural lives in prison. I am against the death penalty in all cases and I hope our representatives will take this step as soon as possible.**



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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>CHELSEA MERTA</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>ckmerta@gmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/16/2024 7:55 AM</b>

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

My name is Chelsea Méрта, and I am an attorney and member of the Board of Directors for Missourians to Abolish the Death Penalty. I am writing in support of H.B. 2468, which aims to close what is called the "judicial override" or "judicial loophole" within our state's death penalty system. Missouri is actually one of the last remaining states to have this unconstitutional law on the books, which allows circuit court judges to completely bypass a jury's decision to enter a sentence of death against a criminal defendant. Even if a jury decides that a life sentence is a sufficient punishment for a criminal conviction, a Missouri judge nevertheless can assert his or her opinion over that of the jury and override that jury's decision. Please don't forget that in six of Missouri's 114 counties, our judges aren't even elected by the residents of those counties and they are instead undemocratically appointed with no accountability. The original language of our current law intended to specify that a defendant cannot be released from their incarceration BUT FOR a gubernatorial pardon OR when that defendant dies, which the default sentence as life without parole when a jury cannot decide on a death sentence. However, Missouri courts' current interpretation of the very plain language of this statute has twisted this default sentence - which should be life without parole - based on a single judge incorrectly reading a comma in a sentence where that comma doesn't actually exist. As a result, Missouri judges have unilaterally taken this power, which belongs to a jury, to sentence an individual to death. This not only evades the very foundation of our legal system, but further seeks to undermine the legislative authority of the Missouri General Assembly. To loosely paraphrase our Founding Fathers, judges are not kings, and they should never be allowed to usurp the powers bestowed to a jury under our laws. By removing the words "or death" in the current statute, a judge would be required to sentence the defendant to life without the possibility of parole -- there would be no further discretion left for that judge or his or her ability to override a jury. The death sentence could still be applied when unanimously agreed upon by the jury - H.B. 2468 doesn't change that. Rather, this simple change would place the power of sentencing back into the hands of the jury of our peers, instead of one person.





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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>CURT WICHMER</b>		PHONE NUMBER: <b>573-635-7239</b>	
REPRESENTING: <b>MISSOURI CATHOLIC CONFERENCE</b>		TITLE:	
ADDRESS: <b>600 CLARK AVE.</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>wichmerc@mocatholic.org</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>3/26/2024 10:01 AM</b>	

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**The Catholic Church supports this legislation as way to scale back the use of the death penalty, a practice which undermines the sanctity and dignity of human life.**



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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>DEACON DAVID BILLING</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>davidbilling@archstl.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2024 8:42 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

I believe the original intent of \*RSMo Section 565.030 was "...if (the jury) is unable to decide or agree upon the punishment the court {judge} shall assess and declare the punishment at life imprisonment withouteligibility for probation, parole, OR release except by act of the governor or (NATURAL) death."If the jury of a defendant's peers cannot reach a unanimous decision, the sentence should automatically be life in prison without parole until or unless the governor releases them.The current interpretation and practice is judicial loophole and extremely unjust.Thank you for reading my testimony.



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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>DONNA WALMSLEY</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>donnawalmsley@sbcglobal.net</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/19/2024 11:07 AM</b>

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I support HB 2468 because the sentence in a capital murder case should always be given by a jury of our peers, not by one person, a judge. Only the states of Missouri and Indiana use the loophole that a judge can decide either a life or death sentence when the jury cannot reach a unanimous sentencing verdict. Since 1998, eight people have been sentenced to death in Missouri by one person, a judge, with the most recent occurring in 2018. This is not justice. Justice demands that sentencing power is the responsibility of the jury, not one person, the judge. Representative Davidson's bill would correct this loophole in Missouri.



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<b>WITNESS NAME</b>		
<b>BUSINESS/ORGANIZATION:</b>		
WITNESS NAME: <b>EDWARD RONAN</b>		PHONE NUMBER: <b>816-308-0845</b>
BUSINESS/ORGANIZATION NAME: <b>BOARD MEMBER: MISSOURIANS TO ABOLISH THE DEATH PENALTY</b>		TITLE:
ADDRESS: <b>2929 MCGEE TRFWY, APT 204</b>		
CITY: <b>KANSAS CITY</b>		STATE: <b>MO</b>
		ZIP: <b>64108</b>
EMAIL: <b>ronan@ieee.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/18/2024 6:07 PM</b>

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I believe it is time to bring Missouri in line with nearly all other jurisdictions in our country with regard to deciding the punishment of a person found guilty of capital murder. After a jury of their peers has heard all the evidence and deliberated – often for a substantial amount of time – and yet has not been able to reach a unanimous decision, our law should not allow for a death penalty to be imposed by the trial judge. This past summer, I experienced this process in person. I sat in the gallery at the trial of Ian McCarthy, who was convicted of killing Clinton, MO Officer Gary Michael in 2017. The guilt/innocence phase of the trial was brief, as the evidence was clear. The penalty phase took much more time and required many more witnesses, as there were certainly aggravating circumstances such as Mr. McCarthy’s own vow to “shoot the next policeman who stopped him”; and there were mitigating circumstances such as his unfortunate childhood and his traumatic head injury. After considerable deliberation, the jury was unable to reach a decision. The trial judge, Marco Roldan, was retiring but scheduled his decision for a month after his retirement date. After that painful wait, Judge Roldan announced that Mr. McCarthy would be sentenced to life in prison without parole. While I personally agree with his decision, it should not have been left in his hands at all. The sentence should have automatically been life-without-parole when the jury was unable to decide unanimously.



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>ELYSE MAX</b>		PHONE NUMBER: <b>816-931-4177</b>	
BUSINESS/ORGANIZATION NAME: <b>MISSOURIANS TO ABOLISH THE DEATH PENALTY</b>		TITLE:	
ADDRESS: <b>6320 BROOKSIDE PLAZA, SUITE 185</b>			
CITY: <b>KANSAS CITY</b>		STATE: <b>MO</b>	ZIP: <b>64113</b>
EMAIL: <b>elyse@madpmo.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2024 4:32 PM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

I am writing today in support of Bill 2468. This bill represents an opportunity to ensure that the hard work of juries in Missouri is not undermined by the judicial process- especially when addressing the most difficult cases, those involving capital punishment. Judicial override is undemocratic and unconstitutional. It undermines the role of the jury in imposing the ultimate punishment. In federal death penalty cases and in all other states besides Missouri and Indiana, a deadlocked jury results in an automatic sentence of life without parole. Current Missouri statute § 565.030 (2013) allows a judge to impose a death sentence without a unanimous jury verdict. When a jury cannot reach a unanimous verdict for life without parole or death, the statute states that the judge will assess the mitigating and aggravating evidence and then choose between life without parole or death. Unconstitutional under the Sixth Amendment: the U.S. Supreme Court has ruled that the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose the death sentence. Juries should have the final say on whether to impose the death penalty or life in prison in capital murder cases. Death sentences by judicial override will lead inevitably to expensive litigation through the automatic death penalty appeals process, only to possibly be overturned for life without parole. The automatic death penalty appeals process takes an average of 15 additional years. This is traumatizing to victim families, who must relive the events of the crime repeatedly for decades. Note: in the Craig Wood case the victim's mother had publicly requested life without parole. The judge thus sentenced her along with the defendant to go through the whole death penalty appeals process. Coincidentally, Craig is back in Greene County this week for an evidentiary hearing on a motion to vacate his death sentence. Since 2013, only one jury has voted unanimously for death and resulted in a death sentence, that was in St. Charles County in 2022. Of the three deadlock juries since 2013, two resulted in death- Marvin Rice and Craig Wood. In 2003, In State v. Whitfield, The Missouri Supreme Court invalidated the death sentence, finding that the Sixth Amendment right to trial by jury requires that the jury determine the facts necessary to render a defendant eligible for a capital sentence. Section 565.030.4 of the MO Revised Statutes, the statutory section articulating a four-step process for the imposition of a death sentence, could not be undertaken by a Judge. "This process clearly violated the requirement of Ring that the jury rather than the judge determine the facts on which the death penalty is based." Our court further observed, "Not just a statutory aggravator, but every fact that the legislature requires to be found before death may be imposed must be found by the jury." Ring v. Arizona, 536 U.S. 584 (U.S. 2002). U.S. Supreme Court invalidated Arizona's capital sentencing scheme, holding that the Sixth Amendment requires a jury to find the aggravating factors necessary for imposing the death penalty. Hurst v. Florida, 577 U.S. \_\_\_ (U.S. 2016). U.S. Supreme Court struck down Florida's capital sentencing statute, where jury's determination amounted to an advisory sentence of life or death and the Judge made the final decision on sentencing. Following this decision, the Florida Supreme Court held that a death sentence must be

issued by a unanimous jury. Missouri is an outlier, not only in executions, We are one of only two states that permit judicial override: Indiana and Missouri. In April 2017, Alabama repealed its judicial override statute. Lead Sponsor Republican Dick Brewbaker emphasized that electioneering should not play a role in decision-making in capital cases. In Alabama, judges are elected, just as they are in Missouri. According to a report by the Equal Justice Institute one judge had noticed that he sentenced 3 black men to death, in light of he re-election he realized he needed to sentence a white person to death, and he did. Brewback found that overwhelmingly, the majority of judges preferred for juries to hold the ultimate decision-making power, as envisioned by the Constitution. According to a recent Pew poll, the death penalty is a punishment most of the US has deemed archaic and barbaric, and unnecessary for public safety. If Missouri desires to continue to make its citizens complicit in state murder, we should honor and recognize the constitution which requires sentencing by a jury of peers. Thank for your consideration of this important bill.



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>ERIC REITER</b>		PHONE NUMBER: <b>402-719-7490</b>	
BUSINESS/ORGANIZATION NAME: <b>EMPOWER MISSOURI</b>		TITLE: <b>COMMUNITY JUSTICE PRACTICUM INTERN</b>	
ADDRESS: <b>PO BOX 104900</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65110</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>JAMES M DESHOTELS</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>jdesh@loyno.edu</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/19/2024 5:52 PM</b>
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Missouri is one of two states that allow judges to bypass a jury's decision and enter a sentence of death when a jury deadlocks (hung jury). HB 2468 would remove the words "or death" from the statute, requiring judges to sentence defendants to life without parole. The death sentence could still be applied if the jury unanimously agrees. This change would return sentencing power to the jury, as it should be. Capital punishment merely continues and expands the violence.





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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>JANE E RATCLIFFE PH D</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>coakleyjack@aol.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/19/2024 11:17 AM</b>
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I ask the Mo House of Representatives to pass HB 2468 that clarifies trial procedure for first degree murder. Thank you.



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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>JEFF STACK</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: <b>MID-MISSOURI FELLOWSHIP OF RECONCILIATION</b>		TITLE:	
ADDRESS: <b>PO BOX 268</b>			
CITY: <b>COLUMBIA</b>		STATE: <b>MO</b>	ZIP: <b>65205</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>KATHERINE GLADHART-HAYES</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>katherine.gladhart.hayes@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/26/2024 9:06 AM</b>
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COMMITTEE: <b>General Laws</b>		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>KORTNIE HUDDLESTON</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
EMAIL: <b>kortniehuddleston@gmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2024 8:56 PM</b>

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

I urge you to support HB 2468 (Davidson), which repeals provisions that allow judges to assess the death penalty without the unanimous decision of a jury. This judicial loophole means that when there is a hung jury in the punishment phase of a capital case, meaning the jury cannot unanimously agree to one sentence or the other however, the courts have said the judge can then make the decision and sentence the defendant to life without the possibility of parole or to death. The current statute states “the jury shall be instructed before the case is submitted that if it is unable to decide or agree upon them punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death.” The intent of the original language was to specify that the defendant cannot be released from their imprisonment except by a Governor’s pardon or when they die, and that the default sentence when the jury is hung is life without parole. A court interpretation of the plain language of the statute granted the ability to sentence the defendant to death in the case of a hung jury to a single judge by adding a comma into the sentence that doesn’t exist. This interpretation undermines the power of the jury, a critical component of our legal system. To close this loophole, these bills would remove the “or death” language in the statute, requiring the judge to sentence the defendant to life without the possibility of parole in the case of a hung jury. This simple change would place the power of sentencing back into the hands of the jury of our peers instead of one person. According to data from Missourians Against the Death Penalty (MADP), since 2002, five people have been sentenced to death by an individual judge’s decision after a jury couldn’t make a unanimous decision during the weighing procedure: Deandre Buchanan (2002), Amber McLaughlin (2006), Lance Shockley (2009), Marvin Rice (2017), and Craig Wood (2018). The current court-assigned death penalty loophole presents significant ethical and judicial concerns. Primarily, this practice can unduly influence the jury’s decision-making process, coercing them towards a consensus out of fear that their inability to agree might directly lead to the death penalty. This scenario puts undue pressure on jurors, potentially swaying their judgment towards a guilty verdict or a specific punishment, not on the basis of evidence or moral conviction, but on the apprehension of indirectly causing a death sentence. Such a provision undermines the integrity of the jury system, which is designed to reflect impartial community standards and values in the judicial process. Repealing this provision could restore the jury’s role as an impartial body meant to deliver justice based on evidence and legal principles, free from undue influence regarding sentencing outcomes.



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2468</b>		DATE: <b>3/26/2024</b>	
COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>KRISTIN CHERRY</b>		PHONE NUMBER: <b>636-699-7617</b>	
BUSINESS/ORGANIZATION NAME: <b>CONSCIOUS COMMUNICATION MINISTRIES</b>		TITLE: <b>EXECUTIVE DIRECTOR</b>	
ADDRESS: <b>100 SHAD BUSH DR.</b>			
CITY: <b>COLUMBIA</b>		STATE: <b>MO</b>	ZIP: <b>65203</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>General Laws</b>		
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>LAIRD OKIE</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>oklaird@aol.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/25/2024 8:53 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

A few years ago in Missouri the sentencing jury voted overwhelmingly -- but not unanimously -- that the convicted murderer should get life-in-prison. The judge overruled the jury and imposed a death sentence. This is simply unfair. Judicial override runs counter to the common law jury primacy that is central to American jurisprudence, No wonder all but two states have done away with it. Missouri will advance justice and fairness by passing HB 2468.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>LAURENCE KOMP</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: <b>3/26/2024 12:00 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MARGARET KATRANIDES</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>maggieweeder@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/19/2024 10:10 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**If one person in the jury cannot insist on the death penalty, it should not be possible for one person who is the judge in the trial to insist on the death penalty.**





MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MARILYN MCLEOD</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>marilyn_mcleod@yahoo.com</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2024 5:07 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

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COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MARILYN POHLMEIER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>maryalovestravel@gmail.com</b>	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>3/20/2024 10:35 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**Please fix this loophole so that a unanimous jury is the only way for death penalty to be administered.  
No one judge should be able to singhandedly determine the death penalty.**



MISSOURI HOUSE OF REPRESENTATIVES  
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BILL NUMBER: <b>HB 2468</b>		DATE: <b>3/26/2024</b>	
COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MICHAEL DREYER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>mdreyer93@gmail.com</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2024 8:55 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

I urge you to support HB 2468 (Davidson), which repeals provisions that allow judges to assess the death penalty without the unanimous decision of a jury. This judicial loophole means that when there is a hung jury in the punishment phase of a capital case, meaning the jury cannot unanimously agree to one sentence or the other however, the courts have said the judge can then make the decision and sentence the defendant to life without the possibility of parole or to death. The current statute states “the jury shall be instructed before the case is submitted that if it is unable to decide or agree upon them punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death.” The intent of the original language was to specify that the defendant cannot be released from their imprisonment except by a Governor’s pardon or when they die, and that the default sentence when the jury is hung is life without parole. A court interpretation of the plain language of the statute granted the ability to sentence the defendant to death in the case of a hung jury to a single judge by adding a comma into the sentence that doesn’t exist. This interpretation undermines the power of the jury, a critical component of our legal system. To close this loophole, these bills would remove the “or death” language in the statute, requiring the judge to sentence the defendant to life without the possibility of parole in the case of a hung jury. This simple change would place the power of sentencing back into the hands of the jury of our peers instead of one person. According to data from Missourians Against the Death Penalty (MADP), since 2002, five people have been sentenced to death by an individual judge’s decision after a jury couldn’t make a unanimous decision during the weighing procedure: Deandre Buchanan (2002), Amber McLaughlin (2006), Lance Shockley (2009), Marvin Rice (2017), and Craig Wood (2018). The current court-assigned death penalty loophole presents significant ethical and judicial concerns. Primarily, this practice can unduly influence the jury’s decision-making process, coercing them towards a consensus out of fear that their inability to agree might directly lead to the death penalty. This scenario puts undue pressure on jurors, potentially swaying their judgment towards a guilty verdict or a specific punishment, not on the basis of evidence or moral conviction, but on the apprehension of indirectly causing a death sentence. Such a provision undermines the integrity of the jury system, which is designed to reflect impartial community standards and values in the judicial process. Repealing this provision could restore the jury’s role as an impartial body meant to deliver justice based on evidence and legal principles, free from undue influence regarding sentencing outcomes.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>MICHELLE SMITH</b>		PHONE NUMBER: <b>314-814-2910</b>	
BUSINESS/ORGANIZATION NAME: <b>MISSOURI JUSTICE COALITION</b>		TITLE: <b>FOUNDER</b>	
ADDRESS: <b>6845 CREST AVE. 1F</b>			
CITY: <b>ST. LOUIS</b>		STATE: <b>MO</b>	ZIP: <b>63130</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>REV. DARRYL GRAY</b>		PHONE NUMBER: <b>770-842-5210</b>	
BUSINESS/ORGANIZATION NAME: <b>MISSOURI BAPTIST STATE CONVENTION OF MISSOURI</b>		TITLE: <b>DIRECTOR, SOCIAL JUSTICE</b>	
ADDRESS: <b>5083 WATERMAN BLVD</b>			
CITY: <b>ST. LOUIS</b>		STATE: <b>MO</b>	ZIP: <b>63108</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>General Laws</b>		
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>REV. GERALD KLEBA</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>gerry@stcronan.org</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/26/2024 2:54 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

I support HB 2468 to close the juridical loophole to restore fairness to the jury system in MO. This will give proper authority to the wisdom of the jury of 12 rather than place this life and death power in the hands of a single judge.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>ROXY KESLER</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:                  ZIP:
EMAIL: <b>rkesler@charter.net</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/19/2024 12:31 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

**As a Catholic, I believe that the death penalty is unacceptable in all cases because it is "an attack on the inviolability and dignity of the person". This legislation brings more justice in our courts and puts Missouri in line with most other states. Please support this legislation. Be Pro Life.**



MISSOURI HOUSE OF REPRESENTATIVES  
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COMMITTEE: <b>General Laws</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>RUSSELL STETLER</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>russell.stetler@mitigationmeritus.net</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/24/2024 11:03 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**WRITTEN TESTIMONY OF RUSSELL STETLER IN SUPPORT OF HOUSE BILL 2468 Second Regular Session, 102nd General Assembly House General Laws Committee Hearing Tuesday March 26, 2024**

I am providing this testimony in support of HB2468 introduced by Representative Bishop Davidson, District 130, to close the judicial loophole that currently permits judges to impose death sentences when jurors are not unanimous about the appropriate sentence. Although I reside in Berkeley, California. I consult on death penalty cases throughout the country. My expertise involves the professional norms in the investigation and presentation of mitigation evidence in death penalty cases. I have been involved in this work since 1980 and served as the National Mitigation Coordinator for the federal defender system from 2005 to 2020, when I retired from full-time work. I have provided expert testimony on these issues thirty-four times, including three times in the federal district court for the Western District of Missouri. I am the author or co-author of over a dozen related law review articles (including two in the UMKC Law Review) and four book chapters. Over two decades, I taught at fifteen continuing legal education programs in Missouri in Chesterfield, Kansas City, Lake Ozark, and St. Louis between 2000 and 2019. I also gave an invited lecture at a symposium at UMKC School of Law in 2009. Over half a century, the modern death penalty has been shaped by a series of judicial decisions of the Supreme Court of the United States requiring that jurors be permitted to consider and give effect to compassionate or mitigating factors stemming from “the diverse frailties of humankind.” *Woodson v. North Carolina*, 428 U.S. 280, 304 (1976). Defense lawyers have been held to be ineffective for failing to conduct a thorough investigation that would have disclosed mitigation evidence if there is a “reasonable probability that at least one juror would have struck a different balance” in deciding between life and death. *Wiggins v. Smith*, 539 U.S. 510, 547 (2003). Representative Davidson’s bill would correct Missouri’s outlier status and conform its capital punishment statute to the principles of fundamental fairness on which the Supreme Court based the decisions to which I referred. If a single juror would strike a balance declining to impose a death sentence, the result should be life imprisonment without eligibility for probation, parole, or release except by act of the governor, and jurors should be so instructed before the case is submitted. The language of the bill clarifies the responsibility of every juror tasked with exercising a reasoned moral judgment in capital sentencing. It would also assure defense counsel that the jury – not the judge – has the final word in assessing their presentation of mitigating evidence and deciding whether execution is appropriate in the individual case.





MISSOURI HOUSE OF REPRESENTATIVES  
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<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>SALLY IOCCA</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:                  ZIP:
EMAIL: <b>siocca93@gmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/19/2024 1:50 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

I support HB 2468 - Davidson. By clarifying the language of the statute and closing the loophole caused by imprecise language, we ensure that the serious responsibility of a sentence of life with out parole versus a death sentence is only decided upon by a jury of our peers. Such a grave decision should not be underhandedly given to the responsibility of a single person.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>SAMUEL H. LEE</b>		PHONE NUMBER: <b>314-792-7062</b>	
BUSINESS/ORGANIZATION NAME: <b>ARCHDIOCESE OF ST. LOUIS, PEACE AND JUSTICE COMMISSION</b>		TITLE: <b>COMMISSIONER</b>	
ADDRESS: <b>20 ARCHBISHOP MAY DR.</b>			
CITY: <b>ST. LOUIS</b>		STATE: <b>MO</b>	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>3/26/2024 12:00 AM</b>	
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MISSOURI HOUSE OF REPRESENTATIVES  
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<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>SUSAN DENNER</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>sueden65@gmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/25/2024 8:38 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

I support removing "or death" from the trial procedure for first degree murder when there is a hung jury regarding sentencing. A judge should not have the ability to sentence a person to death if a jury cannot fully agree on that sentence.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SUSAN GIBSON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>Onesuegibson@protonmail.com</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/19/2024 9:54 AM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

This simple change would place the power of sentencing back into the hands of the jury of our peers — where it should be — instead of one person.



MISSOURI HOUSE OF REPRESENTATIVES  
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<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>BARBARA SCHLATTER</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL: <b>schlatbl@sbcglobal.net</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>3/20/2024 1:11 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

**I do not want a judge to be the sole person to sentence a person to death. I want the new way the law is written to make it impossible for the judge alone to sentence a person to death. The total members of the jury themselves should alone have that right.**