

ATTORNEY STATEMENT

U.S. SUPREME COURT AGREES RICHARD GLOSSIP SHOULD GET NEW TRIAL

(Washington, DC, February 25, 2025) Today, the United States Supreme Court ruled that the Oklahoma Court of Criminal Appeals erred in failing to accept the Oklahoma Attorney General's confession of constitutional error in the case of Richard Glossip, an innocent man on Oklahoma's death row.

In a majority decision written by Justice Sonia Sotomayor, the Court concluded that Mr. Glossip is entitled to a new trial as a result of the trial prosecutors' failure to disclose potentially exculpatory evidence to Mr. Glossip's trial counsel prior to his 2004 trial, and by failing to correct testimony from the prosecution's star witness, Justin Sneed, that the prosecutors knew was false at the time it was given in court.

The Oklahoma Attorney General, Gentner Drummond, acknowledged these errors before the OCCA and had urged that court to grant Mr. Glossip a new trial. AG Drummond joined in Mr. Glossip's position before the Supreme Court as the Respondent in Support of Petitioner.

The Supreme Court's opinion is available at:

https://www.supremecourt.gov/opinions/24pdf/22-7466_5h25.pdf

Below is a statement from Don Knight, attorney for Richard Glossip:

“We are thankful that a clear majority of the Court supports long-standing precedent that prosecutors cannot hide critical evidence from defense lawyers and cannot stand by while their witnesses knowingly lie to the jury. Today was a victory for justice and fairness in our judicial system. Rich Glossip, who has maintained his innocence for 27 years, will now be given the chance to have the fair trial that he has always been denied.”

- *Don Knight, attorney for Richard Glossip*
- *February 25, 2025*

Overview of Richard Glossip's Innocence and AG Confession of Error:

Richard Glossip has been on Oklahoma's death row for 26 years even though it is undisputed that another man, Justin Sneed, murdered Barry Van Treese. Mr. Glossip is an innocent man with no criminal history, and he has no history of serious misconduct in 26 years in prison. He must not be executed for a crime he did not commit.

The State of Oklahoma agrees that Mr. Glossip did not receive a fair trial, and his conviction must be reversed. Oklahoma supported Mr. Glossip's petition to the U.S. Supreme Court and joined Mr. Glossip as "Respondent in Support of Petitioner," informing the Court that Mr. Glossip's capital conviction was so riddled with errors that the State no longer wanted to defend it. The State's confession of error was based on evidence previously and wrongfully withheld from Mr. Glossip showing that Mr. Sneed, the person who committed the murder and was the star witness for the prosecution, lied on the stand and wanted to recant his false testimony.

Mr. Glossip has faced execution nine times, even though the State knew all along that critical evidence used to convict him and sentence him to death was false. It took almost 25 years for the State to disclose that Mr. Sneed was under the care of a psychiatrist at the jail following his arrest. When Mr. Sneed testified at Mr. Glossip's trial that he was not, the State failed to correct Mr. Sneed's false testimony. This failure to disclose evidence and then to correct testimony the State knew to be false violated due process under *Brady v. Maryland* and *Napue v. Illinois*, Supreme Court decisions written to protect a defendant's rights to a fair trial.

Oklahoma's concession of error is historically unprecedented. What is also unprecedented is the outpouring of support for Mr. Glossip from 62 Oklahoma legislators, including at least 45 Republican lawmakers who support the death penalty. Two independent investigations cast grave doubts on the reliability of Mr. Glossip's conviction.

A group of Oklahoma legislators, primarily Republicans, commissioned the international law firm, Reed Smith, to investigate the case. They conducted an investigation more thorough than was ever done by the police or the prosecution, and their more than 350-page report concluded that, if presented with all the evidence now available, no reasonable juror would find Mr. Glossip guilty of murder for hire.

The current Attorney General also commissioned an independent investigation by a former elected Oklahoma prosecutor. That investigation reached further conclusions about the egregious due process violations in Mr. Glossip's case and prompted the State's confession of error.

This case is not solely about the death penalty. Instead, it's about ensuring that criminal prosecutions are not tainted by the State's withholding of exculpatory evidence and knowing use of perjured testimony. These principles apply to all criminal prosecutions and integrity of the criminal justice system depends on ensuring this basic fairness. The State of Oklahoma, speaking through the highest elected law enforcement officer of the state, now states unequivocally that Richard Glossip did not receive a fair trial and should never had been convicted based on the evidence presented at trial.

Given the magnitude of the prosecution's violations and the high stakes in this case, Mr. Glossip's conviction should be overturned.

Oklahoma and Glossip Agree the OCCA Erred in Rejecting the AG's Confession of Error

[Oklahoma's principal brief](#) before the Supreme Court (filing as "Respondent in Support of Petitioner") explained that its confession of error resulted from the current AG's 2023 discovery of long-suppressed evidence "revealing not only that the State's one indispensable witness against Glossip had lied on the stand, but that the prosecution knowingly elicited his false testimony and then failed to correct the record." (Okla. Brief p.1) The brief also explained that the Supreme Court "has never countenanced a death sentence issued over a State's confession of error." (Okla. Brief p.37)

The evidence that led the State to confess error involved a "one-two punch of concealment and eliciting a false cover story." (Okla. Brief p.31) The prosecution withheld evidence that its star witness and the admitted murderer, Justin Sneed, was being treated for a serious mental illness while in the jail following his arrest. The trial prosecutor knowingly allowed Sneed to testify falsely that he was not receiving psychiatric treatment for a diagnosed mental illness and did not correct the record once Sneed testified falsely.

After the current Attorney General discovered this long-suppressed evidence and obtained an Independent Counsel's review of Mr. Glossip's case, he determined that this misconduct violated the Supreme Court's decisions in *Brady v. Maryland* (1963), which requires disclosure of exculpatory evidence, and *Napue v. Illinois* (1959), which prohibits prosecutors from knowingly presenting false testimony. Having reached this determination of constitutional error, Attorney General Drummond, with great personal integrity, "made the difficult but necessary decision to confess error before the Oklahoma Court of Criminal Appeals and waive any procedural obstacles" to Mr. Glossip's *Brady* and *Napue* claims. (Okla. Brief p.1) However, the OCCA ignored this confession of error and voted to uphold the now admittedly flawed conviction.

The State called the OCCA's rejection of its confession of error "remarkable and remarkably flawed." (Okla. Brief p.1) The State pointed to a long line of Supreme Court decisions holding that courts must afford a prosecutor's confession of error "great weight." (Okla. Brief pp.32-35) The OCCA violated this principle by giving "zero weight" to the State's confession of error. (Okla. Brief p.19) The OCCA's refusal to accept Oklahoma's confession of constitutional error "not only trivializes the considered views of a sovereign official duty-bound by the Oath Clause to uphold the Constitution, but sends a terrible signal to litigants by suggesting that the courts have a vested interest in preserving their 'own' convictions." (Okla. Brief p.2)

The State stressed that forcing it to move forward with Mr. Glossip's execution under these circumstances would be a miscarriage of justice. (Okla. Brief p. 41, p.54)

Mr. Glossip's principal brief (available [here](#)) explained in detail how the OCCA erred in failing to recognize the multiple fundamental due process errors that infected his prosecution and trial and in rejecting Oklahoma's confession of error. Mr. Glossip also argued that the OCCA erred in concluding that the extensive prosecutorial misconduct in his case was immaterial. (Glossip Brief p.23)

Mr. Glossip's brief detailed the withheld evidence of Sneed's serious psychiatric problems and false trial testimony denying a history of mental illness. (Glossip Brief pp.8-15) It also identified other instances of police and prosecutorial misconduct in his case. (Glossip Brief pp.15-17)

For more information or to speak to attorney Don Knight, please contact Laura Burstein at Laura.Burstein@squirepb.com.

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