



Justice for Reggie Clemons Campaign

Justice for Reggie Campaign Annual Newsletter

2018: Closing a Chapter but not the Book

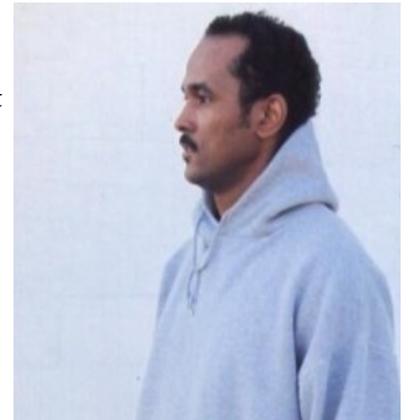
From Reggie

On behalf of my family and myself, I want to say thank you to everyone that has put forth effort to save my life. A lot of people would like to understand why I entered a guilty plea to bring this case to a close. The attorneys told me that the guilty plea did not require me to admit to a murder I did not commit or agree with. The guilty plea would reduce the charges to second degree and make me eligible for release on parole in the near future.

I had only few seconds to make this critical decision. I felt that it would be better than putting my family and the Kerry family through another trial. The prosecutor was still calling for the death penalty and there's no guarantee in a court system symbolized by a blind lady of justice with tipped scales. All the corruption of the police department and the prosecution are a matter of proven court record.

This was definitely not the outcome myself, my family and my fervent supporters had worked and prayed so relentlessly for. Please understand that I am a lot better off now than I was when I was about to be executed in June of 2009.

I believe it was the best decision for everyone. It leaves room for healing and the opportunity for us to continue the fight against the death penalty. This has been quite a journey and I want to use my experiences for the greater good in the hopes of returning the love and kindness put forth on my behalf. I'll do my best to make my contribution to making things better. I am grateful to you all from the pit of my soul.



Reggie wears a hoodie in defiance of Trayvon Martin's vigilante murder by George Zimmerman in 2012.

Justice for Reggie Campaign Comes to an End

From its inception in 2005, the Justice for Reggie Campaign (J4R) had the formidable task of cutting through a decade plus of misinformation by a hostile media and to create a truth-seeking environment. The Campaign's goal was always to support Reggie's desire to get his day in court. We came pretty close to reaching this goal but we were always mindful that we were appealing to the same judicial system that convicted him in the first place. Reggie's breadth of support was international—from the faith community to spoken word artists. Thousands of signatures were collected for petitions to Missouri Governors. The Campaign organized numerous events and activities to educate and engage the public. We mobilized for all Reggie's court opportunities. Because of the mighty level of support from people like you, this case became the most high profile death penalty case in Missouri's history and was instrumental in exposing racism and corruption in the judicial system.



Chronology of Reggie's Case

April 4, 1991: Sisters Julie and Robin Kerry suspiciously drowned on the Chain of Rocks Bridge where

April 5, 1991: The Kerry's cousin Thomas Cummins originally claimed that a group of youths pushed the Kerry sisters off the bridge into the river, and ordered him to jump off the bridge. After further questioning, police arrested and charged Cummins with the murder of his two cousins.

April 7, 1991: Police systematically rounded up the group as suspects. A statement was forced from Tony that linked him to the alleged crime. Daniel was offered a deal by prosecutors for his cooperation. Marlin and Reggie were beaten into forced confessions. Cummins was released from police custody as a suspect.

April 9, 1991: At Reggie's arraignment Judge Michael David ordered Reggie to the hospital due to injuries from Reggie's assault by police.

January 22, 1993: Reggie's rape and robbery charges were dismissed before the murder trial started.

January 25, 1993: Reggie's trial began with Prosecutor Nels Moss and Defense Attorney Robert Constantinow presenting the case to a jury of 2 Blacks and 10 whites (4 females and 8 males).

February 18, 1993: Reggie's trial ended with 2 first degree capital murder convictions, with no evidence that Reggie killed anyone.

April 2, 1993: Reggie sentenced to death.

April 2, 1993: Cummins received \$150,000 from a lawsuit that alleged police brutality during questioning in 1991.

July 21, 1993: The Prosecutor Nels Moss dismissed the rape and robbery charges because there was not enough evidence to secure a conviction.

1995: Reggie had a 29:15 post conviction relief hearing where, in a handwritten letter, Prosecutor Nels Moss threatened Reggie's trial attorney.

April 26, 1996: Reggie's new lawyers filed a motion with the Missouri Supreme Court that detailed the serious flaws with Reggie's trial.

May 27, 1997: The Missouri Supreme Court upheld Reggie's conviction and sentence.

June 3, 1998: A habeas petition filed in federal court detailing how Nels Moss had threatened both defense counsel and witnesses into not testifying.

August 1, 2002: Reggie's death sentence ruled unconstitutional by federal court Judge Catherine D. Perry.

September 9, 2004: The US Court of Appeals for the 8th Circuit overturned Judge Perry's decision, reinstating Reggie's death sentence.

October 2005: The U.S. Supreme Court declined to review Reggie's case and cleared the way for him to be executed.

October 26, 2005: Marlin Gray, Reggie's co-defendant executed.

October 27, 2005: Jeremiah (Jay) Nixon, who would later become governor, called a press conference to demand Reggie be executed before Christmas.

November 21, 2005: The MO Attorney General filed a motion with the Missouri Supreme Court to set Reggie's execution date.

December 7, 2005: Reggie's lawyers filed an opposition to the State's motion because of unresolved issues in this case.

December 15, 2005: Justice for Reggie Campaign officially kicked off. Reggie's family and legal team selected Jamala Rogers as campaign coordinator.

2008: Reggie's attorneys filed legal challenge on constitutionality of lethal injection.

2008: Reggie's attorneys filed motion on proportionality.

(continued on page 4)

Chronology cont'd

May 18, 2009: The Missouri Supreme Court handed down an execution death warrant for Reggie to be executed on June 17, 2009.

May 20, 2009 : Reggie was moved to Bonne Terre prison where the execution chamber is housed.

May 26, 2009: Missouri Supreme Court denied stay of execution for Reggie.

June 4, 2009: Reggie's parents, Bishop Reynolds and Vera Thomas, met with Governor Nixon's aides to deliver a letter of appeal to save their son's life.

June 5, 2009: Reggie received a temporary stay of execution from the 8th Circuit based on pending ruling on MOs execution protocol.

June 5, 2009: The Thomases met with MO AG Koster who had promised Missourians during his campaign that he would look into Reggie's case.

June 12, 2009: Reggie's attorneys filed a petition for habeas corpus.

June 30, 2009: The MO Supreme Court appointed a Special Master to Reggie's case in response to Reggie's habeas corpus petition.

September 17-21, 2009: The Special Master Judge Michael Manners held an evidence hearing where new police brutality evidence came to light and Prosecutor Nels Moss admitted to unethical/illegal practices.

February 4, 2014: Oral arguments were presented to the Missouri Supreme Court and were reviewed for 18 months.

November 24, 2015: The Missouri Supreme Court vacated both first degree murder convictions. The state was given 60 days to retry his case.

January 25, 2016: The Circuit Attorney's Office announced that they intended to retry Reggie and charged him with murder, robbery, and rape charges.

March 7, 2016: Reggie pled not guilty to all counts-- first degree murder, rape and robbery.

May 2, 2016: Charles Moreland and Heather Vodnansky appointed as Reggie's public defenders.

July 18, 2016: Court order that Reggie be transferred from Potosi CC to the St. Louis City Justice Center and given access to a law library.

September 20, 2016: Judge Rex Burlison heard motions by Reggie's attorneys on double jeopardy for 1991 rape and robbery charges.

August 19, 2017: The Motion to Suppress the coerced statements of Reggie is sustained on agreement by the State.

August 31, 2017: Akin Gump Strauss Hauer and Feld (Akin Gump) entered their appearance as Reggie's co-counsel.

December 18, 2017: Reggie's guilty plea entered based on unexpected advice from his defense team.

Reggie's parents and his siblings were tireless supporters of their loved one. Over the years, the family made great financial and emotional sacrifices.



Over the last 13 years, Reggie's supporters have marched, rallied, partied, lobbied, prayed, cried, strategized and did anything else we needed to do in the pursuit of justice. The J4R Campaign will post on Reggie's Facebook page some of the many photos from our activities. As the theme of this last newsletter suggests, this is the end of a chapter but not the book. Reggie still needs us in the next chapter of his journey. We remember the young lives which have been lost in this case. We re-commit ourselves to transforming a judicial system that is about truth and justice, not revenge and hate, and that ultimately reflects a civil and humane society.



Former prosecutor Joyce contributed to the Clemons ordeal

(A view from Rod Chapel, attorney and state president NAACP)



In the wake of Reggie Clemons' guilty plea for life without parole, former St. Louis City Circuit Attorney Jennifer Joyce wasted no time in issuing another of the caustic, hasty public statements she has earned a reputation for over the years. Joyce called Clemons "a monster for putting the victims' families through this decades-long ordeal."

What Joyce leaves out, however, is her own integral role in this decades-long ordeal.

Even the St. Louis Post-Dispatch Editorial board noted that Clemons "could have gotten life without parole 24 years ago. The death sentence accomplished nothing."

Joyce led an office that violated prosecutorial disclosure of evidence in numerous criminal cases that sent people to prison. During Joyce's 2000-2016 tenure, the City of St. Louis Circuit Attorney's Office was ranked first out of 115 jurisdictions in the state for the most misconduct findings and reversals of convictions. In an exhaustive report released this summer, Joyce was named as one of four prosecutors who repeatedly violated their constitutional and ethical duties to such a degree that they were outliers – *nationally*. *And much of this noteworthy conduct from Joyce's office came out of the Clemons case.*

In fact, it was because of repeated missteps, misstatements, and misconduct by members of Joyce's office that the Missouri Supreme Court overturned Clemons' conviction and death sentence in 2015. The Court found that prosecutor Nels Moss, Jr. had suppressed evidence which supported Clemons' claim that the police had coerced his confession by violently beating him. Moss also wrote "omit" in the margins next to evidence of injuries in a draft police report. (Moss, who retired in 2001, was a runner-up in a 2016 report on America's deadliest prosecutors. His egregious misconduct included failing to disclose exculpatory evidence in at least 26 cases – eight of these cases later had reversed convictions or mistrials.) Joyce herself also publicly misstated that her office had provided Clemons' defense with rape kit evidence – they had not. In 2016, a circuit judge found that Joyce's office, following her policy, willingly violated for years their disclosure obligations, including in the Clemons case.

The price has been high for the victims and the community. Ultimately, we have all paid a price for this farce: trust in the judicial system.

Rod Chapel, Jr., President, Missouri NAACP
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October 13 is World Day

This is the last publication from the Justice for Reggie Campaign. The Organization for Black Struggle will continue to support this case and keep supporters updated.

Inside this Issue

- Words from Reggie
- Chronology of Case
- Photo History of Campaign
- Commentary from Rod Chapel, Jr.
- J4R Campaign Ends



A balloon release in 2011 by Reggie's supporters on the anniversary commemoration of the Chain of Rocks Bridge tragedy. The event was one of many organized by the Justice for Reggie Campaign to remember the lives lost and changed forever on April 4, 1991. Legacy Books & Café, a supportive community business, hosted the activity.