

# RICHARD GLOSSIP TALKING POINTS

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## THE MURDER AND THE CASE AGAINST RICHARD

In 1997, Richard Glossip worked as the manager of the Best Budget Inn in Oklahoma City, a motel owned by Barry Van Treese. In the early hours of January 7, Van Treese was beaten to death with a baseball bat in room 102 at the Inn.

Justin Sneed, who did maintenance work at the Inn, woke Richard at around 4am. Sneed had a black eye and told Richard a couple of drunks had broken a window and he'd run them off. When Richard said "Really, what happened to your eye?" Sneed said he had killed Van Treese. Richard looked in the parking lot and when he saw Van Treese's car wasn't there he assumed Van Treese had not yet returned from the other motel he owned in Tulsa and decided Sneed was messing with him.

Later that day Van Treese's car was found parked haphazardly in a nearby lot. \$4000 in hotel receipts had been stolen from the car. It wasn't until late that night that the police discovered Van Treese's body in room 102. When questioned during the day Richard had not mentioned Sneed's remark to the police. This was a grave mistake. It wasn't until he was being taken in by the police for questioning the following night that he told Detective Brown what Sneed had said. By that time, Sneed had left the scene and he wasn't arrested until a week later.

Sneed was interviewed at length by Detectives Bemo and Cook. He eventually said that Richard had offered him money to murder Van Treese and that Richard's motive was he wanted Van Treese out of the way so he could persuade Van Treese's wife to let him manage both motels, and also to hide the fact that he hadn't been performing the repairs on the motel that Van Treese had expected. Sneed said they could rob Van Treese of the hotel receipts and split the money.

In exchange for his testimony against Richard, Sneed received a life sentence in a maximum security prison while Richard was sentenced to death.

There was no physical evidence to corroborate Sneed's testimony against Richard. The evidence given in support was:

- Richard's failure to report Sneed's remark about killing Barry earlier.
- Richard's inconsistency in reporting the last time he saw Barry Van Treese. Several witnesses testified that Richard said he saw Barry after Barry was already dead. Richard has always said those people misunderstood him and thought he meant AM when he meant PM.
- Billye Hooper, the day-time desk clerk, who had testified that when she came into work that morning Richard had told her that Van Treese had left an hour earlier, also testified that Richard had told the maid not to clean Room 102 the day of the murder. However, Sneed

testified that it was he who had told the maid not to clean the room. Richard has also said that he and Hooper had had a falling out some time earlier.

- Money missing from accounts. Basic accounting purported to show a \$6100 shortfall. The more detailed records requested by the defense were apparently destroyed in a flood (and see below for more info about those supposed shortfalls).
- The fact that Richard sold several items in the days after the murder and a witness testified he said he was doing so in order to leave town. Richard's girlfriend, D-Anna Wood, testified that the money was for breast implants for her birthday. Richard himself said he sold them to hire an attorney, because a friend had advised him not to talk to the police again until he had a lawyer. Richard was picked up by the police as he left the lawyer's office.
- The fact that Sneed received no pay other than room and board for his maintenance work at the motel and was thus "in Richard's power".

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## RICHARD'S CASE FOR INNOCENCE

**No history of violence:** Richard had no history of violence and had never before been arrested. In prison, Richard has been a model prisoner, and shows no sign of "future dangerousness".

**He didn't kill Barry Van Treese:** Justin Sneed did. And Sneed got life in medium security while Richard got death.

**His crime didn't satisfy Oklahoma's own requirements for the death penalty:** Under Oklahoma law although someone convicted of murder for hire can be given the death penalty, the testimony of an alleged accomplice *must be corroborated by something that would connect the defendant to the crime itself*. For example, finding Richard's DNA or fingerprints on Van Treese's wallet or finding the wallet in Richard's possession would satisfy this requirement. But there was no such evidence against Richard at all, and yet he was given a death sentence.

**No physical evidence:** There was no physical evidence whatsoever tying Richard to the murder, despite the fact that Sneed testified in the 2004 retrial (but not in the original trial) that they both went to the room after Van Treese was murdered and that Richard had pulled a \$100 bill from Van Treese's wallet and put it in his pocket. Sneed's fingerprints, on the other hand, were discovered all over Room 102 and his DNA was discovered on a \$100 bill collected from the stolen motel receipts.

**Illogical motives:** Why would Richard hand over \$4000 to Barry Van Treese and then arrange to rob him of that money? He could have simply walked away with the receipts. Sneed also said that Richard wanted to kill Barry, keep working at the motel, and maybe take over management of the Tulsa motel, too, which just doesn't make sense.

**Motives belied by the evidence:** Although according to witnesses Richard was supposed to be worried about his job performance and shortfalls in the accounts, Barry Van Treese's brother testified at Richard's 2004 retrial that any financial shortfalls were "really insignificant amounts of money" that would not have concerned Barry and that the motel was "very profitable indeed". Barry had given Richard a performance bonus for 11 of the 12 months preceding the murder.

**Short, poorly done investigation:** The investigation into Van Treese's death was very short, turned up very uncertain evidence against Richard, and yet the decision was made to pursue the death penalty. Justice Bryer, in his dissent in *Glossip v. Gross*, noted that: *"In comparing those who were exonerated from death row to other capital defendants who were not so exonerated, the initial police investigations tended to be shorter for those exonerated."*

One example of the inadequacy of the investigation was the way police failed to follow up on other potential suspects in the killing. The Best Budget Inn was known as a place visited by drug dealers, prostitutes and people with troubled criminal pasts and on the night of Barry Van Treese's murder there were several people present who certainly merited investigation but who were essentially ignored. Most notable was Richard Page, who had a long criminal history and was known to be a white supremacist. Page had been convicted of beating a man to death with a blunt object in Arkansas for money. Page was convicted of the murder – which had a striking similarity to the murder of Van Treese – and spent 10 years in prison. Page testified at Richard's trial that he frequently went into room 102 where he bought drugs from Richard's brother, Bobby Glossip. Bobby Glossip manufactured and sold methamphetamine and also had a violent past. The police failed to thoroughly investigate these men (as well as others), their relationship to Justin Sneed and their possible involvement in the crime.

**Inadequate, under-funded defense:** Richard had two trials, the first in 1998 and the second in 2004. In his first trial, he had woefully inadequate defense, and in 2001 the Oklahoma Court of Criminal Appeals had no hesitation throwing out the verdict due to ineffective assistance of counsel. In his retrial, Richard was represented by the under-resourced Oklahoma Public Defender's Office.

**Neither jury saw critical evidence:** In the original trial the Appeals court found particular fault with the defense counsel's failure to use the videotape of Justin Sneed's confession to impeach both Sneed and the detectives who interviewed him:

*"[t]rial counsel's failure to utilize important impeachment evidence against Justin Sneed stands out as the most glaring deficiency in counsel's performance."*

In the retrial, the defense once again failed to use the videotape, nor did they show the jury the transcripts. At this time, the videotape not only would have provided strong evidence of the police manipulation of Sneed but it also would have shown the many ways Justin Sneed's story changed from his 1997 interview to the 1998 trial to the 2004 retrial. Despite the defense's failure to use the videotape, this time the Appeals court had nothing to say on this egregious omission.

**Justin Sneed had a good reason to implicate Richard in the murder:** The transcript of Justin Sneed's confession makes it clear that the police intimidated him that if he told them that Richard was behind the crime that information would be taken into account by the district attorney; and that otherwise Sneed would be handed over straight away and that he would "be facing this thing" on his own. Sneed specifically asked the detectives how his confession would help him:

SNEED: So is this going to help me out any at all by telling you all this?

OFFICER: Well, we'll just have to wait and see. This is definitely going to be better for you this way than it would be if you didn't say anything.

In fact, by implicating Richard, Sneed avoided a death sentence and was able to make a plea bargain that got him a life sentence, a sentence he is now serving in a medium security prison.

**Justin Sneed's daughter believes her father wants to recant:** Sneed's daughter believes that Richard is innocent and that her father would like to recant his testimony, but that he is scared he will lose his plea deal if he does so. In 2015 she sent a letter to the Oklahoma Pardon and Parole Board stating this.

**Justin Sneed's testimony changed over time:** There are marked changes in Sneed's confession and testimony in the two trials. The amount of money he said Richard offered him for the murder changed repeatedly and in the 2004 retrial, he gave many more details and described events which he had never before mentioned.

**Not the "worst of the worst":** The Supreme Court has ruled that the death penalty should be reserved for those cases that are the "worst of the worst" and "limited to those offenders who commit a narrow category of the most serious crimes and whose extreme culpability makes them the most deserving of execution." How does this crime fit that category? How does this Oklahoma City crime merit a death sentence when Terry Nichols, convicted of 161 counts of murder in the Oklahoma City bombing, received consecutive life sentences?

**Oklahoma has condemned other innocent men to death:** Ten people have been exonerated from Oklahoma's death row. Bad lawyering played a part in two of those decisions and snitch testimony played a part in four of them. Richard's case contains both bad lawyering and snitch testimony. Add to that the short police investigation, and his case contains most of the key ingredients found in convictions of innocent people.

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## EXCERPTS FROM JUSTIN SNEED'S CONFESSION

BEMO: Well, do you want to – let's get down to – to business here. Do you want to tell us what happened out there, how this all got started and run it down to us?

SNEED: Huh-un.

BEMO: You don't want to tell us about it?

SNEED: I don't really know what to say about it.

BEMO: Well, let me tell you, there's – there's a lot of people, you know, when something like this happens everybody tried to save themselves.

SNEED: Uh-huh.

BEMO: And everybody wants to make themselves look as good as they can, you know, to the – to the police. Because then all of a sudden, you know, the cat's out of the bag and everybody knows what's going on. Well, they've made you the scapegoat in this. You know, everybody is saying you're the one that did this and you did it by yourself and I don't believe that. You know that Rich is under arrest, don't you?

SNEED: No. I didn't know that.

BEMO: Yeah. He's under arrest, too.

SNEED: Okay.

BEMO: So he's the one – he's putting it on you the worst. Now I think that there's more to this than just you being by yourself and I would like for you to tell me what – how this got started and what happened...

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COOK: Well, basically what he's saying, Justin, is that Rich told us that you're the one that came to him with that idea.

BEMO: He's putting it off on you, Justin. That's what he told us.

SNEED: No. I don't understand that.

BEMO: And now Rich is trying to save himself by saying that you're in this by yourself, that it was all your doing and you're the one that – that did the homicide it was you, that you came to him and told him about it; is that true?

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BEMO. Okay. Are you saying that you didn't kill him?

SNEED: Yes, sir.

BEMO: Well, that ain't going to get it. They're putting it all off on you. That's what I'm trying to tell you.

COOK: You know, Justin, I suppose I'm not so sure if I wasn't in your shoes I wouldn't say the same thing you're saying. But we've gone through a lot of trouble, we've gone to a lot of work, investigation. And what you're saying there doesn't add up with everything else that we have discovered, not only with our technical investigation but also you told some folks some things. Okay?

SNEED: What do you mean?

COOK: Well, what I mean is according to Rich, you told him.

BEMO: That you killed the man, the owner of the motel.

COOK: And what we want you to do is try to do the manly thing here and get this thing straightened out. We want to hear your side of it. If it's just – if it went bad or you didn't mean to do it you need to tell us that and that's what we'll tell the District Attorney's office but you need to get straight with us and tell us what's going on here.

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BEMO: But we want to know whose – whose idea was it.

COOK: Is it all your idea, the whole thing?

SNEED: No, sir.

COOK: Well, okay, tell me.

BEMO: You need to tell us about it.

SNEED: Okay. Rich told me that he would split what money we could get out of Barry. I think that's – his name was Barry.

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SNEED: So is this going to help me out any at all by telling you all this?

OFFICER: Well, we'll just have to wait and see. This is definitely going to be better for you this way than it would be if you didn't say anything?

SNEED: Well, what's the maximum sentence for mur

OFFICER: Murder one? Well, the maximum is death.

SNEED: I guess I should have suspected that.

OFFICER: But there's also two other charges. It could be life without parole or life.

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SNEED: Suppose it's life, do you get parole?

OFFICER: Yeah. Well, it seems like you can after about a third of your sentence. They will figure it's – 45 years is a life term. There's all kind of things that can happen in this and it's really kind of premature for –

SNEED: Well, I should look forward to the next 40 years of sitting in a cell?

OFFICER: O, well, I don't know. But I'm going to tell you this, your old bud, Rich, was planning on letting you hang by yourself for this.

SNEED: Well I ain't going to hang by myself. I'm telling the truth.

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## BACKGROUND INFO ABOUT RICHARD

Richard was born in Galesburg, Illinois in 1963. He was the seventh of 16 children. His father was a coal miner who eventually died from black lung disease. The Glossips were poor but Richard loved both his parents and admired how they always did the best they could. Still, a household of 18 left precious little room for privacy and Richard decided to leave home at the age of 14 to escape the overcrowding. He lived on the streets for some time, then moved in with a friend, went back to school and got a job in a restaurant, and married at age 16.

His wife was African American, Richard is white, and his marriage caused a rift with his family and many of his friends. The couple were ostracized by both their communities. They had two children together – Richard loved being a father – but eventually the marriage broke up.

Richard inherited a strong work ethic from his father and became the youngest manager ever of a Domino's Pizza store. He went on to manage a number of stores very successfully over the years, turning failing businesses into successes, working very long hours all the time. (He says "That's one of the things I miss most in life. Being able to get up and go to work each day, and bust my ass each day, as I always have. I know it sounds strange and simple.")

Richard married again, and had two more children. After his second marriage broke up, he ended up in Oklahoma, where he eventually took a job managing the Best Budget Inn. It was there that his life changed when Justin Sneed, who did maintenance work in exchange for a room, murdered the owner Barry van Treese and, under police pressure, named Richard as a conspirator in the crime.

Since 1998 Richard has been on death row awaiting execution. He has been there while Oklahoma has executed almost 100 other prisoners, including the botched execution of Clayton Lockett last year. Lockett spent 103 minutes strapped to a gurney while the execution team first tried to insert a catheter into his veins, then used an experimental drug cocktail which failed to "take", then tried to abort the execution when Lockett continued to writhe and groan before he eventually died.

Richard says that Justin Sneed could clear his name, but he understands why he hasn't done so: He believes Justin fears having his life sentence replaced with a death sentence, and is terrified by the looming horror of Oklahoma's experimental execution protocol.