

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

FILED

AUG 21 2024

JOAN M. GILMER
CLERK, ST. LOUIS COUNTY

In Re: Prosecuting Attorney, 21st Judicial)
Circuit, ex rel. Marcellus Williams,)

Movant/Petitioner,)

v.)

State of Missouri,)

Respondent.)

Case No. 24SL-CC00422

Division 13

CONSENT ORDER AND JUDGMENT

Marcellus Williams was charged and convicted in St. Louis County Cause No. 99CR-5297 with one count of murder in the first degree (Count II), one count of first-degree burglary (Count I), one count of first-degree robbery (Count IV), and two counts of armed criminal action (Counts III and V), and was subsequently sentenced to death on Count II on August 27, 2001 along with consecutive terms of 30 years (Count I), 30 years (Count III), Life (Count IV), and 30 years (Count V).

On January 26, 2024, the State of Missouri filed a Motion to Vacate or Set Aside Judgment and Suggestions in Support pursuant to Section 547.031, RSMo.

This Court set a hearing on this motion for August 21, 2024.

The Court has been informed the State of Missouri, through the St. Louis County Prosecuting Attorney, and Williams, have agreed to settle this matter as follows: that the conviction and sentence as to Count II only shall be vacated, conditional upon Williams pleading to the charged offense of murder in the first degree pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), with a negotiated sentence of life without the possibility of

parole for the charge of murder in the first degree, with the other counts, upon which Williams was found guilty after a trial and subsequently sentenced, remaining unchanged.

The Court finds that the State of Missouri, through the St. Louis County Prosecuting Attorney, concedes that constitutional errors did occur in the original trial that undermine confidence in the original judgment.

The Court finds that, following discussions between a representative of the victim's family and both the Prosecuting Attorney's Office and the Attorney General's Office regarding this Consent Judgment, the Court held a telephonic conference in chambers with that representative on August 21, 2024, wherein the representative expressed to the Court the family's desire that the death penalty not be carried out in this case, as well as the family's desire for finality.

The Court has been informed that Williams acknowledges, understands, and agrees that by being resentenced pursuant to this Judgment, he waives his right to appeal or collaterally attack the judgment resentencing him following the entry of this Judgment, except on grounds of newly discovered evidence or changes in the law made retroactive to cases on collateral review.

The Court finds that the State of Missouri, through the St. Louis County Prosecuting Attorney, and Williams are the proper parties to this negotiated settlement of this matter pursuant to Section 547.031.

The Court finds a consent judgment is a proper remedy in this case.

The Court further finds, in accordance with RSMo. § 547.031(2) the Attorney General has been given notice of the Motion to Vacate previously filed, has entered its

appearance and has participated in all proceedings to date, including providing its objections to the instant Consent Order and Judgment.

The Court, after taking judicial notice of the Motion to Vacate, the evidence presented at the original trial, direct appeal, and post-conviction proceedings, including all state or federal habeas actions, finds this Consent Order and Judgment is supported by the record.

The Court further finds that all other pending matters or motions before the Court in this proceeding are hereby denied.

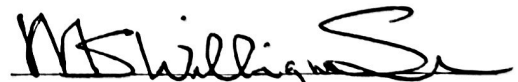
WHEREFORE, the Court vacates the conviction of Marcellus Williams for murder in the first degree (Count II) on the condition that Marcellus Williams accepts a plea of murder in the first degree and a sentence of life without the possibility of parole be imposed.

IT IS SO ORDERED.

8/21/2024
Date

 Div. 13

Bruce Hilton, Circuit Judge



Marcellus Williams, Relator