

STATE OF MISSOURI)
) ss
CITY OF ST. LOUIS)

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

STATE OF MISSOURI,)
)
Plaintiff,)
)
vs.)
)
REGINALD CLEMONS,)
)
Defendant.)

Cause Nos. 22911-01758B-01
1622-CR00354-01

Division 10

STIPULATION, PLEA AGREEMENT & SENTENCING MEMORANDUM

Come now the parties pursuant to Missouri Supreme Court Rule 24.02(d) 1 (C) and hereby stipulate and agree that the following facts are relevant for the purpose of plea and sentencing in the above causes, and that the following is the agreements of the parties:

1. THE PARTIES

The parties to this stipulation and the agreements contained herein are the defendant, Reginald Clemons, his counsel, Charlie Moreland, Heather Vodnansky, Mark MacDougall, Alison Papadopoulos, Abigail Kohlman, Parvin Moyné, Robert Lian, Jr., Stacey Mitchell, Elise Bernlohr, Catherine Creely, and Brian Horneyer; and the State of Missouri, by and through, Assistant Attorneys General Christine Krug, Gregory Goodwin, Kevin Zoellner, and Daniel Hartman.

2. THE PLEA AGREEMENT

In exchange for the defendant's voluntary pleas of guilty in these causes, the parties agree that the following disposition is appropriate:

In Cause Number 22911-01578B-01, the State will amend Counts I and II from Murder in the First Degree to Murder in the Second Degree. The parties agree that the sentences on each count will be life imprisonment in the Missouri Department of Corrections to be served consecutively to each other and to all other sentences, including 05D9-CR00366-02;

In Cause Number 1622-CR00354-01, the parties agree that the sentences on each count will be life imprisonment in the Missouri Department of Corrections (Rape, Rape, Robbery in the First Degree) to be served consecutively to each other and to all other sentences, including 05D9-CR00366-02;

Each of the five (5) life sentences in the Missouri Department of Corrections are to be served consecutively to each other and to all other sentences, including 05D9-CR00366-02.

By this binding agreement, the parties acknowledge that the sentencing agreement and the stipulations set forth led to the guilty plea in this case and that each party has a right to rely upon and hold the other party to the agreements and stipulations herein at the time of sentencing. The parties further agree that neither party shall request a different disposition of this matter unless that disposition is addressed in this document or the request is made with the consent of both parties.

3. FACTS

The parties state that the facts in this case are as follows, and that the State of Missouri would prove these facts beyond a reasonable doubt:

In the late night hours of April 4, 1991, Julie Kerry, her sister Robin Kerry and their cousin Thomas Cummins went to the Chain of Rocks Bridge in the City of St. Louis. While there they encountered the defendant Reginald Clemons, Antonio Richardson, Marlin Gray and Daniel Winfrey. After their initial encounter, they all met up again on the Missouri side of the bridge.

Defendant Clemons, Richardson, Gray and Winfrey proceeded to take U.S. currency and a watch from Thomas Cummins, and members of the group including Clemons, Gray, Richardson, and Winfrey, raped Julie and Robin Kerry.

Handwritten initials: HV, JRE, GMS, and JWH.

The Kerry sisters were forced through a manhole to the platform below the bridge and Clemons forced Cummins through the same manhole.

Julie and Robin Kerry were pushed into the river by one or more of the group including Clemons, Richardson, Gray, and Winfrey. Clemons did nothing to physically prevent the girls being pushed into the river and stayed at the manhole preventing their escape. After seeing his cousins pushed into the river, Cummins was told to jump or be shot, so Cummins jumped into the river. Cummins survived. Julie's body washed up along the river in Pemiscot County, Missouri approximately three weeks later. Robin's body was never found. The manner of Julie's death was a homicide with her cause of death as drowning.

During the above-described events on the Chain of Rocks Bridge, Defendant Clemons acted together with, aided, or encouraged Antonio Richardson, Marlin Gray, and Daniel Winfrey.

Defendant Clemons participated in the rape of Robin Kerry, and through the use of forcible compulsion, subjected Robin Kerry to sexual intercourse with more than one person. Defendant Clemons participated in the rape of Julie Kerry, and through the use of forcible compulsion, subjected Julie Kerry to sexual intercourse with more than one person. Defendant Clemons, acting with Marlin Gray, forcibly stole a watch in the possession of Thomas Cummins, and in the course thereof, Marlin Gray, another participant in the crime, threatened the immediate use of a dangerous instrument against Thomas Cummins.

Testing indicated that Defendant Clemons and Marlin Gray's DNA was present in sperm fractions recovered from the pants Marlin Gray wore during the course of the crimes.

The defendant and the State of Missouri agree that the facts set forth are true and accurate.

4. PENALTIES

The defendant fully understands that the range of punishment for each count is as follows:

Murder in the Second Degree: The range of punishment for the class A felony is a minimum of ten (10) years up to thirty (30) years or life imprisonment in the Missouri Department of Corrections.

Murder in the Second Degree: The range of punishment for a class A felony is a minimum of ten (10) years up to thirty (30) years or life imprisonment in the Missouri Department of Corrections.

Rape: The range of punishment for this unclassified felony is a minimum of five (5) years up to thirty (30) years or life imprisonment in the Missouri Department of Corrections.

Rape: The range of punishment for this unclassified felony is a minimum of five (5) years up to thirty (30) years or life imprisonment in the Missouri Department of Corrections.

Robbery First Degree: The range of punishment for a class A felony is a minimum of ten (10) years up to thirty (30) years or life in the Missouri Department of Corrections.

5. THE DEFENDANT'S RIGHTS

The defendant has been fully advised of his constitutional rights by his attorney, and fully understands that he has an absolute right to plead not guilty to the charges; that he has the right to be tried by a jury; that at such trial he would be presumed innocent and that he has the right to require the State of Missouri to prove the entire case against him beyond a reasonable doubt; that he has the right to the assistance of counsel and that counsel will be appointed for him if he cannot afford one himself; that he has the right to confront and cross-examine witnesses against him and present witnesses on his behalf; that he has the right not to testify or be compelled to incriminate himself. The defendant fully understands that, by this guilty plea, he expressly waives all the rights set forth in this paragraph.

The defendant's attorneys have explained these rights to him and the consequences of his waiver of those rights. Defendant fully understands that as a result of his guilty plea there will be no trial. The defendant states that he is fully satisfied with the representation that he has received from his counsel. He has discussed the State's case and all possible defenses and defense witnesses with his counsel. His counsel has completely and satisfactorily investigated his case and has complied with all requests made by the defendant.

6. NO PROMISE OR INDUCEMENT OUTSIDE THIS DOCUMENT; NO THREATS OR COERCION:

This agreement constitutes the entire agreement between the defendant and the State of Missouri, and no other promises or inducements have been made, directly

or indirectly, concerning any plea to be entered in this case or the stipulations or agreements found herein. In addition, the defendant states that no person has, directly or indirectly, threatened or coerced him to do or refrain from doing anything in connection with any aspect of this case, including entering a plea of guilty.

7. CONSEQUENCES OF FURTHER CRIMINAL CONDUCT BY DEFENDANT OR THE RECEIVING OF ADDITIONAL INFORMATION REGARDING THE DEFENDANT'S BACKGROUND.

The defendant fully understands that, should he engage in any criminal activity between the time he signs this agreement and the time of plea and/or sentencing, or the State receives additional information regarding the defendant's criminal background that was previously unknown to the State, the State shall be released from any obligation created by this agreement and from any limits on the State's power to prosecute the defendant.

December 18, 2017

Date

12/18/17

Date

12/18/17

Date

Reginald Clemons

Reginald Clemons

James V. Veder
Counsel for Clemons

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