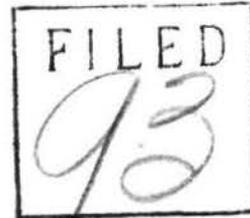


DEATH WARRANT: Form of.

April 9, 1938



Hon. Joseph M. Walsh  
Assistant Circuit Attorney  
Municipal Courts Building  
St. Louis, Missouri

Dear Sir:

We have your request of April 7, 1938, which is as follows:

"This office has been requested by the Clerk of the Circuit Court for Criminal Causes in this city to draft form of death warrant, or warrants, provided for in the Act passed at the session of the 59th General Assembly and approved June 4, 1937 relating to the duties of courts in capital cases (Laws of Missouri 1937, p. 221).

I would appreciate your furnishing me with an approved form of the warrant, or warrants, referred to in Sections 3719 and 3721 of said Act, if you can conveniently do so, in order that I may give same to the Clerk of our criminal division for his future use."

Section 3800 R. S. Missouri 1929, provides that for good cause shown either the Court or the Governor may prolong the time or suspend the execution.

April 9, 1938

Section 3742 R. S. Missouri 1929, provides that when an appeal is taken in any case involving the death penalty the appeal shall automatically stay the execution.

In most cases involving the death penalty an appeal is immediately taken from the judgment of the trial court. In such cases the Circuit Clerk should attach to the death warrant either a certified copy of the order granting the appeal, or a certification to the effect that the appeal was granted, giving the date of the appeal. All orders of the Governor postponing the date of execution should be attached to the death warrant by the person receiving such orders.

We have carefully examined the 1937 Law, S.B. 115, Laws of Missouri 1937, page 221, consisting of eight sections. We have prepared a form of warrant which is attached hereto, and this office is of the opinion that the attached warrant meets the requirement of the 1937 Act.

Respectfully submitted,

FRANKLIN E. REAGAN,  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

FER: MM