

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REGINALD CLEMONS,)
)
 Petitioner,)
)
vs.) Case No. 4:97CV2344 CDP
)
ALLEN LUEBBERS,)
)
 Respondent.)

WRIT OF HABEAS CORPUS

In accordance with the Memorandum and Order entered this day and incorporated herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that petitioner Reginald Clemons is **GRANTED** this Writ of Habeas Corpus and his death penalty, but not his conviction, is **VACATED**.

IT IS FURTHER ORDERED that the State of Missouri shall, within ninety (90) days of this Writ, or, if the case is appealed, within ninety days of affirmance on appeal, elect whether to resentence Clemons to life imprisonment without eligibility for parole, or to seek a new trial on the state’s request for imposition of the death penalty.

IT IS FURTHER ORDERED that Clemons is granted a certificate of appealability only on his claims that claims of prosecutorial misconduct (6, 8 and

11), and on his claim that venireperson Doss was improperly removed from the venire panel (4A).

/s/

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of August, 2002.

