Petition for Commutation for
Ralph Leroy Menzies

DOB: [redacted]
UDOC NO. 113858

Presented to the
Utah Board of Pardons & Parole
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Murray, Utah 84107

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I. Introduction

Ralph Menzies is 67 years old. He is physically frail and suffers from vascular dementia, a terminal illness that has left him unable to take care of his basic needs, remember people he has known for decades, or comprehend the legal proceedings in his case. He no longer remembers his trial, cannot understand recent developments in his case, and is unable to meaningfully assist counsel in preparing for clemency. The reality of what will happen if Mr. Menzies is executed is jarring: officers will have to remove the oxygen tubes from his nose; it will require multiple people to help him into the execution chamber and onto the chair; and then the State of Utah will train five high-velocity rifles on the body of a frail, elderly man who is already fading. This will not be justice. His execution will serve no purpose but to turn the inevitability of death into a needless display of violence.

The years since Mr. Menzies's trial have also shown the justifications for sentencing Mr. Menzies to death to be unfounded. The judge who sentenced Mr. Menzies to death no longer stands by the sentence, stating he misapplied the law and should have sentenced Mr. Menzies to life in prison. The central justification for Mr. Menzies's death sentence has been proven false. He was sentenced to death on the belief that he was too dangerous to be safely incarcerated. Yet in the nearly forty years he has spent on death row, he has not committed a single violent infraction. The former Chief Justice of the Utah Supreme Court, who originally upheld Mr. Menzies's sentence on direct appeal, has since concluded as a member of the Salt Lake City District Attorney's Conviction Integrity Panel that the sentence was unjust and that Mr. Menzies should be resentenced to life without parole. The only evidence of Mr. Menzies's alleged boasting about the crime—a key factor in his sentencing—was fabricated by a jailhouse informant who has since admitted under oath that he committed perjury in exchange for a recommendation to reduce the sentence in his own criminal case. Mr. Menzies's trial was also plagued by flawed eyewitness

identification, a tainted photo lineup, and a highly suggestive in-person lineup. Powerful mitigating evidence, including organic brain damage and a childhood marked by trauma, abuse, and neglect, was never presented to the court and likely would have tipped the scales toward a life sentence.

The Ralph Menzies who was sentenced to death in 1988 no longer exists. Executing him now, decades later, when he is physically and cognitively impaired, does not serve the ends of justice. Since the death penalty was reinstated in 1976, the State of Utah has never granted clemency to a death-sentenced prisoner. If ever there were a case that warrants it, this is the case. We respectfully urge the Board to commute Mr. Menzies's sentence to life without the possibility of parole.

II. Mr. Menzies has worsening dementia and is in failing health.[1]

In late 2023, Mr. Menzies was diagnosed with vascular dementia, a terminal illness that has caused significant cognitive decline and memory loss. For some time before his diagnosis, Mr. Menzies had been experiencing unexplained falls and persistent balance issues.[2] In June 2023, after many attempts to obtain treatment, the prison finally authorized an MRI of Mr. Menzies's brain. The MRI showed "generalized cerebral volume loss, and a moderate to severe burden of chronic microvascular disease."[3] In lay terms, Mr. Menzies's brain is shrinking and much of the remaining tissue is damaged. The damage in Mr. Menzies's brain is rated at the most severe level on the applicable medical scale.[4]

In vascular dementia, small blood vessels in the brain become blocked which leads to loss

[1] As a result of his deteriorating condition, Mr. Menzies will not be speaking at the commutation hearing, should the Board grant one. His significant memory impairments have created substantial gaps in his recollection of events surrounding the crime and trial, rendering him unable to competently address the Board. Undersigned counsel has advised Mr. Menzies not to speak, as he cannot meaningfully prepare, recall his remarks, or remain focused on the subject at hand.
[2] Ex. 1 at 1.
[3] Ex. 2 at 1.
[4] Ex. 3 at 1; Ex. 47.

of brain tissue and results in "progressive changes in brain function that often manifest as deficits in learning, memory, information processing, abstract reasoning, and problem solving."[5] These changes manifested in Mr. Menzies as balance problems and spontaneous falls, as well as his becoming "disorganized, confused, forgetful, agitated, and physically and mentally exhausted."[6] Where Mr. Menzies was previously organized, kept careful track of his legal visits, and was very engaged in and knowledgeable about his legal case, he began forgetting to bring his legal papers with him, being unable to find what he was looking for in his files, and forgetting he had legal visits at all.[7] He also began becoming confused by issues in his case that he previously understood well.[8] He repeated himself frequently without realizing he was doing it.[9] Mr. Menzies also became confused by his medical issues, struggled to handle his commissary account, and began doing things like calling one of his current attorneys by the name of an attorney who had not represented him for over six years.[10]

Evaluation by a neurologist and neuropsychologists confirmed what others had observed. Dr. Thomas Hyde, a board-certified neurologist, evaluated Mr. Menzies in September 2023, May 2024, and June 2025. In his initial evaluation, Dr. Hyde diagnosed Mr. Menzies with vascular dementia. He noted Mr. Menzies had difficulty with abstract reasoning, which is "especially important in consideration of circumstances where new and/or complicated information may be presented, and the ability to hold this information, process it, and use this information in the service of one's legal interests is required."[11] At his second evaluation in May 2024, Dr. Hyde found that

[5] Ex. 4 at 1.
[6] Ex. 5 at 1.
[7] Ex. 5 at 1-3; see also Ex. 6 at 2; Ex. 7 at 2.
[8] Ex. 5 at 3-4.
[9] Ex. 1 at 1.
[10] Ex. 5 at 3-4; Ex. 8; Ex. 9; Ex. 6 at 2.
[11] Ex. 4 at 2-3.

Mr. Menzies "showed a diminution in his cognitive abilities, along with several new abnormalities on his elemental neurological examination and persistence of previously documented findings from September 20, 2023. This is consistent with the progression of vascular dementia."[12] Dr. Hyde noted that Mr. Menzies reported worsening symptoms, including "difficulty remembering details from both his childhood and adulthood," "increasing difficulties with names" and "deficits in recognizing familiar faces." He was forgetting his daily schedule and inmates in neighboring cells "complain[ed] that he forgets to shower, and neglects to flush the toilet at times."[13]

Mr. Menzies has also been evaluated four times by Dr. Lynette Abrams-Silva, a board-certified neuropsychologist, who performed neuropsychological testing in September 2023, January 2024, October 2024, and June 2025. In her initial evaluations, Dr. Abrams-Silva found that Mr. Menzies was "unable to gain new, accurate knowledge, particularly of complex matters, such as his legal situation" and had "an inability to comprehend previously learned information, particularly when attempting to recall it at a later date and in the context of new, additional, or changing details."[14]

[12] Ex. 11 at 1.
[13] Ex. 11 at 2.
[14] Ex. 12 at 10.

Mr. Menzies, shortly after his dementia diagnosis in December 2023.

Based on the extensive evidence of his cognitive decline, on January 23, 2024, Mr. Menzies filed a petition in the Salt Lake County district court alleging that he is incompetent to be executed under *Ford v. Wainwright*, 477 U.S. 399 (1986).[15] Courts have noted that "the bar for competence to be executed is not a high one."[16] In fact, since *Ford* was decided in 1986, there have only been 28 cases nationwide that have found a prisoner satisfied the standard.[17] By comparison, there have been 1,518 executions in the United States during the same period.[18]

The court held a six-day evidentiary hearing in November and December 2024 at which seven expert witnesses testified. Six of those witnesses agreed that Mr. Menzies suffered from dementia but disagreed as to whether he satisfied the *Ford* standard that he lacked a rational understanding of the reasons for his execution. The court agreed that Mr. Menzies had "demonstrated that he has a declining ability to recall information and that his confusion has

[15] Ex. 13.
[16] *Cole v. Farris*, 54 F.4th 1174, 1178 (10th Cir. 2022).
[17] Su, I-An, Blume, John H., Ceci, Stephen J., Analyzing the Successful Incompetent to Be Executed Cases in the United States: A First Pass, Cornell Legal Studies Research Paper No. 25-01, Behavioral Sciences, volume 15, issue 3, at 1, 9 (2025).
[18] *See* Death Penalty Information Center, deathpenaltyinfo.org/executions.

increased," and determined that Mr. Menzies suffers from dementia.[19] The court found that Mr. Menzies did not satisfy the *Ford* standard because, based on Mr. Menzies's statements, it concluded that he understood that he was to be executed as a punishment for a crime for which he had been convicted, an understanding the court deemed sufficient under the *Ford* standard.[20]

In the eight months since the competency hearing, Mr. Menzies's health and cognition have continued to decline. In February of this year, Mr. Menzies experienced a severe hypoxic event during which his blood oxygen saturation dipped as low as 83%, which is considered dangerously low and potentially life-threatening.[21] He was put on supplemental oxygen, which he continues to use. Despite this, Mr. Menzies still experiences frequent shortness of breath. Mr. Menzies's balance problems have worsened, and the frequency of his falls has increased. Mr. Menzies uses a walker to get from place to place, and still often requires assistance. Prison and medical records confirm he can no longer consistently get out of bed in the morning or dress himself. In the spring of 2025 Mr. Menzies was assigned an Americans with Disabilities Act (ADA) aide, another inmate at the prison, who now helps him with basic tasks he can no longer do on his own. Mr. Menzies has trouble getting to medical appointments. He cannot independently manage his commissary.

[redacted], who was Mr. Menzies's case worker from August 2024 to July 2025, has seen Mr. Menzies's decline, particularly in the last few months.[22] In recent months she has noticed he "has been less talkative," "sleeps more," and "shuffles when he walks," a known symptom of dementia.[23]

[19] Ex. 14 at 20, 22.
[20] Ex. 14 at 18.
[21] Ex. 15.
[22] Ex. 16 at 1.
[23] Ex. 16 at 2.

In addition to his cognitive decline, Mr. Menzies is physically "quite feeble."[24] He "is no longer able to walk any distance without his walker and requires frequent breaks after walking only a few steps."[25] He is now reliant on an oxygen tank.[26] In addition, Ms. [redacted] recalled a recent incident where she spoke to Mr. Menzies and he "just looked at [her] with a blank stare," which she noted she has observed happening more and more recently.[27] Mr. Menzies "stared at [her] name badge for at least 5 minutes before it seemed to click," and then seemed to have no idea what she had been saying. Ms. [redacted], who has personal experience with dementia patients, reported that she felt "Mr. Menzies wasn't really there when I was speaking to him."[28] While always "respectful to [her] and to other inmates," over the last three to four months, Mr. Menzies "appears to be shutting down."[29]

Recent evaluations confirm this decline. Following a June 2025 evaluation, Dr. Abrams-Silva noted that Mr. Menzies was transported by wheelchair to the testing room and that he told Dr. Abrams-Silva it was because "I can't walk far enough to get from my section to here." Dr. Abrams-Silva noted that Mr. Menzies could not recount details of his own medical history since she last saw him and that although he denied difficulty using the phone, he told her "he has been told he keeps dialing the wrong number to contact his attorney's office," although he does not believe he dials the wrong number. Dr. Abrams-Silva also found that Mr. Menzies's ability to discuss his legal case had declined, "he appeared somewhat disoriented," talked much less than he had previously, and was unable to provide details about anything discussed.[30]

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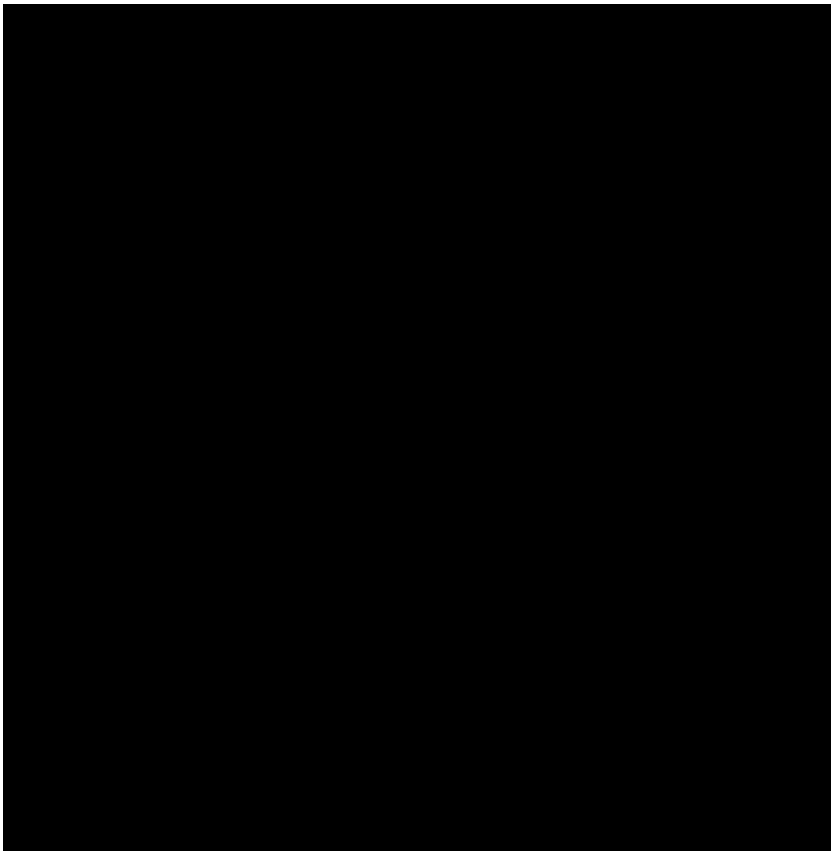
[24] Ex. 16 at 1.
[25] Ex. 16 at 1.
[26] Ex. 16 at 2; Ex. 15.
[27] Ex. 16 at 2.
[28] Ex. 16 at 2.
[29] Ex. 16 at 3.
[30] Ex. 46.

Dr. Hyde similarly found "significant cognitive deterioration" in his June 2025 evaluation, as well as new neurological abnormalities that were not present on previous exams. Dr. Hyde noted that Mr. Menzies gets confused during conversations with his lawyers and that although he used to use his tablet on his own, now Mr. Menzies feels "it doesn't work right," so his ADA aide helps him order commissary.[31]

Vascular dementia is a progressive and terminal disease. As expected, in the two years since Mr. Menzies was diagnosed, his symptoms have continued to worsen. Those close to him report that he now has more bad days than good days and often just sits and stares into space. Mr. Menzies now struggles to understand or remember even basic information about what is happening in his case. Recently, Mr. Menzies did not recognize another death-row inmate he has known for over 30 years. He no longer remembers the details of his crime, trial, or sentencing. He does not understand the clemency process or even the purpose of clemency.[32]

[31] Ex. 19.
[32] Ex. 46 at 2.



Mr. Menzies in July 2025, as corrections officials manage his oxygen tank at a court hearing.

Executing someone with dementia is not justice, it is cruelty disguised as punishment. Dementia strips a person of memory, personality, dignity, and the ability to understand the world around them. People with dementia forget names, faces, and how to take care of themselves. They are confused, vulnerable, and often scared. Executing a person in that condition is not holding them accountable, it is a hollow, inhumane spectacle devoid of moral or societal value. It does not deter future crime; it does not bring closure grounded in justice; and it does not uphold the dignity of the law. Utah has never executed a person with dementia. If this Board chooses not to intervene, Mr. Menzies will become the first. That outcome would mark a dark and unprecedented moment in the State's history. This Board has the power and the responsibility to prevent such a tragic and pointless act.

III. The judge who sentenced Mr. Menzies no longer stands by the death sentence.

The judge who sentenced Mr. Menzies to death signed a sworn affidavit stating that he believes the sentence was imposed in error and that Mr. Menzies should be resentenced to life without parole.

Mr. Menzies elected not to be sentenced by a jury and was instead sentenced by Judge Raymond Uno.[33] There were only two sentencing options available to Judge Uno—life imprisonment with the possibility of parole, or death. At that time, there was no option to sentence Mr. Menzies to life without the possibility of parole.[34] Judge Uno sentenced Mr. Menzies to death on March 23, 1988.

In making his sentencing decision, Judge Uno emphasized his concern about Mr. Menzies's future dangerousness. "Life imprisonment is no guarantee," he stated. He may be "release[d] or parole[d] in spite of recommendations." Judge Uno noted that the average commitment for life sentences was 20 years.[35] Judge Uno concluded, "The court is of the opinion that this community has been put [at] too much risk. . . . There is no guarantee he will not be paroled again in one year or thirty years."[36] He further noted that "there is no facility where other inmates or staff will be free from threats, intimidation, or harm from the defendant."[37] "My greatest concern," Judge Uno said, "is for [the] innocent victim, the innocent victim or the victims in the

[33] Judge Uno, a highly respected member of the Utah legal community, passed away in 2024. *See* https://www.sltrib.com/news/2024/03/11/utah-judge-raymond-uno-whose-life/.
[34] The statute has since been amended to allow the sentencer in a capital case to impose a sentence of life without the possibility of parole instead of the death penalty. This statutory change was one of the reasons the Salt Lake County District Attorney's Conviction Integrity Unit Panel recommended that, in the interest of fundamental fairness, Mr. Menzies's death sentence be vacated and he be resentenced to life without the possibility of parole. Ex. 32 at 2.
[35] Ex. 20 at 3254.
[36] *Id*. at 3269.
[37] *Id*.

future and how best to protect them."[38]

Judge Uno also emphasized Mr. Menzies's alleged lack of remorse and that he had "boast[ed]" about the killing to jail inmate [redacted].[39] In light of [redacted] testimony, Judge Uno concluded that a letter Mr. Menzies had written expressing remorse over Ms. Hunsaker's death was an "attempt[] to manipulate."[40] As discussed below, however, [redacted] later recanted this testimony and swore under oath that he committed perjury and Mr. Menzies never confessed or boasted to him about the murder.

In 2010, Judge Uno signed a sworn statement stating that he misapplied the law in Mr. Menzies's case and that "[his] error should simply result in a reduction in the sentence from capital murder to the next lowest sentence available, which is life imprisonment."[41] Judge Uno also stated that "Menzies presented unrebutted evidence of mental illness," which "should also have reduced the sentence to life imprisonment."[42]

Judge Uno's affidavit was never considered by any court that reviewed Mr. Menzies's case in post-conviction review (PCR). The court reviewing Mr. Menzies's PCR petition struck the affidavit from the record as irrelevant to the issues before the court. The Utah Supreme Court held that there was no legal recourse for Judge Uno's sworn statements that he believed he had erred in sentencing Mr. Menzies and no longer stood by the death sentence.[43] Neither federal court that reviewed Mr. Menzies's case mentioned the affidavit. They could not consider it because it had been struck from the state court record.[44]

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[38] *Id*.
[39] *Id*. at 3265.
[40] *Id.* at 3255.
[41] Ex. 21 at ¶¶ 5, 8, 9.
[42] *Id.* at ¶ 10.
[43] *Menzies v. State (Menzies IV)*, 2014 UT 40, ¶ 206.
[44] *See* 28 U.S.C. § 2254(d)(1), (d)(2).

While the courts are constrained by legal limitations on considering such evidence—even when fairness would seem to demand otherwise—this Board is not. To the contrary, this Board is a critical failsafe for when the courts are powerless to act, even where the interests of justice call for intervention. That Mr. Menzies's sentencing judge no longer stands by the death sentence is a compelling ground for clemency. While the courts cannot act on that recommendation due to procedural constraints, this Board can—and should—consider it in determining whether to commute Mr. Menzies's sentence to life imprisonment without the possibility of parole.

IV. The former Chief Justice who upheld Mr. Menzies's death sentence four times no longer believes he should be executed.

Judge Uno is not the only Utah judge who no longer stands by Mr. Menzies's death sentence after playing a major role in its imposition. Justice Christine Durham, the former Chief Justice of the Utah Supreme Court, who was in the majority in four Utah Supreme Court decisions that denied Mr. Menzies relief on appeal and refused him post-conviction relief, was also a member of the District Attorney's CIU panel that reviewed Mr. Menzies's case.[45]

Justice Durham no longer stands by the sentence of death. She, along with the other members of the panel, concluded that Mr. Menzies's death sentence "lacks integrity" and is "compromised by [] fundamental unfairness[.]"[46] The panel, including Justice Durham, "recommend[ed] that the sentence of death in Mr. Menzies's case be vacated and that the District Attorney recommend that Mr. Menzies be resentenced to life without the possibility of parole."[47]

The District Attorney ultimately declined the panel's recommendation, expressing his

[45] The CIU panel noted that "Justice Durham carefully considered her participation in those cases, fully evaluated the issues, and discussed with us the propriety of her participation on the panel in Mr. Menzies's case. The panel, with Justice Durham abstaining, concluded that she need not disqualify or recuse herself. The issues under consideration by the panel were not raised or resolved in any of the cases Justice Durham participated in on appeal." Ex. 32.
[46] Ex. 32 at 1, 2.
[47] Ex. 32 at 2.

belief that because Judge Uno "made the decision that he believed was correct at the time" and because the District Attorney could not "interpret and apply statute changes retroactively when they have been designed to apply only in future cases," there was no legal recourse for the conclusions reached by Justice Durham and the rest of the CIU panel.[48] The District Attorney also raised the concern that his petitioning a court to vacate Mr. Menzies's sentence and resentence him to LWOP would "risk opening the flood gates for future claims, potentially putting hundreds of crime victims and their families at risk of reopening old wounds."[49] As a result, the District Attorney determined he would "respectfully decline the CIU panel's recommendation and will take no action regarding Mr. Menzies's CIU petition."[50]

The District Attorney did not contest the fundamental unfairness identified by the CIU panel nor did he dispute any of the panel's factual findings. Rather, he determined that he was legally powerless to act. This Board, however, is not constrained by those same legal considerations and does not face the same policy concerns. There are only four individuals on Utah's death row, and there is no realistic basis to fear that granting clemency to Mr. Menzies would lead to a flood of similar claims.

Not only the judge who sentenced Mr. Menzies to death, but also the former Chief Justice who upheld his sentence four separate times, now believe that executing Mr. Menzies would be fundamentally unfair. This Board should act on the CIU panel's recommendation where the District Attorney could not.

V. The basis for Mr. Menzies's death sentence has been refuted.

Mr. Menzies's sentence rested largely on the now-recanted, perjured testimony from a

[48] Ex. 23 at 4.
[49] *Id*.
[50] *Id*.

jailhouse informant and on Judge Uno's concern that Mr. Menzies would be a threat to the community. Yet in the nearly four decades he has spent in prison, Mr. Menzies has shown consistent good conduct, contributed meaningfully to the prison community, and demonstrated that he is not a threat to others. Sworn and uncontested affidavits have shown that Mr. Menzies's death sentence was based on perjured testimony from a jailhouse informant who has since recanted that testimony. Finally, just four years after Mr. Menzies's trial, before his conviction was even final on appeal, Utah law changed to allow for a life-without-parole sentencing option, an option unavailable at the time. Both Judge Uno and the prosecuting agency's own Conviction Integrity Panel now agree that had that option existed, it would have been the appropriate and likely sentence in this case.

A. Judge Uno's concern that Mr. Menzies was too dangerous to incarcerate has proven unfounded: Mr. Menzies has never had a violent infraction in the time he has been on death row.

Judge Uno sentenced Mr. Menzies to death because he believed that Mr. Menzies was too dangerous to be safely incarcerated. This belief has proven false. Throughout his nearly 40-year period of incarceration, Mr. Menzies has never received a disciplinary infraction for causing harm to another person. Instead, he has consistently held jobs, contributing to the prison community by working in the laundry, kitchen, and even participating in the Utah Correction Industries, where he crafted furniture and other products for public sale.

Mr. Menzies's prison record from the past three decades reinforces the fact that he is not a risk while incarcerated. In 2003, prison officials noted that his "behavior has been acceptable while in death row, never causing us an unnecessary management concern."[51] Captain [redacted], who has known Mr. Menzies for many years, similarly stated, "During the time I have known Ralph,

[51] Ex. 24.

he has never given anybody a problem while in prison. He is not violent and is not a threat to anybody while incarcerated. From my personal experience as a Captain overseeing several units where Ralph has been housed, Ralph has been a model inmate."[52] Captain [redacted], another captain who oversaw the death row unit for over five years, reports that "Ralph was positive and frequently helped guards as well as his peers. He was not considered a problem or violent. I believe Ralph would not be an issue for correctional officers or the public if he was serving a life without parole sentence[.]"[53]

In 2018, during his work in the prison laundry, Mr. Menzies discovered a sharpened weapon and promptly turned it in to the staff. Prison officials noted that "Menzies has recovered other shanks in the laundry in the past and has always turned them over to staff without issue."[54] His history of safely recovering such dangerous items without hesitation highlights his responsible nature even in such a challenging environment.

In 2015, Mr. Menzies enrolled in UDC's "Last Chance" program, designed to provide participating death row inmates "with the opportunity to earn increased privileges based upon the inmate's positive behavior."[55] Eligibility for this program required that the inmate "demonstrate the required level of trust and program commitment through monitored behavior, program involvement and peer support."[56]

Mr. Menzies successfully completed the Last Chance Program, a feat that culminated in his transfer "to a less restrictive housing unit from a maximum-security housing unit" in December

[52] Ex. 1 at 2.
[53] Ex. 17 at 1.
[54] Ex. 25 at 2.
[55] Ex. 26.
[56] *Id.* at FHr26/02.04.

2019.[57] As a testament to his reliability, he was entrusted to live in a general population dormitory-style pod with freedom of movement among over sixty other inmates. He has continued to function well in a general population setting without posing a risk to other inmates or corrections staff.

As discussed above, Mr. Menzies is now 67 years old and physically frail. He has had both knees replaced, experiences frequent falls and balance issues, is assigned an oxygen tank, has difficulty getting out of bed and dressing himself, requires a walker or wheelchair to get around, has an ADA worker to help him complete basic activities of daily living, and suffers from dementia. Given his poor health and physical disabilities, it is increasingly evident that Mr. Menzies poses no threat to anyone.

The fact that Judge Uno, who regrets imposing the death penalty in this case, based his sentence so heavily on Mr. Menzies's supposed future dangerousness—and time has since demonstrated that Mr. Menzies poses no such risk while incarcerated—strongly supports granting commutation. Although the courts cannot revisit this issue, this Board, in its essential role as a failsafe, must give it careful consideration.

B. Judge Uno's sentencing decision was based in part on perjured testimony.

Mr. Menzies's death sentence was obtained using perjured testimony, a fact that the Conviction Integrity Panel determined justified resentencing Mr. Menzies to life without parole because the sentence lacks integrity.

[redacted], a jailhouse informant who had recently been sentenced to 10 years in federal prison for bank robbery and weapons convictions, falsely testified during the preliminary hearing that Mr. Menzies confessed to him. [redacted] claimed Mr. Menzies described the act of slitting the victim's throat with disturbing exhilaration, labeling it as "one of the biggest thrills" he

[57] Ex. 27.

had ever experienced.[58] [redacted] also falsely testified that he expected no benefits from the prosecution in exchange for his testimony. Following [redacted] testimony at Mr. Menzies's preliminary hearing, but before the trial, the prosecutor in Mr. Menzies's case testified in [redacted] federal case in support of a reduced sentence for substantial assistance in prosecuting another person. Having gotten the benefit he wanted, [redacted] then refused to testify at Mr. Menzies's trial. Over objection, the court deemed [redacted] unavailable to testify and permitted his prior testimony to be read to the jury. [redacted] later recanted his testimony, swearing that Mr. Menzies never actually confessed to him and that he had concocted the entire narrative to elicit assistance from the State in reducing his federal sentence.[59]

During the penalty phase of Mr. Menzies's trial, [redacted] statement was the only evidence the prosecutor presented to demonstrate Mr. Menzies's purported lack of remorse. The prosecutor argued it was a pivotal aggravating factor warranting the imposition of the death penalty. In closing, the prosecutor referenced this statement four times, emphasizing that Menzies relished the crime. The prosecutor claimed Mr. Menzies shamelessly boasted about the murder while in jail, discussing the incident in detail with [redacted] just two days after being booked. The prosecutor argued that this showed Mr. Menzies's true character, stating, "He brags about it in the jail . . . it was the greatest thrill of his life."[60] The prosecutor pressed for Mr. Menzies to receive the death penalty, contending that "it isn't just enough that he eliminated and killed Maureen Hunsaker when he did. He brags about it while awaiting charges in the Salt Lake County Jail. He says to another inmate, it was one of the greatest thrills in my life."[61] It is now undisputed that these impassioned

[58] *See* Ex. 28 at 154.
[59] *See* Ex. 29; Ex. 30.
[60] Ex. 20 at 3238-39.
[61] *Id*. at 3202.

arguments were based entirely on false and perjured testimony.

The impact of this testimony on Judge Uno's sentencing decision is clear. He relied on Mr. Menzies's boasting to [redacted] that "cutting [her] throat was the greatest thrill of his life" in imposing the death penalty.[62] The only evidence supporting lack of remorse came from [redacted] perjured testimony.

[redacted] admitted in 2010 that his testimony about Mr. Menzies's confession was false.[63] In 2014, [redacted] again swore in an affidavit that his testimony against Menzies was false and that he had perjured himself due to desperation and fear, as he was facing significant prison time and wanted to receive leniency.[64] [redacted] attested that Mr. Menzies never discussed the crime with him, and the entirety of his testimony was fabricated.

[redacted] recantation is corroborated by another prisoner the police interviewed. [redacted] was incarcerated with both [redacted] and Mr. Menzies while Mr. Menzies awaited trial. In 2014, [redacted] declared under penalty of perjury that [redacted] told him he intended to fabricate the testimony against Mr. Menzies. [redacted] explained that "[w]hen it became known that Menzies was being held on a murder charge, [[redacted] told him], 'we're going to use this case to get out of jail. Come with me and I'll get us out of jail.'"[65] [redacted] hope was that in fabricating testimony the State could use against Menzies, "he would win leniency in his own case."[66]

The Salt Lake County District Attorney's Conviction Integrity Panel agreed that Judge Uno's reliance on [redacted] false testimony compromises the integrity of Mr. Menzies's death sentence. The panel found the evidence that [redacted] lied when he testified about Mr. Menzies

[62] *Id*. at 3265.
[63] Ex. 29.
[64] Ex. 30.
[65] Ex. 31 at 1–2.
[66] *Id*. at 2.

relishing in the crime "clear and unrebutted." They concluded that "it was and is fundamentally unfair for the State to execute a person if the judge's decision to impose death was, as it was in this case, based to any degree on perjured testimony affecting one of the elements the judge relied on most heavily to justify the sentence, where it is reasonably likely that death would not have been imposed had he known the evidence was perjured."[67] The report also determined that "given the reluctance Judge Uno showed when he rendered the sentence in Mr. Menzies's case had he known that he was relying even partially on perjured testimony, he may well have sentenced Mr. Menzies to life rather than death."[68]

The CIU panel's conclusion that it would be fundamentally unfair to execute Mr. Menzies based on perjured testimony reflects the values of our criminal justice system. Although legal restrictions prevent recourse through the courts, this Board should exercise its authority to prevent the grave injustice of allowing Mr. Menzies to be executed based on perjured testimony.

C. Mr. Menzies could now be sentenced to life without parole.

When Mr. Menzies received his death sentence, the options available to Judge Uno were limited to either (1) a sentence of life imprisonment with the chance of parole, or (2) a sentence of death.[69] This meant that Judge Uno had to choose between imposing the death penalty or giving a sentence that might allow Mr. Menzies to be released from prison. Since then, the law has evolved, allowing for a sentence of life without the possibility of parole (LWOP) for aggravated murder. Additionally, under the new law, if a resentencing occurs, prisoners like Mr. Menzies—whose crimes were charged before the LWOP option existed—may now be sentenced under the newer provisions, allowing for an LWOP sentence.[70]

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[67] Ex. 32 at 2, 8.
[68] *Id*. at 8.
[69] Utah Code Ann. § 76-3-207.7 (C. 1953).
[70] Utah Code Ann. § 76-3-207.5(2) (effective May 10, 2016).

Judge Uno based his imposition of the death sentence largely on his fear that Mr. Menzies would be paroled and commit another offense. Had Judge Uno had the option of sentencing Mr. Menzies to LWOP, he likely would have chosen that punishment. Judge Uno's 2010 affidavit acknowledged that he made a mistake in sentencing Mr. Menzies to death: "[M]y error should simply result in reduction in the sentence from capital murder to the next lowest sentence available, which is life imprisonment."[71]

The Conviction Integrity Panel agreed that Mr. Menzies should be resentenced to LWOP. The panel stated:

> Most importantly, we are convinced that the integrity of the death sentence in Mr. Menzies's case is compromised by the fundamental unfairness of executing a person sentenced to death under a Utah law that in 1988 did not allow someone in Mr. Menzies's situation to be sentenced to life in prison without possibility of parole. . . . Based on the reluctance Judge Uno expressed for sentencing Mr. Menzies to death in the lengthy findings he read out before pronouncing sentence in[] 1988 and based on what he said in his 2010 affidavit, we believe it reasonably likely the judge would have sentenced Mr. Menzies to life without the possibility of parole rather than death if that had been an alternative in 1988.[72]

"It is a development in the law," the panel concluded, "that given the finality of a sentence of death ought to be taken into consideration in Mr. Menzies's case."[73]

While the courts may be constrained by legal limitations, as the DA concluded, this Board should give significant weight to the issue and particularly to the CIU panel's determination that justice requires that Mr. Menzies be resentenced to life without the possibility of parole.

VI. This case represents a general breakdown of the criminal justice system and is emblematic of the problems with capital punishment

Mr. Menzies's conviction was obtained using outdated investigation techniques and unreliable evidence. The two central pieces of evidence—unreliable identification testimony from

[71] Ex. 21.
[72] Ex. 32 at 2.
[73] *Id*. at 12.

high school student [redacted], the only eyewitness to put Mr. Menzies at the scene of the crime, and false testimony from jailhouse snitch [redacted]—would likely not be relied on today.

As discussed, [redacted] played a pivotal role in the prosecution narrative, falsely testifying that Mr. Menzies had confessed to the murder. [redacted] came clean years later, but no court has fully considered the impact of that false testimony.

[redacted] identification was the product of suggestive police procedures: officers told [redacted] multiple times that the suspect was in custody before he viewed the photo array, leading him to believe the suspect was among the photos, and [redacted] did not make an identification at all the first time he viewed the photos.[74] It wasn't until another officer showed [redacted] the array again—a practice now known to taint an identification—that [redacted] identified Mr. Menzies as the person who "appeared to be most like the man [he] had seen at Storm Mountain." [redacted] initial failure to make an identification was not disclosed by the State before trial.[75]

It is now well understood that telling a witness the suspect is in custody or showing the same photo array more than once significantly increases the risk of misidentification.[76] Best practices call for photo arrays to be administered by an officer unconnected to the investigation, presented sequentially instead of simultaneously, and composed of filler photos that closely resemble the suspect.[77]

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[74] Ex. 35, 39 at ¶ 8; Ex. 36 at 1685.
[75] Ex. 37 at 1332-33.
[76] *See, e.g.*, Eisen, M. L., Cedré, G. C., Williams, T. Q., & Jones, J. M., *Does Anyone Else Look Familiar? Influencing Identification Decisions by Asking Witnesses to Re-examine the Lineup*, Law and Human Behavior (2018), 42(4), 306–320 (*available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6451644/, last accessed July 13, 2025).
[77] *See* Goode, Erica & Schwartz, John, *Police Lineups Start to Face Fact: Eyes Can Lie*, New York Times, August 29, 2011; Schwartz, John, *Changes to Police Lineup Procedures Cut Eyewitness Mistakes, Study Says*, New York Times, September 19, 2011; Ex. 10.

Several months after viewing the photo array, [redacted] viewed an in-person lineup. As shown in the image below, Menzies, the sixth man from the left, was wearing a significantly darker shirt than the others, making him stand out.[78]

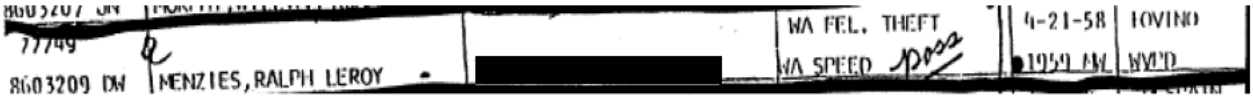
Despite this glaring difference, [redacted] and his girlfriend both picked someone other than Mr. Menzies. But the prosecutor managed to extract testimony from [redacted] that after the lineup, while they were walking back to the prosecutor's office, [redacted] asked Jones whether Number 6 in the lineup—Mr. Menzies—was actually the person. Although this identification was struck from evidence, the jury still heard it. But the jury did not know that Mr. Menzies had been wearing a darker shirt than everyone else. Again, disparities in clothing are now understood to bias witness

[78] Ex. 38.

identifications in lineups.[79]

The prosecutor described [redacted] to the jury as "the State's principal witness on the issue of the homicide." But since trial [redacted] has twice cast doubt on the reliability of his original identifications, swearing in 2010 that when he saw the man at Storm Mountain, "I could not see his face squarely" and that "the only part of the hiker's head that I could see was his back, and his right profile," that the police improperly told him that the suspect had changed weight between the arrest and identifications by 20 pounds, and that "either a Sheriff or a prosecutor told me that the photo I had chosen, was someone that they had in custody."[80] In 2014, [redacted] swore that he "never had a frontal view of the man at Storm Mountain, who he saw from a distance of "50 to 100 yards [away]."[81]

Other pieces of evidence were also highly problematic. For example, jail officers claimed they found the victim's ID cards near where Mr. Menzies was processed. But jail records show the cards were found *before* Mr. Menzies arrived at the jail. The officer testified at trial that he found the cards at 6:30 P.M. But a jail docket sheet shows that Menzies arrived at the Salt Lake County jail at 19:59, or 7:59 PM.[82] The jury never saw this docket sheet.



Additionally, arresting officers initially reported that Mr. Menzies was cooperative during booking

[79] *See, e.g.*, Goldstein, Joseph, *Are Police Lineups Always Fair? See for Yourself*, New York Times, January 29, 2019.
[80] Ex. 39, at ¶¶ 56.
[81] Ex. 35 at ¶ 6.
[82] Ex. 40.

but later altered the story to claim he ran toward the room where the cards were found.[83]

Mr. Menzies's trial was further marred by prejudicial incidents: a juror fainted during testimony, after which Mr. Menzies was abruptly shackled and forcibly removed from the courtroom in view of the jurors; the court reporter began crying during the medical examiner's testimony;[84] another juror received an anonymous call alleging Mr. Menzies had committed another murder; and another juror had multiple emotional breakdowns during the trial. Even taken together, the judge found the events insufficient to warrant a mistrial.

Mr. Menzies's attorneys also failed to put forth a meaningful defense and conducted almost no investigation into available mitigation evidence, failed to review records, and were unprepared for the penalty phase.

The problems with Menzies's trial were further exacerbated by the absence of a dependable trial transcript. Appellate counsel noticed there were numerous errors, including portions of the transcript that did not make sense, places where portions were missing, and parts of voir dire where jurors' answers were pasted in verbatim for subsequent jurors.[85] In addition, several instances were uncovered in which the transcript contained text that was lifted verbatim from the police reports.[86] There were also many issues with numbers being taken down accurately by the court reporter, including, for example, the distance at which [redacted] viewed the couple at Storm Mountain. Many of these issues were never reconciled.[87]

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[83] Ex. 41; Ex. 42.
[84] The transcript of this portion of the trial is missing. *See State v. Menzies*, 845 P.2d 220, 240 (Utah 1992) (*Menzies I*). It is clear, however, from the portions of transcript that do exist that others in the courtroom were able to observe the court reporter's behavior. (*See* Ex. 23 at 1633; Ex. 31 at 1233; Ex. 32 at 66-67.)
[85] Ex. 43 at 1256-62, 1222-1444.
[86] Ex. 44 at 74, 75, 50-51.
[87] *See Menzies I*, 845 P.2d at 224.

Post-conviction proceedings were equally flawed. Initial PCR counsel conducted almost no investigation, and failed to pursue appeal, thereby defaulting the entire case. The Utah Supreme Court ordered new PCR proceedings, but it then took over six years to find counsel who would take the case. Once finally appointed, Menzies's new counsel also failed to investigate key evidence or to re-raise claims from the first PCR proceedings, mistakenly believing them to have been exhausted.

By the time the case reached federal court, procedural bars prevented courts from considering the strongest claims or supporting evidence. For example, because most of the mitigation evidence discussed above was not investigated or presented until federal habeas proceedings, the federal district court did not consider any of it in addressing Mr. Menzies's claim that his trial counsel were ineffective for failing to investigate mitigating evidence. The Tenth Circuit Court of Appeals likewise did not consider the evidence that was presented in federal court. As a result, when the court considered whether Mr. Menzies was prejudiced by his attorneys' failure to even start their mitigation investigation until after the guilt phase was completed, it did so *without* all the evidence that an adequate investigation had uncovered.[88] The same was true for many of Mr. Menzies's other claims. Ultimately, many of the most serious issues in Mr. Menzies's case were never considered on the merits by any court.

Mr. Menzies's 1988 trial was riddled with errors that we now understand undermine the reliability of our criminal justice system—fabricated informant testimony, tainted identifications, manipulated evidence, a compromised jury, and an unreliable transcript. Taken together, these failures undermine confidence in the verdict and the imposition of the death penalty. This case would not withstand scrutiny today and cannot support the ultimate punishment.

[88] *Menzies v. Powell*, 52 F.4th 1178, 1215-16 (10th Cir. 2022).

VII. Mitigation evidence developed after trial further supports Judge Uno's statement that Mr. Menzies should not have been sentenced to death.

Beginning in 1986, Mr. Menzies was represented by the Salt Lake Legal Defender Association (SLLDA) on his capital murder charges. The capital-defense landscape during that era differed significantly from the present day. At the time Mr. Menzies's case was pending, the standard practice at SLLDA did not involve assigning a dedicated mitigation specialist to initiate an in-depth exploration of a defendant's background through interviews and record collection. This sharply contrasts with the contemporary method of handling capital mitigation. When faced with a potential capital case today, SLLDA promptly assigns a mitigation specialist, often holding an advanced degree, to devote countless hours to meticulously researching their client's backgrounds, gathering records, and conducting comprehensive witness interviews, with the ultimate goal of providing a complete picture of their clients' lives at sentencing.[89] In contrast, Mr. Menzies's legal team did not initiate any investigation of his background until just two days before the penalty phase started, after the guilt phase had already concluded. Nor did counsel gather any records or even review the ones the State provided. It was therefore no surprise that the picture of Mr. Menzies presented during the penalty phase was not just incomplete, it left out crucial evidence such as his organic brain damage and history of childhood abuse—information the Supreme Court has made clear can support a sentence of less than death.[90]

After Mr. Menzies was convicted and sentenced to death, significant facts came to light about Mr. Menzies's life and background that were never presented to the judge who sentenced Mr. Menzies to death. For example, Mr. Menzies's mother [redacted] was just 14 years old when she married [redacted], who was 29 years old, had already been married once, and the previous

[89] Ex. 33.

[90] *See, e.g.*, *Sears v. Upton*, 561 U.S. 945 (2010); *Porter v. McCollum*, 558 U.S. 30 (2009); *Rompilla v. Beard*, 545 U.S. 374 (2005); *Abdul-Kabir v. Quarterman*, 550 U.S. 233 (2007).

year had been found guilty of contributing to the delinquency of a 15-year-old girl, for which he was sentenced to six months in jail. [redacted] later sexually abused and attempted to rape Mr. Menzies's older sister [redacted]. At the age of 42, [redacted] married a 19-year-old woman, and years later was again charged with sexual assault of a minor. [redacted] and [redacted] divorce records confirm that [redacted] abused [redacted] and threatened her life.

[redacted] second husband, [redacted], was extremely abusive, particularly toward [redacted] and Mr. Menzies. In one instance [redacted] kicked [redacted] so hard in the abdomen he broke several of her ribs. Another time he pushed her from a moving vehicle. [redacted] beat a pregnant [redacted] so badly that she went into premature labor. The baby died seven minutes after she was born. [redacted] married [redacted] four days later.

When Mr. Menzies was around seven years old, [redacted] began disappearing for days at a time, leaving her children completely alone. This happened a few times a month for years. [redacted], then age nine, attempted to take care of her brothers. It was around this same time that Mr. Menzies was first referred to juvenile court for his parents' failure to care for him. [redacted] was also in ill health throughout most of Mr. Menzies's childhood and unable to care for her children. She died at just 32 years old, weighing 57 pounds. Mr. Menzies was not yet 14.

After Mr. Menzies's mother died, he was sent to live with his father, despite the fact the Nevada Department of Welfare determined it would be "very poor judgement" to allow Mr. Menzies to live there. While living with his father, his stepmother sexually abused him.

In addition, juvenile records that were not presented at trial, as well as subsequent testing, confirm that Mr. Menzies suffers from brain damage. In sentencing Mr. Menzies to death, Judge Uno considered it aggravating that Menzies had been found to have above-average intelligence, but also "academic deficits in all areas; impulsivity, distractibility, hyperactivity." But Judge Uno

was not informed that Mr. Menzies suffered from organic brain damage, which was supported by records dating back to when Menzies was a juvenile. For instance, records from the Nevada Youth Training Center state that Menzies "was found to have minimal brain damage."[91]

Judge Uno never had the opportunity to consider the evidence discussed above at the time he deliberated over whether to sentence Menzies to death. Every court presented with this evidence since has found it procedurally improper and refused to consider it. The Conviction Integrity Panel found that evidence that Mr. Menzies had organic or traumatic brain damage would have been particularly compelling. The Panel found that "failure to present such evidence if it could have influenced the sentence in any way calls into question the integrity of the sentence in Mr. Menzies's case."[92] Although the courts have been prohibited under the law from considering this evidence, this Board is not. It should carefully consider the horrific trauma Mr. Menzies experienced as a child when deciding whether to grant him clemency.

VIII. Conclusion

Ralph Menzies's case is emblematic of many of the most serious flaws that infect death penalty cases. Over thirty-five years after his trial, those flaws remain unremedied, and their cumulative effect continues to compromise the integrity of his sentence, and of Utah's justice system. To execute Mr. Menzies would be to ignore both his profound and progressive cognitive decline, as well as the truths that have emerged in the decades since he was sentenced to die.

The judge who sentenced Mr. Menzies to death no longer stands by that decision. The testimony on which that decision rested was a lie. Although a sentence of life without parole was made available just four years later, at the time of Mr. Menzies's trial the judge did not have that option. As acknowledged by the Salt Lake County District Attorney's own Conviction Integrity

[91] Ex. 34.
[92] Ex. 32 at 9.

Panel—including the former Chief Justice who once upheld Mr. Menzies's sentence—Judge Uno likely would have imposed a sentence of life without parole, rather than death, had that option been available to him. The Panel was right to conclude that this fundamental unfairness has compromised the integrity of Mr. Menzies's sentence.

Mr. Menzies is no longer the man he was at trial. He is a frail, elderly man suffering from terminal vascular disease and advanced dementia. He no longer understands the world around him, and his cognitive decline will only continue to worsen. If Mr. Menzies is executed, prison staff will first have to disconnect the oxygen tank that is making it possible for him to breathe. They will then help him use a walker to get to the execution chair, where he will be strapped down and shot to death. His execution will serve no purpose other than to inflict vengeance on the body of a man who is no longer there.

The death sentence imposed in 1988 no longer reflects the facts, the law, or the values of Utah's justice system today. Mr. Menzies respectfully urges the Board to commute his sentence to life in prison without the possibility of parole.

DECLARATION OF ERIC ZUCKERMAN

I, Eric Zuckerman, declare under penalty of perjury, the following to be true to the best of my information and belief:

1. I am one of the attorneys representing Ralph Leroy Menzies. I have been Mr. Menzies's attorney since 2018 and have had regular contact with him since that date.

2. Mr. Menzies was diagnosed with dementia in 2023. Based on my observations, over the last two years his condition has deteriorated significantly, particularly in the last five months. He now becomes easily confused by most information pertaining to his case, and even when I give him simple updates, such as that the judge issued a ruling, he asks questions which lead me to believe he does not understand what I am telling him.

3. Mr. Menzies was not able to participate to any degree in the planning or preparing of this clemency petition.

4. I have reviewed the clemency petition we intend to file with Mr. Menzies.

5. My assessment is that Mr. Menzies did not fully understand the contents of this petition or what the clemency process entails, procedurally or otherwise.

6. However, pursuant to the regulations that require Mr. Menzies to verify the petition, I advised him to sign it despite my assessment that he is unable to understand these proceedings.

7. Although Mr. Menzies is not able to competently verify its contents, I attest that the contents of the petition are true and correct to the best of my knowledge and belief.

Signed this 15th day of July, 2025.

Eric Zuckerman
Name (Printed)

Signature

Broomfield, CO
City, State

Respectfully submitted this 16th day of July 2025.

Jon M. Sands
Federal Public Defender
Lindsey Layer
Eric Zuckerman
Jennifer Moreno
Sonia Fleury
Office of the Federal Public Defender
for the District of Arizona

Lindsey Layer / Eric Zuckerman
Assistant Federal Public Defenders
Counsel for Petitioner

x Ralph L. Menzies

Ralph Leroy Menzies, Petitioner

I, Eric Zuckerman am a licensed member of the bar of Utah (UT Bar No. 16742) and have been appointed to represent Mr. Menzies in his warrant litigation before the Third Judicial District Court and before the Utah Board of Pardons and Parole. I personally witnessed Ralph Menzies sign this commutation petition.

Eric Zuckerman
Assistant Federal Public Defender
Counsel for Petitioner

Certificate of Service

I hereby certify that on July 16, 2025, I electronically served the Attorney General for the State of Utah with the Petition for Commutation for Ralph Leroy Menzies via upload to Google Drive.

/s/ Daniel Juarez
Assistant Paralegal