

## Richard Eugene Hickock inmate case file

### Section 21, Pages 601 - 630

The Kansas State Penitentiary case file on Richard Hickock, inmate number 14746. Hickock and his accomplice, Perry Smith, were convicted of first degree murder for the brutal 1959 killings of Herb and Bonnie Clutter, their daughter, Nancy, and son, Kenyon, in Holcomb, Kansas. The murders inspired the non-fiction novel "In Cold Blood" by Truman Capote. Hickock was executed by hanging on April 14, 1965. Please note that some images have been removed in accordance with K.S.A. 45-221(a)(29) and have been labeled with pages indicating their removal. Additional redactions of personally identifiable information made in accordance with K. S. A. 2005 Supp. 45-221(a)(30).

Creator: Kansas State Penitentiary

Date: 1959 - 1965

Callnumber: State Penitentiary, Inmate Files, Executed Prisoners, Box 2

KSHS Identifier: DaRT ID: 208963

Item Identifier: 208963

[www.kansasmemory.org/item/208963](http://www.kansasmemory.org/item/208963)

KANSAS  
HISTORICAL  
SOCIETY



## Richard Eugene Hickock inmate case file

KSP No. 264

t/d  
4-18-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

### CLASSIFICATION STUDY

Committed Name: HICKOCK, Richard Eugene Register No. 11746

COUNTY OFFICIAL'S STATEMENT: None

INMATES VERSION: "...Murder first degree. I don't know what the reason is or was in committing the crime. I never done any of the killing or agreed to it. But I was judged guilty by a trial by jury. My sentence is death by hanging."

DEFENSE ATTORNEY: No statement.

#### SOCIAL HISTORY:

Family Background Father: Walter S. Hickock, age 59, good health, farmer and mechanic by occupation..V.  
No prior marriages and lives with wife at Route #1, Edgerton, Kansas..V.  
No known arrests..V.  
Mother: Eunice Hickock, age 58, good health, has been married twice..V. Presently lives with husband near Edgerton, Kansas..V.

#### PARENTAL HOME:

Subject came from a home that was of average financial circumstances, father being a farmer and mechanic and owning his own home, providing an adequate living for his family..V. Subject was well cared for in a congenial family atmosphere and the family never had to resort to welfare assistance..V. Although parents have only an average income they are ready and willing to do all possible to help subject..V.

#### SIBLINGS:

1. Subject	Age 28	KSP	
2. Walter D. Hickock	22	Edgerton, Kansas	Bro..V.

#### PERSONAL HISTORY:

This 28 year old, Protestant, white male was born June 6, 1931 at Kansas City, Kansas, the eldest of two children..V. Birth was normal and subject was an healthy, happy and well adjusted child, getting along fine with all members of the family..V. Home life was tranquil and congenial and parents gave both children normal discipline, advantages and opportunities of childhood..V.

Subject began school at the age of 5, and was described as an excellent student, adjusted well with authority and maintained top grades..V. In school subject participated in all school activities and after graduating wanted to go on to college but parents did not have ample funds with which to send him so subject gave up college plans and went to work..V. After leaving school subject worked for the Santa Fe Railroad for about a year and later for a motor car firm in Olathe, Kansas, as a painter..V. While working for the auto firm subject had a serious car accident in which he suffered concussion and a severe eye injury which was never properly corrected..V. Afterward, however, he worked for one company five years painting cars and seemed even more ambitious during this period..V.



## Richard Eugene Hickock inmate case file

KSP No. 264

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5-16-60

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### KANSAS STATE PENITENTIARY Lansing, Kansas

#### CLASSIFICATION STUDY

Committed Name: HICKOCK, Richard E. Register No. 14746

#### PERSONAL: (cont'd)

Subject has married twice and is the father of three children by his first wife and has one child by the second and he is divorced at present..V. Subject had a prior term in this institution, being paroled Aug. 13, 1959, and was later involved in the current offense for which he was sentenced to hang..V.

#### RESOURCES:

States he has no funds, owns no property and has no veterans compensation..NV

#### EMPLOYMENT & OCCUPATIONAL RECORD:

Is experienced in painting autos..V.

1949-1950	Santa Fe R.R.	Gardner, Kans.	Operator..V.
1950-1951	Roark Motors	Olathe, Kans.	Painter...V.
1951-1956	Ashmore Pontiac	Kans. City, Ks.	Painter...V.
1956-1957	Markl Buick	Kans. City, Ks.	Painter...V.
1957-1958	Self Employed	Kans. City, Ks.	Painter...NV.
1954-1956	Night job as ambulance attendant (extra)...		

#### MARITAL HISTORY:

Married [REDACTED] in 1951, divorced in 1957, three children born of the union..V. Married Margaret Sanders in 1957, one child born of this union, marriage ending in divorce..V.

#### MILITARY HISTORY:

Marine Corps Reserve, 1951...V.

#### MEDICAL HISTORY:

Subject is a 28 year old, white male 68" in height, weighing 167 lbs., of medium build and fair complexion. Left eye deformed from skull fracture in 1950. Medical history essentially negative. Serology - negative.

#### EDUCATIONAL HISTORY:

Graduated from high school. Attitude toward education and authority - normal. Manipulative dexterity - 79%. I.Q. - 111. General educational level as shown by Stanford Achievement Test - 11.7

#### RELIGIOUS HISTORY:

States he is protestant.

#### IMPRESSION:

A wanton antisocial who planned a crime while confined in the institution that resulted in wholesale murder. Subject is dangerous and capable of any commission that will accomplish his desires.

#### PROGNOSIS:


The sentence imposed makes prognostication uncertain.

CWM/mh

## Richard Eugene Hickock inmate case file

STATE OF KANSAS  
WILLIAM H. AVERY, Governor

S. H. CROUSE  
Warden  
Area Code: 913 - Parkview 7-3235

  
KANSAS STATE PENITENTIARY  
P. O. Box 2  
Lansing, Kansas 66043

RECEIVED  
APR 10 1965  
OFFICE OF THE GOVERNOR

2nd NOTICE

Judge : Bert J. Vance  
County Attorney: Daniel J. High

Dear Sir:

This is to inform you that RICHARD EUGENE HICKOCK, - K.S.P. # 14746  
sentenced 4-4-60 , received 4-5-60  
from Finney County, to a term of TO HANG  
~~years~~ for the crime of Murder 1st Degree Four (4) Counts Concurrent.  
will apply to the Governor at his office in Topeka, Kansas, for  
Executive Clemency on date of April 29, 1965.

Complying with the requirements of the law, I am writing, asking  
what recommendations or objections, if any, you have to make in this  
case. Please use this form for your reply.

I have no knowledge of any fact in the defendant's favor which justifies the granting of his application and, therefore, recommend that executive clemency be denied.

Respectfully,  
S. H. Crouse, Warden

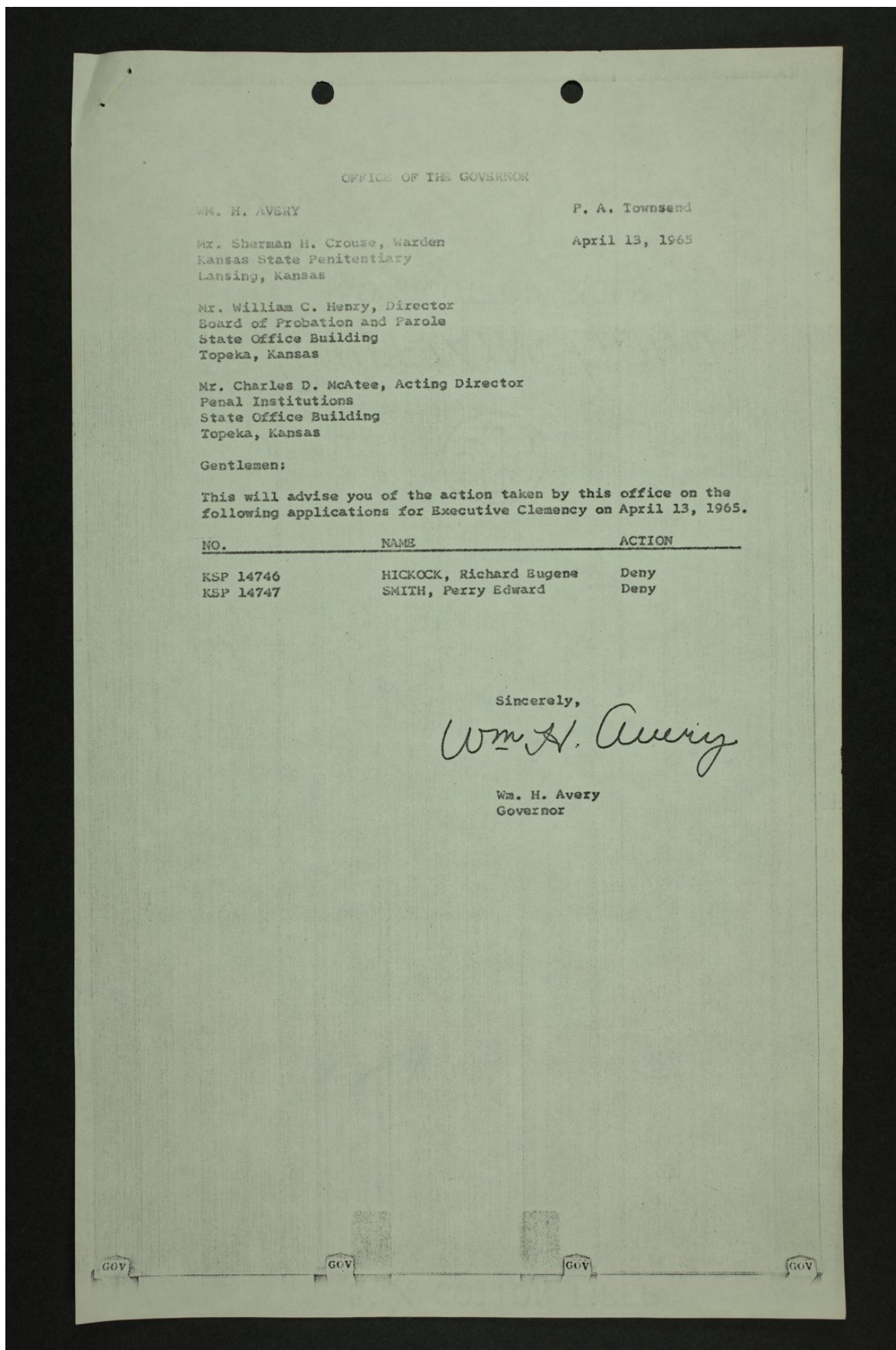
*Daniel J. High*  
By: WILLIAM R. BARKER  
Record Clerk

Note: Make your reply direct to the Governor's Office in Topeka, Kansas  
WRB/ab

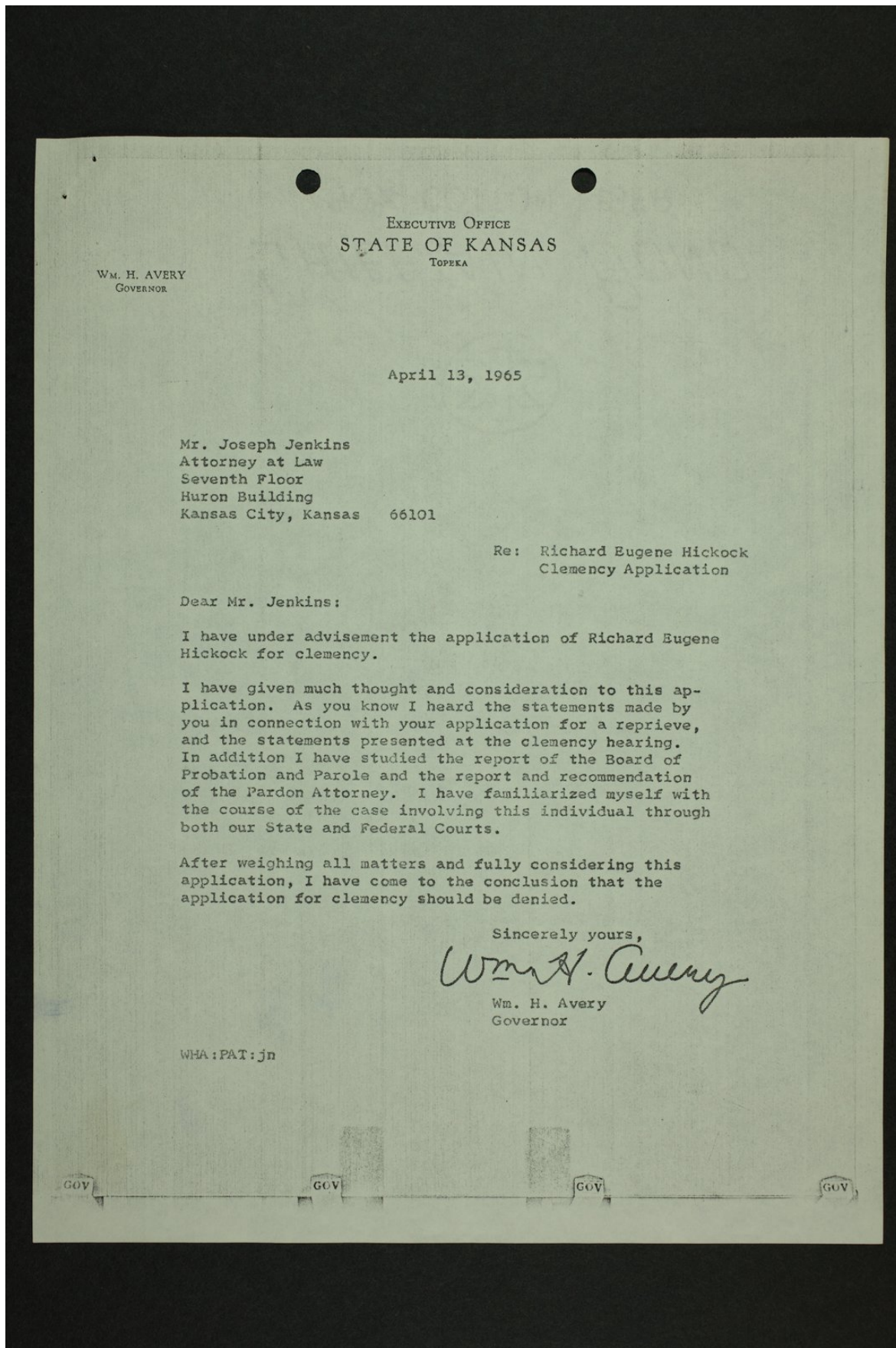
(KSP No. 172)



## Richard Eugene Hickock inmate case file

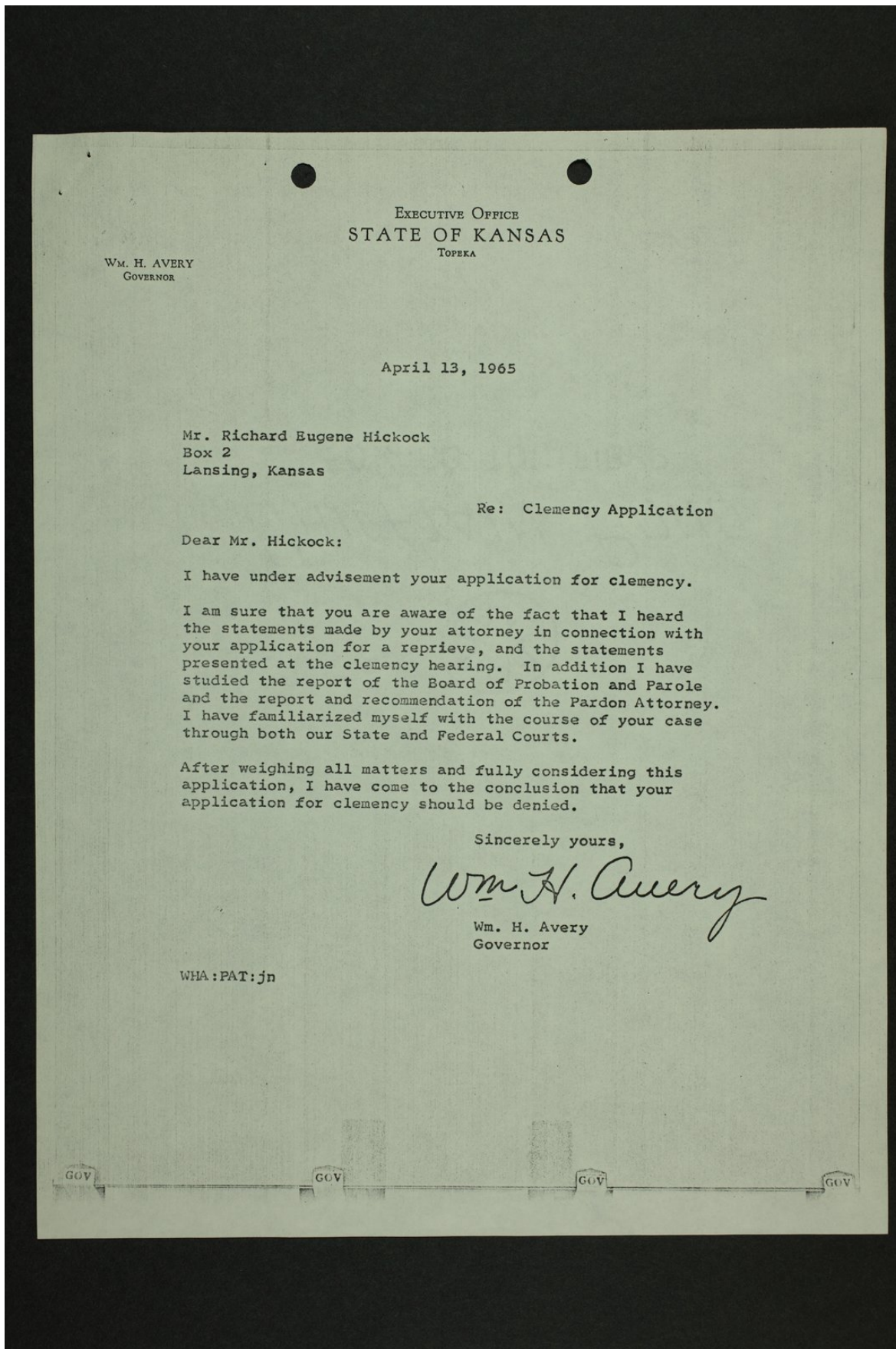


## Richard Eugene Hickock inmate case file





## Richard Eugene Hickock inmate case file



EXECUTIVE OFFICE  
STATE OF KANSAS  
TOPEKA

WM. H. AVERY  
GOVERNOR

April 13, 1965

Mr. Richard Eugene Hickock  
Box 2  
Lansing, Kansas

Re: Clemency Application

Dear Mr. Hickock:

I have under advisement your application for clemency.

I am sure that you are aware of the fact that I heard the statements made by your attorney in connection with your application for a reprieve, and the statements presented at the clemency hearing. In addition I have studied the report of the Board of Probation and Parole and the report and recommendation of the Pardon Attorney. I have familiarized myself with the course of your case through both our State and Federal Courts.

After weighing all matters and fully considering this application, I have come to the conclusion that your application for clemency should be denied.

Sincerely yours,

*Wm. H. Avery*

Wm. H. Avery  
Governor

WHA: PAT:jn

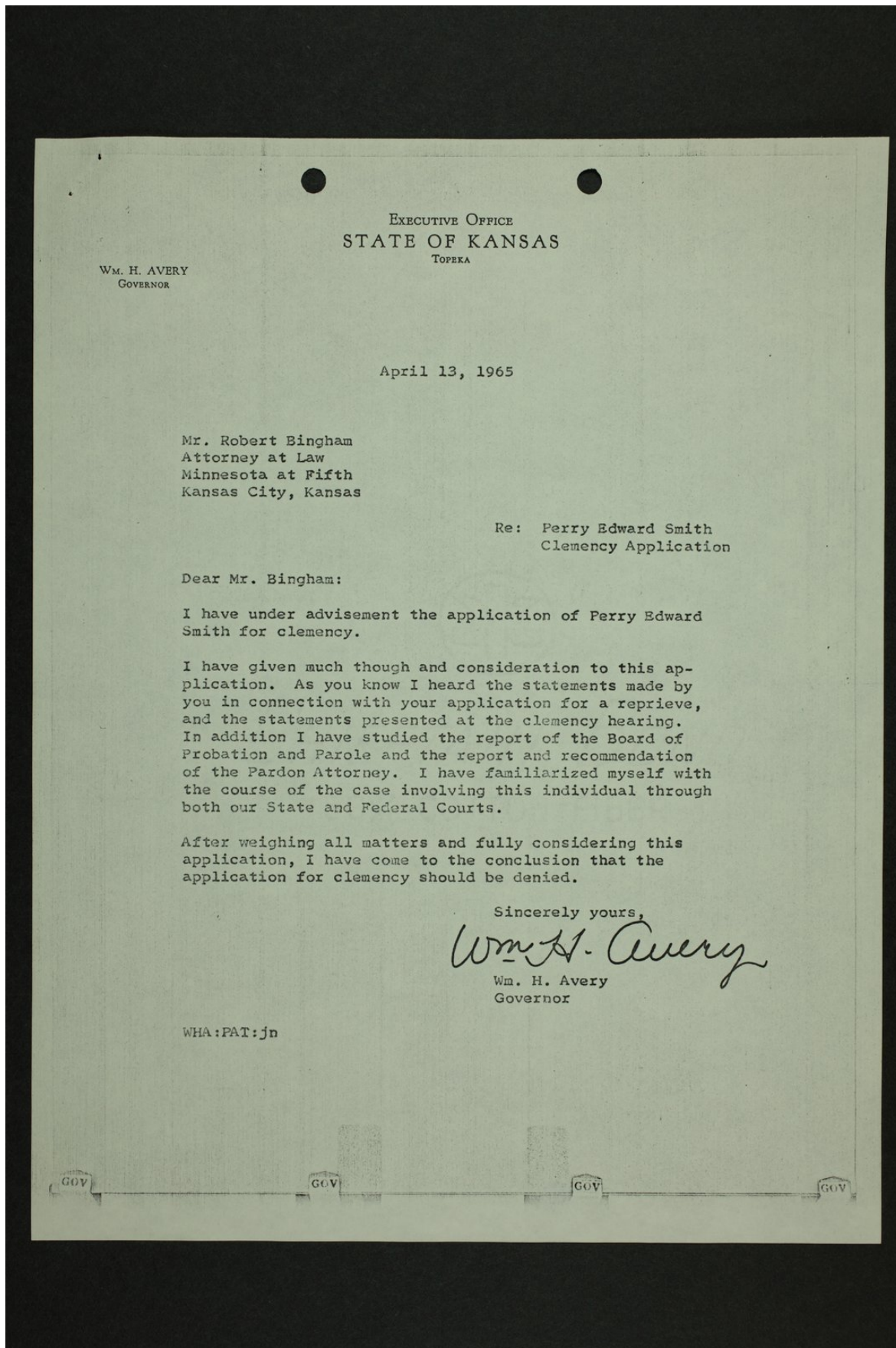
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## Richard Eugene Hickock inmate case file





## Richard Eugene Hickock inmate case file

### MEMORANDUM

TO: Governor  
FROM: Pardon Attorney

Re: Richard Eugene Hickock and  
Perry Edward Smith  
Application for Clemency

The above referred to parties were convicted of murder in the first degree in the District Court of Finney County, Kansas, on April 4, 1960, after a trial by jury. The charges were based upon four counts of murder in the first degree. The sentence imposed was that the defendants hang.

An application for clemency has been duly filed by both individuals. Hearings were held at the Kansas State Prison on April 6, 1965. At that hearing both individuals appeared before the Board of Probation and Parole and the Pardon Attorney. They were represented by their counsel, Mr. Joseph Jenkins for Richard Eugene Hickock, and Mr. Robert Bingham for Perry Edward Smith. The Board of Probation and Parole has made a report of the application in accordance with K.S.A. 62-2216, and that report is attached hereto.

A further hearing for clemency was held in the office of the Pardon Attorney on April 12, 1965. The appearances were as follows: Mr. Joseph B. Jenkins for Richard Eugene Hickock; Mr. Robert Bingham for Perry Edward Smith. In addition thereto, Mrs. Eunice Hickock, the mother of Richard Eugene Hickock, was present and also Walter Hickock, a brother of Richard Eugene Hickock.

It was stipulated by all of the parties that this would be a joint hearing on behalf of both of the individuals referred to herein. The hearing began at 1:15 p.m. and continued until 2:50 p.m. You were present at the hearing.



## Richard Eugene Hickock inmate case file

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Mr. Bingham, on behalf of Perry Edward Smith, recited in detail the background of this individual. He was one of four children and the product of a broken home. His mother was an alcoholic and died of acute alcoholism in 1948. His father took the subject when he was about nine years of age. The father, a prospector, took the boy to Alaska and it would appear that the two of them did not get along very well. At the age of sixteen Smith joined the Merchant Marines and later joined the army, served in the Korean War and was honorably discharged in about the year of 1952. Information was given that he has been in several automobile accidents resulting in extensive hospitalization and the suggestion is made that he has suffered brain damage and presently has permanent injuries to his right leg.

After coming to Kansas in about 1955, he apparently ran out of money and committed a robbery near Phillipsburg, Kansas, which resulted in imprisonment in the Kansas State Penitentiary. Prior to his incarceration, he escaped from the county jail but was later recaptured. He was given a conditional release on July 6, 1959. Hickock, on the other hand, apparently came from a home of average financial circumstances and he was apparently well cared for and provided for. He, too, was involved in an automobile accident which resulted in a concussion and a severe eye injury. He has been married twice and is the father of three children. His mother indicates that the boy was raised in the church, married the daughter of a minister, and she was unable to explain why he got into trouble. He was paroled from Kansas State Prison in 1959 after serving part of a sentence of 5 to 10 years for burglary and larceny.

As to the crime itself, there is no question that the two individuals killed the entire Clutter family, consisting of four persons. They have each admitted their guilt.



## Richard Eugene Hickock inmate case file

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The evidence is clear that Hickock, while in prison in Lansing, made plans to rob this family, he having obtained information that this family was wealthy and kept large sums of money on hand. He contacted Smith and the two of them made plans for the robbery. They arrived at the Clutter home on the night in question and after gaining admission to the home and talking with Mr. Clutter, killed the entire family in what I believe to be one of the most brutal and vicious slayings that has occurred in the history of this state. Although Hickock claims that Smith committed all of the murders, he admits his participation and admits having held the flashlight on the heads of each member of the family while they were shot.

Much of the argument for clemency was devoted to what counsel contends to have been the lack of a fair trial resulting in a deprivation of constitutional rights. These matters, of course, are in my opinion not within the scope of this hearing but are matters that are within the province of the courts. The case has been in our State Supreme Court on two occasions and is presently there now on an application for a stay of execution; their cases have been through the Federal Court System by way of an original proceeding for a Writ of Habeas Corpus in the Federal Court for the District of Kansas and from thence to the Circuit Court of Appeals and from thence to the United States Supreme Court on at least three occasions. It is clear that all complaints that have been lodged against the original trial have been heard and reviewed in the Federal Court System, and to some extent in the State Courts, without favorable action for the two defendants. The only grounds appearing for clemency appears to be the argument that the death penalty should not be imposed;



## Richard Eugene Hickock inmate case file

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that in this instance it is not punishment but revenge; that insofar as Smith is concerned he has never been given a chance by society; that his first encounter with the law resulted in harsh treatment and that he is mentally ill.

Insofar as Hickock is concerned, the same arguments are made with the additional argument that more time should be granted in which to present other evidence which would be indicative of the degree to which these men have rehabilitated themselves, and the suggestion was made that both of them have learned much after five years on death row. Moreover, it is urged that neither of these individuals went to the Clutter home with the intention of committing premeditated murder.

The record reflects that each of these individuals are ex-convicts and have had an opportunity to rehabilitate themselves, but did not do so. The institution regards both of these individuals as being wanton antisocial persons who are dangerous and capable of the commission of any crime that would accomplish their desires at any given time.

After having interviewed these two persons and listened to their sordid story of the details of the commission of this crime and after having heard the statements of their counsel, it is my firm conviction that no grounds whatsoever exist for the granting of clemency. I am of this opinion having well in mind the fact that the sentence given to them is death. I am impressed with the efforts of counsel in this case and I am satisfied that they have more than discharged their duties to their respective clients and to the courts as officers thereof.



## Richard Eugene Hickock inmate case file

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I concur with the report of the Board of Probation and Parole and recommend that clemency be denied. I would advise you that if these individuals are to obtain any relief, such relief should come from the Judiciary and not from the Executive of the state.

Respectfully yours,

P. A. TOWNSEND  
Pardon Attorney

PAT:jn



## Richard Eugene Hickock inmate case file

KSP No. 177-C

SPECIAL CASE KANSAS STATE PENITENTIARY Lansing, Kansas SPECIAL CASE

### CLEMENCY PROGRESS REPORT

Name: HICKOCK, Richard Eugene Reg. No. 14746 APRIL 196 5 CLEMENCY BOARD

OFFENSE: MURDER 1st. DEGREE 4-COUNTS CONCURRENT

TERM: HANG PLACE: Finney County Kansas

DATE SENTENCED: APRIL 4, 1960 DATE RECEIVED: APRIL 5, 1960

TIME: - MIN: HANG Max: HANG CR (or NET MAX): HANG

TIME SERVED: - 5 YEARS, 0 MONTHS AND 25 DAYS

PRIOR CLEMENCY APPLICATIONS: 2nd. Application for Executive Clemency

LAST DENIED - JULY 28, 1960

NOTE: Subject has advertised in the GARDEN CITY TELEGRAM

NOTE: No other reports are submitted due to the subjects DEATH ROW STATUS

DATE PREPARED:  
March 30, 1965

PREPARED BY:  
William R. Barker  
WILLIAM R. BARKER, Record Clerk

WRB:cek

*4 p.m. 6.1.1965  
Prisoner interviewed  
by Board and Prison  
atty. Counsel present  
for them.*

*Board { Looney  
atty  
Geoghegan  
Prison atty - Transferred  
help leaving April 12 -*





## Richard Eugene Hickock inmate case file

KSP 179  
6/8  
4-18-60

KANSAS STATE PENITENTIARY  
Lansing, Kansas

**ADMISSION CLASSIFICATION SUMMARY**

Committed Name:	HICKOCK, Richard Eugene	Register Number	24746
True Name:	(As Committed)	Age:	28
Alias:	None	Color:	White
Place of Birth:	Kansas City, Kansas	Birthdate:	6-6-31
Offense:	Murder 1st, 4 yrs Conc.	Sentenced:	4-4-60
Term:	Hang	Received:	4-5-60
County:	Finney	Minimum:	XXXXXXX
Parole Eligibility:		Maximum:	5-13-60
G. T. Release Date:			

Place	Name & Number	Offense	Disposition
	F.B.I. Report Number 859 273 A		
9-13-49, SO, Olathe, Kansas	Richard E. Hickock # 303	Inv.	Pending
8-4-51, Marine	Richard Eugene Hickock #1110337	Enlisted	
8-30-57, SO, Olathe, Kansas	Richard Eugene Hickock # 303	Burglary & Grand Larceny	
8-29-57, SO, Olathe, Kansas	Richard Eugene Hickock # 303	Cheat & Defraud	Rel to Deputy 8-29-57
1-18-58, SO, Golden, Colorado	Richard Eugene Hickock # 2004	Outside Warr. (Kans) For GL	
2-6-58, SO, Fort Collins, Colorado	Richard Eugene Hickock # 8220	Hold for Sheriff Miami, Okla.,	
2-10-58, USM, Denver, Colorado	Richard Eugene Hickock # 5451	Viol Dyer Act	
2-10-58, PD, Denver, Colorado	Richard Eugene Hickock # 68109	Hold for US Marshall	2-12-58 rel to SO, Golden, Colorado
2-26-58, SO, Olathe, Kansas	Richard Eugene Hickock # 303	Burglary & Grand Larceny	5 yrs in Lansing 3-15-58
3-15-58, SP, Lansing, Kansas	Richard Eugene Hickock # 13651	Grand Larceny	0 to 5 years: Par 8-13-59:
4-30-58, USM, Topeka, Kansas	Richard E. Hickock # 58-71	WHC Ad Pros Dyer C. Act.	1 yr 1 day 6-20-58 on chg of Dyer Act
8-13-59, SO, Kans City, Kans	Richard E. Hickock # 34200	Cheat & Defraud & Bad Checks	

## Richard Eugene Hickock inmate case file

KSP No. 264

6/4  
4-18-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

CLASSIFICATION STUDY

Committed Name: HICKOCK, Richard Eugene Register No. 14746

12-30-59, PD, Las Vegas, Nev.,	Richard Eugene Hickock # M-31877	Fugitive from Justice (Kansas) Inv. Murder, Kansas
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1-11-60, PD, Garden City, Kansas	Richard Eugene Hickock # P-11728 # 19719	4 ctm 1st deg murder
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4-5-60, SP, Lansing, Kansas	Richard Eugene Hickock # 14746	Murder 1st Degree Hang 4 counts conc.
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## Richard Eugene Hickock inmate case file

KSP No. 264

t/d  
4-18-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

### CLASSIFICATION STUDY

Committed Name: HICKOCK, Richard Eugene Register No. 14746

DETAINERS:

None

CO-DEFENDANTS:

# 14747, Perry Edward Smith

PRIOR INSTITUTIONAL RECORD:

# 13651, Kansas State Penitentiary,  
Lansing, Kansas:

ESCAPES:

None

CIRCUMSTANCES OF OFFENSE:

Case No: 2322  
Judge: Roland H. Tate  
County Attorney: Duane E. West  
Defense Attorney: Harrison Smith

Count I

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, willfully and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Herbert W. Clutter: Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."

Count II

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, and willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Bonnie Mae Clutter: Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."

Count III

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, and willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Nancy Mae Clutter: Contrary to the form of the Statutes in such cases, and against the peace and dignity of the State of Kansas."

Count IV

"..... On or about the 15th day of November, 1959, in said County of Finney, and the State of Kansas, one Richard Eugene Hickock, and one Perry Edward Smith, then and there being, did then and there unlawfully, feloniously, and willfully, and with deliberation and premeditation, and while being engaged in the perpetration of a felony, kill and take the life of Kenyon Neal Clutter: Contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Kansas."



## Richard Eugene Hickock inmate case file

KSP No. 264

t/a  
4-18-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

CLASSIFICATION STUDY

Committed Name:

HICKOCK, Richard Eugene

Register No.

14746

COUNTY OFFICIAL'S STATEMENT:

None

INMATES VERSION:

"...Murder first degree. I don't know what the reason is or was in committing the crime. I never done any of the killing or agreed to it. But I was judged guilty by a trial by jury. My sentence is death by hanging."

DEFENSE ATTORNEY:

No statement.

SOCIAL HISTORY:

Family Background

Father: Walter S. Hickock, age 59, good health, farmer and mechanic by occupation..V.

No prior marriages and lives with wife at Route #1, Edgerton, Kansas..V.  
No known arrests..V.

Mother: Eunice Hickock, age 58, good health, has been married twice..V. Presently

lives with husband near Edgerton, Kansas..V.

PARENTAL HOME:

Subject came from a home that was of average financial circumstances, father being a farmer and mechanic and owning his own home, providing an adequate living for his family..V. Subject was well cared for in a congenial family atmosphere and the family never had to resort to welfare assistance..V. Although parents have only an average income they are ready and willing to do all possible to help subject..V.

SIBLINGS:

1. Subject	Age 28	KSP	
2. Walter D. Hickock	22	Edgerton, Kansas	Bro..V.

PERSONAL HISTORY:

This 28 year old, Protestant, white male was born June 6, 1931 at Kansas City, Kansas, the eldest of two children..V. Birth was normal and subject was an healthy, happy and well adjusted child, getting along fine with all members of the family..V. Home life was tranquil and congenial and parents gave both children normal discipline, advantages and opportunities of childhood..V

Subject began school at the age of 5, and was described as an excellent student, adjusted well with authority and maintained top grades..V. In school subject participated in all school activities and after graduating wanted to go on to college but parents did not have ample funds with which to send him so subject gave up college plans and went to work..V. After leaving school subject worked for the Santa Fe Railroad for about a year and later for a motor car firm in Olathe, Kansas, as a painter..V. While working for the auto firm subject had a serious car accident in which he suffered concussion and a severe eye injury which was never properly corrected..V. Afterward, however, he worked for one company five years painting cars and seemed even more ambitious during this period..V





## Richard Eugene Hickock inmate case file

KSP No. 264

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5-16-60

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KANSAS STATE PENITENTIARY  
Lansing, Kansas

### CLASSIFICATION STUDY

Committed Name: HICKOCK, Richard E. Register No. 14746

#### PERSONAL: (cont'd)

Subject has married twice and is the father of three children by his first wife and has one child by the second and he is divorced at present..V. Subject had a prior term in this institution, being paroled Aug. 13, 1959, and was later involved in the current offense for which he was sentenced to hang..V.

#### RESOURCES:

States he has no funds, owns no property and has no veterans compensation..V

#### EMPLOYMENT & OCCUPATIONAL RECORD:

Is experienced in painting autos..V.

1949-1950	Santa Fe R.R.	Gardner, Kans.	Operator..V.
1950-1951	Roark Motors	Olathe, Kans.	Painter...V.
1951-1956	Ashmore Pontiac	Kans. City, Ks.	Painter...V.
1956-1957	Markl Buick	Kans. City, Ks.	Painter...V.
1957-1958	Self Employed	Kans. City, Ks.	Painter...NV.
1954-1956	Night job as ambulance attendant (extra)...		

#### MARITAL HISTORY:

Married [REDACTED] in 1951, divorced in 1957, three children born of the union..V. Married Margaret Sanders in 1957, one child born of this union, marriage ending in divorce..V.

#### MILITARY HISTORY:

Marine Corps Reserve, 1951...V.

#### MEDICAL HISTORY:

Subject is a 28 year old, white male 68" in height, weighing 167 lbs., of medium build and fair complexion. Left eye deformed from skull fracture in 1950. Medical history essentially negative. Serology - negative.

#### EDUCATIONAL HISTORY:

Graduated from high school. Attitude toward education and authority - normal. Manipulative dexterity - 79%. I.Q. - 111. General educational level as shown by Stanford Achievement Test - 11.7

#### RELIGIOUS HISTORY:

States he is protestant.

#### IMPRESSION:

A wanton antisocial who planned a crime while confined in the institution that resulted in wholesale murder. Subject is dangerous and capable of any commission that will accomplish his desires.

#### PROGNOSIS:

The sentence imposed makes prognosis uncertain.

CWM/wh

## Richard Eugene Hickock inmate case file

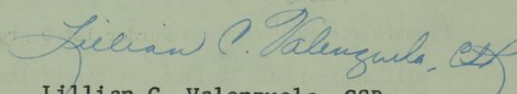
Garden City, Kansas  
March 31, 1965

Honorable William H. Avery  
Governor of Kansas  
Topeka, Kansas

Dear Governor Avery:

~~Judge Vance is out of the office~~ for a few days but I have talked to him by telephone and he has asked me to advise you that any recommendation for clemency for Richard Eugene Hickock would be unfavorable.

Very truly yours,




Lillian C. Valenzuela, CSR  
Reporter



## Richard Eugene Hickock inmate case file

STATE OF KANSAS  
WILLIAM H. AVERY, Governor



S. H. CROUSE  
Warden  
Area Code: 913 - Parkview 7-3235

RECEIVED  
APR 1 1965  
OFFICE OF THE GOVERNOR

KANSAS STATE PENITENTIARY  
P. O. Box 2  
Lansing, Kansas 66043  
March 26, 1965

Judge: Bert J. Vance  
County Attorney: Daniel J. High

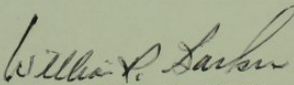
Dear Sir:

This is to inform you that RICHARD EUGENE HICKOCK - KSP # 14746  
~~RICHARD EUGENE HICKOCK~~

sentenced 4-4-60, received 4-5-60  
from Finney County, to a term of hang  
years for the crime of Murder 1st Degree Four (4) Counts Concurrent.  
will apply to the Governor at his office in Topeka, Kansas, for  
Executive Clemency on date of in the Month of April, 1965 29th day

Complying with the requirements of the law, I am writing, asking  
what recommendations or objections, if any, you have to make in this  
case. Please use this form for your reply.

Respectfully,  
S. H. Crouse, Warden

  
By: WILLIAM R. BARKER  
Record Clerk

Note: Make your reply direct to the Governor's Office in Topeka, Kansas

WRB/ab  
(KSP No. 172)

## Richard Eugene Hickock inmate case file

### HICKOCK PROCEEDINGS

March 1, 1965

Petition for Re-hearing denied  
by U.S. Supreme Court

March 6, 1965

Motion filed by Jenkins in  
Kansas Supreme Court asking to  
allow at least 60 days before  
execution.

8

March ~~11~~, 1965

Motion filed by Att'y General  
asking for a new execution date

March 11, 1965

Supreme Court set execution  
date for April 14, 1965

62-2216  
30 days notice now the

62-2219-  
Re print 6



## Richard Eugene Hickock inmate case file

EXECUTIVE OFFICE  
STATE OF KANSAS  
TOPEKA

WM. H. AVERY  
GOVERNOR

March 30, 1965

Mr. Joseph P. Jenkins  
Attorney at Law  
Floor Seven  
Huron Building  
Kansas City, Kansas 66101

Re: Richard Eugene Hickock

Dear Mr. Jenkins:

In reply to your letter of March 27, 1965, concerning an application for clemency on behalf of the above referred to individual, it is requested that you submit your application to this office on or before April 5, 1965. Immediately upon receipt of that application in this office, it will be referred to the Board for investigation and report as provided by K.S.A. 62-2216.

In accordance with established procedures, I am setting a hearing at the prison with Mr. Hickock for April 6, 1965, at which time the Board and I will hear anything that he may have to say or present. If you desire to be present, I am affording you that opportunity.

I am further setting aside April 12, 1965, for a hearing in this office at which time you will be afforded an opportunity to present any other matters in connection with the application that you may choose. At the conclusion of the hearing on April 12, 1965, if the Governor, based upon the report of the Board and recommendations that I shall make, is disposed to consider your application

## Richard Eugene Hickock inmate case file

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favorably, then a reprieve will be granted for a sufficient length of time to permit notice to the trial judge and prosecuting attorney of the county in which the conviction had, together with the required publication of notice.

This procedure will grant to your client the privilege of a full clemency hearing together with every opportunity to present all matters, that are pertinent, and material to the application.

Yours truly,

P. A. TOWNSEND  
Pardon Attorney

PAT:jn

cc: Mr. Richard Eugene Hickock  
Board of Probation and Parol  
Mr. William Barker, Records Clerk





## Richard Eugene Hickock inmate case file

JOSEPH COHEN  
CHARLES S. SCHNIDER  
JOHN E. SHAMBERG  
JOSEPH R. JENKINS  
NORMA BRALY  
BARTON P. COHEN  
JACOB F. MAY, JR.  
FREDERICK K. CROSS

LAW OFFICES  
COHEN, SCHNIDER, SHAMBERG & JENKINS

FLOOR SEVEN, HURON BUILDING  
KANSAS CITY, KANSAS 66101

TELEPHONE ATWATER 1-1900

March 27, 1965

RECEIVED  
MAR 29 1965

OFFICE OF THE GOVERNOR

Mr. P. A. Townsend  
Pardon Attorney  
Office of the Governor  
State House  
Topeka, Kansas

Re: State vs. Richard Eugene Hickock

Dear Mr. Townsend:

I am writing you with respect to invoking those provisions pertaining to a clemency hearing appearing in G.S. 1949, 62-2219 and G.S. 1961 Supp., 62-2216.

As you know, the Supreme Court of the United States denied my motion for a rehearing on March 1, 1965. Notice was received by me on March 2, 1965. On March 11, 1965, the Supreme Court of the State of Kansas set the execution date for Hickock and Smith for April 14, 1965.

I have been court appointed counsel for Richard Eugene Hickock since September, 1962. I have served without any compensation whatsoever, including the incurring of a great deal of expense. It appears that my labors are now approaching a climax. However, being an officer of the Court and being fully aware of my obligations to the Courts, the Bar, and my client, I feel I must do everything that I can possibly do within the framework of the applicable law and statutes.

It is my duty at this time to apply for clemency on behalf of Mr. Hickock. Mr. Bingham of the law firm of Stanley, Schroeder, Weeks, Thomas & Lysaught represents Smith, and I am sure that he desires to act similarly.

Section 62-2216 provides for notice of a clemency hearing by publication given for 30 days prior to the date of the hearing. It is my understanding that as a matter of practice clemency hearings are held before the Pardon Attorney

## Richard Eugene Hickock inmate case file

Mr. P. A. Townsend  
March 27, 1965  
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on the last Thursday of each month. That means that the March hearing would have been held on March 25, and the April hearing will be held on April 29.

This is a capital case, but I was not aware of the fact that a special hearing could be set up which would be on a day other than the dates before mentioned. At the time the Supreme Court denied the motion for a rehearing, I was in a legal quandary as to the next step. I did not feel that I should apply for clemency unless I felt that there were no more legal remedies to pursue. I had to do a great deal of research with reference to whether or not the new statute pertaining to examination of sentences and trials could be invoked. I am referring to 60-1507 which went into effect January 1, 1964. I did not feel that I was delaying the proceedings since it appeared that the Supreme Court had set a date which would make it impossible for us to get a hearing in March. Therefore, after finally deciding that a clemency hearing should be had, I find myself confronted with the inescapable fact that there is no possible way I can follow the provisions of 62-2216 with reference to notice and obtain a hearing before the execution date. This is my quandary. I am deeply upset and therefore make this appeal.

I notified Mr. Barker, the Chief Clerk at the Kansas State Penitentiary, of my intention to advise Mr. Hickock to file for clemency. He then advised me that the earliest date that a hearing could be had because of the clogged docket would be the last Thursday in May. However, he further advised me that if I called you, you would probably give me a different date so that this matter could be disposed of with alacrity after the proper notice was had. But I could not start proceedings without a definite date, otherwise the notice may be defective.



## Richard Eugene Hickock inmate case file

Mr. P. A. Townsend  
March 27, 1965  
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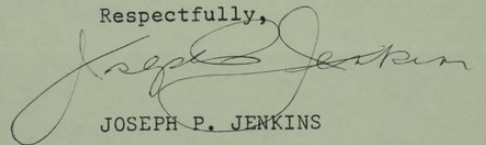
It is my understanding that you will have to take this matter up with Governor Avery because it is quite apparent that Mr. Hickock, and Mr. Smith also for that matter, will be deprived of their privilege of a clemency hearing unless the Governor invokes the provisions contained in 62-2219, that is, granting a reprieve for such time as will permit proper notice to be had and then the clemency hearing.

I have not filed an application for a reprieve because I would like to be given a date when the clemency hearing can be had. If the Governor sets a date certain, I will file an application for a reprieve unless you advise me that the Governor will do that on his own motion.

I desire an opportunity to present the facts of this case before the Governor and respectfully request that Governor Avery favor us with a date for the clemency hearing and that a reprieve be granted so that the applicable statutes may be followed.

With kindest regards, I remain

Respectfully,



JOSEPH P. JENKINS

JPJ:nh

## Richard Eugene Hickock inmate case file

The Honorable William H. Avery  
Office of The Governor  
State Capitol Building  
Topeka, Kansas

January 27, 1965

Re: Application For Stay of  
Execution of Sentence:

To The Governor:

Due to transpiring events it now becomes imperative that I write this request. Dignity requires that I deviate from all issues of a judicial nature. Appeal procedures have resulted in the courts giving judicial approbation to all phases of past trial proceedings, and agree with the State that I was tried and convicted within the bounds of constitutional and statutory mandates. I have previously been reluctant, or hesitant, in writing the office of the Governor, due to the fact of my firm belief that a judicial reversal would be granted and a new trial would be forthcoming. The recent United States Supreme Court's refusal to review my trial, leaves me no alternative other than to request Executive review and commutation of sentence.

In order to not unduly impose upon your time, I will not set down a chronological sequence of all past events, which I maintain denied me all semblance of a fair trial. Likewise, I will not attempt to elucidate on the issue of perjury having transpired prior to, during, and subsequent to trial proceedings. All of the



## Richard Eugene Hickock inmate case file

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forementioned is wholly irrelevant, immaterial, and beside the point. The only trial issue that I will speak with reference to, is adequacy of defense counsel; and I must touch on counsel's action (or lack of it), in order to add weight to my request for stay of execution.

Without further prelude I would like to state, with all honesty and sincerity, that I am sentenced to be executed for the participation in a crime of which I did not do. From the very inception of this matter, I have strenuously denied that I ever planned, agreed, condoned or willingly took part in the slaying for which I am under sentence of death. The physical evidence in the case, taken at face value, would tend to convict me ten times over. However, this evidence has never been contested.

There is no doubt that a brutal homicide was committed; nor will I deny my being there during its commission. I have never denied the latter. However, I have denied any participation in the slaying. Not only have I denied it, but the one who perpetrated it admitted to no less than five individuals, that he committed the entire offense, and even seriously contemplated the slaying of this writer. Only total compliance with his orders prevented my demise.

For reasons I am sure you will understand, I'll omit any mention of the name of the other party. This individual, prior to trial proceedings, confided to at least five persons (possibly more) that he took it upon himself to kill. Also his threat to slay me. My defense counsel was fully aware of these witnesses (I shall name them later in this letter), however, counsel never made any attempt to get these



## Richard Eugene Hickock inmate case file

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witnesses before the jury. Counsel never crossexamined most of the witnesses, nor attempted to get the physical evidence entered in its true perspective. The way the evidence was introduced belied the true facts. In order for me to prove the true facts would require a new trial. This latter is the reason I have not previously raised the issue of my non-participation in the slaying. In fact, present counsel advised that I should not do so, because habeas corpus only reaches the constitutional issue, and not those of guilt or innocence. I propose to prove, during a clemency hearing - in the event your Honor grants a stay of execution - that I never participated in the slaying of anyone!! This will be done not only by the testimony of witnesses, but the actual trial transcript itself. The latter is my "ace in the hole", so to speak, that will prove even to a layman, that evidence and testimony given at the trial is in error and mendacious!

The office of the State Attorney General, has in its possession a handwritten manuscript - written by myself - that allegedly tells of the actual slaying. I have been told that the attorney General plans to use this material against me, in the event of a clemency hearing. I don't know which story the attorney General has, because I wrote two different ones; each contradicting the other. Institution records will reveal that I wrote two stories. All this material was duly censored.

The reason for writing this prevaricated material is obvious. I was promised five thousand dollars to hire an attorney, if I would write a salable story for publication, concerning the "Clutter Murders". Appeal counsel, Dale H. Coley, convinced me that it was the best thing



## Richard Eugene Hickock inmate case file

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to do, and he made the necessary arrangements with Mr. Mack Nations of Wichita, Kansas to publish it. My first story was rejected because it wasn't what Mr. Nations wanted. Following counsel's advice, I started writing what Nations wanted. Nations would write me a letter, telling me what he wanted to cover, and I would then fabricate a yarn to suit Mr. Nation's taste. Instead of my receiving half of ten thousand dollars, as promised, I received half of four hundred dollars. The written material wound up in the office of the Attorney General. It doesn't take a Philadelphia lawyer to figure out that bit chicanery. I was played the fool by my court appointed counsel, in order to get some very damaging statements written in my own hand, to use against me at the first opportune moment. However, I wasn't quite the fool they thought I was. I kept all correspondence from Mr. Corley and Mr. Nations, and I can prove that both stories written are total pieces of pervarication, drawn out of "whole cloth". The reason I mention this writing, is an attempt to head off any attempt by the Office of the Attorney General to persuade your denying of a stay of execution by submitting for your perusal the forementioned material. Any story I ever wrote was done so for the sake of money - money I was promised but never received.!

The reasons why all the true facts were not brought out at the trial level are too numerous to mention. According to Statutory law, the fact of my not turning myself in to law officials (after commission of the homicide), and fully informing law officers of all transpiring