

# US: Executions in Texas and Mississippi

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Two more US death row prisoners died by lethal injection on Wednesday evening. Dale Leo Bishop died just after 6:00 p.m. at the Mississippi State Penitentiary at Parchman, and Derrick Sonnier was pronounced dead at 6:18 p.m. local time, eight minutes after his lethal injection in the death chamber in Huntsville, Texas.

Their executions are the 13th and 14th carried out in the United States this year. Executions had been on hold nationwide for about seven months while the US Supreme Court considered a challenge by two Kentucky death row inmates to the three-drug lethal injection protocol used in the majority of executions in the US. That challenge was rejected by the high court in a 7-2 decision in mid-April, opening the way for state-sanctioned killings to resume.

Derrick Sonnier, 40, was 90 minutes away from execution seven weeks ago, when he received a last-minute reprieve from the Texas Court of Criminal Appeals to consider challenges by his lawyers to the legality of the state's lethal injection procedure. That appeal was subsequently rejected and no further appeals were filed in his case.

Sonnier was convicted in the 1991 murder of Melody Flowers, 27, and her two-year-old son Patrick. A Harris County jury was convinced that he carried out the brutal crime, in which the woman was raped, stabbed and beaten and her young child stabbed to death. Sonnier had maintained his innocence.

Texas is the overwhelming leader in executions, having sent 408 condemned individuals to their deaths since the US Supreme Court reinstated capital punishment in 1976. Between now and early November the state has 14 more executions scheduled.

Jose Ernesto Medellin, a Mexican national, is scheduled to be put to death August 5. If his execution goes forward it will be in violation of a World Court ruling July 16 that the executions of all Mexicans on

death row in the US be halted pending review of their cases. The court had earlier ordered new hearings for 51 Mexicans on death row in the US who claimed they had been denied their consular rights upon arrest, a right mandated by international law.

Governor Rick Perry has indicated that Texas has no intention of complying with the international court's ruling, commenting after last week's order, "The world court has no standing in Texas and Texas is not bound by a ruling or edict from a foreign court."

In Mississippi, lawyers and death penalty opponents worked to the last moment to spare the life of Dale Leo Bishop. On Tuesday, the 5th US Circuit Court of Appeals turned down the second of two requests from Bishop's attorneys to stop the execution. They had argued on his behalf that Mississippi's lethal injection procedure "unnecessarily risks infliction of pain and suffering." On Monday, the same court had rejected Bishop's claims that one of his lawyers suppressed evidence of his bipolar disorder and childhood abuse and intentionally sabotaged his case.

On Wednesday, Republican Governor Haley Barbour denied an appeal for clemency. Finally, the US Supreme Court denied a last-minute request filed on his behalf for a stay of execution.

Dale Bishop, 34, was convicted in the December 1988 murder of 19-year-old Marcus Gentry in Lee County, Mississippi. According to the trial record, although involved in actions that led to Gentry's death, he was not responsible for the hammer blows that caused it. Another defendant, Jessie Johnson, was convicted of capital murder and sentenced to life in prison for Gentry's death.

Bishop's case was the first to come to trial. His defense attorneys did not seek a change of venue from Lee County, despite potentially prejudicial pre-trial publicity. Following his conviction, Bishop waived his right to sentencing by jury and instructed his lawyer not

to present any mitigating evidence that might have had an impact on his sentence.

Bishop spoke to the victim's family before his death sentence was handed down: "I just wanted to say ... I'm sorry for what happened to Mark. Mark was my friend... I thought Mark needed his ass kicked. I did. I didn't know Jessie was gonna go all out like that..."

Addressing the judge, he added, "These people here, some of them would like to kill me. They can't. They don't have that authority ... But you do. You've got that authority... So I'm asking you to do what they can't do, kill me for what I done. I deserve it ... I want you to sentence me to death."

The judge answered: "Mr. Bishop, I'm gonna grant your wish."

In a statement opposing Dale Bishop's execution, Amnesty International noted that there are numerous factors that might contribute to a defendant's refusal to allow his or her defense counsel to present mitigating evidence. According to AI, these can include "remorse, mental illness (including depressive or paranoid disorders), or a reluctance on the part of the defendant to have relatives testify on his or her behalf, perhaps if there is a history of abuse in the family. A defendant may wish to downplay his or her mental health problems and to spare the distress of revisiting dysfunctional family histories in a courtroom."

In Dale Bishop's case, these mitigating factors were many, and his attorney's failure to present them at trial or in initial appeals represented a clear neglect of legal responsibility in the case.

After the trial, Bishop changed his mind and appealed the verdict. Lawyers in his most recent appeals argued that the attorney then assigned to his case, Robert Ryan of the Mississippi Office of Capital Post-Conviction Counsel, deliberately suppressed his own staff's investigation, which revealed his client's lifelong mental illness, and summarily dismissed volunteers working on the case.

Dale Bishop suffered for most of his life from serious mental illness. He never received medical treatment for his condition, and was not diagnosed with bi-polar disorder and treated until he reached death row. There is also a history of mental illness in his family.

Bishop's lawyers in his recent appeals have presented evidence that he grew up in extreme poverty, living in a home without running water and with no indoor

bathroom facilities.

He began showing signs of mental illness from the age of four, with school and other records making numerous references to his problems. His attorneys pointed to the fact that his mother took him to a psychiatric hospital when he was a child, but was unable to afford the inpatient treatment that was recommended for him.

After learning that Bishop was taking lithium at the death row facility at Parchman, attorney Robert Ryan failed to order a court evaluation that might have demonstrated his bi-polar condition. Instead he claimed in his appeal that Bishop was mentally retarded, while attaching evidence that clearly contradicted this claim.

Bishop's attorney James Craig commented on Ryan's performance, "Whatever the reason is for his lack of performance, it's just another situation where the quality of justice you get is dependent on whether you have any money. That's been such a theme for Dale Bishop, because his mother tried to have him taken for [evaluation and treatment]. They quoted her a price and she couldn't possibly afford it. This was a situation that probably could have been avoided if somebody would have intervened in [his] life."



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