

Mississippi death row prisoner granted reprieve, another executed in Texas

Kate Randall
8 May 2013

Mississippi death row prisoner Willie Jerome Manning was given a reprieve Tuesday, only hours before his scheduled 6 p.m. execution. The Mississippi State Supreme Court issued the stay Tuesday afternoon, ruling 8-1 that the execution should be delayed until the court rules further on the case, which has been fraught with questions related to physical and DNA evidence.

Authorities in Texas, however, proceeded with the execution by lethal injection of Carroll Joe Parr, who was sentenced to death for a 2003 murder in Waco. The 54th State District Court denied a stay of execution in his case Tuesday morning. The condemned man had filed a petition on his own behalf with the US Supreme Court, arguing his legal representation at trial was deficient. Parr's was the fifth execution so far this year in Texas, with 10 more scheduled.

Willie Manning, now 44, was convicted in the 1992 murders of two Mississippi State University students, Jon Steckler and Tiffany Miller. Manning was also convicted of murdering two elderly women in a separate case, which is under appeal. His attorneys have argued that key evidence in the case that could prove their client's innocence—including a rape kit, fingernail scrapings, hairs and fingerprint evidence—has not been properly tested.

In the last week, the US Justice Department delivered two separate letters to both defense attorneys and the Mississippi prosecutor's office acknowledging that FBI "expert" testimony on hair analysis at Manning's 1994 trial "exceeded the limits of science and was, therefore, invalid." The FBI witness, Chester E. Blythe, testified that African American hair fragments were found in Tiffany Miller's car. Manning is African American. The hair fragments were the only physical evidence allegedly tying Manning to the crime scene.

In a May 4 letter, the Justice Department wrote: "The

scientific analysis of hair evidence permits an examiner to offer an opinion that a questioned hair possesses certain traits that are associated with a particular racial group. However, since a statistical probability cannot be determined for classification of hair into a particular racial group, it would be error for an examiner to testify that he can determine that the questioned hairs were from an individual of a particular racial group."

In a letter late Monday night addressed to Deforest R. Allgood, the district attorney who prosecuted Willie Manning's case, the Justice Department also cast doubt on the ballistics evidence introduced at trial by the FBI. While an FBI expert had testified that Manning's gun had definitely been used in the murders of the two students, federal officials wrote: "The science regarding firearms examinations does not permit examiner testimony that a specific gun fired a specific bullet to the exclusion of all other guns in the world."

The revelations by federal officials related to Manning's case came as a result of a broad review of the FBI's handling of scientific evidence in thousands of cases from the 1980s and 1990s. The Justice Department announced last summer that it was conducting a sweeping review of forensic hair examinations in at least 21,000 cases in an effort to determine whether the FBI exaggerated the significance of alleged "hair matches" in lab reports or trial testimony.

Despite the critical new evidence in the Manning case, Mississippi authorities rejected calls by the defense to retest the evidence. They even rejected an offer by the FBI to retest the hair sample from the crime scene. Prosecutor Allgood stated, "The bottom line is when you start looking at these things, there's always something else you can do and it never ends."

Mississippi Attorney General Jim Hood told local

television, “Even if technologies were available to determine the source of the hair, to indicate someone other than Manning, it would not negate other evidence that shows his guilt.” Hood stated separately, “I don’t want anybody out there to think the state of Mississippi wouldn’t pay for DNA testing if it would make a difference. In this case it wouldn’t.”

Manning’s attorney, David Voisin, argues that while investigators could not detect biological evidence of rape two decades ago, DNA testing is far more sensitive now and could potentially identify who committed the rape of the female victim in the 1992 crime. Attorney General Hood claims in court filings that DNA tests were performed in 1993. However, Manning’s lawyers contend that the only testing was on a bloodstain on the shirt of an earlier suspect, and that the rape kit, hair and other evidence had not been tested for DNA.

Despite the claims of the prosecution, circumstantial evidence in the case is contradictory. Manning’s cousin and a prison informant each said that Manning had confessed to them. But Manning’s cousin provided several versions of his story, first implicating two other men, and subsequently stating that Manning confessed to the killings with a second man. The prison informant later recanted his testimony.

Manning has always maintained his innocence. He was arrested after trying to sell items stolen from Jon Steckler’s car, but maintains that he was selling property stolen by someone he didn’t know. Fingerprints found in one victim’s car were not matched to Manning; they have never been checked against government databases.

Following Manning’s last-minute reprieve, the state Supreme Court will now consider his defense attorney’s request for DNA and other evidence testing and a possible new trial. In his written objection to the stay, the sole dissenting judge in the decision, Justice Mike Randolph, complained that Manning’s defense has had years to deal with hair and ballistics evidence and that the issues were dealt with “in a long string of litigation in state and federal courts.”

Randolph also criticized the Department of Justice for working with the Innocence Project, an organization that works for the exoneration of death row inmates through DNA evidence and other investigative work. He added, “This is the same Department of Justice that

grants and enforces Miranda warnings to foreign enemy combatants.”

According to the Death Penalty Information Center, 142 death row inmates have been exonerated since 1973. As of January 1 of this year, 3,125 condemned prisoners were languishing on death rows across the US. The fact that innocent men and women have been sentenced to death—and that almost certainly some of these individuals have executed—is one factor shifting public opinion away from support for capital punishment.

Last week, the state of Maryland became the 18th state to abolish the death penalty, and the sixth state to do so in as many years. That leaves 32 states that still carry out a barbaric practice that is condemned and outlawed by the vast majority of industrialized nations. Eleven people have been executed so far this year, down slightly from last year’s pace, when 43 were sent to their deaths.

Since the US Supreme Court reinstated the death penalty in 1976, 1,330 individuals have been executed. These condemned individuals have included women, those convicted of crimes committed as juveniles, the mentally impaired, and foreign nationals denied their consular rights.

While some states are moving to abolish capital punishment, others are carrying out executions at a rapid pace. Texas, which sent Carroll Parr to his death last night, has ten more executions scheduled this year, two more this week alone. The state has executed 496 people since resuming executions in 1982.

In Florida, the state legislature has sent a bill to Republican Governor Rick Scott aimed at speeding up executions. The bill would require the governor to sign execution warrants no later than 30 days after the state Supreme Court reviews cases, and to execute prisoners within 180 days of those warrants. The legislation also set new deadlines for death row prisoners to appeal their sentences.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact