



Mississippi Department of Corrections

## Media Kit

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Mississippi Department of Corrections  
**Death Row Inmate Earl Wesley Berry**

- **State Death Row Inmate Earl Wesley Berry, MDOC #34939**
  - **White Male**
  - **DOB – 05/05/1959**

**Factual Background of the Case**

- Mary Bounds, age 56, was reported missing on November 29, 1987.
- A few days later, on December 1, her vehicle was located in Houston, Mississippi. Inspection of the vehicle revealed spattered blood around the driver's side door.
- Mary Bounds' body was found nearby; she had been severely beaten. It was later determined that she died of head injuries from repeated blows.
- Earl Wesley Berry's confession provided the details of what transpired.
- On the evening of November 29, 1987, while driving through Houston in his grandmother's vehicle, Berry saw Mary Bounds near a church. As she was preparing to enter her vehicle, he approached, and hit her and forced her into his vehicle. Berry then drove out of town. Berry took Mary Bounds into a wooded area and ordered her to lie down, intending to rape her. Berry did not do so; he took her back to the vehicle, telling her they would return to town.
- Instead, Berry drove to another wooded area where they exited the vehicle. Mary Bounds pleaded with Berry, but he beat her with his fists and forearm. Afterwards, he carried her further into the woods and left her.
- Berry drove to his grandmother's house, disposing of a pair of mismatched tennis shoes along the way. At his grandmother's house, he burned his bloodied clothes and wiped the vehicle he had used of any blood stains with a towel, which he threw into a nearby pond.
- Berry's brother, who was at the house, witnessed some of this suspicious behavior. On December 5, 1987, he called investigators and told them what he had observed.
- The next day, Berry was arrested at his grandmother's home and soon confessed to the crime. Police found the mismatched tennis shoes Berry had discarded; in the above-referenced pond, they found a bloodied towel.
- Berry was indicted for the murder and kidnapping of Mary Bounds, and as a habitual criminal, on March 1, 1988. In a bifurcated (guilt/innocence and punishment phases) jury trial (first trial), he was convicted of capital murder.



## Mississippi Department of Corrections Execution by Lethal Injection

In 1998, the Mississippi Legislature amended Section 99-19-51, Mississippi Code of 1972, as follows:

99-19-51. \*\*\*The manner of inflicting the punishment of death shall be by continuous intravenous administration of a lethal quantity of an ultra short-acting barbiturate or other similar drug in combination with a chemical paralytic agent until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice.

### Contents of Syringes for Lethal Injection

- Anesthetic - Sodium Pentothal – 2.0 Gm.
- Normal Saline – 10-15 cc.
- Pavulon – 50 mgm per 50 cc.
- Potassium chloride – 50 milequiv. per 50 cc.

### Lethal Injection History

Lethal injection is the world's newest method of execution. While the concept of lethal injection was first proposed in 1888, it was not until 1977 that Oklahoma became the first state to adopt lethal-injection legislation. Five years later in 1982, Texas performed the first execution by lethal injection. Lethal injection has quickly become the most common method of execution in the United States. Thirty-five of thirty-six states that have a death penalty use lethal injection as the primary form of execution. The U.S. federal government and U.S. military also use lethal injection. According to data from the U.S. Department of Justice, 41 of 42 people executed in the United States in 2007 died by lethal injection.

While lethal injection initially gained popularity as a more humane form of execution, in recent years there has been increasing opposition to lethal injection with opponents arguing that instead of being humane it results in an extremely painful death for the inmate. In September 2007 the United States Supreme Court agreed to hear the case of *Baze v. Rees* to determine whether or not Kentucky's three drug-protocol for lethal injections amounts to cruel and unusual punishment in violation of the Eighth Amendment to the United State Constitution. As a result of the Supreme Court's decision to hear this case, executions in the United States came to a brief halt in late September 2007. On October 30, 2007, the Court granted Mississippi death row inmate Earl Wesley Berry a last minute reprieve, staying his execution until the *Baze* case was decided.

On April 16, 2008, the Supreme Court ruled in *Baze* holding that Kentucky's three-drug protocol for administering lethal injections does not violate the Eighth Amendment. The result of this ruling was to lift the de facto moratorium on executions in the United States. The State of Georgia became the first state to carry out an execution since the Court's *Baze* decision when William Earl Lynd was executed by lethal injection on May 6, 2008.



## Mississippi Department of Corrections Chronological Sequence of Events of Execution

48 Hours Prior to Execution	The condemned inmate shall be transferred to a holding cell adjacent to the execution room.
24 Hours Prior to Execution	Institution is placed in emergency/lockdown status.
1200 Hours Day of Execution	Designated media center at institution opens.
1500 Hours Day of Execution	Inmate's attorney of record and chaplain allowed to visit.
1600 Hours Day of Execution	Inmate is served last meal and allowed to shower.
1630 Hours Day of Execution	MDOC clergy allowed to visit upon request of inmate.
1730 Hours Day of Execution	Witnesses are transported to Unit 17.
1800 Hours Day of Execution	Inmate is escorted from holding cell to execution room. Witnesses are escorted into observation room.
1900 Hours Day of Execution	A post execution briefing is conducted with media witnesses.
2030 Hours Day of Execution	Designated media center at institution is closed.



## Mississippi Department of Corrections Death Row Executions

Since Mississippi joined the Union in 1817, several forms of execution have been used. Hanging was the first form of execution used in Mississippi. The state continued to execute prisoners sentenced to die by hanging until October 11, 1940, when Hilton Fortenberry, convicted of capital murder in Jefferson Davis County, became the first prisoner to be executed in the electric chair. Between 1940 and February 5, 1952, the old oak electric chair was moved from county to county to conduct executions. During the 12-year span, 75 prisoners were executed for offenses punishable by death.

In 1954, the gas chamber was installed at the Mississippi State Penitentiary, in Parchman, Miss. It replaced the electric chair, which today is on display at the Mississippi Law Enforcement Training Academy. Gearald A. Gallego became the first prisoner to be executed by lethal gas on March 3, 1955. During the course of the next 34 years, 35 death row inmates were executed in the gas chamber. Leo Edwards became the last person to be executed in the gas chamber at the Mississippi State Penitentiary on June 21, 1989.

On July 1, 1984, the Mississippi Legislature partially amended lethal gas as the state's form of execution in § 99-19-51 of the Mississippi Code. The new amendment provided that individuals who committed capital punishment crimes after the effective date of the new law and who were subsequently sentenced to death thereafter would be executed by lethal injection. On March 18, 1998, the Mississippi Legislature amended the manner of execution by removing the provision lethal gas as a form of execution.

### INMATES EXECUTED IN THE MISSISSIPPI GAS CHAMBER

Name	Race-Sex	Offense	Date Executed
Gerald A. Gallego	White Male	Murder	03-03-55
Allen Donaldson	Black Male	Armed Robbery	03-04-55
August Lafontaine	White Male	Murder	04-28-55
John E. Wiggins	White Male	Murder	06-20-55
Mack C. Lewis	Black Male	Murder	06-23-55
Walter Johnson	Black Male	Rape	08-19-55
Murray G. Gilmore	White Male	Murder	12-09-55
Mose Robinson	Black Male	Rape	12-16-55
Robert Buchanan	Black Male	Rape	01-03-56
Edgar Keeler	Black Male	Murder	01-27-56
O.C. McNair	Black Male	Murder	02-17-56
James Russell	Black Male	Murder	04-05-56
Dewey Towsel	Black Male	Murder	06-22-56
Willie Jones	Black Male	Murder	07-13-56



**Mississippi Department of Corrections**  
**Death Row Executions (cont.)**

<b>Name</b>	<b>Race-Sex</b>	<b>Offense</b>	<b>Date Executed</b>
Mack Drake	Black Male	Rape	11-07-56
Henry Jackson	Black Male	Murder	11-08-56
Minor Sorber	White Male	Murder	02-08-57
Joe L. Thompson	Black Male	Murder	11-14-57
William A. Wetzell	White Male	Murder	01-17-58
J.C. Cameron	Black Male	Rape	05-28-58
Allen Dean, Jr.	Black Male	Murder	12-19-58
Nathaniel Young	Black Male	Rape	11-10-60
William Stokes	Black Male	Murder	04-21-61
Robert L. Goldsby	Black Male	Murder	05-31-61
J.W. Simmons	Black Male	Murder	07-14-61
Howard Cook	Black Male	Rape	12-19-61
Ellic Lee	Black Male	Rape	12-20-61
Willie Wilson	Black Male	Rape	05-11-62
Kenneth Slyter	White Male	Murder	03-29-63
Willie J. Anderson	Black Male	Murder	06-14-63
Tim Jackson	Black Male	Murder	05-01-64
Jimmy Lee Gray	White Male	Murder	09-02-83
Edward E. Johnson	Black Male	Murder	05-20-87
Connie Ray Evans	Black Male	Murder	07-08-87
Leo Edwards	Black Male	Murder	06-21-89
<b>INMATES EXECUTED BY LETHAL INJECTION</b>			
Tracy A. Hanson	White Male	Murder	07-17-02
Jessie D. Williams	White Male	Murder	12-11-02
John B. Nixon, Sr.	White Male	Murder	12-14-05
Bobby G. Wilcher	White Male	Murder	10-18-06



## Mississippi Department of Corrections

### MISSISSIPPI DEPARTMENT OF CORRECTIONS Execution List 1976 to present

Date Executed	Inmate Name	Race/Sex	Offense
09/02/1983	GRAY, JIMMY LEE	W/M	MURDER
05/20/1987	JOHNSON, EDWARD EARL	B/M	MURDER
07/08/1987	EVANS, CONNIE RAY	B/M	MURDER
06/21/1989	EDWARDS, LEO	B/M	MURDER
07/17/2002	HANSEN, TRACY ALAN	W/M	MURDER
12/11/2002	WILLIAMS, JESSE DERRELL	W/M	MURDER/KIDNAPPING
12/14/2005	NIXON, SR., JOHN B.	W/M	MURDER
10/18/06	WILCHER, BOBBY G.	W/M	MURDER x 2

## Current Death Row Facts

65 Inmates on Death Row

3 Female

62 Male

32 White

32 Black

1 Asian

Youngest on Death Row: Terry Pitchford, MDOC #117778, age 22

Oldest On Death Row: Gerald Holland, MDOC #46631, age 70

Longest serving Death Row inmate: Richard Jordan, MDOC #30990 (March 2, 1977: Thirty-One Years)

*Source: Mississippi Department of Corrections, Mississippi State Penitentiary, May 2008*



## Mississippi Department of Corrections Mississippi State Penitentiary in Parchman, Mississippi

The Mississippi State Penitentiary (MSP) is Mississippi's oldest of the state's three institutions and is located on approximately 16,000 acres in Parchman, Miss., in Sunflower County. In 1900, the Mississippi Legislature appropriated \$80,000 for the purchase of 3,789 acres known as the Parchman Plantation.

The Superintendent of the Mississippi State Penitentiary is Lawrence Kelly.

There are approximately 1,230 employees at MSP.

MSP is divided into three areas:

<u>AREA WARDEN</u>	<u>UNITS</u>
Area I - Warden James Brewer	Unit 29
Area II - Warden Florence Jones	Units 25, 26, 28, 30, 31, and 42
Area III - Warden Timothy Morris	Unit 32

There are 53 buildings at MSP encompassing approximately 922,966 square feet.

The total bed capacity at MSP is currently 4,527.

The smallest unit, Unit 42, houses 56 inmates and is the institution's hospital.

The largest unit, Unit 29, houses 1,561 minimum, medium and close-custody inmates.

MSP houses male offenders classified to all custody levels, including A and B custody (minimum and medium security), C and D custody (maximum security) and death row.

All male offenders sentenced to death are housed at MSP. All female offenders sentenced to death are housed at the Central Mississippi Correctional Facility in Pearl, Miss.

The majority of the farming activity involving Agricultural Enterprises takes place at MSP.

Programs offered at MSP include alcohol and drug treatment, adult basic education, inmate legal assistance, pre-release, therapeutic recreation, religious/faith programs and vocational skills training.

Mississippi Prison Industries operates a work program at the MSP and utilizes more than 296,400 inmate man-hours in its textile and metal fabrication. On a monthly average, 190 inmates work in these shops.