

PUBLIC

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Further Information on EXTRA 14/98 (AMR 51/17/98) - Death Penalty  
5 March 1998

USA (OHIO) Wilford Lee BERRY, white (please note correct spelling of name)

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Wilford Berry, 33, who was scheduled to be executed in Ohio on 3 March 1998 received a stay of execution from a Federal District Judge on 27 February. The prosecution unsuccessfully appealed the stay of execution to a higher court. A further hearing is due to be held on 24 March.

The judge cited a US Supreme Court standard from 1966 which concluded that a person is incompetent "to forego further proceedings if he suffers from a mental disease, disorder or defect which may substantially affect his capacity in the premises."

Berry had formerly withdrawn his legal appeals and consented to his execution. However, Assistant State Public Defender said that Berry's will to die predated his conviction - as can be attested by his numerous suicide attempts since an early age - and both he and chief counsel of the Public Defender's Death Penalty Division stated that severe injuries sustained during a riot on death row last September cast doubt on his competency.

Governor George Voinovich has reportedly received hundreds of letters supporting leniency including one on behalf of Pope John Paul II, while only a handful of others wrote in support of the death penalty.

Thank you to all who wrote appeals on Berry's behalf. No further appeals are necessary at this stage.