

URGENT ACTION

MISSISSIPPI EXECUTION BLOCKED BY STATE COURT

The Supreme Court of Mississippi granted Willie Manning a stay of execution on 7 May, about five hours before he was due to be put to death. He has been on death row for over 18 years; he was convicted in 1994 of two murders committed in 1992.

Tiffany Miller and Jon Steckler, both students at Mississippi State University, were murdered in Oktibbeha County, in eastern Mississippi, in the early hours of 11 December 1992. **Willie Manning**, 24 years old at the time of the crime, was brought to trial in late 1994 and sentenced to death. Willie Manning has consistently maintained his innocence of the murders.

As his execution approached, lawyers for Willie Manning sought a stay of execution in order that DNA and other forensic testing of evidence from the crime scene could be conducted. On 25 April, the Mississippi Supreme Court denied the request, in a 5-4 decision. The majority concluded that the jury had been presented with “conclusive, overwhelming evidence of guilt”. The four judges in the minority said that not only should the testing be granted, but also the prosecution’s jury selection tactics at the 1994 trial should be reviewed. The dissenting opinion stated that “the reasons offered by the prosecution” for dismissing certain African American prospective jurors (Manning is black, the victims were white) were “highly suggestive” of being a cover for discriminatory motivation, and the “facts suggest a pattern of impermissible racial discrimination by the prosecution”.

In a letter dated 2 May 2013, the US Department of Justice informed the District Attorney of Oktibbeha County that a review by the FBI and the Department of Justice had concluded that “the microscopic hair comparison analysis testimony or laboratory report” presented by an FBI expert at the Manning trial had “exceeded the limits of science and was, therefore, invalid”. In a follow-up letter on 4 May, the Department said that it had identified another error in the expert evidence presented in the Manning case, namely that the expert had overstated the case for concluding that the hair had come from an African American. Both letters stated the FBI was available to provide DNA testing if the District Attorney “determines that further testing is appropriate or necessary”.

On 7 May, by a vote of eight to one, the Mississippi Supreme Court granted a stay of execution “pending further Order of this Court”. The Presiding Judge was the only judge to object, asserting that “Manning has wholly and completely failed to comply with statutory requirements and the precedent of this Court”. Judge Michael Randolph took issue with what he suggested was “connectivity” between the Department of Justice and two organizations, the Innocence Project and the National Association of Criminal Defense Lawyers (NACDL) which the Department said it had notified of the errors in the case. Judge Randolph seemed to reveal something of his own views relating to criminal justice issues when he pointedly said that “the Innocence Project supports a moratorium on capital punishment” and “the NACDL has been an outspoken critic of the death penalty system”. He added that “I should not be surprised” about the “connectivity and expediency by which this review was accomplished” as “this is the same Department of Justice that grants and enforces *Miranda* warnings [informing a suspect of his rights to remain silent and to have a lawyer] to foreign enemy combatants”.

No further action by the UA network is requested. Many thanks to all who sent appeals.

This is the first update of UA 113/13. Further information: <http://www.amnesty.org/en/library/info/AMR51/023/2013/en>

Name: Willie Manning

Gender m/f: m

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