

PUBLIC

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Further information on UA 124/08 (AMR 51/040/2008, 13 May 2008) – Death penalty / Legal concern

USA (Mississippi)

Earl Wesley Berry (m), white, aged 49

Earl Berry was executed in Mississippi on the evening of 21 May 2008. He was sentenced to death for the murder of Mary Bounds in 1987. Two of the victims' relatives watched the execution.

Earl Berry's lawyers had provided the courts with evidence that he has mental retardation. However because his former lawyers had failed to file the requisite expert evidence in timely fashion, he did not have an evidentiary hearing on this claim and was held to be barred on procedural grounds from such judicial review.

Earl Berry becomes the second person to be put to death in the USA this year, and the 1,101st since judicial killing resumed there in 1977. Mississippi accounts for nine of these executions.

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