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With Hours to Go, Execution Is Postponed

By CAMPBELL ROBERTSON

A Mississippi man scheduled to be put to death on Tuesday was granted a stay of execution by the State Supreme Court, after the United States Department of Justice sent lawyers and officials involved in the case several letters disavowing the degree of certainty expressed by F.B.I. forensic experts at the man's trial.

About 2 p.m., just four hours before the scheduled execution, the court voted 8 to 1 to grant a reprieve "until further order" to Willie Jerome Manning, 44, who was convicted in 1994 of murdering two college students.

The justices in favor did not explain their reasoning or put a time limit on the reprieve. The dissenting justice issued a blistering objection, saying Mr. Manning had exhausted the challenges to his conviction and attacking the Justice Department for the letters, along with several other unrelated issues.

Starting Thursday, the Justice Department sent three letters calling certain aspects of the trial testimony of two F.B.I. experts "erroneous." Defense lawyers cited these letters as reasons to put off the execution until DNA tests could be conducted on crime scene evidence, including a rape kit, a request that Mr. Manning had made unsuccessfully several times before.

The state attorney general, Jim Hood, denied the requests, saying that there was "overwhelming evidence of guilt" and that the letters did not repudiate the testimony of the F.B.I. experts, but only made some clarifications.

In a statement on Tuesday evening, Mr. Hood said his office had filed a report with the court stating that the rape kit, along with some other physical evidence, was not found to have biological residue that could be tested for DNA.

Lawyers for the Innocence Project, who are helping Mr. Manning's defense, said that in more than a dozen exoneration cases in the past, DNA samples had been found in rape kits years or even decades after the samples initially tested negative for any biological evidence.

The Justice Department letters offered to make the F.B.I. available to conduct DNA testing on hair fragments found at the scene.

Many involved in the case, as well as outside legal experts, said they could not recall the Justice Department's sending such letters in the last few days before an execution.

"I think the term is 'unprecedented,' " said Forrest Allgood, the original prosecutor.

In December 1992, Jon Steckler and Tiffany Miller were found killed. A token found at the crime scene appeared to be among several items stolen from a car that same night, items that Mr. Manning was later found to have been trying to sell.

Other than hair fragments found in Ms. Miller's car, little forensic evidence was presented at trial. One witness testified that Mr. Manning had confessed to the murders while in jail, though defense lawyers said the witness's account was inconsistent with known facts.

Another witness, a former girlfriend, said she had once seen Mr. Manning firing a gun into a tree. An F.B.I. firearms expert testified that bullets found in the tree had been fired from the same gun as the bullets used in the murders.

A letter sent by the Justice Department late Monday said a firearms expert could not testify that "a specific gun fired a specific bullet to the exclusion of all other guns in the world."

"The examiner could testify to that information, to a reasonable degree of scientific certainty, but not absolutely," the letter read.

Mr. Allgood, the prosecutor, said he believed the distinction, "quite frankly, is semantics."

It was not the only testimony the Justice Department expressed reservations about. In two previous letters, federal officials challenged a separate F.B.I. expert's analysis of hair fragments, saying the expert could not have determined that the hairs were from an African-American, as he testified. An expert could say only that a hair fragment "possesses certain traits that are associated" with a racial group, the letter said.