

## MISSISSIPPI DEATH PENALTY FACT SHEET (2/1/2016)

On October 5, 1976, the Mississippi Supreme Court, in Jackson v. State, 337 So.2d 1242 (Miss. 1976), handed down guidelines to be followed in death penalty trials. The first post-Jackson case reviewed by the state Supreme Court was Gray v. State, 351 So.2d 1342 (Miss. 1977). The Gray court held that the current capital murder and death penalty statutes, adopted by the state legislature April 13, 1977, were constitutional and superceded their opinion in Jackson. However the court reversed Gray's conviction for other reasons. The first post-Jackson case affirmed by the state Supreme Court was Bell v. State, 360 So.2d 1206 (Miss. 1978).

- In the modern era there have been 213 sentencing proceedings that resulted in death sentences being imposed. Race of defendant: 116 Black (54.5%); 96 White (45%); 1 Asian (.5%).
- There are 250 victims in these cases. Race of victim: 182 White (72.8%); 55 Black (22%); 7 Asian (2.8%); 5 unknown (2%); 1 Hispanic (.4%).
- According to the United States Department of Justice, Bureau of Justice Statistics, from 1976-2005 approximately 73% of all homicide victims in Mississippi were Black. A Wall Street Journal report on homicides from 2000-2010, indicated 70% of all homicide victims in Mississippi were Black.
- Due primarily to re-sentencings the number of people sentenced to death is 185. Accounting for multi-defendant cases the number of unique victims is 209.
- There are currently 45 people on Death Row. Race of defendant: 25 Black (56%); 19 White (42%); 1 Asian (2%).
- There are 59 victims in these cases. Race of victim: 40 White (68%); 13 Black (22%); 5 Asian (8%); 1 Hispanic (2%).
- Three former death row inmates have been cleared of the charge that sent them to death row – two were acquitted by juries and charges dismissed against the third after new trial ordered. In other retrials two former death row inmates were convicted of murder less than capital and another convicted of manslaughter. One former death row inmate died prior to re-trial and another was found incompetent to be retried. Two entered pleas to reduced charges and were sentenced to “time-served.”
- The District Attorney has complete discretion in deciding to seek the death penalty.
- There are no standards for the appointment of defense counsel. Thirteen sentences have been vacated because of ineffective assistance of trial counsel. At least three Mississippi lawyers were disbarred or suspended from practice between the time they tried a death penalty case and the direct appeal of that case was filed.
- One lawyer was involuntarily committed for drug and alcohol treatment before the direct appeal was decided and on post-conviction review the state Supreme Court observed that the apparent drug abuse explained some of his behavior but did not result in prejudice warranting a finding of ineffective assistance of counsel. A federal court later granted relief, in part, on ineffective assistance of counsel.
- Another lawyer who had previously been found to have provided deficient performance in a death penalty case was appointed on another death case and in that case had to be ordered to appear and argue the only issue he raised in the direct appeal brief.
- In another case the Mississippi Supreme Court took the extraordinary step of remanding a case after the brief of appellant was filed. The Court directed the lower court to determine if new counsel should be appointed where the brief filed “may not have represent[ed] counsel’s best efforts.”
- The State of Mississippi has executed twenty-one people.