

## Mississippi inmate scheduled to die

*by UPI*

WASHINGTON -- Mississippi inmate Earl W. Berry was scheduled to die Tuesday barring last-minute intervention from the U.S. Supreme Court. Berry was the latest inmate to face execution since the court five weeks ago agreed to review the constitutionality of lethal injection, The New York Times reported Tuesday. The justices have yet to indicate whether they intend to call a moratorium on executions pending the outcome of their review, the Times reported, noting the national picture has become increasingly confused with one execution allowed to proceed and stays granted in two others in the last five weeks. Appeals filed on behalf of Berry, scheduled to die for kidnapping and murder in 1988, were rejected by the Mississippi Supreme Court and by the U.S. Court of Appeals for the Fifth Circuit. Monday, the U.S. Supreme Court denied Berry's appeal of the state court ruling and a petition for a stay of execution. Berry's application for a stay of the Fifth Circuit ruling remained pending Monday night, the Times reported.

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