# Kentucky murders 1962 - 2008.

#### James Kelly Moss, 1962

Moss was a career criminal, who served his first prison term in 1933, at age 19, having been convicted of trying to steal bags of coffee and car tires from an L&N Railroad boxcar. Some eight months later he and two other inmates were unloading a truck outside the prison walls at Eddyville when they overpowered their guard and ran. They were quickly recaptured.

Between 1950 and 1953 he was arrested ten more times and Circuit Judge Faust Simpson ordered him to leave Henderson county in January 1954, after he was involved in a disturbance at his mother's house and threatened police with a knife.

Later in 1954 he was charged with a robbery in Webster County for which he was sent to prison, being released on Sept. 22, 1957.

Six weeks later Moss would commit the murder that sent him to the electric chair. On November 6, 1957 he turned up in a taxi, drunk, at the home of his 74 year old stepfather, Charles Abbott, at about 8:30 p.m. Moss hammered on the door and demanded the 35c taxi fare from Abbott. At some point, Moss got into the house where he beat the old man who, at just 110 pounds, was half his size. The injuries were so horrendous that Abbott was barely recognizable. His body was discovered by police around 10 p.m. when his wife, Edna, found the door locked on her return from church. Moss was the only suspect and he was arrested the next day. His first words were "How is the old man?" He didn't know that Abbott was dead until the police told him. He replied "We had a little fight but I certainly didn't intend to kill him". "This is the worst thing I have ever had happen to me. This means a long term for me."

Moss pleaded not guilty, at his trial in May of 1958, but was convicted. His death sentence wasn't handed down until Jan. 6, 1961 after which he fought a strenuous battle for commutation. The US Supreme Court turned down three appeals from him. He even took the state to court for using tear gas to get him out of his cell at Eddyville on the tenuous grounds that in doing so they had tried to execute him already.

All his legal manoeuvres failed and just after midnight on March 2, 1962, James Kelly Moss went to the electric chair and his "restless spirit" was "stilled", according to The Gleaner newspaper. "I wasn't guilty of the crime and you know it," he told the prison warden shortly before his execution. His body was claimed by his mother and buried in Crayne Cemetery in Crittenden County.

It would seem, according to contemporary police accounts, that Kelly Moss was okay when he was sober but could rapidly become violent when he had been drinking.

The execution didn't make big news at the time, even though it was the first since November 30, 1956, when Robert Sheckles was put to death for rape, Charles Deberry suffered for robbery/murder, James Bowman for a rape/murder, all on the same night.

There would be no further executions in Kentucky after this until Harold McQueen was put to death in 1997.

#### Harold McQueen, Jr.

22 year old Rebecca O'Hearn worked at the Minit Mart on Big Hill Avenue in Richmond, Madison County. Around 11.30 on the evening of January 17, 1981 she was working alone when two men entered the store, one of whom ordered Rebecca at gunpoint to hand over the contents of the cash register, which she did. He then shot her twice with a 22 calibre pistol, the first shot at point blank range to the face and the second to the back of the head, having first made the injured girl kneel

down behind the counter. 27 year old Harold McQueen and his girlfriend, Linda Rose, were arrested on unrelated theft charges and a search of their trailer revealed the murder weapon, together with cash and food stamps from the Minit Mart. McQueen's half brother, William Burnell, was McQueen's accomplice in the robbery and he too was arrested. On the day of the murder the three had been drinking, smoking marijuana, and taking pills.



Harold McQueen

McQueen and Burnell were tried before Judge James Chenault in March 1981 at the Madison Circuit Court in Richmond. Burnell had a paid lawyer but McQueen had to rely upon public defender Jerome Fish, who only received \$1,000 for his services. Both men tried to blame each other and Linda Rose testified against McQueen. According to her, Burnell and McQueen left the store, Burnell carrying a bag with the store's surveillance camera which was thrown into a pond, and McQueen carrying three small bags. Rose testified that McQueen told her that he shot O'Hearn twice, and said "I know the bitch is dead."

The jury convicted both men, recommending the death penalty for McQueen and 28 years in prison for Burnell. The judge concurred with these recommendations. (Burnell was paroled in 1988).

As usual in modern capital cases, there followed years of appeals and motions for re-trials etc. An execution date of July 13, 1984 was originally set after the Kentucky Supreme Court denied McQueen a re-trial. As there were further appeals by the Kentucky Department of Public Advocacy pending, this date was scrapped. The warden of Kentucky State Penitentiary advertised in local newspapers for an executioner in the run up to this date. It is not known how many responses he got.

In 1986, after the US Supreme Court had for a second time refused to hear McQueen's case, Governor Martha Layne Collins signed a death warrant for him, setting June 26 as the new date. McQueen's attorney Randy Wheeler requested a stay to pursue further appeals which was granted.

By June 24, 1997 there were no less than five lawsuits pending, including one demanding a clemency hearing from the governor, Paul Patton. Another motion before US District Court Judge Thomas Russell complained of the cruelty of electrocution. Another requesting that McQueen be resentenced to life in prison due to the inadequacy of his original defence council. Efforts continued by the Department of Public Advocacy right up to the end, with them trying to show a human face of McQueen, who was being housed in a small solitary cell in Cellblock 6 at Eddyville. Margaret Case told reporters that McQueen was a totally different person to the man he was in 1980.

However, ultimately all this activity on behalf of McQueen proved fruitless and Governor Paul Patton signed his death warrant and refused to bow to pressure from Kentucky's Catholic Bishops and other anti death penalty groups. Patton issued a statement saying "I will not, through the power of clemency, substitute my judgement for that of the General Assembly, the courts and the juries of the Commonwealth." The execution was now set for just after midnight on Tuesday July 1, 1997.

In the run up to the execution the 86 year old electric chair was re-furbished at a cost of \$32,000 to ensure it would function correctly, which it did.

McQueen who had become a devout Catholic on death row, said in a televised interview that entering the death chamber would be "kind of like the gateway to heaven." "I'm not scared of death because I can go to the Lord's house, and that's going to be great. It will be a lot better than it is here," he told a reporter from WCPO-TV on the Sunday prior to execution.

On the day of execution some 100 officers from the National Guard, police and state troopers were stationed around Eddyville and the prison was placed on lockdown from 6 am. About 225 people, mostly anti-death penalty protesters, gathered on a nearby firing range. TV station trucks were on hand to comment on the scene.

Shortly after 9 p.m., McQueen's head and right calf were shaved, he took a shower. and changed into a clean red jumpsuit with the right leg cut off up to the knee to enable the leg electrode to be attached. The Rev. Maurice Tiell, an Eddyville priest, administered the last rites to McQueen who was three weeks away from his 45th birthday. He spent his final moments with his spiritual advisor, Paul Stevens and his attorney. He asked for and was given two cheesecakes for his last meal.

A number of prayer vigils were held by opponents of capital punishment in Eddyville before the execution. In his final hours, McQueen was visited by his mother, Helen Burnell and his girlfriend, Doris Linville, and made farewell telephone calls to other relatives and friends according to prison officials.

Just after midnight he was led into the death chamber and strapped into the chair. In his final statement he told witnesses "I want to apologise one more time to the O'Hearn family." "I want to apologise to my own family and I want to say thank you to those who sent me cards letters and prayers, and hope that they continue to oppose the death penalty". At 12:07 a.m., he received a jolt of 2,100 volts, 7.5 amps for 15 seconds followed by 250 volts, 1 amp for 105 seconds. McQueen strained against the leather straps and smoke was seen to come from the electrode on his right ankle. At 12:11 a.m., a physician's assistant checked McQueen's neck for a pulse, then the prison doctor repeated the procedure. At 12:15 a.m., McQueen was pronounced dead. Five minutes later Michael Bradley, spokesman for the state Department of Corrections announced that "The sentence of death has been carried out on Harold McQueen." The body was removed from the prison in a hearse soon afterwards, as shown on the television news. It was taken for postmortem by the state's chief medical examiner, Dr. David Jones, prior to being transported to his hometown of Berea for burial. McQueen's execution, the first of three to date since the return of the death penalty in the state, was also the only one that was non-consensual.

### LaFonda Fay Foster and Tina Hickey Powell.

An extraordinary killing spree took place in Lexington when 27 year old Tina Hickey Powell and 22 year old LaFonda Fay Foster murdered five people on April 23, 1986. Their victims were Carlos Kearns, 71, a retired Air Force veteran, his wife, Virginia, 45, Trudy Harrell, 59, Theodore Sweet, 53, and Roger Keene, 47.



Foster and Powell

The two women had been drinking and were high on cocaine and had gone to the home of their friends, the Kearn's, to try and get more money to buy drugs. Carlos Kearns wrote a check and had to go out to get it cashed. All the victims went too with LaFonda driving the Kearns' car.

Trudy Harrell was the first to be found, at around 9pm on the Wednesday evening in the parking lot of Berke Plaza shopping centre. She had several stab wounds and her chest was crushed, having been run over by a car. Virginia Kearns' body was found in an alley behind some warehouses about 11:15 p.m. She had been stabbed, shot in the back of the head and also run over. The three male victims were found in a field off Mount Tabor Road and had gun shot wounds, stab wounds, their throats had been cut and they too were run over with the car, which was afterwards set on fire with Roger Keene's body underneath it.

Powell and Foster were arrested when they tried to get a cab at Humana Hospital on Richmond Road and were seen by a nurse to be intoxicated and to have blood on them. She reported this to police Captain John Potts who happened to be in the hospital and he arrested them when they became belligerent. At this point, they were only charged with public intoxication. The gun was discovered later and the women were further charged with the murder of Carlos Kearns, appearing in court on April 25, before Judge Lewis Paisley. Both pleaded not guilty. Powell was represented by attorney John Larson. The judge appointed a public defender for Foster. Both were detained for trial at the Fayette County Detention Center and their booking was videotaped. It took the police some little time to assemble sufficient evidence to bring the other murder charges.

Their trial took place in Lexington, despite motions by the defence for a change of venue, before Judge James Keller in February and March of 1987. The lesbian relationship the two women had came out during the proceedings and Powell's defence attempted to show that she had acted under the control of Foster, out of fear. Judge Keller instructed the jury that they could only find the women guilty of the five murders or not guilty, they could not find them guilty of manslaughter. Both were convicted of all five murders on March 28, 1987 and the prosecution asked the jury for the death penalty.

At the sentencing hearing, Foster's defender cited abuse as a child and alcohol and drug addiction as mitigating factors and also tried to claim that they were both too intoxicated to form an intention of killing anyone. This was rebutted by the video of their booking into jail.

After 21 hours of deliberation, the jury decided that Foster should be given the death penalty and that Powell should be sentenced to life in prison without parole for 25 years. Foster's attorney, Kevin McNally, said he was outraged by the death sentence claiming that "this woman has been the victim of violence her whole life".

In 1988, Foster was transferred to a prison in Oklahoma under an inter-state agreement. This she appealed successfully in 1989, on the basis that she couldn't have proper contact with her defence team preparing her appeals against the death sentence. She was returned to Kentucky. She also appealed for and got a new sentencing hearing in December 1991. This overturned her death sentence and substituted a prison term of 99 years, 99 months and 99 days (life without parole). Powell signed an affidavit stating that she lied at the original trial about participating in the murders out of fear of Foster.

Tina Powell was denied parole in 2011 and told she would have to serve at least ten more years. Foster, is serving her sentence at the Western Kentucky Correctional Complex in Fredonia in Lyon County. Powell is at the Kentucky Correctional Institution for Women at Pewee Valley in Shelby County. A film entitled "100% Proof" was made about this case.

### Kevin Miguel Standford.

On the evening of January 7, 1981, Kevin Standford, then aged 17 years and four months (born August 23, 1963) with two accomplices, David Buchanan (aged 16) and Troy Johnson (aged 15), robbed the Checker gasoline station on 4501 Cane Run Road, Louisville, in Jefferson County. The clerk at the station was 20 year old mother of an infant, Baerbel Poore, who was just about to finish for the night and was reading the pumps when Stanford approached her with a gun and, together with Buchanan, forced her inside the convenience store.. Johnson remained in the get away car. While Buchanan attempted to open the store's safe, Stanford took Poore to an interior restroom where he raped her. When Buchanan was unable to open the safe, he joined Stanford in the restroom. Both men then took turns raping and sodomizing Poore. Apparently concerned that Poore might recognize them, Stanford drove Poore in her own car to an isolated area. Once there, Stanford shot her twice in the head at close range. They returned to the gas station, where they took 2 gallons of gas, \$140 and 30 cartons of cigarettes.



Kevin Standford

The Kentucky Juvenile Court determined that Sanford should be tried as an adult because of the seriousness of his offenses and his long history of past delinquency. He was convicted and sentenced to death. After appeals, the Kentucky Supreme Court affirmed the death sentence. Sanford had laughed and boasted about his crimes to accomplices, other inmates, and to corrections officers. He allegedly told an officer, "I had to shoot her. The bitch lives next door to me, and she would recognize me." His attorney, Margaret O'Donnell, denied that he had ever said these things.

After a two week trial, a Jefferson Circuit Court jury convicted Stanford of intentional murder and other crimes on August 12, 1982. Circuit Court Judge Charles Leibson sentenced Stanford to death in the electric chair on Friday, September 24th, 1982. Buchanan got life for his crimes. He was refused parole in 2007 and currently must serve out his sentence. Johnson testified for the prosecution and received 9 months in juvenile detention.

The Kentucky Supreme Court affirmed the conviction and sentence on April 30, 1987. (Stanford v. Commonwealth, 734 S.W.2d 781).

On June 26, 1989, the United States Supreme Court ruled that the death penalty for 16 and 17 year old murderers did not breach the Constitution.

It was claimed at Stanford's clemency hearing in 2002 that at age five, Standford had been sexually abused by a baby sitter and that he continued to be sexually abused by older boys in the neighborhood. However, his attorney said Stanford accepted full responsibility for the crimes and the hurt to Baerbel Poore's family.

The Catholic Conference of Kentucky (Roman Catholic bishops) called on Governor Paul Patton in October, 2002 to commute Stanford's death sentence. According to Vincent E. Senior, CCK's Executive Director, "Kentucky's bishops are offering their support to Governor Patton if he elects to use his constitutional power to stop the execution of Kevin Stanford. Our Governor faces a gravely historic opportunity to prevent this execution of a juvenile offender and he has our support." The European Union also urged commutation.

On December 8, 2003, Governor Paul Patton announced prior to leaving office, that he had commuted Standford's sentence to life in prison. This was the only time Patton commuted a death sentence since taking office, and in his announcement he stated that the justice system "perpetuated an injustice" in Stanford's case.

Needless to say Baerbel Poore's family were appalled by this decision. Her sister, Mona Mills, told reporters that she was "Shocked and sick to her stomach".

Kentucky Attorney General, Ben Chandler, had urged Patton to sign the death warrant, and stated "We have consistently opposed clemency in this case. We filed a response with the Governor's office in November opposing a request for clemency, and our position has not changed." Standford currently remains incarcerated at the Kentucky State Penitentiary at Eddyville.

### 1998.

From March 1998 Kentucky introduced lethal injection as the method of execution for all persons sentenced to death thereafter. Persons condemned before this date are allowed to choose either method.

#### Eddie Lee Harper.

Kentucky's first execution by lethal injection took place on May 25th, 1999, when Eddie Lee Harper was put to death for the shooting murder of his adoptive parents, Alice and Edward Lee Harper Snr. as they slept at their home in Valley Station, Jefferson County February 19. 1982. Harper was evaluated by a psychiatrist before trial and found competent to stand trial.



Eddie Lee Harper

50 year old Harper who had spent 16 years on death row, decided he wanted to die and insisted on giving up his appeals.

On May 19, 1999, Harper was found to be competent to waive further appeals by US District Judge Joseph McKinley, after a two day hearing. Harper had told the judge "I just don't want to grow old and die in prison, I would rather leave this world with a little dignity". Attorneys Randall Wheeler

and Susan Martin asked the U.S. 6th Circuit Court of Appeals to stay the execution. The motion argued that a lower-court judge erred when it found Harper mentally competent. This was denied.

Harper's execution commenced at Eddyville at 8.00 pm (EST) on the Tuesday evening, amid tight security round the prison. In a final statement, Harper expressed remorse for what he called his "terrible crime." Strapped to the gurney, in the brief statement he apologised to his "mom's side of the family." He then told his son, Ben Sheehan, "I'll always be with you in spirit. I'll be on the other side waiting for you. I'll be waiting for you, boy. That's all I have to say." The execution, Kentucky's first by injection, was delayed because Department of Corrections employees had trouble inserting an intravenous needle into Harper's left arm, according to spokeswoman Carol Czirr. At 8:10 p.m., the team successfully found a vein just above Harper's left hand.

Warden Philip Parker ordered the execution to proceed at 8:16 p.m. A minute later, Harper's toes wiggled and he licked his lips. His eyes blinked and he let out a sigh or gasp. Deputy Warden William Henderson immediately turned the microphone off. By 8:18, Harper's face had turned slightly purple and became puffy. A prison doctor pronounced Harper dead at 8:28 p.m.. His body was cremated and buried in the prison graveyard.

### Gregory Lee Wilson.

Gregory Wilson (born in Ohio in November 1956) was sentenced to death by electrocution in Kenton County, on October 31, 1988, for kidnapping and murdering Deborah Pooley on May 29, 1987.

The perpetrators and their victim.



36 year old Deborah Pooley worked as assistant manager at a river-front restaurant in Newport, Kenton County. On the Friday night around 11:45 p.m., Deborah left her best friend's house to go home. She parked up outside her apartment where she was abducted. She was forced into the back seat of her car and was driven by Wilson's accomplice, Brenda Humphrey, to the flood wall in Covington. Here Wilson took Deborah out of the car and made her lie down with her eyes closed while Humphrey went to get gas. When she returned, Wilson bundled Deborah back into the car's back seat where he made her unbutton her blouse while Humphrey drove. He tied her hands and then raped her. When he had finished, he told Deborah that he was going to kill her because "You have seen us. You know who we are, and you have to die." Wilson then strangled her and disposed of her body in a thicket in Hendricks County, Indiana. The pair made off in Deborah's car, taking the contents of her purse including her credit card. They booked into a hotel in Crawfordsville, Indiana around 4.30 on the Saturday morning where two maids were later able to identify them. Later they used Deborah's credit card in Danville, Illinois, to purchase various items including shoes, clothes, necklaces, two new watches and more gas.

On Sunday, May 31, Wilson and Humphrey went to the home of Humphrey's best friend, Beverly Finkenstead. Beverley noticed that they both had new jewellery and clothes.

The following Sunday Humphrey confided the details of the crimes to Beverley who reported them to the police on June 15, coincidentally the same day that Deborah's body was discovered. It was only possible to identify the corpse through dental records. The cause of death could not be established due to the advance state of decomposition but it was estimated by a forensic entomologist that given the extent of maggot development, death had occurred some 15 -16 days earlier.

Wilson and Humphrey were duly arrested and charged with the murder and the other offences. In jail, Wilson confided the details of the crimes to his cell-mate, Willis Maloney, who later recounted them at Wilson's trial. Wilson admitted the rape to Maloney, something that had not previously been realised as Deborah's body was so decomposed, although semen had been found on the back seat of her car, together with pubic hairs from Wilson and head hairs that matched Humprey's. When the hotel room in Crawfordsville was searched, various items of clothing with K-Mart tags were found that matched items purchased on Deborah's credit card.

In February 1988, Kenton County Circuit Court Judge Raymond Lape Jr. ordered that Wilson undergo an examination at the Kentucky Correctional Psychiatric Center in LaGrange to determine whether or not he was competent to stand trial and if he was sane when he murdered Pooley.

Wilson finally came to trial in September 1988 before Judge Raymond Lape Jr. Wilson largely represented himself in court with assistance from semi-retired Newport lawyer, William Hagedorn. At the end of the guilt phase of the trial, Wilson presented his own closing argument telling the jury he was not guilty, he "never met nor knew the victim" and that Humphrey told her sister that she killed Deborah Pooley. The jury returned guilty verdicts against both defendants and recommended death for Wilson at the penalty phase. He was additionally sentenced to consecutive prison terms of 20, 20 and 10 years respectively for first-degree rape, first-degree robbery and criminal conspiracy to commit robbery. He previously served a prison sentence in Ohio on two counts of rape. Humphrey was sentenced to life in prison with a minimum of 25 years before parole.

Wilson filed a lawsuit in 2007 challenging the method rather the constitutionality of Kentucky's execution procedure. It was claimed that Valium, given as a sedative interfere with the effectiveness of sodium thiopental that renders an inmate unconscious. Wilson also claimed that he was unable to make an intelligent choice between lethal injection and electrocution because the state does not provide enough information about its protocol for each method. He asked U.S. District Judge Karen Caldwell to force the state to allow inmates access to the secret protocols for electrocution and lethal injection.

In another lawsuit in 2007, Wilson's claim that he had been forced to represent himself at his trial was rejected by the U.S. 6th Circuit Court of Appeals.

After Governor Steve Beshear signed Wilson's death warrant in August 2010, setting a date of September 15 for the execution, several religious leaders raised protests. The Rev. Dr. Marian McClure Taylor, executive director of the Kentucky Council of Churches testified in January in front of Kentucky's Supreme Court regarding revisions in the protocol for executions. "God shows a remarkable unwillingness to give up on us, and does not give us permission to give up on each other." As long as society can be kept safe by some means other than taking a convicted person's life, we should not take that life."

Four Catholic bishops from Kentucky as well as Pope Benedict XVI asked the governor to commute Wilson's death sentence. On behalf of the Pope, Archbishop Joseph E. Kurtz of Louisville, gave the governor a letter asking for commutation citing legal problems in his trial.

On Sept. 10, 2010, Franklin Circuit Judge Phillip Shepherd, issued a stay for Wilson on the basis that if Wilson's IQ was found to be below 70, he could not be executed. Additionally, Shepherd ruled that "the state's protocol for carrying out an execution is inconsistent with state law and doesn't provide a safeguard to prevent a mentally retarded or criminally insane inmate from being executed."

Attorney General Jack Conway appealed that ruling and the decision moved to the seven justices of the Kentucky Supreme Court.

As at May 2013, Wilson remains on death row at Eddyville.

Brenda Humphrey is serving her sentence at Ky.'s Women's Correctional Institute in Pewee Valley but applied for parole in April 2012 (aged 58), something opposed by Deborah's family. This was denied.

In May 2012, the Kentucky Supreme Court ordered another hearing on Wilson's mental competency. He had first raised the issue two years previously but was turned down by the Kenton County court without a hearing. John Foote was on Wilson's defense team at his original trial and disputes Wilson's claim, saying "In my opinion, in my dealings with him he was not mentally retarded at all. He was very focused, deliberate, engaging in conversations and of average intelligence."

Foote says Wilson often acted as his own attorney and filed several motions in his own behalf. "They were as good as motions written by paralegals or attorneys he wrote the motions,

handwritten motions." 22-years later, Wilson filed school documents claiming he had a 62 IQ as a 14-year-old and could only do first or second grade work.

## Beoria Abraham Simmons.

Beoria Simmons (born 5/17/1954) was a Jefferson County social worker in Louisville who decided that the city needed cleansing of women who he suspected of being prostitutes. To this end, he abducted, raped and shot three white women in between 1981 and 1983.

15 year old Robin Barnes was Simmons first victim on May 18, 1981, followed by 29 year old Shannon House on March 25, 1982, and 39 year old Nancy Bettman on March 11, 1983. Their bodies were found dumped in Iroquois Park in Louisville, their undergarments torn and scattered and their bodies showing bruising.



Beoria Simmons

His fourth victim, a 16 year old girl named K.D Heaton, was abducted from a bus stop near Churchill Downs, forced into Simmons' car and beaten, before being taken to Iroquois Park, where Simmons told her he was going to rape her. She stabbed him in the thigh with a pocket knife and managed to get away. She was later able to identify Simmons and testify against him at his trial. The police alerted local hospitals to inform them if someone came into the ER with such a wound. Fortunately this worked and he was arrested on June 11, 1983. The pistol used in the three murders was recovered from Simmons' car, and ballistic tests showed confirmed it as the murder weapon. Simmons gave a statement in which he admitted having sexual intercourse with the three women and that he killed each of them, which was tape recorded.

At trial, Simmons' attorney, Daniel Taylor, attempted a defense of insanity to counter the overwhelming evidence against his client. Simmons claimed that he had sex with them as prostitutes and that he killed after fighting over their payments. The jury did not accept this version and Simmons and in view of the evidence of the rapes, which is an aggravating factor they recommended the death sentence on each murder charge and for three counts of kidnapping, in 1985. Additionally he was sentenced to twenty years for the attempted murder, ten years for the attempted rape, and twenty years for the fourth kidnapping count. The convictions and sentences were affirmed at appeal in 1988. There followed further appeals until in March 2010, Simmons struck a plea deal before Judge Mary Shaw to finally avoid execution. He accepted six life sentences without the possibility of parole. The basis of his case was that at the original trial, the prosecutors made too many challenges to black jurors. Were he to be granted a new trial at this late stage, it would be impossible to be certain of the outcome and he could even have walked free, as there may no longer be enough evidence to convict him Two of the three evidence technicians on the case have died and all of the police investigators have retired. "We believe that continuing litigation would eventually result in the outcome that has been achieved today," said Simmons' attorney, public defender David Barron. As part of the agreement, Simmons will be allowed to stay in a single cell at Kentucky State Penitentiary in Eddyville and may not be moved from there. Simmons agreed to drop all appeals. Simmons apologized to the families of three women he murdered. "I just want to say I'm sorry for all the grief and pain I've caused throughout the years," said Simmons. "You know, if I could undo it I'd undo it. But I can't, so I pray to God he'd bless you all, you know, just bring some peace to your life." Kaye Barnes, the cousin of Robin Barnes, said she did not feel that a life sentence for Simmons was the justice was her cousin deserved. "We waited for him to die on death row and have lethal injection," Barnes said. Assistant Commonwealth's Attorney Harry Rothgerber says, "Everybody is mad about the endless appeals that have taken place in this case, and we wanted to insure Mr. Simmons would die in prison and not harm anybody again."

### Marco Allan Chapman.

Marco Allan Chapman is presently the last person to be executed in Kentucky. He was put to death by lethal injection at Eddyville shortly after 8 p.m. EST on November 21, 2008, at his insistence.

On the morning of August 23, 2002, the then 30 year old Chapman stabbed and cut the throats of two children, 7 year old Chelbi Sharon and 6 year old Cody Sharon in their Weldon Way home in Warsaw, Gallatin County. He also attacked their 10 year old sister, Courtney, who played dead and fortunately survived. In addition, he attacked the children's mother, 37 year old Carolyn Marksberry, the city clerk of Warsaw, tying her to her bed, raping her and stabbing her repeatedly. She was left for dead with a knife buried in her chest. He robbed the home of some items and was caught the next day in West Virginia driving a 1992 Dodge Dakota, taken from the home in Boone County where he had been staying. Courtney was taken to the Children's Hospital in Cincinnati, her mother to the University Hospital there, where she underwent five hours of surgery to repair a collapsed lung and deal with her other injuries. Both made good recoveries.

The perpetrator and his victims.



It is thought that the motive for the crime was that Carolyn Marksberry had counselled Chapman's former girlfriend to end an abusive relationship with him.

Chapman pleaded guilty to all charges at his trial before Boone County Circuit Judge Tony Frohlich in early December 2004. He told the court "I only wish the judge to sentence me to death so no one can feel responsible for another's death, including mine. He was formerly sentenced to death on December 14, 2004 and transferred to death row at the Kentucky State Penitentiary at Eddyville.

The state Supreme Court on Thursday, August 23, 2007 unanimously upheld Chapman's death sentence. He had filed an affidavit in May, saying he wanted to be executed. In it he wrote, "My rights are mine, and I am entitled to waive them just as is any other defendant." His lawyers, court-appointed attorneys, Donna Boyce and Randall Wheeler argued that his wish to waive appeals showed he was not competent. But the court ruled that "our review of the record in this case ... shows that Chapman's plea was competently, knowingly, intelligently and voluntarily made." The trial judge, Tony Frohlich, had also said he could find no legal reason not to grant Chapman's request.

In early November Franklin Senior Circuit Judge Roger Crittenden ruled that Chapman was competent and could dismiss his public defenders who were trying to stop his execution. Two motions to stop the execution, filed by the Department of Public Advocacy were pending with the Kentucky Supreme Court.

On November 17, 2008, Kentucky Governor Steve Beshear declined to halt Chapman's execution, saying "I have reviewed the facts of this case in detail and have given prayerful thought to it," Beshear said. "I do not find any such strong extenuating circumstances in this case. Mr. Chapman has been found guilty of a vicious and almost indescribable crime."

The previous day he had met with representatives of the Kentucky Council of Churches and Catholic Conference of Kentucky, who urged him to commute Chapman's sentence to life in prison without parole. Although the Governor said he appreciated their views he also stated that, " I believe that capital punishment is appropriate in the case of particularly heinous crimes, absent some strong extenuating circumstances."

There was the usual flurry of appeals, including one filed on the legitimacy of Kentucky's lethal injection protocol. This was denied by the U.S. Supreme Court early on the Friday evening, as it had been by the Kentucky Supreme Court the previous day.

His last meal was reportedly a 32 ounce sirloin, 20 butterfly shrimp, tossed salad with ranch dressing, iced tea and a banana cream.

Before he was taken to the death chamber, corrections officials said that Chapman's mood was peaceful. He spent time writing letters to family members and preparing his final statement that would be read to those who watched him die.

Thus on Friday, November 21, 2008 at just after 8 pm, EST Marco Allen Chapman was executed by lethal injection, using the standard three drugs in the execution chamber at the Kentucky State Penitentiary. He was pronounced dead at 8:34 p.m.

Before his sentence was carried out, he turned to a two-way mirror of room where Carolyn Marksberry was reportedly witnessing the execution and begged for forgiveness. "I pray daily but not just for me but for Carolyn and Courtney that even though they have the right to hate me, I just

hope they don't live with hate in their hearts."

Carolyn Marksberry and her family also issued a statement that was read to reporters after the execution. "I believe the tears shed today should be for the victims of this crime, not Marco Chapman" the family's statement read. "Perhaps now though, not only can our family and community start to heal but (also) Cody and Chelbi can rest in peace."

Media witnesses said that about two minutes into the execution procedure, about 8:22 p.m., they saw Chapman swallow a couple of times and his breathing became shallow. About a minute later, the further rising motion from Chapman's chest was noted. About that same time, Warden Simpson reached over and closed Chapman's eyes.

Chapman's body was taken by hearse to the Lyon County Coroner's Office for autopsy followed by cremation.

In his final statement he gave to Warden Tom Simpson to read he said, "I don't know why I did the thing that I did, and I know the hate of me over that night must be overwhelming, but Carolyn and Courtney you have to know that wasn't who I was or am,". "I am not a monster even though I did a monstrously evil thing. That is why I give my life willing as well as quickly in hopes that you know how truly sorry I am. I hurt and ache daily for the loss I've created in the Marksberrys' family, but I hurt as well. I don't know if I deserve heaven after what I did, but I pray with all my heart that I find some sort of peace and happiness after my last breath." After Simpson read the statement,

The execution was confirmed by Lisa Lamb, a spokesperson for the Kentucky Department of Corrections, with the following statement: "The execution of Marco Allen Chapman was carried out in accordance with the sentencing courts of Kentucky and the laws of the Commonwealth at 8:34 p.m."

As of May 2013, 32 men and 1 woman remain on death row in Kentucky and four of the men have reached the end of the appeal process. A ruling on whether the state's revised lethal injection protocol is acceptable is expected soon which if favorable would allow executions to resume.