



Written by [Jack Kenny](#) on September 22, 2011

## Amid Doubt, Troy Davis Executed in Georgia

Proclaiming his innocence to the end, Troy Davis (left) died at 11:08 (EDT) Wednesday night, executed by lethal injection for the 1989 murder of Savannah, Georgia Police Officer Mark MacPhail. The execution at the Georgia State Prison in Jackson was delayed for four hours past its scheduled time of 7 p.m. by order of the U.S. Supreme Court, which deliberated over final appeals for clemency for the 42-year-old Davis, whose impending execution had sparked national and international opposition from death penalty opponents — and even prominent supporters of capital punishment. Some of the latter pointed to recanted witness testimony, the lack of physical evidence linking Davis to the murder, and accounts of police and prosecution coercion of witnesses as raising reasonable doubt of Davis's guilt. The Court declined to intervene, however, and allowed the execution proceed.



Strapped to the gurney for the lethal injection, Davis made a final declaration of his innocence, according to reporters at the execution. "I did not personally kill your son, father, brother," he said, looking directly at members of the MacPhail family. "All I can ask is that you look deeper into this case so you really can finally see the truth." He then told his own family members and supporters at the scene to "keep the faith" and said to prison officials preparing for his execution, "May God have mercy on your souls. May God bless your souls."

Witnesses at his 1991 trial testified that Davis was part of a gang assaulting a homeless man and that it was he who shot and killed MacPhail, the off-duty police officer who had come to the to rescue of the assault victim. MacPhail died of gunshot wounds to the face and heart. The murder weapon was never found and the absence of physical evidence implicating Davis and the recanted testimony of witnesses at the trial have raised doubts in the minds of many that Davis had been fairly tried and found guilty beyond a reasonable doubt. Seven of the nine prosecution witnesses later claimed they either were coerced by police or prosecutors to testify as they did or they simply lied in order to get more favorable treatment in their own encounters with the law. A federal judge reviewing the case in 2010 discovered that one witness was shown a photo identifying Davis as the suspect before being asked to identify the shooter from an array of photographs that included a picture of Davis. But absent "clear and compelling" evidence of innocence, Judge William T. Moore, Jr. said he could not overturn the verdict and order a new trial.

"A federal court simply cannot interpose itself and set aside a jury verdict in this case absent a truly persuasive showing of innocence," Moore wrote. "To act contrarily would wreak complete havoc on the criminal justice system."



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Former FBI director William Sessions and former federal prosecutor and congressman from Georgia Bob Barr, both supporters of the death penalty, were among hundreds of thousands who either signed petitions or issued public statements opposing the execution. Pope Benedict XVI and former President Jimmy Carter both asked for clemency for Davis. More than 630,000 petitions for a stay of execution had been present to the Georgia Board of Pardons and Parole, the [New York Times](#) reported.

Wednesday was the fourth and final time Davis had come to within hours of execution. The state parole board granted a stay in 2007, saying at the time the execution should not take place unless the board members "are convinced that there is no doubt as to the guilt of the accused." Davis was within 90 minutes of entering the death chamber in 2008 when the U.S. Supreme Court ordered a stay of execution. A few months later, the parole board ordered another stay.

But on Tuesday the five-member board, which has added three new members since reviewing the case in 2007, issued a statement saying it had carefully weighed all of the information in the case and denied the appeal for clemency.

About 500 supporters of Davis's appeal held a vigil across the state highway from the prison during the night and disbanded when news came of the prisoner's execution. Earlier in the week, Joan MacPhail-Harris, widow of the murdered police officer, dismissed the idea that Davis was a victim.

"We have lived this for 22 years. We are victims," she said. "We have laws in this land so that there is not chaos. We are not killing Troy because we want to."

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*Photo of Troy Davis: AP Images*



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