

U.S. v. Woolard C.A.5 (Miss.), 1993.

United States Court of Appeals, Fifth Circuit.
UNITED STATES of America, Plaintiff-Appellant,
v.
John Fred WOOLARD and Dempsey A. Bruner, Defendants-Appellees.
No. 92-7006.

Jan. 11, 1993.

Defendants were indicted for murder of national park service ranger. The United States District Court for the Southern District of Mississippi, Walter J. Gex, III, J., granted motion to strike death penalty as possible sentence, on grounds that sentencing provision was unconstitutional. Appeal was taken. The Court of Appeals, [Patrick E. Higginbotham](#), Circuit Judge, held that statute was unconstitutional. Although Congress narrowed the class of persons eligible for death penalty, it had not provided for consideration of evidence tending to mitigate moral culpability and militate against death sentence.

Affirmed.