

COURT ORDERS FRANK CONNER PUT TO DEATH

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Transcribed by Jean Walker

Slayer of Tracy Bird Loses In Appeal To Supreme Court.

PHOENIX July 14 – The Arizona Supreme Court affirmed the conviction of Frank Conner, colored, former Fort Huachuca soldier, condemned for the murder last October of Tracy Bird, former Nogales, Ariz., city clerk, and set his execution for September 22. Conner had appealed his Santa Cruz County Superior Court conviction on grounds two errors were made by the court during the selection of a jury.

The former soldier killed the Nogales official during an attempted holdup. He will be the 14th to breathe the lethal fumes in Arizona's gas execution chamber at the state prison unless clemency is granted by the Arizona State Board of Pardons and Paroles or he is ruled insane.

Admitted Slaying

In affirming the judgement, the court said evidence disclose that Conner admitted the slaying and that his only excuse was that he was acting to some extent under the influence of liquor and narcotic drugs, and that the fatal shot was fired during a scuffle.

“The record in this case showing affirmatively that the jury which tried the defendant was fair and impartial, and the evidence being conclusive as to his guilt of the crime wherewith he was charged, and it appearing that even if error did occur in the trail of the case it was not such as to affect the verdict in any manner, the judgement is affirmed.”

The decision was written by Justice Alfred C. Lockwood and concurred in by Chief Justice Henry D. Ross and Justice A. G. McAlister.