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CAPITAL PUNISHMENT NEVADA STYLE

BY PATTY CAFFERATA, ESQ.

Since 1860, one woman and 74 men have been executed for committing murder in Nevada. The first legal executions were carried out by hanging, in the county where the murder occurred. After 1903, 10 murderers were sent to the gallows at the state prison in Carson City. The method of execution has evolved as the legislature sought more humane ways to put murderers to death. On rare occasions, when more than one killer was found guilty, they were both executed at the same time.



The first gas chamber at the Nevada State Prison in Carson City.



Nevada State Prison and its officers, circa 1880.

ONLY WOMAN EXECUTED IN NEVADA

The husband and wife team of Josiah (age 44) and Elizabeth (age 40) Potts was hanged for the murder of Miles Faucett in Carlin, Elko County. In a carefully calculated plan, Elizabeth, who was already married to Josiah, married Faucett in California in March 1887. When her first marriage was discovered, Elizabeth fled back to Josiah. Obsessed, Faucett followed her and lived in the Potts' barn for a few months.

Sometime after January 1, 1888, after signing all his property over to the Josiah, Faucett mysteriously disappeared. In September, the Potts sold their house and moved to Wyoming.

When the new owners found human bones in the cellar, the Elko County sheriff charged the Potts with Faucett's murder. Josiah's story was that, once confronted about his alleged attempt to molest the Potts' daughter, Faucett killed himself. Alone, Josiah dragged the body to the cellar, set it on fire and later cut the body up.

The jury did not buy the story and the couple was sentenced to hang. Troubled by imposing a death sentence on a woman, District Court Judge Rensselaer Biglow unsuccessfully argued on appeal that both sentences should be commuted because she was the guiltier of the two.

Witnesses watched as the murderers walked up the 13 steps to the gallows platform in the Elko County jail yard. The couple sat quietly while the guards bound their hands with leather straps. Their shoes were removed, ropes slipped around their necks and black hoods placed over their heads.



The only woman executed in Nevada, convicted murderer Elizabeth Potts died with her husband and partner in crime.

At 10:47 a.m. on June 20, 1890, the trap doors dropped. Elizabeth died minutes before Josiah, becoming the only woman executed in Nevada history.

LARGEST NUMBER OF MURDERERS EXECUTED TOGETHER

Four train robbers were hanged at the state penitentiary for the murder of Jack Welsh on a freight train moving through Humboldt County. The murderers included ex-cons and repeat offenders T. F. Gorman and John Sevens, 20-year-old Albert Lindeman, aka Frank William, and 17-year-old Fred Roberts.

They took \$1.25 from Welsh and then tried to push him off the train. Clinging to the side ladder, Welsh pled for his life. Sevens beat Welsh with a revolver, kicked him in the face and stomped on his hands. When Roberts riddled Welsh with bullets, Welsh fell off the train. Incredibly, the next morning, Welsh was discovered alongside the tracks and taken to the Winnemucca hospital, where he lived long enough to describe the crime and to identify his assailants.

Sevens, Gorman and Roberts were tried twice before they were convicted and sentenced to death. Lindeman was tried separately and convicted. Ironically, before the trial, a lynch mob gathered outside the jail planning to string Lindeman up. The sheriff spirited him to the state prison for safekeeping. Lindeman also

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received a death sentence and the four were hanged in the second execution at the state prison on November 17, 1905. (The first inmate hanged at the prison was John Hancock on September 5, 1905.)

ONLY MURDERER EXECUTED BY THE FIRING SQUAD

After January 1, 1912, the legislature allowed the condemned to choose between the gallows or firing squad. Two murderers selected death by shooting, but only one was executed; the other's sentence was commuted.

On May 14, 1913, Serbian Andrija Mircovich was executed for the stabbing death of John Gregovich at the Tonopah & Goldfield Railway depot. Mircovich believed that Gregovich cheated him when handling the distribution of Andrija's cousin Chris Mircovich's estate. A recent arrival to the country, 33-year-old Andrija spoke little English and had little understanding of the probate system in Nevada.

Mircovich preferred the firing squad to the noose, claiming it would be quicker. Warden George Cowing tried to talk Mircovich out of the firing squad but failed. This prompted Cowing to order a 1,000-pound execution machine or "shooting gallery of steel." The equipment included a steel cage with three Maxim silencers and three Model 1899 .30-.30 Savage rifles. After the machine arrived at the prison, Cowing wanted nothing more to do with the execution and resigned. Denver Dickerson, a former Lieutenant Governor and warden, was appointed warden.

The three guards, selected by drawing names out of a hat, entered the firing chamber and then 12 witnesses were admitted to a roped-off area in the yard.

At about 11:30 a.m., guards marched Mircovich to the yard, where he was strapped to the chair bolted to a platform. He refused a black cap or blindfold,

stating he wanted to see. Prison Doctor

McLean pinned a heart-shaped target on his chest. Mircovich kept his head up high as instructed.

The guns were secured on stationary stands inside the firing chamber shed. Two rifles were loaded with soft-nosed ball cartridges and one gun was loaded with a blank. All the distances had been carefully measured and tested for accuracy. Each guard checked the aim on the rifle to be sighted on the defendant's heart.

The command to fire was given and the bullets met their mark. Doctor McLean declared the death instantaneous. The autopsy showed the two balls within 2/3 inches of each other in Mircovich's heart.

The design of the shooting cage prevented the witnesses from knowing who fired the fatal shots and the guards from seeing Mircovich die. The cage was never used again. Mircovich was the last murderer to be executed at the prison – until the gas chamber was installed.



Sketch of the "shooting gallery of steel," an automated firing squad machine used only once.

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ONLY DUAL HANGING AT THE STATE PRISON

Shoshone "Indian Johnny" (last name never recorded) and Joe Ibapah, a member of the Goshute tribe, were executed together at the prison for the murder of Fred Foreman in Montello, Elko County in December 1905. After drinking Jamaican Ginger (a patent medicine containing 70-80 percent alcohol) all day, the pair saw a light in a railroad tie house near the railroad tracks.

They discovered Fred Foreman, a white man, sleeping in there and demanded he buy them some more liquor. He said he could not because he had only one leg and walked with a crutch. Ibapah testified that Johnny gave him a knife and said, "I'll hold his hands and you cut his throat." Ibapah said he killed Foreman by cutting his throat from ear to ear. After the brutal killing, they jabbed out Forman's left eye and broke his right arm, then rolled his body into the fire and piled ties on top of him. At trial, Antelope Jack, Chief of the Goshute tribe, testified that Ibapah was a good boy, until his father gave him liquor when he was 12, and added that Ibapah killed his father because he had cut and hurt his mother many times.

Sentenced to death, they went to the gallows at the state prison around noon on December 3, 1906.



Nevada's first gas chamber.

FIRST EXECUTION IN A GAS CHAMBER IN THE COUNTRY

In March 1921, the Nevada Legislature sought again to provide a more humane method of execution, garnering national attention when it became the first state to use poisonous gas to execute a murderer. Three men were set for execution on February 8, 1924. Gee Jon was executed, but the other defendants' sentences were commuted.

Warden Denver Dickerson also presided over this first execution in the gas chamber. Twenty-nine-year-old Gee

Jon, a member of the famous Hop Sing Tong in San Francisco, was convicted of killing Tom Quong Kee in his Mina cabin in a “tong” war. Allegedly, Kee was a member of a rival tong. Hughie Sing and Jon hired Reno cabby George Pappas to drive them to Mina. The men sent Pappas to buy some beer while they walked to Kee’s cabin and murdered him. At trial, Sing testified they went to Mina to kill Kee and Jon fired the two shots that killed him.

Using prison labor, the state constructed a squat, stone building lined with steel in the center of the yard. Observers watched through a window, standing behind a black line painted on the floor of the yard. Jon’s thighs were strapped to the plain, unpainted pine chair with his arms linked to the thigh straps. Hydrocyanic (HCN) gas, smelling like almonds, was sprayed into the 10-by-12-foot room; Jon’s movements ceased within six minutes.

Although Hughie Sing was also sentenced to die in the gas chamber for Kee’s murder, his sentence was commuted.

In the 1930s, the state built a new “gas house.” The chamber was described as having white walls and large windows for observation like a finely built surgery suite – almost cheery.

ONLY DUAL EXECUTION IN THE GAS CHAMBER

On July 15, 1954, the only dual execution in the gas chamber took place.

Ex-cons Frank Pedrini (age 47) and Leroy Linden (age 35) murdered Clarence Dodd. He picked them up hitchhiking in Winnemucca on Highway 40 (now Interstate 80). A carpenter, Dodd was returning home to California after visiting his mother. They forced Dodd off the highway near Mustang, holding him at gunpoint on the Truckee riverbank.

Linden’s story was that he went to buy beer in the Mustang Station and came back to find Pedrini and Dodd on the ground. They told Dodd they were going to tie him up, leave him and drive his car to Reno. Linden claimed he walked away from them to watch the highway. Pedrini asked Dodd if he had any rope, and Dodd apparently said, “Yes, in the trunk.” Dodd retrieved a length of binder twine. Linden claimed he heard

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a shot and ran to where the men were. Pedrini said he did it because Dodd had seen his tattoo on his hand and would be able to identify him.

Pedrini's story differed from Linden's. He claimed they both tugged on the 30-inch piece of binder twine to strangle Dodd. Then, they covered the body with rocks. Hunters found Dodd's garroted body in December.

In January 1954, Linden confessed, implicating Pedrini. The killers had extensive criminal records and allegedly met as cellmates in the Folsom State Prison in California. While Pedrini does not fit the description of a serial killer, he had served time for two previous murders.

Washoe County District Attorney Jack Streeter and his deputy Dyer Jensen prosecuted the murderers, while Bruce Thompson and Leslie Gray defended them at trial. The jury found the men guilty and sentenced them to death.

Pedrini got his last wish: he wanted to die with Linden and insisted they be executed together. They entered the gas chamber two minutes apart and were strapped in the metal chairs at 6:05 a.m. After the door was closed, the HCN gas was released at 6:10 a.m. Linden's heart stopped by 6:18 a.m. Pedrini's heart stopped by 6:19 a.m. ■

CONCLUSION

In Nevada's first 43 years (1860 to 1903), 30 executions were carried out by hanging. Then, the state executed one murderer using a firing squad. From 1924 through 1979, 32 men died from inhaling the lethal gas in the gas chamber.

Since 1985, lethal injection has been used to carry out a death sentence. Three drugs are administered, first to sedate, then to paralyze the muscles and cease breathing and finally potassium chloride to cause a deadly heart attack. From 1985 to 2006, 12 murderers have been put to death by injection, all but one "voluntarily," meaning they dropped their appeals and did not oppose their executions.

Of the 80 men currently on death row, Edward Wilson has been there the longest, since 1979. He was sentenced for killing Reno Police Officer Jimmy Hoff.

In the last 107 years (1903-2010), 45 murderers have been executed in Nevada. Since 1860, the total number of executions in Nevada is 75.

PATTY CAFFERATA is the former district attorney of Lincoln, Lander and Esmeralda counties. She wishes to thank the Nevada State Prison official who answered numerous questions on the statistics regarding capital punishment and Nevada Archivist II Chris Driggs for finding prison records and related documents.