

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-41-3567

Date May 24, 2010

To: Chief, Criminal Section

Re: Officer Jolly C. Thompson (Deceased),
Officer Marlon Manor (Deceased)
Yazoo City Police Department,
Yazoo City, Mississippi - Subjects;
Jessie James Shelby (Deceased) - Victim
CIVIL RIGHTS

It is recommended that the above case be closed for the following reasons:

Case Synopsis

The Federal Bureau of Investigation (FBI) initiated a review of this matter based upon a referral from the Southern Poverty Law Center (SPLC) in the form of a January 31, 1956 "partial report" from the Manuscript Division of the Library of Congress. The report was signed by Medgar Evers, then the NAACP's Mississippi Field Secretary. Mr. Evers stated that, on January 20, 1956, Jessie James Shelby, the African-American victim, was shot and fatally wounded by an unidentified officer in Yazoo City, Mississippi. The officer reportedly claimed that he shot the victim because the victim was resisting arrest. Mr. Evers reported that he had encountered the

Cristina Gamondi
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To: Records Section
Office of Legal Administration

The above numbered file has been closed as of this date.

Date

Chief, Criminal Section

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“usual ‘afraid to talk’ because of possible reprisals” in his investigation and that he planned to continue to search for information.

The FBI obtained a January 26, 1956, *Yazoo City Herald* newspaper article, that stated that the victim had died the previous Saturday morning, January 21, 1956, as a result of a gunshot wound sustained while resisting arrest. The article stated that the shooting occurred outside the Silver Slipper night club where Yazoo City Police Department (YCPD) Officer Jolly C. Thompson and Marlon Manor, the subjects, had responded to a disturbance report. The subjects claimed that, upon arrival, XXXXXXXX (African-American) reported to them that Shelby had beaten her. The article stated that Thompson arrested Shelby and began searching him for weapons. According to the article, Thompson reported that, during the search, Shelby grabbed Thompson’s blackjack and began beating him with it, whereupon Thompson shot Shelby in self-defense, fatally wounding him in the stomach.

According to the article, a local coroner’s inquest was held on the afternoon of January 24, 1956. County Attorney Griffin Norquist was quoted as saying that four or five witnesses testified in the inquest and that none disputed Thompson’s account of self-defense. According to the article, both Thompson and Manor testified that the victim was shot when he resisted arrest and attacked Thompson with Thompson’s own blackjack. The inquest resulted in a ruling of self-defense and justifiable homicide.

The victim XXXXXX, XXXX, told the FBI that XXXXXXXXXXXX after XXXXXXXXXXXX death. XXXXXXXX stated that XXX heard, from an unnamed source, that on the night of his death, XXXXXX was dancing with an unidentified woman at the Silver Slipper. XXXXXXXX also heard that subject Officer Thompson was dating the unidentified woman at the time.

Thompson died on February 14, 1983, and Manor died on October 19, 1992.

Federal Review

In the fall of 2008, the FBI initiated a review of the circumstances surrounding the victim’s death, pursuant to the Department of Justice’s “Cold Case” initiative and the “Emmett Till Unsolved Civil Rights Crime Act of 2007,” which charges the Department of Justice to investigate “violations of criminal civil rights statutes . . . result[ing] in death” that “occurred not later than December 31, 1969.” The FBI interviewed XXXXXXXX, the victim XXXXX. The FBI also contacted various Mississippi law enforcement and government officials; conducted searches of the records of the SPLC, the Mississippi Department of Archives and History (MDAH), the University of Southern Mississippi library, law enforcement databases, and the internet for relevant references and media articles; sent letters to both the SPLC and the NAACP requesting information; and solicited information about the case via a press release that was published in local newspapers and broadcast on local television and radio stations.

The FBI obtained the victim’s death certificate, indicating that he died on January 21, 1956, as a result of hemorrhage from a gunshot wound. The gunshot wound was sustained the previous day, January 20, 1956. The certificate stated that Shelby had reportedly resisted arrest

and was shot by the arresting officer.

The FBI obtained the Thompson's death certificate from the Mississippi Department of Vital Statistics, indicating that he died on February 14, 1983, in Renton, Washington, as a result of pulmonary respiratory failure, a consequence of Chronic Occlusive Pulmonary Disease.

The FBI obtained a 1959 Yazoo City phone directory from the B.S. Ricks Memorial Library; Edward M. Manor was listed as a city policeman. The FBI then conducted a search of a law enforcement database and determined that Manor died on October 19, 1992.

The FBI contacted officials at the YCPD, the Yazoo City Sheriff's Office, the Mississippi Department of Public Safety, and the Mississippi Attorney General's Office (MAGO), and determined that none of those agencies had any records pertaining to the matter.

The FBI attempted to locate XXXXX (whose alleged complaint led to the victim's arrest) through telephonic contacts but the attempts were unsuccessful.

Legal Analysis

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, the federal government cannot prosecute the subjects because they are deceased.

Second, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 242, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the *Ex Post Facto* Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Additionally, because the subjects are deceased, this matter will not be forwarded to the state for prosecutive review. AUSA Glenda Haynes, Southern District of Mississippi, concurs in this recommendation.