ANGOLA - Shortly before midnight, convicted murderer Benjamin Berry was awaiting death in Louisiana's electric chair — more than eight years after his conviction for the 1978 shooting of a Jefferson Parish sheriff's deputy during an attempted bank robbery.

Legal appeals for Berry continued until the last — although his attorney had said before launching them that hopes were slim of getting another stay of execution. The 31-year-old Berry had escaped death on seven prior occasions — with scheduled execution dates postponed by various courts.

The last appeal was rejected late Friday by the U.S. Supreme Court. Gov. Edwin Edwards also refused to stay the execution.

"His attorney told him last night and he was taking it pretty well. He told me 'I feel better than I thought,'" said Angola Warden Hilton Butler.

Members of Berry's family, including his mother, three brothers and three sisters, were with him most of the day Saturday.

Butler said Berry requested a bacon and tomato sandwich with French fries and a chocolate malt for his last meal.

After visiting Berry at 8 p.m., Butler described Berry as calm. "He was laying there watching TV," Butler said.

Berry did not want a spiritual adviser, but Butler said someone was standing by in case Berry changed his mind.

Berry's execution was to be the first in more than two years in Louisiana. David Dene Martin died in the electric chair in January 1985 in the shooting death of four people, including his wife.

Vernon and Elizabeth Harvey and several others stood outside the penitentiary gates Saturday night in support of victims' rights. Harvey witnessed the execution of his stepdaughter's murderer in the electric chair at Angola in December 1984.

About 30 people gathered on the lawn of the Governor's Mansion Saturday night to protest the execution and to pray for the victim's family.

"There's no point in killing people to prove killing people is wrong," said Tom Abel, one of those who lighted a candle and bowed his head in the 8 p.m. prayer vigil. "We need to find some other way of coping with crime."

"I can't believe, we just find it outrageous that this is scheduled on a Sunday," said Steve Crump, organizer of the vigil and a Unitarian minister in Baton Rouge.

Several members of Berry's family attended the prayer vigil.

Another four of the 42 remaining men on Angola's Death Row have scheduled execution dates this month.

Berry, a New Jersey-born high school dropout, received the death sentence after he was convicted in the January 1978 murder of Jefferson Parish sheriff's deputy Robert Cochran who was shot to death during an attempted bank robbery.

He was living in Baton Rouge at the time of the offense.

According to trial testimony, Berry and David Pennington decided to rob the Metairie Road branch of the Metairie Bank and Trust Co. The pair drove from their apartment in Baton Rouge to the bank in Jefferson Parish where Pennington entered the bank to check out the situation.

Testimony revealed that Pennington returned to the truck where Berry was waiting and Berry then entered the bank with a 15-round, nine millimeter, "automatic" pistol drawn. Cochran exchanged fire with Berry. Berry fired three shots — two of them hitting Cochran, mortally wounding him. The officer fired one shot, wounding Berry.

Seven to 10 customers were in the bank at the time of the shooting, court records reveal.

In the trial, Berry contended he fired impulsively in self-defense and did not intend to kill Cochran. However, prosecutors countered that Berry shot first and also fired the fatal shot at close range after the victim had dropped his gun upon being hit the first time.

After the shooting Berry and Pennington fled, returning to Baton Rouge, where Berry was arrested after seeking medical treatment at a local hospital.

Pennington, who was tried separately, got a life sentence, which he is serving at Angola.