

Florida moves to speed up execution process

Matthew MacEgan**31 May 2013**

Florida governor Rick Scott is currently considering a bill passed by the state legislature in April that would mandate the state execute prisoners within six months following the signing of their death warrants. The “Timely Justice Act” is surfacing as the nation’s longest serving death-row inmate, Gary Alvord, recently died of natural causes in Florida. The latest Florida prisoner to be executed was Elmer Carroll, convicted in 1990 of the murder of a 10-year-old girl from northwest Orange County. He died by lethal injection early Wednesday evening.

The signing of this “fast track” legislation would require the governor to sign a death warrant within 30 days after a review by the State Supreme Court. After that signature, the execution would have to be performed within 180 days. The bill also bars attorneys from using certain defense strategies, and gives judges tighter timeframes to consider appeals and post-conviction motions, such as whether a defendant should get a new trial due to lawyer incompetence.

There are currently 404 people awaiting execution in Florida, including 155 who have languished on death row for more than 20 years, and 10 who have waited longer than 35 years. The present average wait for an execution in Florida is 13 years. Florida law also allows a defendant who is not responsible for a murder to receive a death sentence.

Since the mid-1970s, Florida has executed 75 people, but has exonerated 23 others, many of whom spent more than a decade on death row. Advances in DNA in particular have led to death row inmates being exonerated for crimes committed 20 years ago or more. According to the Death Penalty Information Center, Florida has the highest number of innocent people freed from death row.

Even in light of such statistics, eliminating the death penalty, rather than expediting the process, is not being considered as an option by Florida legislators. The

“Timely Justice Act” law would give death row inmates and their attorneys less time to appeal their cases and fight to prove their innocence.

This measure has been promoted by the same legislators who approved the “Stand Your Ground” law, which promotes vigilante justice. They reason that delaying executions is an affront to justice, especially for victims’ families, and that only a state-sponsored killing can allow the remaining family members to have peace or “closure.”

Those who oppose the death penalty, including some victims’ family members, speak of its barbaric nature. *Miami Herald* journalist Leonard Pitts Jr., brother-in-law of murder victim Ted McCoy, writes that “there’s something...uncomfortably barbarous in this idea that we as a society owe those families blood as recompense for the pain they have endured.”

Efforts to expedite executions also run counter to shifting views on capital punishment. Gallup polls show that public approval of the death penalty fell in 2011 and 2012, to 61 and 63 percent respectively, the lowest since 1978. Exonerations of death row inmates, as well as increasing exposures of mostly poor defendants being provided shoddy representation, have also brought the death-penalty system into increasing public disfavor.

Death penalty backers in Florida and elsewhere, however, seek to increase efficiency rather than end capital punishment. One such proponent and sponsor of the Florida bill, Republican state representative Matt Gaetz, has stated, “Too many defendants are gaming the system with legal maneuvers that have no bearing on guilt or innocence.... This law will put the teeth back into Florida’s death penalty.”

Perhaps the most compelling example of the type of justice meted out by the Florida death penalty system is the life and death of Gary Alvord, who sat on death row in Florida for 39 years before dying of natural causes

on May 19 due to a brain tumor. He also battled lung cancer in recent years. Alvord's attorney, Bill Sheppard of Jacksonville, has explained that "Gary is a product of a sick system. He was a living example of why we should not have a death penalty."

Alvord was convicted and sentenced to death for the murders of three women in Tampa after they were found dead on June 18, 1973. While death warrants were signed twice during the 1980s, Alvord was never executed due to a history of paranoid schizophrenia and antisocial personality disorder, having moved in and out of state mental hospital before the murders. Though psychiatrists concluded that Alvord did not understand his punishment, doctors refused to treat him and restore him to competence, citing the ethical dilemma of making a patient well so that he could be killed.

Attorney Sheppard commented, "I would love for the State of Florida to tell us how much money they wasted trying to kill a guy they couldn't kill. The death penalty is getting us nothing but broke." Alvord outlasted eight presidents and nine governors and watched 75 other inmates march to the execution chamber. Alvord's ex-wife, Brenda Brock, told the press, "What a waste of a life. I'm sure at some point he had some promise and he had something he wanted to be."

Since 2007, six US states have abolished capital punishment, citing the expense of fighting the appeals process and inefficiencies in a system that could lead to wrongful executions of the innocent. The US stands apart from the vast majority of industrialized nations that have outlawed the brutal practice. Since the US Supreme Court reinstated the death penalty in 1976, 1,333 condemned individuals have been sent to their deaths, including 76 in Florida.



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