

# FLORIDA'S DEATH PENALTY



**CATHOLIC  
MOBILIZING  
NETWORK**

ENDING THE DEATH PENALTY.  
PROMOTING RESTORATIVE JUSTICE.

## The Facts

- 354 people currently on death row
- 98 executions since 1976
- 314 executions before 1976
- 3 women on death row
- Life without parole is a sentencing option
- Method of execution: lethal injection or electrocution
- 27 innocent persons released from death row

## Execution Rates

Florida is infamous for having one of the highest rates of execution of any U.S. state. Currently, 1 in 5 new death sentences nationwide originate in Florida. It also has one of the the highest exoneration rates in the country. As of 2018, 27 people have been freed from Florida's death row after evidence of their innocence came to light.

## Execution of the Mentally Ill

The state of Florida displays some of the most alarming practices when it comes to the trial and execution of the mentally ill. It has chosen to ignore nationally applied standards of mental incompetency, namely, that the accused has no rational understanding of why he or she is being executed. Instead, their own requirements are so narrow as to eliminate nearly all mental illnesses. In 2013, Florida executed John Ferguson, a diagnosed paranoid schizophrenic who was considered a danger to himself. In 2000, Florida executed Thomas Provenzano, who suffered severe delusions. He believed that he was Jesus Christ, and that that was the reason for his execution. Prosecutors refused to delay his execution to allow a psychiatrist to evaluate his mental competency.

## Florida Bishops Stand Against Capital Punishment

In 2015, Miami Archbishop Wenski and Cardinal Sean O'Malley issued a statement reemphasizing the Church's imperative to partake in the death penalty abolition movement: "Ten years ago, the Catholic bishops of the United States initiated the Catholic Campaign to End the Use of the Death Penalty...We urged a prudential examination of the use of the death penalty, with the aim of helping to build 'a culture of life in which our nation will no longer try to teach that killing is wrong by killing those who kill.' The Church's opposition to the death penalty should...be seen...as an affirmation of the sacredness of all life even for those who have committed the most heinous of crimes...As Christians, we are called to oppose the culture of death by witnessing to something greater and more perfect: a gospel of life, hope, and mercy. To help build a culture of life, capital punishment should be something greater and more perfect: a gospel of life, hope, and mercy. To help build a culture of life, capital punishment should be abolished."

## CONSTITUTIONALITY

Florida was one of the rare states that does not require a unanimous jury for a capital punishment conviction and allows a judge to override a decision made by a jury. In January of 2016, the U.S. Supreme Court declared this practice to be an unconstitutional, violation of the 6th amendment which offered protections to those accused of a crime. In response to this ruling, Florida passed new legislation that would require a jury vote of at least 10-2 to impose the death penalty. In May of 2016, and then again in June, two separate Florida Trial Courts declared this amended law to be unconstitutional as well. The ruling judge in June, Judge Ward, wrote of the legislation, "it decries logic, and the dictates of [the Sixth Amendment]." The ruling judge in May, Judge Hirsch, declared that a death penalty statute is only in line with the state constitution if it requires a unanimous jury vote for the court to impose the death penalty.

# The Church and State Speak

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## The Church Speaks

### Catechism of the Catholic Church

"The Church teaches, in the light of the Gospel, that "the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person",[1] and she works with determination for its abolition worldwide." (CCC 2267)

### *Evangelium Vitae*

Pope St. John Paul II's encyclical on human dignity, challenges us to be "unconditionally pro-life.": "The case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform." (*Evangelium Vitae*, 27)

### United States Conference of Catholic Bishops

"Its [the death penalty] application is deeply flawed and can be irreversibly wrong, is prone to errors and is biased by factors such as race, the quality of legal representation and where the crime was committed." (*A Culture of Life and the Penalty of Death*, USCCB, 2005)

### Words of the Popes

**Pope Francis:** "Rendering justice' does not mean seeking punishment for its own sake, but ensuring that the basic purpose of all punishment is the rehabilitation of the offender." *World Congress Against the Death Penalty*, June 22, 2016

**Pope Emeritus Benedict XVI:** "Society's leaders should make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners' human dignity." *Benin, Africa*, Nov. 19, 2011

## The States Speak

### Innocence

- Nationally, over 160 people have been exonerated from death row.
- For every nine executions carried out in the United States, one person has been found to be innocent.

### Racial Bias

- 76% of death row defendants have been executed for killing white victims, even though African Americans make up about half of all homicide victims.

### Criminalization of Mental Illness and Intellectual Disabilities

- A study in the *Hastings Law Journal* of recent executions found that "over half of the last one hundred executed offenders have been diagnosed with or displayed symptoms of mental illness."
- The Supreme Court banned the execution of those with intellectual disabilities but states have significantly deviated from accepted clinical methods for determining intellectual disability.

### Overrepresentation of the Poor

- The majority of individuals on death row could not afford their own attorney. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

### Costly Public Policy

- Multiple studies have shown the cost of trial sentencing, appeals and imprisonment to be much higher in capital cases versus life in prison without parole.

### Geographic Basis

- 2% of all U.S. counties have produced 56% of the U.S. death row population



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