



FDRAG Supplemental Newsletter
DEATH PENALTY INFORMATION
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DEA seizes execution drugs obtained on the black market by Georgia
 Reuters - Wed, March 16th, 2011

ATLANTA (Reuters) - U.S. authorities seized Georgia's supply of a drug used in executions on Tuesday because of concerns about how it was imported, a move praised by death penalty opponents. U.S. Drug Enforcement Administration agents took control of the state's sodium thiopental, a sedative that attorneys for several death row inmates have said was improperly obtained.

"We commend the DEA for forcing the Department of Corrections to stop using black market execution drugs," said Sara Totonchi, executive director of the Southern Center for Human Rights in Atlanta.

Authorities offered few details about the motive for the seizure except to say there were questions about how the state had obtained the drug.

"DEA became aware of this situation today," Special Agent Chuvalo J. Truesdell said. "We took control of the controlled substances, and it's now a regulatory matter."

He declined further comment because of the ongoing investigation.

The Georgia Department of Corrections said it had requested federal assistance after questions were raised about how the drug was imported.

"We're working with them to make sure we're in compliance in the way we handle controlled substances," Corrections spokeswoman Peggy Chapman said.

The federal government stepped in following a letter sent last month to U.S. Attorney General Eric Holder on behalf of Georgia death row inmate Andrew Grant DeYoung.

With sodium thiopental in short supply nationally, Georgia corrections officials ordered the drug from a pharmaceutical distributor in London, England, DeYoung attorney John Bentivoglio wrote in the February 24 letter.

The state received 50 vials of sodium thiopental in July, Bentivoglio said, citing public records.

But Bentivoglio said the state was not registered to import the controlled substance and failed to notify DEA about the shipment.

"I think it raises very troubling questions about the lengths to which they would go to pursue lethal injections when that process requires careful attention to the integrity of the process," Bentivoglio told Reuters on Tuesday.

Totonchi said her center first raised questions about the state of Georgia's purchase from England in federal court filings for death row inmate Emmanuel Hammond, who was executed in January.

Sodium thiopental is the first of a sequence of three drugs administered in U.S. lethal injections that paralyze breathing and stop the heart. A sedative is legally required in all lethal injections of U.S. death row inmates.

Hospira Inc. of Illinois, the only U.S. company that manufactured sodium thiopental, said in January it would stop making the drug after Italy, where it planned to move production, objected because the European Union has banned the death penalty.

Several states have either run out of supplies of sodium thiopental or switched to using pentobarbital, a barbiturate that is often used to euthanize pets and other animals.

Georgia had 106 inmates on death row at the beginning of 2010, according to the Death Penalty Information Center. The state has no executions scheduled at this time, according to the Center, which tracks the death penalty in the states.

(Reporting and Writing by Colleen Jenkins; Additional Reporting by Matt Bigg; Editing by Greg McCune and Peter Bohan)

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*Anti-death penalty advocates cheer
Representative Vasilinda's bill to end
death penalty in Florida*

by Mitch Perry

March 4, 2011 at 7:46 am



Support for the death penalty seems to shift back and forth a bit, but generally most Americans overall have shown support for the ultimate form of justice since the U.S. Supreme Court re-instated it back in the late 1970's. Since then, the state has executed 69 people, the last being Martin Grossman on February 16, 2010.

According to the Department of Corrections, the average stay on Death Row prior to executions is 12.68 years. It's over 14 years on average between the offense and execution. The average inmate executed amongst the 69 who have died at the state's hand is 44 years old.

Now one state lawmaker wants to eliminate it. That would be Michelle Rehwinkel Vasilinda, who has introduced a bill in the state House of Representatives that would end the death penalty, though she tells Bill Cotterell of the *Tallahassee Democrat* that she has no illusions that it will pass in the GOP-led Legislature.

"I thought this was something that needs to be repealed for a number of reasons," she said. "If we're interested in cutting budgets and costs, it seems to me that the death penalty is much more expensive than life in prison without possibility of parole."

She said studies have shown an execution can cost \$20 million or more, in years of investigative and court costs, and that half the Florida Supreme Court's caseload is taken up by the 394 condemned killers now on death row. Life in prison costs about \$18,000 a year and accomplishes the same public safety, she said....

"I'm just not sure this is something the government should be doing," said Rehwinkel Vasilinda. "The death penalty has not been applied fairly over the years."

Mark Elliot with the group Floridians for Alternatives to the Death Penalty has issued out a release to its members, encouraging them to call their legislators to express support for Rehwinkel Vasilinda's bill (HB#4189). Representative Rehwinkel Vasilinda, has said she's under no illusions that the bill will pass this year, but wants to get the conversation started on the issue.

New execution drug chosen

By Mike Ward

Wednesday, March 16, 2011, 09:52 AM

Texas will change the three-drug cocktail it uses to execute condemned criminals — switching from the difficult-to-get sodium thiopental to the pentobarbital, officials confirmed this morning.

Michelle Lyons, spokeswoman for the Texas Department of Criminal Justice, said the new drug will be used for the first time in the scheduled April 5 execution of convicted murderer Clive Foster.

The change marks the first time since December 1982 that Texas has changed its three-drug formula used in executions.

In the last year, the only U.S. supplier of sodium thiopental discontinued production and Texas and other states had been unable to find another supplier to continue executions. Texas' on-hand supply expires at the end of this month.

In recent months, Oklahoma and Ohio earlier switched to phenobarbital because of the supply problem.

Lyons said the state has purchased enough pentobarbital to carry out the next five executions. A legal challenge to the change is expected.

In a statement, Maurie Levin, Foster's attorney, criticized the last-minute switch, when they have known for months that their supply of sodium thiopental was about to expire.

"The timing of the decision and disclosure raises serious concerns about the haste with which they are seeking to implement this new process, and a lack of transparency by state officials," she said. "To permit less than three weeks for these matters to be vetted undermines any faith we can have in TDCJ's concern for deliberate process, accountability, or the constitutionality of the new procedures.

"Moreover, Texas is rushing to carry out an execution using an entirely new protocol, but they refuse to fully disclose basic information, such as whether any medical authorities were consulted regarding the incorporation of a new drug; the source of the pentobarbital; and the training of personnel who will implement the new procedure for the first time

Rep Dean Connor, R, Orlando and speaker of the House is proposing sweeping changes within the state's court system at its highest level. Rep Cannon is miffed over the fact that the Florida Supreme Court has the power to declare a law, amendment or rule set forth by the legislature unconstitutional and enact a corrected rule.

This amazes this writer as we have three branches of government, executive, legislature and judicial and each is tasked with specific duties. Checks and balances are vital to our government. The Florida Supreme Court is charged with ensuring laws, enacted by the legislature, do not infringe on a citizens rights. It's the most important part of a checks and balances system when questions are brought before the high court for consideration.

For some reason Rep Cannon believes that only the legislature should be able to enact rules. He proposes to take that power away from the Supreme Court and should they find an issue brought before them is unconstitutional then the legislature should ignore that fact and simply rewrite the questionable law.

Look at the underlying agenda here. Consider why a man charged with the responsibility of leading the House for the good of the citizens of Florida would want to circumvent the checks and balances system which affords us basic protection against unconstitutional laws and keep in mind all the amendments the FSC deemed not fit for the last election ballot. Could retaliation be part of the hidden agenda? Or is power the goal here? Do we want a legislature that goes unchecked?

The second proposal Rep Cannon is making regarding the Florida Supreme Court makes even less sense given the state of financial distress Florida is in. Rep Cannon says the FSC is overwhelmed by cases both criminal and civil in nature. He cites the high foreclosure rates in the state as the major burden they must deal with civilly. On the criminal side he takes aim at direct and post conviction appeals of, you guessed it, the death penalty. Cannon cites the following statistics in his proposal: the death penalty cases, direct and post conviction, comprise 12 % of the cases before the FSP and take up 50 % of the workload due to their complicated nature.

But listen to what he also says: (I call it his 'kicker") "there are more men on death row who die of natural causes than of lethal injection". I guess Rep Cannon sees that as a bad thing rather than that there's merit to death row appeals. So with all that in mind here's what he proposes: Cannon want two separate Supreme Courts, one for civil, and one for criminal. He wants 5 justices on each panel, which means Floridians would have to foot the bill for 3 more justices. Cannon says this will speed up the appeal process and ensure "mistakes" are not made. Do you detect, as I do, a note of no confidence by Canon towards the FSC?

As for the "mistakes" that Rep Cannon proposes to eliminate it would seem that 1) the legislature would have complete control with no one to answer to, and 2) more men would die of lethal injection than of natural causes. But wait a minute; Florida is short by \$3.6 billion of what it needs to fund the state's budget. Thus the austere measures Gov Scott has suggested. Plus the state wants reserves totaling \$11 billion. Yet Rep Cannon wants to grow government, costing the taxpayers to increase the size of the FSC and develop two separate courts. Does this make sense? If he is truly looking out for the citizens of Florida and takes his fiduciary responsibility seriously then there is a much better and quicker way to deal with what he calls an overwhelmed Supreme Court. If the State of Florida were to abolish the death penalty the saving would be an immediate \$50 + million in the first year. If indeed Cannon's statistics are correct and 50% of the work done by the FSC is devoted to 12 % of death penalty cases then if the death penalty abolished the FSC would gain all that time to deal with the remainder of their cases.

Anyone who has taken the time to take a good look at Florida's death penalty should have come to the conclusion its only purpose is revenge and gaining votes. Rep Cannon's proposals are a serious threat to the basic protection afforded a system, both State and Federal, by the checks and balances performed by the Florida Supreme Court.

I urge you to research these proposals, look for the hidden and dangerous agenda which seems to be Rep Cannon's real goal and write, call, email or twitter your congressman and senator to voice your opposition to his plan.

FOR IMMEDIATE RELEASE, Friday, March 25, 2011

***House Committee Set to Hear Repeal Bill
Texas one of a dozen states considering legislation to
end the death penalty***

(Austin, Texas) — On Tuesday, March 29, 2011 the House Criminal Jurisprudence Committee will hold a public hearing on House Bill (HB) 819, which calls for the repeal of the death penalty in Texas. The hearing will take place at the State Capitol in the John H. Reagan Building (JHR) 120 (upon final adjournment/recess of the House).

“National momentum is clearly shifting in the direction of abolition,” said State Representative Jessica Farrar, the author of HB 819, along with State Representatives Marisa Marquez and Alma Allen. “Earlier this month, Illinois became the 16th state, and the 4th in recent years, to abandon the death penalty. In addition, elected officials in at least 12 other states are considering repeal legislation this year. This hearing provides members of the Texas House of Representatives with the opportunity to engage in open dialogue about the flaws and failures of our state’s capital punishment system.”

Rep. Farrar first introduced this bill – which strikes the death penalty as a sentencing option from all relevant sections of the Texas Penal Code and Code of Criminal Procedure and replaces it with life in prison without the possibility of parole – in 2007. In 2009, the Subcommittee on Capital Punishment of the House Criminal Jurisprudence Committee considered testimony from attorneys, religious leaders, academics, and individuals impacted directly by violent crime. Among those scheduled to testify before the full committee this year are:

Chris Castillo, National Outreach Coordinator for Murder Victims’ Families for Reconciliation. Chris’s mother, Pilar Castillo, was murdered in Houston in 1991; to date, no one has been held accountable for this crime.

Reverend Carroll Pickett, a Presbyterian minister who served as the death house chaplain at the Walls Unit in Huntsville for 15 years and accompanied 95 men to their deaths by execution. He was present for the first U.S. execution by lethal injection, when Charlie Brooks was put to death in Texas on December 7, 1982.

Professor Dennis Longmire, Sam Houston State University, who will speak about the cost of the death penalty.

“During this time of fiscal crisis, the Texas Coalition to Abolish the Death Penalty (TCADP) urges all elected officials to take a good hard look at the death penalty system and ask whether this is a good use of tax payers’ dollars when there are alternative ways to protect society and punish those who are truly guilty,” said Kristin Houlé, TCADP Executive Director. “We strongly endorse HB 819 and urge the members House Criminal Jurisprudence Committee to support this important legislation.”

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Governor Scott Proposes Reforms for Florida's Prisons April 1, 2011

Florida Governor Rick Scott has taken aim at the state's prison system as the target of his latest budget cut proposals.

April 01, 2011 /24-7PressRelease/ -- Florida Governor Rick Scott has taken aim at the state's prison system as the target of his latest budget cut proposals. The Department of Corrections' annual budget is currently a whopping \$2.4 billion, and Scott wants to cut a total of \$1 billion from the department's budget over the next seven years.

The current prison system in Florida has its share of issues. The penal code claims that punishment is its "primary purpose" and that rehabilitation is a secondary goal. Less than one percent of the \$2.4 billion corrections budget is spend on rehabilitation services such as substance abuse programs, education and vocational studies. Currently, 20% of inmates receive mental health care, and more than half of Florida's 101,000 inmates read below the sixth grade level.

Under the current system, inmates must serve at least 85% of their prison terms; parole was abolished in the 1980s. When inmates are released, they receive a ticket home and \$100, but almost no job skills. The state's recidivism rate is 33%, meaning that one third of released inmates will be back in the system within three years.

Governor Scott's proposed reforms aim to improve the current issues with the system -- and close the state's \$4

billion deficit. He dismissed many of the senior employees at the Department of Corrections and hired Edwin Buss, former Indiana commissioner of corrections, to run the department. Scott initially introduced a plan to release 10,000 inmates on good behavior and close 10 of the state's prisons, an extreme measure that was unpopular with lawmakers.

More recently, Scott laid out a plan to transfer 2,000 inmates from state prisons to private prisons, which the governor projects would save the state \$135 million in the first year alone. With additional retirement benefit modifications, the plan would save the state \$216 million the second and subsequent years. Scott plans to use part of the savings to invest in re-entry, education and drug prevention plans to try to combat the high recidivism rate. If the programs keep offenders from reentering the prison system they will save the state money down the road, and help all inmates, whether in prison on drug charges or robbery.

Although Scott's reforms have their critics, the governor's cuts would move the budget deficit in the right direction. If the reforms also help improve the job skills and education of inmates, Scott's proposal would also move the state of Florida's prison system into the twenty-first century.

Article provided by Bauer Crider Pellegrino & Parry

**STATEMENT BY DIANN RUST-TIERNEY,
EXECUTIVE DIRECTOR
NATIONAL COALITION TO ABOLISH THE DEATH
PENALTY ON SIGNING OF ILLINOIS DEATH
PENALTY REPEAL BILL INTO LAW**

WASHINGTON, D.C. – Today we received the welcomed news that Governor Pat Quinn of Illinois has signed legislation that ends the death penalty in Illinois. This is a true cause for celebration.

This is a major accomplishment for the people of Illinois, and signals the possibility of a new approach to policy debates about crime and justice and capital punishment in particular.

A new approach that seeks to shape a system of justice focused on addressing the harm done to families and communities; holds people accountable for the harm they do and does so in a way that is consistent with our core

values, recognizing that our respect and desire to honor the precious gift of life is paramount.

I see the possibility of a new approach to the policy debate where no voices, no community, no family is excluded from the discussion about how best to achieve this goal.

We are all connected on this journey. When we hear the horrific news about a murdered child, we are all deeply moved by feelings of anger, shock and sadness that are only a dim reflection of the suffering being experienced by that family.

When I receive a phone call or letter from the mother, or sister of a person condemned to death, who is desperately searching for someone who will listen, someone who will help them navigate the morass of a death penalty system that seems to be on automatic pilot – caring more about grinding the process to an end than ensuring that the person set to be executed is actually guilty, I feel their anguish, anger and frustration at not being heard.

So our response to the worst that can be imagined must be one that reflects that understanding of our interconnections which rests on common ground. We cannot have justice for victims if the system of justice cannot assure us that those being punished are guilty. We can not have accountability if the system of justice itself is not accountable to the communities that it serves and accountable to all communities equally.

The death penalty system in Illinois was broken, despite the best efforts of lawmakers and others involved in the administration of the punishment.

Over the years, Illinois policymakers have demonstrated admirable leadership. When they became aware of the magnitude of the risk that innocent people would be executed, the moratorium on executions was instituted. Study commissions conducted thorough reviews of the death penalty, and significant reforms were enacted. They tried to make it work – but did the responsible thing for all involved when they realized that despite their best efforts, it might not be possible to make the system operate with the certainty and precision they would have liked.

There is national momentum that has death penalty statutes in other states coming under closer scrutiny as well. We can expect to see other states moving to repeal their death penalty statutes in the near future. A repeal measure has been introduced this year in Kansas. Montana's Senate passed a repeal measure this year in

a bipartisan vote of 26 to 24. Connecticut's legislature passed a repeal measure in 2009, which was vetoed by then Governor Jodi Rell.

A new repeal bill has been introduced in Connecticut this year, and Governor Dannel P. Malloy has indicated he would sign the measure if it passes.

This closer scrutiny of death penalty systems coincides with a general decline in death sentences and executions. Death sentences were at a historic low – 114 – in 2010, 64% less than in 1996, when they peaked at 315. There were 46 executions in 2010, down from 52 in 2009. More than 40 execution dates were stayed in 2010, many due to a national shortage of a key lethal injection drug and concerns about the execution process.

Today we are affirmed in our conviction, that there is another way—there is a path that will bring us together to examine critically, speak respectfully and decide collectively that we will provide for families of homicide victims, hold people accountable for the harm they do and uphold our commitment to basic fairness under the law. Congratulations Illinois – and to us all.

NATIONAL COALITION TO ABOLISH THE DEATH PENALTY (NCADP) - 1705 DeSales Street, NW, Fifth Floor, Washington, DC 20036

State budget crises push sentencing reforms

By GREG BLUESTEIN - Associated Press

ATLANTA (AP) -- As costs to house state inmates have soared in recent years, many conservatives are reconsidering a tough-on-crime era that has led to stiffer sentences, overcrowded prisons and bloated corrections budgets.

Ongoing budget deficits and steep drops in tax revenue in most states are forcing the issue, with law-and-order Republican governors and state legislators beginning to overhaul years of policies that were designed to lock up more criminals and put them away for longer periods of time.

"There has been a dramatic shift in the political landscape on this issue in the last few years," said Adam Gelb,

director of the Public Safety Performance Project of the Pew Center on the States. "Conservatives have led the charge for more prisons and tougher sentencing, but now they realize they need to be just as tough on criminal justice spending."

Most of the proposals circulating in at least 22 state Capitols would not affect current state prisoners, but only future offenders.

Republican governors and lawmakers pushed for many of the policies that put low-level drug offenders and nonviolent felons behind bars and extended sentences for many convicted criminals. But with the GOP in control of more financially strapped state governments, a growing number of Republican elected officials favor a review of the sentencing laws that contributed to a fourfold increase in prison costs over two decades.

The total cost of incarcerating state inmates swelled from \$12 billion in 1988 to more than \$50 billion by 2008. Newly elected Republican governors in Florida and Georgia are among those pushing sentencing reforms. Brent Steele, a Republican state senator in Indiana, concedes that lawmakers share the blame for driving up state prison costs in recent years. High-profile crimes prompt lawmakers and governors to adopt ever-tougher criminal sentencing, such as three-strikes laws that impose minimum mandatory sentences for those convicted of a third felony, no matter the offense.

"But with that eventually comes the time when we run out of prison space," said Steele, who is sponsoring a criminal justice overhaul in his state, prompted by budget concerns. "So what do you do? You concentrate on incarcerating those we're afraid of and not those we're just mad at."

Fall election gains put Republicans in control of 25 state legislatures and 29 governor's offices, and many have pledged not to raise taxes even as they face budget shortfalls. Reforming laws to send fewer low-level offenders to state prison or reduce their sentences is a more politically palatable way to save money than cutting spending for schools or health care programs.

"Conservatives are about limited government, lower taxes and personal responsibility. And the reforms that we advocate advance those principles," said Marc Levin of the Center for Effective Justice at the Texas Public Policy Foundation. "We're not saying conservatives were wrong 30 years ago. But the pendulum swung too far."

The proposals vary by state, but the hallmarks include ways to reduce sentences for lower-level offenders, direct some offenders to alternative sentencing programs, give judges more sentencing discretion and smooth the transition for released prisoners. In many states, the Republican measures parallel Democratic efforts that stalled long ago.

The push to reform sentencing laws has forged uneasy alliances between law-and-order politicians and activists who have long argued that many laws went too far.

"Everyone is looking at the bottom line - where can we cut?" said Angelyn Frazer, state legislative affairs director for the National Association of Criminal Defense Lawyers. "And if they can cut to make sure that some people can come home earlier and they don't have to serve these long, draconian sentences, that's great."

Congress also is wrestling with criminal justice reform. U.S. Sen. Jim Webb, a Virginia Democrat, has proposed creating a panel to review the federal system. A similar proposal passed the House last year but never reached a vote in the Senate.

Backers of the state measures almost always refer to Texas, which began implementing sentencing changes six years ago. Faced with the prospect of housing 17,000 more inmates by 2012, the state poured money into drug treatment, while putting more drug abusers and petty thieves on probation.

The overhaul slowed the growth of the state's incarceration rate and led to a 12.8 percent drop in the state's serious crime rate since 2003, according to a January 2010 state report. The state also saved more than \$2 billion it would have spent on building new prisons to house the inmates, advocates say.

In Florida, lawmakers are considering a similar overhaul to help close a \$3.6 billion shortfall. The state's new governor, Republican Rick Scott, campaigned on a promise to cut prison spending by \$1 billion and has since proposed more money to fight drug and alcohol abuse.

Georgia's newly elected Republican governor, Nathan Deal, didn't talk much about the state's high incarceration rates during his 2010 campaign, but he turned sentencing reform into one of his major platforms once he took office. Leaders from all three branches of Georgia state government - and both political parties - appeared together to back a study of reforms that would provide alternative sentences for nonviolent offenders and reduce prison costs. Legislation to create a commission that would rewrite the state's sentencing laws is moving through the statehouse.

"For those who would say this is somehow being soft on crime, I say it is exercising sensible and responsible leadership," said House Speaker David Ralston, a

Republican.

In Kentucky, lawmakers from both parties are touting a new law that would bolster treatment programs and offer alternative sentences to keep more nonviolent criminals from prisons. After the state's Republican-led Senate and Democratic-controlled House passed the legislation, Democratic Gov. Steve Beshear signed it into law in early March, saying it enables the "state to continue to be tough on crime but at the same time to be smarter about it."

California runs the nation's largest state prison system, with 152,000 inmates, and is under a federal court order to reduce its inmate population as a way to improve medical treatment. It primarily has done so by shipping more than 10,000 inmates to prisons out of state.

"The budget crises are being converted into a public safety crisis," said Reams, who is president of the National District Attorneys Association. He worries that releasing more prisoners might have negative consequences.

Crime rates have fallen in nearly every state, he said, because of the push toward tougher penalties.

A law that took effect last year makes some money-saving changes. It allows those convicted of less-serious offenses to go unsupervised after their release and increases early release credits for inmates in county jails and state prisons. Last week, lawmakers sent newly elected Gov. Jerry Brown a bill, at his request, that would shift tens of thousands of lower-level offenders to counties' jurisdiction, a move designed to save the state money.

A sentencing commission proposed by former Gov. Arnold Schwarzenegger died in the Legislature in 2009. While most states are examining sentencing reforms that would target only future convicts, Oklahoma and Texas are examining changes that would release some inmates early to save money. In Oklahoma, some offenders could be eligible for electronic-monitoring. Texas, facing a \$15 billion budget deficit, is considering whether to transition some elderly prisoners to nursing homes, house arrest or hospices.

Many prosecutors are skeptical of changes to criminal-sentencing guidelines, saying tough policies have led to reduced crime.

Jim Reams, a prosecutor in New Hampshire's Rockingham County, said an early release program in that state has been a disaster because probation and parole officers are overwhelmed by the number of newly released prisoners flooding the system.

"And now it's being punished for its success," he said. "And we're probably going to see crime rates go back up again."