



FDRAG address
FDRAG c/o Britta Slopianka
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Newsletter June, 2015

Please share this newsletter with others who did not receive one because, for now, we are not able to cover every one of you. Do send us your ideas & suggestions for the next newsletter. We love hearing from you! Our next newsletter will be due around October 2015

If you have friends or family who can send you the newsletter please let us know or ask them to contact us. Our email address is at the last page.

FDRAG is always happy to receive your stories, poems and art, and we will place them on our website. Additionally you can send your writings to the **Minutes Before Six** website. This site is especially for death row writers and artists, where you can share your thoughts and stories with the world. The website **Minutes Before Six** has a lot of readers and their writers have won numerous awards and have had their works published in scholarly journals and various anthologies. They welcome your writings, life stories, poems etc and in addition to writers, they are now also looking for artists. When you decide to send something, please include contact information and a photo with anything you send in. All essays, art and photos will be returned to you. Writers will be notified if their essays are selected for publication. Address: **Minutes Before Six, 2784 Homestead Road #301, Santa Clara, CA 95051**

Trivia Challenge

FDRAG is offering a book as prize to the following challenging **Trivia Questions**. 4 names will be drawn from among the correct answers we receive from you. We will have the following book titles available as prize: **The great Origami book, Drawing landscapes book , Dale Recinella – Now I walk on Death Row, James Patterson – Invisible**. Suggestions for future book titles welcome!

Please include in your answer the book title you would like to receive in case you have won. You can send the answers to the FDRAG address at the top of the newsletter.

- 1) What famous New York Yankees player's nickname was Jolting Joe?**
- 2) How many people worldwide eat fast food on a daily basis?**
- 3) True or false: Baby Ruth candy bar was named after Babe Ruth?**
- 4) What USA city has 17 of the world 20 largest hotels?**

5) Where was the first gold rush?

Legal Update

The U.S. Supreme Court upheld the lethal-injection protocol used by Florida and several other states, which could clear the way for the state to resume its use of capital punishment.

The most important legal development at this time is the Supreme Courts recent grant of review in a case challenging the constitutionality of the Florida death penalty process. It is anticipated that the Supreme Court will rule favourably impacting many of those currently on Florida's death row.

In *Hurst v Florida*, the Supreme Court will address whether Florida's system that allows a person to be sentenced to death by a mere simple majority vote violates the Supreme Courts earlier ruling in *Ring V Arizona*, 536 US 584(2007) In which the court found the Arizona death penalty process unconstitutional. As the Supreme Court said in *Ring* "the fundamental meaning of the jury trial guarantee of the Sixth Amendment is that all facts essential to the imposition of the level of punishment the defendant receives... must be found by a jury.

The question then becomes whether, as with the determination of guilt, the finding of "all facts essential" to the imposition of the death penalty requires a unanimous jury vote. The Purpose of requiring a unanimous jury vote is that it is fundamental constitutional law that the state bears the burden of proving every element of the criminal defense "beyond a reasonable doubt: If the guilt of a defendant must be determined by a unanimous jury vote, so too should the imposition of the death penalty.

Florida remains the only state that allows a person to be sentenced to death by nothing more than a mere majority jury vote, even though the Florida Supreme Court has repeatedly recognized that this "simple majority" rule presents significant constitutional problems. See: *State v Steele*, 921 So.2d 538 (Fla.2005) and at least one federal court has declared this process unconstitutional, only to have the Federal appeals court find that only the Supreme Court can overturn the Florida death penalty process. *Evans v Secretary, FDOC*, 699 F.3d. 1249 (11th Cir. 2012).

Florida's day of reckoning is now at hand, as it is widely anticipated that the Supreme Court will finally declare the Florida death penalty process unconstitutional because of Florida's continued refusal to require a sentence of death by nothing less than unanimous jury vote (equally so, this same principle must require each juror to unanimously agree on each of the specific 'aggravating factors' found applicable in any give case).

A decision in the *Hurst v Florida* case will come in early 2016 and should immediately impact approximately 40 or so Florida death row prisoners whose cases remain pending on direct appeal, requiring automatic new sentencing phase trials.

But the question then becomes whether the Supreme Court will apply this anticipated ruling to the rest of Florida's death row prisoners. Although that is unlikely for the reasons stated in *Schriro v Summerlin*, 542 U.S. 348(2004) it is possible if the Supreme Court will recognize that this ruling is "substantive" rather than merely procedural.

The greater impact will be seen in the long run as once Florida courts are prohibited from imposing a sentence of death absent a unanimous jury vote, significantly less men and women will be sentenced to death in Florida. And prosecutors will know that it would be much more

difficult to get a death sentence, fewer cases will be subjected to the pro-prosecution "death qualification" jury process that unfairly tips the scales in favor of conviction.

We will now see in coming months whether all executions in Florida will be on hold pending the Supreme Courts decision in *Hurst v Florida* and the subsequent determination of whether that anticipated decision will be retroactively applied to all Florida cases.

Greetings

Ralston Davis - Formerly on death row, now serving a life sentence sends a message to all guys on the row. "People don't fail in life, they give up, thus never give up. Let your spirit become one with the creator and keep looking through your case, keep fighting". He sends greetings to all and specifically to: Terry, Khalil, Ha-Neef AKA Sweet, Poon, Canon, G.A., 6,5", Georgia Boy, Man, BJ, D-Rock, F.I.R.O, Daytona, Raymond, Troy Fr, Ten, Rooster, Dread DF, Armstrong, Michael Bell, Seville, Cee-No and Wade. **Larry Clark** – ex death row, now at Hardee C I, sends his greetings and best wishes to all the men on the row. **Rudolph Holton** - Former death row, is now serving still 9 years in Hardee CI. He sends greetings and a message to all of you on death row "keep fighting and don't give up".

Canteen & Hobby Craft Items

FDRAG received letters from several of you that, although items like headphones, ear buds, radios, watches etc are back on the weekly canteen list, the 6 foot headphone extension cords are not. Additionally, some of you are asking for a greater selection and better quality of hobby craft items, and whether crocheting supplies could be made available again. We have contacted Mr James R Upchurch, assistant Secretary with this requests and will let you know when we have more news on this.

We regularly receive letters from some of you asking for items to be added to the canteen list, or changes to be made, different brands or quality etc. Please understand that we cannot contact DOC for every item or request concerning the canteen list. Let us know what you'd like to change or like to have added to the canteen list and we will compile a list of the most important things and do our best on your behalf.

Telephone Use for Death Row

FDRAG has contacted the Secretary's office about the possibility of telephone use for death row. This is the reply we received from the Secretary's office: "your request has been under review by a focus group tasked with evaluating several rules/procedures related to death row inmates. Based on your recommendation relative to allowing phone calls for this population, we have reconsidered our position and the group recommends allowing phone calls as you suggest. This will be proposed in upcoming rule language"

We will keep you updated when we have any more news on this!

Corizon - Medical Issues

If you want FDRAG to contact Corizon on your behalf it is necessary that you sign a medical release form (**DC4-711B Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information (HIPAA Form)**) giving medical permission to discuss your care. Without that, Corizon will not discuss with us or give us any information concerning your health issues. You can write a DC6-236 Inmate Request to Medical Records asking to be

called out to sign a release of information form. Once this form is completed then we will be able to request information, discuss your medical problems and health issues. You can sign the form to either, Geesje de Jong, Karin Elsea and Diane Thornton.

Correspondences

Requests for assistance in finding someone to correspond with will be handled by **Diane Thornton**. Please send your requests **with some info about yourself** to her directly (address at bottom of final page of the newsletter). **We comply with Title 33 of the Florida Administrative Code and do not place inmate ads soliciting pen pals or market advertising services.**

Greeting Cards

Cards can be requested from Gina Quick, 325 Garden Lane, Atlantic Beach, FL 32233. Gina gets lots of requests, and is paying most of it out of her own pocket. Please understand that from now on, in order to receive cards, you will need to include 4 stamps in your request to cover the cost of sending the cards to you. Gina is on a well-deserved vacation the first two weeks of July and will not be available to send out cards then.

In Memoriam

Remembering those we have lost on the row since February. May they now R.I.P.

Wadada Delhall

Gregory Larkin

30th January 1977 - 28th May 2015

21st August 1973 - 28th May 2015

Our thoughts and prayers are with all their families, friends, pen-friends, and friends they have left behind on the row.

FDRAG (The Florida Death Row Advocacy Group) is dedicated to working to improve the living conditions on death row in Florida and we are here to try to help you with your concerns, complaints, issues etc. For those who would like help from FDRAG, we do ask that you contact us directly at the address on top of the newsletter.

Website: www.fdrag.kk5.org

Email: fdragflorida@yahoo.com

Geesje de Jong - FDRAG Director - new address Maleme 17- 15237 Filothei - Athens, Greece

Janneke van Steenbergen - FDRAG Assistant Director - Maasdijk 1c W/S LEBA - 5317 KP Nederhemert – The Netherlands

Karin Elsea - Paralegal, General legal questions and Medical issues - Chemin de Beau Val 18 1012 Lausanne - Switzerland

Diane Thornton - FDRAG pen pal requests - 3 Thoresby Way, Ordsall, Retford, Nottinghamshire DN22 7WS England