**FLORIDA DEATH ROW ADVOCACY** **GROUP**





**WORKING TO MAINTAIN AND IMPROVE LIVING CONDITIONS ON DEATH ROW IN FLORIDA**

Japanese Plum Tree

[](http://blog5.fc2.com/k/kaihu3/file/060129-Japanese-plum-1.jpg)

**FDRAG NEWSLETTER**

**PUBLISHED BY FDRAG**

**VOLUME – 1 – SUMMER**

**# 20**

The personal opinions of our guest writers do not necessarily reflect the opinions of FDRAG or its members.

**Legal News and Analysis, Karin Elsea**

BD10256_



vacated, the aggravating factors that led to Kilgore’s death sentence would no longer be present, and thus he would not have faced the death penalty. CCRC wanted to pursue that course on Kilgore’s behalf.

However, prosecutors argued that Florida law does not allow CCRC to challenge non-death penalty convictions, even if they relate directly to death sentences.

The Florida Supreme Court decided to consider this issue, calling it of “great public importance,” and the justices came down unanimously on the side of prosecutors. They ruled that while Kilgore is entitled to counsel to pursue claims that he was unjustly convicted in 1978, “he is not entitled to representation by the same counsel appointed to represent him in the capital case

So basically, you are allowed to appeal prior convictions but will have to pay for such appeals yourself. What matters is the fact that prior convictions are often at the heart of the matter, especially those used as aggravators – those used to support the decision to make your case into a capital one.

The Florida Supreme court ruled (November 2007) in Dean Kilgore’s case, a murder case with state-wide implications.

The decision limits the scope of the Capital Collateral Regional

Council (CCRC), an agency that defends many of Florida’s death row inmates after their convictions.

The decision emerged from Mr. Kilgore’s two criminal cases. He was sentenced to two life sentences in 1978 for first-degree murder, kidnapping and trespassing. In 1990, while in prison, he was convicted of murdering a fellow prisoner at the Polk Correctional Institution.

Using the 1978 conviction as an aggravating factor, prosecutors successfully argued for the death penalty.

Then the CCRC took over Kilgore’s case and while investigating Kilgore’s convictions, found notes the prosecution had from interviews with a victim in the 1978 kidnapping that had not been previously disclosed.

Thus CCRC argued that they cast some doubt on the conviction and that if that conviction were

BD14538_

**News from the outside**

BD14538_

We hope you have enjoyed the movies that have been shown recently. More should be on the way; we are of course grateful for the donations from the church.

**Yard balls**

We finally found a way to get some balls to you. Every wing should have received 2 basketballs, and two volleyballs or small soccer balls and some patches for repairs. If you wonder why soccer balls, well, because they seemed to be about the same size, but a better quality, so hopefully they will last longer

**Future newsletters**

It would be wonderful to get input from you again, poems, artwork, your personal opinion…and we have talked about opening a page or two simply for messages from you to your loved ones. Any kind…. Anniversary, birthday etc…. so if you wish to send a greeting to your loved one through the newsletter, send it along. If you provide an address for them we will make sure they receive a copy. An e-mail address is preferred!

Also, we would like to find out what other kinds of things you might like to see in the newsletter. We put it together for you guys, so tell us what you like and what else you think belongs in it. We can’t promise to include everything you ask for, but we will try to make it reflect your choices as much and as often as possible.

So until next time, May the Lord bless you and keep you Hannah

It seems like it was just Christmas, and now spring is gone and summer is here, - I guess this feeling just comes with age, Time simply flies.



We are so late with this newsletter, and we apologize for that. Various members who are involved with the activities in FDRAG kept getting problems with their computer- but here we are… finally.

FDRAG has a new address for you to start using. It is at the bottom of each page…

We have received a lot of “thank you” notes from you, in regards to the new antenna system. We cannot take credit for that one! The antenna system was donated by a relative of one of you, and she wishes to remain anonymous (not an fdrag member this time).

We have also received lots of concerned letters about the change to high definition on TV’s in February 2009. We have some good news on that one, which you can read about on the next page.

Your concerns about the new yard procedures, and the use of black boxs behind your back for medical call out, have been brought to the warden’s attention, please keep us updated.

As a follow up on the Christmas presents for your kids/grandkids. it would be nice to get some feedback from you! Did the presents arrive OK? Where they well received? Liked? In order for us to do something similar next year we need to hear back from you to learn.

**A Child’s loving Silhouette**

When the temptations of night becomes

A silent echo

A melodic smile from an earth angel

Volunteers a rainbow

For lost souls stranded amongst a weeping

Clutter of winter leaves

Yearning to re-unite again

As though divine fruits of fate’s

Sacred tree

As the fountain of youth imbues

The essence of every child

With loving bonds of innocence

Sleeping soundly beneath their

Playful smiles

***Submitted by Matthew Marshall***

**New Rule Proposal: RULE: 33-401.401**

The purpose and effect of the proposed rule is to limit the amount of tobacco consumed by inmates, limit the availability of tobacco as contraband in the institutions, and increase the overall health of inmates and employees.

The proposed rule restricts inmates in administrative??? confinement, disciplinary confinement, close management, and maximum management housing from possessing tobacco products or lighters. The rule is amended to limit inmates on death row at Union Correctional Institution to the purchase and possession of no more than two packages of tobacco products per week, restrict death row inmates from possessing lighters, and limit inmates on death row at Florida State Prison and Lowell Correctional Institution to the purchase and possession of no more than two packages of smokeless tobacco per week.

Publish Date: 3/7/2008 Vol. 34/10

**A public hearing on this rule was held in Tallahassee on April 24th. Advocates attended on your behalf and we will report the results in the next newsletter.**

**THE RULE HAVE NOW BEEN PUBLISHED, IF you have not yet seen it we can send you a copy.**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**Church Donation**

**of Spiritual Materials/Movies**:

Please help us to extend our thanks and appreciation to Marble Collegiate Church in New York City, where Dr. Norman Vincent Peale preached, for their generous donation of spiritual materials including audio and printed sermons by their gifted minister Dr. Arthur Caliandro, Bible studies, and classical movies to the Chaplain’s Office. If you’d like to receive printed sermons or to request prayers, please write to:

**Marble Collegiate Church, 1 West 29th Street, New York, NY 10001-4596**

Our heartfelt thanks go to the Chaplain’s office for their ongoing commitment to your spiritual needs.

Since we don’t seem to be able to prepare and mail the newsletter on any regular basis, for different reasons every time, FDRAG will now number the newsletters. This one, which begins that process, has been randomly given the #20. The next one that FDRAG sends out will be numbered #21. That way we hope that everyone will know if they have received copies of all the newsletters that have been sent.

**Florida Death Penalty Strategy Meeting #3**

**In January's Northeast Florida Regional Strategy meeting, we set an outreach goal for 2008.  At the March 26th meeting, we'll be tracking  our progress toward the goal (there's much to report!) and then discussing further ideas for reaching the goal including possible  group meetings, speaking engagements, campus outreach, tabling at  events, and other ideas.  If you or your group are interested in ending the death penalty in Florida, we strongly encourage you to attend and share your thoughts and ideas!  If you know others you think should take part in the meeting, please contact Mark Elliott (Amnesty International/Floridians for alternatives to the Death Penalty) or Jeanne  Rewa (Equal Justice USA)**

***Fdrag attended the above meeting , and one of the goals agreed on, was to create a database, with names of Floridians that could easily be contacted when letters need to go out to legislators, media etc. SO…..Please mail the page to your friends or relatives and ask them to please fill it out and return to the address provided.***

Floridians for Alternatives to the Death Penalty

*www.fadp.org*

**I oppose the Death Penalty. I want to be kept informed about the progress of legislation that will halt or end the Death Penalty in Florida. By giving my contact information, I allow FADP to send me alerts when it is time to contact my legislators, attend hearings, or otherwise take action to help end the Death Penalty in Florida.**

**Name (PLEASE PRINT CLEARLY)……………………………………………………..…**

**Address………………………………………………………………………………..…**

**Town and Zip……………………………………………………………………..…..…**

**Phone………………………………………………………………………………..……**

**E-mail……………………………………………………………………………………..**

**Get Involved!**

**\_\_\_ Please contact me about volunteer opportunities.**

**\_\_\_ Please contact me about setting up an educational event or letter writing party in my**

**school/community.**

**\_\_\_ I am a murder victim family member. Please contact me about signing on to the letter for**

**murder victim family members calling for an end to the Death Penalty.**

**\_\_\_ I am a member of the law enforcement community. Please contact me about signing on to**

**the letter for law enforcement against the death penalty.**

**Return to:**

**FADP**

**2840 W. Bay Dr., #118**

**Belleair Bluffs, FL 33770**

**Second justice on Florida Supreme Court resigns**

By [Steve Bousquet](http://www.tampabay.com/writers/article380041.ece) and [Alex Leary](http://www.tampabay.com/writers/article380991.ece), Times Staff Writers In print: Saturday, May 24, 2008

By [Steve Bousquet](http://www.tampabay.com/writers/article380041.ece) and [Alex Leary](http://www.tampabay.com/writers/article380991.ece), Times Staff Writers   
In print: Saturday, May 24, 2008

TALLAHASSEE — For the second time in six weeks, a Florida Supreme Court justice resigned Friday, giving Gov. Charlie Crist unprecedented power to reshape the court over the next year.

Justice Kenneth Bell, 52, said he would step down Oct. 1 to spend more time with his wife and four children. His family remained in Pensacola after Bell joined the seven-member bench in early 2003.

"Indeed, I wish I could continue to serve," Bell said. "However, similar to the reasons recently expressed by Justice (Raoul) Cantero in his resignation, my family responsibilities require that I return full time to Pensacola."

Bell and Cantero, who announced his departure April 11, were former Republican Gov. Jeb Bush's only appointees to the high court.

Also slated to leave the court are two appointees of former Democratic Gov. Lawton Chiles, Justices Harry Lee Anstead and Charles T. Wells. They must leave in early 2009 because of the mandatory retirement age of 70.

The four vacancies will give Crist, the centrist Republican governor with a self-described "live and let live" philosophy, a unique ability to reshape the philosophical makeup of the state's highest court.

The vacancies are expected to prompt a scramble among the state's lawyers and judges. And Crist can be expected to consider the bench's racial and gender makeup. The three remaining justices will be a black woman and two whites, a man and a woman. Cantero was the court's first Hispanic member.

As Florida's final judicial forum, the Supreme Court reviews death penalty cases, decides the constitutionality of state laws, disciplines lawyers and judges, and determines the legality of ballot initiatives before they go to voters.

The court in recent years has struck down Florida's school voucher program, overturned a law ordering Terri Schiavo's feeding tube to be re-connected, and ruled that Bush had no power to veto part of a legislative budget line item.

The four departures are the most turnover on the court

since 1975, when three justices resigned in the wake of a series of scandals.

"It's extraordinary, certainly in Florida and even nationally," said Bruce Rogow, a Nova Southeastern University constitutional law professor.

Rogow said he did not foresee a philosophical shift, noting that the court has not been marked by sharp political differences.

"I don't see this as being an apocalyptic change in the law of Florida," Rogow said. "It certainly will bring new faces, new ideas to the court, and that will be healthy."

Raquel "Rocky" Rodriquez, a Miami lawyer who served as Bush's general counsel, called the two resignations a loss to the court and to Florida.

"I know for a fact that both of them love their jobs, and if it weren't for geography, they would both still be on the court," she said.

In response to Cantero's resignation, House Speaker Marco Rubio inserted a provision in a budget bill this month that would allow justices to travel from Tallahassee to their homes 36 weeks a year at taxpayer expense. Justices earn $161,200 a year.

In a tribute to Bell, Crist said: "He will be remembered for his firm belief in the separation of powers and the system of checks and balances on which our nation was founded." Bell is the first judge from west of Tallahassee since 1917.

Bush appointed Bell on Dec. 30, 2002, shortly after he easily won re-election to a second term and five months after naming Cantero. The two men were viewed as Bush's attempt to nudge the court in a more conservative direction. Bell replaced Leander Shaw, the court's most liberal member, and expressed his belief in "judicial restraint" when he was chosen.

Bell and Cantero were the lone dissenters in one of the court's most significant rulings of this decade that revealed a divergence of of philosophies. That 5-2 decision in 2006 struck down the statewide school voucher program that was a priority of Bush's but had been challenged by the Florida Education Association, a teachers' union and others.

**Stevens declares opposition**

**to death penalty**

**Second justice on Florida Supreme Court resigns – cont’d**

By [Steve Bousquet](http://www.tampabay.com/writers/article380041.ece) and [Alex Leary](http://www.tampabay.com/writers/article380991.ece), Times Staff Writers   
In print: Saturday, May 24, 2008

This summer, Justice Peggy A. Quince, the first African-American woman to serve on the court, will ascend to the position of chief justice for a two-year term.

Quince was appointed by Chiles. The other two remaining justices, R. Fred Lewis and Barbara J. Pariente, also were appointed by Chiles, a Democrat.

Florida voters in 1976 created a merit retention system for all appellate judges, including Supreme Court justices, who face the voters every six years.

When a vacancy occurs, the governor chooses from among a list of three to six finalists recommended by a nine-member Judicial Nominating Commission. Members of the commission include Howard Coker, a former leader of the trial bar; Robert Hackleman, a law partner of Crist's former chief of staff, George LeMieux; and Jason Unger, a longtime Republican activist whose wife, Karen, ran Bush's 2002 re-election campaign.

WASHINGTON (AP) — Justice John Paul Stevens, a key vote in upholding the death penalty 30 years ago, now says he believes capital punishment is unconstitutional.

Stevens on Wednesday became the first of the nine sitting justices to say the death penalty violates the Eighth Amendment ban on cruel and unusual punishment.

"I have relied on my own experience in reaching the conclusion that the imposition of the death penalty represents 'the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the state (is) patently excessive and cruel and unusual punishment violative of the Eighth Amendment,'" he said in a concurring opinion rejecting a challenge to lethal injections in Kentucky.

He said, however, that he will respect court precedents in favor of capital punishment, explaining why he voted against the death row inmates in Kentucky.

Stevens' comments are reminiscent of the public conversion of Harry Blackmun, months before his retirement in 1994.

Blackmun repudiated his career-long acceptance of capital punishment and declared himself opposed to the death penalty in all circumstances.

"The death-penalty experiment has failed. I no longer shall tinker with the machinery of death," Blackmun wrote. Two other justices who served many years with Blackmun — William Brennan and Thurgood Marshall — were longtime death penalty opponents who most often were in the minority in capital cases.

Stevens, who turns 88 on Sunday, has given no indication that he plans to retire. He was new to the court when he co-authored the controlling opinion in 1976 that held that the death penalty is constitutional.

On Wednesday, he urged his colleagues to re-examine the constitutionality of capital punishment because of concerns that it is used in a racially discriminatory way and risks executing the innocent.

**TV converters**

We have received several letters concerning the change to HD digital TV transmission. Here is the answer to your questions, and hopefully the end to your concern

**Dear Ms. Floyd:**

**A converter box will be installed to enable the TV system to receive the digital transmissions that will go into effect in 2009.**

**The institution will provide the converter that will take care of all the TV’s. There will be no need for the inmates to do anything. Thank you for your interest.**

**L.A. Polhill, Assistant Warden**

**Winners of the book drawing**

**Summer 2008**

**The Road by Cormac McCarthy**

**for Leo Perry**

**The Penguin Concise Encyclopedia**

**by David Crystal for Lloyd Duest**

**The Camel Club** **by David Baldacci**

**for Konstantin Fotopoulos**

**Brass** **by Helen Walsh**

**for Ernest Downs**

**The Twilight Saga** **for Joel Diaz**

**Lethal Injection Debate:**

**High Court Ruling Gives "Green Light”**

By Jim Roberts Apr 19, 2008

One very important part of the lethal injection debate was decided by the US Supreme Court this week. The High Court upheld Kentucky's execution procedures. In a 7-2 ruling the justices upheld the states use of lethal injection as a means of executing prisoners, ruling that the method (that is now used in 35 states) is properly and humanely applied According to a report from the Baltimore sun, executions across the country have been on hold since the high court agreed in September to hear the case of two Kentucky death row inmates who challenged the three-drug procedure, which is used to anesthetize, paralyze and stop the heart.

CNN notes in a report that the justices had never directly addressed the fundamental question over the constitutionality of the chemical "cocktail" of drugs used to execute convicted killers. All but one of the states that perform executions use the three-drug mixture.    
  
The decision directly relates only to the state of Kentucky, where the two plaintiffs were from, but many other states that use similar procedures are treating it as a green light.

**ADVICE: If your fan is not working as well as it used to, try to clean the fan blades and other parts (if rules permit) and it might just end up being as good as new!**

How to fail an exam



Various hard and familiar aspects of reality intrude on their world all the time. What seems unreal or at least unconven-tional to an outsider is the manner in which the Buen-dias’ respond to and explain facts like birth, death, war, sickness and even weather. When it gets hot in Macondo, it gets so hot that men and beasts go mad and birds attack houses. A long spell of rain is remem-bered to have lasted, not weeks, but four years, eleven months and two days. When a plague hits the region, it is no ordinary killer but an "insomnia plague," which gradually causes people to forget everything including the names and uses of the most commonplace objects. In order to combat the memory loss, the villagers label chairs and clocks and even hang a sign on the cow: "This is the cow. She must be milked every morning so that she will produce milk, and the milk must be boiled in order to be mixed with coffee to make coffee and milk." More serious than bad weather or plague are the intru-sions from outside, the mysterious gypsies, the corrupt government officials, the brutal soldiers, the ‘dandy’ Italian piano tuner, the ingenious French prostitutes and, finally, with the railroad, the sweating gringos "planning to plant banana trees in the enchanted regi-on that Jose Arcadio Buendia and his men had crossed in search of the route" to the sea. It might have been just another phase in the incestuous life of Macondo, like the 32 revolutions or the insomnia plague, but enchantment and solitude cannot survive the North Americans as they do mean to change things. Like so much else in this strange and moving narrative, the end seems to have been inevitable. And yet the North American reader, in thinking of this narrative filled with haunting creatures and events, can hardly help being particularly haunted by the spectacle of his countrymen, "the perspiring guests…who did not even know who their hosts were….trooping in to occupy the best places at the table." The North Americans do, eventually, build their own sensible counterpart to Macondo, a village of houses in neat rows with tennis courts and swimming pools. Marquez has shown us, who some of the hosts were or, what is more impor-tant, example of why reading great literature is such a worthwhile experience who they thought they were. He has also written a novel so filled with humour, rich detail and startling distortion and for me, this novel will always be an . example of why reading great literature is such a worthwhile experience !

**Book Review: by Jo Gibbs. "One Hundred Years of Solitude" by Gabriel Marquez.**

As this book is a legend in itself, I don't really think it requires my recommend-dation, and although most readers don't need this warning, some probably read the



book because it's "well known and great". This is actually a classical novel; not an action packed one. It’s a case-study of one family's lives in a small village "on the edge of nowhere", supposedly in South America. This book is also a philosophical work, best described I think as a study of situations when a human being, though see-mingly surrounded by friends, relatives and even loved ones, is actually alone. Hence the title. The story is a study of solitude without solitude, a solitude among people. Marquez writes in a breathtaking style – it reads like a thriller. The book follows seven generations of Jose Arcadio Buendia and his wife Ursula’s family, who founded the village of Macondo on a river of clear water. The Buendia family survive Civil War (the Thousand Days War), massacre, heavy rains, death, and solitude. Marquez brilliantly weaves together elements of history, fiction, politics, economics, and magical realism to explore love, loss, and what it means to be human. In a sense, Jose and Ursula are the only two characters in the story, and all their children, grandchildren and great-grandchildren are variations on their strengths and weaknesses. Jose, forever fascinated by the un-known, takes up project after project, invention after invention, in order among other things, to make gold, discover the ocean and photograph God. He eventually goes mad, smashes things, refuses to speak except in Latin and is tied to a giant chestnut tree in the middle of the family garden. Ursula is the personification of practical endurance and sheer will. It is she who mends the pieces and sweeps the house clean after disaster; it is she who continues to raise various offspring long after her own children have grown to adulthood, and it is she who remains strong and clear-headed until the age of 114 or 122--as usual, no one is quite sure! The male descendants, all named Arcadio or Aureliano, go off to sea, lead revolutions, follow gypsies, fall disastrously in love with their sisters and aunts but most of them add to the family's stature and wealth. The men, how- ever, do not overshadow the women, one eats dirt when she is depressed; another burns her hand in the oven and wears a black cloth over it for life when her lover commits suicide, another, named Remedios the Beauty, is so innocent that one day when folding linen in the backyard she ascends into heaven with the family sheets. But to isolate details, even good ones, from this novel is to do it an injustice. Macondo is no never-never land though. Its inhabitants do suffer, grow old and die, but in their own way.

Name:

DOC:

Cell Location:

Book Title:

Author:

**THE FDRAG Share-a-book program…**

Between each newsletter, FDRAG collects book/magazine wishes

from the readers of our Newsletter.

In order to submit a book wish, simply fill out the form, send it to FDRAG



and your book may be one of the 10 book titles which will be drawn in each issue, and purchased via Amazon.com…. Because we want this program to benefit as many as possible on our shoestring budget, we ask that you pass on your book when you’re done reading it.

**FDRAG Contact List**

|  |  |  |
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**Your family is welcome to call any of the above numbers if they have any questions at all about your situation, and we will do what we can to help.**