

# FLORIDA CONFERENCE OF CATHOLIC BISHOPS

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MICHAEL B. SHEEDY  
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March 9, 2015

The Honorable Greg Evers  
Chairman, Senate Criminal Justice Committee  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

**Re: Support SB 664 (Altman): Unanimous Jury Recommendations for Death Sentences**

Dear Chairman Evers:

Today the Supreme Court of the United States (SCOTUS) determined to review whether Florida's capital sentencing practices violate the U.S. Constitution (SCOTUS order attached). The time for the Florida legislature to act is now, before the U.S. Supreme Court rules Florida's capital sentencing laws unconstitutional.

**Florida is an outlier when it comes to Capital Sentencing**

Florida is one of 32 states that still maintain the death penalty. Florida, however, is one of two states that allow someone to be put to death based on the recommendation of a simple majority of jurors (seven of 12). Florida is also the only state that does not require an aggravating circumstance to be found unanimously.

**Legal Precedent – Almost Every State Has Accommodated *Ring v. Arizona***

As a result of the 2002 Supreme Court ruling in *Ring v. Arizona*, nearly every state changed its law to require a unanimous jury finding for death. In the 2005 case *State v. Steele*, the Florida Supreme Court advised the legislature to revisit the statute and require some unanimity in jury recommendations.

**Our current system is prone to error**

Florida has exonerated 25 individuals from death row, more than any other state. As long as the State of Florida maintains the death penalty, it should be improved by prompting more thorough reflection by juries in the sentencing phase. The clearest approach, already addressed by the SCOTUS and recommended by the American Bar Association, is to require a jury's unanimous vote in recommending death.

Requiring jurors, as conscience of the community, to unanimously agree to a death sentence encourages more thoughtful deliberation and engages every juror in the process. Whether one supports or opposes the death penalty, requiring unanimity ensures more reliable sentencing.

Sincerely,

A handwritten signature in blue ink that reads "Michael B. Sheedy". The signature is written in a cursive style.

Michael B. Sheedy

cc: Members of the Senate Criminal Justice Committee  
Ingrid Delgado, Associate for Social Concerns/Respect Life