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March 19, 2015

The Honorable Carlos Trujillo
Chairman, House Criminal Justice Subcommittee
417 House Office Building
402 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Encouraging Consideration of HB 139 (J Rodriguez) re: Capital Sentencing

Dear Chairman Trujillo:

Last week, as you know, the Supreme Court of the United States (SCOTUS) agreed to review the Florida death penalty case of Timothy Hurst in its next term. The Court will consider whether Florida's death sentencing process violates its ruling in the 2002 case *Ring v. Arizona*, which held that a jury – not a judge – must find the facts that qualify a defendant for the death penalty.

While we are not so prescient as to know the mind of the Court, inaction by the Legislature this session will likely yield dilemmas that we believe should prompt the Legislature to reform our laws now.

Court Backlog Likely with Inaction; Concerns for Victims' Families

Consider that if SCOTUS finds that Florida's statute is unconstitutional, any active capital cases that are tried in Florida and result in a death sentence before SCOTUS' ruling will necessarily be reversed, forcing victims' families to twice endure a capital trial and placing a burden on our courts at taxpayers' expense. An alternative might be to delay hearing any of the hundreds of active capital cases until SCOTUS rules and Florida's laws change, but that would create a substantial backlog in our courts. Adopting HB 139 will allow capital cases to move forward and prevent additional appeals from forming in newly-decided cases by immediately implementing procedures the Supreme Court has already held to be constitutional.

Again, we cannot presume to know the mind of the Court, but we believe that the changes proposed by Representative Rodriguez will result in a statute that survives SCOTUS scrutiny. They will also meet the goal of the legislation: to promote more thorough reflection by juries in capital sentencing proceedings.

Senator Rob Bradley offered the following during consideration of the Senate companion measure earlier this week:

"...The most important issue that we ask our juries to consider is the issue of whether the death penalty is appropriate for someone who's murdered somebody, and it's literally a question of life and death – life or death – and it should be a hard decision for all twelve members of that jury... It should be hard, because it's the most important thing we ask of them. And it should be a unanimous decision."

We echo his call to advance this good legislation.

Sincerely,



Michael B. Sheedy

cc: The Hon. Charles McBurney, Chairman, House Judiciary Committee
Most Rev. Thomas G. Wenski, Archbishop of Miami
Most Rev. Felipe J. Estévez, Bishop of St. Augustine, Respect Life Moderator