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February 24, 2014

Dear Members of the Florida State Legislature:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

As a group, we take no stand on whether the death penalty should be used as a form of punishment. In fact, many of us do support the death penalty. However, we believe that wherever it is implemented, capital punishment should be carried out in such a way that ensures that the process is fair and prevents irreversible mistakes. So far, 24 individuals have been exonerated from death row in Florida due to evidence of innocence. This goes to show that the system, even with well-intentioned judges, prosecutors and jurors, can make mistakes. Requiring a jury to agree unanimously to recommend the death penalty can help to safeguard against error and ensure that the ultimate punishment is only given to the worst of the worst.

Effective law enforcement requires citizens to have faith in the accuracy of the criminal justice system. And the fact is, unanimous capital juries are more reliable. Since 2006, no unanimous jury verdict recommending death has been overturned by the Florida Supreme Court. Requiring unanimity will not hamper the ability of prosecutors to obtain just sentencing results; rather, it will likely aid prosecutors in defending verdicts on appeal.

Furthermore, a unanimous jury requirement has not proven to be a hindrance to the implementation of the death penalty in other states. Texas, Virginia and other states sentence people to death via unanimous jury votes. In fact, Florida is an outlier. Delaware is the only other state that allows a simple majority of a jury to sentence a defendant to death. Alabama requires a 10-2 vote, and all other death-penalty states require unanimity.

Finally, the legislature should act as it is possible that Florida's death penalty law will be challenged in the U.S. Supreme Court as unconstitutional. In *Ring v Arizona*, the Supreme Court found that a jury must unanimously find the existence of an aggravating factor that

would then make the defendant eligible for the death penalty. Many legal scholars believe that Florida law violates *Ring* because the judge—not the jury—makes the ultimate findings of aggravating factors. Florida can avoid litigation by doing what nearly every other state did after *Ring*: change its law to require a unanimous jury finding.

We urge you to pass Senate Bill 334/House Bill 467 and ensure a fair and reliable death penalty system in Florida.

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The Honorable Thad Altman
Senate Committee on Criminal Justice
314 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

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February 24, 2014

The Honorable Randolph Bracy
House of Representatives, Criminal Justice Subcommittee
1301 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Bracy:

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The Honorable Rob Bradley
Senate Committee on Criminal Justice
208 Senate Office Building
404 S. Monroe Street
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Dear Senator Bradley:

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February 24, 2014

The Honorable Charles S. Dean, Sr.
Senate Committee on Criminal Justice
311 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Dean:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

As a group, we take no stand on whether the death penalty should be used as a form of punishment. In fact, many of us do support the death penalty. However, we believe that wherever it is implemented, capital punishment should be carried out in such a way that ensures that the process is fair and prevents irreversible mistakes. So far, 24 individuals have been exonerated from death row in Florida due to evidence of innocence. This goes to show that the system, even with well-intentioned judges, prosecutors and jurors, can make mistakes. Requiring a jury to agree unanimously to recommend the death penalty can help to safeguard against error and ensure that the ultimate punishment is only given to the worst of the worst.

Effective law enforcement requires citizens to have faith in the accuracy of the criminal justice system. And the fact is, unanimous capital juries are more reliable. Since 2006, no unanimous jury verdict recommending death has been overturned by the Florida Supreme Court. Requiring unanimity will not hamper the ability of prosecutors to obtain just sentencing results; rather, it will likely aid prosecutors in defending verdicts on appeal.

Furthermore, a unanimous jury requirement has not proven to be a hindrance to the implementation of the death penalty in other states. Texas, Virginia and other states sentence people to death via unanimous jury votes. In fact, Florida is an outlier. Delaware is the only other state that allows a simple majority of a jury to sentence a defendant to death. Alabama requires a 10-2 vote, and all other death-penalty states require unanimity.

Finally, the legislature should act as it is possible that Florida's death penalty law will be challenged in the U.S. Supreme Court as unconstitutional. In *Ring v Arizona*, the Supreme Court found that a jury must unanimously find the existence of an aggravating factor that would then make the defendant eligible for the death penalty. Many legal scholars believe that Florida law violates *Ring* because the judge—not the jury—makes the ultimate findings of aggravating factors. Florida can avoid litigation by doing what nearly every other state did after *Ring*: change its law to require a unanimous jury finding.

We urge you to pass Senate Bill 334/House Bill 467 and ensure a fair and reliable death penalty system in Florida.

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February 24, 2014

The Honorable Don Gaetz
Senate President
409 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

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February 24, 2014

The Honorable Dane Eagle
House of Representatives, Criminal Justice Subcommittee
1302 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Eagle:

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February 24, 2014

The Honorable Greg Evers
Chair, Senate Committee on Criminal Justice
308 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

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Senate Committee on Criminal Justice
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February 24, 2014

The Honorable James W. Grant
House of Representatives, Criminal Justice Subcommittee
405 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Grant:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

As a group, we take no stand on whether the death penalty should be used as a form of punishment. In fact, many of us do support the death penalty. However, we believe that wherever it is implemented, capital punishment should be carried out in such a way that ensures that the process is fair and prevents irreversible mistakes. So far, 24 individuals have been exonerated from death row in Florida due to evidence of innocence. This goes to show that the system, even with well-intentioned judges, prosecutors and jurors, can make mistakes. Requiring a jury to agree unanimously to recommend the death penalty can help to safeguard against error and ensure that the ultimate punishment is only given to the worst of the worst.

Effective law enforcement requires citizens to have faith in the accuracy of the criminal justice system. And the fact is, unanimous capital juries are more reliable. Since 2006, no unanimous jury verdict recommending death has been overturned by the Florida Supreme Court. Requiring unanimity will not hamper the ability of prosecutors to obtain just sentencing results; rather, it will likely aid prosecutors in defending verdicts on appeal.

Furthermore, a unanimous jury requirement has not proven to be a hindrance to the implementation of the death penalty in other states. Texas, Virginia and other states sentence people to death via unanimous jury votes. In fact, Florida is an outlier. Delaware is the only other state that allows a simple majority of a jury to sentence a defendant to death. Alabama requires a 10-2 vote, and all other death-penalty states require unanimity.

Finally, the legislature should act as it is possible that Florida's death penalty law will be challenged in the U.S. Supreme Court as unconstitutional. In *Ring v Arizona*, the Supreme Court found that a jury must unanimously find the existence of an aggravating factor that would then make the defendant eligible for the death penalty. Many legal scholars believe that Florida law violates *Ring* because the judge—not the jury—makes the ultimate findings of aggravating factors. Florida can avoid litigation by doing what nearly every other state did after *Ring*: change its law to require a unanimous jury finding.

We urge you to pass Senate Bill 334/House Bill 467 and ensure a fair and reliable death penalty system in Florida.

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February 24, 2014

The Honorable Gayle B. Harrell
House of Representatives, Criminal Justice Subcommittee
214 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Harrell:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

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We urge you to pass Senate Bill 334/House Bill 467 and ensure a fair and reliable death penalty system in Florida.

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February 24, 2014

The Honorable Charles David Hood, Jr.
House of Representatives, Criminal Justice Subcommittee
1003 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Hood:

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February 24, 2014

The Honorable Travis Hutson
House of Representatives, Criminal Justice Subcommittee
1102 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Hutson:

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February 24, 2014

The Honorable Dave Kerner
House of Representatives, Criminal Justice Subcommittee
1101 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Kerner:

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February 24, 2014

The Honorable Matt Gaetz
Chair, House of Representatives
Criminal Justice Subcommittee
417 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Mr. Chairman:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

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Effective law enforcement requires citizens to have faith in the accuracy of the criminal justice system. And the fact is, unanimous capital juries are more reliable. Since 2006, no unanimous jury verdict recommending death has been overturned by the Florida Supreme Court. Requiring unanimity will not hamper the ability of prosecutors to obtain just sentencing results; rather, it will likely aid prosecutors in defending verdicts on appeal.

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We urge you to pass Senate Bill 334/House Bill 467 and ensure a fair and reliable death penalty system in Florida.

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February 24, 2014

The Honorable Kionne L. McGhee
House of Representatives, Criminal Justice Subcommittee
1301 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative McGhee:

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February 24, 2014

The Honorable Ray Pilon
Vice Chair, House of Representatives
Criminal Justice Subcommittee
317 House Office Building
402 South Monroe Street
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The Honorable David Simmons
Senate Committee on Criminal Justice
406 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

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House of Representatives, Criminal Justice Subcommittee
1401 The Capitol
402 South Monroe Street
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February 24, 2014

The Honorable Christopher L. Smith
Vice Chair, Senate Committee on Criminal Justice
200 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Mr. Vice Chairman:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

As a group, we take no stand on whether the death penalty should be used as a form of punishment. In fact, many of us do support the death penalty. However, we believe that wherever it is implemented, capital punishment should be carried out in such a way that ensures that the process is fair and prevents irreversible mistakes. So far, 24 individuals have been exonerated from death row in Florida due to evidence of innocence. This goes to show that the system, even with well-intentioned judges, prosecutors and jurors, can make mistakes. Requiring a jury to agree unanimously to recommend the death penalty can help to safeguard against error and ensure that the ultimate punishment is only given to the worst of the worst.

Effective law enforcement requires citizens to have faith in the accuracy of the criminal justice system. And the fact is, unanimous capital juries are more reliable. Since 2006, no unanimous jury verdict recommending death has been overturned by the Florida Supreme Court. Requiring unanimity will not hamper the ability of prosecutors to obtain just sentencing results; rather, it will likely aid prosecutors in defending verdicts on appeal.

Furthermore, a unanimous jury requirement has not proven to be a hindrance to the implementation of the death penalty in other states. Texas, Virginia and other states sentence people to death via unanimous jury votes. In fact, Florida is an outlier. Delaware is the only other state that allows a simple majority of a jury to sentence a defendant to death. Alabama requires a 10-2 vote, and all other death-penalty states require unanimity.

Finally, the legislature should act as it is possible that Florida's death penalty law will be challenged in the U.S. Supreme Court as unconstitutional. In *Ring v Arizona*, the Supreme Court found that a jury must unanimously find the existence of an aggravating factor that would then make the defendant eligible for the death penalty. Many legal scholars believe that Florida law violates *Ring* because the judge—not the jury—makes the ultimate findings of aggravating factors. Florida can avoid litigation by doing what nearly every other state did after *Ring*: change its law to require a unanimous jury finding.

We urge you to pass Senate Bill 334/House Bill 467 and ensure a fair and reliable death penalty system in Florida.

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February 24, 2014

The Honorable Charles E. Van Zant
House of Representatives, Criminal Justice Subcommittee
405 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Representative Van Zant:

As former judges and prosecutors, we write in support of Senate Bill 334/House Bill 467, which would require a jury to agree unanimously to recommend the death penalty. In our experience, the justice system works best when it is fair and reliable, and requiring a jury to unanimously agree to recommend that a death sentence should be imposed is a common-sense way to achieve this goal.

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February 24, 2014

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Speaker of the House
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

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