

Orlando Sentinel

Study offers case for rethinking executions: Editorial

May 25, 2014

There's a reason Florida moved away from Old Sparky, its once-notorious electric chair, to lethal injections: to avoid cruel and unusual punishments.

Truth be told, when Florida lawmakers went into special session nearly 15 years ago to pass a law allowing for lethal injections, the state faced repeal of capital punishment by the U.S. Supreme Court for its sole use of the electric chair, which was in possible violation of constitutional bans on cruel and unusual punishment.

Now, however, a new bipartisan review of capital punishment suggests that even the state's move toward dispensing death more humanely has left Florida on the wrong path with its own troubled death-penalty system.

A broad study by The Constitution Project — whose panel included Gerald Kogan, former chief justice of the Florida Supreme Court — slammed a wrecking ball into capital punishment, arguing for change "from the moment of the arrest to the moment of death." It offers dozens of proposals, among them, abandoning drug cocktails to carry out executions for single-drug injections.

State lawmakers can no longer shield their own eyes from compounding evidence that Florida should put a hold, even temporarily, on executions.

Old Sparky had a tendency to deliver the worst of deaths administered by a state. It frequently malfunctioned. When Jesse Tafero was executed in 1990, six-inch flames shot out of his head. Seven years later, 12-inch flames shot out of the head of Pedro Medina. And in 1999, a botched execution left the body of Allen Lee Davis bloodied from head to toe due to a chin strap put on incorrectly.

The botched execution that happened in Oklahoma could happen in Florida. The state uses a similar process to deliver death via injection.

Like Oklahoma, Florida is among several states that have scrambled the past year or so to introduce a new drug into the three-drug lethal dose combination used in executions. Pharmaceutical companies have stopped selling one of the drugs, pentobarbital sodium, to state prisons, so Florida, Oklahoma and others now substitute Midazolam.

Florida's use of Midazolam in an experimental drug combination has been challenged by the last several inmates executed in recent months, on the grounds the new drug mixture may deliver a cruel and unusual death.

Given the similarities between the two states, how much longer will it be before Florida has another botched execution, this time brought on by a faulty drug combination, problems with administering the injection or an inmate who has a horrific physical reaction to the process?

Not to mention Florida faces other major problems with its death-penalty system. At 24, Florida leads the nation in inmates exonerated while on death row.

The list of issues goes on, each a good reason by itself to pull the gurney back and halt executions in Florida until reforms can be made.

View web story [here](#).