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March 9, 2015

Senator Rob Bradley
Member, Criminal Justice Committee
208 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Bradley:

We are a Democrat and a Republican, a former Governor and Attorney General of the State of Texas and a former Attorney General of the Commonwealth of Virginia. While we served in office, we carried out our solemn duty to oversee executions: as Governor of Texas, one of us was responsible for 19 executions; as Attorney General of Virginia, 36 executions. But every death sentence imposed in our home states since the reinstatement of the death penalty in the U.S. – cumulatively over 1,000 death sentences – was the result of a unanimous decision by the jury. It is for this reason that we strongly urge you to adopt Senate Bill 664/House Bill 139, which would require a jury to agree unanimously to recommend the death penalty and to unanimously agree – beyond a reasonable doubt – on each aggravating circumstance before a death sentence may be imposed.

As we deliberated on our sentencing recommendations while in office, we considered many compelling and competing interests so that victims' families, the courts, and the community at large could be satisfied that "justice was served." Regardless of one's view on the ultimate punishment, a rush to justice is never advised. We know the wiser course is to ensure appropriate safeguards are in place because when it comes to the death penalty, an unfair or wrong decision cannot be undone.

We firmly believe that jury unanimity is required to ensure a just and reliable result. As of today, Florida has reversed the death sentences of 24 men – more than any other state. In contrast, since 2006, the Florida Supreme Court has not overturned any unanimous jury decisions in death penalty cases. Simple majority decisions serve to silence important objections by some jurors. By requiring jurors to unanimously support a death sentence, this bill would encourage every juror to spend meaningful time deliberating, seriously discussing evidence, and engaging in the decision-making process. Such thoughtful and deliberate review should be at the heart of every decision to impose a death sentence, as it has been in our home states for decades.

The courts have also expressed serious objections over Florida's current capital punishment system; one federal court has already found the non-unanimous jury in Florida to be unconstitutional and a decade ago, the Florida Supreme Court recommended the Legislature make the changes proposed in the current bill. Thus, passage of this bill also ensures that the state's death penalty is preserved and shielded from a constitutional challenge.

Florida has long required that a person be found guilty by a unanimous jury – whether it be in a simple drug possession case or in a capital case. When determining if a defendant will live out his days in prison or be executed by the state, the same standard must be applied. Passage of this bill ensures a more reliable and just capital punishment system and brings Florida in line with other states imposing the death penalty. The death penalty includes possibilities for error that, unfortunately, are not reversible after the punishment is imposed. A decision by a unanimous jury serves as a final and critical safeguard against mistakes and disproportionate death sentences.

We urge the Legislature to pass this bill to ensure a more reliable, deliberate, and thoughtful decision-making process in capital punishment cases.

Respectfully submitted,

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March 9, 2015

Senator Audrey Gibson
Vice Chair, Criminal Justice Committee
205 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

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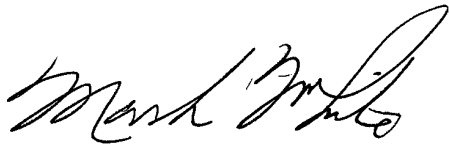
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Senator Greg Evers
Chair, Criminal Justice Committee
308 Senate Office Building
404 South Monroe Street
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Dear Senator Evers:

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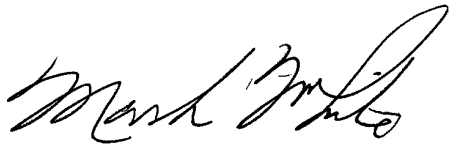
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Member, Criminal Justice Committee
226 Senate Office Building
404 South Monroe Street
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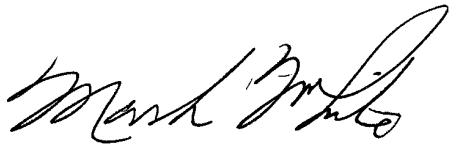
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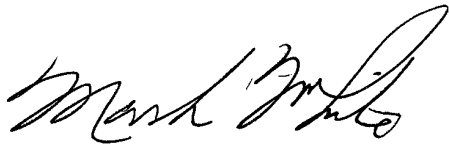
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