

What's Your View of the Death Penalty?

By Dick Braendle,
Chief Courtwatcher

You'll have an opportunity to express it in the Fall election when Florida Supreme Court (FSC) Justices Harry Anstead and Charles Wells come up for a retention vote. In my opinion, Anstead and Wells represent the extremes of the seven members of the Court. Anstead is the most "anti" and Wells the most "pro."

Shortly after I began my almost daily court watching for the Justice Coalition over six years ago, I started, thanks to the Internet, to read FSC opinions in death penalty (DP) cases and have reviewed several hundred by now. While I did not make any tabulations, I would like to

share my "off the cuff" observations.

All DP cases are, by law, automatically reviewed by the FSC on direct appeal and practically always on so-called collateral appeal, during which what the public would see as largely technical issues are considered. Roughly 50% of the time these cases are sent back, usually several times, to the trial court for new hearings and/or new trials. In many cases the FSC will overturn the DP on its own on the basis of "proportionality", i.e. the defendant was less deserving of the DP in the eyes of the FSC than another defendant who got a life sentence. This is occurring more frequently now as the standards for the "deserving" are continually

raised.

I have NEVER seen a non-unanimous opinion upholding the DP in which Anstead did not dissent. Conversely, Wells is ALWAYS a dissenter when the FSC non-unanimously returns the case to the trial court for new proceedings or rejects the DP by itself. The majority of the opinions are non-unanimous.

Some favoring the DP suggest that both Anstead and Wells should be rejected, primarily because both joined the unanimous FSC decision which declared the Death Penalty Reform Act of 2000 unconstitutional. Readers will recall that this Act was the result of an effort by Governor Bush to speed up the interminable appeals process in DP cases which now averages about 15 YEARS.

To these I would point out that in this instance the FSC was correct. The Act was unconstitutional according to Article V of the Florida Constitution, which reserves the determination of many procedural matters in criminal cases to the FSC. The Legislature should have accomplished their objective by offering an Amendment to Article V for approval by the electorate rather than by legislation. If the FSC had not ruled as they did, they would not have been following the law.

Unsolved Murder

REWARD

\$90,430 REWARD

...has been posted for information that leads to the arrest and conviction of person(s) responsible for this crime.

**William "Bill"
Klinedinst — 61**

loving husband and father
Murdered on I-295

July 4, 1992

rock was thrown through the
windshield of his car



Call the Sheriff's Office at 630-0500 or 630-2172 if you have any information about the shootings or rock throwing on I-295. You may remain anonymous.

9 LONG YEARS — HOW MUCH LONGER

Universal K9 Search & Rescue

Dennis L. Davis - K9 Instructor & Owner

Specializing in dog obedience, human remains detection, bloodhound tracking and disaster recovery.

Our highly trained & knowledgeable organization is comprised of law enforcement officers & fire/rescue personnel. Certified "USAR" teams provide law enforcement, fire agencies, & the community who has missing family members with an invaluable service.



DIGITAL PAGER: **840-1489**
www.usarteam.com

Pettyco Express

Courier & Expedited Trucking Specialist

"Supports Community Watch"

402 S. Ellis Road
Jacksonville, FL 32254
www.pettycoexpress.com

(904) 695-2200
Fax (904) 693-0730
1-800-998-8886

LEE & CATES GLASS, INC.

MOBILEPLUS When Just Mobile Service Is Not Enough

Mobile Service • Pick-up & Delivery

COMMERCIAL GLASS EMERGENCY SERVICE

- Auto Glass
- Shower Doors
- Furniture Tops
- Obscure Glass
- Plate Glass
- Window Glass
- Mirrors
- Store Fronts
- Windshield Repair

RESIDENTIAL DESIGN AND REPAIR

16 locations To Serve You!

You're Going To See A Big Difference!



2002 Sheriff's Walk Information

Sheriff Glover's first walks in 2002 will be in

Zone 3 on Jan. 12

10:30 — University and Beach (Meet at Albertson's)

12:00 — Touchton and Southside Blvd. (Meet at Gate Station)

Future Walks:

- Jan. 26 Zone 4
- Feb. 9 Zone 5
- Feb. 23 Zone 1
- Mar. 9 Zone 2
- Mar. 23 Zone 3

After the March walks we will resume weekday walks. No dates yet.