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CRIMINAL JUSTICE

Crist: Hands off death penalty law

Attorney General Charlie Crist disagreed with the Florida Supreme Court's call to revamp the state's death penalty law or risk losing it.

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Florida should stick to allowing juries to recommend executions by a simple majority, not a unanimous vote, Attorney General Charlie Crist said Tuesday, urging legislators to reject the Florida Supreme Court's call to tweak the state's capital punishment laws in favor of unanimous juries.

The stance puts the state's chief legal officer at odds with the state's highest court and in particular with Justice Raoul Cantero, who urged lawmakers three weeks ago to change to a unanimous jury or risk seeing the state's death penalty law declared unconstitutional because it differs from laws in other states.

But Crist, who is seeking the Republican nomination for governor and as a state senator was dubbed "Chain Gang" Charlie for courting a tough-on-crime image, said such a fix would mean serial killers like Ted Bundy -- executed in 1989 -- and Aileen Wuornos -- executed in 2002 -- would now be sitting in prison.

The juries for both repeat killers recommended death by 10-2 votes.

"For my part, I believe the current system is not only constitutional but appropriate to punish those who murder as well as deter potential future murderers," Crist said in a letter to the Legislature's presiding officers, House Speaker Allan Bense and Senate President Tom Lee.

Crist's office handles death penalty appeals at the Supreme Court and he suggested in the letter that requiring a unanimous vote would weaken the state's death penalty. Under Florida law, juries have to be unanimous for conviction of any crime. But in capital cases jurors recommend either a life sentence or the death penalty on a majority vote.

Miami Republican Sen. Alex Villalobos, a death penalty supporter who already has instructed staff to draft a proposed change in the law, said Tuesday that Crist's input doesn't change his mind.

"What [a unanimous vote] ensures is more certainty than we have now," said Villalobos, who is supporting Crist's candidacy for governor.

In an opinion on a death case, Cantero noted that Florida's sentencing laws are unique when compared to the 38 other death-penalty states, suggesting lawmakers should line up with their peers or risk having a court strike it down.

"The bottom line is that Florida is now the only state in the country that allows the death penalty to be imposed" by simple majority vote, Cantero wrote. "Assuming that our system continues to withstand constitutional scrutiny, we ask the Legislature to revisit it to decide whether it wants Florida to remain the outlier state."

But Crist noted that juries in Florida only recommend the penalty -- judges do the actual sentencing.

"Unlike Florida, many states and federal courts empower juries to determine life or death," Crist said.