

# URGENT ACTION

## TRIAL JUDGE BACKS MERCY AS EXECUTION LOOMS

**Florida death row prisoner Ernest Suggs, aged 58, has exhausted his ordinary court appeals and is seeking executive clemency. If this is denied, the state will set his execution date. The judge who sentenced him to death in 1992 is supporting clemency.**

On the evening of 6 August 1990, Pauline Casey went missing from the bar in Walton County, Florida, where she worked. Her body was found the next morning in thick vegetation down a dirt road a few miles away. She had been stabbed and died from loss of blood. A jury convicted **Ernest Suggs** of her murder, and voted by seven to five that he be sentenced to death. The judge accepted the recommendation and imposed the death penalty on 15 July 1992. That same judge, now retired, wrote to Florida's Governor Rick Scott in August 2013 urging him to commute the death sentence to life imprisonment, "a sentence that would better serve all of the citizens of Florida".

Ernest Suggs maintains his innocence. He was convicted on circumstantial evidence and the statements of two inmates, James Taylor and Wallace Byars, who claimed that when sharing a cell with Ernest Suggs he had confessed to the murder. Both men denied receiving anything in return for their testimony. Whether coincidental or not, both later received certain leniency in their own cases. Jailhouse informant testimony is notoriously unreliable. In this case, Wallace Byars had been declared mentally incompetent, with "impaired" memory and judgment, and was awaiting involuntary hospitalization when he made his statement to the police. James Taylor had worked as a government informant for several years. An investigator, who previously worked for the FBI for 25 years and now works in the Alabama Attorney General's Office, interviewed James Taylor in 1996 and testified under oath that Taylor told him that he and Byars had lied in an effort to get preferential treatment, and had been provided enough details of the crime by the authorities to be able to make up the statements attributed to Suggs. However, James Taylor refused to sign a statement or to testify at a post-conviction evidentiary hearing. The former sheriff of the jail testified at that hearing that the two informants had not been instructed to obtain or make up confessions from Suggs. The court ruled that Ernest Suggs had failed to prove that the informants had fabricated their story.

The investigator interviewed a third man who had shared a cell with Ernest Suggs and who provided information supporting the claim that the original informant testimony was fabricated. This third inmate said that he had shared a cell with another man convicted of a similar murder in the area who claimed to have killed Pauline Casey as well. This other murder was so similar that Ernest Suggs was apparently a suspect in that case before it was shown that he could not have been the perpetrator. In January 2014, another inmate was interviewed by Ernest Suggs' lawyer and claimed that he had witnessed James Taylor and Wallace Byars discussing their planned testimony.

### Please write immediately in English or your own language:

- Calling for Ernest Suggs's death sentence to be commuted;
- Explaining that you are not seeking to downplay the seriousness of the crime or the suffering caused;
- Welcoming the support for clemency of the trial judge who sentenced Ernest Suggs to death;
- Noting that jailhouse informant testimony is a form of evidence that has often been shown to be unreliable.

### PLEASE SEND APPEALS BEFORE 4 APRIL 2014 TO:

Governor Rick Scott  
Office of the Governor, The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001  
USA  
Email: Rick.scott@eog.myflorida.com  
**Salutation: Dear Governor**

Office of Executive Clemency  
Florida Parole Commission, 4070 Esplanade Way  
Tallahassee, FL 32399-2450, USA  
Email: ClemencyWeb@fpc.state.fl.us  
Fax: +1 850 414-6031 or +1 850 488-0695  
**Salutation: Dear Members of the Clemency Board**  
(ask for your appeal to be forwarded to the Clemency Board)

### Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Ernest Suggs was arrested on 7 August 1990. He was initially incarcerated in an isolation cell in Walton County Jail. About a week later, he was moved to another cell, in which James Taylor was held. Shortly after that another inmate, Wallace Byars, was moved into the cell. On 21 August, the two men told the authorities that Ernest Suggs had made incriminating statements about Pauline Casey's murder. The following day, Ernest Suggs was charged with the murder.

Research in the USA indicates that in 15 per cent of cases of wrongful criminal convictions overturned after DNA testing showed the prisoner's innocence, an informant had testified against the defendant at the original trial. Without the informant testimony, the case against Ernest Suggs is circumstantial. No murder weapon was ever found and there is no DNA evidence linking Ernest Suggs to the crime. Two fingerprints and a palm print identified as belonging to the victim were found on or in his car, but were not dateable, and evidence that the two were friends could point to a benign reason for the prints. A stain on Ernest Suggs' shirt revealed an enzyme consistent with the victim's blood, but also with 90 per cent of the Caucasian population and possible other sources. An expert for the defence argued that the state's improper storage of the shirt also may have made the results unreliable. Vegetation that was found caught under the car did not match that from the place where the body was found, and paint scrapings from that location did not match the car's paintwork. Tire tracks at the scene had similar tread patterns to the tires on his vehicle, but no individual characteristics unequivocally identified the tracks as having been left by his car.

At the sentencing phase, the state introduced evidence that Ernest Suggs had been convicted in 1979 of a murder in Alabama and was on parole at the time of Pauline Casey's murder. It also admitted into evidence a book that had been found in his parents' house in Walton County where he had been staying. The prosecutor argued that the wounds depicted in a photograph on one of the pages of the book were similar to those received by Pauline Casey, and that this proved that Ernest Suggs had planned how she would die. There was no proof that the book belonged to Ernest Suggs or that he had ever handled it.

After Ernest Suggs was arrested, the authorities stopped investigating two other suspects, one of whom was the victim's husband. Both these individuals testified at the Suggs trial, and during the jury's deliberations, the jurors sent a request to have their testimony read back to them, a possible indicator of residual doubt about their credibility as witnesses. After it transpired that it would take three hours to obtain the transcript, the jury dropped the request.

In January 2014, the former judge who had sentenced Ernest Suggs to death two decades earlier, reconfirmed to his lawyer that she was still supporting clemency. In her letter to Governor Scott in 2013, in which she urged the governor to commute the death sentence to life in prison, she had suggested that the jury's narrow vote for a death sentence in this case "demonstrates that even for a jury in the most conservative part of the state, Suggs' execution is by no means the unanimous choice". She said that she was "constantly amazed at how little the citizens of Florida know about the realities" of capital punishment, adding that "concrete facts that argue against the death penalty" include its costs, its lack of deterrent effect, its arbitrary and discriminatory application, the "fallibility of eye witnesses and other evidence", and the number of wrongful convictions shown to have occurred in capital cases. Florida accounts for some 15 per cent, more than any other state, of the more than 140 prisoners released from death rows in the USA since 1973 on grounds of innocence.

In 2012, a quarter of all death sentences in the USA were passed in Florida, and in 2013, this state accounted for nearly 20 per cent. In 2013, Florida carried out more executions than it had in any year since 1984 and today lies behind only Texas, Virginia and Oklahoma in the number of executions carried out since 1976, accounting for 83 of the 1,367 executions in the USA during this period. There have been eight executions in the USA this year, two of them in Florida. Amnesty International, which is not in a position to know whether Ernest Suggs is guilty or innocent of the crime for which he is on death row, opposes the death penalty in all cases, regardless of the seriousness of the crime, the culpability of the defendant, or the method used by the state to kill the prisoner. Today, 140 countries are abolitionist in law or practice.

Name: Ernest Suggs

Gender m/f: m

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