

URGENT ACTION

FLORIDA CONDUCTS ITS FIRST EXECUTION SINCE 2019

Donald Dillbeck was executed in Florida on 23 February 2023. He was sentenced to death in 1991 after only eight of 12 jurors voted for the death penalty under a law since found unconstitutional. The courts declined all final appeals, and the Governor of Florida, who had signed the death warrant, did not intervene to stop the execution.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

The courts, including the US Supreme Court, refused to stay Donald Dillbeck's execution. His lawyers had asked them to take into account expert views of the medical community that Neurobehavioral Disorder Associated with Prenatal Alcohol Exposure (ND-PAE) is functionally similar to intellectual disability and is "uniquely identical in both etiology and symptomatology" to it, and that Donald Dillbeck's diagnosis of ND-PAE should exempt him from execution under the constitutional ban on the use of the death penalty against people with intellectual disability.

The lawyers also argued that it was unconstitutional to execute a person whose death sentence was passed by less than a unanimous jury.

The Governor of Florida, Ron DeSantis, had signed Donald Dillbeck's death warrant on 23 January 2023. On the same day, he put forward the idea that the Florida legislature should pass a law to lower the threshold for a capital jury vote for the death penalty from the currently required unanimity to "maybe eight out of 12 have to agree". He expressed the view that "we can't be in a situation where one person can just derail this" (that is, have one juror voting against the death penalty being enough to prevent a death sentence). Legislators have since filed bills that if passed would make such a change.

At 6.02 pm on 23 February 2023, the lethal injection of Donald Dillbeck began. He was pronounced dead 11 minutes later, at 6:13 pm.

This was the first execution in Florida since August 2019 and the 100th in the state since the US Supreme Court upheld new capital statutes in 1976. Only Texas, Virginia and Oklahoma have conducted over 100 executions since 1976. Virginia has since abolished the death penalty, as have 10 other states in the past decade and a half. There have been seven executions in the USA this year in four states, Missouri (2), Oklahoma (1), Texas (3) and Florida (1). Between them, these four states account for 57 per cent of the 1,565 conducted in the USA since 1976.

NAME: Donald Dillbeck

THIS IS THE FIRST AND FINAL OUTPUT FOR UA 016/2023

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/6429/2023/en/>