

PUBLIC

AI Index: AMR 51/158/99

27 September 1999

Further information on EXTRA 118/99 (AMR 51/137/99, 27 August 1999) -
Death penalty / Legal concern

USA (Florida) Thomas Harrison Provenzano, aged 50

On 23 September 1999 Thomas Provenzano was granted a stay of execution by the Florida Supreme Court. He had been scheduled for execution on 24 September for the killing of a bailiff in Orange County Courthouse, Orlando, in January 1984. The shooting left two other bailiffs paralysed, one of whom died in 1991.

After an evidentiary hearing held from 31 August to 2 September, a Circuit Court Judge ruled that Thomas Provenzano was competent to be executed, that is, that he understood the nature of and reason for his punishment. However, on 23 September, the state Supreme Court ruled that the judge had been wrong not to delay the hearing to allow expert testimony from a Wyoming psychologist employed by the defence. She has concluded that Thomas Provenzano is insane, but she could not appear in person at the hearing due to prior commitments. The state Supreme Court has ordered that the Circuit Court hold a new hearing.

If the Circuit Court Judge again rules that Thomas Provenzano is fit to be executed, the Supreme Court stay will last another three weeks from that date in order to allow the defence to appeal.

Thomas Provenzano had been scheduled for execution on 14 September, but was granted a 10-day stay by the state Supreme Court to allow it more time to examine the competency issue.

On 24 September, the Florida Supreme Court ruled on the second issue before it in this case, namely the constitutionality of the use of the electric chair. In a 4-3 decision, it ruled that the use of the chair is constitutional and does not amount to cruel or unusual punishment, although it urged the state legislature to introduce lethal injection as an alternative execution method.

In a dissenting opinion, Justice Shaw wrote: "Execution by electrocution -- with its attendant smoke and flames and blood and screams -- is a spectacle whose time has passed. The fiery deaths of Jesse Tafero and Pedro Medina and the recent bloody execution of Allen Lee Davis are acts more befitting a violent murderer than a civilized state." In another dissenting opinion, Justice Pariente wrote: "Just as the guillotine, public hanging and death by firing squad would be deemed barbaric relics of another era, so must electrocution be declared unconstitutional...". In the third dissenting opinion, Justice Anstead wrote that "our continuing embrace of a savage and inhumane means of taking life does a disservice to our justice system and our society."

According to reports, Governor Jeb Bush, a supporter of the electric chair, said: "The court's decision is a resounding victory for all Floridians, especially those who have been victimized by the cruel and malicious acts of those inmates on death row."

Amnesty International believes that the death penalty, irrespective of the method used to end the life of the prisoner, is a punishment whose time has passed.

No further action by the UA Network on the case of Thomas Provenzano is requested at present. Many thanks to all who sent appeals on his behalf.