

27 October 1999

Further information on EXTRA 141/99 (AMR 51/163/99, 8 October 1999) - Death penalty

USA (Florida) Terry Melvin SIMS, white, aged 57

Anthony Braden BRYAN, white, aged 40

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On the evening of 26 October 1999, the US Supreme Court ruled that it would consider whether execution in Florida's electric chair violates the US Constitution. The Court has not considered the constitutionality of the electric chair for more than a century.

The Court made its ruling in the case of Anthony Bryan, but the decision means that both he and Terry Sims now have an indefinite stay of execution, and halts executions in Florida. It may also temporarily end executions in three other states that use the electric chair as their sole method of execution - Alabama, Georgia and Nebraska.

The decision came less than an hour after the Florida Supreme Court granted Anthony Bryan a two-day stay of execution, 12 hours before he was due to be killed, to allow him to pursue his claims of inadequate legal representation. The state supreme court had already granted Terry Sims a week-long stay on 25 October, less than 24 hours before he was scheduled to be put to death. His lawyers had filed last-minute appeals in their effort to gain access to records on his case in order to investigate his claims of wrongful conviction.

The US Supreme Court decision comes less than a month after the Florida Supreme Court ruled 4-3 that use of the state's electric chair does not violate Florida's constitution, even though all seven judges urged the state legislature to adopt lethal injection as an alternative. The three dissenting judges made an impassioned attack on the use of the chair, variously describing it as "barbaric", "savage", "inhumane" and "more befitting a violent murderer than a civilized state". One of the judges appended post-execution photos of Allen Lee Davis, executed in July, in order to make his point more graphically.

A spokesman for Governor Jeb Bush stated that he was "disappointed" in the ruling: "From our perspective, it's unfortunate the family members of the victims still have to wait for justice... The Governor still has confidence... the chair is functioning properly and that the constitutionality will be upheld by the Supreme Court. This chair has stood the test of time and we're confident it will again." The spokesman speculated that it could be next June before the Court gives its answer.

The Republican Speaker of Florida's House of Representatives was reported to have reacted angrily to the decision, saying that the US Supreme Court had "totally frustrated the law of the land and the will of the people." He reportedly stated that he had spoken to the Governor and discussed finding ways to allow the state to continue to execute prisoners. He reportedly stated that he is willing to call for a special session of the state legislature to consider switching to lethal injection.

Amnesty International opposes the death penalty in all cases, irrespective of the method used to end the life of the prisoner. Every death sentence is an affront to human dignity; every execution serves to deepen the culture of violence in society. The organization believes that Florida should take the

opportunity created by the enforced halt in executions to reconsider its use of the death penalty. Florida's politicians should begin working to lead their state away from officially-sanctioned killing and towards a constructive response to violent crime more befitting a modern state.

**No further action by the UA Network is requested at present. Many thanks to all who sent appeals.**