

URGENT ACTION

EXECUTION CARRIED OUT IN FLORIDA

William Van Poyck was executed in Florida on 12 June. He had been sentenced to death in 1988 for the murder of a prison guard in 1987.

Florida prison guard Fred Griffis was shot dead on 24 June 1987 as he and another guard were transporting an inmate to a doctor's office outside the prison. The two men involved in aiding this escape attempt, **William Van Poyck** and Frank Valdes, were arrested after a police chase, charged with murder and both sentenced to death.

Frank Valdes died in 1999 from massive injuries sustained during an alleged beating by guards in his isolation cell in the high-security X-Wing of Florida State Prison. In 2002, three guards were acquitted in the case and charges ranging from conspiracy to murder were dropped against five others (see *USA: Amnesty International deeply disturbed by apparent impunity for guards in Frank Valdes killing* <http://www.amnesty.org/en/library/info/AMR51/076/2002/en>).

William Van Poyck's lawyers made a number of final appeals to the courts seeking a stay of execution and further review of the question of the adequacy of his legal representation at trial, coupled with evidence that he was not the "triggerman" who actually killed the victim. On 6 June 2013, the Florida Supreme Court rejected the appeal and refused to stay the execution. The lawyers turned to the US Supreme Court which denied a stay of execution on the afternoon of 12 June.

On 12 June, one of William Van Poyck's lawyers also wrote to Governor Rick Scott "to ask one last time for clemency". In his letter, the lawyer reiterated evidence that William Van Poyck was not the person who actually shot Fred Griffis, and included an affidavit signed by the widow of Frank Valdes on 16 May 2013. In this affidavit, Wanda Valdes asserted that her husband had told her that it had been he who had shot Fred Griffis and that after the shooting William Van Poyck had asked him "why did you kill him?" In her statement, she said that "I promised not to tell anyone, but Frank is dead now and I want to be honest. I'm not gonna let someone die and me know the truth".

The lawyer, noting that he had represented the prisoner for the past 21 years on a pro bono basis, reiterated to the governor evidence that the jury had not heard a range of mitigating evidence because of his trial counsel's failure to investigate it. The lawyer concluded by asserting that "today, and despite the circumstances that led to his current situation, Van Poyck is, simply put, rehabilitated. He has accomplished enormous things under the most difficult of circumstances", including helping other prisoners, and having a number of short stories and novels published.

Reportedly by order of the governor, the execution was rescheduled from 6pm to 7pm. After the US Supreme Court refused to stay the execution, the lethal injection went ahead at Florida State Prison. William Van Poyck was pronounced dead at 7.24 pm, 23 minutes after the injection process had begun.

There have been 15 executions in the USA this year, and 1,335 in total nationwide since judicial killing resumed in the USA in 1977. Florida accounts for three of this year's executions and 77 of the total since 1977.

No further action is requested. Many thanks to all who sent appeals.

This is the first update to UA 148/13. Further information: <http://amnesty.org/en/library/info/AMR51/035/2013/en>

Name: William Van Poyck
Gender m/f: M

Further information on UA: 148/13 Index: AMR 51/037/2013 Issue Date: 13 June 2013

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