

URGENT ACTION

FLORIDA GOVERNOR SIGNS NEW DEATH WARRANT

Florida's Governor has signed a death warrant in the case of Shane Kormondy, whose execution has been scheduled for 15 January. This would be the 21st execution under Rick Scott's governorship, equalling the record for any Florida governor since 1976.

On 24 November, Governor Rick Scott signed the death warrant for **Johnny Shane Kormondy** for the murder of Gary McAdams in July 1993. The death warrant states that "it has been determined that executive clemency is not appropriate", and that Governor Scott designated the week beginning 12 January 2015 for the execution. A letter to the Warden of Florida State Prison accompanying the death warrant notes that the Warden has set the date and time of the execution for 15 January at 6pm.

There have been 20 executions in Rick Scott's first term as Florida Governor, which began in January 2011, more than during the first term of any Florida governor since the US Supreme Court approved new state capital laws in 1976, and only one fewer than occurred under Governor Jeb Bush over two terms (1999-2007). Rick Scott was elected to a second term in November 2014. His re-inauguration is due to take place on or around 6 January, about a week before Shane Kormondy is scheduled to become the next inmate killed in Florida's execution chamber.

The USA's ratification of the International Covenant on Civil and Political Rights (ICCPR) in 1992 placed an expectation on officials in the USA at all levels – local, state and federal – to work toward abolition of the death penalty. In April 2014, after its latest scrutiny of US compliance with the ICCPR, the UN Human Rights Committee expressed its concern at the continuing use of the death penalty and called on the federal authorities to "engage with retentionist states with a view to achieving a nationwide moratorium" on executions. On 28 November, the UN Committee Against Torture urged the USA to establish a moratorium on executions with a view to abolition.

Amnesty International opposes the death penalty in all cases, unconditionally. Today, 140 countries are abolitionist in law or practice. Eighteen US states have abolished the death penalty, four of them since 2009.

Please write immediately in English or your own language:

- Expressing deep regret that clemency has been denied to Johnny Shane Kormondy, noting that the other two defendants received life sentences;
- Noting developments against the death penalty in other US states, and in the rest of the world;
- Calling on this and all executions in Florida to be halted, and for the authorities to work for abolition;
- *To the US Attorney General:* Noting the UN Human Rights Committee's recommendation and calling on the US government to do all it can to engage with the Florida authorities to stop this and all other executions in the state.

PLEASE SEND APPEALS BEFORE 15 JANUARY 2015 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

The Honorable Eric H. Holder
Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530-0001
USA
Fax: +1 202 514 4507
Email: AskDOJ@usdoj.gov
Salutation: Dear Attorney General

And copies to:
Assistant Secretary, Bureau of
Democracy, Human Rights and Labor
Tom Malinowski
US Department of State
2201 C Street, N.W.
Washington DC 20520
USA

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. This is the first update of UA 162/14. Further information:
www.amnesty.org/en/library/info/AMR51/039/2014/en

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ADDITIONAL INFORMATION

Gary McAdams was shot dead and Cecilia McAdams was raped, but survived, during a robbery of their Pensacola home on 11 July 1993. Three men were charged, with the state intending to seek the death penalty against all three. They were tried separately in 1994. Curtis Buffkin was brought to trial first, with the prosecutor describing him as “the ringleader” who “got to carry the gun” and “took total command of his cohorts”. However, during jury deliberations when it looked like a first-degree murder verdict might not emerge, the state agreed to a plea bargain under which Buffkin avoided the death penalty in return for testimony against his two co-defendants. James Hazen was sentenced to death. This was reduced to life by the state Supreme Court on the grounds that he was less culpable than Buffkin, who received a life sentence.

The third defendant, Johnny Shane Kormondy led police to the other two after his arrest. He said that it was Buffkin who shot Gary McAdams. After turning state’s witness, Buffkin said that Kormondy shot the victim accidentally. At Shane Kormondy’s trial, the state presented Cecilia McAdams, whose testimony indicated that Buffkin was not the gunman, and a witness who had gone to the police to seek the large reward on offer for information about the crime and testified that Kormondy said he shot the victim. There were inconsistencies in the testimony of both witnesses compared to their pre-trial statements. Shane Kormondy was found guilty and the jury voted eight to four for a death sentence. In 1997 the Florida Supreme Court overturned this, ruling that the evidence “cannot support a finding of premeditation”, only first-degree felony murder. At a re-sentencing in 1999 a new jury voted for death, again eight to four. In 2003 the state Supreme Court upheld this death sentence, rejecting the claim that it was disproportionate compared to the life sentences of the other two men because, on the trial evidence indicating he was the gunman, Shane Kormondy was more culpable.

At a hearing in state court in 2005, Curtis Buffkin and James Hazen recanted their prior statements. The former testified that he shot Gary McAdams, by accident, and that the murder weapon was never in Kormondy’s hands during the crime. He said he lied in order to “get a plea bargain”, and was changing his story now because “the family should really know what exactly happened”. James Hazen testified that he was present at the crime – at his own trial he denied being there. He said that Curtis Buffkin verbally indicated to him that he shot Gary McAdams. The court declined to credit the recantations. In 2011 a US District Court judge noted that the evidence that Shane Kormondy “was the shooter...is not conclusive” and “a new trial might or might not produce a finding that Mr Kormondy was the shooter”. However, the federal judge upheld the death sentence.

In 2012, a quarter of all death sentences in the USA were passed in Florida, and in 2013, Florida accounted for nearly 20 per cent of the year’s death sentences in the USA. In 2013, Florida executed more people than it had in any year since 1984, and has equalled that 1984 total in 2014, and today lies behind only Texas, Virginia and Oklahoma in the number of executions carried out since 1976 when the US Supreme Court approved new capital statutes. There have been 1,392 executions in the USA since 1976, 89 of them in Florida. There have been 33 executions in the USA this year, eight of them in Florida.

Legislatures and governors in four US states have abolished the death penalty in the past five years – New Mexico (2009), Illinois (2011), Connecticut (2012) and Maryland (2013), and another two states currently have governor-imposed moratoriums on executions – Oregon and Washington State. In contrast, in 2013 the Florida legislature passed, and Governor Scott signed into law, the Timely Justice Act, in part to get death row inmates to the execution chamber more efficiently.

Name: Johnny Shane Kormondy
Gender m/f: m