

PUBLIC

AI Index: AMR 51/163/99

EXTRA 141/99

Death penalty 8 October

USA (Florida) Terry Melvin SIMS, white, aged 57
Anthony Braden BRYAN, white, aged 40

Terry Sims and Anthony Bryan are scheduled to be executed in Florida's electric chair at 7am local time on 26 and 27 October 1999 respectively.

Terry Sims was sentenced to death on 24 July 1979 for the murder of George Pfeil, an off-duty police officer, during a robbery of a pharmacy in Longwood on 27 December 1977.

Anthony Bryan was convicted of the kidnapping, robbery and murder of George Wilson, a 60-year-old night watchman, in Santa Rosa County on 12 August 1983. He was sentenced to death on 16 May 1986.

In recent days, lawyers for both men have lodged appeals challenging the constitutionality of execution in the state's electric chair (see below).

BACKGROUND INFORMATION

On 24 September 1999, the Florida Supreme Court rejected death row inmate Thomas Provenzano's claim that the state's use of the electric chair was unconstitutional and does not amount to cruel and unusual punishment, although it urged the state legislature to introduce lethal injection as an alternative execution method (see update to EXTRA 118/99, AMR 51/158/99, 27 September 1999). Provenzano's appeal had followed the execution of Allen Lee Davis on 8 July, during which Davis cried out, and blood appeared on his shirt and from behind the face mask. His chest was said to have heaved repeatedly after the current was switched off.

Three of the seven Supreme Court Justices dissented. One of them, Justice Leander 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 [executed in 1990] and Pedro Medina [executed in 1997] and the recent bloody execution of Allen Lee Davis are acts more befitting a violent murderer than a civilized state. The color photos of Davis depict a man who -- for all appearances -- was brutally tortured to death by the citizens of Florida. Violence begets violence, and each of these deaths was a barbaric spectacle played by the State of Florida on the world stage.*" Evidently believing that his words were not enough, Justice Shaw appended the post-execution photos of Davis to his opinion which was then made public, including on the Internet.

The lawyers of Terry Sims and Anthony Bryan have filed separate appeals with the Florida Supreme Court, again challenging it to find electrocution unconstitutional. Apart from arguing that execution by electrocution carries substantial risks of pain, suffering, degradation and disfigurement, the appeals argue that the two prisoners are suffering increased psychological distress from having learned -- through the Provenzano case -- explicit details of the Davis execution.

Governor Bush, who remains a supporter of the electric chair, has the authority to grant clemency on the advice of the Board of Executive Clemency. He also has the power to grant reprieves of up to 60 days. In early July 1999, after he signed his first two death warrants - for Davis and Provenzano - Florida's Catholic bishops called on Governor Bush, who is Catholic, to grant clemency.

The bishops wrote that "killing people to show that killing is wrong is a piercing contradiction. Executions coarsen us". Governor Bush is reported to have stated that he will not let his private religious beliefs interfere with his public duties.

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.

RECOMMENDED ACTION: Please send faxes/express/airmail letters in your own words, in English or your own language, using the following points as a guide:

- acknowledging the seriousness of the crimes of Terry Sims and Anthony Bryan and the suffering of their victims and the families of the victims;
- pointing out that a majority of the world's countries no longer use the death penalty, and expressing deep concern at Florida's continuing resort to this cruel, inhuman and degrading punishment;
- + **to the Clemency Board:** urging the Board members to recommend that Governor Bush grant clemency to the prisoners;
- + **to the Governor:** urging him to use the opportunity presented by the controversy over the state's use of the electric chair to offer the kind of leadership necessary for Florida to turn away from the death penalty and towards humane and effective methods in responding to violent crime.

APPEALS TO:

Board of Executive Clemency
2601 Blairstone Road
Building C, Room 229
Tallahassee, FL 32399-2450
Tel:+ 1 850 488 2952
Faxes:+ 1 850 488 0695
Salutation:Dear Board Members

The Honorable Jeb Bush
Governor of Florida
The Capitol, Tallahassee
FL 32399, USA
Tel:+ 1 850 488 4441
Faxes:+ 1 850 487 0801
Salutation:Dear Governor

COPIES TO: diplomatic representatives of USA accredited to your country.

You may also write brief letters (no more than 250 words) to:

Letters to the Editor, *Orlando Sentinel*, 633 North Orange Avenue, Orlando, FL 32801-1349, USA. **Faxes: + 1 407 420 5286. E-mails: osoinight@aol.com**

PLEASE SEND APPEALS IMMEDIATELY.