

# 'Crucial evidence' in death row murder case stolen

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## **The Associated Press**

TALLAHASSEE, Fla. --

A box of "crucial" evidence used in the trial of a man sentenced to death has been stolen, authorities said Friday.

It's doubtful the loss would affect Franklin Delano Floyd's sentence, but it may affect pending federal appeals, said Bruce Bartlett, the chief assistant in Pinellas-Pasco County State Attorney's Office.

Floyd, 64, was convicted in 2002 for the murder of Cheryl Ann Commesso of Brandon, whose skeletal remains were found alongside Interstate 275 in 1995. He was convicted of Commesso's death in part because investigators found photos that showed her bound and beaten taped to the gas tank of a pickup truck Floyd had stolen. The pictures may be in the missing box.

The box of evidence missing was among a trailer full of other packages stolen in November from DHL, a shipping company.

The items were in the custody of the Florida Supreme Court, which typically keeps evidence in death row cases until all state appeals have been exhausted. After that, the items are shipped back to the county where the inmate was convicted.

Two boxes of evidence were shipped by the Supreme Court to Clearwater on Nov. 2, records show. One arrived, but the other box was on a trailer used by a DHL subcontractor that was stolen in Orlando early last month.

DHL wrote the court they did not expect the trailer to be recovered. In return, they offered \$100.

Floyd's attorneys, who could not be reached for comment, could argue the evidence is useful and warrant a reduction in sentence.

Floyd also is serving more than 50 years for an unrelated kidnapping and carjacking conviction in Oklahoma.

Commesso, a dancer at Tampa's Mons Venus strip club, went missing in 1989. In March 1995, a landscaper found human remains alongside I-275. It took investigators a year to determine they belonged to Commesso.

Supreme Court officials still want answers from DHL, which has a state contract to handle the court's packages.

"Any loss of evidence in a case is of critical importance," Florida Supreme Court Chief Justice R. Fred Lewis wrote the shipping company Tuesday. "The detrimental impact of this type of loss upon the functioning of the state courts cannot be overstated."

DHL said in a statement that they are cooperating with authorities to try to locate the trailer and the packages.