

Florida to resume lethal injections

Arguments in case of convicted child-killer could delay resumption of death sentences

By Bill Cotterell and John Torres • FLORIDA CAPITAL BUREAU • April 17, 2008

Proclaiming that "justice is waiting," Gov. Charlie Crist said a U.S. Supreme Court ruling means the state will soon carry out death sentences again after a 17-month hiatus in Florida.

The nation's highest court affirmed the constitutionality of the lethal injection method used in Florida and 34 other states.

The November execution of convicted child-killer and rapist Mark Dean Schwab was halted by the U.S. Supreme Court until it ruled in the Kentucky case decided Wednesday.

Attorney General Bill McCollum immediately asked the justices to let Florida proceed with Schwab's execution for the 1991 torture, rape and murder of 11-year-old Junny Rios-Martinez. Crist asked his legal staff for a short list of condemned killers who have been on Death Row a long time, headed by those whose crimes are especially heinous.

Legal experts said it's hard to know exactly when executions will resume.

A stay issued by the U.S. Supreme Court remains in place as well as a motion for rehearing with the Florida Supreme Court. But Assistant State Attorney Wayne Holmes believes it is basically a matter of paperwork before they are resolved.

"Realistically, we could see his execution by June," Holmes said. "All of the issues have clearly been removed."

Junny's parents were honored Tuesday night for their community activism. State Attorney Norm Wolfinger presented the Howard Futch Memorial Leadership Award to Vicki and Junny Rios-Martinez Sr.

The family greeted Wednesday's Supreme Court decision with trepidation.

"The roller coaster has begun and we don't want to get on," said Vicki Rios-Martinez while coloring a client's hair at her salon. "Junny and I talked and we've made a pact not to give any interviews to anyone until he is executed, and then we will make a statement."

If the Florida Supreme Court, where a request for rehearing of a rejected appeal remains, schedules arguments in Schwab's case, the resumption of lethal injections in Florida

could be delayed for months, said attorney Suzanne Keffer who defends convicted killers for the Capital Collateral Representative office in Fort Lauderdale.

But Circuit Judge O.H. Eaton of Sanford, who teaches a capital-punishment course at the Florida College of Advanced Judicial Studies, said the end is getting near.

"It looks like everybody but Justice Stevens thinks it's over," he said of the high court's 7-2 decision. "All the states are using the same protocol, the same three drugs, the same procedure. I don't see any reason, based on this opinion, that matters can't proceed."

Florida halted lethal injections after the 34-minute execution of Angel Diaz in December 2006, when a needle went into soft tissue of his arm instead of staying in a blood vessel. The Department of Corrections reviewed its methods and drew up detailed new execution procedures last year, to make sure the first drug knocks inmates out, the second paralyzes them and the third stops the heart. Those new procedures were determined constitutional by the Florida Supreme Court last year.

Schwab kidnapped Junny about a month after being released from prison for raping Coco Beach teenager Than Meyer at knifepoint.

"Junny's life had just begun and who knows who he'd be today," Meyer said. "I know he is dearly missed and I wish I had a chance to know him."