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Death row inmate's sister talks of abuse

Lawyers renew efforts to save England's life

By JAY STAPLETON

Staff Writer

DELAND -- A condemned killer sat quietly Monday as his mother and sister testified in his renewed effort to avoid the death penalty.

Both spoke, sometimes vaguely, of abuse Richard England suffered at the hands of his father while growing up in Georgia. The abuse, which included beatings and strict "military style punishment," was imposed before England was sent away for murdering a New Smyrna Beach man at age 16. England served 11 years for that crime before he was released on parole.

In 2004, England, 36, was convicted for the July 2, 2001, beating death of Howard Wetherell, a former Daytona Beach planning board member. The killing in Wetherell's apartment was described as "horrible, brutal, bone-crushing," by Circuit Judge S. James Foxman, who sentenced England to die after the jury voted 8-4 in favor of recommending the death penalty.

The Florida Supreme Court affirmed England's conviction and death sentence. But now, England's appeals lawyers have renewed their effort to save his life. The primary argument, they say, is that England should get a new trial because his attorneys were ineffective the first time around.

With that aim in mind, Circuit Judge James Clayton is presiding over an evidentiary hearing that is expected to continue Thursday and Friday. The first two witnesses, England's mother and sister, said Monday they were not asked to testify in his trial.

Wetherell, 71, died from a broken neck after he was repeatedly beaten with a fire poker during a robbery.

Michael Douglas Jackson, who had moved in with Wetherell months before, is now serving a life sentence for his role in the killing. Taking back what he'd said earlier, Jackson testified at trial that he was the killer.

There was also a jailhouse snitch, Steven Diehl, who testified he met England in jail and that England confessed to him "beating an old pervert" to death with a pipe, according to court records. Diehl testified in England's trial that England told him Wetherell deserved to die, because he'd been having sex with a young man, according to court records.

Taking the stand Monday, Diehl, who is in custody in Kentucky for a drug offense, said that it was a corrections officer who first solicited information from him, and not the other way around.

Attorneys for England now say his trial lawyers, Gerard Keating and Rob Sanders, failed to adequately question Diehl to reveal he was being used as an agent for the state.

England's sister, Allison, who lives in Texas, described being forced to eat junk food with her two brothers during their childhood until they got sick. "He was pretty rough on all of us," she said of her father, Ronnie England, who had adopted Richard England as a baby.

She said that during the trial, members of the defense team said "they didn't need us" to testify.

"Did Mr. Keating or Mr. Sanders ever explore these types of things with you with regard to your brother's trial?" asked James Viggiano, an attorney working for the state who represents defendants in death penalty appeals. "No, we never talked about the abuse, no," she said.

"If you were asked about these things, would you have come in and testified at your brother's trial?" Viggiano asked her. "Of course," she answered. "I'd do anything for my brother."

Under cross-examination, Assistant Attorney General Barbara Davis pointed out that she had testified by telephone about how the strictness of their father, Ronnie England. "You relayed you had to eat cookies until you were sick, you testified to everything you testified today," Davis prodded. "Yes ma'am," Allison England replied.