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Justice denied? On Florida's death row, many lives end - but not by execution

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Convicted killer Marvin Johnson spent 21 years on Florida's death row, then suffered a fatal heart attack. Cancer claimed Charles Globe, a half-dozen years into his wait to be executed.

William Coday took matters into his own hands -- killing himself before the governor could sign a death warrant.

In Florida, the death penalty doesn't always mean death by execution. Heart disease, fatal ailments and suicide are just as likely to kill.

Between March 1998 and November 2008, the Department of Corrections executed 26 prisoners. During that same period, another 26 death-row inmates died of other causes, the Orlando Sentinel found.

Such figures don't surprise experts, since death-penalty cases can take years -- even decades -- to work through the legal system.

While the condemned wait, they can fall victim to ailments traceable to years of unhealthy living before their convictions, including drugs and alcohol abuse.

Of the 26 inmates who died from other causes, more than half passed away from cancer or heart disease. Prison officials wouldn't comment on the health of those currently on death row. But two inmates were recently in a prison infirmary, and another at a treatment center, according to DOC.

Prisoners spend an average of 14 years on death row. The rate of execution in Florida fluctuates each year -- six in 2000, for example, but two last year.

A lull came between 2007 and 2008 while the U.S. Supreme Court considered whether lethal injection was cruel and unusual punishment. Justices decided no, so executions resumed last summer.

The latest execution took place Feb. 13. Wayne Tompkins, 51, had been on death row for 23 years after he was convicted of killing a 15-year-old girl in Hillsborough County.

Killer commits suicide

Last April, Robert Hullinger got word that the man who murdered his daughter killed himself on death row.

William Coday, 51, bled to death alone in his cell at Union Correctional Institution -- not strapped to a gurney with witnesses watching through a glass window as the court ordered.

"We had not expected anything like that," said Hullinger, 75.

Coday, a former librarian, was sentenced to death in 2002 for killing his ex-girlfriend, Gloria Gomez, in Broward County. He stabbed her more than 40 times and inflicted nearly 60 blunt injuries 12 years ago.

It was the second time Coday was convicted of killing an ex-girlfriend.

In 1978, he murdered Hullinger's daughter, 19-year-old Lisa Hullinger, in Germany. Both were students at the time. Coday served less than two years in prison before returning to the United States.

Robert Hullinger and his wife, Charlotte, traveled from Cincinnati to attend Coday's trial in Florida. Gomez's family was unable to attend so the Hullingers wanted to make sure a victim's family was present.

He said he did not feel as though Coday cheated justice. But Hullinger also said the death brought him no relief.

Families wait

Coday's death didn't faze Robert Hullinger, but many families fear that the Grim Reaper will rob them of a chance to see the killers of their loved ones executed.

Ginie Meadows likens the murder of her cousin more than three decades ago to dropping a large boulder in a small pond. She said the ripple effect of pain and fear, and now frustration, goes on and on and on.

James Hitchcock received the death penalty in 1977 for the Winter Garden rape and murder of his step-niece, Cindy Driggers. But after three resentencings, four death sentences upheld and 19 appeals, Hitchcock -- who is now 52 -- still sits on death row.

"The emotional strain is unbelievable," said Meadows, 52, of Vero Beach. "First you become the victim of the criminal, and then you become the victim of the criminal-justice system."

Meadows said she does not oppose appeals, in general, because she wants the "right bad guy" punished. She wants her family to be able to live without the fear that Hitchcock could someday go free, however.

"I do not want him to die of natural causes," Meadows said. "I want him to know the fear of taking that walk to his final destination on earth."

Lawmakers have tried to speed up death-penalty appeals by better educating judges and attorneys so fewer mistakes are made at trial.

"Over the years, [cases] have been decided better," said Seminole Circuit Court Judge O.H. Eaton, who teaches judges and attorneys about death-penalty issues. "The reversal rate is lower. . . and that saves a lot of time."

Meanwhile, throughout the country, courts are sentencing fewer killers to die by lethal injection. The annual number of new death sentences has dropped about 60 percent since the 1990s, according to a December study by the Death Penalty Information Center.

Though more than half the country still supports the use of the death penalty, states are killing fewer prisoners than a decade ago. In 2008, 37 inmates -- including two from Florida -- were executed, compared with 98 in 1999.

About 10 years ago, about 80 percent of death-penalty cases were reversed on appeal, said Roger Maas, executive director of Florida's Commission on Capital Cases, which oversees the attorneys who handle most of the death-row appeals. It is only 20 percent now.

"I don't know how the system can be speeded up and [cases] still get a close review," he said.

Importance of appeals

Former death-row inmate Juan Roberto Melendez, 58, says he's alive because he had the time to appeal.

He was sentenced to die for the 1983 murder of Auburndale beauty-salon owner Delbert Baker.

It took 17 years, eight months and a day before his attorneys uncovered evidence that would have cast doubt on Melendez's guilt. Polk County prosecutors elected to drop the charges.

On Jan. 3, 2002, he became a free man.

"In trying to get the Ted Bundys and child killers, innocent people get caught up in the net," he said by phone from where he lives in New Mexico. "The system is not perfect."