

Cabinet commutes life sentence of inmate who had pocket knife in '86 burglary

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TALLAHASSEE — A 3-inch pocketknife cost Timothy Bunkley decades of freedom. But his persistence paid off, and he will walk out of prison any day now.

In a case that went all the way to the U.S. Supreme Court, Bunkley had his life sentence commuted Thursday by Gov. Charlie Crist and the Cabinet, an action rejected twice previously by the Florida Supreme Court.

The vote was 3-1, with Chief Financial Officer Sink voting no. The Parole Commission had recommended that the 54-year-old Bunkley remain in prison, where he has spent nearly 25 years.

Bunkley botched the burglary of a Western Sizzlin' restaurant in Sarasota in 1986, and when sheriff's deputies caught him, they found a common pocketknife in his pants.

Bunkley did not use the knife in the break-in and the restaurant was closed and empty at the time. The weapon elevated the crime to armed burglary, and a judge sentenced him to life.

A state law on the books for more than a century exempted a "common pocketknife" from the definition of a weapon. And in 1997, the state Supreme Court, interpreting that law for the first time, ruled that a pocketknife was not a weapon, citing a decades-old attorney general's opinion.

So the court vacated Bunkley's first-degree burglary conviction but refused to order his release. Undeterred and representing himself, Bunkley petitioned the nation's highest court, which vacated his conviction and sent the case back to the Florida Supreme Court.

In the 1970s and 1980s, Bunkley committed so many break-ins to support his drug habit that he acquired the nickname "busiest burglar."

He was convicted of 16 burglaries between 1975 and 1986, and prosecutors said at the time he admitted to 352 others.

Bunkley's former sister-in-law, Libby Webster, said Bunkley had a deformed ear and was desperate to find friends who would accept him.

"He fell into the wrong crowd, was offered drugs, became an addict and so began his life of crime," Webster said. "Should he have been punished? Of course, but not a life sentence."

"He's sick and ashamed of what he's done," Bunkley's sister, Sandi Regan, told state officials. "He knows that God has forgiven him, and he prays for the day that others would see that he's not the man who walked into that prison 25 years ago."

She said that while in prison, Bunkley got his GED, became a certified plumber and for 12 years worked as a graphic artist for PRIDE, a nonprofit that helps inmates learn job skills.

The Department of Corrections said Bunkley likely could be released as soon as today from Polk Correctional Institution near Lakeland. Bunkley denied a request to be interviewed.

Attorney General Bill McCollum was Bunkley's strongest advocate at the hearing.

"We ought to be giving him another opportunity after 25 years," McCollum told his colleagues. "Nobody was threatened. Nobody was held at knifepoint. We see a lot worse cases in here, and 25 years is a long time. I'd like to believe he has been rehabilitated."

Agriculture Commissioner Charlie Bronson noted that he often carries a pocketknife.

"I certainly wouldn't want the fact that I actually owned a pocketknife to be considered as a life sentence, should I commit any kind of a crime," Bronson said.

"Oh, God!" Bunkley's sister shrieked when Crist made the motion to set Bunkley free.

"Is that it? she asked.

"That's it," Crist said.

Sink, a Democratic candidate for governor, suggested that Bunkley's case be sent back to the Parole Commission with a request that he be considered for parole.

"I thought that was the more appropriate action to take, not to change the life sentence, but to make it life with the option of parole," Sink said.

Bunkley's sister and ex-sister-in-law left the state Capitol so overcome with joy they could barely speak.

They said Bunkley will now be able to celebrate his mother's 80th birthday in November.

"This will probably be her last chance to see her son at home," Regan said.

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