

Introduction to Resentencing Jury Vote Change

As of February 7, 2011, current Florida Death Row inmates have a total of 509 sentences. This number differs from the total population on Florida's Death Row of 391, since some inmates have multiple counts, multiple cases, and/or multiple resentencings. The purpose of this analysis is to determine how many jury vote changes occurred for inmates resented to death, note the changes (if any) in jury votes from the preceding jury recommendation, and determine the direction and strength of any change.

The first part of this analysis is to determine how many jury vote changes occurred during resentencing. Of the total of 509 sentences, 75 (15%) are resentencings. Only cases where a new jury recommendation vote exists are included in this analysis. Cases that are excluded from the analysis are those in which the numerical vote of the jury recommendation during original or resentencing is unknown, the defendant waived the jury recommendation vote, or the judge sentenced the defendant to death when the jury recommended a life sentence. In some instances, courts remand cases for a new sentencing hearing but do not require a new jury recommendation vote.

The second part of this analysis is to determine the direction of any changes between jury recommendation votes. Jury recommendation votes may have changed from the original vote in the original sentence or during subsequent resentencings. Of the 75 resentencings, there are 28 increases (37.3%) in the jury recommendation vote and 27 decreases (35.5%). In 20 cases (26.3%), no change occurred. In this analysis, increases are coded "+", decreases are coded "--", no changes are coded "0."

The third part of this analysis is to determine the strength of any changes in the jury recommendation votes. For the purposes of this analysis, it was necessary to place the votes into three categories. Jury recommendation votes of 7-5, 8-4, and 9-3 are labeled majority votes ("majority") and given a value of 1; votes of 10-2 and 11-1 are labeled super majority votes ("super majority") and given a value of 2; and votes of 12-0 are labeled unanimous votes ("unanimity") and given a value of 3.

Increases

Of the 28 increases in the votes, 14 cases (50%) changed from a majority to a super majority (1-2), while 6 cases (20.7%), changed from majority to unanimity (1-3). Six of the cases (20.7%) changed from super majority to unanimity (2-3). Two cases (6.9%) did not have a significant change requiring placement in a new category (0).

Decreases

Of the 27 decreases in the votes, 8 cases (29.6%) changed from a super majority to a majority (2-1). Five cases (18.5%) changed from unanimity to super majority (3-2), while 7 cases (25.9%) changed from unanimity to majority (3-1). Seven cases (25.9%) did not have a significant change requiring placement in a new category (0).