

opinion

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Editorial board: Those at left, Bobby Martin, editorial
writers Roger Brown and Paula Horvath; also Hank
Coxe, Abubakr Hassan, The Rev. Vaughn McLaughlin,
Tala Reynolds, J.R. Ross and Ron Salem.

A VERSE FOR TODAY
"You judge according to the flesh; I judge no one."
John 8:15

Worst practices: Death penalty in Duval

Duval may only possess 5 percent of the state's population, but it leads all Florida counties in sending people to Death Row.

In fact, 1 in 4 people who received a death penalty between 2010 and 2015 in this state received it in a Duval County courtroom.

It's so commonplace here that Duval places No. 2 in the nation in the imposition of the death penalty.

The only jurisdiction that tops Duval is Maricopa County in Arizona, whose county attorney was actually disbarred in 2012 for "outrageously" exploiting his power and misusing the law, according to a panel of the Arizona Supreme Court.

Depending on whether you support or oppose the death penalty, you may regard Duval's placement at the top of the death-sentence pile as either good or bad.

However, what does seem clear is that something in Duval County is out of sync with the rest of the state and the nation.

DUVAL IS AN OUTLIER

The new report compiled by researchers at Harvard Law School illuminates troubling facts about this county's obsession with the death penalty and how justice here is meted out.

For example, the researchers reviewed 25 death sentences from Duval and the Florida Supreme Court since 2006:

- 48 percent of the people receiving the death penalty have an intellectual disability, severe mental illness or brain damage.
- 20 percent of the death sentences are imposed on people under 21.
- 88 percent of the death sentences were imposed by non-unanimous juries.
- 16 percent of the death penalty cases involved misconduct.
- 87 percent of the death sentences were imposed

on defendants of color, compared to 44 percent in the remainder of the state.

■ Juries in Duval take only about an hour to deliberate on whether to sentence someone to death.

These statistics should raise serious questions with citizens whether they support the death penalty or not.

WHO'S TO BLAME?

Duval's out-of-line death sentencing rate can be directly linked to the people dealing with the death penalty here.

First, it points the finger at State Attorney Angela Corey who, the report notes, has sought the death penalty for mentally ill defendants, low-IQ defendants and children.

She's also the one behind the push to impose a death sentence on James Rhodes, who fatally shot Jacksonville Metro PCS store manager Shelby Farah in 2013 — a stance from which Corey has refused to waver despite repeated pleas from Farah's mother to show mercy.

Sharing the blame is first assistant prosecutor Bernie de la Rionda, who another Harvard report labeled this year as one of three prosecutors it would be watching because of his feverish pursuit of the death sentence.

Culpability was also leveled at Duval's elected public defender, Matt Shirk. Not only has Shirk been publicly admonished for his management practices, his office's defense work has been "abysmal," the Harvard report says.

In fact, the entire sentencing phase often takes just one day.

The Harvard report mentions chief assistant public defender Refik Eler, who the report charges provided inadequate defense on at least four cases.

Two of his death penalty cases have been overturned (one of them is on appeal) because the Florida Supreme Court found Eler had provided inadequate counsel.

The report also questions whether racial bias existed in Duval's judiciary. It cited both alleged racial remarks by Judge Mark Hulsey that are now under investigation (Hulsey has denied the charges) and the unusual number

of black defendants who receive death sentences within those courtrooms.

LOCAL RESPONSES

Corey and her chief prosecutors vigorously defended her office in an interview with Times-Union reporter Andrew Pantazi.

She said her practices do not differ from previous state attorneys Harry Shorstein and Ed Austin.

And the Harvard study did not focus on the victims in its racial disparity statistics, many of whom are black.

Eler told Pantazi that he has defended hundreds of cases in a 30-year career and is proud of his many successes.

A key contributor to the death penalty sentences is Florida's previous law that allowed a simple 7-5 majority to impose death.

Under pressure from the Supreme Court, legislators changed the law to require at least a 10-2 juror vote for a death sentence.

WHERE TO GO FROM HERE

Interestingly, this report comes at a time when the use of the death penalty is on the decline elsewhere across the country as a result of rising costs of death cases, falling violent crime, mounting evidence that such sentences are imposed against our most vulnerable citizens and the growing acknowledgement of how many people are wrongly convicted.

A recent survey by a University of California psychologist found that a strong majority, 57 percent of all Florida residents polled, prefer sentencing a person to life without parole rather than to the death penalty.

It's possible that a different world will dawn on Duval in January. This editorial page has endorsed the need for a new state attorney (Melissa Nelson) and public defender (Charles Cofer). Voters will decide Tuesday.

It would be a welcome change to find Duval County viewed as a national leader in best practices in criminal court.

Right now, it appears we're the worst.

Pension sales tax

Best solution in a series of bad options

This is in response to the letter from a local attorney who urges everyone to vote no on the pension sales tax.

His arguments are flawed. We are talking about a half-cent sales tax here, replacing one we are already paying.

I don't see it inflicting waves of poverty across the populace of our city nor lining the pockets of fat cats.

It is equitable and broad based, includes commuters and visitors and is something individuals can somewhat control to the extent that they choose to spend or not spend.

It would be nice if that sales tax could be levied now instead of 14 years down the road, but the state of Florida won't allow that.

It seems to be the best solution amid a lot of bad options.

But the good news is it will solve the pension crisis. And that is the key. The city can move on.

The attorney also implies we cannot trust our civic leaders to spend any budget relief on the correct things like roads, parks and libraries. Too much going to fat cats, he says.

Well, we could all keep our own tax dollars, provide our own roads and individual police and fire protection, and if so, we would have chaos.

We trust our civic leaders to provide those things now. It should not and will not change in the future.

And if City Council sees fit before 2031 to levy perhaps a small property tax increase, that would be in order, too.

Jacksonville already has one of the lowest millage rates in Florida.

And finally, the writer implores you to protect your children's future by voting no. I think he has that wrong.

By voting yes you will protect your children's future in this city with pension relief taken care of.

A no vote will make Jacksonville a debt-ridden, budget-strapped city with no ability to provide its needs.

Would you want that for your children?

Richard Pearson, Jacksonville

Another view: Adam Zyglis The Buffalo News



Letters from Readers

LOCAL TAXPAYERS

We are losing

Let us check the score: \$350 million for a Taj Mahal courthouse that looks like it was built in the middle of a war zone.

The two main roads through downtown Jacksonville, Union and State streets, are probably the worst roads in town.

Now to grace EverBank Field, a new facility looks like oversized shotgun houses. It's not nearly the idea that was perceived of a futuristic looking Jacksonville.

Just think, \$45 million was spent, and nobody questioned the final design of this practice facility-amphitheater.

I'm just betting that if the pension tax issue gets approved, there will be some dipping into it.

The full concept of pension relief needs to be proposed in an understandable format before more tax dollars are given out.

D. Smith, Jacksonville

PENSION SALES TAX

Best alternative

Some people are concerned about their children having to foot the bill for the extension of the sales tax.

Yet all your life you have been paying for what your children will get.

So what is the problem with them paying to get what their children get?

I am living on a fixed income.

I would rather pay a sales tax than have a large property tax increase that I think the average taxpayer cannot afford.

Roland Pfeifer, Jacksonville

APOLOGIES

Never for Clinton

The Associated Press article Sunday, "Trump, Lochte Engage in the Art of the Apology," was an amazing spin job.

It's stunningly amazing how the apologies of Donald Trump and Ryan Lochte can be disavowed because they did not use the preferred words of "professionals" to apologize.

CANDIDATE INFO

The Times-Union's website has plenty of candidate information. You can find news stories, endorsements and information from the candidates — bios and questionnaires. The editorial page will summarize our endorsements in Saturday's paper.

Go to: jacksonville.com/election2016

They could have used the Clinton playbook, the one the Clintons have used for over 25 years of political scandals and moral bad behavior — deny, deny and deny some more.

It works for the Clintons and the mainstream media.

Martha Primosch, Jacksonville Beach

TRUMP AND THE MEDIA

Plays them like a fiddle

One can always identify the moment when the Republican National Committee sends its emergency demands to its faithful rallying them to bombard the editorial pages of the country with the latest meaningless, false and laughable nonsense.

This month it's a call to bellyache about how unfair the media is to GOP nominee Donald Trump.

Remember how some crowed endlessly about what a master of media Trump is? So now he's a victim of media? What nonsense.

Trump has gotten so much free media in the last year that he hasn't had to spend a nickel on ads. He's the one who says that "all press is good press."

Each time he's gotten into trouble, it's his own big and foolish mouth that's gotten him there.

He's on his third campaign team now because he refuses to accept guidance from those trying to save his fortunes from his own trap.

Hillary Clinton has been dragged before nine GOP witch hunts in Washington formed with the sole purpose of kneecap-

ping her presidential campaign, the last time sitting before her inquisitors for 11 solid hours in one day.

And still her — and our — partisan enemies failed.

Really, to know facts is to abandon nonsense.

Steve Douglas, Jacksonville

CLAY SCHOOLS

Troubling allegations

As a former superintendent and classroom teacher of the Clay County school system, I am extremely troubled by the alleged actions of some of the school system's teachers and principals.

Based on what has been in the local newspapers and on TV, it appears some students were categorized as intellectually disabled in an effort to improve graduation rates.

According to the published reports, Susan Sailor reported the practice to superintendent Charles Van Zant Jr. on three separate occasions in 2015. Her husband reported it in February.

As a professional educator, I cannot understand how another professional educator, Sailor, could allow such an unethical practice to continue. Once it was reported and no action of any kind was taken, Sailor had an ethical responsibility to report it to the School Board in 2015, not a year-and-a-half later.

I feel strongly that if this proves true, she should be ordered to reveal the names of both the principal(s) and the teachers involved. They are a disgrace to the profession and should lose their credentials.

The Clay County Teachers Association should also consider looking into this allegation. The association serves many purposes supporting teachers, and one of them is to maintain the professional reputation of all our good, concerned and caring classroom educators.

If this practice proves to be true, the parents of the children involved must be notified.

Ann Wiggins, Middleburg

LETTER POLICY

Letters of about 200 words are preferred. Letters are edited for space, clarity and newspaper style. All letters should include a name, address, occupation and telephone number. Only the name, city and occupation (when relevant) are published. Letters with a clear, concise message have the best chance of being published.

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