

The Florida Times-Union

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Cummer Museum director resigning

She has been at the institute for 22 years; leaves at month's end

By Charlie Patton
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Hope McMath, director of the Cummer Museum of Art & Gardens since 2009, announced Tuesday that she is resigning at the end of the month.

"We are both surprised and saddened but yet respect this personal decision that I know was not made lightly," said Cummer Board of Trustees Chairman Ryan Schwartz. "We know our museum and our community are truly a better place because of Hope. ... Attendance has never been higher, programming is rich and our board is committed to ensuring meaningful experiences for all."

Her decision to resign has "not been a quick overnight decision," McMath said in an interview.

She has been outspoken recently about her "anger and disillusionment" with some of the pushback against the exhibit "LIFT: Contemporary Expressions of the African American Experience," which opened in June. It consists of work

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Study hits Duval death penalty

County held as example of biased, frequent use; Corey calls report unfair

By Andrew Pantazi
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Duval County is again among a handful of U.S. counties that most frequently send convicted criminals to their deaths, according to a Harvard University study released Tuesday.

The Fair Punishment Project, of Harvard Law School's Charles Hamilton Houston Institute for Race & Justice and its Criminal Justice Institute, highlighted the 16 U.S. counties that sentenced at least five people to death from 2010 to 2015. Duval had 16 death sentences, and 88 percent

of its death sentences since 2006 were not unanimous.

The same day the Harvard report was released, a New York Times Magazine story highlighting the top death-sentencing counties focused on the murder of Shelby Farah of Jacksonville. Farah's mother, Darlene, has asked local prosecutors not to seek the death penalty, but they are still seeking death.

The feature also dis-



Refik Eler
chief assistant public defender said he's proud of his record over 30 years.

cussed the area's chief assistant public defender, Refik Eler, who has had two death cases overturned because of his ineffective assistance of counsel.

"I wouldn't say it's troubling. There were only two

cases reversed" and one is pending on appeal, Eler said. "In a 30-year career, I've tried several hundred cases."

As one of the attorneys who's represented many poor clients in death cases, Eler said, he's proud of the times he has succeeded. "You have to really be there and do it and understand the many factors that go into strategic

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How could this ...

NOVEMBER 2015

A drawing of the proposed Jaguars indoor practice facility and amphitheater features a sleek, futuristic look.



... turn into this?

AUGUST 2016

Construction begins on the facility — now called Daily's Place — that drawings show has a much more conventional look.



Renderings provided by the City of Jacksonville & Jacksonville Jaguars

'Evolution' in design of Jags amphitheater and practice field leaves some disappointed

By David Bauerlein
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The design of the amphitheater and indoor practice field being built next to EverBank Field has morphed considerably from the renderings shown last year, when the city council agreed to put \$45 million into a 50-50 deal with Jaguars owner Shad Khan.

Whether those changes have resulted in a building with more or less visual appeal is a matter of perspective, with strong opinions on both sides.

Jaguars President Mark Lamping

said Tuesday the changes are part of the "natural evolution" when a project goes from the drawing board to construction.

"It was designed to create a much more architecturally significant statement for downtown Jacksonville, which we believe this does," Lamping said. "We feel 100 percent that this design not only has been well received, but it clearly meets the objectives that were set out between the city and the Jaguars."

That impression isn't shared by Jacksonville architect Ted Pappas,

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Jags President Mark Lamping
"It was designed to create a much more architecturally significant statement for downtown Jacksonville, which we believe this does."

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DESIGN

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who is a longtime advocate for downtown development and a past national president of the American Institute of Architects. Pappas said he got a blitz of emails from other architects after Friday's groundbreaking ceremony showed off what the building will look like.

The overall consensus is it's "very mediocre," Pappas said.

Last year's renderings "looked pretty sleek" and drew favorable reaction, Pappas said. "Then there's this great silence until something comes out that's entirely different, without the elegance that the original scheme had. It just comes off as a utilitarian box."

While architectural beauty is in the eye of the beholder, the current version is undeniably different from the vision shown when Mayor Lenny Curry and the City Council backed the cost-sharing legislation in December.

City Councilman John Crescimbeni said the degree of change is substantial.

"It would be like you're expecting a colonial home and you end up getting a mid-mod home," he said. "I'm not saying one is better than the other. I'm just saying it's different from what we were approached with last year."

City Councilman Greg Anderson said the new renderings amount to "a fairly sizable change" from what the Jaguars presented in 2015. But he said he was always under the impression the original drawings could change.

"We knew early on the drawings were all conceptual in nature," he said.

Crescimbeni and Anderson said they want to get a better understanding of what prompted the changes. The legislation unanimously approved by City Council did not require

any specific architectural design for the building.

In response to questions about the process used by the city to review the design, city spokeswoman Marsha Oliver said that process has not been completed.

"These questions are premature as final designs will not be presented to the city until next week," she said.

Pappas said the design should have undergone review by the Downtown Development Review Board because the sports complex is an extension of downtown.

Indeed, EverBank Field and the area around it fall within the zone overseen by the Downtown Development Review Board, according to city maps showing the zone's boundaries. The board reviews and approves new construction and renovations.

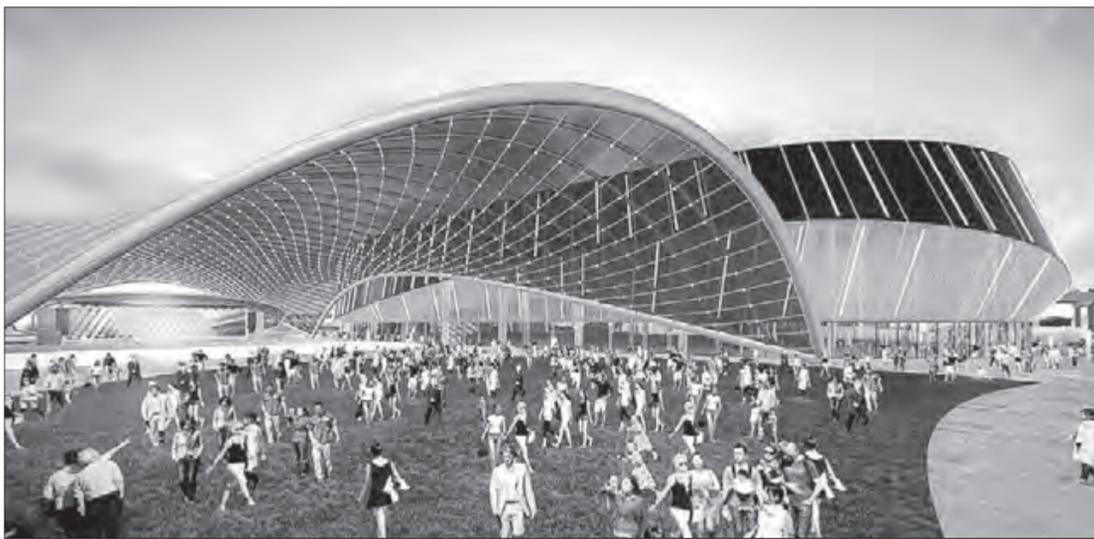
Oliver said the legislation approving the development agreement with the Jaguars does not require review by that board.

The project is a partnership among the city, the Jaguars, and American Thunder LLC, which is owned by Khan and would manage the amphitheater.

The legislation approved in December involved three projects: an estimated \$25 million in renovations at EverBank Field, a new amphitheater for \$45 million, and a new \$20 million covered "flex field" for football practices. The city would be the owner of all the facilities.

When the City Council voted in December, the expected capacity of the amphitheater was pegged at 4,000 to 5,000 permanent seats. The final design clocks in bigger at 5,500 seats.

The renderings shown off in late 2015 depict a wall of glass surrounding the building. The latest design doesn't contain that glass feature. Lamping said last year's rendering "was sim-



Provided by the City of Jacksonville

A drawing of the Jaguars indoor practice facility and amphitheater released in November.



Provided by the Jacksonville Jaguars

An artist drawing of the new facility released last week by the Jaguars

ply an artist's representation."

"The goal was always to have a facility that would be somewhat translucent, that would provide a glow, but obviously you can't have football practices inside a glass box," he said.

Pappas said based on his experience in the archi-

tectural field, the changes in the design appear to be the kind of alterations that happens when costs get penciled in and features get removed as a result. Lamping said cost "did not come into play."

The development agreement puts the Jaguars in charge of the construction,

with oversight by the city's public works department and the city's chief administrative officer.

The city's \$45 million share of the work is being financed by a portion of the hotel tax dollars that are collected from guests during their stays.

Lamping said the Jaguars

sought bids nationwide and awarded the construction to a joint venture of Hunt Construction and Danis. The timeline calls for substantial completion of the work by May 1. Lamping said public events could begin in May.

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REPORT

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decisions."

State Attorney Angela Corey rebutted the Harvard Law School report, saying the statistics were unfair and the researchers should've shared data with her before publishing.

The report focused on:

- Corey's "zealous" prosecution

- Public Defender Matt Shirk's office providing ineffective counsel

- Racial bias at the courthouse.

"Since 2010, one year after Angela Corey took office, 87 percent of death sentences have been imposed against African-American defendants, compared to 44 percent in the rest of the state. African-Americans make up approximately 30 percent of Duval's population, and 17 percent of the state's population."

The Times story was the second magazine article in a week focusing on Duval's role as a leader in tough-on-crime sentencing. Last week, liberal magazine The Nation published a feature asking, "Is Angela Corey the Cruellest Prosecutor in America?" Back in June, conservative magazine National Review criticized her.

"It's totally without merit," Corey said of the report, saying she was unfairly targeted when she didn't divert from her predecessors'



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State Attorney Angela Corey said the Harvard Law School report was unfair and she should have had a chance to see the data before the report was published.

approaches to prosecuting death-penalty cases.

COREY HAS ANOTHER EXPLANATION

Corey called the Fair Punishment Project report and the magazine story untrue. She questioned why the report came out a week before her Aug. 30 primary.

But Rob Smith, the legal research fellow who headed the project, said the election had nothing to do with the timing.

"We looked at the study not to persecute her. We weren't just picking anecdotes out and picking on people. We wanted to have

an objective, thematic, national look. Surely she doesn't believe the Fair Punishment Project at Harvard Law School decided to create a gigantic project with a dozen people working on it over months to pick a time period just to affect Angela Corey's election. ...

"Contrary to Ms. Corey's belief, the world doesn't revolve around her."

Smith said, "I also think that she's a bully, and what I mean by that is that when a Harvard Law School professor Alan Dershowitz called her out in a case, she calls and threatens the

university. When her predecessor critiques something she did, she criticizes Mr. Shorstein. When her IT person criticizes something she does, she fires that person. She gets upset and she lashes out. Bullies shouldn't be deciding who lives and who dies."

In interviews Tuesday, Corey said it was unfair to report on the findings without first reviewing the data the project collected. Over the course of two telephone interviews, Corey grew increasingly combative while two of her top homicide attorneys remained collegial. Three times she interrupted one of them to tell him to stop being apologetic.

Those attorneys, Bernie de la Rionda and Mark Caliel, addressed many of the statistics in the report and said why they felt they were misleading. Caliel said when considering the race of all first-degree murder suspects, there likely isn't a disparity between those who qualified for death and those sentenced to death. They said they believe seeking the death penalty honors the many black victims of murder.

"What scholars tend to forget is all lives matter," de la Rionda said. "I'd venture to ask this question. Who are our victims? If the focus is going to be on race, what was the race of our victims?"

He said he respects organizations that oppose the death penalty, but he

believes it's the right punishment for certain crimes.

Corey and de la Rionda also said the manner of handling death cases and the number of death cases haven't changed much since Ed Austin and Harry Shorstein were the elected state attorneys before Corey. Smith disagreed, saying that while most of the country reduced the number of death sentences, Corey increased it even when the murder rate dropped.

THE TIMING OF THE REPORT

Harvard's Smith, who has handled death-penalty cases, said the decision to do this study came after a Supreme Court dissent last summer noted the geographic concentration of death-penalty cases. At the time, only 15 counties had five or more death penalties from 2010 to 2015; that number grew to 16. Many viewed that dissent as an open invitation to challenge the constitutionality of the death penalty. The Supreme Court has previously ruled that the intellectually disabled and juveniles should not be executed. Smith said he wanted to see if the few counties still sending people to death were sentencing "the worst of the worst" or the types of people the Supreme Court said shouldn't be executed.

Smith has previously published reports noting that de la Rionda is one of the nation's most prolific

death-penalty prosecutors.

"In Duval what happens is you have both this aggressive prosecutor in Angela Corey where she seeks the death penalty in cases where many other prosecutors would not and this non-unanimous jury rule," he said. The law didn't used to require any specific number of jurors to agree to a death sentence; it now requires a 10-2 decision. "Those two things work together."

Smith said in places like Duval County, he found that the people on Death Row were not the most heinous criminals. Instead, the report noted, 48 percent had an intellectual disability, severe mental illness or brain damage. One in five were younger than 21.

And shockingly, he said, the sentencing phase of the trial — when prosecutors explain why a crime is particularly egregious, defense attorneys explain why someone shouldn't be executed and a jury decides death or life — in Jacksonville lasts one day. That means opening statements, witnesses, evidence, closing statements and jury deliberation all occur in the same workday.

For that, Smith blamed defense attorneys. "You have an overaggressive prosecutor and defense lawyers who you wouldn't want to represent you in a parking ticket case."

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MCMATH

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by 10 local artists inspired by the song "Lift Ev'ry Voice and Sing," written by Jacksonville natives James Weldon Johnson and his brother Rosamund Johnson and considered the national anthem of black America.

In a July 23 Facebook post, McMath cited three separate incidents of "especially disturbing racist actions and hateful sentiments that seeped into my world" in reaction to the exhibit. She illustrated that post with pictures of confrontations from the Civil Rights era.

"What's unusual about this show is that it is evoking some intense opinions," she told Tonyaa Weathersbee for a column published Aug. 4 in the Times-Union.

"... Many of the ones who are pushing back on the show are pushing back on the fact that they're having to share a space with people who are different from them."

In the interview Tuesday, McMath said "there was far more support than dissension" for "Lift" and that her decision to resign was not triggered by negative reactions to it.

"This is not about any exhibit or any particular news article or any particular person," she said, noting she has been employed at the Cummer for 22 years, the first 15 in the education department.

"From being an educator to being a 'reluctant' director, it is not lost on me that this was certainly a special time of change, progress, growth, a deepening of our impact, and an opening of

our heart to a community that beautifully responded," she said in a statement that was posted on her Facebook page and distributed by the Cummer. "I realize that to remain relevant, organizations and people must continue to evolve."

The announcement that McMath is stepping down took many in the Jacksonville arts community by surprise.

Preston Haskell, a former board chairman of the Cummer and the Museum of Contemporary Art Jacksonville, said he learned from Schwartz about the resignation a couple of days ago.

"It did surprise me at first," he said. "But as we talked through it, it became more and more clear why it was happening. She's had a long and highly successful

tenure at the museum. If I had been as committed, focused and hardworking as she has over some 22 years, I suspect I would be looking to slow down and find a different lane."

He praised McMath for broadening the scope of the museum's exhibits to encompass social and racial issues and embrace an educational mission. "It's a bit of a shock," said Tony Allegretti, executive director of the Cultural Council of Northeast Florida. "... She put the Cummer on the worldwide map."

"There is absolutely no question she made a difference," said Dolf James, an artist who spearheaded the development of the CoRK Arts District and was involved in several projects with McMath. "I think she was frustrated with some of the reactions she got

from some people. But if you're not pushing the envelope, you're not doing your job."

During her time as an educator at the Cummer, McMath helped develop such programs as the award-winning Very Special Arts festival, which provides art experiences and access for children with disabilities. During her tenure as director, the museum embarked on successful fundraising efforts for capital projects such as the renovation of the museum's Art Connections space for children, paving of the museum parking lot, redevelopment of the historic Olmstead gardens and the museum's landscape beautification program, which created a sculpture garden on Riverside Avenue.

"We will miss Hope," said board member George

Gabel, a partner at the law firm Holland & Knight. "She has opened the Cummer to a more diverse audience and made it more relevant to a broader constituency."

The museum announced that Chief Curator Holly Keris will be chief operating officer/curator effective immediately while the board undertakes a search to find a replacement for McMath.

McMath said her last day at the Cummer will be Aug. 31. But she'll be available to consult with the board and staff during the search for a new director.

As to what she does next, McMath said she isn't sure. "It's hard to see myself yet outside of the Cummer," she said. "But whatever I do, it will have arts in the center of it."

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