

# URGENT ACTION

## FLORIDA DEATH ROW INMATE SEEKS CLEMENCY

**The case of Charles Finney, a 60-year-old man on death row in Florida, is now before the clemency authorities. He maintains that he did not commit the murder for which he was sentenced to death. In Florida, an execution date is set if and when clemency is denied.**

On the afternoon of 16 January 1991, the body of Sandra Sutherland was found in her home in Tampa, Florida. She was bound and gagged and had been stabbed in the back 13 times. **Charles Finney**, who lived in the same apartment complex, was arrested on 30 January 1991 after he was found to have pawned the victim's video recorder on 16 January. He was charged with capital murder and brought to trial in September 1992. Charles Finney testified that he did not kill Sandra Sutherland, but that he knew her as a neighbor and had been in her home several times when he did maintenance work at the complex (two fingerprints of his were found in her apartment). He testified that he found the video recorder in a bag near the rubbish bins and decided to pawn it. The pawn shop owner confirmed that Charles Finney had also pawned a television (neither stolen nor belonging to Sandra Sutherland) on 15 January 1991, and that on both occasions he had provided his correct local address even though the driving license he used for identification still had a Georgia address on it.

A witness testified that the day before the murder, he saw "a white male, a big guy" and Sandra Sutherland "cussing and screaming at each other" outside her apartment. Charles Finney is African American. The witness testified that he told the police about this incident soon after the murder but that they had never followed up with him in trying to establish the man's identify. The police never located the white male in question.

Two further witnesses testified that on the morning of the murder they saw another person, known as "Bill", a white male acquaintance working at the apartment complex, standing in Sandra Sutherland's doorway with the door open. One testified that "as soon as [Bill] saw me, he acted like he was going to go back in, and then he came out real quick, locked the door and walked around the corner". The other witness corroborated this. Bill denied being in the apartment that day, however the defense presented a detective who indicated that he gave the police inconsistent accounts of his whereabouts. In closing arguments, the trial prosecutor said that "this is a circumstantial evidence case, no doubt about it" as there was no confession or eyewitness testimony. There is also evidence that the prosecution failed to disclose certain evidence to the defense. Charles Finney was found guilty, and on 18 September 1992, after some eight hours of deliberation, the jurors voted nine to three for the death penalty.

### **Please write immediately in English or your own language:**

- Calling for Charles Finney to be granted clemency;
- Noting that the case against Charles Finney is circumstantial and the jury was divided on the sentence;
- Expressing concern that the prosecution failed to disclose certain information to the defense;
- Expressing your understanding of the seriousness of the crime and its consequences.

### **PLEASE SEND APPEALS BEFORE 24 JUNE 2014 TO:**

#### **Governor Rick Scott**

Office of the Governor, The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001  
USA

Email: [Rick.scott@eog.myflorida.com](mailto:Rick.scott@eog.myflorida.com)

Salutation: Dear Governor

Also send copies to local representative in Congress.

Please check with the AIUSA Urgent Action office if sending appeals after the above date.

#### **Office of Executive Clemency**

Florida Parole Commission, 4070 Esplanade Way  
Tallahassee, FL 32399-2450  
USA

Email: [ClemencyWeb@fpc.state.fl.us](mailto:ClemencyWeb@fpc.state.fl.us)

Fax: 1 850 414-6031 or 1 850 488-0695

Salutation: Dear Members of the Clemency Board

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In 2000, a landmark study conducted at Columbia Law School in New York concluded that US death sentences are “persistently and systematically fraught with error”. The study revealed that appeal courts had found serious errors – those requiring a judicial remedy – in 68 per cent of cases. It pointed to prosecutorial and police misconduct and inadequate defense representation as the principal causes of error. The study expressed “grave doubt” as to whether the courts catch all such errors.

Several claims of prosecutorial misconduct have been raised on appeal in Charles Finney’s case. For example, there is evidence that Sandra Sutherland had a romantic relationship with someone named Robert and the prosecutor’s files contained a love letter to him written by the victim three days before the murder. The prosecution did not disclose this to the defense, even though Charles Finney was originally charged with sexual battery. The trial judge refused to allow the medical examiner to testify that Sandra Sutherland may have been involved in a consensual sexual bondage situation at the time of her death. Without knowledge of “Robert”, the defense could not investigate his whereabouts at the time of her death (or whether he was the white male seen arguing with Sandra Sutherland the day before the murder), and whether his fingerprints were in the apartment. There were some 25 fingerprints there that were unidentified.

The file contained information that the medical examiner, Dr. Diggs, had been unable to determine if Sandra Sutherland had been sexually assaulted prior to her death. Handwritten notes in the file stated: “Diggs will go along with the FDLE [Florida Department of Law Enforcement]. This is unusual. Has already spoken to Billie about discrepancy”. Again this “discrepancy” or that “Diggs will go along with the FDLE” were not disclosed to the defense.

The prosecution’s file also contained evidence not disclosed to the defense that a person named Alice had been stealing from Sandra Sutherland. Given the theft of Sandra Sutherland’s video recorder, and the prosecution’s theory at the trial that Charles Finney killed Sandra Sutherland during the course of a robbery, this information could have been significant information for the defense to have pursued.

Florida accounts for some 17 per cent of the 144 inmates released from death rows in the USA since 1973 on grounds of innocence. The state that comes second to Florida on this list – Illinois – responded with a moratorium on executions and eventual abolition in 2011. In 2013, in contrast, the Florida legislature passed the Timely Justice Act (TJA), legislation that the House of Representatives said “could result in executions occurring more quickly”. When Governor Rick Scott signed the TJA into law on 14 June 2013, its sponsor, Representative Matt Gaetz responded by tweeting his thanks, adding: “Several on death row need to start picking out their last meals”. Governor Scott sought to deflect criticism of the bill by claiming, despite what legislators had said, that it “does nothing to speed up the execution process”. Signing the TJA into law, he asserted that it “improves the orderly administration of capital punishment in our state”. As far as Amnesty International is concerned, no amount of “improvement” can render this cruel, irrevocable and brutalizing punishment compatible with human rights principles.

In 2012, a quarter of all death sentences in the USA were passed in Florida, and in 2013, Florida accounted for nearly 20 per cent of the year’s death sentences in the USA. In 2013, Florida executed more people than it had in any year since 1984 and today lies behind only Texas, Virginia and Oklahoma in the number of executions carried out since 1976 when the US Supreme Court approved new capital statutes, including Florida’s.

There have been 1,379 executions in the USA since 1976, 86 of them in Florida. There have been 20 executions in the USA this year, five of them in Florida. Amnesty International opposes the death penalty in all cases, unconditionally. In Florida, an execution date is set an inmate’s ordinary judicial appeals are exhausted and after clemency is denied. Charles Finney’s petition for clemency is currently before the Governor and other officials involved in executive clemency decisions. It is not known when a decision will be taken on his case.

**Name:** Charles Finney (m)

**Issues:** Death penalty, Imminent execution

**UA:** 124/14

**Issue Date:** 13 May 2014

**Country:** USA