

# URGENT ACTION

## FLORIDA DEATH ROW PRISONER SEEKS CLEMENCY

**Frank Walls, a 46-year-old man who has been on death row in Florida for 25 years and has exhausted his ordinary appeals to the courts, is seeking commutation of his death sentence. If clemency is rejected, the governor will sign an execution warrant.**

**Frank Walls** is seeking commutation of his death sentence to life imprisonment without the possibility of parole. He was convicted in July 1988 of the murders of Edward Alger and Ann Peterson, who were shot dead in Alger's home in northern Florida on 22 July 1987. In 1991, the Florida Supreme Court ordered a new trial because of official misconduct in obtaining evidence against him. At a retrial in 1992, the jury again voted to convict and again recommended that Frank Walls be sentenced to death for the murder of Ann Peterson (he received a life sentence for the murder of Edward Alger). The judge found a number of mitigating factors, including that Frank Walls voluntarily confessed to the crime, cooperated with the police, suffered from brain damage and dysfunction, was 19 years old at the time of the crime and functioned at the level of a 12-year-old due to his limited emotional and mental development. The judge nevertheless accepted the jury's recommendation and imposed the death penalty.

According to medical experts, Frank Walls suffered brain damage during his difficult birth (in Germany where his father was in the US Air Force). In early childhood, he was diagnosed as hyperactive and prescribed Ritalin for this condition. At the age of 12, he contracted viral meningoencephalitis, inflammation of the brain that can result in psychiatric and developmental problems. At age 13, Frank Walls was placed in the "Emotionally Handicapped Program" at school. A neuro-psychological assessment when he was 16 concluded that he suffered from organic brain dysfunction, had a tendency towards "psychosis" and "hallucinations", "erratic mood swings he doesn't recall", paranoid tendencies and poor impulse control. In 1985 a child psychiatrist assessed him as suffering from organic brain dysfunction and bipolar disorder, a serious mental illness. In 2002, a psychiatrist's review of his case concluded that "due to a combination of brain dysfunction and manic tendencies caused in part by a viral meningoencephalitis at the age of 12, Frank Walls was very vulnerable to committing violence as he became increasingly unable to handle adult responsibilities and demands."

As well as information about his mental impairments, the executive clemency authorities have been presented with evidence of Frank Walls' acceptance of responsibility and his remorse for the crimes, and of his personal development on death row, as asserted by a number of people, including nuns, a chaplain, members of the public and one of the original investigating detectives in his case, who have been communicating with him on death row.

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

- Calling on the authorities to grant Frank Walls clemency and commute his death sentence;
- Noting that Frank Walls was 19 years old at the time of the crime, and was assessed at functioning at a child's age and as suffering from brain damage, brain dysfunction and major psychiatric disorders;
- Acknowledging the serious nature of the crimes of which Frank Walls was convicted and explaining that you are not seeking to downplay the suffering caused by violent crime.

### **PLEASE SEND APPEALS BEFORE 7 JANUARY 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

#### 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  
(ask for your appeal to be forwarded to the Clemency Board)

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Four US states have legislated to abolish the death penalty in the past four years, and 18 US states are now abolitionist. The annual number of death sentences in the USA has declined by more than two-thirds since peaking in the 1990s. Florida remains one of the states bucking this trend. In 2012, there were 22 death sentences passed in Florida, more than in any year since 1998 and more than 25 per cent of all new death sentences nationally.

On 14 June 2013, Florida Governor Rick Scott signed into law the "Timely Justice Act", aimed in part at speeding up executions. The sponsor of the bill, Representative Matt Gaetz of the Florida House of Representatives, sent his thanks via Twitter to the Governor, adding: "several on death row need to start picking out their last meals". After introducing the bill in the legislature in April 2013, Representative Gaetz had publicly pointed to the case of Frank Walls, asserting that "if the Timely Justice Act becomes law, Mr Walls is going to have to start thinking about what his last meal is going to be".

Under the state constitution, the Florida governor can grant a reprieve from execution of up to 60 days, but can only commute a death sentence with the approval of two members of the Board of Executive Clemency. The Board is made up of the Governor and members of the Cabinet, the latter consisting of three elected officials, the Attorney General (Pam Bondi), the Commissioner of Agriculture (Adam Putnam) and the Chief Financial Officer (Jeff Atwater). The Governor can deny clemency for any reason, regardless of the Board's vote on the matter. The Parole Commission, consisting of three commissioners appointed by the Governor and the Cabinet, operates as the investigative arm of the clemency board and submits its findings on individual cases to the Board within 120 days of the start of its investigations (unless this time is extended by the Governor).

In an assessment of Florida's death penalty system published in 2006, the American Bar Association (ABA) found that in practice, the clemency board members "traditionally defer to the Governor on clemency decisions, and the Governor traditionally looks to the Attorney General for his/her perspective regarding the extent to which issues had been raised and disposed of on appeal." Executive clemency has not been granted in a Florida case for 30 years, a period which has seen nearly 80 executions. The ABA's report concluded that the lack of transparency surrounding the clemency process meant that it was impossible to determine the extent to which "inappropriate political considerations" impacted that process.

The US Supreme Court approved new capital statutes in 1976, including Florida's, and there have been 1,355 executions in the USA since then, 81 of which were carried out in Florida, putting it behind only Texas, Virginia and Oklahoma in the number of executions. Seven of the 35 executions in the USA so far this year have been in Florida. This is the most executions carried out in a single year in Florida since 1984.

On 18 November, the Florida Supreme Court issued a stay of execution in the case of another death row prisoner and remanded the case for an evidentiary hearing on the state's revised execution protocol issued in September 2013. In this protocol, the Florida Department of Corrections has replaced pentobarbital, the first drug in its three-drug procedure, with midazolam hydrochloride. The first drug is supposed to induce unconsciousness before the other two drugs are injected. The hearing will centre on the efficacy of midazolam hydrochloride, which has been used in two executions so far in Florida.

Amnesty International opposes the death penalty in all cases and all countries, unconditionally, regardless of the crime for which the person was condemned or the execution method the state uses.

**Name:** Frank Walls (m)

**Issues:** Death penalty

**UA:** 319/13

**Issue Date:** 26 November 2013

**Country:** USA