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October 13th, 2016

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### Andrew Warren Pledges to Fix Unconstitutional Use of Death Penalty in Hillsborough

Tampa, FL — Today, Andrew Warren pledged to remedy existing problems with how the Hillsborough County State Attorney's Office has utilized the death penalty over the past decade. The pledge follows [a recent report by Harvard University Law School](#) that found Hillsborough County's handling of death penalty cases to be unconstitutional.

"The most important thing about the death penalty is that we get it right," Warren said. "Our use of the death penalty needs to be fair, consistent, and rare. Unfortunately, for many years, it hasn't been."

The Harvard Report found Hillsborough County to be an extreme outlier in its use of the death penalty – one of 16 counties out of more than 3,100 across the country – the result of "overzealous prosecutors, a lack of regard for defendants with mental and intellectual problems, and racial disparities." The Report criticized Hillsborough for "systemic deficiencies" and "structural failings" that lead to "the wrongful conviction of innocent people, and the excessive punishment of persons who are young or suffer from severe mental illnesses, brain damage, trauma, and intellectual disabilities." It also found that the "legacy of racial bias lingers" in Hillsborough's use of the death penalty.

"This is yet another example of an independent agency giving our current State Attorney a failing grade in a critical area of criminal justice," Warren said. "To be singled out as one of the worst counties in the country is embarrassing and unacceptable. As State Attorney, I will fix this and make sure our use of the death penalty is constitutional."

The Harvard Report found that 50 percent of Hillsborough death penalty cases between 2006 and 2015 involved mitigating factors "that render the death penalty disproportionately harsh .... [involving] defendants with serious mental illness, brain damage, or intellectual impairment." It also criticized the State Attorney for retrying a death penalty case twice where there was "no physical evidence connecting [the defendant] to the crime" after the Florida Supreme Court reversed the initial conviction. The State Attorney ultimately pleaded the case to second-degree murder after the defendant had spent 17 years in prison. Warren found those facts disturbing. "The death penalty should be reserved for the most egregious

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cases – not where there are mitigating factors such as mental illness. And it should not be used unfairly as leverage to coerce pleas. A person’s life is a not a bargaining chip.”

The Report also found multiple examples of defendants awaiting execution who were later exonerated. Warren recently proposed creating a Conviction Integrity Unit within the State Attorney’s Office to remedy wrongful convictions by conducting fact-based reviews of secured convictions. He explained, “The fact that Hillsborough has had innocent people on death row – not one, but multiple innocent men – shows just how much we need a Conviction Integrity Unit like so many other major cities.”

State Attorney Mark Ober dismissed the report as policy-driven despite the fact that the report found fault with only one-half of one percent of prosecutors’ offices nationwide, including Hillsborough.

“That we are an extreme outlier in such a critical area is disturbing,” Warren said. “But the State Attorney’s knee-jerk dismissal of Harvard’s findings is even more shocking. Rather than accept the evidence-based conclusions and try to fix the problems, he chooses to ignore the objective fact that he is failing in yet another critical area of criminal justice. That’s why we need new leadership.”

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