

WITNESS TO INNOCENCE

October 22, 2019

The Honorable Ron DeSantis, Governor of the State of Florida
The Capitol, 400 S. Monroe Street
Tallahassee, Florida 32399

Dear Governor DeSantis,

We are four members of Witness to Innocence, an organization of exonerated survivors of death row. We were each wrongfully sentenced to death in Florida but were fortunate to prove our innocence before facing execution. We have reached out to your office on more than one occasion to request a meeting to discuss our concerns about the validity of Florida's death penalty system. Today, two of us, Herman Lindsey and Juan Melendez, are here in-person at the Florida Capitol to personally deliver this letter to you.

Our most pressing concern is that only 16 days from today, there is an execution scheduled for James Dailey, a man with very compelling claims of innocence. As you know, each of us, and all of the other men who make up the 29 death row exonerates in Florida, are living proof that our court system does make mistakes. If innocent people can make it onto death row, what would prevent an innocent person from being executed? We would all hope the safeguard against executing an innocent person would be the appeals process where all available evidence could be fully reviewed before an execution is carried out. However, in James' case, as in far too many of the cases where likely innocent people are executed, the State has opposed granting James a new trial even though his original jury never heard the vast majority of evidence relating to his innocence.

We hope that you will find it as alarming as we do that the issues present in James' case that call into question the integrity of the original verdict are *the exact same issues that plagued each of our cases*:

- There is no physical evidence linking James to the crime and his conviction was based entirely on circumstantial evidence. *This was true for all four of our cases.* James' case goes even further in that the physical evidence available actually excludes him.
- The witnesses who testified against James at trial were jailhouse snitches who received leniency in exchange for their uncorroborated testimony. *This was true for Herman, Joaquin and Juan.* James' case goes even further in that the original prosecutor has said that one of the witnesses used against James is someone she could no longer put on the stand due to concerns that his testimony would be untruthful.
- Another man has confessed to the crime for which James was convicted. *This was true for Juan.* James' case goes even further in that the man has confessed at least four times, stating that he, and he alone, committed the crime, and has done so in a sworn affidavit.
- Important evidence was withheld during James' trial and has since been uncovered. *This was true for both Joaquin and Juan.* Police reports indicating that James was not present at the time of the murder were wrongfully withheld from James' trial attorneys.

The same types of evidence that led to each of us to be exonerated are also present in James' case. The only difference allowing us to be spared from execution while James' is set to be killed, is whether or not a judge and jury has had the opportunity to review all the evidence.

Ultimately, James can only be executed with your approval. It is within your power to make sure the errors that have occurred are not fatal errors. We urge you to thoroughly review the evidence in James' case.

Freddie Lee Pitts, Florida's third person to be exonerated from death row, was the first Witness to Innocence Board Chairman. He wisely says "You can free an innocent man from prison, but you can't free him from the grave."

The very first person in the US to be exonerated from death row, David Keaton, was exonerated in Florida in 1971. He and Delbert Tibbs, Florida's fourth death row exoneree, have since passed away but were both incredibly important members of the Witness to Innocence community. So, it is in their memories, and in the memory of the unknown innocents who may have fallen victim to a wrongful execution, that we implore you to do all in your power to make sure no innocent person is executed under your watch.

On behalf of all of the death row exoneree members of Witness to Innocence,

Herman Lindsey
Board Secretary, Exonerated in 2009 after 3 years on Florida's death row

Joaquin Martinez
Exonerated in 2001 after 4 years on Florida's death row

Juan Melendez
Exonerated in 2002 after 17 years on Florida's death row

Ralph Wright, Jr.
Exonerated in 2017 after 3 years on Florida's death row