



# Death Penalty Appeals Process

**FL** = Florida  
**SCT** = Supreme Court  
**FL SCT** = Florida Supreme Court  
**DCA** = District Court of Appeals

## 1 The Direct Appeal

Every defendant sentenced to death receives an automatic appeal to the Florida Supreme Court. The defendant may appeal the conviction and the death sentence. This appeal is limited to trial issues. The court can affirm the conviction and sentence, reverse the conviction, or reverse the death sentence.

## 2 Post-Conviction Appeal/ Rule 3.851

This is the second stage of the appellate process. The defendant may raise issues surrounding the conviction and sentence that are outside the record including ineffective assistance of counsel, juror misconduct, newly discovered evidence, and Brady violations alleging the State withheld evidence that could have helped the defense's case. Once the defendant has exhausted all state remedies, the case can continue in federal court.

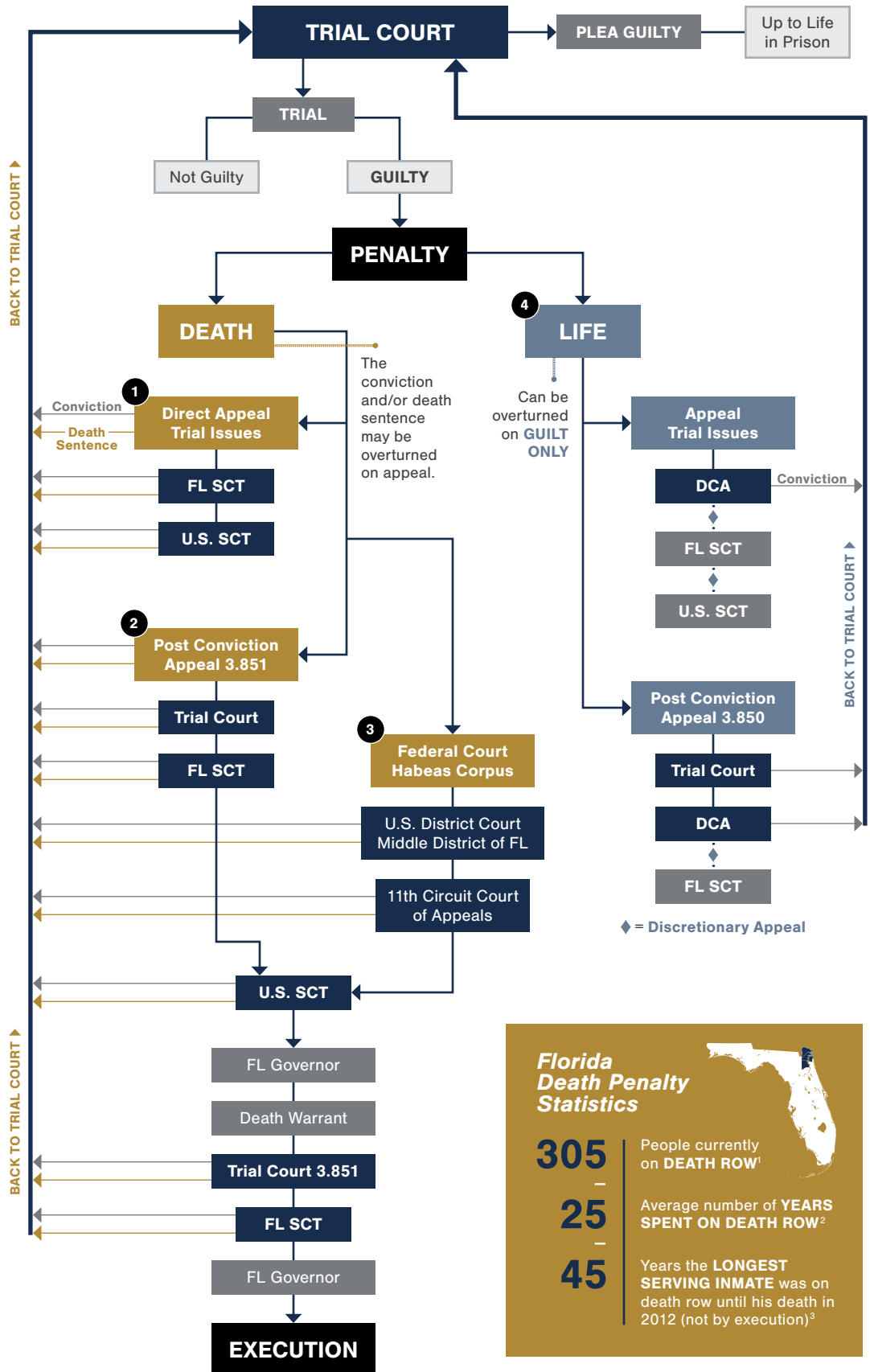
## 3 Federal Habeas Corpus

Federal habeas corpus is an additional stage of the appeals process and is limited to federal issues raised on appeal in State court.

## 4 Life

Appeals are discretionary, not automatic as they are in death penalty cases. The Florida Supreme Court may accept jurisdiction if the case is of great public importance or there is a conflict among circuits.

**Clemency**  
The Florida Governor may postpone an execution to allow further review or may commute a death sentence to a lesser sentence such as life without parole.



**Florida Death Penalty Statistics**

- 305** - People currently on **DEATH ROW**<sup>1</sup>
- 25** - Average number of **YEARS SPENT ON DEATH ROW**<sup>2</sup>
- 45** - Years the **LONGEST SERVING INMATE** was on death row until his death in 2012 (not by execution)<sup>3</sup>

1. Death Row Roster ([state.fl.us](http://state.fl.us)) | 2. Spending Decades on Death Row- College of Law ([tulsa.edu](http://tulsa.edu)) | 3. Death Row - Florida Department of Corrections ([state.fl.us](http://state.fl.us))