

# Juan Meléndez

**6 4 4 6**

A documentary by *Luis Rosario Albert*





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**17 years, 8 month and 1 day in death row**





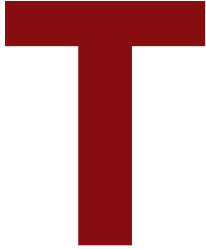
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**Thank you for being  
part of our team  
of collaborators.**



The guide herein, designed in a simple format, will allow you to discuss the issue of the death penalty in Puerto Rico. The educational package includes the DVD of the documentary “Juan Meléndez 6446,” which you may show as many times as you like, in addition to promotional material. We would like to measure the impact of this project and your collaboration, so we have include several attendance sheets. Whenever you show the documentary or meet with friends to discuss or reflect on the issue, please fill out the attendance sheet and send it by email to: *iepdch@cdc.gobierno.pr*.

We recommend that you show the documentary first and then present the information provided. At the end, you may encourage a reflection on the death penalty in Puerto Rico. This guide provides simple questions that will help you discuss the issue.

Before we discuss the death penalty, we would like you to know what we do at the Civil Rights Commission. Our main duty is to educate the people of Puerto Rico about the meaning of individual and collective fundamental rights and the means to respect, protect and honor them. We have the duty to ensure the protection of civil and human rights and the strict compliance with the law that protects said rights before individuals and government authorities. We encourage research and promote forums for the discussion of the validity of fundamental rights in our country. We investigate the complaints we receive in relation to violations of said rights and

also appear before the courts as amicus curiae in cases in which the civil and human rights of the people who live in the jurisdiction of Puerto Rico may be impaired or violated. We also participate actively in the discussion for the development of public policies that have an impact on any aspect of civil and human rights.

A handwritten signature in blue ink, appearing to read 'Ever Padilla-Ruiz', with a stylized flourish at the end.

Ever Padilla-Ruiz  
*Director ejecutivo*  
Comisión de Derechos Civiles  
Estado Libre Asociado de Puerto Rico



## Introducción

The death penalty or capital punishment is a criminal penalty framed in corporal punishment, as it has a direct effect on the body of the accused. It consists of depriving a person of his or her life when, according to the judge, he or she is found guilty of certain specific crimes. Said penalty applies to the crimes classified as capital crimes or offenses.

## Civil rights v. human rights

Civil rights or civic rights are the rights that protect individual liberties and guarantee a person's ability to participate in civilian and political life in equal conditions, without any type of discrimination. Civil rights are adopted by the State and set forth in the Constitution, legislation or codes. These rights are enforceable before the State, and any person within the territory, even foreigners, are entitled to them. Civil rights are not absolute. Everyone has a civic responsibility to respect the fundamental rights of others. Each person has the same rights as any other; no one may exercise their rights at the expense of violating the rights of another.

Human rights are the rights inherent to all human beings, regardless of birthplace, that humanity philosophically and morally believes are necessary to respect the dignity of human beings. Unlike civil rights, these are not enforceable against the State because they lack legal authority. Rather, they are an aspiration in the social construct.

## How does the death penalty work?

Article VI of the U.S. Constitution states, *"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be **the supreme law of the land**; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."* This article is known as the **Supremacy Clause**. It establishes that the U.S. Constitution and federal legislation are higher in hierarchy than state constitutions and legislation.

We find two important provisions in the Eighth and Fourteenth Amendments. The Eighth Amendment prohibits the federal government from imposing excessive fines or cruel or unusual punishments. The Fourteenth Amendment recognizes due process of law. The Eighth Amendment is applied against the states as well as the federal government, which means that minimum federal standards must be met at the state level. In fact, a state government may offer more guarantees than the federal constitution, but not less. That is why there are prohibitions against capital punishment at the state level, but the states that impose it must comply with the minimum federal standards.

The U.S. Congress or any state legislature may prescribe the death penalty for murder or other crimes. The U.S. Supreme Court has ruled that the death penalty is not a *per se* violation of the Eighth Amendment of the U.S. Constitution, which bans cruel and unusual punishments. However, it has established that the Eighth Amendment does not determine the procedural aspects regarding when a jury may apply the death penalty and how it must be carried out.

To analyze the Eighth Amendment, courts must consider evolving standards of decency to determine if a particular punishment constitutes cruel or unusual punishment. When considering evolving standards of decency, courts must examine objective factors to show a change in community standards and also make independent evaluations about whether the statute in question is reasonable.

The U.S. Supreme Court has determined that a **penalty must be proportional to the crime**; otherwise, the punishment would violate the Eighth Amendment and its prohibition against cruel and unusual punishments. In its proportionality analysis, the Supreme Court analyzes the following three factors: the seriousness of the offense and the severity of the penalty; how the jurisdiction punishes its other criminals; and how other jurisdictions punish the same crime.

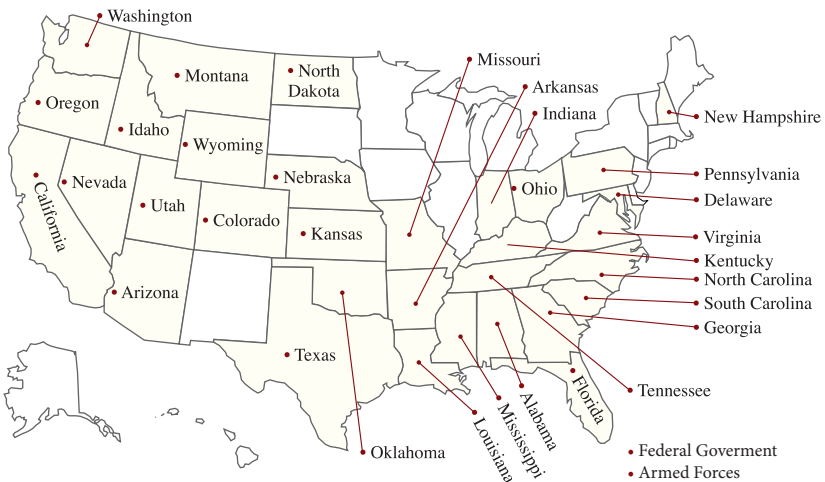
The U.S. Court has explained that capital punishment must be limited to those offenders who commit a narrow category of the

most serious crimes and whose extreme culpability makes them the most deserving of execution.<sup>1</sup> Capital punishment is not considered unconstitutional at the federal level, but the Court insists on limiting the instances in which it may be applied.<sup>2</sup>

## The death penalty today

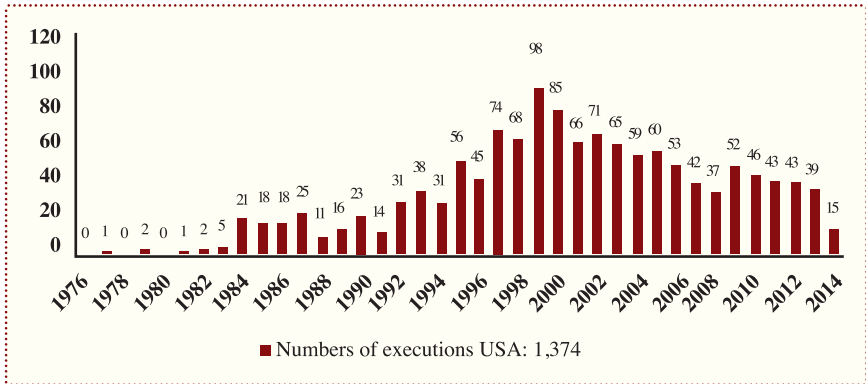
The rule of law prohibiting the death penalty exists in Puerto Rico through our Constitution. Article II, §7 of the Bill of Rights provides the following in pertinent part: *“The right to life, liberty and the enjoyment of property is recognized as a fundamental right of human beings. **The death penalty shall not exist.**”* In turn, Article II, §12 establishes the following: *“Cruel and unusual punishments shall not be imposed.”*

In the United States, capital punishment is legal in the entire country for federal and military crimes. It is also legal in 32 states under their respective state constitutions, with the exception of most of the Northeast and other states and territories outside the 48 contiguous states, such as Alaska and Hawaii, and Puerto Rico, an unincorporated territory. The death penalty is permitted at the state level in the following U.S. jurisdictions:



1 Roper v. Simmons, 543 U.S. 551, 568 (2005), discusses the unconstitutionality of imposing capital punishment for crimes committed when the defendant is under 18 years old.  
2 See Gregg v. Georgia, 428 U.S. 153 (1976).

From the reactivation of capital punishment in 1976 to date, April 4, 2014, there have been 1,374 executions in the United States.<sup>3</sup>



At the federal level, 195 death penalty cases were certified between 1988 and October 2013. These cases involved 287 defendants in 224 trials.<sup>4</sup> These 287 defendants were culled from a pool of 492 against whom the Attorney General had authorized the prosecution to seek the death penalty. Of those, 20 defendants are awaiting or currently on trial. Of those remaining, 228 avoided trial through plea bargains or because the prosecution withdrew its request for the death penalty. In 16 cases, the defendants were found not guilty of the capital crime. In the cases in which the juries reached the point of choosing between life and death, life sentences were imposed in 148 cases (67%) and death sentences in 74 cases (34%).

Out of the total 492 defendants against whom the Office of the Attorney General has authorized the prosecution to request the death penalty:

- 129 (or 26%) have been white
- 92 (or 19%) Latin-American
- 19 (or 4%) Asian or Native American
- 3 (or 1%) Arab
- 249 (or 50%) African Americans
- 363 of the 492 (or 74%) of the defendants certified for capital prosecution by an attorney general are members of minority groups.
- 35 of the 56 (or 63%) defendants on federal death row are non-white

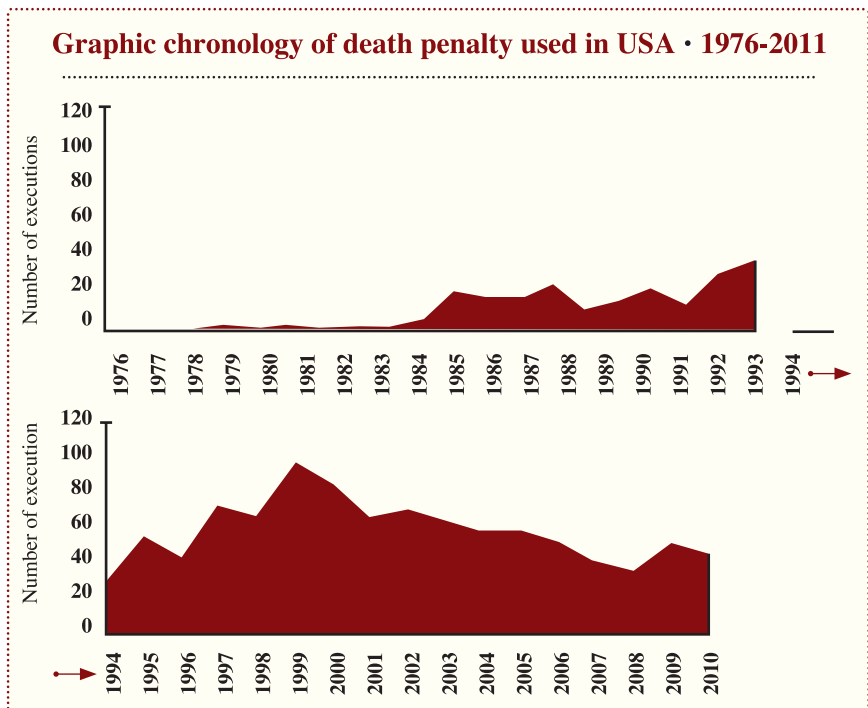
<sup>3</sup> More information is available in the Death Penalty Information Center Fact Sheet, <http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>.

<sup>4</sup> For more information, please visit <http://www.capdefnet.org/fdprc/>.

- 32 (or 57%) convicts under death sentences were convicted of killing whites

In the following image, we can see how the death penalty has evolved in the United States from 1976 to 2011.<sup>5</sup> Over the years, procedural aspects for the application of the death penalty have been limited, such as: prohibition of death penalty for rape, prohibition of executing the mentally disabled, and prohibition of sentencing juveniles to capital punishment. However, we can also observe its arbitrary application. Studies have been released about the application of the death penalty as a result of racial discrimination, and people have been exonerated with DNA tests. More than 100 people have been exonerated from death row.

The most widely used method of execution in the United States is lethal injection. Many countries have abolished the death penalty because they consider it a barbaric method that violates human dignity and rights.



5 Image courtesy of the Death Penalty Information Center report, *Struck by Lightning: The Continuing Arbitrariness of the Death Penalty Thirty-Five Years after Its Re-instatement in 1976*.

## Cronología descriptiva de pena de muerte en EE. UU. • 1976-2011

- 1976 • **Gregg vs. Georgia** defienden nuevas condiciones de pena capital
- 1977 • Primera ejecución en diez años: Gary Gilmore en Utah
- 1977 • **Coker vs. Georgia** no a la pena de muerte por violación
- 1982 • Primera inyección letal en Texas
- 1986 • **Ford vs. Wainwright** prohíben la ejecución de incapacitados mentales
- 1987 • **McCleskey vs. Kemp** rechazan evidencia estadística como prueba de discrimen racial
- 1988 • Se integra la pena de muerte federal
- 1989 • **Penry vs. Lynaugh** permiten ejecución de personas con discapacidad intelectual
- 1989 • **Stanford vs. Kentucky** permiten la pena de muerte a jóvenes de 16 y 17 años
- 1993 • Primera exoneración basado en ADN de condenados a muerte
- 1994 • Proyecto de ley expande pena de muerte federal a más de 50 delitos
- 1996 • El Congreso restringe severamente el Habeas Corpus Federal
- 1999 • Se realizaron 98 ejecuciones a nivel nacional, la cantidad de ejecuciones más alta desde la reintegración
- 2000 • El gobernador de Illinois impone una moratoria a las ejecuciones
- 2002 • Centenar de exoneraciones de la pena de muerte
- 2002 • **Atkins vs. Virginia** prohíben la pena de muerte a personas con discapacidad intelectual
- 2005 • **Roper vs. Simmons** prohíben sentenciar la pena capital a jóvenes
- 2006 • Mil ejecuciones desde el 1976
- 2008 • **Baze vs. Rees** defienden la inyección letal
- 2008 • **Kennedy vs. Louisiana** el tribunal decide que no hay pena de muerte para crímenes contra las personas, excepto el asesinato
- 2009 • Nuevo México censura la pena de muerte
- 2009 • El Instituto de Leyes Americanas retira el modelo de ley de la pena de muerte
- 2011 • Illinois censura la pena de muerte

## Penalties imposed

**LETHAL INJECTION:** This method of execution consists of a continuous intravenous injection of a lethal dose of a fast-acting barbiturate combined with a paralytic chemical. The procedure is similar to that used in a hospital to administer general anesthesia, but the products are injected in lethal doses. In Texas, one of the 19 states in the U.S. where executions are carried out by lethal injection, three substances are used together: sodium thiopental, pancuronium bromide and potassium chloride.

Sodium thiopental is a barbiturate that causes loss of consciousness. Pancuronium bromide is a muscle relaxant that paralyzes the diaphragm, thus preventing respiration. Potassium chloride causes cardiac arrest. Any resistance by the convict can cause the poison to enter a muscle or artery, which would cause pain. Finding a suitable vein to insert the needle is not that simple and sometimes requires a small surgical intervention. In a case in Texas in 1985, more than 23 attempts were needed before the needle could be inserted in a suitable spot, and the process lasted 40 minutes.

**HANGING:** The prisoner is hung from a rope tied around his or her neck and dies due to the force exerted by the weight of the body as a result of gravity. Unconsciousness and death are caused by spinal cord injuries or, if that is not enough, by strangulation from constriction of the trachea.

**EXECUTION BY SHOOTING:** Execution is carried out by a single subject or a firing squad. The prisoner dies from one or several of the following causes: injuries to vital organs (such as the heart), central nervous system injuries or hemorrhaging. Even though a shot to the head at point-blank range should produce immediate unconsciousness, the procedure may last longer in executions by firing squad in which soldiers shoot from a longer distance – and therefore with less accuracy – and may have received orders to aim at the trunk, which is easier to hit than the head. Even though some prisoners may remain conscious after the first shots, even in normal executions by firing squad, some executions have been conceived to prolong suffering.

**ELECTROCUTION:** Electrocution began in the United States in 1888, alleging it would be more humane than hanging. The

procedure is as follows: after tying the condemned inmate to a chair built for this purpose, the executioners attach damp copper electrodes to the inmate's head and leg, which have been shaven to guarantee good contact between the electrodes and the skin. Strong electrical discharges are applied for short periods of time. Death is produced by cardiac arrest and respiratory paralysis. Electrocutation produces visible destructive effects by burning the body's internal organs. Often, when the current is applied, the inmate jumps forward, pulling on the belts holding him or her and may defecate, urinate or vomit blood. Eyewitnesses always say there is a burnt-meat smell.

**GAS CHAMBER:** The condemned inmate is tied to a chair inside an airtight chamber. A stethoscope connected to headphones in the contiguous witness room is tied to his or her chest so that a physician can control the development of the execution. Cyanide gas is released into the chamber, poisoning the inmate when he or she breathes. Death is produced by asphyxiation due to the cyanide's inhibition of the respiratory enzymes that transfer oxygen from the blood to the other cells of the organism. Even though unconsciousness may be produced quickly, the procedure lasts longer if the inmate tries to prolong his or her life by holding his or her breath or breathing slowly. As in other methods of execution, vital organs may continue working for some time whether or not the condemned prisoner is unconscious.

**BEHEADING:** According to the method used in Saudi Arabia and Qatar and established in the legislation of the Yemen Arab Republic and the United Arab Emirates, the head is severed from the trunk with a blow from a scimitar. Even though the intention is for the sharp edge of the weapon to quickly cut the spinal cord and produce unconsciousness from the trauma, several blows may be necessary because the scimitar is a relatively lightweight weapon, and the duration of the execution depends on the strength and skill of the executioner.

**STONING:** Execution by stoning is usually carried out while the convict is buried up to the neck or tied in some way. Death may be caused by brain injuries, asphyxia or a combination of injuries. Since a person can withstand forceful blows without losing consciousness, stoning may result in a slow death.



The death penalty involves the State carrying out exactly the same act that is banned by law with more severity. Practically all legal systems impose the most severe penalty for willful and premeditated murder (first degree murder), but nothing is more premeditated or in cold blood than executing a human being. Just as it is impossible to create a system to impose the death penalty that is free from arbitrariness, discrimination or errors, it is also impossible to find a way to execute a person that is not cruel, inhumane or degrading.

## The death penalty in Puerto Rico

Are you saying the death penalty existed in Puerto Rico!? The first piece of legislation passed in Puerto Rico imposing the death penalty was the Cudgel Act (*Ley del Garrote*), which provided for a summary execution after giving notice of the sentence. Execution would be carried out in a public place or in any place designated by the court. Nine people were executed under this act. In 1902, said act was superseded by the Gallows Act (*Ley de la Horca*) until the Puerto Rico Criminal Code, which included the death penalty as a punishment, was passed in 1902.

In the following years, several death sentences were upheld by our highest judicial forum, including those of Carlos Arocho and Jacinto Clemente, accused of raping and strangulating a 14-year-old girl in a sugar-cane plantation in Río Piedras. The two of them were executed on July 20, 1927. The last man executed in Puerto Rico was Pascual Ramos, who murdered a foreman at the Sabater Hacienda in Guayama. Pascual Ramos had a labor dispute with one of his supervisors, so he got a machete and decapitated him. He was executed on September 15, 1927.

Fourteen people were executed in Puerto Rico under the Gallows Act until it was abolished on April 26, 1929. Later on, with the adoption of the Constitution of the Commonwealth of Puerto Rico, the enjoyment of life was recognized as a fundamental right and it was expressly established in Article II, §7 that **the death penalty shall not exist**.

Now, due to the political situation of the island, we are also subject to federal legislation. One of the pieces of legislation applicable to Puerto Rico is the Death Penalty Act of 1994.

The U.S. Death Penalty Act of 1994 was enacted as Title VI of the Violent Crime Control and Law Enforcement Act of 1994 and came into effect on September 13, 1994.<sup>6</sup> When it passed this legislation, Congress established procedures for imposing the death penalty for 60 offenses under 13 existing and 28 newly-created federal capital statutes. The 60 offenses are divided mostly into three categories: homicides; espionage and treason; and non-homicidal narcotics offenses.<sup>7</sup> It is important to note that the list of legislation is not exhaustive. The act expressly extends to “any other offense for which a sentence of death is provided...”<sup>8</sup>

Multiple requests for certification to try cases as death penalty cases have been filed with the U.S. District Court for the District of Puerto Rico by virtue of the U.S. Death Penalty Act of 1994. Nonetheless, no Puerto Rican jury has decided to punish a convict with the death penalty; instead, juries have chosen the alternative of life sentences. Let’s examine some of these cases:

- **Héctor Martínez-Acosta and Joel Rivera-Alejandro (2003)** – They were the first defendants to face the death penalty after it was prohibited locally in 1929. They were accused of kidnaping, murdering and dismembering a businessman in events that took place in February 1998. Both were acquitted in the first phase of the trial and the jury did not have to face the dilemma of choosing life or death.
- **Lorenzo Vladimir Catalán-Román and Hernando Medina-Villegas (2005)** – They were accused of committing carjacking and murdering a security guard in Gurabo. Both of them were found guilty in the first phase and, for the first time, a jury had to evaluate capital punishment as an option. The two defendants were sentenced to life in prison. In the case of Catalán-Román, the decision was unanimous in favor of a life sentence, but in the case of Medina-Villegas the jury voted 9-3 in favor of capital punishment.

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6 See 18 U.S.C. 3591-3598.

7 See Enclosure 2 for the complete list of offenses with reference to the statute establishing the death penalty.

8 §3951(a)(2)

- **Carlos Ayala-López (2006)** - He was found guilty in the first phase for the murder of a federal agent on April 24, 2002, during a robbery at the VA Hospital. In this case, the jury voted 10-2 in favor of the death penalty and Judge Jay A. García-Gregory sentenced him to life in prison.
- **Edison Burgos-Montes (2012)** - This business owner was convicted for the disappearance and murder of his girlfriend. The jury, consisting of eight men and four women, voted 11-1 in favor of execution. The deadlock allowed him to serve a prison sentence until his death.
- **Lashaun Casey (2012)** - He was a Jamaican citizen who was convicted on March 19, 2013, for the murder of undercover agent Jesús Lizardi-Espada during a drug transaction in Luquillo in 2005. He was sentenced to life in prison without parole.
- **Alexis Candelario-Santana (2013)** - He was convicted for 22 murders, including the massacre at La Tómbola. He was sentenced to life in prison by a jury of seven women and five men, who decided not to send him to death row.
- **Xavier Jiménez-Benceví (2013)** - He was convicted for the murder of his wife's sister-in-law, Delia Sánchez, on June 21, 2010. The 21 year old was a federal witness in seven murder cases tied to a gang engaged in drug traffic in the Nemesio Canales public housing project in Hato Rey. Assistant U.S. Attorney José Capó tried to justify why Jiménez-Benceví should be given the death penalty, he mentioned Sánchez's murder as well as the murder of Eduardo Cabrera in 2007 and the shooting of three police officers in 2010. The prosecution also brought up a shooting led by Jiménez in 2011 in the Victory Shopping Center in Bayamón in which 11 people were injured. A jury consisting of seven women and five men sentenced him to life in prison.

## Judicial proceedings in cases with a possible death penalty at the federal level

The U.S. Department of Justice requires that all cases that could potentially be capital punishment cases be submitted for review by the Attorney General to certify them as cases with a possible death penalty sentence. The procedure to file a case for certification is established in the United States Attorneys' Manual, commonly known as the Death Penalty Protocol (DPP) of the Department of Justice<sup>9</sup>.

The DPP establishes, in very general terms, the analysis that must be conducted to determine whether the Department of Justice should seek the death penalty in a particular case. Certain factors are generally taken into consideration during this process, including the strength of the evidence, the role of the accused in the capital offense, the willingness of the accused to plead guilty to life in prison, an assortment of other evidentiary factors as to the probability that the jury will impose a death sentence, and the opinion of the victim's family.

Each determination as to whether or not to certify a case for capital punishment must be based on the facts and the law applicable to the case and is framed within a consistent and fair nation-wide application of the federal legislation regarding capital punishment.<sup>10</sup>

Federal criminal proceedings are divided into phases. First, 12 members of a grand jury, which consists of 16 to 23 people, must decide whether the prosecution has sufficient evidence to file an indictment. Later, in the trial, a jury consisting of 12 members must unanimously decide the verdict of guilty. If they cannot reach an agreement, the judge may declare a hung jury, which will result in a mistrial. In cases certified for capital punishment, the members of the jury are known as "death qualified," because during the selection process they did not state they were against imposing the death penalty as a sentence. Finally, if the defendant is found

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9 See USAM §§9-10.010 to 9-10.190.

10 To learn more about the current policy for the certification of death penalty cases, see the memorandum of Attorney General Eric Holder, Jr., entitled "Changes to Death Penalty Protocol" of July 27, 2011.

guilty, the jury must unanimously decide on the sentence between life imprisonment without parole and the death penalty.

## **A call to STOP death penalty case certifications in Puerto Rico<sup>11</sup>**

The case of US v. Acosta-Martínez, 106 F.Supp.2d 311 (2000), of July 17, 2000, in the U.S. District Court for the District of Puerto Rico, through the opinion of Judge Salvador Casellas, served as a scenario for an important local decision against the death penalty. In this case, two people were accused of murder using a firearm in the commission of a violent crime and of murdering a person who provided information to law enforcement agencies in relation to the commission of a federal crime. Both offenses are punishable with the death penalty under the Federal Death Penalty Act.

The federal court decided the matter in favor of the defendants and ruled that the Federal Death Penalty Act did not apply in Puerto Rico. Said forum made its decision based on the fact that, according to section 9 of the Puerto Rico Federal Relations Act, the federal statute does not apply locally in Puerto Rico. The federal forum maintained that the unilateral application of the death penalty by Congress without the consent of the Puerto Rican people violates due process of law.

Even though the defendants won in the district courts, in the appeal, the U.S. Court of Appeals for the First Circuit held that the death penalty applies to Puerto Rico because the Constitution of Puerto Rico operates exclusively to organize the local government and, therefore, federal statutes are as applicable in Puerto Rico as in the rest of the United States.

Moreover, in a September 2013 news report, Chief U.S. District Judge for the District of Puerto Rico Honorable Aida Delgado-Colón discussed her conversations with U.S. Secretary of Justice

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11 For an analysis of this case, see “La Pena de Muerte, una batalla entre una ley federal y la Constitución de Puerto Rico” [The Death Penalty, a Battle between a Federal Statute and the Constitution of Puerto Rico], by Juan Alberto Soto-González and Juan Carlos Rivera-Rodríguez, 41 RDPUC 2.

Eric Holder regarding the use of resources for certified death penalty cases in court. From 2010 to 2013, death penalty cases have cost the local federal government around \$7.4 million. Judge Delgado reported that 8 death penalty certified cases have been tried and there are another 17 cases awaiting consideration to be certified by the U.S. Department of Justice.<sup>12</sup>

## Questions to reflect upon

1. Why is it possible to be sentenced to death in Puerto Rico when it is prohibited by our Constitution?
2. For what crimes is it possible to be sentenced to death?
3. Juan's case was tried in five days, is that normal?
4. Do you believe the death penalty is an effective deterrent to eradicate crime?

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12 Caribbean Business, John Marino: Steering Puerto Rico's federal court through challenging times, Edition: September 26, 2013 | Volume: 41 | No.: 37, also found at [http://www.caribbeanbusinesspr.com/prnt\\_ed/steering-puerto-ricos-federal-court-through-challenging-times-9026.html](http://www.caribbeanbusinesspr.com/prnt_ed/steering-puerto-ricos-federal-court-through-challenging-times-9026.html)

## Crimes that could be punishable by death

- 18 U.S.C. §§32, 33, 34 Destruction of aircraft, motor vehicles or related facilities resulting in death

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- 18 U.S.C. §36 Murder committed during a drug-related drive-by shooting

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- 18 U.S.C. §37 Murder committed at an airport serving international civil aviation

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- 18 U.S.C. §115(b)(3) Retaliatory murder of a member of the immediate family of law enforcement officials  
by cross-reference to 18 U.S.C. § 1111

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- 18 U.S.C §§241, 242, 245, 247 Civil rights offenses resulting in death

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- 18 U.S.C. § 351 Murder of a member of Congress, an important executive official or a Supreme Court Justice  
by cross-reference to 18 U.S.C. § 1111

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- 18 U.S.C. §794 Espionage

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- 18 U.S.C. §844 (d), (f), (i) Death resulting from offenses involving transportation of explosives, destruction of government property, or destruction of property related to foreign or interstate commerce

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- 18 U.S.C. §924(j) Murder committed by the use of a firearm during a crime of violence or a drugs trafficking crime

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- 18 U.S.C. §930 Murder committed in a federal government facility

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- 18 U.S.C. §1091 Genocide

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- 18 U.S.C. §1111 First-degree murder

- 18 U.S.C. §1114 Mof a federal judge or law enforcement official

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- 18 U.S.C. §1116 Murder of a foreign official

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- 18 U.S.C. §1118 Murder by a federal prisoner

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- 18 U.S.C. §1119 Murder of a US national in a foreign country

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- 18 U.S.C. §1120 Murder by an escaped federal prisoner already sentenced to life imprisonment

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- 18 U.S.C. §1121 Murder of a state or local law enforcement official or other person aiding in a federal investigation; murder of a State correctional officer

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- 18 U.S.C. §1201 Murder during a kidnapping

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- 18 U.S.C. §1203 Murder during a hostage taking

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- 18 U.S.C. §1503 Murder of a court officer or juror

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- 18 U.S.C. §1512 Murder with the intent of preventing testimony by a witness, victim, or informant retaliatory

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- 18 U.S.C. §1513 Murder of a witness, victim, or informant

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- 18 U.S.C. §1716 Mailing of injurious articles with intent to kill or resulting in death

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- 18 U.S.C. §1751 Assassination or kidnapping resulting in the death of the President or Vice President

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- 18 U.S.C. §1958 Murder for hire

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- 18 U.S.C. §1959 Murder involved in a racketeering offense

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- 18 U.S.C. §1992 Willful wrecking of a train resulting in death

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- 18 U.S.C. §2113 Bank-robbery-related murder or kidnapping murder related to a carjacking

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- 18 U.S.C. §2119 Death resulting from aggravated sexual



- 18 U.S.C. §§2241, 2242, 2243, 2244, 2245 Abuse, sexual abuse of a minor or ward, or abusive sexual conduct

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- 18 U.S.C. §2251 Murder related to sexual exploitation of children

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- 18 U.S.C. §2280 Murder committed during an offense against maritime navigation

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- 18 U.S.C. §2281 Murder committed during an offense against a maritime fixed platform

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- 18 U.S.C. §2332 Terrorist murder of a U.S. national in another country

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- 18 U.S.C. § 2332a Use of a weapon of mass destruction resulting in death

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- 18 U.S.C. § 2332b Crimes against persons in the United States resulting in death, committed by a person engaged in conduct transcending national boundaries

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- 18 U.S.C. §§2340, 2340A Murder involving torture

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- 18 U.S.C. §2381 Treason

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- 21 U.S.C. § 848(e) Murder related to a continuing criminal enterprise or drug trafficking offense, or drug-related murder of a federal, state or local law enforcement officer

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- 49 U.S.C. § 46502 death resulting from aircraft hijacking

# Juan Meléndez

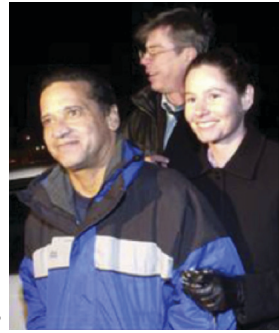


Photo:  
Jon M. Fletcher / AP

Juan Roberto Meléndez-Colón became the 24<sup>th</sup> person exonerated and released from death row in Florida and the 99<sup>th</sup> person at the national level when he was released on January 3, 2002. He spent seventeen years, eight months and one day on death row for a crime he did not commit. Meléndez was exonerated when the confession of the real murderer, a police informant, came to light in 1999. Meléndez was sentenced in 1984, when he was 33 years old, without physical evidence tying him to the crime, with the testimonies of questionable witnesses. The State of Florida refuses to apologize or admit any irregularities. The State gave him the same thing it gives all other inmates when they are released from prison, \$100.

Known to his friends as “Johnny” Meléndez, he was born in Brooklyn but grew up in Puerto Rico. Juan has joined the Board of Directors of Journey of Hope... from Violence to Healing and the National Coalition to Abolish the Death Penalty. He frequently participates in national and international initiatives presenting his experiences in order to heal and create awareness about the walk from death row and what life is like there. He also created the Juan Meléndez Voices United for Justice Project.

**For more information about Juan Meléndez’s life and projects, please visit the following links:**

- <https://www.journeyofhope.org/who-we-are/exonerated-from-death-row/juan-melendez/>
- [www.voicesunited4justice.com](http://www.voicesunited4justice.com)





# Juan Meléndez

**6 4 4 6**

A documentary by *Luis Rosario Albert*

**17 years, 8 month and 1 day in death row**



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