

*Jan. 29 text of statement by Florence Honickman at Eastern Reception, Diagnostic and Correctional Center, Bonne Terre, Mo.. following the execution of Herbert Smulls for the July 27, 1991 murder of Stephen Honickman (as written):*

Justice has finally prevailed with the execution of a vicious murderer, Herbert Smulls, who murdered my beloved husband, father of my two children, Stephen Honickman, in cold blood while I survived after being shot twice and being taken for dead. However, make no mistake, the long, winding and painful road leading up to this day has been a travesty of justice.

1. In a just and rational legal system, there is no reason why all appeals cannot be exhausted within 10 years of the date that the crime was committed both in the sense of submission of appeals and especially in the sense of these appeals being judged and ruled upon. I believe it is cruel and unacceptable both to the criminal about to be executed and to the victims' family that after endless appeals, 20-plus years on death row and after the execution date has been set, the criminal is given hope of a stay based on absurd technical and procedural matters. And the victims' family is subjected to an additional 24 hours of torture, not knowing if the execution will actually take place. I am not talking about those rare cases where new evidence suddenly surfaces, especially new DNA evidence, and again, we all know these are very rare.

2. There is much discussion about the suffering of the murderer during the final moments before death. I am now going to discuss the term "cruel and unusual punishment." What about the victims? Steve, my husband, was shot and suffered endless pain and tenor before he breathed his last breath in the helicopter on the way to the hospital. I, myself managed to survive; however, I felt pain and terror while I lay on the floor, playing dead, while the murderers ransacked our office. I have been suffering from my wounds, both mental and physical, for over 22 years, and will most likely suffer forever. I have a debilitating chronic cough I got just shortly after the shooting and have received several medical opinions that this is due to my vagus nerve being affected by one of the bullets that entered and exited my chest.

3. I would also like to address the question of our jury system. Whether one likes or agrees with it or not, it is the law of the land and must be respected. Twenty-two years ago, a jury of 12 found Smulls guilty of first degree murder and decided his punishment should be death by execution. These 12 people devoted immense time and effort, were sequestered and were separated from their families for long periods of time. Are we to say to them after all of Smulls' appeals were rejected, including by the Supreme Court, that their verdict was not worth the paper it is written on because of absurd technical and procedural issues? What message are we sending to potential jurors in future murder trials?

4. Last but not least. I want the taxpayers of the state of Missouri to realize that keeping Smulls on death row forever 20 years has cost them millions of dollars in legal fees to his lawyers, who have represented him in endless, futile appeals, medical treatment; clothing; food; security arrangements; etc. I would like it to be known that the state of Missouri does not participate in one cent of my expenses or those of my immediate family, with regard to air travel, hotel stays, food or otherwise in connection with us being present at the execution. Fortunately, I do not need the assistance of the state of Missouri to help me cover these expenses; however, I am sure some victims are unable to attend the execution of the person that murdered their loved ones due to their inability to withstand these expenses. I suggest that the state of Missouri give serious thought to this matter and reconsider a policy which seems extremely unfair to the

victims. In general, I would like to conclude by saying: think and worry more about the victims and less about the murderers.