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## Mitigating Circumstances

We can't claim we didn't find Rosalie Bolin's story entertaining. As Folio Weekly reported last month, first on our blog and later in newsprint, the woman hired by the local Public Defender's Office to manage the penalty phase of capital cases has a personal history that reads like pulp fiction. Once the privileged wife of a prominent criminal defense attorney in Tampa, she gave up her socialite's existence and a family unit that included four young daughters to marry a Death Row client — Oscar Ray Bolin Jr., a serial killer convicted of the brutal rapes and murders three young women. In a 1996 L.A. Times article, "Fool for Love?" Rosalie Bolin described her affinity for her future husband as instantaneous and irresistible: "I felt his isolation, his confinement, his loneliness," she was quoted as saying. "It affected me. ... And it left me breathless." (Read the full story at <http://bit.ly/rosaliebolin>).

The relationship wasn't just peculiar; it complicated Bolin's ability to do her job. According to the L.A. Times story, she quit the Hillsborough County's public defender's office under pressure after jail officials suggested she'd had sex with Bolin in his cell. And media interest was intense; she appeared on numerous daytime TV programs and was rumored to have a movie deal in the works.

So when Folio Weekly learned that Rosalie Bolin had been hired as a contract employee by 4th District Public Defender Matt Shirk, we were interested. We were also amazed that the blurb the Times-Union ran about her hiring made almost no mention of her crazy past

Bolin, as a death penalty mitigation specialist, was hired specifically to work the penalty phase of a trial, to persuade a jury to choose a life sentence over death. Hers is a very narrow specialty, one that relies on an ability to research and introduce mitigating facts about a defendant's past and childhood, or their psychological or medical conditions — information designed to let jurors see the accused as a human being, not just a monster.

Bolin is one of the state's most skilled death penalty mitigators, and her work on the Dubose brothers' trial is a testament to that ability. Though the case dealt with one of the city's most horrific and high-profile murders — the slaying of 8-year-old DreShawna Davis — two



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([http://bit.ly/bolin\\_TU](http://bit.ly/bolin_TU)). And by breaking that story, we doubtless contributed to the ensuing controversy that prompted Shirk to fire her.

In a statement, Shirk cited Bolin's "well-publicized and colorful personal life that has grabbed the attention of many in the 4th Judicial Circuit, including the news media." Shirk, who claims — not entirely convincingly — that he was clueless about Bolin's marriage to a Death Row inmate, said that he fired her to be sure that his office did not allow "tangential discourse to ever compromise" clients' cases.

Unfortunately, the decision to fire Bolin, though politically expedient, probably will compromise clients' cases. When Shirk took office in Nov. 2008, he made the swift and many believe rash decision to ax almost every senior lawyer in the Public Defender's Office. The bloodletting included 10 lawyers with a shared 300 years of experience, and five of the six attorneys qualified to try death penalty cases. Though Shirk has been working since then to get other attorneys death penalty-qualified (including placing a want ad in the Feb. 15 issue of The Florida Bar News, [Folio Weekly, "Death Warmed Over," March 9]), his office has struggled to keep pace with the capital zeal of State Attorney Angela Corey, who made putting more people on Death Row a centerpiece of her campaign.

of the brothers were sentenced to life in prison. (A third brother's sentence is pending four months after his jury recommended death.)

The firing of Rosalie Bolin will likely mean more death sentences in Duval. And although death penalty supporters won't shed a tear over this, the fact is that capital punishment is a hugely inefficient and costly way to mete out justice. Capital cases cost the state millions to prosecute, and then defend during endless years of appeals. (It often loses: Florida leads the nation in overturned death penalty cases.) And because so few Death Row inmates are ever executed, the cost of each Florida death sentence is astronomical. (A 2000 article in The Palm Beach Post found the state spent \$24 million for each execution it has carried out since 1976.) Duval County is currently contributing more than its fair share to that cost, with 53 inmates on Florida's Death Row — 13 percent of the total.

Whatever one thinks about the merits of the death penalty — a policy that puts the United States in dubious international company — there's no question that taxpayers would benefit from fewer death sentences. Rosalie Bolin's story may have been titillating, but her work was invaluable. □

To read excerpts from Susan Cooper Eastman's exclusive interview with Rosalie Bolin, go to [flogfolioweekly.com](http://flogfolioweekly.com)

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