

# Appeals court delays execution

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Ford

A federal appeals court in Atlanta stayed the execution Alvin Bernard Ford Monday afternoon just 14 hours before the convicted killer of a police officer was to die in Florida's electric chair.

The 11th Circuit Court of Appeals ruled moments before a federal judge in Fort Lauderdale announced his rejection of a similar appeal.

Ford, convicted of the 1974 killing of a Fort Lauderdale police officer, had been scheduled to die in the electric chair at 7 this morning at Florida State

Prison near Starke.

A three-judge panel in Atlanta ordered the indefinite stay about 5 p.m. to allow Ford time to appeal a decision by U.S. District Judge Norman C. Roettger Jr.

After a 3½-hour hearing in Fort Lauderdale Monday, Roettger rejected arguments by Ford's attorneys that Ford was improperly sentenced and did not receive adequate counsel at his 1974 trial.

Calling the crime "heinous and reprehensible," Roettger said Ford's death sentence should have been "carried out a long time ago."

Ford, 28, was condemned to death for the execution-style slaying of Fort Lauderdale police officer Walter Ilyankoff. Ford shot Ilyankoff twice while attempting to rob the Red Lobster Restaurant at 5950 N. Federal Highway. While attempting to escape, Ford shot Ilyankoff in the head at point-blank range.

Roettger said he was disturbed that the appeal had dragged on for more than six years.

"I can't understand why a case tried in 1974 doesn't get reviewed [by the U.S. District Court] until December 1981," he said.

Before announcing his ruling, Roettger called Atlanta to tell the appellate judges how he would rule. The stay was issued in Atlanta before Roettger finished his ruling from the bench in Fort Lauderdale.

Ford's attorneys praised the appellate judges, who had received written notice of the appeal before Monday's hearing.

"I'm delighted," said attorney Richard Burr. "The 11th Circuit did exactly what it ought to have done, which is to give Mr. Ford the right to consider review ... in a less-pressurized time schedule than we had the past few

days."

Burr said the court of appeals probably will hold a hearing on the case in January.

Broward State Attorney Michael Satz, the prosecutor at Ford's trial, declined to comment on the Atlanta ruling.

He praised Roettger for providing a "thorough and exhaustive" hearing and said he agrees with the judge that death sentence appeals last too long.

Ford's case already has been to the Florida Supreme Court twice. The U.S.

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Supreme Court refused to review the case in 1980.

—During the hearing Monday, Ford's attorneys argued that defense lawyer Robert Adams had failed to raise crucial legal questions that would have helped Ford at his trial in Broward Circuit Court.

But Adams denied the charges during a series of heated exchanges

with Burr.

"My only strategy was to save that young man's life," said Adams, a former chief prosecutor in Broward.

A Tallahassee psychiatrist called by the defense testified that Ford was using potent drugs and suffering from severe depression in the months before the shooting.

Dr. Jamal Amin said Ford had been an "all-American kind of guy" before leaving his hometown of Palmetto and moving to the "big city" of Gainesville. There, Amin said, Ford lost his small-town values, discovered drugs and "aggressive women" and began hanging out with a bad crowd.

Amin also said that the psychiatrist who examined Ford before his trial could not help Ford because the defendant was black and the psychiatrist was white.

However, Roettger dismissed the

argument as "discriminatory" and "racially bigoted."

Roettger also discounted testimony by a Broward pathologist that officer Ilyankoff did not feel any pain when Ford shot him in the head.

Abdullah Fatteh, former Broward deputy medical examiner, said Ilyankoff was semiconscious after being shot twice in the stomach and would not have suffered from the shot in the head.

Ford, a former prison guard, sat impassively in the courtroom during most of the hearing, restricted

by handcuffs and chains around his waist.

During one dramatic moment, however, U.S. marshals removed the handcuffs so Ford could raise his hand to take an oath.

When Satz asked Ford if he was satisfied with his current attorneys, Ford said he was not qualified to answer.

Pressed for more information, Ford grew testy.

"That's all I can say," he said. "You can kill me tomorrow or you can kill me today, I don't know."