

Supreme Court of Florida

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October 7, 2016

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

Re: Certification Required Pursuant to “Timely Justice Act of 2013” July -
September, 2016, Quarterly Report

Dear Governor Scott:

There are no new individuals who meet the criteria to be added to the certification list this quarter.

The Death Penalty Reform Act specifies that as Clerk of Court of the Supreme Court of Florida I am to certify in writing to you “that a person convicted and sentenced to death before or after the effective date of the act,” has:

1. Completed such person’s direct appeal and initial postconviction proceeding in state court and habeas corpus proceeding and appeal there-from in federal court; or
2. Allowed the time permitted¹ for filing a habeas petition in federal court to expire.

Based on the records available to me,² listed below is the complete list of individuals³ under sentence of death⁴ who have completed the direct appeal and

initial postconviction proceeding in state court and the habeas proceeding and appeal there-from in federal court as defined in the statute.

Alston, Pressley	Evans, Steven Maurice	Johnson, Ronnie
Anderson, Fred, Jr.	Evans, Wydell Jody	Jones, David Wyatt
Anderson, Richard Harold	Everett, Paul Glenn	Jones, Randall Scott
Archer, Robin Lee	Fennie, Alfred Lewis	Jones, Victor Tony
Asay, Mark James*	Finney, Charles William	Kelley, William Harold
Atwater, Jeffrey Lee	Ford, James D.	Kokal, Gregory
Barwick, Darryl Bryan	Foster, Charles	Lamarca, Anthony
Bates, Kayle Barrington	Foster, Jermaine A.	Lambrix, Cary Michael*
Beasley, Curtis W.	Fotopoulos, Konstantios X.	Lawrence, Gary
Belcher, James	Franqui, Leonardo ⁵	Lawrence, Jonathan Huey
Bell, Michael Bernard	Freeman, John D.	Lightbourne, Ian Deco
Blanco, Omar	Gamble, Guy R.	Looney, Jason
Booker, Stephen Todd	Gaskin, Louis B.	Lott, Ken Eldon
Bowles, Gary Ray	Gonzalez, Ricardo	Lucas, Harold
Branch, Eric Scott	Gordon, Robert	Lugo, Daniel
Bradley, Donald	Griffin, Michael Allen	Mansfield, Scott
Brown, Paul Alfred	Grim, Norman	Marquard, John Christopher
Burns, Daniel Jr.	Gudinas, Thomas Lee	Marshall, Matthew
Card, James Armand	Haliburton, Jerry Leon	McDonald, Meryl S.
Cave, Alphonso	Hamilton, Richard Eugene	Mendoza, Marbel
Cole, Loran	Hannon, Patrick	Morris, Robert D.
Consalvo, Robert A.	Harvey, Harold Lee Jr.	Morton, Alvin Leroy
Cox, Allen Ward	Heath, Ronald Palmer	Nelson, Micah
Cumming-El, Frederick W.	Herring, Ted	Oats, Sonny Boy, Jr.
Dailey, James Milton	Hertz, Guerry Wayne	Occhicone, Dominick A.
Darling, Dolan Carlton	Hitchcock, James Ernest	Owen, Duane Eugene
Davis, Adam William	Hodges, George Michael	Pace, Bruce Douglas
Dessaure, Kenneth	Holland, Albert	Pagan, Alex
Dillbeck, Donald David	Hunter, James Eugene	Peterka, Daniel Jon
Doorbal, Noel	Hutchinson, Jeffrey Glenn	Philmore, Lenard James
Downs, Ernest Charles	Israel, Connie Ray	Pietri, Noberto
Doyle, Daniel Lee	Jackson, Etheria Verdel	Ponticelli, Anthony John
Duckett, James Aren	Jennings, Bryan Fredrick	Pooler, Leroy
Evans, Paul H.	Jimenez, Jose Antonio	Pope, Thomas Dewey

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Puiatti, Carl	Sireci, Henry	Trepal, George
Quince, Kenneth Darcell	Sliney, Jack R.	Trotter, Melvin
Randolph, Richard Barry	Smithers, Samuel L.	Troy, John
Reed, Grover B.	Sochor, Dennis	Wainwright, Anthony Floyd
Reese, John Loveman	Spann, Anthony A.	Walls, Frank A.
Rhodes, Richard Wallace	Spencer, Dusty Ray	Walton, Jason Dirk
Robinson, Michael Lee	Stephens, Jason Demetrius	White, William Melvin
Rodriguez, Manuel Antonio	Stewart, Kenneth Allen ⁶	Whitfield, Ernest
Rogers, Glen Edward	Suggs, Ernest	Windom, Curtis
Rose, Milo A.	Sweet, William Earl	Wright, Joel Dale
San Martin, Pablo	Tanzi, Michael A.	Zack, Michael Duane, III
Scott, Paul William	Taylor, Perry Alexander	Zakrzewski, Edward J., II
Shere, Richard Earl Jr.	Thompson, William Lee	Zeigler, William Thomas, Jr.

*Existing death warrant

In addition to the individuals listed above, the following individuals under a sentence of death have completed the initial postconviction proceedings in state court but do not appear to have timely filed a federal habeas corpus petition within the time frame allowed.

Jones, Marvin Burnett
Krawczuk, Anton J.

Miller, David Jr.
Rose, James Franklin

Finally, the following individuals are without a complete first state postconviction process and a first federal habeas corpus but they have no current case activity in any court. Some listed in this section have filed pursuant to Rule 3.851(i) of the Florida Rules of Criminal Procedure and their postconviction proceedings were dismissed and collateral counsel was discharged. Others appear to have waived their right to further litigation.

Gill, Ricardo I.
James, Edward T.
Jeffries, Sonny
Muehleman, Jeffrey
Rodgers, Jeremiah M.

Russ, David Byron
Silvia, William Frances

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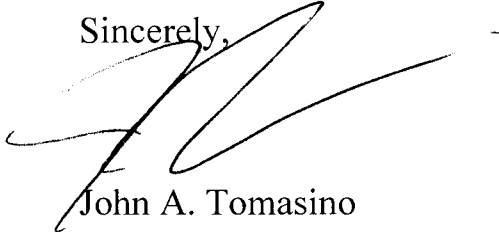
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Many of the individuals on these lists may have so called “successive” postconviction matters pending relating to their death sentence at some level in either state or federal court. Those individuals are not specifically identified here because it appears those pending matters are irrelevant to the determination of whether they should be included on the certification list.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Tomasino', written over the word 'Sincerely,'.

John A. Tomasino

JAT/CD/vbv

1. I am not sure what legal effect the words “allowed the time permitted” to expire has compared to “the time has expired.” I have included on this list those persons where the time has, in my opinion, expired. I do not know if the individuals “allowed” it to expire.

2. The majority of this information comes from sources other than Florida Supreme Court case files. I believe the information is accurate but cannot say it is not subject to dispute. It also involved a number of judgments in which reasonable people could reach different results.

3. The list is in alphabetical order by last name.

4. The statute uses the phrase “convicted and sentenced to death.” I have not included individuals on this list who have been convicted and sentenced to death and who have also completed the initial rounds of review but who are not currently under a sentence of death because they have been granted a new trial or new sentencing hearing but that new proceeding has not yet been completed.

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5. Mr. Franqui has two death cases both from Miami-Dade County. One sentence meets the qualification for certification; the other does not.

6. Mr. Stewart has two death cases and both sentences meet the qualifications for certification.