

Supreme Court of Florida

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July 12, 2016

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

Re: Certification Required Pursuant to "Timely Justice Act of 2013" April -
July, 2016, Quarterly Report

Dear Governor Scott:

The following individuals now meet the criteria to be added to the certification list previously submitted to your office on April 20, 2016:

Barwick, Darryl Bryan

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

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Occhicone, Dominick A.	Rodriguez, Manuel Antonio	Taylor, Perry Alexander
Owen, Duane Eugene	Rogers, Glen Edward	Thompson, William Lee
Pace, Bruce Douglas	Rose, Milo A.	Trepal, George
Pagan, Alex	San Martin, Pablo	Trotter, Melvin
Peterka, Daniel Jon	Scott, Paul William	Troy, John
Philmore, Lenard James	Shere, Richard Earl Jr.	Turner, William Thaddeus
Pietri, Noberto	Sireci, Henry	Wainwright, Anthony Floyd
Ponticelli, Anthony John	Sliney, Jack R.	Walls, Frank A.
Pooler, Leroy	Smithers, Samuel L.	Walton, Jason Dirk
Pope, Thomas Dewey	Sochor, Dennis	White, William Melvin
Puiatti, Carl	Spann, Anthony A.	Whitfield, Ernest
Quince, Kenneth Darcell	Spencer, Dusty Ray	Windom, Curtis
Randolph, Richard Barry	Stephens, Jason Demetrius	Wright, Joel Dale
Reed, Grover B.	Stewart, Kenneth Allen ⁶	Zack, Michael Duane, III
Reese, John Loveman	Suggs, Ernest	Zakrzewski, Edward J., II
Rhodes, Richard Wallace	Sweet, William Earl	Zeigler, William Thomas, Jr.
Robinson, Michael Lee	Tanzi, Michael A.	

*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

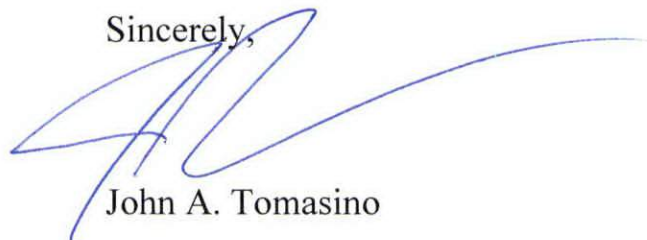
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Rodgers, Jeremiah M
Russ, David Byron
Silvia, William Frances

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 blue ink, appearing to read 'John A. Tomasino', with a long horizontal flourish extending to the right.

John A. Tomasino

JAT/TW/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

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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.

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.