

Supreme Court of Florida

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April 20, 2016

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

Re: Certification Required Pursuant to "Timely Justice Act of 2013" January -
March, 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 January 6, 2016:

Bates, Kayle Barrington
Everett, Paul Glenn
Lynch, Richard

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

Honorable Rick Scott, Governor

April 20, 2016

Page: 3

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

*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.

Honorable Rick Scott, Governor

April 20, 2016

Page: 4

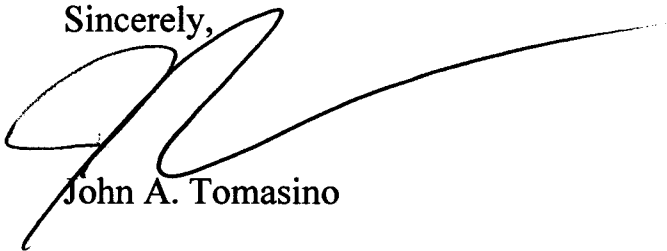
Gill, Ricardo I.
James, Edward T.
Jeffries, Sonny
Muehleman, Jeffrey
Rodgers, Jeremiah M

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 black 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 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.