



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
SUSAN DAVIS MORLEY
CHIEF DEPUTY CLERK
KRY S GODWIN
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

October 4, 2013

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

HAND DELIVERED

Re: Certification Required Pursuant to "Timely Justice Act of 2013"

Dear Governor Scott:

The recently enacted Death Penalty Reform Act specifies that as Clerk of Court of the Supreme Court of Florida I am to certify¹ 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;² or

1. Contrary to some published reports, the certification is by the Clerk of Court and not the Supreme Court of Florida. "The Clerk of the Florida Supreme Court shall inform the Governor in writing certifying ..." 2013 Fla. Laws 216. The Supreme Court of Florida has made no determination of whether the individuals on these lists meet the statutory standard.

2. The statute does not specify, whether, if a prisoner under sentence of death seeks timely certiorari review in the United States Supreme Court after the

Honorable Rick Scott, Governor

October 4, 2013

Page: 2

2. Allowed the time permitted³ for filing a habeas petition in federal court to expire.

Based on the records I have available to me,⁴ as of October 1, 2013, the following individuals⁵ under sentence of death⁶ have, as defined in the statute, completed the direct appeal and initial postconviction proceeding in state court and the habeas proceeding and appeal there-from in federal court:

Allen, Lloyd Chase

Alston, Presssly

Anderson, Richard Harold

Archer, Robin Lee

Atwater, Jeffrey Lee

Beasley, Curtis W.

Belcher, James

Bell, Michael Bernard

federal appeal, during that review, the prisoner would not qualify as eligible to be “certified” in accordance with the Act. Admittedly the word “appeal” is used and under state law is a term of art and would not include any discretionary review. Because such review is in federal court and would require an interpretation of federal law, I have assumed that such certiorari review in the United States Supreme Court, although discretionary, would mean that review would not be complete and to the extent there may be individuals under sentence of death in that posture, they are not included on the list.

3. 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.

4. 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.

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

6. 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.

Blanco, Omar	Foster, Charles
Booker, Stephen Todd	Foster, Jermaine A.
Bowles, Gary Ray	Fotopoulos, Konstantios X.
Branch, Eric Scott	Franqui, Leonardo ⁷
Brown, Paul Alfred	Freeman, John D.
Card, James Armando	Gamble, Guy R.
Cave, Alphonso	Gaskin, Louis B.
Chavez, Juan Carlos	Gonzalez, Ricardo
Cole, Loran	Gordon, Robert
Connor, Seburt	Griffin, Michael Allen
Consalvo, Robert	Gudinas, Thomas Lee
Cox, Allen Ward	Haliburton, Jerry Leon
Cumming-El, Frederick W.	Hamilton, Richard Eugene
Dailey, James Milton	Happ, William*
Darling, Dolan Carlton	Hannon, Patrick
Davis, Adam William	Harvey, Harold Lee Jr.
Davis, Eddie Wayne	Hendrix, Robert Eugene
Dessaure, Kenneth	Henry, John Ruthell ⁸
Dillbeck, Donald David	Henry, Robert L.
Doorbal, Noel	Herring, Ted
Doyle, Daniel Lee	Hertz, Guerry Wayne
Duckett, James Aren	Hodges, George Michael
Evans, Steven Maurice	Howell, Paul Augustus*
Evans, Wydell Jody	Hunter, James Eugene
Fennie, Alfred Lewis	Hutchinson, Jeffrey Glenn
Finney, Charles William	Israel, Connie Ray
Ford, James D.	Jackson, Etheria Verdel

*Existing death warrant

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

8. Mr. Henry has two death sentences; one from Hillsborough County and one from Pasco County.

Jennings, Bryan Fredrick
Jimenez, Jose Antonio
Johnson, Ronnie
Jones, David Wyatt
Jones, Randall Scott
Jones, Victor Tony
Kelley, William Harold
Kimbrough, Darius Mark
Knight, Thomas⁹
Kokal, Gregory
Kormondy, Johnny Shane
Lamarca, Anthony
Lambrix, Cary Michael
Lawrence, Gary
Lawrence, Jonathan Huey
Lightbourne, Ian Deco
Looney, Jason
Lott, Ken Eldon
Lucas, Harold
Mansfield, Scott
Marquard, John Christopher
Marshall, Matthew
McDonald, Meryl S.
Morris, Robert D.
Morton, Alvin Leroy
Nelson, Micah
Oats, Sonny Boy, Jr.
Occhicone, Dominick A.
Owen, Duane

Pace, Bruce Douglas
Pagan, Alex
Patton, Robert
Peterka, Daniel Jon
Philmore, Lenard James
Pietri, Noberto
Ponticelli, Anthony John
Quince, Kenneth Darcell
Randolph, Richard Barry
Reed, Grover B.
Reese, John Loveman
Rhodes, Richard Wallace
Robinson, Michael Lee
Rogers, Glen Edward
Rose, Milo A.
San Martin, Pablo
Scott, Paul William
Shere, Richard Earl Jr.
Sireci, Henry
Sliney, Jack R.
Smithers, Samuel L.
Sochor, Dennis
Spann, Anthony A.
Spencer, Dusty Ray
Stephens, Jason Demetrius
Stewart, Kenneth Allen
Suggs, Ernest
Swafford, Clifton Roy
Sweet, William Earl

9. Mr. Knight has two death sentences. One from Bradford County and another from Miami-Dade. A federal court recently granted Mr. Knight a new trial on the Miami-Dade case.

Honorable Rick Scott, Governor

October 4, 2013

Page: 5

Thompson, William Lee
Trepal, George
Trotter, Melvin
Turner, William Thaddeus
Vining, John
Wainwright, Anthony Floyd

Walls, Frank A.
Walton, Jason Dirk
Washington, Anthony Neal
Windom, Curtis
Zakrzewski, Edward J., II
Zeigler, William Thomas, Jr.

In addition to the individuals listed above, the following individuals under a sentence of death have completed the initial post conviction 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.
Jefferies, Sonny
Muehleman, Jeffrey
Rodgers, Jeremiah M.

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.

Honorable Rick Scott, Governor

October 4, 2013

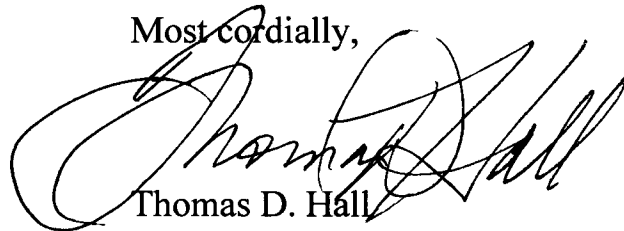
Page: 6

The statute also provides that within 30 days after receiving the letter of certification the Governor shall issue a warrant for execution for those on the certification list "if the clemency process has concluded." As Clerk, I have no records involving clemency.

The Act does not provide for when the certification must be made. In the future the plan is to provide an updated certification list, which shall include only changes to the list, once a quarter during each calendar year.

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

Most cordially,

A handwritten signature in black ink, appearing to read "Thomas D. Hall", written in a cursive style.

Thomas D. Hall

TDH/TW/vbv