

Supreme Court of Florida

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

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
KRISTINA SAMUELS
STAFF ATTORNEY

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

January 14, 2015

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

Re: Certification Required Pursuant to "Timely Justice Act of 2013" October-December, 2014, 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 October 8, 2014:

Mark James Asay
Carl Puiatti

William Melvin White

The recently enacted 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.

| | | |
|-------------------------------|--------------------------------|----------------------------|
| Allen, Lloyd Chase | Doyle, Daniel Lee | Israel, Connie Ray |
| Alston, Pressley | Duckett, James Aren | Jackson, Etheria Verdel |
| Anderson, Richard Harold | Evans, Paul H. | Jennings, Bryan Fredrick |
| Archer, Robin Lee | Evans, Steven Maurice | Jimenez, Jose Antonio |
| Asay, Mark James | Evans, Wydell Jody | Johnson, Ronnie |
| Atwater, Jeffrey Lee | Fennie, Alfred Lewis | Jones, David Wyatt |
| Beasley, Curtis W. | Finney, Charles William | Jones, Randall Scott |
| Belcher, James | Ford, James D. | Jones, Victor Tony |
| Bell, Michael Bernard | Foster, Charles | Kelley, William Harold |
| Blanco, Omar | Foster, Jermaine A. | Kokal, Gregory |
| Bolin, Oscar Ray ⁵ | Fotopoulos, Konstantios X. | Kormondy, Johnny Shane* |
| Booker, Stephen Todd | Franqui, Leonardo ⁶ | Lamarca, Anthony |
| Bowles, Gary Ray | Freeman, John D. | Lambrix, Cary Michael |
| Branch, Eric Scott | 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 | Mansfield, Scott |
| Consalvo, Robert A. | Haliburton, Jerry Leon | Marquard, John Christopher |
| Correll, Jerry William | Hamilton, Richard Eugene | Marshall, Matthew |
| Cox, Allen Ward | Hannon, Patrick | McDonald, Meryl S. |
| Cumming-El, Frederick W. | Harvey, Harold Lee Jr. | Morris, Robert D. |
| Dailey, James Milton | Heath, Ronald Palmer | Morton, Alvin Leroy |
| Darling, Dolan Carlton | Herring, Ted | Nelson, Micah |
| Davis, Adam William | Hertz, Guerry Wayne | Oats, Sonny Boy, Jr. |
| Dessaure, Kenneth | Hodges, George Michael | Occhicone, Dominick A. |
| Dillbeck, Donald David | Hunter, James Eugene | Owen, Duane Eugene |
| Doorbal, Noel | Hutchinson, Jeffrey Glenn | Pace, Bruce Douglas |

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

*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 | Miller, David Jr. |
| Krawczuk, Anton J. | 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. | Muehleman, Jeffrey |
| James, Edward T. | Rodgers, Jeremiah M |
| Jeffries, Sonny | |

Honorable Rick Scott, Governor

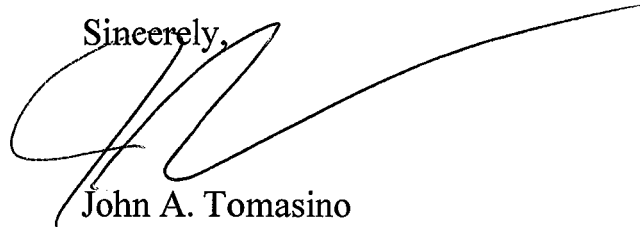
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Many of the individuals on these lists may have so called "successive" postconviction matters pending relating to their death sentence at some level in either state or federal court. Those individuals are not specifically identified here because it 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 a horizontal line.

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.

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5. Mr. Bolin has two death cases one from Hillsborough County and one from Pasco County. One sentence (Pasco County) meets the qualification for certification; the other does not.

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