

Supreme Court of Florida

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October 8, 2014

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

Re: Certification Required Pursuant to "Timely Justice Act of 2013" July-September, 2014, 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.

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

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.

Allen, Lloyd Chase	Bowles, Gary Ray
Alston, Pressley	Brown, Paul Alfred
Anderson, Richard Harold	Burns, Daniel Jr.
Archer, Robin Lee	Branch, Eric Scott
Atwater, Jeffrey Lee	Card, James Armando
Banks, Chadwick D.*	Cave, Alphonso
Beasley, Curtis W.	Cole, Loran
Belcher, James	Connor, Seburt
Bell, Michael Bernard	Consalvo, Robert A.
Blanco, Omar	Correll, Jerry William
Bolin, Oscar Ray ⁵	Cox, Allen Ward
Booker, Stephen Todd	Cumming-El, Frederick W.

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. 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.

Dailey, James Milton
Darling, Dolan Carlton
Davis, Adam William
Dessaure, Kenneth
Dillbeck, Donald David
Doorbal, Noel
Doyle, Daniel Lee
Duckett, James Aren
Evans, Steven Maurice
Evans, Paul H.
Evans, Wydell Jody
Fennie, Alfred Lewis
Finney, Charles William
Ford, James D.
Foster, Charles
Foster, Jermaine A.
Fotopoulos, Konstantios X.
Franqui, Leonardo ⁶
Freeman, John D.
Gamble, Guy R.
Gaskin, Louis B.
Gonzalez, Ricardo
Gordon, Robert
Griffin, Michael Allen
Grim, Norman
Gudinas, Thomas Lee
Haliburton, Jerry Leon
Hamilton, Richard Eugene
Hannon, Patrick
Harvey, Harold Lee Jr.
Heath, Ronald Palmer
Herring, Ted
Hertz, Guerry Wayne
Hodges, George Michael

Hunter, James Eugene
Hutchinson, Jeffrey Glenn
Israel, Connie Ray
Jackson, Etheria Verdel
Jennings, Bryan Fredrick
Jimenez, Jose Antonio
Johnson, Ronnie
Jones, David Wyatt
Jones, Randall Scott
Jones, Victor Tony
Kelley, William Harold
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 Eugene
Pace, Bruce Douglas
Pagan, Alex
Peterka, Daniel Jon

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

Philmore, Lenard James
Pietri, Noberto
Ponticelli, Anthony John
Pooler, Leroy
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
Sweet, William Earl
Thompson, William Lee
Trepal, George
Trotter, Melvin
Wainwright, Anthony Floyd
Walls, Frank A.
Walton, Jason Dirk
Whitfield, Ernest
Windom, Curtis
Zack, Michael Duane, III
Zakrzewski, Edward J., II
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

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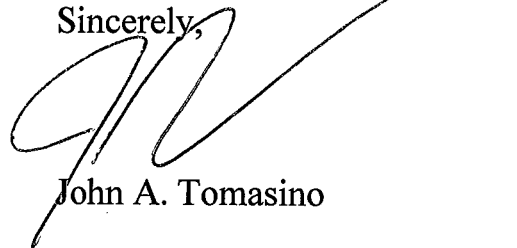
dismissed and collateral counsel was discharged. Others appear to have waived their right to further litigation.

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

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 be 'JAT', with a long, sweeping horizontal line extending to the right.

John A. Tomasino

JAT/TW/vbv