



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

July 7, 2014

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

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

Burns, Daniel Jr.
Whitfield, Ernest

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

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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
Alston, Pressley
Anderson, Richard Harold
Archer, Robin Lee
Atwater, Jeffrey Lee
Banks, Chadwick D.
Beasley, Curtis W.

Belcher, James
Bell, Michael Bernard
Blanco, Omar
Bolin, Oscar Ray⁵
Booker, Stephen Todd
Bowles, Gary Ray
Branch, Eric Scott

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. 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.

Brown, Paul Alfred	Gordon, Robert
Burns, Daniel Jr.	Griffin, Michael Allen
Card, James Armando	Grim, Norman
Cave, Alphonso	Gudinas, Thomas Lee
Cole, Loran	Haliburton, Jerry Leon
Connor, Seburt	Hamilton, Richard Eugene
Consalvo, Robert A.	Hannon, Patrick
Correll, Jerry William	Harvey, Harold Lee Jr.
Cox, Allen Ward	Heath, Ronald Palmer
Cumming-El, Frederick W.	Herring, Ted
Dailey, James Milton	Hertz, Guerry Wayne
Darling, Dolan Carlton	Hodges, George Michael
Davis, Adam William	Hunter, James Eugene
Davis, Eddie Wayne*	Hutchinson, Jeffrey Glenn
Dessaure, Kenneth	Israel, Connie Ray
Dillbeck, Donald David	Jackson, Etheria Verdel
Doorbal, Noel	Jennings, Bryan Fredrick
Doyle, Daniel Lee	Jimenez, Jose Antonio
Duckett, James Aren	Johnson, Ronnie
Evans, Steven Maurice	Jones, David Wyatt
Evans, Paul H.	Jones, Randall Scott
Evans, Wydell Jody	Jones, Victor Tony
Fennie, Alfred Lewis	Kelley, William Harold
Finney, Charles William	Kokal, Gregory
Ford, James D.	Kormondy, Johnny Shane
Foster, Charles	Lamarca, Anthony
Foster, Jermaine A.	Lambrix, Cary Michael
Fotopoulos, Konstantios X.	Lawrence, Gary
Franqui, Leonardo ⁶	Lawrence, Jonathan Huey
Freeman, John D.	Lightbourne, Ian Deco
Gamble, Guy R.	Looney, Jason
Gaskin, Louis B.	Lott, Ken Eldon
Gonzalez, Ricardo	Lucas, Harold

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

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

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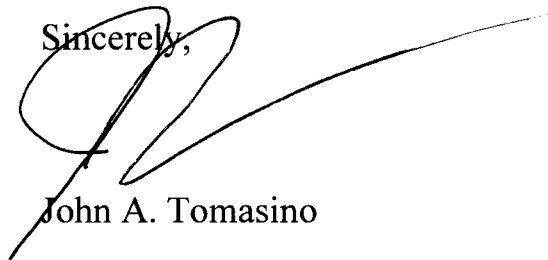
Finally, the following individuals are without a complete first state postconviction process and a first federal habeas corpus but they have no current case activity in any court. Some listed in this section have filed pursuant to Rule 3.851(i) of the Florida Rules of Criminal Procedure and their postconviction 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
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 read "John A. Tomasino", with a long, sweeping horizontal line extending to the right.

John A. Tomasino

JAT/TW/vbv