

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
KRY S GODWIN
STAFF ATTORNEY

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

April 8, 2014

Honorable Rick Scott, Governor
The Capitol
Tallahassee, Florida 32399

EMAIL DELIVERY

Re: Certification Required Pursuant to “Timely Justice Act of 2013” January-March, 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 January 13, 2014:

Bolin, Oscar Ray (Pasco Conviction)
Correll, Jerry William
Evans, Paul H.

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

Honorable Rick Scott, Governor

April 8, 2014

Page: 2

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

Brown, Paul Alfred

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.

Branch, Eric Scott	Gonzalez, Ricardo
Card, James Armando	Gordon, Robert
Cave, Alphonso	Griffin, Michael Allen
Cole, Loran	Grim, Norman
Connor, Seburt	Gudinas, Thomas Lee
Consalvo, Robert A.	Haliburton, Jerry Leon
Correll, Jerry William	Hamilton, Richard Eugene
Cox, Allen Ward	Hannon, Patrick
Cumming-El, Frederick W.	Harvey, Harold Lee Jr.
Dailey, James Milton	Heath, Ronald Palmer
Darling, Dolan Carlton	Hendrix, Robert Eugene*
Davis, Adam William	Henry, John Ruthell ⁶
Davis, Eddie Wayne	Herring, Ted
Dessaure, Kenneth	Hertz, Guerry Wayne
Dillbeck, Donald David	Hodges, George Michael
Doorbal, Noel	Hunter, James Eugene
Doyle, Daniel Lee	Hutchinson, Jeffrey Glenn
Duckett, James Aren	Israel, Connie Ray
Evans, Steven Maurice	Jackson, Etheria Verdel
Evans, Paul H.	Jennings, Bryan Fredrick
Evans, Wydell Jody	Jimenez, Jose Antonio
Fennie, Alfred Lewis	Johnson, Ronnie
Finney, Charles William	Jones, David Wyatt
Ford, James D.	Jones, Randall Scott
Foster, Charles	Jones, Victor Tony
Foster, Jermaine A.	Kelley, William Harold
Fotopoulos, Konstantios X.	Kokal, Gregory
Franqui, Leonardo ⁷	Kormondy, Johnny Shane
Freeman, John D.	Lamarca, Anthony
Gamble, Guy R.	Lambrix, Cary Michael
Gaskin, Louis B.	Lawrence, Gary

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

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

Honorable Rick Scott, Governor

April 8, 2014

Page: 4

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

*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.

Honorable Rick Scott, Governor

April 8, 2014

Page: 5

Jones, Marvin Burnett
Krawczuk, Anton J.
Miller, David Jr.
Rose, James Franklin

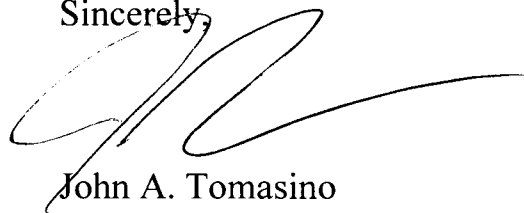
Finally, the following individuals are without a complete first state postconviction process and a first federal habeas corpus but they have no current case activity in any court. Some listed in this section have filed pursuant to Rule 3.851(i) of the Florida Rules of Criminal Procedure and their postconviction proceedings were dismissed and collateral counsel was discharged. Others appear to have waived their right to further litigation.

Gill, Ricardo I.
James, Edward T.
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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John A. Tomasino

JAT/TW/vbv