



# Supreme Court of Florida

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

JOHN A. TOMASINO  
CLERK  
SUSAN DAVIS MORLEY  
CHIEF DEPUTY CLERK  
KRYSS GODWIN  
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.floridasupremecourt.org](http://www.floridasupremecourt.org)

January 13, 2014

Honorable Rick Scott, Governor  
The Capitol  
Tallahassee, Florida 32399

## EMAIL DELIVERY

Re: Certification Required Pursuant to "Timely Justice Act of 2013" October-December, 2013, 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 4, 2013:

Banks, Chadwick D.  
Grim, Norman  
Heath, Ronald Palmer  
Pooler, Leroy  
Zack, Michael Duane, III

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:

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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 permitted<sup>1</sup> for filing a habeas petition in federal court to expire.

Based on the records available to me,<sup>2</sup> listed below is the complete list of individuals<sup>3</sup> under sentence of death<sup>4</sup> 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, Presssly  
Anderson, Richard Harold  
Archer, Robin Lee  
Atwater, Jeffrey Lee  
Banks, Chadwick D.  
Beasley, Curtis W.  
Belcher, James

Bell, Michael Bernard  
Blanco, Omar  
Booker, Stephen Todd  
Bowles, Gary Ray  
Branch, Eric Scott  
Brown, Paul Alfred  
Card, James Armando  
Cave, Alphonso

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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.

Chavez, Juan C.*	Griffin, Michael Allen
Cole, Loran	Grim, Norman
Connor, Seburt	Gudinas, Thomas Lee
Consalvo, Robe	Haliburton, Jerry Leon
Cox, Allen Ward	Hamilton, Richard Eugene
Cumming-El, Frederick W.	Hannon, Patrick
Dailey, James Milton	Harvey, Harold Lee Jr.
Darling, Dolan Carlton	Heath, Ronald Palmer
Davis, Adam William	Hendrix, Robert Eugene
Davis, Eddie Wayne	Henry, John Ruthell <sup>5</sup>
Dessaure, Kenneth	Henry, Robert L.
Dillbeck, Donald David	Herring, Ted
Doorbal, Noel	Hertz, Guerry Wayne
Doyle, Daniel Lee	Hodges, George Michael
Duckett, James Aren	Howell, Paul Augustus*
Evans, Steven Maurice	Hunter, James Eugene
Evans, Wydell Jody	Hutchinson, Jeffrey Glenn
Fennie, Alfred Lewis	Israel, Connie Ray
Finney, Charles William	Jackson, Etheria Verdel
Ford, James D.	Jennings, Bryan Fredrick
Foster, Charles	Jimenez, Jose Antonio
Foster, Jermaine A.	Johnson, Ronnie
Fotopoulos, Konstantios X.	Jones, David Wyatt
Franqui, Leonardo <sup>6</sup>	Jones, Randall Scott
Freeman, John D.	Jones, Victor Tony
Gamble, Guy R.	Kelley, William Harold
Gaskin, Louis B.	Kokal, Gregory
Gonzalez, Ricardo	Kormondy, Johnny Shane
Gordon, Robert	Lamarca, Anthony

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

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

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Lambrix, Cary Michael	Robinson, Michael Lee
Lawrence, Gary	Rogers, Glen Edward
Lawrence, Jonathan Huey	Rose, Milo A.
Lightbourne, Ian Deco	San Martin, Pablo
Looney, Jason	Scott, Paul William
Lott, Ken Eldon	Shere, Richard Earl Jr.
Lucas, Harold	Sireci, Henry
Mansfield, Scott	Sliney, Jack R.
Marquard, John Christopher	Smithers, Samuel L.
Marshall, Matthew	Sochor, Dennis
McDonald, Meryl S.	Spann, Anthony A.
Morris, Robert D.	Spencer, Dusty Ray
Morton, Alvin Leroy	Stephens, Jason Demetrius
Nelson, Micah	Stewart, Kenneth Allen
Oats, Sonny Boy, Jr.	Suggs, Ernest
Occhicone, Dominick A.	Sweet, William Earl
Owen, Duane	Thompson, William Lee
Pace, Bruce Douglas	Trepal, George
Pagan, Alex	Trotter, Melvin
Peterka, Daniel Jon	Turner, William Thaddeus
Philmore, Lenard James	Vining, John
Pietri, Noberto	Walls, Frank A.
Pooler, Leroy	Walton, Jason Dirk
Ponticelli, Anthony John	Washington, Anthony Neal
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.

\*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.

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

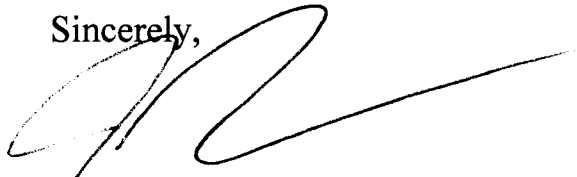
Finally, the following individuals are without a complete first state postconviction process and a first federal habeas corpus but they have no current case activity in any court. Some listed in this section have filed pursuant to Rule 3.851(i) of the Florida Rules of Criminal Procedure and their postconviction 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.

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 horizontal flourish extending to the right.

John A. Tomasino

JAT/TW/vbv