

FLORIDA DEATH CASES WHERE NON-STATUTORY MITIGATORS WERE FOUND
A Chronological List, by Date of Sentence

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Defendant's name: WILLIE DARDEN
Sentenced to death on 01/19/74 in Citrus County
Trial Counsel: RAYMOND TODD GOODWILL (public defender)

Trial judge JOHN DEWELL found 2 non-statutory mitigators:

Good prison record from previous incarcerations
Unwavering declaration of innocence

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Defendant's name: THOMAS HALLIWELL
Sentenced to death on 05/03/74 Hillsborough County
Trial Counsel: JAMES S. PARHAM (privately retained)

FSC on direct appeal found mitigating factors that trial judge HERBOTH S. RYDER failed to find including 2 non-statutory:

Highly decorated Green Beret in Vietnam war
Under emotional strain over the mistreatment of Sandra Tresch and was greatly influenced by her

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Defendant's name : FRANZ PETER BUCKREM
Sentenced to death on 05/15/75 in Sarasota County
Trial Counsel: GALE K. GREENE (privately retained)

FSC on direct appeal found mitigating factors that trial judge ROY E. DEAN failed to find including 3 non-statutory:

Drinking the night the homicide was committed
Previous altercation with victim and was obviously disturbed
Was gainfully employed

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Defendant's name: GLEN MARTIN
Sentenced to death on 10/10/75 in Volusia County
Trial Counsel: LOUIS OSSINSKY (privately retained)

Trial judge URIEL BLOUNT found 1 non-statutory mitigator:

Suffers from sickle cell anemia

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Defendant's name : RODNEY MALLOY
Sentenced to death on 05/01/76 in Polk County
Trial Counsel: DENNIS MALONEY (public defender)

FSC on direct appeal found a basis for jury recommendation of life that Trial Judge ROY E. DEAN overrode:

"... the conflict in the testimony as to who was actually the triggerman and because of the plea bargains between the accomplices and the State."

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Defendant's name: SONIA JACOBS

Sentenced to death on 08/20/76 in Broward County
Trial Counsel: RAY SANDSTROM (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge M. DANIEL FUTCH JR. overrode:

Mother of two children
Passive role, under influence of lover
May have perceived as necessary to protect family

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Defendant's name: JACK NEARY
Sentenced to death on 04/20/77 in Broward County
Trial Counsel: RICHARD SACCOGIO (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge HOWARD TYSON overrode:

Disparate sentence with accomplices
Relative involvement
Slow learner, needed special assistance in school
Grew up without father, raised by mother

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Defendant's name: GEORGE KILPATRICK
Sentenced to death on 05/16/77 in Gadsden County
Trial Counsel: THOMAS PRESNELL (public defender)

Trial judge CHARLES MINER found 1 non-statutory mitigator:

Mildly mentally retarded

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Defendant's name: JOHN BARFIELD
Sentenced to death on 03/03/78 in Duval County
Trial Counsel: LACY MAHON (privately retained)

FSC on direct appeal found a basis for jury recommendation of life that trial judge DOROTHY PATE overrode:

Disparate treatment

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Defendant's name: DURHAM STOKES
Sentenced to death on 08/25/78 in Orange County
Trial Counsel: RAYMOND COOLEY (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge CECIL H. BROWN overrode:

Disparate treatment

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Defendant's name: DAVID DELAP
Sentenced to death on 02/16/79 in Okeechobee County (originally sentenced to death on 02/27/76 but remanded for new trial on direct appeal on 9/29/77 at 350 So2d 0462)
Trial Counsel: RUSSELL J. FERRARO (court appointed)

Trial judge PHILLIP G. NOURSE found 1 non-statutory mitigator:

"Defendant's behavior at his second trial and during his stay on death row was acceptable. Perhaps there was some remorse."

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Defendant's name: THOMAS MCCAMPBELL
Sentenced to death on 04/24/79 in Escambia County
Trial Counsel: MIRIAM PTOMEY (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge GEORGE LOWREY overrode:

Exemplary employment record
Prior record as model prisoner
Positive traits, rehabilitation potential
Family background
Disparate treatment

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Defendant's name: PAUL SCOTT
Sentenced to death on 12/14/79 in Palm Beach County
Trial Counsel: GEORGE BARRS (public defender)

Trial judge VAUGHN J. RUDNICK found 2 non-statutory mitigators:

Came from a broken home in a ghetto area and raised in poverty
His father, a career Navy man, promised to take him away from the filth in which he was being raised and after raising his hopes, walked away without reason, leaving him emotionally devastated

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Defendant's name: ELWOOD BARCLAY
Sentenced to death on 04/18/80 in Duval County
(originally sentenced to death on 04/10/75 but remanded for Gardner hearing on 09/07/78 at 362 So2d 0657)
Trial Counsel: FREDERIC BUTLER (court-appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge R. HUDSON OLLIFF overrode:

Relative involvement

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Defendant's name: RICKY WASHINGTON
Sentenced to death on 09/15/80 in Broward County
Trial Counsel: DEWEY REIS (privately retained)

FSC on direct appeal found a basis for jury recommendation of life that trial judge JOSEPH PRICE overrode:

" ... character as testified to by members of his family."

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Defendant's name: PAUL MAGILL
Sentenced to death on 01/26/81 in Marion County
Trial Counsel: PATRICK DOHERTY (privately retained)

Trial judge WILLIAM T. SWIGERT found 1 non-statutory mitigator:

Father died suddenly almost precisely one year prior to the crime - Magill had been very close to his father and was devastated when he died.

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Defendant's name: DERWIN NORRIS
Sentenced to death on 03/11/81 in Hillsborough County
Trial Counsel: RICHARD EDWARDS (public defender)

FSC on direct appeal found a basis for jury recommendation of life that trial judge HARRY LEE COE III overrode:

Drug abuse problem
Claimed intoxication

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Defendant's name: LARRY MANN
Sentenced to death on 03/26/81 in Pinellas County
Trial Counsel: SUSAN SCHAEFFER / PATRICK DOHERTY (court appointed)

Trial judge PHILIP A. FEDERICO found 1 non-statutory mitigator:

Suffers from psychotic depression and feelings of rage against himself because of strong pedophilic urges.

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Defendant's name: PAUL JOHNSON
Sentenced to death on 09/23/81 in Lake County
Trial Counsel: LARRY SHEARER (public defender)

Trial judge RANDALL MCDONALD found 1 non-statutory mitigator:

Under the influence of drugs at the time of the crime

DIRECT APPEAL: affirmed on 08/25/83 at 438 So2d 0774

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Defendant's name: FRED HERZOG
Sentenced to death on 12/01/81 in Broward County
Trial Counsel: DANIEL BLACKMAN (privately retained)

FSC on direct appeal found a basis for jury recommendation of life that trial judge THOMAS COKER overrode:

Heated argument

Domestic relationship
Disparate treatment

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Defendant's name: TED HERRING
Sentenced to death on 03/01/82 in Volusia County
Trial Counsel: JAMES PEYTON QUARLES (public defender)

Trial judge S. JAMES FOXMAN found 1 non-statutory mitigator:

Difficult childhood - Defendant was raised essentially without a father, was hyperactive, had learning disabilities, and had trouble in school

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Defendant's name: DAVID LEE HAWKINS
Sentenced to death on 03/31/82 in Collier County
Trial Counsel: TOM O'STEEN (public defender)

FSC on direct appeal found a basis for jury recommendation of life that trial judge TED BROUSSEAU overrode:

Relative involvement

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Defendant's name: THOMAS POPE
Sentenced to death on 04/07/82 in Broward County
Trial Counsel: SCOTT T. EBER (court appointed)

Trial judge ARTHUR J. FRANZA found 1 non-statutory mitigator:

Served his country in Vietnam and was honorably discharged from the Marines in 1970

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Defendant's name: RAYMOND DRAKE
Sentenced to death on 04/19/82 in Pinellas County
(originally sentenced to death on 6/20/78; FSC remanded for new trial 5/21/81 at 400 So2d 1217)
Trial Counsel: SUSAN SCHAEFFER / PATRICK DOHERTY (court appointed)

Trial judge JERRY R. PARKER found 2 non-statutory mitigators:

Honorable discharge from the United States Navy
Original sentence in prior case of sexual battery was later
reduced by the sentencing judge

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Defendant's name: IRA MARTIN AMAZON
Sentenced to death on 12/08/82 in Pinellas County
Trial Counsel: BARRY COHEN

FSC on direct appeal found mitigating factors that trial judge THOMAS E. PENICK failed to
find including 2 non-statutory:

History of drug abuse
"emotional cripple" who had been brought up in negative family setting and had
emotional maturity of a thirteen-year-old with some emotional development at the level of a one-
year-old

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Defendant's name: J. B. PARKER
Sentenced to death on 01/11/83 in Lake County
Trial Counsel: ROBERT RUSSELL MAKEMSON (court appointed)

Trial judge PHILLIP NOURSE found 2 non-statutory mitigators:

The victim in this case was not sexually molested
The Defendant's behavior at the trial was acceptable

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Defendant's name: LARRY MANN
Resentenced to death on 01/14/83 in Pinellas County
(originally sentenced to death 03/26/81, remanded for resentencing on 09/02/82 at 420
So2d 0578)
Trial Counsel: PATRICK DOHERTY (court appointed)

Trial judge PHILIP A. FEDERICO found 1 non-statutory mitigator:

Suffers from psychotic depression and feelings of rage against himself because of strong
pedophilic urges.

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Defendant's name: BARRY HOFFMAN
Sentenced to death on 02/11/83 in Duval County
Trial Counsel: JACK HARRIS (court appointed)

Trial judge L. PAGE HADDOCK found 1 non-statutory mitigator:

Proportionality (the two co-defendants received life sentences)

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Defendant's name: ISAAC THOMPSON
Sentenced to death on 02/11/83 in Hillsborough County
Trial Counsel: ALEX VECCHIO (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge HARRY LEE COE III overrode:

IQ between 50 and 70, retarded, impulsive, unable to reason abstractly
Character as testified to by family
Father suffered from mental illness, died in institution

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Defendant's name: BOBBY FRANCIS
Sentenced to death on 03/29/83 in Dade County
Trial Counsel: EUGENE FRANCIS ZENOBI (court appointed)

Trial judge PHILIP W. KNIGHT found 1 non-statutory mitigator:

Good behavior while confined in the Dade County Stockade

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Defendant's name: PEDRO MEDINA
Sentenced to death on 04/11/83 in Orange County
Trial Counsel: WARREN H. EDWARDS (court appointed)

Trial judge ROM POWELL found 7 non-statutory mitigators:

Under stress because of limited ability to speak English and difficulty adjusting to American culture
Suspicious of police
Received bad advice from older associates
Capacity for hard work and other fine qualities

Believes in God
Changed for the better in jail
Rehabilitation potential

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Defendant's name: ROBERT PARKER
Sentenced to death on 04/29/83 in Duval County
Trial Counsel: ROBERT LINK (privately retained)

After a USSC remand on 01/22/91 at 111 SCt 0731, the Florida Supreme Court on a second direct appeal ruled that jury recommendation of life that trial judge JOHN LEWIS HALL overrode could have been based on non-statutory mitigators including:

Disparate treatment
Intoxication at time of offense
Relative involvement
Difficult childhood
History of drug and alcohol abuse
Positive adult relationship with his two children
Good relationship with his neighbors whom he assisted when they were in need

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Defendant's name: WILTON ROSS
Sentenced to death on 05/25/83 in Leon County
Trial Counsel: PHILLIP JOHNSTON (court appointed)

The Florida Supreme Court on direct appeal ruled that trial judge JOHN LEWIS HALL should have found 1 non-statutory mitigator:

Alcoholism

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Defendant's name: GERALD STANO
Sentenced to death on 06/13/83 in Volusia County
Trial Counsel: HOWARD PEARL (public defender)

Trial judge S. JAMES FOXMAN found 3 non-statutory mitigators:

Difficult early childhood
Marital problems
Confessed and pled guilty

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Defendant's name: HARRY HUDDLESTON
Sentenced to death on 07/07/83 in Dade County
Trial Counsel: BRIAN MCDONALD (public defender)

FSC on direct appeal found a basis for jury recommendation of life that trial judge ARTHUR SNYDER overrode:

History of drug abuse
Troubled personal life

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Defendant's name: CARL CARUTHERS
Sentenced to death on 07/18/83 in Santa Rosa County
Trial Counsel: JIM BURKE / PETER W. MITCHELL (public defenders)

Trial judge GEORGE E. LOWREY found 1 non-statutory mitigator:

Gave a voluntary statement following his arrest, expressed remorse and encouraged younger brother to avoid his same mistakes

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Defendant's name: DONALD BROOKINGS
Sentenced to death on 08/11/83 in Hillsborough County
Trial Counsel: WALTER O. HOBBS (court appointed)

Trial judge M. WILLIAM GRAYBILL found 3 non-statutory mitigators:

Witnessed father commit suicide when four years old
Codefendant Sadler pled to second degree
Codefendant Lowery was granted immunity

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Defendant's name: HAROLD HOOPER
Sentenced to death on 09/01/83 in Nassau County
Trial Counsel: GARY BAKER / LEWIS BUSSELL (public defenders)

Trial judge JAMES HARRISON found 3 non-statutory mitigators:

Served his country in the U.S. Army
Worked for the Salvation Army because of a desire to serve his fellow man
Dedication to Christian principles

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Defendant's name: RAYMOND DOLINSKY
Sentenced to death on 12/16/83 in Monroe County
Trial Counsel: WILLIAM KUYPERS (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge BILL CHAPPELL overrode:

Relative participation
Disparate treatment
Family testimony about good qualities

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Defendant's name: EDWARD WASKO
Sentenced to death on 03/01/84 in Dade County
Trial Counsel: BRIAN MCDONALD (public defender)

Trial judge ARTHUR SNYDER found 1 non-statutory mitigator:

Numerous family members and friends sent letters, petitions, and testified to defendant's good character

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Defendant's name: MARK BURCH
Sentenced to death on 03/08/84 in Broward County
Trial Counsel: H. DOHN WILLIAMS (court appointed)

Trial judge FRANK ORLANDO found 1 non-statutory mitigator:

Difficult childhood - came from broken home, had little to no parental guidance, entered the adult penal system at very early age

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Defendant's name: DAVID GORE
Sentenced to death on 03/16/84 in Pinellas County
Trial Counsel: JAMES LANG (public defender)

Trial judge L. B. VOCELLE found 1 non-statutory mitigator:

Affectionate and considerate to family; has become a "born again" Christian since arrest; came from a good home and attended church regularly with his mother as a child.

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Defendant's name: WILLIAM KELLEY
Sentenced to death on 04/02/84 in Highlands County
Trial Counsel: WILLIAM KUNSTLER / JACK EDMUND (privately retained)

Trial judge E. RANDOLPH BENTLEY found 1 non-statutory mitigator:

Disparity in punishment in that no one else was convicted of this crime and Defendant was not the instigator.

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Defendant's name: OTTIS TOOLE
Sentenced to death on 05/17/84 in Duval County
Trial Counsel: AL WASHINGTON (court appointed)

Trial judge JAMES HARRISON found 1 non-statutory mitigator:

Received an award or citation from the Jacksonville Sheriff's Office

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Defendant's name: CHARLES PROFFITT
Resentenced to death on 05/24/84 in Hillsborough County
(originally sentenced to death 03/21/74, affirmed 05/28/75 at 315 So2d 0461, 11th Circuit remanded case on 9/17/82 at 706 F2d 0311 for resentencing)
Trial Counsel: DAVID GOLUB (volunteer counsel)

Trial judge JOHN P. GRIFFIN found 1 non-statutory mitigator:

Found testimony of family and friends as mitigating factors but did not specify content.

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Defendant's name: CHARLES KIGHT
Sentenced to death on 08/07/84 in Duval County
Trial Counsel: WILLIAM J. SHEPPARD (court appointed)

Trial judge JAMES HARRISON found 2 non-statutory mitigators:

Assisted in the apprehension of a robber when 17 years old
Proportionality (co-defendant pled to second degree)

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Defendant's name: JERRY ROGERS
Sentenced to death on 12/05/84 in St. Johns County
Trial Counsel: RALPH ELLIOTT / DAVID TUMIN (assisted Rogers who represented himself)

FSC ruled on direct appeal that trial judge RICHARD WEINBERG should have found 1 non-statutory mitigator:

Defendant is a good husband, father & provider

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Defendant's name: JOSEPH RAMIREZ
Sentenced to death on 02/20/85 in Dade County
Trial Counsel: MICHAEL CHAVIES (public defender)

Trial judge MORTON L. PERRY found 1 non-statutory mitigator:

Defendant regularly visited his 18 month old child and was moved to tears when he learned from the witness stand that his mother was affected with a serious illness

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Defendant's name: ROBERT DUBOISE
Sentenced to death on 03/07/85 in Hillsborough County
Trial Counsel: ROBERT NUTTER (court appointed)

FSC on direct appeal found a basis for jury recommendation of life that trial judge HARRY LEE COE III overrode:

Influence of older brother (companion in offense)
Relative involvement
IQ of 79
Deprived family background

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Defendant's name: HERBERT SPIVEY

Sentenced to death on 03/29/85 in Duval County
Trial Counsel: ROBERT LINK (court appointed)

Trial judge JAMES HARRISON found 1 non-statutory mitigator:

"There is a mitigating circumstance in the life sentences assured Ellison and Hawkins, the immunity granted O'Chuida and the acquittal of Geraldine Crofton" (These are the four co-defendants in this case) which the FSC referred to as "multiple mitigating circumstances."

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Defendant's name: HECTOR IRIZARRY
Sentenced to death on 04/04/85 in Hillsborough County
Trial Counsel: BRIAN DONERLY (public defender)

Trial judge M. WILLIAM GRAYBILL found 1 non-statutory mitigator:

Defendant lived 40 years with no significant prior criminal history

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Defendant's name: JAMES MORGAN
Resentenced to death on 06/07/85 in Martin County
(originally sentenced to death 12/30/77, remanded for new trial 01/15/81 at 392 So2d 1315, resentenced to death 12/07/81, remanded for new trial 07/12/84 at 453 So2d 0394)
Trial Counsel: ROBERT MAKEMSON (court appointed)

Trial judge DWIGHT L. GEIGER found 1 non-statutory mitigator:

"Defendant's father was an alcoholic and defendant observed his father drunk on many occasions while defendant was a child."

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Defendant's name: KIRK HANSBROUGH
Sentenced to death on 07/12/85 in Orange County
Trial Counsel: CHANDLER R. MULLER (privately retained)

Trial judge LAWRENCE R. KIRKWOOD found 1 non-statutory mitigator:

Alcohol abuse

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Defendant's name: HOWARD DOUGLAS

Resentenced to death on 08/02/85 in Polk County

(originally sentenced to death 12/4/73, affirmed 02/18/76 at 328 So2d 0018, 11th Circuit remanded for resentencing 08/01/84 at 739 F2d 0531)

Trial Counsel: LARRY SHEARER (public defender)

Trial judge WILLIAM A. NORRIS found 2 non-statutory mitigators:

Not known, prior to this case, to be a violent person.

Excellent institutional record in the Florida State Prison since his incarceration on this charge in 1973

The FSC reduced to life on direct appeal and said the jury could have also considered:

Credibility of guilt innocence witnesses

Prior domestic relationship

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Defendant's name: RICHARD RHODES

Sentenced to death on 09/12/85 in Pinellas County

Trial Counsel: HENRY ANDRINGA (court appointed)

Trial judge HELEN HANSEL found 1 non-statutory mitigator:

Long-term personality disorder

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Defendant's name: JOSEPH GARRON

Sentenced to death on 10/04/85 in Pasco County

Trial Counsel: ROBERT MCCLURE (public defender)

Trial judge LAWRENCE E. KEOUGH found 1 non-statutory mitigator:

"The defendant has been a model prisoner"

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Defendant's name: GUY COCHRANE

Sentenced to death on 10/11/85 in Hillsborough County

Trial Counsel: MINA MORGAN (court appointed)

Trial judge DONALD EVANS found 1 non-statutory mitigator:

Under the influence of an emotional disturbance; borderline retarded; difficulty in dealing with stress conditions; the mother of his child demanded monies for child support

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Defendant's name: JESSIE LIVINGSTON
Sentenced to death on 10/23/85 in Taylor County
Trial Counsel: JIMMY HUNT (public defender)

Trial judge WALLACE M. JOPLING found 1 non-statutory mitigator:

Defendant was a victim of abuse at home and lacked a father or authority figure.

FSC found jury could have considered addition mitigators including 3 non-statutory:

Neglect by mother
Marginal intelligence
Intoxicated at time of offense

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Defendant's name: ERIC HOLSWORTH
Sentenced to death on 11/01/85 in Broward County
Trial Counsel: CARLOS A. RODRIGUEZ (court appointed)
FSC on direct appeal reduced to life and found that jury could have based life recommendation on mitigating factors trial judge ROBERT W. TYSON, JR. failed to find including 3 non-statutory:

Conduct affected by use of drugs and alcohol
Childhood trauma
Rehabilitation/productivity potential

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Defendant's name: WILLIAM TURNER
Sentenced to death on 11/01/85 in Duval County
Trial Counsel: HANK COXE (court appointed)

Trial judge JOHN D. SOUTHWOOD found 2 non-statutory mitigators:

"The defendant was a diligent and conscientious employee."
"The defendant has in the past demonstrated concern for others and unselfishness."

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Defendant's name: ROY SWAFFORD
Sentenced to death on 11/12/85 in Volusia County
Trial Counsel: RAYMOND M. CASS (public defender)

Trial judge KIM HAMMOND found 1 non-statutory mitigator:

Defendant was an Eagle Scout

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Defendant's name: J. C. FEAD
Sentenced to death on 11/25/85 in Madison County
Trial Counsel: JIMMY HUNT (public defender)

Trial judge L. ARTHUR LAWRENCE found 1 non-statutory mitigator:

Good and responsible worker who refrained from committing other crimes despite opportunity

FSC found jury could have considered additional mitigators including 2 non-statutory:

Influence of alcohol
Possessed positive personality traits

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Defendant's name: CLARENCE JACKSON
Sentenced to death 12/09/85 in Hillsborough County
Trial Counsel: WILLIAM FUENTE (court appointed)

Trial judge JOHN P. GRIFFIN found 2 non-statutory mitigators:

Model prisoner
Will adjust well to life imprisonment

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Defendant's name: JOHNNY PERRY
Sentenced to death on 01/31/86 in Dade County
Trial Counsel: ROBERT LAMONS (court appointed)

FSC on direct appeal reduced to life and found mitigating factors that trial judge ELLEN MORPHONIOS-GABLE failed to find that jury may have used to recommend life including 2 non-statutory:

Good character
Psychological stress

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Defendant's name: MORRIS BROWN
Sentenced to death on 04/04/86 in Bay County
Trial Counsel: VIRGIL MAYO / MICHAEL STONE (public defender)

FSC on direct appeal reduced to life and found mitigating factors that trial judge WARREN EDWARDS failed to find including 3 non-statutory:

Mental and emotional handicap
Impoverished background
Potential for rehabilitation

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Defendant's name: JOHN P. MASTERSON
Sentenced to death on 4/10/86 in Dade County
Trial Counsel: C. CRAIG STELLA (privately retained)

FSC reduced to life on direct appeal and ruled that trial judge EDWARD COWART should have found "some" non-statutory mitigators:

"... the facts that Masterson was a wounded and honorably discharged Viet Nam veteran, that he was introduced to drugs in Viet Nam, that he suffered from post-traumatic stress disorder brought on by his service in Viet Nam, that he had consumed substantial amounts of drugs and alcohol on the day of the murder, together with other matters presented in the penalty phase, was sufficient to establish a reasonable basis for the jury to find mitigating circumstances..."

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Defendant's name: ANTHONY BRYAN
Sentenced to death on 05/16/86 in Santa Rosa County
Trial Counsel: TED STOKES (court appointed)
Trial judge CLYDE B. WELLS found 2 non-statutory mitigators:

Good employment history
Good behavior while hiding for an extended period of time under an assumed name

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Defendant's name: MARK BURCH
Resentenced to death on 05/21/86 in Broward County
(originally sentenced to death 03/08/84, FSC on direct appeal remanded for new trial on
10/02/85 at 478 So2d 1050)
Trial Counsel: H. DOHN WILLIAMS (court appointed)

FSC reduced to life on direct appeal and found a basis for jury recommendation of life that trial
judge MARK SPEISER overrode including 3 non-statutory:

Proportionality
Family history of physical and drug abuse
Early sentence as an adult for crimes committed as a juvenile

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Defendant's name: REINALDO AMOROS
Sentenced to death on 05/23/86 in Hillsborough County
Trial Counsel: FRANK JOHNSON (court appointed)

Trial judge MANUEL MENENDEZ found some non-statutory mitigators:

"... native Cuban who had only recently come to this country during the Mariel boat-lift. The
Defendant is college trained and was a professional athlete while in Cuba. The Defendant is the
father of two (2) pre-school aged children, and he has in the past provided support for these children
on a regular basis. According to the defendant, prior to his entry into this country he had had no
previous convictions or arrests."

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Defendant's name: DANIEL REMETA
Sentenced to death on 06/03/86 in Marion County
Trial Counsel: JENKINS / SPRINGSTEAD (public defenders)

Trial judge CARVEN ANGEL found 4 non-statutory mitigators:

Mental age of thirteen years
Abusive, unstable and deprived childhood
Low intelligence, speech impediment and victim of race discrimination (defendant is a
Native American)
Long term substance abuser who was institutionalized at 13

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Defendant's name: DONALD KRITZMAN
Sentenced to death on 06/13/86 in Santa Rosa County
Trial Counsel: JACK LOCKLIN (court appointed)

Trial judge GEORGE E. LOWERY found 1 non-statutory mitigator:

"The Court would find that the evidence clearly establishes... that said Defendant was the subject of 'impoverished background' and that there were undoubtedly circumstances surrounding his birth, childhood and formative years which tend to mitigate in some degree the criminal conduct..."

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Defendant's name: JOHNNY ROBINSON
Sentenced to death on 06/19/86 in St. Johns County
Trial Counsel: HOWARD PEARL (public defender)

Trial judge RICHARD O. WATSON found 1 non-statutory mitigator:

"The Court accepts as a mitigating circumstance the fact that Defendant had a difficult childhood"

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Defendant's name: HAROLD HARVEY
Sentenced to death on 06/20/86 in Indian River County
Trial Counsel: ROBERT WATSON (court appointed)

Trial judge DWIGHT L. GEIGER found 1 non-statutory mitigator:

Low intelligence, poor social and educational skills, unable to reason abstractly, lacks self-confidence and feels inadequate

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Defendant's name: HECTOR FUENTE
Sentenced to death on 07/01/86 in Hillsborough County
Trial Counsel: SIMSON UNTERBERGER (court appointed)

Trial judge HARRY LEE COE III found 1 non-statutory mitigator:

Defendant saved a woman from drowning six months after the murder in this case

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Defendant's name: KENNETH STEWART
Sentenced to death on 10/03/86 in Hillsborough County
Trial Counsel: REX BARBAS (court appointed)

Trial judge JOHN P. GRIFFIN found 1 non-statutory mitigator:

Childhood trauma

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Defendant's name: RUDOLPH HOLTON
Sentenced to death on 12/05/86 in Hillsborough County
Trial Counsel: MINA MORGAN (court appointed)

Trial judge HARRY LEE COE III found 1 non-statutory mitigator:

"The defendant has 2 children and is a drug addict"

* * * * *

Defendant's name: JAMES HARMON
Sentenced to death on 12/22/86 in Marion County
Trial Counsel: MARK SHELNUTT / DAVID EDDY (court appointed)

FSC on direct appeal found mitigating factors that trial judge WILLIAM T. SWIGERT, SR. failed to find supporting the jury recommendation of life including 7 non-statutory:

Good father and son
Model prisoner - arbiter in inmate disputes
Could contribute to society
Religious
Intelligent
Questions regarding roles of defendant and codefendant
Disparity of treatment

* * * * *

Defendant's name: MARK DAVIS
Sentenced to death on 01/30/87 in Pinellas County
Trial Counsel: JOHN THOR WHITE (court appointed)

Trial judge THOMAS E. PENICK found 1 non-statutory mitigator:

"There is some possibility of an impaired capacity to appreciate criminality of his conduct or to conform his conduct to the requirements of the law ... [but] such capacity was not substantially impaired."

* * * * *

Defendant's name: WILBURN LAMB
Sentenced to death on 02/25/87 in Brevard County
Trial Counsel: HOWARD VINCENT (privately retained)

Trial judge CHARLES M. HARRIS found 1 non-statutory mitigator:

Proportionality (Co-defendant plea bargained to lesser sentence)

FSC found evidence of 5 other non-statutory mitigators introduced:

Would adjust well to prison life
Family and friends feel rehabilitation potential exists
Friendly, helpful, good with animals and children before offense
Had seen psychologist concerning drug and emotional problems
Consumed alcohol and cannabis before offense

* * * * *

Defendant's name: ALBERTO FARINAS
Sentenced to death on 02/27/87 in Dade County
Trial Counsel: EDITH GEORGI / R. GONZALEZ (public defenders)

Trial judge RONALD M. FRIEDMAN found 1 non-statutory mitigator:

Defendant showed good behavior while jailed awaiting trial

* * * * *

Defendant's name: PAUL BROWN
Sentenced to death on 03/02/87 in Hillsborough County
Trial Counsel: WAYNE CHALU / CRAIG ALLDREDGE (public defenders)

Trial judge GUY SPICOLA found 2 non-statutory mitigators:

Socially and economically disadvantaged
Below average mental capacity

* * * * *

Defendant's name: CARLA CAILLIER
Sentenced to death on 03/19/87 in Hillsborough County
Trial Counsel: ROSS SCACCIA / WAYNE PEARSALL

FSC on direct appeal found that jury recommendation of life could have come from non-statutory mitigating factor that trial judge HARRY LEE COE III failed to find:

Codefendant sentenced to life

* * * * *

Defendant's name: CHARLIE THOMPSON
Sentenced to death on 04/06/87 in Hillsborough County
Trial Counsel: CRAIG ALLDREDGE / CHARLES O'CONNOR (public defenders)

Trial judge M. WILLIAM GRAYBILL found 2 non-statutory mitigators:

Unstable home environment (mother died when defendant was
very young and he was passed from person to person to be cared for)
Raised in extreme poverty in rural Mississippi

* * * * *

Defendant's name: CARLOS BELLO
Sentenced to death on 04/14/87 in Hillsborough County
Trial Counsel: WALTER M. LOPEZ (court appointed)

Trial judge MANUEL MELENDEZ found 1 non-statutory mitigator:

The non-applicability of the aggravating circumstances in
Fla. Stat. Sections 921.141 (5) (a), (d), (f), (h), and (i)

* * * * *

Defendant's name: DARRELL HALLMAN
Sentenced to death on 05/11/87 in Polk County
Trial Counsel: AUSTIN MASLANICK / ROBERT NORGDARD (public defenders)

FSC on direct appeal found that jury recommendation of life could
have been based on non-statutory mitigating factors that trial judge J. DALE DURRANCE failed to
find:

"... was a man with many good qualities but who was given to appalling errors of judgment when he was under stress."

Circumstances of the shooting

* * * * *

Defendant's name: MELVIN TROTTER
Sentenced to death on 05/18/87 in Manatee County
Trial Counsel: JIM SLATER (public defender)

Trial judge ALAN R. DAKAN found 2 non-statutory mitigators:

Remorse
Raised in foster home because mother was an alcoholic

* * * * *

Defendant's name: WILLIAM REAVES
Sentenced to death on 09/02/87 in Indian River County
Trial Counsel: CLIFFORD BARNES (court appointed)

Trial judge JOHN E. FENNELLY found 1 non-statutory mitigator:

Vietnam veteran

* * * * *

Defendant's name: MAC RAY WRIGHT
Sentenced to death on 09/11/87 in St. Lucie County
Trial Counsel: LORENZO WILLIAMS (court appointed)

Trial judge DWIGHT L. GEIGER FOUND 7 non-statutory mitigators:

Expressed remorse
Good worker
History of mental illness in family
Supported girlfriend & her 3 children (2 were his)
Older brother shot to death in 1978
One of 8 children, father left mother when defendant was 10 years old
History of alcohol & substance abuse

* * * * *

Defendant's name: MICHAEL IRVINE
Sentenced to death on 09/15/87 in Dade County
Trial Counsel: HOWARD SOHN (court appointed)

Trial judge RALPH PERSON found 1 non-statutory mitigator:

Behavior while incarcerated

* * * * *

Defendant's name: WILLIAM E. RHODES
Sentenced to death on 09/15/87 in Dade County
Trial Counsel: JOSEPH LANG KERSHAW (court appointed)

Trial judge RALPH PERSON found 3 non-statutory mitigators:

Good inmate at Dade County Jail
Might be a good inmate in the future
Remorse over Bessie Fischer

* * * * *

Defendant's name: JAMES ALLEN BRYANT
Sentenced to death on 09/16/87 in Dade County
Trial Counsel: JEFFERY S. SHAPIRO (court appointed)

Trial judge RALPH PERSON found 1 non-statutory mitigator:

Behavior while incarcerated

* * * * *

Defendant's name: DEE DYNE CASTEEL
Sentenced to death on 09/16/87 in Dade County
Trial Counsel: EDWARD KOCH / LAWRENCE STEIN (public defenders)

Trial judge RALPH PERSON found 2 non-statutory mitigators:

Remorse
Found a closer walk with God

* * * * *

Defendant's name: DOMINICK OCCHICONE

Sentenced to death on 11/09/87 in Pasco County
Trial Counsel: BRUCE BOYER / PETER PROLY / BRUCE YOUNG

Trial judge LAWRENCE E. KEOUGH found 1 non-statutory mitigator:

Good prisoner, has acclimated to his custodial environment

* * * * *

Defendant's name: ANTONIO CARTER
Sentenced to death on 11/17/87 in Volusia County
Trial Counsel: RAYMOND CASS (public defender)

Trial judge S. JAMES FOXMAN found 1 non-statutory mitigator:

Deprived childhood

* * * * *

Defendant's name: DOY CHRISTIAN
Sentenced to death on 12/07/87 in Bradford County
Trial counsel: FREDERICK REPLOGLE (guilt phase) & GLENN WEISS (penalty phase) (public defenders)

FSC on direct appeal found a basis for jury recommendation of life that trial judge OSEE FAGAN overrode:

Circumstances of the offense

* * * * *

Defendant's name: JOHN FREEMAN
Sentenced to death on 12/11/87 in Duval County
Trial Counsel: PATRICK McGUINNESS (public defender)

FSC on direct appeal found a basis for jury recommendation of life that trial judge BILL PARSONS overrode:

Dull-normal intelligence, 4th grade level
History of abuse during childhood

* * * * *

Defendant's name: DAVID PENTACOST

Sentenced to death on 12/31/87 in Escambia County
Trial Counsel: ROBERT R. KIMMEL (court appointed)

Trial judge LACEY COLLIER found 1 non-statutory mitigator:

No significant history of violent activity

FSC on direct appeal found that the jury could have based life recommendation on additional non-statutory mitigating factors:

Disparate treatment
Relative involvement
Alcohol and drug use

* * * * *

Defendant's name: CARL SONGER
Sentenced to death on 02/02/88 in Lake County
Trial Counsel: MICHAEL JOHNSON (public defender)

Trial judge JOHN BOOTH found 7 non-statutory mitigators:

Sincere and heartfelt remorse
Chemical dependency on drugs
Positive change of character attributes
Adapted well to incarceration
Strong spiritual standards
Desire to help others
Emotionally impoverished when growing up

* * * * *

Defendant's name: EDWARD CASTRO
Sentenced to death on 02/09/88 in Marion County
Trial Counsel: TRICIA JENKINS (public defender)

Trial judge VICTOR J. MUSLEH found 2 non-statutory mitigators:

Sexually abused as a child
Confession given in exchange for psychiatric help

* * * * *

Defendant's name: BILLY RAY NIBERT

Sentenced to death on 02/10/88 in Hillsborough County
Trial Counsel: TOM MEYERS (public defender)

Trial judge SUSAN BUCKLEW found 1 non-statutory mitigator:

Abused childhood

FSC found that uncontroverted evidence was presented of additional non-statutory mitigation that should have been found:

Great deal of remorse
Potential for rehabilitation

* * * * *

Defendant's name: DAVID YOUNG
Sentenced to death on 02/16/88 in Palm Beach County
Trial Counsel: CRAIG WILSON (privately retained)

Trial judge HAROLD JEFFREY COHEN found 2 non-statutory mitigators:

Church activities
Good behavior in jail

* * * * *

Defendant's name: RICHARD ANDERSON
Sentenced to death on 02/26/88 in Hillsborough County
Trial Counsel: WILLIAM FUENTE (court appointed)

Trial judge M. WILLIAM GRAYBILL found 1 non-statutory mitigator:

Girlfriend's disparate sentence

* * * * *

Defendant's name: JAMES ERNEST HITCHCOCK
Resentenced to death 3/17/88 in Orange County
(originally sentenced to death 2/11/77, aff'd 2/25/82 at 413 So2d 0741, USSC remanded for resentencing 04/22/87 at 107 SCt 1821)
Trial Counsel: TRISH CASHMAN (public defender)

Trial judge GARY L. FORMET found 2 non-statutory mitigators:

Deprivation
Positive character traits

* * * * *

Defendant's name: BERNELL HEGWOOD
Sentenced to death 03/29/88 in Broward County
Trial Counsel: CARLOS RODRIGUEZ (court appointed)

FSC on direct appeal found that jury heard testimony that supported
recommendation of life that trial judge THOMAS COKER overrode:

Good child who had an unfortunate and impoverished childhood
May have been mentally or emotionally deficient from upbringing

* * * * *

Defendant's name: THEWELL HAMILTON
Sentenced to death 04/07/88 in Holmes County
Trial Counsel: ROBERT ADAMS (public defender)

Trial judge DEDEE COSTELLO found 3 non-statutory mitigators:

Served honorably in armed forces
Not known to family as violent man
Not known to family as man who drank alcohol to excess

* * * * *

Defendant's name: JERRY HALIBURTON
Sentenced to death on 04/11/88 in Palm Beach County
Trial Counsel: NELSON BAILEY (court appointed)

Trial judge JACK COOK found 3 non-statutory mitigators:

No disciplinary reports while on death row
Brought friends & strangers home for meals while growing up
Counseled nieces & nephews against following criminal example

* * * * *

Defendant's name: MANUEL PARDO JR.
Sentenced to death on 04/20/88 in Dade County
Trial Counsel: RONALD GURALNICK

Trial judge PHILLIP KNIGHT found 3 non-statutory mitigators:

Military service
Once saved the life of a child
Had the love and affection of his family

* * * * *

Defendant's name: JAMES MCCRAY
Resentenced to death on 04/22/88 in Lee County
(originally sentenced to death 05/21/74, affirmed on direct appeal 04/09/81 at 395 So2d 1145, remanded for resentencing on 3.850 appeal 06/18/87 at 510 So2d 0874)
Trial Counsel: ROBERT DILLINGER

FSC on direct appeal found there was sufficient mitigating evidence for the jury to provide a recommendation of life that trial judge THOMAS REESE overrode including non-statutory:

Temporal lobe epilepsy
Above average intelligence and writing ability
Developed and evidenced strong spiritual and religious standards
Contributed to the lives of others
High potential for rehabilitation
Expressed sincere remorse

* * * * *

Defendant's name: JAMES CAMPBELL
Sentenced to death on 05/19/88 in Dade County
Trial Counsel: MICHAEL CHAVIES

Trial judge ALFONSO SEPE found 1 non-statutory mitigator:
Testimony of victim's daughter and letters from victim's church urging against death penalty

FSC concluded trial court wrongly rejected as non-statutory mitigator:

Deprived and abusive childhood

* * * * *

Defendant's name: DONNIE GENE CRAIG
Sentenced to death on 05/27/88 in Okeechobee County
Trial Counsel: MICHAEL SULLIVAN

FSC on direct appeal found there was sufficient mitigating evidence for the jury to support a recommendation of life that trial judge WILLIAM HENDRY overrode including non-statutory:

Testimony of non-violent nature

IQ of 54, thought process of 8 - 10 year old, deficient at abstract reasoning, primitive moral judgment of a child

* * * * *

Defendant's name: ROBERT BUFORD

Resentenced to death on 06/01/88 in Polk County

(originally sentenced 03/31/78 after receiving life recommendations, affirmed on 07/23/81 at 403 So2d 0943, remanded for resentencing by FDC 05/15/87 which was affirmed by the 11th Circuit 03/18/88 at 841 F2d 1057)

Trial Counsel: RONALD TOWARD / DAVID WEISBERG

FSC on direct appeal concluded there were sufficient mitigating circumstances to support jury recommendation of life (at original sentencing) which trial judge JOE YOUNG overrode including non-statutory:

Squalor and parental neglect

Used alcohol and drugs

* * * * *

Defendant's name: LEONARD LEE SMALLEY JR.

Sentenced to death on 06/21/88 in Sumter County

Trial Counsel: HUGH LEE (public defender)

Trial judge JOHN BOOTH found 3 non-statutory mitigators:

Abused as a child

Expressed remorse

Good employee, co-workers thought highly of him

* * * * *

Defendant's name: JAMES DUCKETT

Sentenced to death on 06/30/88 in Lake County

Trial Counsel: JACK EDMUND

Trial judge JERRY LOCKETT found 1 non-statutory mitigator:

Family background and education

* * * * *

Defendant's name: BURLEY GILLIAM
Resentenced to death on 08/17/88 in Dade County
(originally sentenced to death 02/08/85, remanded for new trial on direct appeal 11/05/87 at
514 So2d 1098)
Trial Counsel: EDWARD KOCH

Trial judge THEODORE MASTOS found 2 non-statutory mitigators:

Brought up in broken home and subjected to physical abuse
Family loves him

* * * * *

Defendant's name: CHARLES CARTER
Sentenced to death on 08/26/88 in Polk County
Trial Counsel: GLEN BROCK (court appointed)

FSC on direct appeal found that the jury heard evidence of mitigation that supported
recommendation of life that trial judge J. DALE DURRANCE overrode including non-statutory:

Organic brain damage, beatings and other injuries
Drug abuse
Intoxication
Rehabilitation potential

* * * * *

Defendant's name: ROBERT C. COX
Sentenced to death on 09/30/88 in Orange County
Trial Counsel: PATRICIA CASHMAN (public defender)

Trial judge RICHARD CONRAD found 2 non-statutory mitigators:

Model prisoner
Military record

* * * * *

Defendant's name: JOHN BOGGS
Sentenced to death on 10/26/88 in Pasco County
Trial Counsel: JOHN CARBALLO / WILLIAM EBLE (public defenders)

Trial judge WAYNE COBB found 1 non-statutory mitigator:

Emotional disturbance due to divorce

* * * * *

Defendant's name: JOEY BURTON THOMPSON
Sentenced to death on 10/28/88 in Duval County
Trial Counsel: CHARLES COFER / ALAN CHIPPERFIELD (public defenders)

Trial judge DAVID WIGGINS found 4 non-statutory mitigators:

Emotional stress, considered suicide after murder
Maintained employment during marriages
Considerate son while teenager in school
Good inmate while in custody

* * * * *

Defendant's name: JOHN FREEMAN
Sentenced to death on 11/02/88 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge DONALD MORAN JR. found 3 non-statutory mitigators:

Low intelligence, history of abuse
Some artistic ability
Enjoys playing with children

* * * * *

Defendant's name: HENRY ESPINOSA
Sentenced to death on 11/04/88 in Dade County
Trial Counsel: KEN LANGE (court appointed)

Trial judge ARTHUR SNYDER found 1 non-statutory mitigator:

A good man

* * * * *

Defendant's name: MAURICIO BELTRAN-LOPEZ
Sentenced to death on 11/04/88 in Dade County
Trial Counsel: LUIS CASUSO (court appointed)

Trial judge ARTHUR SNYDER found 1 non-statutory mitigator:

Mother testified he was a good son

* * * * *

Defendant's name: DIETER RIECHMANN
Sentenced to death on 11/04/88 in Dade County
Trial Counsel: ED CARHART (private attorney)

Trial judge HAROLD SOLOMON found 1 non-statutory mitigator:
Statements from friends that he was a good person

* * * * *

Defendant's name: ROBERT HENRY
Sentenced to death 11/10/88 in Broward County
Trial Counsel: BRUCE RATICOFF (court appointed)

Trial judge MARK POLEN found 1 non-statutory mitigator:

Service in Marine Corps

* * * * *

Defendant's name: MICHAEL CARUSO, JR.
Sentenced to death on 12/02/88 in Broward County
Trial Counsel: MARTIN MCDONNELL (court appointed)

FSC on direct appeal said jury could have based life recommendation on non-statutory mitigating factors trial judge CHARLES McCLURE did not find:

Defendant's intoxication
Long term drug addiction
Defendant recognized drug problem, attempted suicide, sought hospital treatment three times in preceding 13 months

* * * * *

Defendant's name: JERRY WICKHAM
Sentenced to death on 12/08/88 in Leon County
Trial Counsel: PHIL PADAVANO (court appointed)

FSC on direct appeal said trial judge CHARLES McCLURE should have found and weighed 3 non-statutory mitigators:

- Abusive childhood
- Alcoholism
- History of hospitalization for mental disorders

* * * * *

Defendant's name: ROLANDO GARCIA
 Sentenced to death on 12/08/88 in Dade County
 Trial Counsel: BILL SUROWIEC (court appointed)

Trial judge FRED MORENO found 1 non-statutory mitigator:

Victim was a drug dealer

* * * * *

Defendant's name: DONALD GUNSBY
 Sentenced to death on 01/03/89 in Marion County
 Trial Counsel: EDWARD SCOTT (court appointed)

Trial judge RAYMOND MCNEAL found 1 non-statutory mitigator:

Mildly retarded, functions at a 3rd or 4th grade level

* * * * *

Defendant's name: MICHAEL BEDFORD
 Sentenced to death on 01/20/89 in Broward County
 Trial Counsel: CHARLES RICH (court appointed)

FSC found that jury had a reasonable basis for a life recommendation that trial judge MEL GROSSMAN overrode including 5 non-statutory mitigators:

- Relative involvement
- Honorable discharges from Army and Navy
- Non-violent nature
- Good father, husband, and son
- Previously saved lives while assisting paramedics

* * * * *

Defendant's name : BOBBY LEE DOWNS
Sentenced to death on 03/03/89 in Duval County
Trial Counsel : ALAN CHIPPERFIELD (public defender)

FSC on direct appeal found a basis for jury recommendation of life that trial judge L. PAGE HADDOCK overrode including 4 non-statutory mitigators:

Domestic quarrel
Intoxication
History of drug and alcohol use
IQ of 71, mental age of 13

* * * * *

Defendant's name: ULRICK OMELUS
Sentenced to death on 03/16/89 in Brevard County
Trial Counsel: ROBERT UDELL (court appointed)

Trial judge JOHN DEAN MOXLEY found 1 non-statutory mitigator:

Actual killer (who he hired) received life sentence

* * * * *

Defendant's name: ANTHONY HALL
Sentenced to death on 03/22/89 in Volusia County
Trial Counsel: GERARD KEATING (court appointed)

Trial judge S. JAMES FOXMAN found 2 non-statutory mitigators:

Abused child
Good son and brother

* * * * *

Defendant's name: MICHAEL CRUMP
Sentenced to death on 03/31/89 in Hillsborough County
Trial Counsel: DANNY HERNANDEZ / TOM CUNNINGHAM (court appointed)

Trial judge M. WILLIAM GRAYBILL found 1 non-statutory mitigator:

"... as evidenced by expert and lay testimony in this case."

* * * * *

Defendant's name: JOHNNY ROBINSON
Resentenced to death on 04/03/89 in St. Johns County
(originally sentenced to death 06/19/86, remanded for resentencing on direct appeal 01/28/88
at 520 So2d 0001)
Trial Counsel: HOWARD PEARL (public defender)

Trial judge RICHARD O. WATSON found 3 non-statutory mitigators:

Physically and sexually abused as a child
Raised without a mother (difficult childhood)
Psychosexual disorder (rapist)

* * * * *

Defendant's name: RICHARD RANDOLPH
Sentenced to death on 04/05/89 in Putnam County
Trial Counsel: HOWARD PEARL (public defender)

Trial judge ROBERT PERRY found 2 non-statutory mitigators:

Possesses an atypical personality disorder
Expressed shame or remorse

* * * * *

Defendant's name: GREGORY CAPEHART
Sentenced to death on 04/11/89 in Pasco County
Trial Counsel: A. J. IVIE (court appointed)

FSC said trial judge MAYNARD SWANSON found 1 non-statutory mitigator:

"... poor black man exploding in anger over his frustration due to the ills of a discriminatory
society heaped upon him."

* * * * *

Defendant's name: VICTOR KLOKOC
Sentenced to death on 04/21/89 in Brevard County
Trial Counsel: DAVID SILVERMAN (court appointed for sentencing)

Trial judge EDWARD JACKSON found 2 non-statutory mitigators:

Good provider for family

Troubled family relationship

* * * * *

Defendant's name: ROOSEVELT BOWDEN
Sentenced to death on 06/30/89 in Pinellas County
Trial Counsel: JAMES MARTIN (court appointed)

Trial judge STANLEY R. MILLS found 1 non-statutory mitigator:

Terrible childhood and adolescence

* * * * *

Defendant's name: MICHAEL DUROCHER
Sentenced to death on 07/07/89 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge DAVID WIGGINS found 1 non-statutory mitigator:

Loving relationship with mother and retarded brother

* * * * *

Defendant's name: STEVEN CHESHIRE
Sentenced to death on 07/18/89 in Putnam County
Trial Counsel: HOWARD PEARL (public defender)

FSC on direct appeal found a basis for the jury recommendation of life that trial judge ROBERT PERRY overrode including 3 non-statutory mitigators:

Lover's quarrel
Drinking at the time of the offense
Emotional disturbance

* * * * *

Defendant's name: VERNON COOPER
Resentenced to death on 07/28/89 in Escambia County
(originally sentenced to death on 07/01/74, affirmed 07/08/76 at 336 So2d 1133, remanded for resentencing by FSC on state habeas 05/12/88 at 526 So2d 0900)
Trial Counsel: TERRY TERRELL (public defender)

Trial judge NICKOLAS P. GEEKER found 2 non-statutory mitigators:

Significant history of alcohol abuse which eroded the family unit
Maintained close family ties

FSC on direct appeal reduced to life and said that the jury might have based life recommendation on additional non-statutory mitigator:

Relative involvement

* * * * *

Defendant's name: WILLIAM HAPP
Sentenced to death on 07/31/89 in Lake County
Trial Counsel: JEFF PFISTER / MARK NACKE (court appointed)

Trial judge JERRY LOCKETT found 2 non-statutory mitigators:

Family history
Educational aid to other inmates

* * * * *

Defendant's name: BORIS MCKINNEY
Sentenced to death on 08/04/89 in Dade County
Trial Counsel: NORMAN HAFT

FSC on direct appeal mentioned possible non-statutory mitigators that trial judge ALAN KORNBLUM did not find:

Mental deficiencies
Alcohol and drug history

* * * * *

Defendant's name: GEORGE HODGES
Sentenced to death on 08/10/89 in Hillsborough County
Trial Counsel: JOHN CONRAD / DAN PERRY

Trial judge JOHN GRIFFIN found 1 non-statutory mitigator:

Character of the defendant

* * * * *

Defendant's name: WILLIAM ZEIGLER

Resentenced to death 08/17/89 in Orange County

(originally sentenced to death on 07/16/76, affirmed 06/11/81 at 402 So2d 0365, FSC remanded for resentencing on state habeas 04/07/88 at 524 So2d 0419)

Trial judge GARY FORMET found 1 non-statutory mitigator:

Good prison record

* * * * *

Defendant's name: GARY TILLMAN

Resentenced to death on 08/18/89 in Hillsborough County

(originally sentenced to death on 02/28/86, remanded for resentencing on 03/10/88 at 522 So2d 0014)

Trial Counsel: CHARLES O'CONNOR (public defender)

Trial judge JOHN GRIFFIN found 1 non-statutory mitigator:

Continued contact with and concern for family

* * * * *

Defendant's name: LAVARITY ROBERTSON

Sentenced to death on 08/21/89 in Dade County

Trial Counsel: ERIC HENDON (court appointed)

Trial judge RALPH PERSON found 2 non-statutory mitigators:

Good upbringing

Remorse

* * * * *

Defendant's name: WILLIAM ELLEDGE

Resentenced to death on 08/28/89 in Broward County

(originally sentenced to death on 03/27/75, remanded for resentencing on direct appeal 04/07/77 at 346 So2d 0998, resentenced to death 08/03/77, remanded for resentencing by 11th Circuit 07/20/87 at 833 F2d 0250)

FSC on direct appeal said trial judge M. DANIEL FUTCH erred by failing to find 1 non-statutory mitigator:

Abused childhood

* * * * *

Defendant's name: KENNETH KOENIG
Sentenced to death on 08/28/89 in Manatee County
Trial Counsel: JAMES SLATER (public defender)

Trial judge GILBERT SMITH found 4 non-statutory mitigators:

- Prior psychiatric history
- Deprived environmental background
- Emotional instability
- Remorse and admission of guilt

* * * * *

Defendant's name: TONY WATTS
Sentenced to death on 09/15/89 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge L. PAGE HADDOCK found 1 non-statutory mitigator:

- Low IQ

* * * * *

Defendant's name: TIMOTHY ROBINSON
Sentenced to death on 09/26/89 in Escambia County
Trial Counsel: BARRY BEROSET / MICHAEL PITTS

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

- Close family ties / supportive of his mother

* * * * *

Defendant's name: MICHAEL COLEMAN
Sentenced to death on 09/29/89 in Escambia County
Trial Counsel: TED STOKES

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

- Close family ties / supportive of his mother

* * * * *

Defendant's name: DARRELL FRAZIER
Sentenced to death on 10/02/89 in Escambia County
Trial Counsel: FRANK TASSONE (private attorney)

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

Close family ties / supportive of mother and children

* * * * *

Defendant's name: JEREMY SCOTT
Sentenced to death on 10/04/89 in Polk County
Trial Counsel: DWIGHT WELLS(private) / AUSTIN MASLANICK (pub. def.)

FSC on direct appeal said jury might have based life recommendation on non-statutory mitigators including:

Difficult childhood
Mental impairment
Long-term drug and alcohol abuse
Emotionally unstable and immature
Capacity to form loving relationships

* * * * *

Defendant's name: TONY HAYES
Sentenced to death on 10/27/89 in Volusia County
Trial Counsel: GREGORY KIMBLE (court appointed)

Trial judge GAYLE GRAZIANO found 3 non-statutory mitigators:

Deprived childhood
Low intelligence
Developmentally learning disabled

* * * * *

Defendant's name: CHARLES MAULDEN
Sentenced to death on 11/03/89 in Polk County
Trial Counsel: LARRY SHEARER (public defender)

Trial judge CHARLES DAVIS found 3 non-statutory mitigators:

Freely confessed
Shown remorse
No disciplinary reports while in county jail

* * * * *

Defendant's name: MATTHEW MARSHALL
Sentenced to death on 12/12/89 in Martin County
Trial Counsel: CLIFFORD BARNES / DAVID GOLDEN (public defenders)

Trial judge DWIGHT GEIGER found 2 non-statutory mitigators:

Behavior at trial acceptable
Entered prison at a young age

* * * * *

Defendant's name: ROBERT BRYANT
Sentenced to death on 12/18/89 in Taylor County
Trial Counsel: BARRY HARRISON

Trial judge E. VERNON DOUGLAS found 1 non-statutory mitigator:

Relatively low IQ

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Defendant's name: REGINALD WHITE
Sentenced to death on 01/19/90 in Hillsborough County
Trial Counsel: JACK EDMUND (private attorney)

Trial judge M. WILLIAM GRAYBILL found 2 non-statutory mitigators:

Personality change from drugs
Upset by breakup with victim (ex-girlfriend)

* * * * *

Defendant's name: JAMES SAVAGE
Sentenced to death on 01/23/90 in Brevard County
Trial Counsel: GEORGE TURNER / DELGADO (court appointed)

Trial judge LAURENCE JOHNSTON III found 1 non-statutory mitigator:

Difficult background

* * * * *

Defendant's name: JAMES MORGAN

Resentenced to death on 02/20/90 in Indian River County

(originally sentenced to death 12/30/87 in Martin County, FSC remanded for new trial 01/15/81 at 392 So2d 1315, resentenced to death 12/07/81, FSC remanded for new trial 07/12/84 at 453 So2d 0394, resentenced to death 06/07/85, FSC remanded for new trial 01/05/89 at 537 So2d 0973)

Trial Counsel: ROBERT UDELL (pro bono)

On direct appeal the FSC reduced to life and found there was evidence of mitigation that Trial judge JOHN FERRIS failed to find including 5 non-statutory mitigators:

Marginal intelligence, extremely immature, learning disorder
Sniffed gasoline regularly for many years
Sniffed gasoline the day of the murder
Was brain-damaged
Had no history of violence

* * * * *

Defendant's name: LARRY MANN

Resentenced to death on 03/02/90 in Pinellas County

(originally sentenced to death 03/26/81, remanded for resentencing on direct appeal on 09/02/82 at 420 So2d 0578, resentenced to death on 01/14/83, affirmed 05/24/84 at 453 So2d 0784, remanded for resentencing by 11th Circuit 04/21/88 at 844 F2d 1446)

Trial Counsel: DAVID PARRY / NORA McCLURE (public defenders)

Trial judge JAMES CASE found 6 non-statutory mitigators:

Psychotic depression and feelings of rage against self because of strong pedophilic urges
Exemplary inmate while on death row
History of drug and alcohol abuse
Great remorse for crime
Developed and cultivated artistic talents
Maintained relationship with family and friends

* * * * *

Defendant's name: JUAN DAVID RODRIGUEZ

Sentenced to death on 03/28/90 in Dade County

Trial Counsel: FRANK GUPINO (court appointed)

Trial judge THOMAS CARNEY found 1 non-statutory mitigator:

Good marriage and family life

* * * * *

Defendant's name: MARSHALL LEE GORE
Sentenced to death on 04/03/90 in Columbia County
Trial Counsel: JIMMY HUNT (public defender)

Trial judge E. DOUGLAS VERNON found 2 non-statutory mitigators:

Poor upbringing
Antisocial personality disorder

* * * * *

Defendant's name: JOHN VINING
Sentenced to death on 04/09/90 in Orange County
Trial Counsel: TRISH CASHMAN/KELLY SIMS (public defenders)

Trial judge JOSEPH P. BAKER found 1 non-statutory mitigator:

Good military history

* * * * *

Defendant's name: NEWTON SLAWSON
Sentenced to death on 04/11/90 in Hillsborough County
Trial Counsel: BRIAN DONERLY / CRAIG ALDRIDGE (public defenders)

Trial judge ROBERT BONANNO found 2 non-statutory mitigators:

Abuse by mother when a child
Capable of kindness

* * * * *

Defendant's name: TERANCE VALENTINE
Sentenced to death on 04/12/90 in Hillsborough County
Trial Counsel: TOM MAYERS (public defender)

Trial judge M. WILLIAM GRAYBILL found 2 non-statutory mitigators:

Supported family, good father, no previous mistreatment
Basketball player who took an interest in children

* * * * *

Defendant's name: DOUGLAS JACKSON

Resentenced to death on 04/20/90 in Broward County

(originally sentenced to death 12/02/81, remanded for new trial on direct appeal 01/31/85 at 464 So2d 1181, resentenced to death 05/27/86, remanded for new trial on direct appeal 06/08/89 at 545 So2d 0260)

Trial Counsel: ROSS ZIMMERMAN (court appointed)

Trial judge THOMAS COKER found 2 non-statutory mitigators:

Good upbringing without serious trouble
Exemplary life, helpful to friends

FSC reduced to life on direct appeal and said jury might have based life recommendation on additional non-statutory mitigator:

Disparate treatment

* * * * *

Defendant's name: RICKY CORBETT

Sentenced to death on 04/26/90 in Okaloosa County

Trial Counsel: BILL BISHOP (public defender)

Trial judge G. ROBERT BARRON found 1 non-statutory mitigator:

Low intellectual level

* * * * *

Defendant's name: HENRY SIRECI

Resentenced to death on 05/04/90 in Orange County

(originally sentenced to death on 11/15/76, affirmed on direct appeal 06/10/81 at 399 So2d 0964, FSC affirmed Cir. Ct. decision granting new sentencing 12/22/88 at 536 So2d 0231)

Trial Counsel: DONALD WEST

Trial judge GARY FORMET found 4 non-statutory mitigators:

Hard and steady worker

Concern for others / unselfish with friends and family
Has done well in prison
Has brain damage and suffered severe abuse as a child

* * * * *

Defendant's name: DOUGLAS CANNADY
Sentenced to death on 06/08/90 in Jackson County
Trial Counsel: BOB ADAMS (court appointed)

Trial judge ROBERT MCCRARY found 2 non-statutory mitigators:

Alcoholic, alcoholism had caused brain atrophy
Mental/emotional disturbance

* * * * *

Defendant's name: KENNETH FOSTER
Resentenced to death on 06/18/90 in Bay County
(originally sentenced to death 10/04/75, affirmed 02/22/79 at 369 So2d 0928, FSC remanded
for resentencing on state habeas 12/03/87 at 518 So2d 0901)
Trial Counsel: STEVEN SELIGER / DICK BURR / JOHN CARR (court appointed)

Trial judge DON SIRMONS found 13 non-statutory mitigators:

Mental or emotional disturbance
Capacity to appreciate criminality of conduct impaired
Abusive family background
Poverty
Physical illness
Love for and love by family
Alcohol and drug abuse
Troubled personal life including depression and frustration
Physical injuries
Lack of childhood development
Effect of death of loved ones
Learning disabilities
Potential for positive sustained human relationships

* * * * *

Defendant's name: LOUIS GASKIN
Sentenced to death on 06/19/90 in Flagler County
Trial Counsel: RAYMOND CASS (public defender)

Trial judge KIM HAMMOND found 1 non-statutory mitigator:

Deprived childhood

* * * * *

Defendant's name: JEFFREY ATWATER
Sentenced to death on 06/25/90 in Pinellas County
Trial Counsel: MICHAEL SCHWARTZBERG/JOHN WHITE (court appointed)

Trial judge R. GRABLE STOUTAMIRE found some non-statutory mitigation:

Deprived childhood

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Defendant's name: DERRICK SMITH
Resentenced to death on 07/13/90 in Pinellas County
(originally sentenced to death 11/29/83, FSC remanded for new trial 07/17/86 at 492 So2d 1063)
Trial Counsel: RICHARD SANDERS

Trial judge CLAIRE LUTEN found 2 non-statutory mitigators:

Family background
Rehabilitation potential

* * * * *

Defendant's name: FRANK VALDES
Sentenced to death on 07/27/90 in Palm Beach County
Trial Counsel: CRAIG BOUDREAU (court appointed)

Trial judge WALTER COLBATH found 3 non-statutory mitigators:

Father was an alcoholic and occasionally abusive
In serious car accident at age 11
Spent one year in military boarding school, came from broken home, had difficult birth

* * * * *

Defendant's name: DEIDRE HUNT
Sentenced to death on 09/13/90 in Volusia County

Trial Counsel: PETER NILES (court appointed)

Trial judge S. JAMES FOXMAN found 3 non-statutory mitigators:

- Abused, deprived childhood
- Mental, emotional state (sociopath, mother unstable, unstable with a history of substance abuse)
- Plea and confession and cooperation

* * * * *

Defendant's name: CHARLES STREET
 Sentenced to death on 09/18/90 in Dade County
 Trial Counsel: ROBERT GODWIN / ART KOCH (public defenders)

Trial judge ALFONSO SEPE found 1 non-statutory mitigator:

- Mental/emotional disturbance

* * * * *

Defendant's name: TOMMY RICHARDSON
 Sentenced to death on 10/15/90 in Jackson County
 Trial Counsel: FLOYD GRIFFIN (public defender)

Trial judge ROBERT L. MCCRARY JR. found 1 non-statutory mitigator:

- Genuinely remorseful

* * * * *

Defendant's name: KOSTANTINOS FOTOPOULOS
 Sentenced to death on 11/01/90 in Putnam County
 Trial Counsel: CARMEN CORRENTE (court appointed)

Trial judge S. JAMES FOXMAN found 5 non-statutory mitigators:

- Good son
- Came from good family
- Hardworking
- Had good manners and a sense of humor
- Education (master's degree)

* * * * *

Defendant's name: RONALD CLARK
Sentenced to death on 11/02/90 in Nassau County
Trial Counsel: HENRY DAVIS (court appointed)

FSC on direct appeal mentioned 3 possible non-statutory mitigators that trial judge HENRY ADAMS did not find:

- Alcohol and drug abuse
- Emotional disturbance
- Abused childhood

* * * * *

Defendant's name: EDWARD CASTRO
Resentenced to death on 11/20/90 in Marion County
(originally sentenced to death 02/09/88, remanded for new sentencing on direct appeal 07/13/89 at 547 So2d 0111)
Trial Counsel: TRICIA JENKINS (public defender)

Trial judge VICTOR MUSLEH found 3 non-statutory mitigators:

- "... poverty, neglect, abuse, sexual abuse, a dysfunctional family life, and social alienation as a child"
- Alcohol dependency
 - Some emotional and mental disturbance

* * * * *

Defendant's name: RONALD HEATH
Sentenced to death on 12/17/90 in Alachua County
Trial Counsel: ROBERT RUSH / STEVE SCHECK (court appointed)

Trial judge ROBERT P. CATES found 2 non-statutory mitigators:

- Good character during previous prison sentence
- Codefendant received life sentence

* * * * *

Defendant's name: FREDDIE LEE HALL
Resentenced to death on 02/21/91 in Marion County
(originally sentenced to death 06/27/78 in Putnam County, change of venue from Sumter County, FSC affirmed on direct appeal 07/16/81 at 403 So2d 1321 but remanded for new sentencing on 3.850 appeal 03/09/89 at 541 So2d 1125)
Trial Counsel: T. MICHAEL JOHNSON

Trial judge RICHARD TOMBRINK JR. found 2 non-statutory mitigators:

Mental, emotional, and learning disabilities
Abused and deprived childhood

* * * * *

Defendant's name: DOUGLAS ESCOBAR
Sentenced to death on 02/22/91 in Dade County
Trial Counsel: YALE GALANTER

Trial judge SIDNEY SHAPIRO found 1 non-statutory mitigator:

Broken home

* * * * *

Defendant's name: GEORGE TREPAL
Sentenced to death on 03/06/91 in Polk County
Trial Counsel: JOHN STIDHAM (private attorney)

Trial judge DENNIS MALONEY found 4 non-statutory mitigators:

Family background
Intelligent man
Behavior during previous prison sentence
Family background

* * * * *

Defendant's name: MICHAEL GRIFFIN
Sentenced to death on 03/07/91 in Dade County
Trial Counsel: ANDREW KASSIER (court appointed)

Trial judge ARTHUR SNYDER found 3 non-statutory mitigators:

Show of remorse
Traumatic childhood
Learning disability

* * * * *

Defendant's name: GUILLERMO ARBELAEZ

Sentenced to death on 03/14/91 in Dade County
Trial Counsel: REEMBERTO DIAZ (court appointed)

Trial judge ALLEN KORNBLUM found 1 non-statutory mitigator:

Remorse

* * * * *

Defendant's name: DONALD DILLBECK
Sentenced to death on 03/15/91 in Leon County
Trial Counsel: RANDY MURRELL (public defender)

Trial judge F. E. STEINMEYER found 1 non-statutory mitigator:

Has the love and support of his family

* * * * *

Defendant's name: DAVID THOMAS
Sentenced to death on 03/15/91 in Lee County
Trial Counsel: FRANK PORTER (court appointed)

Trial judge JAMES R. THOMPSON found 2 non-statutory mitigators:

Emotionally and economically disadvantaged childhood
Slow learner

* * * * *

Defendant's name: MICHAEL DUROCHER
Sentenced to death on 03/22/91 in Clay County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge WILLIAM WILKES found 3 non-statutory mitigators:

Alcohol abuse
Stuttering problem and parent's divorce made him depressed
and attempted suicide
Borderline personality disorder

* * * * *

Defendant's name: DAVID PITTMAN

Sentenced to death on 04/25/91 in Polk County
Trial Counsel: ROBERT NORGDARD / ROBERT TROGOLO (public defenders)

Trial judge J. TIM STRICKLAND found 3 non-statutory mitigators:

Was and may still be a hyperactive personality
May have suffered physical and sexual abuse as a child
Impulsive person with memory problems and impaired social judgment

* * * * *

Defendant's name: RUFUS STEVENS
Resentenced to death on 04/26/91 in Broward County
(originally sentenced to death 08/17/79, remanded for new sentencing on 3.850 appeal
10/05/89 at 552 So2d 1082)
Trial Counsel: OREN ROOT

FSC on direct appeal said jury might have based life recommendation (at original sentencing) on non-statutory mitigators including:

Did not participate in or know of murder
Horribly abused as a child
Despite background was a good worker, parent, family provider
Intoxicated the day of the murder
Remorse for the robbery and other offenses

* * * * *

Defendant's name: ROBERT PRESTON
Resentenced to death 05/08/91 in Seminole County
(originally sentenced to death 11/06/81, remanded for new sentencing on 3.850 appeal
06/07/90 at 564 So2d 0120)
Trial Counsel: MARLENE ALVA

Trial judge S. JOSEPH DAVIS JR. found 5 non-statutory mitigators:

Difficult and neglected childhood
Good prison record
Good potential for rehabilitation
Expressed remorse
Loving son who possessed other positive qualities

* * * * *

Defendant's name: HAROLD LUCAS

Resentenced to death 05/14/91 in Lee County

(originally sentenced to death 02/09/77, remanded for resentencing 06/14/79 at 376 So2d 1149, resentenced to death 03/03/80, remanded for resentencing 07/01/82 at 417 So2d 0250, resentenced to death 05/08/85, remanded for resentencing 07/03/86 at 490 So2d 0943, resentenced to death 05/07/87, remanded for resentencing 09/20/90 at 568 So2d 0018)

Trial Counsel: ROBERT R. JACOBS II (public defender)

Trial judge THOMAS S. REESE found 3 non-statutory mitigators:

Alcohol and drug use reduced inhibitions and increased impulsiveness
Emotional or passionate reasons rather than cold calculation
Good conduct while on death row

* * * * *

Defendant's name: RONALD LEE WILLIAMS

Sentenced to death 06/21/91 in Escambia County

Trial Counsel: RANDALL ETHERIDGE (court appointed)

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

Loving family member to mother and son

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Defendant's name: EMANUEL JOHNSON

Sentenced to death 06/28/91 in Sarasota County

Trial Counsel: TOBEY HOCKETT / ELLIOTT METCALFE / ADAM TEBRUGGE
(public defenders)

Trial judge ANDREW D. OWENS found 13 non-statutory mitigators:

Raised without father
Deprived upbringing
Excellent relationship with family
Good son who provided for mother
Excellent employment history
Good husband and father, attempted to provide for family
Father of two children who he loves
Cooperated with police and confessed
Artistic and poetic talents
Rehabilitation potential
Court can impose life

Good conduct during trial
Mental pressure

* * * * *

Defendant's name: EMANUEL JOHNSON
Sentenced to death 06/28/91 in Sarasota County
Trial Counsel: HOCKETT / METCALFE / TEBRUGGE (public defenders)
Trial judge ANDREW D. OWENS found 13 non-statutory mitigators:

Raised without father
Deprived upbringing
Excellent relationship with family
Good son who provided for mother
Excellent employment history
Good husband and father, attempted to provide for family
Father of two children who he loves
Cooperated with police and confessed
Artistic and poetic talents
Rehabilitation potential
Court can impose life
Good conduct during trial
Mental pressure

* * * * *

Defendant's name: DOMINICK DEANGELO
Sentenced to death on 07/23/91 in Orange County
Trial Counsel: KELLY SIMS (public defender)

Trial judge RICHARD CONRAD found 5 non-statutory mitigators:

Ongoing conflict
Volunteer fireman
Served in military
Confessed to killing
Mental disorders treatable

* * * * *

Defendant's name: OSCAR BOLIN
Sentenced to death on 07/31/91 in Hillsborough County
Trial Counsel: PAUL FIRMANI (public defender)

Trial judge M. WILLIAM GRAYBILL found 1 non-statutory mitigator:

Nightmarish home environment as a child - physically and mentally abused by father

* * * * *

Defendant's name: THEWELL HAMILTON

Sentenced to death 08/05/91 in Holmes County

(originally sentenced to death on 04/07/88, remanded for new trial 7/27/89 at 547 So2d 630)

Trial Counsel: ROBERT ADAMS (public defender)

Sentencing judge CLINTON FOSTER found 2 non-statutory mitigators:

Wife's blood-alcohol level

Good military record and good character

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Defendant's name: PATRICK HANNON

Sentenced to death on 08/05/91 in Hillsborough County

Trial Counsel: JOE EPISCOPO (private)

Trial judge M. WM. GRAYBILL found 2 non-statutory mitigators:

Family testimony of non-violence

Disparate treatment of accomplice

* * * * *

Defendant's name: FRED WAY

Resentenced to death on 08/22/91 in Hillsborough County

(originally sentenced to death 01/27/84, remanded for new sentencing on state habeas 09/06/90 at 568 So2d 1263)

Trial Counsel: LINDA MCKINLEY / GREG ALDRIDGE (public defenders)

Trial judge SUSAN BUCKLEW found 8 non-statutory mitigators:

Father died when defendant was 11, family was poor and defendant worked at an early age to help family

Military service

Successful in employment, well liked by fellow workers

Reputation for peacefulness and hard work

Hearing impairment, possible mental impairment

Well behaved in prison

All other mitigating circumstances asserted by defendant
Happy family life, response to deaths

* * * * *

Defendant's name: OLEN GORBY
Sentenced to death on 08/30/91 in Bay County
Trial Counsel: PAUL KOMAREK (court appointed)

Trial judge DON SIRMONS found 6 non-statutory mitigators:

Mental/emotional disturbance
Capacity to conform impaired
Love of family
Poor background - abusive father, failed marriage
Affect of sisters being shot by police (innocent bystanders)
Effects of car accident at age of 4

* * * * *

Defendant's name: DONN DUNCAN
Sentenced to death on 08/30/91 in Orange County
Trial Counsel: LOUIS LORINCZ (public defender)

Trial judge DANIEL P. DAWSON found 5 non-statutory mitigators:

Childhood and upbringing saddled him with emotional handicap
Influence of alcohol
Good employee, good listener, good friend
Satisfactorily completed parole
Domestic dispute

* * * * *

Defendant's name: WILLIAM SWEET
Sentenced to death on 08/30/91 in Duval County
Trial Counsel: CHARLES ADAMS / LINSEY MOORE (court appointed)

Trial judge FREDERICK TYGART found 1 non-statutory mitigator:

Lacked true parental guidance as a teenager

* * * * *

Defendant's name: JOHN BARRETT
Sentenced to death on 09/03/91 in Pinellas County (venue changed from Citrus County)
Trial Counsel: EDWIN BONNETT / TRISH JENKINS (public defenders)

Trial judge JOHN THURMAN found 4 non-statutory mitigating factors:

Good parent, son, brother
Served country in the military
Converted to Christianity with sincere dedication
Good record in jail

On direct appeal the FSC remanded for new trial and found evidence of mitigation to support the jury's recommendation of life:

May not have been murderer
Alcohol abuse
Disparate treatment

* * * * *

Defendant's name: MICHAEL MORDENTI
Sentenced to death on 09/06/91 in Hillsborough County
Trial Counsel: JOHN ATTI / JAMES WATT (privately retained)

Trial judge SUSAN BUCKLEW found 6 non-statutory mitigators:

Father died when defendant was young
Was a good stepson
Supported woman who lived with him and her two children
Thoughtful friend and employer/fair in business dealings
Honorable discharge from Coast Guard
Behaved appropriately in court

* * * * *

Defendant's name: LARRY KRAMER
Sentenced to death on 09/06/91 in Orange County
Trial Counsel: PATRICIA CASHMAN / KELLY SIMS (public defenders)

Trial judge RICHARD CONRAD found 12 non-statutory mitigators:

Poor eyesight
Loss of kidney

Emotional deprivation
Alcoholism
Drug abuse
Babysitter
Rescued child in pool
Involved in religious activities in prison
Model prisoner
Good worker while incarcerated
Rejected by the military
Self-inflicted injuries

* * * * *

Defendant's name: ROBIN ARCHER
Sentenced to death on 09/20/91 in Escambia County
Trial Counsel: BRIAN LANG (court appointed)

Trial judge LACEY A. COLLIER found 1 non-statutory mitigator:

Loving son and good family member

* * * * *

Defendant's name: JAMES PATRICK BONIFAY
Sentenced to death on 09/20/91 in Escambia County
Trial Counsel: TED STOKES (court appointed)

Trial judge LACEY A. COLLIER found 1 non-statutory mitigator:

Good conduct and attitude while in jail

* * * * *

Defendant's name: OSCAR BOLIN
Sentenced to death on 10/11/91 in Hillsborough County
Trial Counsel: PAUL FIRMANI (public defender)

Trial judge M. WILLIAM GRAYBILL found 1 non-statutory mitigator:

Nightmarish home environment as a child - physical and mental abuse from father

* * * * *

Defendant's name: ROBERT LARKINS

Sentenced to death on 10/16/91 in Hardee County
Trial Counsel: ROGER ALCOTT (court appointed)

Trial judge WILLIAM NORRIS found 1 non-statutory mitigator:

Organic brain damage

* * * * *

Defendant's name: JEROME ALLEN
Sentenced to death on 10/25/91 in Brevard County
Trial Counsel: ROBERT WESLEY - penalty phase
Trial judge MARC CIANCA found 5 non-statutory mitigators:

Alcoholic father
Grandfather killed grandmother, then committed suicide
No father image available
Good to younger brother
Had difficulty in school

* * * * *

Defendant's name: ROBERT HENDRIX
Sentenced to death on 11/04/91 in Lake County
Trial Counsel: ED KIRKLAND / THOMAS TURNER (privately retained)

Trial judge JERRY LOCKETT found 2 non-statutory mitigators:

Family history, juvenile history, close relationship with mother and sisters
Sentence of codefendant

* * * * *

Defendant's name: BILLY KEARSE
Sentenced to death on 11/08/91 in Indian River County (venue changed from St. Lucie)
Trial Counsel: ROBERT UDELL (court appointed)

Trial judge MARC CIANCA found 3 non-statutory mitigators:

Impoverished and culturally deprived background
Severely emotionally disturbed child
IQ just above retarded level

* * * * *

Defendant's name: MARC CHRISTMAS
Sentenced to death on 11/12/91 in Duval County
Trial Counsel: ALLEN CHIPPERFIELD (public defender)

On direct appeal the FSC found evidence of mitigation to support the jury's recommendation of life that was not found by Trial judge DAVID WIGGINS including 3 non-statutory mitigators:

Personality disorder (dependant personality)
Very young (21 years old)
Was a follower rather than a leader

* * * * *

Defendant's name: ANDREW GOLDEN
Sentenced to death on 11/15/91 in Polk County
Trial Counsel: ALLEN R. SMITH (private counsel)

Trial judge ROBERT PYLE found 3 non-statutory mitigators:

Helped raise younger brother and was a nice guy
Married to victim 24 years - were best friends
In some respects a role model for children - involved in and supported school and sports activities

* * * * *

Defendant's name: STEVEN TAYLOR
Sentenced to death on 12/09/91 in Duval County
Trial Counsel: FRANK TASSONE (court appointed)

Trial judge R. HUDSON OLLIFF found 1 non-statutory mitigator:

Mild mental retardation

* * * * *

Defendant's name: SAMUEL DERRICK
Resentenced to death on 12/10/91 in Pasco County
(originally sentenced to death 07/25/88, remanded for new sentencing with jury on 06/27/91 at 581 So2d 0031)
Trial Counsel: ROBERT MCCLURE / STEPHEN DEHNART (public defenders)

Trial judge STANLEY R. MILLS found 2 non-statutory mitigator:

Quite young
Rehabilitation factor

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Defendant's name: CHADWICK WILLACY
Sentenced to death on 12/10/91 in Brevard County
Trial Counsel: KURT ERLBACH (private attorney)

Trial judge THERON YAWN found 2 non-statutory mitigators:

No history of or tendency toward violence
Conduct while incarcerated

* * * * *

Defendant's name: RONNIE JOHNSON
Sentenced to death on 12/13/91 in Dade County
Trial Counsel: JOY CARR (court appointed)

Trial judge GERALD HUBBART found 1 non-statutory mitigator:

Good friend and caring family man

* * * * *

Defendant's name: AUGUSTINE PEREZ
Sentenced to death on 12/13/91 in Pasco County
Trial Counsel: PHIL HANSON (court appointed)

Trial judge MAYNARD F. SWANSON found 2 non-statutory mitigators:

No significant criminal history in this country
Was a good worker

* * * * *

Defendant's name: THOMAS WYATT
Sentenced to death on 12/20/91 in Pinellas County (venue changed from Indian River County)
Trial Counsel: ERNON SIDAWAY / DIAMOND HORNE

Trial judge JOHN FERRIS found 1 non-statutory mitigator:

"... in his early youth resided in a broken and unstable home provided by his step-father while his mother required constant attention to her mental illness"

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Defendant's name: AILEEN WUORNOS
Sentenced to death on 01/31/92 in Volusia County
Trial Counsel: TRICIA JENKINS / BILLY NOLAS (public defenders)

Trial judge URIEL BLOUNT found 1 non-statutory mitigator:

Borderline personality disorder

* * * * *

Defendant's name: ANDREA JACKSON
Resentenced to death on 02/21/92 in Duval County
(originally sentenced to death 02/10/84, remanded for new sentencing on state habeas 07/06/89 at 547 So2d 1197)
Trial Counsel: STEPHEN J. WEINBAUM (court appointed)

Trial judge DONALD MORAN found 2 non-statutory mitigators:

Difficult childhood that included sexual abuse from a stepfather
Suffered domestic violence and abused drugs and alcohol

* * * * *

Defendant's name: RANDALL KNOWLES
Sentenced to death on 03/05/92 in Duval County
Trial Counsel: BRIAN MORRISEY / CHARLES COFER (public defenders)

The FSC on direct appeal said trial judge BILL PARSONS "erred in failing to find uncontroverted mitigating circumstances" including 2 non-statutory mitigators:

Intoxication
Organic brain damage

* * * * *

Defendant's name: WILLIAM REAVES
Resentenced to death on 03/06/92 in Marion County
(originally sentenced to death 09/02/87, remanded for new trial on direct appeal 01/15/91 at 574 So2d 0105)

Trial Counsel: J. J. KIRSCHNER (court appointed)

Trial judge JAMES B. BALSIGER found 3 non-statutory mitigators:

Military service with honorable discharge
Enjoyed good reputation in community until age 15 or 16
Good and considerate to mother and siblings

* * * * *

Defendant's name: RICHARD RHODES

Resentenced to death on 03/20/92 in Pinellas County

(originally sentenced to death 09/12/85, remanded for new sentencing on direct appeal
07/06/89 at 547 So2d 1201)

Trial Counsel: JOHN SWISHER (court appointed)

Trial judge DOUGLAS BAIRD found 2 non-statutory mitigators:

Abandoned by parents
Never experienced a family life that could be considered normal

* * * * *

Defendant's name: MARIO LARA

Resentenced to death on 03/27/92 in Dade County

(originally sentenced to death 08/23/82, remanded for new sentencing by circuit court
02/14/89, decision affirmed by FSC 05/09/91 at 581 So2d 1288)

Trial Counsel: EUGENE ZENOBI (court appointed)

Trial judge MARTIN D. KAHN found 1 non-statutory mitigator:

Early years were horrific

* * * * *

Defendant's name: ANNA CARDONA

Sentenced to death on 04/01/92 in Dade County

Trial Counsel: RON GAINOR / ANDREW KASSIER

Trial judge DAVID TOBIN found 2 non-statutory mitigators:

Childhood
Affect of her execution on her other children

* * * * *

Defendant's name: CARLOS SANTOS
Resentenced to death on 04/01/92 in Polk County
(originally sentenced to death 07/18/89, remanded for new sentencing on direct appeal
09/26/91 at 591 So2d 0160)
Trial Counsel: JACK EDMUND

Trial judge J. DALE DURRANCE found 2 non-statutory mitigators:

Abusive environment as a child
Was formerly in relationship with victim

* * * * *

Defendant's name: ERIC TURNER
Sentenced to death on 04/10/92 in Bay County
Trial Counsel: HAROLD RICHMOND (court appointed)

Trial judge CLINTON E. FOSTER found no non-statutory mitigators. FSC on direct appeal said there was "ample mitigation on which the jury could have relied in making its life recommendation including":

Overcame obstacles during difficult childhood to graduate from high school and obtain a basketball scholarship, once showed a lot of promise
Became mentally ill when 24 and was paranoid schizophrenic at the time of the killings
Alternative to death was two life sentences (50 years minimum)

* * * * *

Defendant's name: ELMER CARROLL
Sentenced to death on 04/16/92 in Orange County
Trial Counsel: JAMES TAYLOR

Trial judge BELVIN PERRY found 1 non-statutory mitigator:

Some possible mental abnormalities and an antisocial personality

* * * * *

Defendant's name: ANTONIO MELTON
Sentenced to death on 05/19/92 in Escambia County
Trial Counsel: SAM HALL (public defender)

Trial judge WILLIAM H. ANDERSON found 2 non-statutory mitigators:

Conduct while incarcerated
Family life during formative years

* * * * *

Defendant's name: DAVID ELAM
Sentenced to death on 05/27/92 in Volusia County
Trial Counsel: RAYMOND CASS (public defender)

Trial judge R. MICHAEL HUTCHESON found 1 non-statutory mitigator:

Good family man

* * * * *

Defendant's name: JOSEPH BESARABA
Sentenced to death on 06/05/92 in Broward County
Trial Counsel: DENNIS BAILEY / JANE FISHMAN (court appointed)

Trial judge S. STANTON KAPLAN found 3 non-statutory mitigators:

Alcohol and drug usage, physical and emotional problems
Employment history as a good worker
Good conduct in prison

FSC on direct appeal said the record established 1 additional non-statutory mitigator:

Badly deprived and unstable childhood

* * * * *

Defendant's name: ROBERT HAYES
Sentenced to death on 06/05/92 in Broward County
Trial Counsel: BARBARA HEYER (court appointed)

Trial judge S. STANTON KAPLAN found 2 non-statutory mitigators:

Disadvantaged childhood, abusive parents, lack of education and training
Limited mental abilities and borderline intelligence

* * * * *

Defendant's name: PERRY TAYLOR
Resentenced to death on 06/09/92 in Hillsborough County
(originally sentenced to death 05/12/89, FSC remanded for new sentencing on direct appeal
06/27/91 at 583 So2d 0323)
Trial Counsel: MANUEL LOPEZ (court appointed)

Trial judge DIANA ALLEN found 6 non-statutory mitigators:

- Deprived family background
- Childhood abuse
- Remorse
- Above average intelligence
- Organic brain injury
- Good conduct while in custody

* * * * *

Defendant's name: MARK SCHWAB
Sentenced to death on 07/01/92 in Brevard County
Trial Counsel: BRIAN ONEK / KEN RHODEN (public defenders)

Trial judge EDWARD J. RICHARDSON found 4 non-statutory mitigators:

- Suffers from a recognized mental illness
- Grew up in unstable home environment
- Mother's obsession that her husband was cheating on her exposed defendant to bad situations
- Led law enforcement to the body

* * * * *

Defendant's name: ERNEST SUGGS
Sentenced to death on 07/15/92 in Santa Rosa County (venue changed from Walton County)
Trial Counsel: ROBERT KIMMEL / DONALD STEWART (private)

Trial judge LAURA MELVIN found 2 non-statutory mitigators:

- Good relationship with family
- Good employment background

* * * * *

Defendant's name: RONNIE JOHNSON
Sentenced to death on 7/16/92 in Dade County

Trial Counsel: JOY CARR (court-appointed)

Trial judge GERALD HUBBART found 1 non-statutory mitigators:

Good friend and man who cares for his family

* * * * *

Defendant's name: FRANK WALLS

Resentenced to death on 07/29/92 in Jackson County

(originally sentenced to death 08/24/88 in Okaloosa County, FSC remanded for new trial on direct appeal 04/11/91 at 580 So2d 0131)

Trial Counsel: EARL LOVELESS (public defender)

Trial judge G. ROBERT BARRON found 7 non-statutory mitigators:

Been classified as emotionally handicapped
Apparent brain disfunction and brain damage
IQ so low he functioned intellectually at about age 12 or 13
Confessed and cooperated with law enforcement
Loving relationship with parents and a disabled sibling
Good worker when employed
Exhibited kindness toward weak, crippled, or helpless persons and animals

* * * * *

Defendant's name: ANTHONY WASHINGTON

Sentenced to death on 09/04/92 in Pinellas County

Trial Counsel: F. LOUDERBACK / THOMAS MCCOUN (court appointed)

Trial judge SUSAN SCHAEFFER found 3 non-statutory mitigator:

Kind and loving to his mother
High school diploma
Sports activities during high school

* * * * *

Defendant's name: SEAN ESTY

Sentenced to death on 09/09/92 in Escambia County

Trial Counsel: ROY ROANE (public defender)

The FSC on direct appeal found the jury recommendation of life could be supported by mitigators trial judge MICHAEL JONES failed to find including 2 non-statutory mitigators:

Potential for rehabilitation
Possibility he acted in an emotional rage

* * * * *

Defendant's name: GARY WHITTON
Sentenced to death on 09/10/92 in Walton County
Trial Counsel: BILL BISHOP (public defender)

Trial judge LAURA MELVIN found 9 non-statutory mitigators:

Family background
Abused as a child
Abused by parents
Employment background
Potential for rehabilitation
Charitable and humanitarian deeds
Alcoholism
Mental problems (IQ = 84)
Is a human being

* * * * *

Defendant's name: JAMES GUZMAN
Sentenced to death on 10/16/92 in Volusia County
Trial Counsel: RAY CASS (public defender)

Trial judge ROBERT RAWLINS found 1 non-statutory mitigator:

Obtained equivalent of diploma in prison and studied various subjects including religion

* * * * *

Defendant's name: JOHN HENRY
Sentenced to death on 10/21/92 in Hillsborough County
Trial Counsel: BILL FUENTE / DWIGHT WELLS (court appointed)

Trial judge SUSAN BUCKLEW found 6 non-statutory mitigators:

Turned self in for previous murder
Cooperative with law enforcement
Good conduct while in jail
Good to victim while alive/truly remorseful for murder

History of drug abuse
Fell when a child and suffered some brain injury

* * * * *

Defendant's name: OSCAR BOLIN
Sentenced to death on 10/30/92 in Pasco County
Trial Counsel: DOUGLAS LOEFFLER (public defender)

Trial judge STANLEY MILLS found 3 non-statutory mitigators:

Brain damage
Emotionally, physically, sexually abused
Family history of mental illness

* * * * *

Defendant's name: CHARLES FINNEY
Sentenced to death on 11/10/92 in Hillsborough County
Trial Counsel: RICHARD ESCABAR

Trial judge SUSAN SEXTON found 5 non-statutory mitigators:

Contributions to the community as evidenced by work and military history
Positive character traits
Would adjust well to prison/potential for rehabilitation
Deprived childhood
Bonding with and love for daughter

* * * * *

Defendant's name: CURTIS WINDOM
Sentenced to death on 11/10/92 in Orange County
Trial Counsel: ED LEINSTER (privately retained)

Trial judge DOROTHY RUSSELL found 2 non-statutory mitigators:

Spent time with and supported children
Saved sister from drowning 17 years earlier

* * * * *

Defendant's name: HARRY JONES
Sentenced to death on 11/20/92 in Leon County

Trial Counsel: GREG CUMMINGS (court appointed)

Trial judge WILLIAM GARY found 2 non-statutory mitigators:

- Traumatic and difficult childhood
- Had the love and support of his family

* * * * *

Defendant's name: ALFRED FENNIE
 Sentenced to death on 12/01/92 in Hernando County
 Trial Counsel: ALLEN FANTER (public defender)

Trial judge JACK SPRINGSTEAD found 10 non-statutory mitigators:

- From a broken home, little contact with father
- Is the father of three children
- Has some talent as an artist
- Has paid child support when he could
- Counselled children to obey elders and about perils of prison and a life of crime
- Spent time caring for sister's children including one who was handicapped
- Model prisoner in the eyes of staff of Hernando County Jail
- Grew up in housing projects of Tampa
- Is a human being
- Not known to be a violent type of person

* * * * *

Defendant's name: DAVID GORE
 Resentenced to death on 12/8/92 in Pinellas County
 (originally sentenced to death on 03/16/84, affirmed on 08/22/85 at 475 So2d 1205, but
 federal court ordered new sentencing on 5/29/91 at 933 F2d 904, 11th Circuit affirmed federal
 remand 8/17/89)
 Trial Counsel: ROBERT UDELL (court-appointed)

Trial judge DAN L. VAUGHN found 5 non-statutory mitigatorS:

- Exemplary prison conduct and will be model prisoner
- Impoverished childhood
- Exemplary conduct during resentencing
- Depression at time of offense
- Love for his children and separation from them

* * * * *

Defendant's name: ANTHONY FARINA
Sentenced to death on 12/16/92 in Volusia County
Trial Counsel: THOMAS MOTT (court-appointed)
Trial judge URIEL BLOUNT found 2 non-statutory mitigators:

Abuse as a child
Raised with limited emotional and financial support

* * * * *

Defendant's name: JEFFREY FARINA
Sentenced to death on 12/16/92 in Volusia County
Trial Counsel: LARRY POWERS / RAY CASS (public defenders)

Trial judge URIEL BLOUNT found 4 non-statutory mitigators:

Abuse as a child
Maintained employment, good worker
Good to family
Average or higher intelligence, could benefit from training in prison

* * * * *

Defendant's name: DUSTY RAY SPENCER
Sentenced to death on 12/21/92 in Orange County
Trial Counsel: NICK KELLY / DONALD SMALLWOOD (court appointed)

Trial judge BELVIN PERRY found 1 non-statutory mitigator:

Defendant's history and background

* * * * *

Defendant's name: GREGORY LAYMAN
Sentenced to death on 12/23/92 in Pinellas County
Trial Counsel: CHARLES HORNE (privately retained)

Trial judge ROBERT BEACH found 2 non-statutory mitigators:

"... was deeply in love with victim which clouded his judgment to such an extent that he did not act rational"

"... belief in reincarnation believing that he would join victim in another life in the future"

* * * * *

Defendant's name: CHARLIE THOMPSON

Resentenced to death on 12/28/92 in Hillsborough County

(originally sentenced to death 04/06/87, FSC remanded for new trial on 07/20/89 at 548 So2d 0198, resentenced to death 05/25/90, FSC remanded for new trial 01/30/92 at 595 So2d 0016)

Trial Counsel: FRANK JOHNSON

Trial judge DIANA ALLEN found 5 non-statutory mitigators:

- Chronic mental illness
- Moderate disturbance
- Symptoms of mental illness
- Family background
- Mental retardation

* * * * *

Defendant's name: WARFIELD WIKE

Resentenced to death on 01/11/93 in Santa Rosa County

(originally sentenced to death 07/13/89, FSC remanded for new sentencing on direct appeal 02/27/92 at 596 So2d 1020)

Trial Counsel: B. B. BOLES III (public defender)

Trial judge PAUL RASMUSSEN found 2 non-statutory mitigators:

- History of substance abuse
- Satisfactory adjustment to prison life

* * * * *

Defendant's name: AILEEN WUORNOS

Sentenced to death on 02/04/93 in Dixie County

Trial Counsel: STEVE GLAZER (court appointed)

Trial judge ROYCE AGNER found 5 non-statutory mitigators:

- Antisocial and borderline personality disorders
- May have been physically abused as a child
- Father and Grandfather committed suicide
- Grandmother died an alcoholic
- Mother abandoned her as an infant

* * * * *

Defendant's name: JOHN MARQUARD
Sentenced to death on 02/05/93 in St. Johns County
Trial Counsel: GARY WOOD / HOWARD PEARL (public defenders)

Trial judge RICHARD WATSON found 2 non-statutory mitigators:

Unstable family life as a child and lacked the emotional support and care he should have received
Personality disorder not otherwise specified or antisocial personality

* * * * *

Defendant's name: MICHAEL ABSHIRE
Sentenced to death on 02/05/93 in St. Johns County
Trial Counsel: MACK MCLEOD (court appointed)

Trial judge RICHARD WATSON found 3 non-statutory mitigators:

Testimony at Marquard trial
Cooperation with law enforcement
Lack of emotional support during childhood

* * * * *

Defendant's name: DEREK THOMPSON
Sentenced to death on 02/05/93 in Escambia County
Trial Counsel: BRENDA MADER / ELTON KILLIAN (public defenders)

Trial judge NICKOLAS GEEKER found 2 non-statutory mitigators:

Good parent and provider
Was a non-violent person

* * * * *

Defendant's name: KENNETH CHAKY
Sentenced to death on 02/11/93 in Columbia County
Trial Counsel: BILL SLAUGHTER (court appointed)

Trial judge ARTHUR LAWRENCE found 2 non-statutory mitigators:

Exemplary work and family record
Rehabilitation potential

* * * * *

Defendant's name: BRETT BOGLE
Sentenced to death on 02/15/93 in Hillsborough County
Trial Counsel: PAUL FIRMANI (public defender)

Trial judge SUSAN BUCKLEW found 4 non-statutory mitigators:

Raised in a dysfunctional family
Alcohol and drug abuse
Good conduct during trial
Kind to friends and mother

* * * * *

Defendant's name: RICHARD TONY ROBERTSON
Sentenced to death on 02/23/93 in Leon County
Trial Counsel: JIM BANKS (court appointed)

Trial judge SANDERS SAULS found 2 non-statutory mitigators:

Abused and deprived childhood
Suffers from a mental illness and borderline functional intelligence

* * * * *

Defendant's name: ANTHONY MUNGIN
Sentenced to death on 02/23/93 in Duval County
Trial Counsel: CHARLES COFER (public defender)

Trial judge JOHN SOUTHWOOD found 1 non-statutory mitigator:

Rehabilitable and not antisocial

* * * * *

Defendant's name: LLOYD ALLEN
Sentenced to death on 03/03/93 in Monroe County
Trial Counsel: GERRARD HOOPER (public defender)

Trial judge RICHARD FOWLER found 2 non-statutory mitigators:

Family background

Service in Viet Nam

* * * * *

Defendant's name: DAVID PANGBURN
Sentenced to death on 03/31/93 in Broward County
Trial Counsel: MARK SOLOMON / RONALD DALLAS (court appointed)

Trial judge PAUL BACKMAN found 10 non-statutory mitigators:

Good parent, good husband and family man
Helpful to people in the community
Stepfather was physically and mentally abusive
Good employment record - believes in hard work and accepting responsibility
No opportunity to bond with natural father, no positive male figure
Spent formative years at stepfather's home
Behavior during trial excellent
Not properly nurtured by mother due to her problems with drugs, alcohol, and crime
Can be treated in prison and society will be protected
Father of a five year old daughter who needs his love and encouragement

* * * * *

Defendant's name: EDWARD CASTRO
Resentenced to death on 04/12/93 in Marion County
(originally sentenced to death 02/09/88, FSC remanded on direct appeal for new sentencing 07/13/89 at 547 So2d 0111, resentenced to death 11/20/90, FSC remanded on direct appeal for new sentencing 03/12/92 at 597 So2d 0259)
Trial Counsel: TRISH JENKINS (public defender)

Trial judge THOMAS SAWAYA found 2 non-statutory mitigators:

Sexually and physically abused as a child
Is an alcoholic

* * * * *

Defendant's name: MARK GERALDS
Sentenced to death on 04/13/93 in Bay County
(originally sentenced to death on 3/26/90 and remanded for resentencing on 4/30/92 at 601 So2d 1157)
Trial Counsel: ROBERT ADAMS (public defender)

Trial judge DON SIRMONS found 3 non-statutory mitigators:

Love & concern for daughter and former wife
Came from divorced family and unloved by mother
Antisocial behavior and bipolar manic personality

* * * * *

Defendant's name: JACK FERRELL
Sentenced to death on 04/21/93 in Orange County
Trial Counsel: MICHAEL ERWIN (court appointed)

On 2/16/95 at 653 So2d 367, this case was sent back to the trial court because the first sentencing memorandum was inadequate. Thereafter, trial judge DANIEL DAWSON found 6 non-statutory mitigators:

Was impaired
Was disturbed
Was under the influence of alcohol
Was a good worker
Was a good prisoner
Was remorseful

* * * * *

Defendant's name: HORACE POPE
Sentenced to death on 04/26/93 in Polk County
Trial Counsel: BOB DOYEL (court appointed)

Trial judge SUSAN ROBERTS found 3 non-statutory mitigators:

Intoxication
Domestic violence
Mental/emotional disturbance

* * * * *

Defendant's name: VIRGINIA LARZELERE
Sentenced to death on 05/11/93 in Volusia County
Trial Counsel: JOHN WILKINS (privately retained)

Trial judge JACK WATSON III found 2 non-statutory mitigators:

Ability to adjust and conform to imprisonment
Was not triggerman

* * * * *

Defendant's name: MATTHEW BOYETT
Sentenced to death on 05/14/93 in Escambia County
Trial Counsel: PETER FRANCE (public defender)

Trial judge NICKOLAS GEEKER found 5 non-statutory mitigators:

- Long term substance abuse
- Sexually abused as a child
- Good behavior in custody
- Unstable, broken family life
- Remorse

* * * * *

Defendant's name: ALPHONSO CAVE
Resentenced to death on 06/25/93 in Pinellas County - venue changed from Martin County
(originally sentenced to death 12/10/82 in Pinellas County, FSC affirmed on direct appeal
08/30/85 at 476 So2d 0180, FDC remanded on federal habeas for new sentencing 08/03/90, 11th
Circuit affirmed 08/26/92 at 971 F2d 1513)
Trial Counsel: RICHARD GARLAND (court appointed)

Trial judge THOMAS WALSH found 4 non-statutory mitigators:

- May not have been shooter
- Was argued at other co-defendants' trials that another was shooter
- Defendant is a loved and cherished member of a family unit and by friends
- Confessed to mother, girlfriend, and police

* * * * *

Defendant's name: JOHN REESE
Sentenced to death on 06/25/93 in Duval County
Trial Counsel: CHARLES COFER (public defender)

Trial judge L. PAGE HADDOCK found 1 non-statutory mitigators:

- Minor criminal record

* * * * *

Defendant's name: MELVIN TROTTER
Resentenced to death on 07/23/93 in Manatee County

(originally sentenced to death 05/18/87, FSC remanded for new sentencing 04/04/90 at 576 So2d 0691)

Trial Counsel: JIM SLATER (public defender)

Trial judge E. L. EASTMORE found 3 non-statutory mitigators:

Below average IQ, family problems (abuse and neglect) and developmental problems from disadvantaged background

May have frontal lobe brain disorder

Remorseful to some degree

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Defendant's name: GUY GAMBLE

Sentenced to death on 08/10/93 in Lake County

Trial Counsel: MARK NACKE (public defender)

Trial judge G. RICHARD SINGLETARY found 9 non-statutory mitigators:

Neglected as a child

Abused as a child

Drug and alcohol abuse

Severe emotional problems

Remorse

Father of small child

Loving and caring family

Desire for rehabilitation

Co-defendant received life sentence

* * * * *

Defendant's name: JAMES HUNTER

Sentenced to death on 08/18/93 in Volusia County

Trial Counsel: GEORGE BURDEN (public defender)

Trial judge GAYLE GRAZIANO found 4 non-statutory mitigators:

Fetal alcohol syndrome

Separation from sibling

Dysfunctional family

Deprived, somewhat abusive and definitely neglected childhood

* * * * *

Defendant's name: JAMES HITCHCOCK

Resentenced to death on 08/30/93 in Orange County

(originally sentenced 02/11/77, USSC remands for new sentencing 04/22/87 at 107 SCt 1821, resentenced to death 03/17/88, FSC affirmed 12/20/90 at 578 So2d 0685, USSC - on rehearing - remanded at 112 SCt 3020, FSC remanded for new sentencing 01/28/93 at 614 So2d 0483)

Trial Counsel: TRISH CASHMAN (public defender)

Trial judge GARY FORMET found 3 non-statutory mitigators:

Deprivations (background of poverty, lack of formal education, emotional deprivation during formative years, physical and mental abuse experienced and observed during childhood)

Positive character traits

Use of alcohol prior to murder

* * * * *

Defendant's name: STUART POMERANZ

Sentenced to death on 09/9/93 in Martin County

Trial Counsel: KEITH KRASNOVE

Trial judge MARC A. CIANCO found 4 non-statutory mitigators:

Good nephew and son

Mental abuse by stepfather

Neurological misdiagnosis as child

Acts less mature than age

FSC on direct appeal said evidence in the record supported 2 additional non-statutory mitigators (plus age of defendant):

Credibility problems of co-defendant

Co-defendant received a life sentence

* * * * *

Defendant's name: KEVIN SINCLAIR

Sentenced to death on 09/20/93 in Brevard County

Trial Counsel: DOUG REYNOLDS (public defender)

Trial judge EDWARD J. RICHARDSON found 3 non-statutory mitigators:

Raised without father or any positive male role model

Cooperated with police

Dull normal intelligence

FSC on direct appeal said evidence in the record supported 2 additional non-statutory mitigators:

Low intelligence
Emotional disturbances

* * * * *

Defendant's name: ROBERT CRAIG

Resentenced to death on 09/27/93 in Lake County

(originally sentenced to death 05/11/82, FSC remanded on direct appeal for new sentencing 05/28/87 at 510 So2d 0857, resentenced to death 11/22/91, FSC remanded on direct appeal for new sentencing 05/13/93 at 620 So2d 0174)

Trial Counsel: JERRI BLAIR (court appointed)

Trial judge DON BRIGGS found 11 non-statutory mitigators:

Good attitude and conduct in jail
Disparate treatment
Remorse
Intelligence level (mental age 16 - 18)
Work habits
Childhood background
Family role
Possibility of rehabilitation
Religious background since arrest
Good character
Previous lack of violence

* * * * *

Defendant's name: NEIL WILDING

Sentenced to death on 10/04/93 in Indian River County

Trial Counsel: JIM HARPRING (public defender)

Trial judge PAUL KANAREK found 4 non-statutory mitigators:

Childhood abuse by stepfather
Good worker
Good conduct in jail
Potential for rehabilitation

* * * * *

Defendant's name: BRODERICK MONLYN
Sentenced to death on 11/02/93 in Columbia County (venue changed from Madison County)
Trial Counsel: JIMMY HUNT / DUNCAN JONES (public defenders)

Trial judge E. DOUGLAS VERNON found 4 non-statutory mitigators:

Affectionate and considerate toward family while growing up
Has been helpful to others
Made good adjustment to prison life
Behavior at trial

* * * * *

Defendant's name: ROBERT CONSALVO
Sentenced to death on 11/17/93 in Broward County
Trial Counsel: JEFFREY GLASS (court appointed)

Trial judge HOWARD ZEIDWIG found 2 non-statutory mitigators:

Employment history
Abusive childhood

* * * * *

Defendant's name: MICHAEL CRUMP
Resentenced to death on 11/22/93 in Hillsborough County
(originally sentenced to death 03/31/89, FSC remanded on direct appeal for new sentencing
06/10/93 at 622 So2d 0963)
Trial Counsel: TOM CUNNINGHAM (court appointed)

Trial judge M. WM. GRAYBILL found 1 non-statutory mitigator:

Defendant possessed a few positive character traits and suffered from mental impairment not
reaching statutory standards of mental mitigation

* * * * *

Defendant's name: LEONARDO FRANQUI
Sentenced to death on 11/23/93 in Dade County
Trial Counsel: ERIC COHEN (court appointed)

Trial judge RODOLFO SORONDO found 2 non-statutory mitigators:

Poor family background
Is a caring husband, father, brother, and provider

* * * * *

Defendant's name: PABLO SAN MARTIN
Sentenced to death on 11/24/93 in Dade County
Trial Counsel: MANUEL GONZALEZ (court appointed)

Trial judge RODOLFO SORONDO found 1 non-statutory mitigator:

Good son, grandson and brother who found religion in jail and has a good attitude in confinement

* * * * *

Defendant's name: JOSEPH NAHUME GREEN
Sentenced to death on 11/30/93 in Bradford County
Trial Counsel: JEFFREY LEUKLE / FREDERICK REPLOGLE (court appointed)

Trial judge ROBERT CATES found 6 non-statutory mitigators:

Physical abuse by father during childhood
Some neuro-psychological brain dysfunction
Rehabilitated self by finding employment / good worker
Economically disadvantaged background / single parent family
Overcome drug addiction
In previous conviction defendant was defending self

* * * * *

Defendant's name: KENNETH HARTLEY
Sentenced to death on 12/09/93 in Duval County
Trial Counsel: ROBERT WILLIS (privately retained)

Trial judge R. HUDSON OLLIFF found 1 non-statutory mitigator:

Testimony of Rev. Coley Williams

* * * * *

Defendant's name: TROY MERCK
Sentenced to death on 12/10/93 in Pinellas County
Trial Counsel: FRED ZINOBAR / JAMES MARTIN (court appointed)

Trial judge CLAIRE K. LUTEN found 2 non-statutory mitigators:

- Alcohol use
- Childhood abuse

* * * * *

Defendant's name: JORGE RODRIGUEZ
 Sentenced to death on 12/13/93 in Monroe County
 Trial Counsel: CHARLES EVERETT (court appointed)

Trial judge JEFFERSON OVERBY found 7 non-statutory mitigators:

- Current medical condition
- History of drug abuse and treatment
- Limited educational background and inability to complete high school
- Thrust into role of family provider when father was incarcerated/lack of parental supervision
- Some mental/emotional disturbance
- Some duress
- Relative youth

* * * * *

Defendant's name: RONNIE FERRELL
 Sentenced to death on 12/17/93 in Duval County
 Trial Counsel: RICHARD NICHOLS (court appointed)

Trial judge R. HUDSON OLLIFF found 1 non-statutory mitigator:

- Not triggerman

* * * * *

Defendant's name: ROBIN ARCHER
 Resentenced to death on 01/19/94 in Escambia County
 (originally entenced to death 09/20/91, FSC remanded for new sentencing 01/28/93 at 613 So2d 0446)
 Trial Counsel: SPIRO KYPREOS

Trial judge MICHAEL JONES found 1 non-statutory mitigator:

- Good family member to his grandmother

* * * * *

Defendant's name: JAMES DAILEY

Sentenced to death on 1/21/94 in Pinellas County

(originally sentenced to death on 8/7/87; remand for resentencing on 11/14/91 at 594 So2d 254)

Trial Counsel: JOHN SWISHER (court-appointed)

Trial judge THOMAS PENICK found 5 non-statutory mitigators:

- Served in Air Force and served 3 tours in VietNam
- Good to his family and helpful around the home
- Cared enough for his daughter to let her be adopted by his Air Force buddy
- Saved 2 young people from drowning when in high school
- He and the victim had been to bars and drinking the night of the murder

* * * * *

Defendant's name: DONALD VOORHEES

Sentenced to death on 01/28/94 in Pasco County

Trial Counsel: DOUG LOEFFLER / DAVID SIAR (public defenders)

Trial judge STANLEY MILLS found 1 non-statutory mitigator:

- Emotional, physical, and sexual abuse as a child

* * * * *

Defendant's name: WILLIAM ELLEDGE

Resentenced to death on 02/04/94 in Broward County

(originally sentenced to death 03/27/75, FSC remanded for new sentencing on direct appeal 04/07/77 at 346 So2d 0998, resentenced to death 08/03/77, FSC affirmed 10/22/81 at 408 So2d 1021, 11th Circuit remanded for new sentencing 11/10/87 at 833 F2d 0250, resentenced to death 08/28/89, FSC remanded on direct appeal for new sentencing 01/14/93 at 613 So2d 0434)

Trial Counsel: WILLIAM LASWELL

Trial judge CHARLES M. GREENE found 3 non-statutory mitigators:

- Difficult and abusive childhood
- Cooperation
- Post-conviction life

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Defendant's name: RONALD LEE SMITH

Sentenced to death on 02/10/94 in Dade County
Trial Counsel: DIANE WARD (court appointed)

Trial judge MICHAEL CHAVIES found 6 non-statutory mitigators:

- Contributions to community and exemplary deeds
- Caring and loving family member
- Respects and treats kindly elders
- Helpful to fellow inmates
- Suffers from alcoholism
- Co-defendants received sentence of less than death

* * * * *

Defendant's name: JACK SLINEY
Sentenced to death on 02/14/94 in Charlotte County
Trial Counsel: MARK COOPER (public defender)

Trial judge DONALD PELLECCIA found 3 non-statutory mitigators:

- Not a disciplinary problem in school
- Good prisoner
- Gainfully employed

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Defendant's name: JASON MAHN
Sentenced to death on 02/23/94 in Escambia County
Trial Counsel: F. T. RATCHFORD JR. (court appointed)
Trial judge FRANK L. BELL found 6 non-statutory mitigators:

- Family background
- Remorse
- Potential for rehabilitation
- Mental problems - short of statutory mitigators
- Abuse by parents
- Voluntary confession

The FSC ruled that the non-statutory mitigator of Mahn's extensive history of drug and alcohol abuse should have been found.

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Defendant's name: ROBERT JOE LONG

Resentenced to death on 03/94 in Marion County - venue changed from Pasco County
(originally sentenced to death 05/10/85, FSC remanded on direct appeal for new trial
11/12/87 at 517 So2d 0664, resentenced to death - venue changed to Lee County - 03/01/89, FSC
remanded on direct appeal for new trial 10/15/92 at 610 So2d 1276)
Trial Counsel: WILLIAM EBLE (public defender)

Trial judge CHARLES W. COPE found 5 non-statutory mitigators:

- Remorse
- Once rescued a young cousin from drowning
- Was a good father prior to his arrest
- Mental problems
- Treatment as a child

* * * * *

Defendant's name: ALVIN MORTON
Sentenced to death on 03/18/94 in Pasco County
Trial Counsel: GARY URSO (court appointed)

Trial judge CRAIG VILLANTI found 2 non-statutory mitigators:

- Product of a dysfunctional family
- Confession

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Defendant's name: MERRIT SIMS
Sentenced to death on 03/18/94 in Dade County
Trial Counsel: CLINTON J. PITTS (court appointed)

Trial judge THOMAS M. CARNEY found 25 non-statutory mitigators:

- Unwavering declarations of innocence
- Behavior at trial acceptable
- Aspects of character as testified to by family
- Not known by family as a violent man
- Had love and affection of family
- His church through minister urged against death penalty
- Testified to and showed sincere and heartfelt remorse
- Gave a voluntary statement following his arrest
- Father of four children he loves
- Mother testified he was a good son
- Cooperated with police and confessed freely

Believes in God
Continued contact with and concern for his family
Worked while in high school
Is a human being
Is rehabilitated and not anti-social
For twelve years of schooling showed good conduct
Devastated by death of his father
Court can impose life sentence
Time between any decision to cause death and the shooting insufficient to allow cool and thoughtful consideration of conduct
Prior to killing had never fired a gun at anyone
Crime was out of character
Unlikely to be danger to others while serving life sentence
Displayed good conduct while in custody
Murder not premeditated but act borne of sudden combat

* * * * *

Defendant's name: LORENZO JENKINS
Sentenced to death on 04/11/94 in Pinellas County
Trial Counsel: MICHAEL SCHWARTBERG / JOSEPH MCDERMOTT / RICHARD WATTS
(court appointed)

Trial judge DOUGLAS BAIRD found 1 non-statutory mitigator:

Positive character traits as regards to family and community

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Defendant's name: HARRY PHILLIPS
Resentenced to death on 04/20/94 in Dade County
(originally sentenced to death 02/01/84, FSC affirmed on direct appeal 08/30/85 at 476 So2d 0194, FSC remanded on 3.850 appeal for new sentencing 09/24/92 at 608 So2d 0778)
Trial Counsel: BARRY WAX

Trial judge ARTHUR SNYDER found 3 non-statutory mitigators:

Low intelligence
Poor family background
Abusive childhood including lack of proper guidance from father

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Defendant's name: DANNY ROLLING
Sentenced to death on 04/20/94 in Alachua County

Trial Counsel: RICK PARKER / JOHNNY KEARNS (public defenders)

Trial judge STAN MORRIS found 6 non-statutory mitigators:

- Product of a dysfunctional family
- Suffered physical and emotional abuse during childhood
- Cooperation, confession, guilty plea
- Remorse
- History of mental illness in family
- Ability to conform conduct to the law impaired

* * * * *

Defendant's name: DEAN KILGORE

Resentenced to death on 04/27/94 in Polk County

(originally sentenced to death 07/13/90, while pending on direct appeal the FSC remanded for a motion for rehearing concerning the plea, the original judge was recused, the new judge vacated the plea allowing the defendant to plea to life or go to trial)

Trial Counsel: ROGER ALCOTT (court appointed)

Trial judge DENNIS MALONEY found 4 non-statutory mitigators:

- Raised in an environment of extreme poverty
- Disciplined by being beaten
- Quit school in the 5th grade
- Poor physical and mental health

* * * * *

Defendant's name: CHADWICK BANKS

Sentenced to death on 04/29/94 in Gadsden County

Trial Counsel: STEVEN SELIGER (court appointed)

Trial judge WILLIAM GARY found 7 non-statutory mitigators:

- Service in the military
- Employment history
- Good character
- Contribution to community and family
- Potential for rehabilitation
- Cooperation with the police
- Has the love and support of his family

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Defendant's name: LAZARO MARTINEZ
Sentenced to death on 04/29/94 in Dade County
Trial Counsel: ARTHUR CARTER (court appointed)

Trial judge THOMAS CARNEY found 7 non-statutory mitigators:

- Confessed and cooperated with law enforcement
- Behavior at trial was acceptable
- Court could impose consecutive life sentences
- Emotional stress - had considered suicide
- Acted from emotional/passionate rather than cold/calculated reasons
- Lived thirty years without involvement in criminal activity
- Crimes were out of character

* * * * *

Defendant's name: ERIC BRANCH
Sentenced to death on 05/03/94 in Escambia County
Trial Counsel: JOHN ALLBRITTON (privately retained)

Trial judge EDWARD NICKINSON III found 4 non-statutory mitigators:

- Expressed remorse
- Unstable childhood
- Positive character traits
- Behavior at trial acceptable

* * * * *

Defendant's name: JAMES CAMPBELL
Sentenced to death on 05/04/94 in Dade County
Trial Counsel: GEOFFREY FLECK (privately retained)

Trial judge LEONARD E. GLICK found 1 non-statutory mitigator:

- Childhood abuse/substance abuse problem

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Defendant's name: JAMES WALKER JR.
Sentenced to death on 05/19/94 in Dade County
Trial Counsel: BRIAN MCDONALD / PAT NALLY (public defenders)

Trial judge MICHAEL SALMON found 1 non-statutory mitigator:

Some mental impairment

FSC on direct appeal said evidence supported 5 additional non-statutory mitigators:

Abusive childhood
Honorable discharge from military
Gainful employment
Good qualities (family testimony)
Deacon in his church

* * * * *

Defendant's name: MARVIN JONES
Sentenced to death on 05/31/94 in Duval County
Trial Counsel: FRANK TASSONE (court appointed)

Trial judge R. HUDSON OLLIFF found 1 non-statutory mitigator:

Service in the Navy and good family background

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Defendant's name: MICHAEL COOLEN
Sentenced to death on 06/20/94 in Pinellas County
Trial Counsel: JOSEPH MCDERMOTT (court appointed)

Trial judge W. DOUGLAS BAIRD found 3 non-statutory mitigators:

Quality of being a caring relative
Employment background
Participation in self-help programs

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Defendant's name: DANIEL BURNS JR.
Resentenced to death on 07/06/94 in Manatee County
(originally sentenced to death 06/02/88 after venue change to Lee County, FSC remanded on
direct appeal for new sentencing 12/24/92 at 609 So2d 0600)
Trial Counsel: ADAM TEBRUGGE (public defender)

Trial judge PAUL LOGAN found 3 non-statutory mitigators:

Raised in a poor rural environment
Contributed to community and society
Shown remorse, has good prison record, behaved appropriately at trial, shown some spiritual growth

* * * * *

Defendant's name: DANA WILLIAMSON
Sentenced to death on 07/15/94 in Broward County
Trial Counsel: STEVEN HAMMER / CHARLES JOHNSON (court appointed)

Trial judge RICHARD EADE found 10 non-statutory mitigators:

Exceptionally unhappy and unstable childhood
Deprived of parental love
Life and psychological make up was one of emotional instability
Born as the product of an accident
Aware of physical, emotional, sexual abuse suffered by mother
Incarcerated in prison at an early age
Beaten as a child
Spent many years in prison
Has little education
Appearance and demeanor at trial calm and under control

* * * * *

Defendant's name: KEYDRICK JORDAN
Sentenced to death on 07/22/94 in Orange County
Trial Counsel: DON WEST (court appointed)

Trial judge JOHN ADAMS found 6 non-statutory mitigators:

Chronic mental disorder
Childhood abuse
Did not intend murder
Confession/willingness to plea
Good conduct after prison and during trial
Would have to serve at least 50 years

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Defendant's name: WILLIAM THOMAS
Sentenced to death on 7/22/94 in Duval County
Trial Counsel: RICHARD NICHOLS (court-appointed)

Trial Judge DAVID WIGGINS found no mitigation

The Florida Supreme Court said court's refusal to find mitigation was error and found 3 non-statutory mitigators:

Good worker
Delightful young man who is good with children
Witnesses have seen a lot of good in defendant

* * * * *

Defendant's name: JERMAINE FOSTER
Sentenced to death on 07/25/94 in Orange County
Trial Counsel: DON SMALLWOOD / NICK KELLEY (court appointed)

Trial judge GARY FORMET found 3 non-statutory mitigators:

Abusive childhood
Organic brain damage, mildly mentally retarded, low IQ
Substance abuse problem and to some extent under the influence at time of murders

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Defendant's name: MEMWALDY CURTIS
Sentenced to death on 07/28/94 in Duval County
Trial Counsel: REFIK ELLER (court appointed)

Trial judge L. PAGE HADDOCK found 2 non-statutory mitigators:

Helped schoolmate in a fight several years ago and while incarcerated helped another inmate make a phone call
Adjusted well while incarcerated

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Defendant's name: RICHARD HENYARD
Sentenced to death on 08/19/94 in Lake County
Trial Counsel: MICHAEL JOHNSON / MARK NACKE (public defenders)

Trial judge MARK J. HILL found 6 non-statutory mitigators:

Sentence of co-defendant
Mental and emotional problems

Drug and alcohol abuse
Poor family background and impoverished upbringing
Could adjust to life imprisonment
Could be imprisoned for the rest of his life

* * * * *

Defendant's name: DWANE KIRKLAND
Sentenced to death on 08/29/94 in Calhoun County
Trial Counsel: ROBERT ADAMS (public defender)

Trial judge JOHN E. ROBERTS found 3 non-statutory mitigators:

Some mental/emotional disturbance
Capacity to conform somewhat impaired
Mildly retarded

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Defendant's name: WILLIAM STRAUSSER
Sentenced to death on 09/01/94 in Broward County
Trial Counsel: EVAN BARON (court appointed)

Trial judge PAUL BACKMAN found 8 non-statutory mitigators:

Family background
Mental problems or difficulties
Mentally, physically, emotionally abused as a child
Remorse
Employment history
Behavior during trial excellent
Contributed to society and community
Good parent, husband, family man

* * * * *

Defendant's name: TERANCE VALENTINE
Resentenced to death on 09/30/94 in Hillsborough County
(originally sentenced to death 04/12/90, FSC remanded on direct appeal for new sentencing
12/24/92 at 609 So2d 0600)
Trial Counsel: SIMSON UTERBERGER

Trial judge DIANA ALLEN found 4 non-statutory mitigators:

Crime was out of character for defendant

Skilled worker who can be expected to make contribution in prison system
Has large family who will provide love and support
Appropriate behavior since arrest

* * * * *

Defendant's name: JAMES HAZEN
Sentenced to death on 10/07/94 in Escambia County
Trial Counsel: JOHN ALLBRITTON (court appointed)

Trial judge JOHN KUDER found 3 non-statutory mitigators:

Unstable childhood
Potential rehabilitation and productivity in prison system
Behavior was acceptable at trial

* * * * *

Defendant's name: JOHNNY KORMONDY
Sentenced to death on 10/07/94 in Escambia County
Trial Counsel: TONI STITT / RON DAVIS (public defenders)

Trial judge JOHN KUDER found 5 non-statutory mitigators:

Deprivation, trauma, and loss of paternal comfort and companionship suffered during early years
Employment history
Drinking night crime occurred
Conduct acceptable at trial
Significant personality disorder

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Defendant's name: FERNANDO FERNANDEZ
Sentenced to death on 10/11/94 in Dade County
Trial Counsel: RONALD GURALNIK / ANDREW KASSIER (court appointed)

Trial judge RODOLFO SORONDO found 2 non-statutory mitigators:

Family history
Cooperation with authorities

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Defendant's name: LEONARDO FRANQUI

Sentenced to death on 10/11/94 in Dade County
Trial Counsel: ERIC COHEN

Trial judge RODOLFO SORONDO found 2 non-statutory mitigators:

Capacity to form loving relationships
Troubled youth

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Defendant's name: RICARDO GONZALEZ
Sentenced to death on 10/11/94 in Dade County
Trial Counsel: BRUCE FLEISHER (court appointed)

Trial judge RODOLFO SORONDO found 1 non-statutory mitigator:

Ability to form loving relationships

* * * * *

Defendant's name: PABLO SAN MARTIN
Sentenced to death on 10/11/94 in Dade County
Trial Counsel: LUIS CASUSO (court appointed)

Trial judge RODOLFO SORONDO found 2 non-statutory mitigators:

Received God and has changed for the better
Had little parental guidance

* * * * *

Defendant's name: EDDIE LEE SEXTON SR.
Sentenced to death on 11/02/94 in Hillsborough County
Trial Counsel: RICK TERRANA / ROBERT FRASER (court appointed)

Trial judge BOB ANDERSON MITCHAM found 5 non-statutory mitigators:

Under emotional strain
At times acted in a peculiar fashion and adhered to strange religious practices
Did demonstrate some human qualities
Did play Santa Claus on at least one occasion and appeared to some as normal
Letters from family

* * * * *

Defendant's name: OBA CHANDLER
Sentenced to death on 11/04/94 in Hillsborough County
Trial Counsel: FRED ZINOBER (court appointed)

Trial judge SUSAN SCHAEFFER found 2 non-statutory mitigators:

Honorable discharge from military
Could be incarcerated for the rest of his life

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Defendant's name: JOHNNY HOSKINS
Sentenced to death on 11/04/94 in Brevard County
Trial Counsel: KEN RHODEN / RANDY MOORE (public defenders)

Trial judge HARRY STEIN found 8 non-statutory mitigators:

Maintained loving relationships with family
Father figure to siblings
Protected his mother from his father
Low actual and functional mental abilities
Mild brain abnormality which may cause impairment
Impoverished and abusive background
Influenced by racial problems to drop out of school
Helped support family financially

* * * * *

Defendant's name: OMAR JONES
Sentenced to death on 11/23/94 in Duval County
Trial Counsel: RON HIGBEE / ANN FINNELL (public defenders)

Trial judge AARON BOWDEN found 3 non-statutory mitigators:

Artistic talent
Attempted to find employment but was hampered by learning disability and lack of academic skills
Offer to plea guilty for life sentence

* * * * *

Defendant's name: JAMES BONIFAY
Sentenced to death on 12/06/94 in Escambia County

(originally sentenced to death on 9/20/91, remanded for resentencing on 9/2/93 at 626 So2d 1310)

Trial Counsel: PAUL MILLER

Trial judge MICHAEL JONES found 4 non-statutory mitigators:

- Less than ideal family background
- Good behavior while incarcerated
- Potential for rehabilitation
- Remorse

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Defendant's name: DARIUS KIMBROUGH
 Sentenced to death on 12/09/94 in Orange County
 Trial Counsel: KELLY SIMS (court appointed)

Trial judge DOROTHY RUSSELL found 3 non-statutory mitigators:

- Unstable childhood
- First father figure an alcoholic
- Talent for singing

* * * * *

Defendant's name: DARCUS WRIGHT
 Sentenced to death on 12/12/94 in St. Lucie County
 Trial Counsel: DAVID LAMOS (court appointed)

Trial judge LARRY SCHACK found 8 non-statutory mitigators:

- Remorse
- Cooperation with police
- Mental health problems
- On-going heated domestic dispute
- Good employment record
- Regularly attended church prior to military service
- Mentally abused on occasion by stepfather
- Specific good deeds

* * * * *

Defendant's name: JOSE JIMENEZ
 Sentenced to death on 12/14/94 in Dade County

Trial Counsel: ANDREW KASSIER & MICHAEL MATTERS (court appointed)

Trial Judge LESLIE ROTHENBERG found 2 non-statutory mitigators:

- Potential for rehabilitation
- Potential life sentence

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Defendant's name: OMAR BLANCO

Resentenced to death on 1/6/95 in Broward County

(originally sentenced to death on 6/21/82, affirmed 6/7/84 at 452 So2d 520; federal remand for resentencing on 7/12/88 at 691 FSupp 308; 11th Circuit affirmed relief on 9/30/91 at 943 F2d 1477)

Trial Counsel: HILLIARD MOLDOF (court appointed)

Trial Judge BARRY GOLDSTEIN found 11 non-statutory mitigators:

- Potential for rehabilitation
- Is a father
- Dull intelligence
- Impoverished background
- Organic brain damage
- Unwavering declaration of innocence
- Oppression in Cuba (marinel boatlift refugee)
- Good character
- Strong religious beliefs
- Cooperation with police
- Relationship with family

* * * * *

Defendant's name: PAUL HOWELL

Sentenced to death on 01/10/95 in Escambia County (venue changed from Jefferson County)

Trial Counsel: FRANK SHEFFIELD

Trial judge F. E. STEINMEYER found 2 non-statutory mitigators:

- Military service with honorable discharge
- Good behavior as pre-trial detainee

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Defendant's name: DUSTY RAY SPENCER

Resentenced to death on 01/18/95 in Orange County

(originally sentenced to death 12/21/92, FSC remanded on direct appeal for new sentencing with judge only on 09/22/94 at 645 So2d 0377)

Trial Counsel: DON SMALLWOOD (court appointed)

Trial judge PERRY BELVIN found 6 non-statutory mitigators:

Abused drugs and alcohol from an early age

Paranoid personality disorder

Sexually abused while a child by his father

Honorable military record

Good employment history

Can function in a structured environment that does not contain women

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Defendant's name: CRUZ MARTA-RODRIGUEZ

Sentenced to death on 02/17/95 in Hillsborough County

Trial Counsel: JOHN SKYE (public defender)

Trial judge DIANA ALLEN did not find non-statutory mitigators

The Florida Supreme Court found 7 non-statutory mitigators that the jury might have relied on for its recommendation of life:

Intoxication on day of offense

Chronic user of marijuana and alcohol

Co-defendant instigated offense plan

Crimes out of character

Family man

Cooperation with police

Consecutive life sentences = parole ineligibility for 50 years

* * * * *

Defendant's name: GERARDO MANSO

Sentenced to death on 02/27/95 in Dade County

Trial Counsel: ARTHUR CARTER (court appointed)

Trial judge LESLIE ROTHENBERG found 2 non-statutory mitigators:

Left behind in Cuba by his family and was abused while in the Cuban military

Good parent and family man

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Defendant's name: EDWIN KAPRAT
Sentenced to death on 02/28/95 in Hernando County (jury imported from Lake County)
Trial Counsel: ALAN FANTER / DANIEL LEWAN (public defenders)

Trial judge JACK SPRINGSTEAD found 9 non-statutory mitigators:

- Good employee
- Showed signs of getting his life in order
- History of chronic and long standing drug abuse
- Suffering from depression due to deaths of several family members and friends
- Recently divorced and not able to see children
- Grew up in home where one parent was often absent
- Cooperative with law enforcement
- History of long standing and chronic alcohol abuse
- Depressed because mother no longer treated him as member of the family

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Defendant's name: ANTON MEYERS
Sentenced to death on 03/17/95 in Seminole County
Trial Counsel: ED LEINSTER (privately retained)
Trial judge ALAN A. DICKEY found 4 non-statutory mitigators:

- Rehabilitatable
- Did volunteer work and participated in church activities between 1990 and 1992
- Not arrested between 1990 and 1993
- Does not exhibit serious psychopathology or anti-social personality

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Defendant's name: MICHAEL ROBINSON
Sentenced to death on 04/12/95 in Orange County
Trial Counsel: MIKE IRWIN (court appointed)

Trial judge DOROTHY RUSSELL did not find non-statutory mitigators

The Florida Supreme Court noted that the record reflects evidence of the following 5 non-statutory mitigators:

- Remorse
- Good jail record
- Mental health problems

Lengthy and substantial history of drug abuse
Difficult and unstable childhood

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Defendant's name: TIMOTHY HUDSON

Resentenced to death on 04/24/95 in Hillsborough County

(originally sentenced to death on 2/6/87 and affirmed on 1/19/89 at 538 So2d 829; on 3.850 motion, trial court found that counsel failed to adequately investigate and present mitigating evidence at trial and the FSC affirmed relief at 614 So2d 482 on 1/14/93)

Trial Counsel: BRIAN DONERLY (court appointed)

Trial Judge J. Rogers Padgett did not find non-statutory mitigators

On 2/5/98 at 708 So2d 256, the Florida Supreme Court remands for the preparation of a new sentencing order and says "[u]fortunately, the trial court's order on this resentencing is so lacking in detail that we cannot decide the proportionality issue." It also ordered the trial court to "...consider, address, and weigh in detail the [mitigation] testimony..."

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Defendant's name: GARY LAWRENCE

Sentenced to death on 05/05/95 in Santa Rosa County

Trial Counsel: JOHN MILLER (court appointed)

Trial judge PAUL RASMUSSEN found 5 non-statutory mitigators:

- Cooperation with law enforcement
- Learning disability and low IQ
- Deprived childhood and poor upbringing
- Under influence of alcohol
- Does not have a violent history

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Defendant's name: ALBERT COOPER

Sentenced to death on 06/01/95 in Dade County

Trial Counsel: CARL MASZTAL (court appointed)

Trial judge ARTHUR SNYDER found 2 non-statutory mitigators:

- Low intelligence
- Abusive childhood

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Defendant's name: TIVAN JOHNSON
Sentenced to death on 06/01/95 in Dade County
Trial Counsel: MICHAEL VON ZAMFT
Trial judge ARTHUR SNYDER found 6 non-statutory mitigators:

Meningitis shortly after birth and was expected to die
Little contact with father
Siblings call him "scum"
Suffered from learning disabilities
"First black youngster in Dade County to become an Eagle Scout"
Attempted suicide

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Defendant's name: LARRY RICHARDSON
Sentenced to death on 06/02/95 in Volusia County
Trial Counsel: PAUL DUBBELD (court appointed)
Trial judge KIM HAMMOND found 1 non-statutory mitigator:

Remorse

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Defendant's name: FLOYD DAMREN
Sentenced to death on 06/02/95 in Clay County
Trial Counsel: AL CHIPPERFIELD (public defender)

Trial judge ROBERT M. FOSTER found 4 non-statutory mitigators:

Burglary did not involve sophisticated plan or plan to use weapons or violence
Did not act alone
Alcoholic father
Good behavior in jail

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Defendant's name: RICHARD HAMILTON
Sentenced to death on 06/12/95 in Clay County (venue changed from Hamilton County)
Trial Counsel: JIMMY HUNT (public defender)

Trial judge E. VERNON DOUGLAS found 5 non-statutory mitigators:

Reared in drug-ridden, crime-infested neighborhood
Mother's mental illness

Suffered various childhood traumas
Gainful employment and good work habits

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Defendant's name: ANTHONY WAINWRIGHT
Sentenced to death on 06/12/95 in Clay County (venue changed from Hamilton County)
Trial Counsel: CLYDE TAYLOR (court appointed)

Trial judge E. VERNON DOUGLAS found 3 non-statutory mitigators:

Problems in school
Social adjustment problems
Wet the bed until age 14

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Defendant's name: THOMAS GUDINAS
Sentenced to death on 06/02/95 in Collier County (venue changed from Orange County)
Trial Counsel: MICHAEL IRWIN / BOB LEBLANC (court appointed)

Trial judge PERRY BELVIN found 1 non-statutory mitigator:

Consumed cannabis and alcohol the night of the homicide
Capacity to be rehabilitated
Behavior at trial acceptable
IQ of 85
Religious and believes in God
Father dressed as a transvestite
Suffers from personality disorders
Developmentally impaired as a child
Caring son to mother
Was an abused child
Suffered attention deficit disorder as a child
Diagnosed as sexually disturbed as a child

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Defendant's name: KEN LOTT
Sentenced to death on 06/23/95 in Orange County
Trial Counsel: JOEL SPECTOR & SCOTT RICHARDSON (privately retained)

Trial judge DOROTHY RUSSELL found 4 non-statutory mitigators:

Drug addiction
Contribution to community
Helpful to parents
Employment background

* * * * *

Defendant's name: EDDIE DAVIS
Sentenced to death on 06/30/95 in Polk County
Trial Counsel: AUSTIN MASLANIK / ROBERT NORGDARD (public defenders)

Trial judge DANIEL TRUE ANDREWS found 10 non-statutory mitigators:

Remorse
Good behavior in jail and prison
Good conduct in court
Capable of forming positive relationships
No past history of violence
No plan to rape or kill when he began criminal conduct
Cooperated with police
Always confessed to crimes
Institutionalized at a young age
GED and other self improvement in prison

* * * * *

Defendant's name: TONEY DAVIS
Sentenced to death on 7/18/95 in Duval County
Trial Counsel: CHARLIE ADAMS (court appointed)

Trial judge HENRY E. DAVIS found 1 non-statutory mitigator:

Good child who attended church, has a talent as a musician, writes poetry and participated in sports.

* * * * *

Defendant's name: KAYLE BATES
Sentenced to death on 7/25/95 in Bay County
(originally sentenced to death on 3/11/83 and remanded on 1/31/85 at 465 So2d 490;
resentenced to death on 7/22/85 and aff'd on 4/16/87 at 506 So2d 1033; 3850 remand for
resentencing aff'd at 604 So.2d 457)
Trial Counsel: HAL RICHMOND; TOM DUNN

Trial judge DON SIRMONS found 8 non-statutory mitigators:

- Under some emotional distress
- Ability to conform conduct somewhat impaired
- Family background
- National Guard service
- Dedicated soldier and patriot
- Low-average IQ
- Love for wife and kids/good father
- Good employee

* * * * *

Defendant's name: MARTIN PUCCIO
Sentenced to death on 7/27/95 in Broward County
Trial Counsel: THOMAS CAZEL & KENNETH DUCKWORTH (retained)

Trial judge CHARLES GREENE found 4 non-statutory mitigators:

- Adversely affected by use of drugs and alcohol as a youth
- Capacity for rehabilitation
- Prior suffering created stress that led to offense, which was committed for emotional reasons
- Unlikely to endanger others if sentenced to life

* * * * *

Defendant's name: ROBERT PERKINS
Sentenced to death on 7/28/95 in Orange County
Trial Counsel: LEON CHEEK (court appointed)

Trial judge THEOTIS BRONSON found 6 non-statutory mitigators:

- Alcohol abuse
- Emotionally, physically and sexually abused as a child
- Good work record
- Good father
- Adaptability to prison
- Abandoned by father at an early age

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Defendant's name: BOBBY STEVERSON
Sentenced to death on 8/11/95 in Polk County

Trial Counsel: DAN BRAWLEY (court appointed)

Trial judge DENNIS MALONEY found 4 non-statutory mitigators:

Childhood characterized by repeated emotional and physical abuse by parents and step-father
No dominant male figure in youth
Drug abuse and alcoholism began after job-related debilitating back injury
Attempted cure for addicitons

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Defendant's name: EDWARD THOMAS JAMES

Sentenced to death on 8/18/95 in Seminole County

Trial Counsel: GARY ANDERSON & JAMES FIGGATT (public defenders)

Trial judge ALAN DICKEY found 7 non-statutory mitigators:

Moderate mental/emotional disturbance
Influence of drugs and alcohol
Had helped others
Remorse
Cooperation with police
Good conduct while incarcerated
Capable of helping others

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Defendant's name: MICHAEL CRUMP

Resentenced to death on 9/11/95 in Hillsborough County

(originally sentenced to death 03/31/89, FSC remanded on direct appeal for new sentencing
06/10/93 at 622 So2d 0963; resentenced to death on 11/22/93, FSC remanded for new sentencing on
04/27/95 at 654 So2d 0545)

Trial Counsel: TOM CUNNINGHAM (court appointed)

Trial judge M. WM. GRAYBILL found 17 non-statutory mitigators:

Slow learner
Kind, considerate, thoughtful, playful child
As an adult, helpful to family and neighbors
Friendly, outgoing and good sense of humor
Warm and loving relationship with family
Married with three daughters
No father figure in formative years
Very poor planning ability

Poor impulse control and poor judgment which may be related to learning disabilities
Capacity to be warm and caring
Feeling of being persecuted, exploited, resulting in mistrust
Sporadic hallucinations
Difficulties in sexual development and adjustment
Precursors consistent with paranoid personality disorder
Redeeming factors as a human being
When provoked, delusional system sets in
Generally stable life

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Defendant's name: WARFIELD WIKE
Resentenced to death on 9/18/95 in Santa Rosa County
(originally sentenced to death 07/13/89, FSC remand for resentencing on 02/27/92 at 596
So2d 1020; resentenced to death on 1/11/93, FSC remand for resentencing 11/23/94 at 648 So2d
683)
Trial Counsel: B.B. BOLES & HENRY BARKSDALE (public defenders)

Trial judge PAUL RASMUSSEN found 6 non-statutory mitigators:

Traumatic childhood
History of drug and alcohol abuse
Maintained gainful employment
Can be given consecutive life sentences
Adapted well to prison life
Some health problems

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Defendant's name: RONALD JORGENSON
Sentenced to death on 9/29/95 in Polk County
Trial Counsel: LARRY SHEARER & BYRON HILEMAN

Trial judge DANIEL TRUE ANDREWS found 2 non-statutory mitigators:

Drug use at time of offense
Disparity in sentence of co-defendant

The FSC reduced to life on direct appeal and noted that there were eleven additional non-statutory mitigators argued as presented to the trial court in this case but the judge never mentioned them in his sentencing memorandum:

Impoverished childhood

Latchkey kid
Dropped out of high school
Raised in single parent home with no child support
Law-abiding from 1973 to 1993
Good and loving father
Loving relationship with family
Good friend to many
Age 54 at time of sentencing and would not be eligible for parole until age 79
None of the statutory aggravators apply to this case
Intelligent and potential for rehabilitation

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Defendant's name: MICHAEL SHELLITO
Sentenced to death on 10/20/95 in Duval County
Trial Counsel: REFIK WERNER ELER (court appointed)

Trial judge HUDSON OLLIFF found 1 non-statutory mitigator:

Family background

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Defendant's name: ERNEST WHITFIELD
Sentenced to death on 10/20/95 in Sarasota County
Trial Counsel: CHARLES WILLIAMS & CHARLIE ANN SCOTT (court-appointed)

Trial Judge HARRY RAPKIN found 6 non-statutory mitigators:

Some mental/emotional disturbance
Cooperated with law enforcement
Impoverished background
Chronic crack cocaine addiction
Abandoned by father; mother was alcoholic
Forgave a man who shot him

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Defendant's name: CURTIS CHAMPION GREEN
Sentenced to death on 11/9/95 in Polk County
Trial Counsel: ROGER ALCOTT (court appointed)

Trial judge DICK PRINCE found 12 non-statutory mitigators:

Behavior at trial acceptable
Grew up without father figure at home
Mother suffered from mental illness which impaired her parenting skills
Suffered from difficult childhood
History of drug and alcohol abuse
Limited IQ
Suffers from learning problems
Suffers from organic brain disorder
Little or no parental guidance during formative years
Suffers from poor self-concept developed during childhood
Would adjust adequately to life imprisonment
History of suicide attempts and self-destructive behavior

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Defendant's name: ROBERT GORDON
Sentenced to death on 11/16/95 in Pinellas County
Trial Counsel: ROBERT LOVE & CHARLES HOLLOWAY (court appointed)
Trial judge SUSAN SCHAEFFER found 4 non-statutory mitigators:

Family background
Quality of being a caring parent
Life sentence of the co-defendant
Religious devotion

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Defendant's name: MERYL STANLEY MCDONALD
Sentenced to death on 11/16/95 in Pinellas County
Trial Counsel: RICHARD WATTS & MICHAEL SCHWARTZBERG (court appointed)
Trial judge SUSAN SCHAEFFER found 3 non-statutory mitigators:

Good jail conduct
Would die in prison without a death sentence
Life sentence of co-defendant

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Defendant's name: CHADWICK WILLACY
Sentenced to death on 11/20/95 in Brevard County
(originally sentenced to death on 12/10/91 but remanded for new sentencing on 5/12/94 at
640 So2d 1079)
Trial Counsel: JIM KONTOS (private attorney)
Trial judge THERON YAWN found 31 non-statutory mitigators:

Has shown kindness for others
Has shown compassion for others
Has shown concern for others
No history of violent conduct
Has enjoyed the love and affection of his family
Has enjoyed the respect and admiration of his peers
Has enjoyed the respect and admiration of his family
Has shown a desire and willingness to help others
Has been a leader among his peers
Has been a role model to his peers
Has maintained strong ties to his family
Has shown appropriate behavior at the resentencing hearing
Has shown love for his family
Has been a good and loyal friend
Has been a good and obedient son
Had a good upbringing without serious disciplinary problems
Has been unselfish
Has contributed to the lives of others
Has enjoyed the respect and confidence of teachers and coaches
No academic or disciplinary problems in school
Disciplined and dedicated member of his high school track team
Helped his track teammates to be, and was, a "teampayer"
Captain of the track team & won honors as a runner
Has shown the proper respect for his elders
Voluntarily sought help for his drug problem
Has demonstrated honesty
Has demonstrated responsibility
Has been a hard worker
Any other aspect of his character
Any other aspect of his background
Any other factor deemed appropriate

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Defendant's name: DWIGHT HARRISON
Sentenced to death on 11/27/95 IN Dade County
Trial Counsel: ANTHONY GENOVA (privately retained)

Trial judge RODOLFO SORONDO found 3 non-statutory mitigators:

Mental deficits including severe learning disability
Took care of ex-wife's mentally retarded child
Under influence of crack when murders committed

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Defendant's name: LORAN COLE
Sentenced to death on 12/20/95 in Marion County
Trial Counsel: DAN GLEASON (court appointed)

Trial judge WILLIAM SWIGERT found 2 non-statutory mitigators:

Organic brain damage and mental illness
Poor and deprived childhood

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Defendant's name: PRESSLEY BERNARD ALSTON
Sentenced to death on 1/12/96 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge AARON K. BOWDEN found 3 non-statutory mitigators:

Deprived childhood
Suffers from low intelligence and mental age
Suffers from a bipolar disorder

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Defendant's name: KRISTOPHER SANDERS
Sentenced to death on 01/18/96 in Pasco County
Trial Counsel: JOHN SWISHER & SAM WILLIAMS (court appointed)
Trial judge WILLIAM WEBB found 7 non-statutory mitigators:

Assistance to others
Obtained GED
Cooperated with law enforcement
History of drug abuse
Mental health history
Alleged principal was uncharged
Exhibited good conduct during trial

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Defendant's name: NICHOLAS LYNN HARDY
Sentenced to death on 2/14/96 in Plam Beach County
Trial Counsel: DEAN WILBER & EVELYN ZIEGLER (court appointed)

Trial judge VIRGINIA GAY BROOME found 5 non-statutory mitigators:

- Background of abuse
- Has punished self
- Now behaves well, unlikely to endanger others while in prison
- Life without parole available to the Court
- Brain damaged to some extent

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Defendant's name: BOBBY ALLEN RALEIGH
 Sentenced to death on 02/16/96 in Volusia County
 Trial Counsel: MIKE TEAL & JIM CLAYTON (privately retained)
 Trial judge JAMES FOXMAN found 15 non-statutory mitigators:

- Intoxication
- Remorseful
- Pled guilty
- Offered to testify against co-defendant
- Possibility of life sentence and capacity for rehabilitation
- Is a follower
- Poor judgment and impulsive behavior
- Good son and friend to mother
- Good brother
- Good father figure
- No father
- Suicide attempt
- Low self-esteem
- Adjustment disorder and anti-social

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Defendant's name: ASKARI MUHAMMAD (aka THOMAS KNIGHT)
 Sentenced to death on 2/20/96 in Dade County
 (originally sentenced to death 4/21/75; affirmed 9/30/76 at 338 So2d 201; denial of 3.850 motion affirmed 12/16/82 at 426 So2d 533; 11th Circuit ordered resentencing on 12/8/88 at 863 F.2d 705).
 Trial Counsel: LEE & SHERIDAN WEISSENBORN

Trial judge RODOLFO SORONDO found 3 non-statutory mitigators:

- Victim of abuse as child
- Suffers from chronic mental disturbances
- Raised in poverty

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Defendant's name: DAN PATRICK HAUSER
Sentenced to death on 3/4/96 in Okaloosa County
Trial Counsel: JAMES TONGUE (public defender)

Trial judge G. ROBERT BARRON found 2 non-statutory mitigators:

Good attitude and conduct at jail
Full cooperation with law enforcement

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Defendant's name: ROBERT HAWK
Sentenced to death on 3/29/96 in Pinellas County
Trial Counsel: JIM MARTIN & JOE MCDERMOTT (court appointed)

Trial judge CHARLES W. COPE found 6 non-statutory mitigators:

Lack of hearing to which he has never fully adjusted
Lack of father figure / abuse by father
Mental deficiencies
Possibility of life sentence
Disadvantaged childhood, abusive parent, lack of education and training
Some emotional distress

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Defendant's name: LEROY POOLER
Sentenced to death on 3/29/96 in Palm Beach County
Trial Counsel: MICHAEL SALNICK & MICHAEL SULLIVAN (court appointed)
Trial judge VIRGINIA GAY BROOME found 5 non-statutory mitigators:

Honorable service in military
Good employment record
Was a good parent
Has done specific good deeds and possesses certain good characteristics
Court has option of imposing life

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Defendant's name: EDWARD ZAKRZEWSKI
Sentenced to death on 4/19/96 in Oklaloosa County
Trial Counsel: BRUCE KORAN & ELTON KILLAM (public defenders)

Trial judge G. ROBERT BARRON found 14 non-statutory mitigators:

- Turned himself in
- Pled guilty
- Hard worker
- Good student
- Exemplary member of Air Force
- Sincerely remorseful
- Was loving husband and father
- Under great stress
- Is a patient and humble man
- Raised without natural father in the home
- Lack of prior domestic relationships
- Little religious upbringing
- Has embraced Christian faith
- Good behavior while hiding

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Defendant's name: CHARLES DONALDSON
 Sentenced to death on 5/28/96 in Okaloosa County
 Trial Counsel: JOHN HARRISON & CHRISTOPHER SAXER (court appointed)
 Trial judge G. ROBERT BARRON found 4 non-statutory mitigators:

- Good prison record
- State of mind and distress about the safety of him and his family
- Family history
- Work record

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Defendant's name: SAMUEL FRANCIS WILLIAMS
 Sentenced to death on 6/6/96 in Okaloosa County
 Trial Counsel: JAY GONTAREK & D. REED AMMON (court appointed)
 Trial judge G. ROBERT BARRON found 6 non-statutory mitigators:

- Virtually no disciplinary problems in jail over the last 20 months
- Obtained GED while incarcerated
- Rehabilitation potential
- Participation in weekly bible meetings
- Intends to further education and become involved in prison ministry if sentenced to life
- Capacity for hard work

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Defendant's name: JESUS DELGADO
Sentenced to death on 6/19/96 in Dade County
Trial Counsel: HOWARD SOHN & DAVID PECKINS (court appointed)
Trial judge NORMAN GERSTEIN found 8 non-statutory mitigators:

Suffers from lifelong physical and psychological impairments
Physically and emotionally battered child
Has never used drugs or alcohol
Father sentenced to federal prison for drug trafficking
Loved and protected parents
Little contact with mother for several years
Capacity to work hard and other fine qualities
Appropriate behavior during trial

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Defendant's name: MICHAEL KEEN
Sentenced to death on 7/15/96 in Broward County
(originally sentenced to death on 7/17/85, FSC remanded for new trial on 3/19/87 at 504 So2d 396; resented to death on 10/15/87, FSC remanded for second new trial on 5/5/94 at 639 So2d 597)
Trial Counsel: H. DOHN WILLIAMS & KENNETH KUKEC
Trial judge PAUL BACKMAN found 4 non-statutory mitigators:

Disparate treatment
Good behavior since arrest
Prior contributions to society including good employment record
Good behavior at trial

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Defendant's name: PERRY OMAR BUCKNER
Sentenced to death on 8/21/96 in Sumter County
Trial Counsel: JULIAN HARRISON & FELIX ADAMS (court appointed)

Trial judge JOHN W. BOOTH found 4 non-statutory mitigators:

Expressed remorse
Never completed formal education
Has artistic talent
Chaotic lifestyle (no actual home, slept wherever he was)

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Defendant's name: CALVIN JEROME JOHNSON
Sentenced to death on 8/22/96 in Duval County
Trial Counsel: REFIK ELER & TERRY SOPP (court appointed)

Trial judge HUGH A. CARUTHERS found 6 non-statutory mitigators:

- Turned self into police
- Member of abusive and dysfunctional childhood home
- Work history
- Good to parents and neighbors
- Has eight year old daughter
- Good school background

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Defendant's name: GARY RAY BOWLES
Sentenced to death on 9/6/96 in Duval County
Trial Counsel: BILL WHITE (public defender)

Trial judge JACK SCHEMER found 4 non-statutory mitigators:

- Drug addiciton and alcoholism
- Assisted police in prosecuting a jailhouse rape
- Confessed to police and FBI
- Pled guilty to capital offense

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Defendant's name: WALTER MANUEL RUIZ
Sentenced to death on 10/7/96 in Hillsborough County
Trial Counsel: BRIAN DONERLY (court appointed)

Trial judge J. ROGERS PADGETT found 5 non-statutory mitigators:

- Is a fair and considerate father to his children
- Steadily employed before separation from wife
- Active in church before separation from wife
- Mother loves him and would visit him if he were sentenced to life in prison
- Conduct and lifestyle changed abruptly 2 years ago

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Defendant's name: ARTURO BENEDITH
Sentenced to death on 10/9/96 in Brevard County

Trial Counsel: GREGORY EISENMENGER (court appointed)

Trial judge DEAN MOXLEY found 3 non-statutory mitigators:

- Mental problems
- Drug use
- Sentence of accomplice

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Defendant's name: OSCAR BOLIN

Resentenced to death on 10/9/96 in Pasco County

(originally sentenced to death on 10/30/92 but remanded for new trial on 02/09/95 at 650 So2d 0019)

Trial Counsel: PAUL FIRMANI (public defender)

Trial judge WILLIAM WEBB found 8 non-statutory mitigators:

- Has organic brain damage
- Abused and battered child
- Deprived childhood and poor upbringing
- Under influence of some mental/emotional disturbance
- Impaired capacity to conform to the law
- Respectful behavior during trial
- Saved life of another from drowning
- Gainfully employed at time of offense

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Defendant's name: JAMES HITCHCOCK

Resentenced to death on 10/10/96 in Orange County

(originally sentenced 02/11/77, USSC remands for new sentencing 04/22/87 at 107 SCt 1821; resentenced to death 03/17/88, FSC affirmed 12/20/90 at 578 So2d 0685, USSC - on rehearing - remanded at 112 SCt 3020, FSC remanded for new sentencing 01/28/93 at 614 So2d 0483; resentenced to death 8/30/93, FSC remanded for new sentencing on 3/21/96 at 673 So2d 859)

Trial Counsel: TRISH CASHMAN; KELLY SIMS; MATT PARDY (public defenders)

Trial judge MICHAEL CYCMANICK found 7 non-statutory mitigators:

- Background of poverty
- Lingering death of natural father from cancer
- Unable to pursue formal education
- Witnessed and experienced emotional and physical abuse by stepfather on himself and mother

Personality disorders
Ran away from home at early age
Developed positive character traits since offense

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Defendant's name: RYAN J. URBIN
Sentenced to death on 10/11/96 in Duval County
Trial Counsel: TOM LARKIN & RALPH ELLIOTT (privately retained)

Trial judge WILLIAM A. WILKES found 5 non-statutory mitigators:

Absence of father
Drug and alcohol abuse
Mother presently in prison
Dyslexia
Employment history

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Defendant's name: OSVALDO ALMEIDA
Sentenced to death on 2 cases on 11/1/96 in Broward County
Trial Counsel (12/12/95 trial): NEAL DUPREE, HILLIARD MOLDOF
Trial Counsel (2/20/96 trial): STEVE HAMMER, HILLIARD MOLDOF

Trial judge PAUL BACKMAN found 8 non-statutory mitigators:

Capacity for rehabilitation
Good behavior while incarcerated
Cooperated with police after arrest
Gave up right to be silent
Alcohol use and abuse
Difficult childhood and was physically abused
Has shown remorse
Exhibited genuine religious beliefs

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Defendant's name: PAUL ANTHONY BROWN
Sentenced to death on 11/7/96 in Volusia County
Trial Counsel: J. PEYTON QUARLES (court appointed)

Trial judge R. MICHAEL HUTCHINSON found 2 non-statutory mitigators:

Family background
Drug and alcohol abuse

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Defendant's name: NATHAN RAMIREZ
Sentenced to death on 11/8/96 in Pasco County
Trial Counsel: RICHARD KILEY & PAUL FIRMANI (public defenders)

Trial judge CRAIG VILLANTI found 5 non-statutory mitigators:

Cooperation with law enforcement
Conduct in jail and during trial
Demeanor and comments pertaining to the crime
Conduct prior to the crime
Background

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Defendant's name: RONNIE KEITH WILLIAMS
Sentenced to death on 11/15/96 in Broward County
Trial Counsel: BRUCE RADICOFF (court appointed)

Trial judge SHELDON SCHAPIRO found 4 non-statutory mitigators:

Model prisoner pre-trial
Attended jail religious services
Deprived childhood
Loving person

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Defendant's name: JOSHUA D. NELSON
Sentenced to death on 11/27/96 in Lee County
Trial Counsel: HAROLD STEVENS & JOHN MILLS (court appointed)

Trial judge WILLIAM NELSON found 6 non-statutory mitigators:

Voluntary confession
Co-defendant caused death of victim
Emotional handicaps
No prior convictions for violent felonies
Offered to plead guilty
Rehabilitation potential

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Defendant's name: BRANDY BAIN JENNINGS
Sentenced to death on 12/2/96 in Collier County (trial venue changed to Pinellas)
Trial Counsel: TOM OSTEEN (public defender)
Trial judge WILLIAM BLACKWELL found 7 non-statutory mitigators:

- Family background/deprived childhood
- Disparate sentence of co-defendant
- Cooperation with law enforcement
- Good employment history
- Loving relationship with mother
- Positive personality traits enabling formation of strong caring relationships
- Capacity to care for and be mutually loved by children

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Defendant's name: PAUL HILDWIN
Resentenced to death on 12/4/96 in Hernando County
(originally sentenced to death on 9/17/86; case affirmed by FSC on 9/1/88 at 531 So2d 124;
3850 motion denied on 6/23/93; FSC granted new sentencing on 3850 appeal on 1/19/95 at 654
So2d 107).
Trial Counsel: RICHARD HOWARD & WILLIAM HALLMAN (court appointed)

Trial judge RICHARD TOMBRINK found 5 non-statutory mitigators:

- History of childhood abuse, including sexual abuse by father
- History of drug or substance abuse
- Organic brain damage
- Ability to do well in structured environment
- His mental illness is readily treatable in prison setting

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Defendant's name: JAMES GUZMAN
Resentenced to death on 12/27/96 in Volusia County
(originally sentenced to death on 10/16/92 but remanded for new trial on 09/22/94 at 644
So2d 0996)
Trial Counsel: GERARD KEATING (court-appointed)

Trial judge WILLIAM JOHNSON found 1 non-statutory mitigator:

- Drug dependency

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Defendant's name: ROBERT TREASE
Sentenced to death on 1/22/97 in Sarasota County
Trial Counsel: FRED MERCURIO (court appointed)

Trial judge ROBERT BENNETT found 3 non-statutory mitigators:

Behavior while incarcerated
Father abused him and his sisters as children
Disparate sentence of co-defendant

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Defendant's name: AKEEM MUHAMMAD (aka RICHARD MICHAEL RINALDO)
Sentenced to death on 1/24/97 in Broward County
Trial Counsel: BRADLEY COLLINS & STEVEN HAMMER

Trial judge RICHARD EADE found 3 non-statutory mitigators:

Good behavior at trial
Cooperative when arrested
Difficult and unstable childhood

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Defendant's name: JOHN H. HESS
Sentenced to death on 1/29/97 in Lee County
Trial Counsel: MARQUIN RINARD (public defender)
Trial judge JAY ROSMAN found 16 non-statutory mitigators:

Is a loving son
Is a loving brother
Employment history
Loving and caring father
Provided financial assistance to family
Lacked male role model when growing up
Traumatized by having sons taken away
Illness at a young age left a learning disability
Treated cruelly when young because of learning disability
As a child and adult accepts blame for things he did not do
Cooperation with law enforcement
Disparate treatment
Mental background

Religious devotion
Length of potential sentences
Good conduct in jail and at trial

The FSC on direct appeal reduced to life and found that the statutory mitigator of no prior significant crimes should have been found.

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Defendant's name: MANUEL ANTONIO RODRIGUEZ
Sentenced to death on 1/31/97 in Dade County
Trial Counsel: EUGENE ZENOBI & RICHARD HOULIHAN (court appointed)
Trial judge LESLIE ROTHENBERG found 4 non-statutory mitigators:

Mental health deficits
History of drug abuse
Love and compassion for family and friends
Heartache and sadness in his life

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Defendant's name: ALBERT HOLLAND
Resentenced to death on 2/7/97 in Broward County
(originally sentenced to death on 8/20/91; remand for new trial on 3/24/94 at 636 So2d 1289)
Trial Counsel: JAMES LEWIS & EVAN BARON (court appointed)

Trial judge CHARLES M. GREENE found 2 non-statutory mitigators:

History of drug and alcohol abuse
Long-standing history of mental illness

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Defendant's name: BERRY KESSLER
Sentenced to death on 2/19/97 in Pasco County
Trial Counsel: PAUL FIRMANI & WILLIAM EBLE
Trial judge WILLIAM WEBB found 17 non-statutory mitigators:

70 year old prisoners are not a danger to society
Service in World War II
Purple Heart in World War II
Bronze Star in World War II
50 year marriage and supported wife
Raised four children well

Jewish, attended temple and generous to children at synogogue
Generous in business
Assisted taxpayers in accounting business
Gainfully employed
Under financial stress
Under emotional stress
Good trial conduct
Can be productive in prison
Has support of his family
No prior violent record
Prior felonies were for federal IRS crimes

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Defendant's name: ALPHONSO CAVE
Resentenced to death on 2/21/97 in Pinellas County - venue changed from Martin County
(originally sentenced to death 12/10/82 in Pinellas County, FSC affirmed on direct appeal
08/30/85 at 476 So2d 0180, FDC remanded on federal habeas for new sentencing 08/03/90, 11th
Circuit affirmed relief 08/26/92 at 971 F2d 1513; resentenced to death on 6/25/93 in Pinellas
County, FSC remanded for new sentencing on 9/21/95 at 660 So2d 705)
Trial Counsel: JEFFREY GARLAND (court appointed)
Judge C. PFEIFFER TROWBRIDGE found 11 non-statutory mitigators:

Remorse
Not the triggerman/knifer
Saved the life of Frank Andrews
Under the influence of marijuana and/or alcohol
Was a good and considerate son
Unselfishness and concern toward neighbors
Worked steadily to support himself and son
Loved and nurtured his son
Only son killed as a result of criminal act
Improved self through education and religious study while in prison
Confessed his involvement

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Defendant's name: DAVID CARPENTER
Sentenced to death on 2/28/97 in Pinellas County
(originally sentenced to death 5/3/96 but trial court vacated sentence because the jury had
been misinformed about alternate sentence)
Trial Counsel: ROBERT FORD & D. ROBERT LEWIS (court appointed)

Trial judge TIMOTHY PETERS found 2 non-statutory mitigators:

Sentence of co-defendant
Cooperation with police

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Defendant's name: KEITH BRENNAN
Sentenced to death on 3/20/97 in Lee County
Trial Counsel: ROBERT JACOBS (public defender)

Trial judge WILLIAM NELSON found 25 non-statutory mitigators:

Offered to plead guilty for life sentence
Proportionality
Mother committed suicide when he was 2 years old
Relative involvement in offense
Drug abuse problems
Sexually abused as a child by older brother
Difficult childhood
Behavior at trial was acceptable
Dysfunctional family
Gave voluntary statement following arrest
Used LSD the night before the offense
Feared his own demise at hands of co-defendant
Influence of older co-defendant
Alcohol abuse
Not known, prior to this case, as a violent person
Personality disorder
Childhood trauma
Psychological stress
Questions about his role and role of co-defendant
Step mother testified he was a good son
Victim had raped his girlfriend
Lack of childhood development made him small in stature and so was taken advantage of by
others
Emotional reasons for crime rather than cold calculation
Very young, 16 at time of offense
Was a follower rather than a leader

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Defendant's name: BILLY KEARSE
Sentenced to death on 3/24/97 in Indian River County (venue changed from St. Lucie)
(originally sentenced to death on 11/08/91 but remanded for new sentencing 06/22/95 at 662)

So2d 677)

Trial Counsel: ROBERT UDELL (court appointed)

Trial judge C. PFEIFFER TROWBRIDGE found 3 non-statutory mitigators:

Trial behavior acceptable
Difficult childhood resulting in psychological and emotional problems
Entered penal system at early age

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Defendant's name: ANDREW LUKEHART

Sentenced to death on 4/4/97 in Duval County

Trial Counsel: MICHAEL EDWARDS (court appointed)

Trial judge WILLIAM WILKES found 4 non-statutory mitigators:

Alcoholic father
History of drug and alcohol abuse
Sexually abused by uncle when age 10
Employed at the time of the crime

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Defendant's name: JAMES M. RANDALL

Sentenced to death on 4/4/97 in Pinellas County

Trial Counsel: MICHAEL SCHWARTZBERG & RICHARD WATTS (court appointed)

Trial judge SUSAN SCHAEFFER found 3 non-statutory mitigators:

Sexual sadism
Good work record
Good jail and courtroom conduct

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Defendant's name: DAVID P. SNIPES

Sentenced to death on 4/11/97 in Lee County

Trial Counsel: BRIAN BOYLE & MARK GRABER (court appointed)

Trial judge JAY ROSMAN found 37 non-statutory mitigators:

Parents were divorced
Positive traits and rehabilitation potential

GED

Character

Drug abuse problem

Sexually abused as a child

Difficult childhood

Trial behavior good

Pre-trial behavior good

Proportionality in general

Dysfunctional family

Voluntary statement before arrest

Voluntary statement after arrest

State used his statement to convict him

Statement led police to co-defendant

Would not have been arrested or convicted but for his own statements

Statement led to co-defendant's arrest warrant

Expressed remorse voluntarily

Expressed remorse despite knowing it would not benefit him

Went to drug rehabilitation

Influenced by older co-defendant

Not known as a violent person

Personality disorder

Self-destructive traits

Psychological dysfunction

Lack of male role model

Childhood trauma

Psychological stress

Family support

Is a loving and caring father

Life in prison would give him meaningful role as parent

Wife intends to move so he can visit his child

Did not flee, but co-defendant did

Suffers from some mental and emotional disturbance

Capacity to conform to law is somewhat impaired

Religious devotion

Life sentence would be a just punishment for this crime

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Defendant's name: DAVID WYATT JONES

Sentenced to death on 4/25/97 in Duval County

Trial Counsel: ALAN CHIPPERFIELD & LEWIS BUZZELL (public defenders)

Trial judge WILLIAM WILKES found 4 non-statutory mitigators:

Crack addict with long-term drug problem
Family and employment history
Prevented escape during previous incarceration
Jail records shows signs of psychotic episode

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Defendant's name: TERRY LEE WOODS
Sentenced to death on 5/2/97 in Lake County
Trial Counsel: JEFFREY PFISTER & MICHAEL GRAVES (court app-td)

Trial judge JERRY T. LOCKETT found 7 non-statutory mitigators:

Learning disabilities caused him to drop out of school
IQ is 77, in the borderline range
Good parent to his 2 daughters and a child who is not biologically his
Good sibling
Absence of father figure
No prior convictions for violent offenses
Assisted police with a murder and carjacking case

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Defendant's name: LYNFORD BLACKWOOD
Sentenced to death on 5/16/97 in Broward County
Trial Counsel: ROBERT ULLMAN (court appointed)

Trial judge JAMES COHN found 8 non-statutory mitigators:

Under influence of emotional disturbance
Capacity for rehabilitation
Cooperation with police
Lover's quarrel/passion killing
Remorse
Good parent to teenaged son
Hard worker
Low IQ

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Defendant's name: JOAQUIN JOSE MARTINEZ
Sentenced to death on 5/27/97 in Hillsborough County
Trial Counsel: THOMAS FOX & ROBERT FRASIER (privately retained)

Trial judge J. ROGERS PADGETT found 3 non-statutory mitigators:

Adjusted well to confinement
Ex-wife and daughters will visit him in prison
Above average IQ and healthy personality will help him adapt to prison

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Defendant's name: GLEN EDWARD ROGERS
Sentenced to death on 7/11/97 in Hillsborough County
Trial Counsel: NICK SINARDI & ROBERT FRASIER (court appointed)

Trial judge DIANA ALLEN found 4 non-statutory mitigators:

Lack of moral upbringing
Reliable employee
Sole care of two children
Bought drinks for victim and friends in a generous manner

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Defendant's name: MICHAEL LEE ROBINSON
Sentenced to death on 8/15/97 in Orange County
(originally sentenced to death on 4/12/95 and remanded for resentencing on 11/21/96 at 684 So2d 175. The Court said the record reflects evidence of remorse; good jail record; mental health problems; drug abuse; difficult childhood)
Trial Counsel: MIKE IRWIN; MARK BENDER (court appointed)

Trial judge DOROTHY RUSSELL found 15 non-statutory mitigators:

Acted under duress
Suffers from brain damage
Drug problem/under influence of cocaine
Remorse
Religious
Father had substance abuse problem
Father was abusive
Suffers from personality disorder
Emotionally disturbed as a child/hyperactive
Obtained his GED
Good inmate
Afraid to go back to prison
Assisted police/led them to victim's body
Ability to adjust to life in prison

Has people who love and care about him

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Defendant's name: TROY MERCK
Sentenced to death on 9/12/97 in Pinellas County
Trial Counsel: FREDERIC ZINOBAR (court appointed)

Trial judge NELLY KHOUZAM discusses 6 non-statutory mitigators in her sentencing memo:

Childhood abuse and deprivation
Learning disability
Alcohol abuse
Capable of forming loving relationships
Chemically dependant parents
Lack of parental role model

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Defendant's name: GARY LEE THORP
Sentenced to death on 10/13/97 in Brevard County
Trial Counsel: KENNETH STUDSTILL (court appointed)
Trial judge TONYA RAINWATER found 2 non-statutory mitigators:

Cerebral palsy
Family background

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Defendant's name: TERRY PAUL RAY
Sentenced to death on 11/12/97 in Holmes (venue changed to BayCounty)
Trial Counsel: WALTER SMITH (public defender)
Trial judge CLINTON E. FOSTER found 5 non-statutory mitigators:

Low IQ
Suffers from depression
Family history of mental health problems and low IQ
Some brain damage at premature birth
Is a caring stepfather and has a loving family

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Defendant's name: MICHAEL D. ZACK
Sentenced to death on 11/24/97 in Escambia County

Trial Counsel: ELTON KILLAM (public defender)

Trial judge JOSEPH Q. TARBUCK found 3 non-statutory mitigators:

- Remorse
- Voluntary confession
- Good jail conduct

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Defendant's name: SCOTT MANSFIELD

Sentenced to death on 1/30/98 in Osceola County

Trial Counsel: KATHLEEN FLAMMIA & MICHAEL ERWIN (court-appointed)

Trial judge BELVIN PERRY found 4 non-statutory mitigators:

- Good trial conduct
- Alcoholism
- Poor upbringing and dysfunctional family
- Mother was alcoholic

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Defendant's name: JAMES FRANKLIN ROSE

Sentenced to death on 2/13/98 in Broward County

Trial Counsel: RAAG SINGHAL (court appointed)

Trial judge PAUL BACKMAN found 9 non-statutory mitigators:

- Mental and emotional disturbance
- Non-nurturing childhood
- Below average intelligence and is a slow learner
- Employment history
- Good conduct in prison
- Cooperated with police by waiving Miranda
- Unwavering declaration of innocence
- Has performed good deeds
- Possesses good characteristics

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Defendant's name: ANTHONY LAMARCA

Sentenced to death on 2/20/98 in Pinellas County

Trial Counsel: RON EIDES & NORA MCCLURE (public defenders)

Trial judge BRANDT DOWNY found 1 non-statutory mitigator:

History of drug abuse and other mental health defects

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Defendant's name: RODERICK JUSTIN FERRELL
Sentenced to death on 2/27/98 in Lake County
Trial Counsel: CANDACE HAWTHORNE (public defender)

Trial judge JERRY T. LOCKETT found 19 non-statutory mitigators:

Schizotypal personality disorder
Abandoned by his father
Mother failed to discipline
Mother failed to provide role modeling
Violent destructive fantasy games impaired his ability to deal with reality
Dysfunctional family and disturbed mother
Lacked father figure
Felt persecuted by society
Influenced by vampirism and occult
History of drug use and under influence at time of offense
Possibly had encephalitis as a child
Sense of self distorted by bizarre thoughts
Standard of normalcy influenced by family's conduct
Victim of child abuse
Forced to witness the physical abuse of others
Took responsibility for the offenses
Victim of sexual abuse
Adapted well in prison
4 consecutive life sentences removes him from society forever

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Defendant's name: JOSEPH RAMIREZ
Sentenced to death on 3/13/98 in Dade County
(originally sentenced to death 2/20/85)
Trial Counsel: EUGENE ZENOBI (court appointed)

Trial judge RONALD DRESNICK overrode the JURY RECOMMENDATION OF LIFE (only 3 votes for death) and found 3 non-statutory mitigators:

Positive influence on son and supportive to wife

Sexually abused by babysitter
Physically abused by father

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Defendant's name: JASON STEPHENS
Sentenced to death on 4/7/98 in Duval County
Trial Counsel: RICHARD NICHOLS & REFIK ELER (court appointed)

Trial judge JACK SCHEMER found 12 non-statutory mitigators:

Came to the aid of a child in a mall
Church volunteer
Employed
Loving family and distraught over father's death
Educational history shows capacity for rehabilitation
Likes and cares for children
Good student
Adjusted well to incarceration
Did not intend to kill the victim
Co-defendant received life sentence
Faces life on underlying offenses
Pled guilty to numerous underlying offenses

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Defendant's name: LAWRENCE SINGLETON
Sentenced to death on 4/14/98 in Hillsborough County
Trial Counsel: JOHN SKYE (public defender)

Trial judge BOB ANDERSON MITCHAM found 9 non-statutory mitigators:

The "previous conviction" aggravator was a 1978 case when the defendant was 51 years old
The intent to kill was formed during an argument or disagreement with the victim
No offense except petit theft since his release on parole in 1987 and prison release in 1988
Using alcohol and medication at time of the offense
Suffers from alcoholism
Suffers from mild dementia
Previous suicide attempts
Honorable military service
Model prisoner from 1979-1987 in California

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Defendant's name: ANTHONY FARINA
Sentenced to death on 5/7/98 in Volusia County
Trial Counsel: LARRY HENDERSON; WILLIAM HATHAWAY (public defenders)

Trial judge C. MCFERRIN SMITH found 15 non-statutory mitigators:

- Co-defendant killed the victim
- Abused & battered as child
- Deprived childhood & poor upbringing
- History of emotional problems
- Good conduct in prison
- Amenable to rehabilitation
- Cooperative with police
- Lack of education
- Good employment history
- Involved in Bible study and religion
- Remorse
- Positive influence on others
- Used marijuana regularly
- No history of violence
- Parental abandonment

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Defendant's name: JEFFREY FARINA
Sentenced to death on 5/7/98 in Volusia County
Trial Counsel: LARRY HENDERSON; WILLIAM HATHAWAY (public defenders)

Trial judge C. MCFERRIN SMITH found 6 non-statutory mitigators:

- Remorse
- Potential to reform in prison
- Physical, Mental & Emotional Abuse
- Caring relationship with younger sister
- Maintained employment at age 16
- Earned GED in prison, pursued Christianity and learned to knit (i.e., sought to improve self in prison)

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Defendant's name: CURTIS BEASLEY
Sentenced to death on 5/22/98 in Polk County
Trial Counsel: BOB NORGDARD; BYRON HILEMAN (court appointed)

Trial judge CECELIA MOORE found 25 non-statutory mitigators:

Failure to complete college
Failed marriage
Good manners
Good personality
Good son
Good student
Active student leader
Good athlete
Honorable veteran
Good worker
Good friend
Good brother
Good musician
Active in church
Substance abuse
Suicide of friend
Self-sufficient & self-reliant
Financially responsible
Financial trouble due to substance abuse
No criminal convictions for violence
Good relationship with children & grandchildren
Alcohol problems for two years after first divorce
Mental/Emotional disturbance & incapacity
Ability to serve life sentence without difficulty
Good behavior from offense to sentencing
Remorse
Potential to reform in prison
Physical, Mental & Emotional Abuse
Caring relationship with younger sister
Maintained employment at age 16
Earned GED in prison, pursued Christianity and learned to knit (i.e., sought to improve self in prison)

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Defendant's name: RONALD ALAN KNIGHT
Sentenced to death on 5/29/98 in Palm Beach County
Trial Counsel: JOSE SOSA (court-appointed advisor to pro se Knight)
Trial judge EDWARD GARRISON found 3 non-statutory mitigators:

Broken home and unstable childhood
Has support and love of his family

Disparate treatment of codefendants

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Defendant's name: MICHAEL SCOTT STOLL
Sentenced to death on 6/9/98 in Seminole County
Trial Counsel: JACK EDMUND; STEVE KACKLEY (private)

Trial judge SEYMOUR BENSON found 3 non-statutory mitigators:

Mocked as a child for disfigurements (born with cleft palate and had scars from dog attack)
Cared for wife's children and sent his wife to Chicago for treatment for multiple sclerosis
Attended church with daughter

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Defendant's name: SEBURT CONNOR
Sentenced to death on 6/19/98 in Dade County
Trial Counsel: EUGENE ZENOBI (court-appointed)

Trial judge MAXINE COHEN LANDO found 4 non-statutory mitigators:

Mental illness
Good father
Will die in prison if given life sentences
No prison problems

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Defendant's name: DONALD LEE BRADLEY
Sentenced to death on 6/25/98 in Clay County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge PETER DEARING found 6 non-statutory mitigators:

Overcame chaotic and dysfunctional childhood
Good provider and loving husband
Very hard worker and good employee
Unselfish and helpful to others
Sincere religious faith
Codefendants got life or less

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Defendant's name: STEPHEN TODD BOOKER
Resentenced to death on 6/25/98 in Alachua County
(originally sentenced to death 10/20/78 and affirmed on appeal at 397 So2d 910; federal court granted resentencing)
Trial Counsel: JOHN KEARNS

Trial judge ROBERT CATES found 9 non-statutory mitigators:

- Childhood sexual abuse
- Childhood physical abuse
- Childhood verbal abuse
- Inconsistent family life
- Repeated disruption of education
- Alcohol and drug abuse
- Contributions to literature through his poetry
- Remorse
- Honorable discharge from the U.S. Army

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Defendant's name: MICHAEL GRIFFIN
Sentenced to death on 7/10/98 in Pinellas County
Trial Counsel: DWIGHT WELLS (court-appointed)
PLED GUILTY AND WAIVED JURY RECOMMENDATION

Trial judge BRANDT DOWNEY found 2 non-statutory mitigators:

- Good jail and courtroom behavior
- Remorse

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Defendant's name: NOEL DOORBAL
Sentenced to death on 7/17/98 in Dade County
Trial Counsel: ANTHONY NATALE; PENNY BURKE (court-appointed)

Trial judge ALEX FERRER found 6 non-statutory mitigators:

- Difficult childhood
- Hardworking and loyal employee
- Positive influence on others
- Religious devotion
- Appropriate courtroom behavior
- Will be imprisoned for rest of life

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Defendant's name: DANIEL LUGO
Sentenced to death on 7/17/98 in Dade County
Trial Counsel: RONALD GURALNICK (private)

Trial judge ALEX FERRER found 5 non-statutory mitigators:

Shows great care, love and affection for family and friends
Execution will negatively impact his family
Appropriate courtroom behavior
Assisted police in locating bodies of victims
Life without parole protects society from defendant

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Defendant's name: DAVID MILLER
Sentenced to death on 7/24/98 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial judge L. HALDANE TAYLOR found 10 non-statutory mitigators:

Victim was unconscious and thus did not suffer
Turned himself in to police
Life sentence means no parole
Remorse
Cooperated with police
Emotionally distraught by deaths in his family
Frontal lobe brain deficit
Can adapt to prison
Is loved by his family
Has adjusted well in jail

FSC affirmed on direct appeal and ruled that trial judge should have found "long-term drug and alcohol abuse" as a mitigator.

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Defendant's name: ANDREA JACKSON
Resentenced to death on 8/17/98 in Duval County
(originally sentenced to death 2/10/84; resentenced 2/21/92; resentenced 1/18/96; direct appeal remand on 11/6/97 at 704 So2d 500 cited improper weighing in sentencing order)
Trial Counsel: STEPHEN WEINBAUM (court-appointed)

Trial judge DONALD MORAN found 5 non-statutory mitigators:

- Victim of physical and domestic violence
- Physically and psychologically dependant on alcohol
- Physically and psychologically dependant on drugs
- Under the influence at the time of the offense
- Remorse

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Defendant's name: LEONARDO FRANQUI
 Resentenced to death on 9/18/98 in Dade County
 (originally sentenced to death 10/11/94 and remanded for new sentencing on 7/3/97 at 699 So2d 1332)
 Trial Counsel: ERIC COHEN (court-appointed)

Trial judge ROBERT SCOLA found 4 non-statutory mitigators:

- Positive relationship with his children
- Cooperated with authorities
- Disparate sentences for codefendants
- Has improved himself and his faith while in prison

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Defendant's name: RICARDO GONZALEZ
 Resentenced to death on 9/18/98 in Dade County
 (originally sentenced to death 10/11/94 and remanded for new sentencing on 9/18/97 at 700 So2d 1217)
 Trial Counsel: REEMBERTO DIAZ; BRUCE FLEISCHER (court-appointed)

Trial judge ROBERT SCOLA found 5 non-statutory mitigators:

- Brain damage and psychological problems
- Remorse
- Cooperation with authorities
- Disparate sentences for codefendants
- Good jail conduct and rehabilitation potential

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Defendant's name: LAMAR BROOKS
 Sentenced to death on 9/29/98 in Okaloosa County

Trial Counsel: BARRY BEROSSET (private)

Trial judge JERE TOLTON found 8 non-statutory mitigators:

- Codefendant got life without parole
- Strong family background
- Death of only sibling while in jail pre-trial
- Honorably discharged from U.S. Army
- Has loving relationships with family and friends
- Good jail conduct
- Life without parole is sufficient punishment
- Good courtroom behavior

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Defendant's name: ALEX PAGAN
 Sentenced to death on 10/15/98 in Broward County
 Trial Counsel: DENNIS COLLARAN (court-appointed)

Trial judge SUSAN LEBOW found 7 non-statutory mitigators:

- Childhood deprivation
- Attention deficit disorder
- Borderline personality disorder
- Loving brother to his sister
- Loving son, grandson and great-grandson
- Good conduct while in custody
- Loving friend

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Defendant's name: DARRYL MOODY
 Sentenced to death on 10/20/98 in Polk County
 Trial Counsel: RONALD TOWARD; BYRON HILEMAN (court-appointed)

Trial judge SUSAN WADSWORTH ROBERTS found 5 non-statutory mitigators:

- Life is example to family
- No proof that he initiated shooting
- Others, uncharged, were involved
- Successful drug rehabilitation
- Talented artist

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Defendant's name: CARLTON FRANCIS
Sentenced to death on 11/10/98 in Palm Beach County
Trial Counsel: CRAIG BOUDREAU (court-appointed)

Trial judge EDWARD GARRISON found 6 non-statutory mitigators:

No significant history of violent crime
Mentally ill/emotionally disturbed
Sympathy for victim's family
Has family and friends who care for him
Loving son, brother and father
Ability to conform conduct is impaired

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Defendant's name: EDDIE LEE SEXTON
Sentenced to death on 11/18/98 in Palm Beach County
Trial Counsel: RICK TERRANA; ROBERT FRASER (court-appointed)

Trial judge J. ROGERS PADGETT found 6 non-statutory mitigators:

Kind to children (plays Santa at Christmas)
Pastor of a church
At times, had normal loving relationship with his children
Helped mother and sister with chores and repairs
Father died when 10 years old; deprived of male role model
Codefendant received lesser sentence

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Defendant's name: JUAN CARLOS CHAVEZ
Sentenced to death on 11/23/98
(change of venue from Dade to Orange County)
Trial Counsel: PATRICK NALICK; ART KOCH (public defenders)

Trial judge MARC SCHUMACHER found 6 non-statutory mitigators:

Good relationship with family
Political and economic conditions in Cuba
Good and reliable worker
Positive relationships with others
Good jail and courtroom conduct
No history of violence

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Defendant's name: DONNY LEE CROOK
Sentenced to death on 11/24/98 in Highlands County
Trial Counsel: RONALD TOWARD (court-appointed)

Trial judge J. DAVID LANGFORD found 5 non-statutory mitigators:

Did not flee after offense
Did not resist cooperation with police
Confession showed remorse
Good courtroom behavior
Mercy and compassion could be extended

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Defendant's name: RAYMOND MORRISON
Sentenced to death on 12/18/98 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial judge HENRY DAVIS found 8 non-statutory mitigators:

Cooperative with police
No parole if given life sentence
Good jail conduct
Alcohol and drug problem
Employed
Low intellectual capacity
Helpful to family and neighbors
Adjusted well to incarceration

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Defendant's name: DOLAN CARLTON DARLING (aka SEAN HECTOR SMITH)
Sentenced to death on 12/18/98 in Orange County
Trial Counsel: ROBERT LEBLANC (court-appointed)

Trial judge JOHN H. ADAMS found 12 non-statutory mitigators:

Acceptable trial behavior
IQ of 85
Belief in God
Caring son to his mother

Caring father to his daughter
Abused as a child by alcoholic father
Sends greeting cards to family
Concerned brother
Good employment history
Has the love and support of his family
Unwavering declaration of innocence
Family lives in a foreign country

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Defendant's name: HARRY LEE BUTLER
Sentenced to death on 1/11/99 in Pinellas County
Trial Counsel: BOB DILLINGER (court-appointed)

Trial judge FRANK QUESADA found 4 non-statutory mitigators:

mother murdered when defendant was 8 years old
good and loving son
“well thought of” by neighbors and co-workers
long term substance abuse problem

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Defendant's name: SONNY RAY JEFFRIES
Sentenced to death on 1/22/99 in Orange County
Trial Counsel: WESLEY BLANKNER; LETICIA MARQUEZ (court-appointed)
DEFENDANT WAS PRO SE AT PENALTY PHASE

Trial judge BOB WATTLES found 7 non-statutory mitigators:

Codefendant got 20 years
History of emotional and mental problems
History of drug and alcohol abuse
History of suicide attempts
Life plea offered
Good trial conduct
Confession

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Defendant's name: THOMAS WODEL
Sentenced to death on 1/26/99 in Polk County
Trial Counsel: GIL COLON; ALLEN SMITH (court-appointed)

Trial judge ROBERT PYLE found 7 non-statutory mitigators:

- Physical abuse as a child
- Neglected by mother
- Instability at home
- Parents were deaf/mutes
- Alcohol and drug use
- Willingness to meet with victim's daughter
- Willingness to donate bone marrow

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Defendant's name: LABRANT DENNIS
Sentenced to death on 2/26/99 in Dade County
Trial Counsel: RONALD GURALNICK (private)

Trial judge MANUEL CRESPO found 1 non-statutory mitigator:

- Good courtroom behavior

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Defendant's name: JOHN STEVEN HUGGINS
Sentenced to death on 2/26/99 (change of venue from Orange to Duval County)
Trial Counsel: ROBERT WESLEY; TYRONE KING (court-appointed)

Trial judge BELVIN PERRY found 12 non-statutory mitigators:

- Mission work in Haiti/positive attitude toward people of other races
- Could contribute to prison community
- Abused by father
- Mother was abused by father
- Difficult family separation
- Caring and loving parent
- Active in religious programs
- Contributed money to the church
- Active in a children's ministry
- Served the sick and poor in Haiti
- Served the homeless
- Good trial conduct

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Defendant's name: ALVIN MORTON

Resentenced to death on 3/1/99 in Pasco County

(originally sentenced to death on 3/18/94 and remanded for new sentencing on 3/6/97 at 689 So2d 259)

Trial Counsel: GARY URSO; JOHN SWISHER (court-appointed)

Trial judge ROBERT BEACH found 4 non-statutory mitigators:

- Family background
- Mental problems
- Parental abuse
- Cooperation with authorities & confession

FSC affirmed and said "...for the future we caution resentencing judges against adopting a prior sentencing order or substantial parts thereof from the original sentencing judge."

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Defendant's name: THOMAS OVERTON

Sentenced to death on 3/18/99 in Monroe County

Trial Counsel: JASON SMITH (court-appointed)

DEFENDANT REFUSED TO PRESENT MITIGATION

Trial judge MARK JONES found 2 non-statutory mitigators:

- Will be incarcerated for rest of life
- Good courtroom behavior

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Defendant's name: GERALD MURRAY

Sentenced to death on 3/19/99 in Duval County

Trial Counsel: JANIS WARREN; RICHARD KURITZ (court-appointed)

Trial judge L. HALDANE TAYLOR found 5 non-statutory mitigators:

- Untimely death of wife
- Loving to his girlfriend and her children
- Troubled youth
- Lack of education and little contact with father
- Mental health problems

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Defendant's name: ROBERT RIMMER
Sentenced to death on 3/19/99 in Broward County
Trial Counsel: RICHARD GARFIELD; HALE SCHANTZ (court-appointed)

Trial judge JAMES COHN found 5 non-statutory mitigators:

Difficult upbringing
Excellent employee
Ministered to others
Good father
Mental Illness

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Defendant's name: MARSHALL LEE GORE
Resentenced to death on 4/19/99 in Dade County
(originally sentenced to death on 6/30/95; new trial ordered on 10/1/98 at 719 So2d 1197)
Trial Counsel: ANTHONY GENOVA; GUILLERMO PENA (court-appointed)
*****PRO SE AT PENALTY PHASE*****

Trial judge LESLIE ROTHENBERG found 3 non-statutory mitigators:

Intervened in an altercation between friend's parents
Hearing loss
Migraine headaches

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Defendant's name: CHARLES ANDERSON
Sentenced to death on 4/19/99 in Broward County
Trial Counsel: GEORGE RERAS (public defender)

Trial judge DANIEL TRUE ANDREWS found 13 non-statutory mitigators:

Sexual dementia/ordered into a sex offender program
Confessed to sexual battery of victim during drug addiction counseling
Drug addiction
Comes from good family and has 7 siblings
Good, obedient and helpful child
Helped care for his children
Loves his children
Sends gifts to his children
Is a caring person
5 years service in Coast Guard and honorable discharge

Society would be safe if he served a life sentence
Earned money "playing the market"
Insightful and poetic

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Defendant's name: ROBERT MORRIS
Sentenced to death on 4/30/99 in Polk County
Trial Counsel: REX DIMMIG; HOWARDENE GARRETT (public defender)

Trial judge ROBERT YOUNG found 12 non-statutory mitigators:

Borderline IQ
Learning disabilities
Childhood filled with poverty, abuse and neglect
Had ulcers from extreme stress
Alcohol and drug addiciton problem
Received his high school diploma
Loving relationship with family
Adapts well to incarceration
Can support, encourage and nurture family while in prison
Life sentence is sufficient and appropriate
Superb courtroom demeanor
Cumulative impact of the mitigation

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Defendant's name: MAURICE FLOYD
Sentenced to death on 5/26/99 in Putnam County
Trial Counsel: DOUG WITHEE (public defender)

Trial judge WILLIAM PARSONS found 4 non-statutory mitigators:

Exemplary courtroom demeanor
Assisted counsel by taking notes and communicating
Successfully completed 22 months of his 5 year probation
Concerned about his wife's alcohol use

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Defendant's name: JAMES FORD
Sentenced to death on 6/3/99 in Charlotte County
Trial Counsel: PAUL SULLIVAN; PAUL ALESSANDRONI (private)

Trial judge CYNTHIA ELLIS found 12 non-statutory mitigators:

Devoted son
Loyal friend
Learning disability
Developmental age of 14
Family history of alcoholism
Chronic alcoholism
Has diabetes
Excellent jail record and conduct
Self-improvement in jail
School system failed to intervene re: impairments
Is not sociopathic or psychopathic
Is not antisocial

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Defendant's name: STEVEN EVANS
Sentenced to death on 6/7/99 in Orange County
Trial Counsel: ANDREA BLACK; MARLENE ALVA (court-appointed)

Trial judge JAY PAUL COHEN found 2 non-statutory mitigators:

History of drug and alcohol use and abuse
Family and community relationships

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Defendant's name: PAUL EVANS
Sentenced to death on 6/16/99 in Indian River County
Trial Counsel: DIAMOND LITTY; MARK HARLLEE (public defenders)

Trial judge ROBERT HAWLEY found 12 non-statutory mitigators:

Good jail behavior
Good trial behavior
Difficult childhood
Raised without a father
Broken home
Great childhood trauma
Hyperactivity/Psychological history/Mental hospitalization
Father of two young girls
Believes in God
Will adjust well to prison
Family love

Codefendant's life sentence

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Defendant's name: SAMUEL SMITHERS
Sentenced to death on 6/25/99 in Hillsborough County
Trial Counsel: DANNY HERNANDEZ (court-appointed)

Trial judge WILLIAM FUENTE found 8 non-statutory mitigators:

Good husband and father
Close to siblings
Childhood physical and emotional abuse
Religious devotion
Good jail conduct
Victim's father wants life sentence
Community contributions
Confessed to crimes

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Defendant's name: JEFFREY LEE WEAVER
Sentenced to death on 8/27/99 in Broward County
Trial Counsel: RAAG SINGHAL (court-appointed; penalty phase only; Weaver was pro se at trial)

Trial judge MARK SPEISER found 2 non-statutory mitigators:

Cooperation with police
Adapted to incarceration

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Defendant's name: GARY RAY BOWLES
Sentenced to death on 9/7/99 in Duval County
(originally sentenced to death on 9/6/96; remanded for new sentencing on 8/27/98 at 716 So2d 769)
Trial Counsel: BILL WHITE (public defender)

Trial judge JACK SCHEMER found 8 non-statutory mitigators:

Abusive childhood
Severe abuse endured by his mother
History of alcoholism

Absence of true father figure in home
Lack of education/Failed to finish junior high school
Cooperation with law enforcement
Voluntary plea of guilty
Use of alcohol and drugs at time of offense

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Defendant's name: JOHN CALVIN TAYLOR
Sentenced to death on 10/7/99 in Clay County
Trial Counsel: AL CHIPPERFIELD; PAT MCGUINESS (public defenders)

Trial judge WILLIAM WILKES found 3 non-statutory mitigators:

Dysfunctional family/neglect and abuse
Skilled, reliable and diligent worker
Interest in school quashed by brother & unsupported by family

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Defendant's name: WILLIE SETH CRAIN
Sentenced to death on 11/19/99 in Hillsborough County
Trial Counsel: DANNY HERNANDEZ; CHARLES TRAINA (court-appointed)

Trial judge BARBARA FLEISCHER found 9 non-statutory mitigators:

Impaired mental health exacerbated by drugs and alcohol
Intoxicated at time of offense
History of substance abuse
History of abuse and unstable home life
Educationally deprived (cannot read or write)
Depressed and suicidal prior to offense
Hard worker - ran his own business
Good prison record
Can form loving relationships

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Defendant's name: DANIEL CONAHAN
Sentenced to death on 12/10/99 (Venue change from Charlotte to Collier County for penalty phase)
Trial Counsel: PAUL SULLIVAN; MARK AHLBRAND (court-appointed)

Trial judge WILLIAM BLACKWELL found 4 non-statutory mitigators:

Loyal, devoted and kind to parents
Worked to improve himself in nursing school
Good familial relationships
Hardworking

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Defendant's name: ADAM WILLIAM DAVIS
Sentenced to death on 12/17/99 in Hillsborough County
Trial Counsel: CHARLES TRAINA (court-appointed)

Trial judge CYNTHIA HOLLOWAY found 8 non-statutory mitigators:

On LSD at time of offense
No priors for violence
Father killed when 14 years old
Mother not his biological parent
Situational stress prior to offense
Skilled writer and artist
Has encouraged others to stay in school
Appropriate courtroom behavior

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Defendant's name: ARTHUR BARNHILL
Sentenced to death on 2/11/00 in Seminole County
Trial Counsel: ARTHUR HAFT (public defender)

Trial judge KENNETH LESTER found 8 non-statutory mitigators:

Learning disability
Frontal lobe impairment of the brain
Difficult childhood
Pled guilty
Appropriate courtroom behavior
Suffers from psychiatric disorders
Remorseful
Neglected by mother

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Defendant's name: WYDELL EVANS
Sentenced to death on 2/15/00 in Brevard County

Trial Counsel: KENNETH STUDSTILL (court-appointed)

Trial judge JERE LOBER found 5 non-statutory mitigators:

- Abused and deprived childhood
- Good work habits
- Charitable deeds
- Counseled youth to avoid crime
- Good jail and prison behavior

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Defendant's name: GUERRY WAYNE HERTZ
 Sentenced to death on 2/18/00 in Wakulla County
 Trial Counsel: BOB RAND (court-appointed)

Trial judge N. SANDERS SAULS found 10 non-statutory mitigators:

- Abused and neglected by parents
- Mental capacity somewhat impaired
- Low IQ
- No significant criminal history
- No history of violence
- Not a problem while in jail
- Good behavior at trial
- Remorseful
- Life in prison is harsh enough penalty
- Disparate sentence of codefendant

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Defendant's name: JASON BRICE LOONEY
 Sentenced to death on 2/18/00 in Wakulla County
 Trial Counsel: GREG CUMMINGS (court-appointed)

Trial judge N. SANDERS SAULS found 5 non-statutory mitigators:

- Difficult childhood
- No significant criminal history
- Remorseful
- Life without parole is a possible penalty
- Codefendant received a life sentence

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Defendant's name: RORY CONDE
Sentenced to death on 3/7/00 in Dade County
Trial Counsel: JEFFREY FINK; RAFAEL RODRIGUEZ (court-appointed)

Trial judge JERALD BAGLEY found 6 non-statutory mitigators:

- Family background
- Good employee
- Mental, emotional and marriage problems
- Model inmate who adjusted to jail
- Will be in prison for rest of his life
- Relationship with his children

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Defendant's name: HOWARD AULT
Sentenced to death on 3/13/00 in Broward County
Trial Counsel: KEVIN KULIK; MELODEE SMITH (court-appointed)

Trial judge MARC GOLD found 5 non-statutory mitigators:

- Troubled upbringing
- Victim of sexual and physical abuse
- Physical traumas and organic brain damage
- Pedophilia
- Remorse

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Defendant's name: RAY JOHNSTON
Sentenced to death on 3/13/00 in Hillsborough County
Trial Counsel: LITTMAN & REGISTRATO (public defenders)

Trial judge DIANA ALLEN found 13 non-statutory mitigators:

- remorse
- history of mental illness
- capable of strong, loving relationships
- excels in prison
- could work and contribute in prison
- served in military, honorably discharged
- excelled on parole
- productive after release from prison

turned himself in to police
good courtroom behavior
has tried to behave normally
has support of family
offered to be a kidney donor for wife

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Defendant's name: MICAH LOUIS NELSON
Sentenced to death on 3/17/00 in Polk County
Trial Counsel: ROBERT TROGOLO (public defender)

Trial judge J. MICHAEL HUNTER found 14 non-statutory mitigators:

Appropriate courtroom behavior
Loving relationship with family and friends
Medication could have controlled his mental illness
Life sentence is a possible penalty
Cooperation with police
Deprived childhood
Inappropriate sexual conduct (incest)
Depression and suicide attempt in jail
Diminished educational experience
Rape victim in prison
Low IQ
No prior felony convictions
Never been treated for mental & emotional problems
Offered to plead guilty for life without parole

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Defendant's name: WILLIAM MELVIN WHITE
Sentenced to death on 4/20/00 in Orange County
Trial Counsel: CHANDLER MULLER (court-appointed)

Trial judge MARGARET WALLER found 4 non-statutory mitigators:

Poor family background and deprived childhood
Alcohol and drug abuse at young age & extensive history
Organic brain damage
Low IQ
Intoxication and diminished capacity at time of crime
Willing worker and good employee
Good prison record/potential for rehabilitation
Community contributions

Loving person
Generous to others

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Defendant's name: TIMOTHY LEE HURST
Sentenced to death on 4/26/00 in Escambia County
Trial Counsel: GLENN ARNOLD (court-appointed)

Trial judge JOSEPH Q. TARBUCK found 4 non-statutory mitigators:

Good trial conduct
Contribution to church and neighbors
Regular church attendance and Bible study
Good family member

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Defendant's name: DEMETRIS OMAR THOMAS
Sentenced to death on 5/3/00 in Okaloosa County
Trial Counsel: JAY GONTAREK (court-appointed)

Trial judge G. ROBERT BARRON found 6 non-statutory mitigators:

Mentally retarded
Family history
Good jail behavior
Cooperation with law enforcement
Did not plan to kill the victim
Grew up without mother

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Defendant's name: RONALD BELL
Sentenced to death on 5/15/00 in Okaloosa County
Trial Counsel: JAY GONTAREK (court-appointed)

Trial judge THOMAS REMINGTON found 7 non-statutory mitigators:

Codefendants were not sentenced to death
Good student
Good jail behavior
Loving and supportive family
Active in church activities

Gainfully employed
Loving and supportive church family

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Defendant's name: ROGER HARRIS
Sentenced to death on 6/23/00 in Columbia County
Trial Counsel: BLAIR PAYNE; JAMES TAYLOR; BOB WESLEY (private)

Trial judge E. VERNON DOUGLAS found 11 non-statutory mitigators:

Loving son to mother
Loving brother to sister
Gave financial and emotional assistance to sister
Surrogate father to niece
Does good deeds for others
Excellent work record
Works well under supervision and adverse conditions
Good behavior at trial
Good provider for family
17 years of honorable military service
Decorated military service

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Defendant's name: ANTHONY SPANN
Sentenced to death on 6/23/00 in Martin County
Trial Counsel: ROBERT UDELL; RORY LITTLE (court-appointed)

Trial judge CYNTHIA ANGELOS found 6 non-statutory mitigators:

Age 17 at time of battery conviction
Good son, brother and student
Not the triggerman in this offense
Good jail behavior
Good husband and father
Father was shot to death when Spann was a baby

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Defendant's name: LENARD PHILMORE
Sentenced to death on 7/21/00 in Martin County
Trial Counsel: TOM GARLAND; CHIP BAUER (court-appointed)

Trial judge CYNTHIA ANGELOS found 8 non-statutory mitigators:

- Abusive alcoholic father
- History of extensive drug and alcohol use
- Severe emotional trauma and PTSD
- Was raped and molested at age 7
- Classified in school as severely emotionally handicapped
- Able to form close, loving relationships
- Cooperation with police
- Expressed remorse

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Defendant's name: ALLEN WARD COX
 Sentenced to death on 7/24/00 in Lake County
 Trial Counsel: WILLIAM STONE (public defender)

Trial judge T. MICHAEL JOHNSON found 17 non-statutory mitigators:

- Domestic violence in childhood home
- Mother was cruel and unpredictable
- Corporal punishment and physical abuse
- Father absent, indifferent & failed to protect
- Mother was emotionally unstable and prone to violence
- Forced to haul wood until fainted from exhaustion
- Parents had stormy and unstable marriage
- Has no happy childhood memories
- Abandoned by mother at age 9
- Has loving relationships with family and friends
- Has dysthymic disorder and it is treatable
- Is suicidal
- Organic brain dysfunction
- Is extremely detached and has impaired emotional responses
- Appropriate courtroom conduct
- Functions well in prison
- Is loved by his family

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Defendant's name: SETH PENALVER
 Sentenced to death on 7/27/00 in Broward County
 Trial Counsel: PAT RASTATTER; HILLIARD MOLDOF (court-appointed)

Trial judge BARRY GOLDSTEIN found 3 non-statutory mitigators:

Good attitude and demeanor pre-trial and during trial
Turned himself in after warrant issued
Good deeds and characteristics

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Defendant's name: JONATHAN LAWRENCE
Sentenced to death on 8/15/00 in Santa Rosa County
Trial Counsel: ELTON KILLAM (public defender)

Trial judge KENNETH BELL found 7 non-statutory mitigators:

Caring relationship with family, especially mother
Raised in sick and disturbed home
Remorse
Assisted law enforcement
Pled guilty to all three murders
Offered to testify against codefendant for life without parole
Well-behaved inmate

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Defendant's name: PABLO IBAR
Sentenced to death on 8/28/00 in Broward County
Trial Counsel: BARBARA BRUSH; KAYO MORGAN (court-appointed)

Trial judge DANIEL TRUE ANDREWS found 9 non-statutory mitigators:

Good deeds and loving family member
Good worker
Could be productive in prison if given life sentence
Good friend and brother
Good courtroom behavior
Religious
Has family and friends who care for him
Comes from a good family
Remorse

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Defendant's name: PAUL FITZPATRICK
Sentenced to death on 9/13/00 in Pinellas County
Trial Counsel: FREISEN & MCCLURE (public defenders)

Trial judge LAUREN LAUGHLIN found 6 non-statutory mitigators:

- Cared for disabled brother
- Kindness toward others
- Close to his family
- Capacity for loving relationships
- Friendly, kind and outgoing
- GED in 1982

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Defendant's name: LLOYD DUEST

Resentenced to death on 10/26/00 in Broward County

(Originally sentenced to death on 4/14/83, affirmed on 1/10/85 at 462 So2d 446,
remanded for new sentencing by federal court at 967 F2d 472)

Trial Counsel: CARLOS LLORENTE (court-appointed)

Trial judge SUSAN LEBOW found 12 non-statutory mitigators:

- History of drug and alcohol abuse
- Under the influence of drugs and alcohol at time of crime
- Physically and emotionally abused as a child
- Suffered institutional abuse and corruption
- Trauma and deprivation of love
- Unfavorable treatment and troubled childhood
- Influenced toward crime by peers
- Love and care of family and friends
- Participated in jail programs for self-improvement
- Artistic ability
- Has a terminal illness: lymphoma
- Victim could have been saved if help had arrived in time

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Defendant's name: GLENN OCHA (aka RAVEN RAVEN)

Sentenced to death on 11/1/00 in Osceola County

Trial Counsel: KEN KOMARA (public defender)

Trial judge FRANK KANEY found 14 non-statutory mitigators:

- Good prison conduct in Kentucky
- History of suicidal thinking
- Artistic ability

History of two head injuries
History of alcohol and drug abuse
Learning disabled; special education dropout in 10th grade
Capable of warm caring relationships despite psychological difficulties
Encouraged ex-wife
May suffer from PTSD
Chaotic and violent childhood
Remorse
Intoxicated at time of offense
Psychiatrically disturbed
Hard worker

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Defendant's name: JEREMIAH RODGERS
Sentenced to death on 11/21/00 in Santa Rosa County
Trial Counsel: DENISE LEBEOUF (court-appointed)

Trial judge PAUL RASMUSSEN found 10 non-statutory mitigators:

Sexual abuse
Physical abuse
Abandonment
Drug and alcohol abuse by parents
Family history of suicide
Incarcerated at age 16 and sexually abused in prison
Mental illness, including self-mutilation & attempted suicide
Potential for positive impact on prison population
Remorse
Cooperated with law enforcement

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Defendant's name: J.B. PARKER
Resentenced to death on 12/13/00 (venue changed from Martin to Lake County)
(originally sentenced to death on 1/11/83 and affirmed on 8/22/85 at 476 So2d 134; Trial
court grants new sentencing which is affirmed on 9/4/98 at 721 So2d 1147)
Trial Counsel: DAVID LAMOS (court-appointed)

Trial judge DWIGHT GEIGER found 13 non-statutory mitigators:

Cooperation with law enforcement
Abused/deprived childhood (hunger and poverty)
Followership
Good behavior in prison

Does well in a structured environment
Appropriate trial behavior
Ability to establish and maintain a friendship
Used alcohol at the time of the offense
Good athlete in school
Slow learner in school and was teased by peers
Left school to support family/was not violent or cruel but kind and helpful and he protected his family
Treated teachers with respect/was not aggressive as a child
Inconsistent evidence presented by state re: codefendant as the triggerman

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Defendant's name: NORMAN GRIM
Sentenced to death on 12/21/00 in Santa Rosa County
Trial Counsel: RICHARD TERRY HILL (court-appointed)

Trial judge KENNETH BELL found 3 non-statutory mitigators:

Great stress due to marital problems
Model inmate in jail and prison
First incarcerated at a young age

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Defendant's name: FRED ANDERSON
Sentenced to death on 1/11/01 in Lake County
Trial Counsel: CLINT DOUD; BILL STONE (public defenders)

Trial judge G. RICHARD SINGELTARY found 6 non-statutory mitigators:

Remorse
Cooperation with law enforcement
Employment history
Potential for rehabilitation/Can be productive in prison
Appropriate courtroom demeanor
Willingness to plead

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Defendant's name: JOEL DIAZ
Sentenced to death on 1/29/01 in Lee County
Trial Counsel: JAMES FRANKLIN PORTER (court-appointed)

Trial judge THOMAS REESE found 2 non-statutory mitigators:

- Remorse
- Family history of violence

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Defendant's name: JEFFREY HUTCHINSON
 Sentenced to death on 2/6/01 in Okaloosa County
 Trial Counsel: STEPHEN & KIMBERLY COBB (court-appointed)

Trial judge G. ROBERT BARRON found 20 non-statutory mitigators:

- Valued security officer at a hospital
- Decorated military veteran of the Gulf War
- Served 8 years in the U.S. Army and was honorably discharged
- Supports 15 yr old son financially and emotionally
- Potential for rehabilitation and productivity in prison
- Has Gulf War Illness
- Has Attention Deficit Disorder
- Has never abused illegal drugs
- Provided financial and emotional support to family
- Has shown compassion, kindness and love for others
- High School graduate
- Active in educating others about Gulf War Illness
- History of employment
- Religious
- Has moral support from family
- Accomplished motorcycle mechanic
- Designed mechanical improvements & seeking patents
- 911 tape shows distress
- Has moral support of friends
- Use of alcohol at time of offense

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Defendant's name: LUIS CABALLERO
 Sentenced to death on 2/15/01 in Broward County
 Trial Counsel: PEDRO ONTOLS; DEBBIE CARPENTER (court-appointed)

Trial judge SUSAN LEBOW found 5 non-statutory mitigators:

- Has partial hearing loss
- Learning disabilities

Loving father to his children
Loving son and brother
Has successfully completed self-improvement programs in jail

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Defendant's name: HENRY GARY THORNTON
Sentenced to death on 2/15/01 in Dade County
Trial Counsel: G.P. DELLA-FERA; CLINTON PITTS (court-appointed)

Trial judge VICTORIA PLATZER found 5 non-statutory mitigators:

Dull-normal IQ
Learning disabilities
Emotional handicaps
Deprived childhood & poor upbringing
Witness to domestic violence

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Defendant's name: WILLIE BRIAN MILLER
Sentenced to death on 3/9/01 in Clay County
(originally sentenced to death on 4/28/95, remanded for resentencing on 7/16/98 at 713 So2d 1008)
Trial Counsel: REFIK ELER (court-appointed)

Trial judge WILLIAM WILKES found 9 non-statutory mitigators:

Codefendant received a life sentence
Father was absent from home
Mild retardation and IQ of 64
Cognitive brain disorder
Twin brother was murdered by mother and all children in family subjected to aggravated child abuse
No prior prison disciplinary problems
Loved by his family
Severely dysfunctional family
Completed the 7th grade

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Defendant's name: RICHARD LYNCH
Sentenced to death on 4/3/01 in Seminole County
Trial Counsel: JAMES FIGGATT; TIMOTHY CAUDILL (public defenders)

Trial judge O.H. EATON found 8 non-statutory mitigators:

Mental Illness
Abused by father
History of alcohol abuse
Has adjusted well to incarceration
Gainfully employed most of the time
Cooperated with police
Good father to his children
Remorse

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Defendant's name: JAMES BELCHER
Sentenced to death on 05/17/01 in Duval County
Trial Counsel: LEWIS BUZZELL (public defender)

Trial judge PETER DEARING found 15 non-statutory mitigators:

Considerate, generous and concerned about his family
Loves and is loved by his family
Has discouraged other family members not to engage in criminal behavior
Has done many kind things for family members
Despite his personal problems, has encouraged his cousins to do well
Relatives think of him as mentor and role model of integrity
Maintains contact with family and provides advice and counsel when required
Raised in high crime area in New York and was unable to resist temptation of crime
Sent to an adult prison at an early age and it affected his development
Has never abused alcohol or drugs
Shows concern for, tutors, coaches, advises and counsels younger inmates
Life sentence would allow him to continue to assist other inmates
Has not been a discipline problem in prison or jail
Displayed proper behavior during trial
Displayed remorse and concern for own family and family of victim

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Defendant's name: JOHN BLACKWELDER
Sentenced to death on 08/06/01 in Columbia County
Trial Counsel: VIC AFRICANO & TINA JOHNSON (court-appointed)

Trial judge E. VERNON DOUGLAS found 2 non-statutory mitigators:

Dysfunctional relationship with his parents
Sexually molested at military school

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Defendant's name: JAMIL RASHID
Sentenced to death on 08/09/01 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge PETER DEARING found 19 non-statutory mitigators:

Abusive childhood
Emotionally deprived childhood
Economically deprived childhood
Mother had abusive relationships with men
Unstable living conditions during childhood
Parents' divorce when defendant was only 10 and it devastated him
Poor and inadequate medical care, particularly when he had a high fever
Caring son to his mother
Good relationship with his father and caring brother to his two sisters
Caring parent to his 2 sons
Did poorly in school as a child
Did not receive psychological counseling recommended by school
Has never been violent or abusive to family and friends
Is a Muslim
Successful in his job as a welder
Performed laudable humanitarian deeds
Good trial behavior
Did well on conditional release for 11 months before this murder
Will die in prison regardless of which sentence is imposed

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Defendant's name: LAWRENCE JOEY SMITH
Sentenced to death on 8/17/01 in Pasco County
Trial Counsel: ROBBINS & HERNANDEZ (court-appointed)

Trial judge MAYNARD SWANSON found 5 non-statutory mitigators:

lost father at an early age
emotional distress due to brother's health
has the love and support of his family
good student until his father died
long history of drug abuse

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Defendant's name: RAY JOHNSTON
Sentenced to death on 8/22/01 in Hillsborough County
Trial Counsel: HARVEY HYMAN & JOHN SKYE (public defenders)

Trial judge REX MARTIN BARBAS found 12 non-statutory mitigators:

- long history of mental illness
- affectionate to family
- excels in prison
- can work and contribute in prison
- honorable discharge from Air Force
- got Certificate of Recognition from Secretary of Defense
- excelled on parole
- productive after release from prison
- turned himself in to police
- appropriate courtroom behavior
- has support of his family
- family loves him

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Defendant's name: THOMAS THIBAUT
Sentenced to death on 8/31/01 in Palm Beach County
Trial Counsel: JOHN GARCIA (court appointed)

Trial judge MARVIN MOUNTS found 1 non-statutory mitigator:

- accepted responsibility for crime and testified against co-defendant

FSC remanded for new sentencing due to defective waiver of jury at penalty phase

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Defendant's name: CHARLES GLOBE
Sentenced to death on 10/11/01 in Columbia County
Trial Counsel: M. PAYNE BLAIR (court-appointed)

Trial judge E. VERNON DOUGLAS found 11 non-statutory mitigators:

- mother abused him
- good friend to other inmates

anti-social personality disorder
confessed to crime
history of substance abuse from an early age
good deeds for inmate Perkins
mother still loves him
good courtroom behavior
helpful to minister and family
capacity to form relationships
father berated him and kicked him out

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Defendant's name: KENNETH DESSAURE
Sentenced to death on 10/26/01 in Pinellas County
Trial Counsel: SCHWARTZBERG & WATTS (court-appointed)

Trial judge BRANDT DOWNEY found 4 non-statutory mitigators:

is a caring parent
dysfunctional family background
capacity to form personal relationships
proper courtroom behavior

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Defendant's name: MICHAEL FITZPATRICK
Sentenced to death on 11/02/01 in Pasco County
Trial Counsel: WILLIAM EBLE (court-appointed)

Trial judge MAYNARD SWANSON found 9 non-statutory mitigators:

good and loving family
good employee
history of alcoholism
honorable discharge from military
attempted suicide and mental problems
good surrogate father to girlfriend's children
remorse
is NOT a sex-starved maniac preying on troubled women
is a friendly, warm and considerate person

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Defendant's name: ROSSINY ST. CLAIR

Sentenced to death on 12/17/01 in Dade County
Trial Counsel: WEISSENBORN & ROSENTHAL (court-appointed)

Trial judge LEONARD GLICK found 11 non-statutory mitigators:

- no significant criminal history
- important to his family
- lacked guidance in his formative years
- never had a father/son relationship
- immigrant background
- will adapt well to prison
- appropriate courtroom behavior
- conflict re: who was the triggerman
- jury rec was 7 -5
- did well when he lived in Haiti
- did not flee

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Defendant's name: OSCAR BOLIN
Sentenced to death on 12/28/01 in Pasco County
Trial Counsel: JOHN SWISHER (court-appointed)

Trial judge CRAIG VILLANTI found 10 non-statutory mitigators:

- difficult childhood
- limited education
- sexual abuse
- stress of his wife's health and pregnancy
- respectful during trial
- saved person from drowning
- gainfully employed
- history of alcohol and drug abuse
- brain damage and mental illness
- suicide attempts

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Defendant's name: FAUNCE PEARCE
Sentenced to death on 2/14/02 in Pasco County
Trial Counsel: A.J. IVIE & MARK WARE (court-appointed)
DEFENDANT REFUSED TO PERMIT MITIGATION TO BE PRESENTED

Trial judge MAYNARD SWANSON nevertheless found 1 non-statutory mitigator:

good jail conduct

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Defendant's name: JOHN CHAMBERLAIN
Sentenced to death on 5/10/02 in Palm Beach County
Trial Counsel: GREGG LERMEN (court-appointed)

Trial judge MARVIN MOUNTS found 2 non-statutory mitigators:

abused by cousins and neglected by parents
good, obedient and conscientious employee

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Defendant's name: PEDRO HERNANDEZ-ALBERTO
Sentenced to death on 5/28/02 in Hillsborough County
Trial Counsel: DANIEL HERNANDEZ (court-appointed)

Trial judge CHET THARPE found 9 non-statutory mitigators:

suffers from brain injury
lost mother at early age
alcoholic father beat him frequently
neighbor/guardian beat and mistreated him
auxiliary police officer
loving relationships in his youth
extreme poverty in childhood
confession
borderline IQ

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Defendant's name: DAVID SNELGROVE
Sentenced to death on 6/13/02 in Flagler County
Trial Counsel: LARRY HENDERSON (public defender)

Trial judge KIM HAMMOND found 12 non-statutory mitigators:

long history of drug addiction
attempts to obtain treatment for his drug addiction
presence of cocaine in bloodstream at time of murder
history of gainful employment
capacity to form loving relationships with family

show of emotion in regard to remorse for crimes
educational level
abnormal brain function
learning disability
low intelligence
lost both parents in last 5 years
no previous violent offenses in criminal history

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Defendant's name: LUTHER DOUGLAS
Sentenced to death on 6/13/02 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial judge HENRY DAVIS found 16 non-statutory mitigators:

has close-knit, religious family
has family support
abused by father
father abused mother
he and his siblings feared their father
father arrested for child abuse
father sexually abused his sister
sexual abuse devastated the family
is interested in the bible
is helpful to his stepfather
has learning disabilities
only went to the 7th grade
got his GED
can be rehabilitated
can be a productive inmate
appropriate trial behavior

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Defendant's name: LUCIOUS BOYD
Sentenced to death on 6/21/02 in Broward County
Trial Counsel: WILLIAM LASWELL & J. ONGLEY (public defenders)

Trial judge RONALD ROTHCHILD found 5 non-statutory mitigators:

is religious
good jail record
family and friends who care for him

came from a good family
expressed remorse

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Defendant's name: WILLIAM CODAY
Sentenced to death on 7/26/02 in Broward County
Trial Counsel: GEORGE RERES (public defenders)

Trial judge ALFRED HOROWITZ found 12 non-statutory mitigators:

medication helps him cope with stress and mental illness
voluntarily return to the US and surrendered
cooperated with police
confessed
consented to search and confiscation of evidence
good employment history
health problems affected his social development
unlikely that he is a danger to others in prison
life sentence would protect society from him
German language skills could assist the needy
is a voracious reader and has helped inmates to learn to read
remorse

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Defendant's name: JOHN HUGGINS
Sentenced to death on 9/19/02 in Hillsborough County (venue change from Orange)
Trial Counsel: BOB WESLEY (public defender)

Trial judge BELVIN PERRY found 13 non-statutory mitigators:

troubled early life, bad marriages, alcohol abuse & missionary work in Haiti
positive attitude toward persons of other races
could contribute to prison community
abused by father
witnessed violence toward mother
endured difficult family separation
is a caring and loving parent
active participant in religious functions
contributed money to the church
active in the "Love a Child" ministry
served the sick and poor in Haiti
served the homeless
good trial conduct

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Defendant's name: PAUL EVERETT
Sentenced to death on 1/9/03 in Bay County
Trial Counsel: WALTER SMITH (public defender)

Trial judge DON SIRMONS found 8 statutory mitigators:

under the influence of a "substance" during the offense
no history of violent criminal activity
family background
history of drug abuse
remorse
good jail conduct
ineligibility of parole if he gets a life sentence
confessed to crime

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Defendant's name: DONNY CROOK
Sentenced to death on 2/18/03 in Highlands County
Trial Counsel: RONALD TOWARD (court-appointed)

Trial judge J. DAVID LANGFORD found 13 non-statutory mitigators:

low psychological and emotional age
family loves him
impaired education
unstable homelife / poor parents
abject poverty
drug abuse
family trauma
cared for by older brothers, who were troubled themselves, while his mother prostituted
herself in Mexican bars
no significant history of violent crime
did not flee
cooperated with police
remorseful during taped confession
good courtroom behavior

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Defendant's name: MICHAEL SEIBERT

Sentenced to death on 3/24/03 in Dade County
Trial Counsel: RICHARD HOULIHAN (court-appointed)

Trial judge STANFORD BLAKE found 6 non-statutory mitigators:

will probably be non-violent in prison
adoption and family background
psychological history
history of substance abuse
good friend
appropriate courtroom behavior

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Defendant's name: MICHAEL TANZI
Sentenced to death on 4/11/03 in Monroe County
Trial Counsel: NANCY ROSSELL (public defender)

Trial judge RICHARD G. PAYNE found 9 non-statutory mitigators:

narcissistic personality disorder, conduct disorder and anti-social personality disorder
institutionalization as a youth
behavior improves with psychotropic drugs
lost his father to cancer at age 8
sexually abused by older males
tried to join military twice
cooperated with police
good deeds
family loves him

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Defendant's name: JAMES WINKLES
Sentenced to death on 4/14/03 in Pinellas County
Trial Counsel: HERNANDEZ & BRUNVAND (court-appointed)

Trial judge RICHARD LUCE found 7 non-statutory mitigators:

cooperation with law enforcement
life sentences will result in his death in prison
guilty plea resulted in waiver of appellate issues
spared the state trial costs
confessions gave family "closure"
positive prison conduct

honorable discharge from military

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Defendant's name: JOHN BALLARD
Sentenced to death on 5/23/03 in Collier County
Trial Counsel: MICHAEL ORLANDO (public defender)

Trial judge LAUREN MILLER found 24 non-statutory mitigators:

father was an alcoholic
father suffered from mental illness
exposed to parents' alcoholism as a child
no stable father figure
deprived of a nurturing mother
deprived of his only real nurturing parent at age 6
subjected to severe punishments as a child
forced to witness severe punishments of his siblings
forced to witness incidents of domestic abuse
subjected to neglect
never provided with regular medical care
never provided with regular dental care
learning disabilities
limited education
hearing loss
supplies emotional support to his children
good father and nurturing parent to his children
emotional support to his wife
loves his wife and children
loving son to his mother
provides emotional support to mother
hard worker and solid provider
loyal supportive friend
has often helped others in need

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Defendant's name: GERALD MURRAY
Resentenced to death on 6/23/03 in Duval County
Trial Counsel: RICHARD KURITZ (court-appointed)

Trial judge CHARLES W. ARNOLD found 5 non-statutory mitigators:

untimely death of his wife
loving and good with children

troubled youth
lack of education and little contact with father
mental health problems

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Defendant's name: DANIEL ELY PEREZ
Sentenced to death on 7/21/03 in St. Lucie County
Trial Counsel: MARK HARLLEE and RUSTY AKINS (public defenders)

Trial judge BURTON CONNOR found 14 non-statutory mitigators:

unstable upbringing and family history
sexually abused as child
is a loving father, husband, son and brother and his family loves him
long term mental health problems, multiple placements in mental health facilities and
family history of mental health problems
gainfully employed at time of offense
sent to an adult prison as a juvenile
suffered drug addiction for many years starting in adolescence
boy scout who received merit awards
GED while in prison
jury did not find him guilty of premeditated murder
the cold, calculated and premeditated aggravator does not apply in this case
cooperative with law enforcement
good attitude and conduct during trial
death penalty will have severe impact on defendant's family

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Defendant's name: MICHAEL GORDON REYNOLDS
Sentenced to death on 9/19/03 in Seminole County
Trial Counsel: STEVEN LAWRENCE (court-appointed)

Trial judge KENNETH LESTER found 4 non-statutory mitigators:

gainfully employed at the time of the offense
appropriate courtroom conduct
cooperation with law enforcement
had a difficult childhood

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Defendant's name: RANDY SCHOENWETTER

Sentenced to death on 12/5/03 in Brevard County
Trial Counsel: RANDY MOORE and GEORGE MCCARTHY (public defenders)

Trial judge JOHN M. GRIESBAUM found 8 non-statutory mitigators:

- accepts responsibility
- bullied by peers
- gainfully employed (found but no weight given?)
- no danger to society if life sentence is imposed
- impaired social interaction
- sexual preoccupation
- close family relations (found but no weight given?)
- physical abuse by mother's boyfriend

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Defendant's name: ERIC SIMMONS
Sentenced to death on 12/11/03 in Lake County
Trial Counsel: JEFFERY PFISTER (private counsel)

Trial judge T. MICHAEL JOHNSON found 8 non-statutory mitigators:

- good courtroom behavior
- was kind to victim
- loves and cares for animals
- active in his church
- good family background
- was employed
- learning disability
- immaturity

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Defendant's name: NATHAN RAMIREZ
Sentenced to death on 12/11/03 in Pasco County (originally sentenced on 11/8/96)
Trial Judge: DANIEL DISKEY
Trial Counsel: D. KEITH HAMMOND ignored repeated requests for copy of sentencing memo

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Defendant's name: JOHN TROY
Sentenced to death on 1/23/04 in Sarasota County
Trial Counsel: ADAM TEBRUGGE (public defender)

Trial Judge LEE HAYWORTH found 15 non-statutory mitigators:

dysfunctional family
defendant has positive characteristics
molested as a teenager
severe substance abuse
history of mental and emotional problems
adjusted well to prison, good jail conduct, good courtroom conduct
cooperated with police and offered to plead guilty
sentence of life without parole would permit defendant to be productive
difficulty adjusting after long prison sentence
father of 3 children
in prior offenses, defendant has cooperated with police and confessed
intelligent, obtained GED and writes lots of letter
has shown he has legal skills and has potential for rehabilitation
life sentence would allow defendant to assist inmates and officers
has expressed remorse

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Defendant's name: JOHN MICHAEL BUZIA
Sentenced to death on 3/11/04 in Seminole County
Trial Counsel: TIM CAUDILL (public defenders)

Trial judge KENNETH LESTER found 7 non-statutory mitigators:

mental or emotional disturbance
impaired capacity
gainfully employed
appropriate courtroom conduct
cooperation with law enforcement
difficult childhood
remorse

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Defendant's name: RONNIE KEITH WILLIAMS
Resentenced to death on 4/16/04 in Broward County (originally sentenced on 11/15/96)
Trial Counsel: BRUCE RATICOFF (court-appointed)

Trial Judge SHELDON SCHAPIRO found 5 non-statutory mitigators:

model jail inmate
attended religious services
deprived childhood

loving person and good brother
bullied in school

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Defendant's name: THEODORE RODGERS
Sentenced to death on 6/16/04 in Orange County
Trial Counsel: Rowana Williams and Junior Barrett (public defenders)

Trial Judge BELVIN PERRY found 6 non-statutory mitigators:

impoverished background
mild mental retardation
abandoned by father
educational deficiency
generosity and kindness to others
love and support from family

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Defendant's name: RICHARD ENGLAND
Sentenced to death on 7/23/04 in Volusia County
Trial Counsel: GERALD KEATING (court-appointed)

Trial Judge S. JAMES FOXMAN found 3 non-statutory mitigators:

good worker
difficult family life
good to his girlfriend

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Defendant's name: RICHARD ALLEN JOHNSON
Sentenced to death on 8/9/04 in St. Lucie County
Trial Counsel: ROBERT STONE (court-appointed)

Trial Judge BURTON C. CONNOR found 8 non-statutory mitigators:

frequent physical and verbal abuse by father
history of drug and alcohol abuse
sexual abuse by uncle, brother and cousin
slow learner (but given no weight!?)
has shown kindness to others

family loves him
acceptable courtroom behavior
will adjust well to prison

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Defendant's name: QUAWN FRANKLIN
Sentenced to death on 6/3/04 in Lake County
Trial Counsel: MARK NACKE (public defender)

Trial Judge MARK J. HILL found 9 non-statutory mitigators:

deficient early upbringing
twice sent to an adult prison when a teenager
cooperative with law enforcement
confessed and took responsibility for offense
offered to plea guilty for life without parole
apologized and showed remorse
entered pleas in related cases
no one voluntarily appeared to testify for him at the penalty phase
co-defendant got 35 years

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Defendant's name: CHRISTOPHER JONES
Sentenced to death on 9/1/04 in Okeechobee County
Trial Counsel: MARK HARLLEE (public defender)

Trial Judge DAN L. VAUGHN found 6 non-statutory mitigators:

cooperation with law enforcement
broken home
death of grandmother had adverse effect on defendant
had potential and did well before grandmother's death
lack of sophistication
good trial conduct

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Defendant's name: WILLIAM KENNETH TAYLOR
Sentenced to death on 9/29/04 in Hillsborough County
Trial Counsel: DEB GOINS AND JOHN SKYE (public defenders)

Trial Judge BARBARA FLEISCHER found 12 non-statutory mitigators:

some mental and emotional disturbance
psychological trauma due to abuse
psychological trauma due to deprivation
stepfather gave defendant no real affection or support
learning disabilities and social interaction problems
got GED in prison
tried to recover from drug addiction and failed
good and dependable worker
cooperated with police
history of substance abuse
under influence of alcohol at time of the offense
appropriate courtroom conduct

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Defendant's name: ROBERT SHANNON WALKER
Sentenced to death on 12/13/04 in Brevard County
Trial Counsel: KENNETH STUDSTILL (court-appointed)

Trial Judge CHARLES HOLCOMB found 4 non-statutory mitigators:

drug use, bipolar condition and sleep deprivation at time of offense
co-defendant did not get the death penalty
gave confession to police
letter to the court was remorseful

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Defendant's name: EDDIE JUNIOR BIGHAM
Sentenced to death on 1/11/05 in t. Lucie County
Trial Counsel: MARK HARLLEE (public defender)

Trial Judge C.P. TROWBRIDGE found 16 non-statutory mitigators:

good jail and prison adjustment
looking out for and saving others
capacity to conform conduct is somewhat impaired/low IQ/anxiety disorder
bad area of Ft. Lauderdale made it hard to adjust outside prison
childhood problems due to family difficulties
positive relationship with step-father and good deeds
medical problems and violent injuries
repressed, but not anti-social
no formal schooling after age 14 but got his GED

participation in prison programs
no significant history of drug and alcohol abuse
starting working at age 12 / limited employment history
entered prison at age 19
cooperated with police and good trial conduct
age 47 at the time of offense
served too much time in prison for second degree murder

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Defendant's name: ROY LEE MCDUFFIE
Sentenced to death on 3/15/05 in Volusia County
Trial Counsel: GERARD KEATING and ROBERT SANDERS (court-appointed)

Trial Judge S. JAMES FOXMAN found 7 non-statutory mitigators:

good family man
coached little league football
good friend to Anthony Wiggins
strong religious beliefs and activities
expressed sympathy and empathy to victim's husband
got his GED while awaiting trial
did not misbehave during trial

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Defendant's name: COREY SMITH
Sentenced to death on 3/17/05 in Dade County
Trial Counsel: CARL MASZTAL (court-appointed)

Trial Judge SCOTT M. BERNSTEIN found 8 non-statutory mitigators:

no prior history of criminal activity
born and raised in a crime-infested neighborhood
raised in a gang-controlled community
good family man
good behavior during trial
exposed to chronic violence growing up
graduated from high school
never intended to kill Angel Wilson

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Defendant's name: WILLIAM MICHAEL KOPSHO

Sentenced to death on 4/8/05 in Marion County (venue change to Sumter)
Trial Counsel: WILLIAM MILLER (public defender)

Trial Judge DAVID B. EDDY found 12 non-statutory mitigators:

murder committed while under the influence of mental and emotional disturbance
confessed and cooperated
did not flee; assisted in own arrest
did not try to harm bystanders
remorseful
abandoned by mother at age 16
sent to juvenile facility at age 16 and housed with violent offenders
good father
good brother
society can be protected with sentence of life without parole
good employee
good jail and prison behavior

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Defendant's name: HAROLD ALBERT KNIGHT
Sentenced to death on 5/13/05 in Polk County
Trial Counsel: GIL COLON (court-appointed)

Trial Judge ROGER ALCOTT found 7 non-statutory mitigators:

good courtroom behavior
good son and loving relationship with family
remorseful
cooperated with authorities
co-defendant got life sentence
no violent history before his prior which was only 2 weeks before this offense
has adjusted to incarceration and society would be protected if he got life without parole

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Defendant's name: DAVID SYLVESTER FRANCIS
Sentenced to death on 5/13/05 in Orange County
Trial Counsel: JERRY HOOPER (public defender)

Trial Judge JOHN ADAMS found 7 non-statutory mitigators:

model inmate with good demeanor
polite, quiet and reserved

pathologically dependent on brother and thus pulled into his aggressive and violent lifestyle

abandoned by mother after birth
reared in poverty by grandmother
no positive male role model
brother was dominant force in murders and he got life because he was 15 years old

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Defendant's name: ANDREW MICHAEL GOSCIMINSKI
Sentenced to death on 6/7/05 in St. Lucie County
Trial Counsel: MARK HARLLEE and JOHN UNRUH (public defenders)

Trial Judge BURTON CONNOR found 14 non-statutory mitigators:

normal upbringing - was not disruptive or delinquent
served in US Air Force and was honorably discharged
good work history, especially in health care
positive adjustment to incarceration
history does not indicate future dangerousness
life sentence means he'd never be paroled
orthopedic knee injuries
difficulty coping with the loss of his father
no criminal history before age 44
pulled driver from a burning truck in Tampa
has personality disorders
good behavior during trial
effect of his execution on his elderly mother
cumulative effect of all mitigation

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Defendant's name: GERALD HOJAN
Sentenced to death on 8/2/05 in Broward County
Trial Counsel: JOHN CATRONE and MITCHELL POLAY (court-appointed)
(Defendant WAIVED PENALTY PHASE; HILLIARD MOLDOF appointed as "independent counsel" to present mitigation)

Trial Judge PAUL BACKMAN found 2 non-statutory mitigators:

good son, parent and provider
good jail behavior

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Defendant's name: CHRISTOPHER OFFORD
Sentenced to death on 8/3/05 in Bay County
Trial Counsel: WALTER SMITH (public defender)

Trial Judge DEDEE COSTELLO found 2 non-statutory mitigators:

marital discord
drug and alcohol abuse

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Defendant's name: MARK ANTHONY POOLE
Sentenced to death on 8/25/05 in Polk County
Trial Counsel: HOWARD DIMMIG and JULIA JESTER (public defenders)

Trial Judge J. DALE DURRANCE found 14 non-statutory mitigators:

borderline IQ
head injury that caused mental dementia
age and mental deficiency and lack of serious criminal history
dropped out of school due to low IQ
death of family friend led to drug use
sought help for drug problem
alcohol abuse problem
drug use problem
not anti-social and not psychopathic
has a 7 year old son
strong work ethic
close relationship with family
religious
murder and rape were impulsive acts, not premeditated

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Defendant's name: TAVARES WRIGHT
Sentenced to death on 10/12/05 in Polk County
Trial Counsel: BYRON HILEMAN and DAVID CARMICHAEL (court-appointed)

Trial Judge DICK PRINCE found 9 non-statutory mitigators:

emotional deprivation in Defendant's upbringing
low IQ affects judgment and perception
neurological impairments affect impulse control and reasoning
low self-esteem
lacks capacity to maintain health relationships

learning disability causes frustration
lacks mature coping skills
appropriate courtroom conduct
suffered from substance abuse problems

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Defendant's name: JESSE GUARDADO
Sentenced to death on 10/13/05 in Walton County
Trial Counsel: JOHN JAY GONTAREK (court-appointed)

Trial Judge KELVIN WELLS found 19 non-statutory mitigators:

pled guilty without asking for a deal
accepts responsibility for this offense
is not a psychopath and would not be a danger to inmates or officers if given life
could work as a plumber in prison if given life sentence
cooperated with law enforcement
good jail record
great deal of remorse
suffers from crack cocaine addiction which led him to criminal actions
good family and support system
would try to counsel other inmates if given life sentence
crib death of sibling caused a major life trauma
sexually molested by neighbor as a child
long history of substance abuse
biological father died before defendant formed any lasting memories
raised by mother and step-father; discord during teen years was over substance abuse
emotional duress during the time of the offense
no mental illness or major emotional disorder
offered to release personal property to girlfriend
previously contributed to state as a plumber for the prison

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Defendant's name: THOMAS WILLIAM RIGTERINK
Sentenced to death on 10/14/05 in Polk County
Trial Counsel: BYRON P. HILEMAN (court-appointed)

Trial judge J. DALE DURRANCE found 11 non-statutory mitigators:

drug use
reputation as a kind and peaceful person
gave love and respect to grandmother

desire to help other inmates
religious commitment
helps turtles cross the street
has supportive family
capable of kindness
one class away from college degree
sympathy for the victim's family
appropriate courtroom conduct

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Defendant's name: THOMAS EUGENE BEVEL
Sentenced to death on 10/21/05 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial Judge LAWRENCE P. HADDOCK found 6 non-statutory mitigators:

is religious and his family loves him
confessed
good jail conduct
behaved appropriately in court
IQ of 65
struggled with loss of mother at age 12

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Defendant's name: PINKNEY "CHIP" CARTER
Sentenced to death on 12/22/05 in Duval County
Trial Counsel: BILL WHITE and ALAN CHIPPERFIELD

Trial Judge LANCE DAY found 17 non-statutory mitigators:

raised in broken home, impoverished, yet successful student and adult
above-average achiever in high school, junior college and college
president of service organization in college
distinguished military service in US Air Force
good employment record
good son to his parents
good brother to his siblings
rescued child from drowning
loyal friend to many
close to his nephew
worked as a roofer in KY after the offense
potential to be a productive inmate

support of family and friends
society can be protected by life sentence
offered to plead guilty, never appeal and never to seek clemency in exchange for life
without parole
resisted father's racist beliefs
prior relationship with victim and victim's children

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Defendant's name: CHARLES PETERSON
Sentenced to death on 1/6/06 in Pinellas County
Trial Counsel: RICHARD WATTS (court-appointed)

Trial Judge LINDA R. ALLEN found 6 non-statutory mitigators:

emotionally immature
low IQ
limited mental impairment
positive father figure to niece
consistent employment
good jail record

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Defendant's name: WILLIAM DEPARVINE
Sentenced to death on 1/9/06 in Hillsborough County
Trial Counsel: JOHN SKYE and SAMANTHA WARD (public defenders)

Trial Judge J. ROGERS PADGETT found 4 non-statutory mitigators:

serious emotional deprivation as a child due to family dysfunction
difficulty forming close relationships
worked hard to put himself through college and law school
was a true family man whose children grieve for his current predicament

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Defendant's name: RYAN THOMAS GREEN
Sentenced to death on 1/11/06 in Escambia County
Trial Counsel: EARL LOVELESS and CHRIS ROSS (public defenders)
Trial Judge JOHN KUDER found 3 non-statutory mitigators:

untreated mental illness
drug abuse problems were the result of mental illness

good conduct since arrest

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Defendant's name: WILLIE HENRY NOWELL
Sentenced to death on 1/31/06 in Brevard County
Trial Counsel: ERNIE CHANG and KEVIN MAWN (court-appointed)

Trial Judge TONYA RAINWATER found 15 non-statutory mitigators:

alcohol and drug problem
capacity for rehabilitation
voluntarily surrendered to police
good son and good friend
victim of neglect; placed in foster care
victim of sexual abuse and assault
good employee
never received psychiatric treatment
good trial conduct
will adjust well to prison
good jail conduct
involved in religious activities as a child
has family and friends who love him
raised in neighborhood rife with drug activities and shootings
society can be protected with a life sentence

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Defendant's name: ANTHONY WAYNE WELCH
Sentenced to death on 3/7/06 in Brevard County
Trial Counsel: MARK LANNING and GEORGE MCCARTHY

Trial Judge TONYA RAINWATER found 9 non-statutory mitigators:

alcohol and drug abuse
suicides of brother and uncle greatly affected Mr. Welch
post-traumatic stress disorder
bipolar disorder
no psychological treatment prior to offense
abnormal brain scan
suffers from dissociative symptoms
mental and emotional age of 15 years
pled guilty

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Defendant's name: JOSPEH PETER SMITH
Sentenced to death on 3/15/06 in Sarasota County
Trial Counsel: ADAM TEBRUGGE, CAROLYN DASILVA, and STEVE SCHAEFFER
(public defenders)

Trial Judge ANDREW OWENS found 13 non-statutory mitigators:

- history of mental illness
- history of drug abuse
- severe pain from back injuries contributed to addiction
- sought help for problems
- repeatedly denied treatment or received inadequate help
- has many positive qualities
- provided information that helped resolve the case
- family assisted law enforcement
- demonstrated spiritual growth
- maintained gainful employment
- kind and loving father to 3 daughters
- remorseful
- amenable to rehabilitation and productive life in prison

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Defendant's name: RUSSELL HUDSON
Sentenced to death on 3/17/06 in Broward County
Trial Counsel: EVAN BARON and MITCHELL POLAY (court-appointed)

Trial Judge PAUL BACKMAN found 12 non-statutory mitigators:

- abandoned by mother at age 2
- suffered abuse as child
- history of drug abuse
- not allowed contact with siblings
- victim of sexual abuse
- can adapt to prison life
- good employee who excelled at his work
- cares for others
- has established positive relationships
- good trial conduct
- could teach computer skills to inmates
- under influence of cocaine during offense

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Defendant's name: DWIGHT THOMAS EAGLIN
Sentenced to death on 3/31/06 in Charlotte County
Trial Counsel: DOUGLAS WITHEE and NEIL MCLAUGHLIN (public defenders)

Although Mr. Eaglin waived mitigation re: his childhood and his history of mental illness,
Trial Judge WILLIAM BLACKWELL found 2 non-statutory mitigators:

severely abusive childhood and severely dysfunctional family
negligent operation of prison (no weight given)

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Defendant's name: GABBY TENNIS
Sentenced to death on 4/6/06 in Broward County
Trial Counsel: PATRICK RASTATTER (court-appointed)

Trial Judge SUSAN LEBOW found 4 non-statutory mitigators:

severe learning disability and low IQ
deprived childhood due to unique culture (family considered themselves Gypsies)
his family loves him
remorse

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Defendant's name: NEIL KURT SALAZAR
Sentenced to death on 5/30/06 in Okeechobee County
Trial Counsel: RUSSELL AKINS (court-appointed)

Trial Judge SHERWOOD BAUER found 6 non-statutory mitigators:

Salazar was not the shooter
broken home
raised in poverty in third world country
good relationship with family
good student
good trial conduct

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Defendant's name: RICARDO IGNACIO GILL
Sentenced to death on 6/30/06 in Union County

Trial Counsel: PRO SE; BILL SALMON and JOHN STOKES (stand-by counsel)

Trial Judge ROBERT CATES found 1 non-statutory mitigator:

brain anomaly may cause uncontrollable fits of rage and violence

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Defendant's name: CLEMENTE JAVIER AGUIRRE-JARQUIN

Sentenced to death on 6/30/06 in Seminole County

Trial Counsel: TIMOTHY CAUDILL and JAMES FIGGATT (public defenders)

Trial Judge O.H. EATON found 5 non-statutory mitigators:

long-term problem with substance abuse
raised in dysfunctional family
physically abused as a child
poor performance in school
brain damage

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Defendant's name: JOHN MOSLEY

Sentenced to death on 6/30/06 in Duval County

Trial Counsel: RICHARD KURITZ and QUENTIN TILL (court-appointed)

Trial Judge MICHAEL WEATHERBY found 26 non-statutory mitigators:

raised in stable and loving family
above-average high school student
witnessed physical and sexual abuse at young age
love and support of wife and family
good parent to 3 children (no weight given)
good and respectful son to mother and grandmother
good friend to many
good jail conduct
potential to be productive inmate
good worker, steadily employed
patriotism led to joining US Naval Reserves
served in US Naval Reserves
EMC certificate from Junior College
volunteer worker for tenant advisory council
diploma certificate from State Fire Marshal
certified nursing assistant

mentor to teens
has never killed before; this crime was an aberrant act
mentally abused as child
active in boy scouts as a child
trained in law enforcement
coached youth in sports
active volunteer fireman at two stations
active member of the PTA
has encouraged youth to stay in school
good trial conduct

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Defendant's name: WILLIAM FRANK DAVIS
Sentenced to death on 8/15/06 in Duval County
Trial Counsel: LEWIS BUZZELL and WAFFA HANANIA (public defenders)

Trial Judge LANCE M. DAY found 26 non-statutory mitigators:

defendant himself led to the discovery of the victims
remorse
attended Job Corps and won awards
good worker, reliable and trustworthy
could be a productive worker in prison
loved by family and friends
these crimes completely out of character for defendant
loving son, cousin and nephew
dysfunctional extended family
ADHD
learning disability
borderline personality disorder
organic frontal lobe brain damage
cognitive and memory deficits
borderline IQ
could not finish high school or pass the GED
employed and financially independent
good trial conduct
good pre-trial conduct
devoted to Christian principles
will function well in prison system
if not sentenced to death, will spend the rest of his life in prison
society can be protected with a life sentence
support of family and friends
defendant is troubled by these murders

physical and emotional abuse as a child

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Defendant's name: STEPHEN VINCENT SMITH
Sentenced to death on 8/18/06 in Charlotte County
Trial Counsel: PAUL SULLIVAN (court-appointed)

Trial Judge WILLIAM BLACKWELL found 3 non-statutory mitigators:

dysfunctional family background
mental/emotional health issues
remorse

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Defendant's name: JERONE HUNTER
Sentenced to death on 9/21/06 in Volusia County
Trial Counsel: ED MILLS and FRANK BANKOWITZ (court-appointed)

Trial Judge BILL PARSONS found 3 non-statutory mitigators:

immature
good jail conduct
good trial conduct

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Defendant's name: TROY MIGUEL VICTORINO
Sentenced to death on 9/21/06 in Volusia County (venue change to St. Johns)
Trial Counsel: MICHAEL NIELSON and JAMES DOWDY (court-appointed)

Trial Judge BILL PARSON found 9 non-statutory mitigators:

history of mental illness, brain damage and psychiatric hospitalizations
physically, sexually and emotionally abused as a child
devoted son, brother, uncle and friend
has demonstrated acts of kindness
good trial conduct
good jail conduct and participation in jail programs
good student who won awards
alcohol abuse problem
skilled in auto collision repair

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Defendant's name: JASON LEE WHEELER
Sentenced to death on 10/23/06 in Lake County
Trial Counsel: WILLIAM GROSSENBACHER (public defender)

Trial Judge T. MICHAEL JOHNSON found 11 non-statutory mitigators:

good courtroom conduct
good family background
loving and devoted father to his 2 children
did well in elementary and middle school
public service work
has good friends
hard worker
remorse
paralyzed due to these crimes
drug and alcohol abuse
stress from volatile relationship with girlfriend, loss of job and hurricane damage to his house

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Defendant's name: MICHAEL ALBERT HERNANDEZ
Sentenced to death on 3/22/07 in Santa Rosa County
Trial Counsel: TED STOKES and MICHAEL ROLLO (court-appointed)

Trial Judge RON SWANSON found 23 non-statutory mitigators:

dysfunctional, neglectful and impoverished childhood
no family home; no regular schooling
both parents sold and abused drugs
exposure to drugs from time he was a toddler
mother's many boyfriends were mentally, physically and emotionally abusive to her and the defendant
witness to mother's physical abuse
abandoned by mother on many occasions
father died of drug overdose
severely abused in foster care
ran away from foster care
abused drugs and lived on the streets
half-brother and his father exposed defendant to drugs
special education classes
married and supported his family for 2 years

loving father, husband and person
life-long drug addiction
hangover on day of offense due to heavy drinking the night before
turned himself in to police
remorse
cooperation with police
suicide attempt
several mental and cognitive disorders
big-hearted and good influence on family

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Defendant's name: RICHARD ANDREW KNIGHT
Sentenced to death on 3/28/07 in Broward County
Trial Counsel: SAM HALPERN and EVAN BARON (court-appointed)

Trial Judge EILEEN O'CONNOR found 8 non-statutory mitigators:

good upbringing
continues to express love and compassion for family
excelled in art in high school
admired by children and highly regarded by adults in his neighborhood in Jamaica
good work ethic
had part-time job at time of offense
good courtroom conduct
capable of loving relationships with family and friends

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Defendant's name: RAY JONATHAN JACKSON
Sentenced to death on 6/21/07 in Volusia County
Trial Counsel: GERARD KEATING and PHILIP BONAMO

Trial Judge R. MICHAEL HUTCHESON found 12 non-statutory mitigators:

severely neglected and abandoned as a child
very abusive childhood
serious mental health issues; psychiatric hospitalization as a child
good with children
has loving support of family
good son, brother, father and husband
has children who need his love and support
employed and provided for his family
close ties with neighbors

caring child and adult; tried to help others
good courtroom conduct
life sentence means he will die in prison

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