

**1 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

\* \* \* \* \*

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."

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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."

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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."

\* \* \* \* \*

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.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

"[E]motional 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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: LARRY MANN

Resentenced to death on 01/14/83 in Pinellas County

(originally death sentenced on 3/26/81, remanded for resentencing on 9/02/82 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.

\* \* \* \* \*

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)

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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.

\* \* \* \* \*

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.

\* \* \* \* \*

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

\* \* \* \* \*

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.

\* \* \* \* \*

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)

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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."

\* \* \* \* \*

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

\* \* \* \* \*

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."

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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"

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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."

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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 rained 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."

\* \* \* \* \*

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

\* \* \* \* \*

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..."

\* \* \* \* \*

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"

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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:

"... [W]as 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:

"... [P]oor 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

\* \* \* \* \*

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

\* \* \* \* \*

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 NORGARD / 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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: CHADWICK WILLACY  
Sentenced to death on 12/10/91 in Brevard County  
Trial Counsel: KURT ERLNBACH (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"

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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..."

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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 addictions

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: EDWARD ZAKRZEWSKI  
Sentenced to death on 4/19/96 in Okaloosa 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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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; resentenced 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

\* \* \* \* \*

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)

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

1988 No offense except petit theft since his release on parole in 1987 and prison release in

- 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

\* \* \* \* \*

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

\* \* \* \* \*

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)

\* \* \* \* \*

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)

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: LAMAR BROOKS  
Sentenced to death on 9/29/98 in Okaloosa County  
Trial Counsel: BARRY BEROSET (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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: THOMAS WOODEL  
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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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."

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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 addiction 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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: JOHN CALVIN TAYLOR  
Sentenced to death on 10/7/99 in Clay County  
Trial Counsel: AL CHIPPERFIELD; PAT MCGUINNESS (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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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 7<sup>th</sup> grade  
got his GED  
can be rehabilitated

can be a productive inmate  
appropriate trial behavior

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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)

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Defendant's name: SIMPSON, JASON  
Sentenced to death on 3/29/2007 in Duval County  
Trial Counsel: REFIK ELER & CHARLES FLETCHER (court-appointed)

Trial judge CHARLES W. ARNOLD found 18 non-statutory mitigators:

- The deaths were relatively swift
- Cooperation with law enforcement in a drug case
- Cooperation with law enforcement in a grand theft and home invasion case
- Abused and deprived childhood/exposed to violence in the home
- Exposed to alcoholism in family
- Unstable home environment
- Absence of role model
- Addiction to drugs and drug abuse
- Completed substance abuse classes with River Region
- Charitable and humanitarian deeds
- Personal Accomplishments: GED/Harry Lundederg School/FCCJ
- Artistic talent
- Defendant was a good and respectful son to his parents and grandparents
- Defendant has friends and family that love him
- Society can be protected by a sentence of life imprisonment
- Defendant's religious faith
- Defendant's good courtroom behavior
- Defendant's suicide attempts

\* \* \* \* \*

Defendant's name: BAILEY, ROBERT J.  
Sentenced to death on 4/11/2007 in Bay County  
Trial Counsel: JOHN JAY GONTAREK and MICHAEL A. FLOWERS (court-appointed)

Trial judge MICHAEL C. OVERSTREET found 8 non-statutory mitigators:

- Defendant had low I.Q.
- Defendant has a history of mental health problems (ADHD; Oppositional Deficit Disorder; Hyperactivity)
- Spent time in a juvenile facility in Wisconsin – was a troubled youth.
- Evidence of intoxication by alcohol and marijuana at the time of the crime
- Defendant came from broken home – parents divorced; had lifelong substance abuse problems; little financial assistance and little employment history
- Defendant was a poor student as a child but was nonetheless continually promoted with failing grades and a diagnosis of ADHD at age 11

Defendant showed concern for the victim when he was arrested, though this evidence linked him directly to the crime

Defendant was respectful to the court and all attorneys and bailiffs during all of his court appearances and trial and has adjusted well to incarceration

\* \* \* \* \*

Defendant's name: STEVEN DOUGLAS HAYWARD  
Sentenced to death on 6/1/07 in St. Lucie County  
Trial Counsel: ROBERT UDELL and JEROME STONE (court-appointed)

Trial Judge JAMES W. MCCANN found 8 non-statutory mitigators:

life without parole is mitigating  
defendant was deprived of a father role model during his childhood  
defendant was a loved member of his family  
had academic problems in school  
earned his GED in prison  
satisfactory adjustment to prison  
was stressed at the time of the offense  
substantial capacity for rehabilitation

\* \* \* \* \*

Defendant's name: VICTOR CARABALLO  
Sentenced to death on 6/7/07 in Dade County  
Trial Counsel: GARY ROSENBERG (court-appointed)

Trial Judge WILLIAM THOMAS found 3 non-statutory mitigators:

Deprived and abusive childhood  
Lack of prior criminal history  
Defendant was not the shooter and his role was relatively minor

Trial Judge WILLIAM THOMAS refused to find the non-statutory mitigator that the Defendant suffers from psychosis and other mental disorders because he found the statutory mitigator (b) – that the Defendant was under the influence of extreme mental and emotional disturbance at the time of the offense and gave it great weight.

\* \* \* \* \*

Defendant's name: HERMAN LENARD LINDSEY  
Sentenced to death on 6/19/07 in Broward County

Trial Counsel: CHRISTOPHER POLE & TOM CAZEL (court-appointed)

Trial Judge EILEEN O'CONNOR found 9 non-statutory mitigators:

Tumultuous childhood, lacked support and guidance from parents  
Childhood physical abuse  
Good and loving father to 6 children  
Defendant has shown compassion and generosity to family, friends and neighbors  
Obtained his GED in prison  
Good prison behavior, no discipline problems  
Defendant has matured and become more responsible since the offense  
Can be rehabilitated; average IQ; no learning disabilities; not a psychopath  
Appropriate conduct during trial

\* \* \* \* \*

Defendant's name: RAY JONATHAN JACKSON  
Sentenced to death on 6/21/07 in Volusia County  
Trial Counsel: GERARD KEATING and PHILIP BONAMO (court-appointed)

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

\* \* \* \* \*

Defendant's name: NELSON SERRANO  
Sentenced to death on 6/26/07 in Polk County  
Trial Counsel: BOB NORGDARD and CHENEY MASON (Public Defenders)

Trial Judge SUSAN W. ROBERTS found 13 non-statutory mitigators:

Good school performance

Good social history  
No history of alcohol or drug abuse  
Successful Hispanic immigrant  
Positive behavior during pretrial incarceration  
Positive behavior during court appearances  
Remorse  
Good employment history  
Good husband  
Good father  
Positive religious involvement  
Significant history of good works  
Significant stressors at time of the incident

\* \* \* \* \*

Defendant's name: TWILEGAR, MARK  
Sentenced to death on 8/14/2007 in LEE County  
Trial Counsel: NEIL MCLOUGHLIN (Public Defender)

Trial judge JAMES R. THOMPSON found 4 non-statutory mitigators:

Defendant had a disadvantaged and dysfunctional family background and childhood  
Defendant had very limited formal education (seventh grade)  
Defendant abused drugs when he was a teenager  
Alternative punishment to death is life imprisonment without parole

\* \* \* \* \*

Defendant's name: COUEY, JOHN E.  
Sentenced to death on 8/24/2007 in Citrus County  
Trial Counsel: DAN LEWAN (Public Defender)

Trial judge RICHARD A. HOWARD found 14 non-statutory mitigators:

Has been a non-violent prisoner and poses no threat of harm to staff or inmates if given a life sentence  
Born prematurely to a mother who was 16  
Born with a birth defect  
Was abandoned by his mother and given to various family members to be cared for  
Father was an abusive alcoholic  
History of drug abuse  
Behaved appropriately during trial  
Suffers from a learning disability  
Physically, mentally, and emotionally abused as a child

Had a speech impediment as a child  
Cooperated with law enforcement and led law enforcement to the victim's location  
Sought treatment as a mentally disordered sex offender while in the DOC in 1991 and  
it was never provided  
Adapts well to a controlled environment; well behaved inmate while case pending  
Suffers from mental illness

\* \* \* \* \*

Defendant's name: OMAR LOUREIRO  
Sentenced to death on 8/24/2007 in Broward County  
Trial Counsel: MICHAEL TENZER and GAWANE GRANT (court-appointed)

Trial judge ANA I. GARDINER found 9 non-statutory mitigators:

Rehabilitation potential  
Defendant's behavior at trial was acceptable  
Positive adult relationship with his two children  
Good son  
Brain damage  
Would die in prison without a death sentence  
Family members love him and would come visit him if he was sentenced to life in prison  
Intoxication at time of murder  
Remorse or repentance

\* \* \* \* \*

Defendant's name: MICHAEL JACKSON  
Sentenced to death on 8/29/2007 in Duval County  
Trial Counsel: RICHARD KURITZ (court-appointed)

Trial judge MICHAEL WEATHERBY found 7 non-statutory mitigators:

Amenable to rehabilitation and a productive life in prison  
Born to a substance abuser  
Birth mother and father disappeared when Defendant was an infant  
Raised by his grandmother  
Was a problem child during elementary school  
Was unruly and prescribed Ritalin  
Prior criminal record, though extensive, contains no acts of violence

\* \* \* \* \*

Defendant's name: ALWIN TUMBLIN  
Sentenced to death on 9/25/2007 in St. Lucie County  
Trial Counsel: RUSSELL AKINS and JEFFREY SMITH (court-appointed)

Trial judge JAMES W. McCANN found 21 non-statutory mitigators:

- Did not intend to kill the victim
- Under the influence at the time the crime was committed
- Had a dysfunctional family
- Raised in a poor, abusive environment in which he had to be the role model
- Deprived of a father role model during his childhood
- Raised in an environment characterized by parental abuse of alcohol and marijuana, domestic abuse, and physical and assaultive abusive behavior among siblings
- Has borderline intellectual functioning;
- Suffers from cognitive disorder
- Is suicidal
- Suffers from brain damage
- Diagnosed with disorder characterized by impulsivity;
- Compromised by the lack of diagnosis and treatment for his mental problems
- Undiagnosed bi-polar disorder
- Capable of and has good relationships with family members and others
- Is a loving and loved member of his family
- Maintains contact and gives support to his daughters
- Provided emotional and financial support and guidance to his girlfriend's daughters
- Was well behaved during trial and court proceedings
- Society is protected by life without parole
- His execution would have great negative effect upon the lives of his two children and a brother with a mental illness
- Was experiencing considerable stress at the time of the offenses

\* \* \* \* \*

Defendant's name: NORMAN BLAKE MCKENZIE  
Sentenced to death on 10/19/2007 in St. Johns County  
DEFENDANT REPRESENTED HIMSELF AND OFFERED NO MITIGATING EVIDENCE  
Trial Counsel: JAMES VALERINO and VAL QUETTI (stand-by counsel)

Trial judge WENDY BERGER found 7 non-statutory mitigators:

- Suffers from an addiction to cocaine
- Suffered abuse as a child
- Good courtroom behavior
- Expressed remorse
- Cooperated with police

Good employment background  
Currently serving life sentence

\* \* \* \* \*

Defendant's name: ROSS, BLAINE  
Sentenced to death on 11/16/2007 in Manatee County  
Trial Counsel: ADAM TEBRUGGE (Public Defender)

Trial judge EDWARD NICHOLAS found 7 non-statutory mitigators:

- Has a long history of severe substance abuse
- Has a long history of mental and emotional problems
- Adjusts well to a structured environment and has behaved well in the Manatee County Jail and in the courtroom during the pendency of this case
- Has many positive characteristics
- Confessed and cooperated with law enforcement
- Has expressed remorse
- Has formed loving and positive relationships with others

\* \* \* \* \*

Defendant's name: CHARLES G. BRANT  
Sentenced to death on 11/30/2007 in Hillsborough County  
Trial Counsel: RICK TERRANA (court-appointed)

Trial judge WILLIAM FUENTE found 18 non-statutory mitigators:

- No significant history of prior criminal activity
- Was emotionally, mentally, and physically abused by his stepfather
- Has diminished intellectual function
- Has diminished impulse control due to drug dependency, and as a result, his capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired
- Has a diagnosed sexual obsessive disorder
- Was 39 years old at the time of the crime and had led a crime-free life
- Is remorseful and expressed his remorse when initially interviewed, and has expressed his remorse to other persons since his arrest
- Cooperated with law enforcement officers, admitted to the crimes, pled guilty to all crimes, and waived his right to a jury penalty recommendation
- Has borderline verbal intelligence
- Has family history of mental illness
- Is not a sociopath or psychopath and does not have an antisocial personality disorder

Has diminished impulse control and is not able to make sound decisions because of his methamphetamine abuse and exhibits periods of psychosis  
Has recognized his drug dependence and has sought help  
Used methamphetamine before, during, and after the murder and other crimes  
Is diagnosed with chemical dependence, sexual obsessive disorder, and has symptoms of ADD.  
Is a good father. He encourages his sons to do well and expresses interest in their welfare. His children responded favorably to him during trial.  
Is a good worker and craftsman  
Has a reputation of being a non-violent person

\* \* \* \* \*

Defendant's name: DERRICK MCLEAN  
Sentenced to death on 11/30/2007 in Orange County  
Trial Counsel: PATRICIA A. CASHMAN and WILLIAM MCCLELLAN (court-appointed)

Trial judge JULIE H. O'KANE found 12 non-statutory mitigators:

Substance abuse issues  
Family issues: family dysfunction, family history of mental illness, defendant's relationship with family members, and family living conditions  
Brain injury  
Poor high school grades  
Victim of racial bias  
Athlete in high school  
Acted properly during court proceedings  
Society can be protected with a life sentence  
Has the emotional age of a young teen  
Supported his girlfriend and her son  
Had no positive role models during his formative years  
Could be a productive worker in prison

\* \* \* \* \*

Defendant's name: JAMES PHILLIP BARNES  
Sentenced to death on 12/13/2007 in Brevard County  
Trial Counsel: J. RANDALL MOORE (Public Defender)

Trial judge LISA DAVIDSON found 10 non-statutory mitigators:

Came forward and revealed his involvement in the unsolved crime  
Took responsibility for his acts  
Under the influence of mental or emotional disturbance

Prolonged drug abuse  
Did not have the benefit of a loving relationship with his mother  
Did not have the benefit of a loving relationship with his father  
Sexually abused as a child  
Due to aging, Defendant is a diminishing threat  
Has taken steps to improve himself  
Is a functional and capable person who can contribute to society

\* \* \* \* \*

Defendant's name: PAUL DUROUSSEAU  
Sentenced to death on 12/13/2007 in Duval County  
Trial Counsel: ANN FINNELL (Public Defender)

Trial judge JACK M. SCHEMER found 17 non-statutory mitigators:

Was raised in a broken home  
Was raised without the benefit of his natural father and lost the love and support of his stepfather at an early age  
Grew up in poverty and came from a deprived background  
Was raised in a very violent neighborhood and was exposed to violence and the threat of violence to his person on a daily basis  
Personally witnessed his stepfather physically abuse his mother  
Was disciplined by being beaten as a child  
His normal social development was retarded by his family's frequent moves, by his mother's restriction of a social circle to primarily family and friends, and by his physical appearance  
Has worked continuously through his adult life  
Enlisted and served in the U.S. army for approximately six years  
Has supported his two children and was a loving and caring father  
Has been a loving and respectful son to his mother and cared for her during several periods of illness and incapacitation  
Has been a good brother to his siblings and other family members, helping to care and watch over his cousins  
Saved his cousin's and brother's life.  
Has the support of family and friends who continue to love him  
Has alcohol abuse issues on both his mother and father's side of the family. Despite this, he has never abused either alcohol or illegal drugs  
Society can be protected by a life sentence without parole  
Exhibited good behavior at all proceedings including trial

\* \* \* \* \*

Defendant's name: LIONEL MILLER  
Sentenced to death on 2/1/2008 in Orange County  
Trial Counsel: LARRY HENDERSON (Public Defender)

Trial judge BELVIN PERRY, JR. found 2 non-statutory mitigators:

Defendant suffers from antisocial personality disorder  
Defendant has a history of abusing chemicals/drugs

\* \* \* \* \*

Defendant's name: TODD ZOMMER  
Sentenced to death on 2/22/2008 in Osceola County  
Trial Counsel: TRISH CASHMAN (court-appointed)

Trial judge JON B. MORGAN found 10 non-statutory mitigators:

Defendant had a deprived childhood and dysfunctional family  
Defendant's history of drug abuse/dependence  
Defendant can be productive while incarcerated  
Defendant exhibited good conduct while incarcerated  
Society can be protected by a life sentence  
Defendant accepted responsibility for his actions at trial  
Mental factors that do not rise to the level of extreme mental or emotional disturbance:  
antisocial personality disorder; ADD; lack of impulse control; hyperactivity; anxiety; adjustment  
disorder; depression; and borderline personality disorder  
Protective of mother and younger brother  
Defendant had educational difficulties yet obtained a GED  
Defendant sought counseling and made a phone call to a counselor before the incident

\* \* \* \* \*

Defendant's name: ALLEN WADE  
Sentenced to death on 3/4/2008 in Duval County  
Trial Counsel: FRANK TASSONE and REFIK ELER (court-appointed)

Trial judge MICHAEL R. WEATHERBY found 20 non-statutory mitigators:

Grew up without a father from age 8 on  
Raised by an absentee mother  
Raised in a negative family setting  
Difficulty in school  
Lacked emotional maturity  
No parental guidance

Drug problems  
Difficult childhood; acted out in response to instability in is life  
Mental health issues throughout his youth  
Throw out of the house at age 16 due to fights with his mother  
Has been a model prisoner since his arrest  
Desire to help others  
Has made a change for the better while in jail  
Not known to be violent; only one minor disciplinary review since in jail  
Exhibits positive personality traits  
Has the love, affection and support of family and friends  
Good behavior during trial  
Potential for rehabilitation  
Willingness to help others means he can contribute to society  
Would be a model inmate whose life would have purpose in prison

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Defendant's name: TIFFANY ANN COLE  
Sentenced to death on 3/6/2008 in Duval County  
Trial Counsel: QUENTIN T. TILL (court-appointed)

Trial judge MICHAEL R. WEATHERBY found 10 non-statutory mitigators:

Minimal involvement in criminal activity  
Lacks self-confidence, low self-esteem, has felt inadequate  
Model prisoner  
Family history  
Substance abuse  
Good employment history  
Friendly, helpful, good with animals and children  
Is concerned for others  
Expressed remorse  
Potential for rehabilitation

\* \* \* \* \*

Defendant's name: JAMES DANIEL TURNER  
Sentenced to death on 4/24/2008 in St. Johns County  
Trial Counsel: JAMES VALERINO (Public Defender)

Trial judge WENDY W. BERGER found 13 non-statutory mitigators:

Loving and caring brother  
Loving and caring step-father

Loving and caring husband  
Abandoned at times by his mother  
Verbally abused by his mother  
Physically abused by his father  
Uncles gave him drugs and alcohol at a young age  
Cognitive development impaired due to childhood drug and alcohol use  
Chronic drug and alcohol problems  
Under the influence of crack cocaine at the time of the offense  
Hard worker, skilled in carpentry  
Good trustee at the county jail prior to 9/28/05 when he escaped  
Appropriate courtroom behavior

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Defendant's name: RENALDO DEVON MCGIRTH  
Sentenced to death on 5/5/2008 in Marion County  
Trial Counsel: CANDACE HAWTHORNE and BRENDA H. SMITH (court-appointed)

Trial judge BRIAN D. LAMBERT found 18 non-statutory mitigators:

Close bond among siblings  
Financially poor family  
Abusive home  
Neglected by custodial parent  
Substance abuse  
Intermittent exposure to positive role models  
Defendant is a follower, not a leader  
Defendant has a moderate IQ  
Defendant has been diagnosed with a conduct disorder  
Defendant has been diagnosed with anti-social personality disorder  
Lifetime exposure to the criminal justice system  
Defendant had a strong religious background  
Defendant manifested good courtroom behavior  
Defendant acted under the influence and domination of another  
Defendant suffered significant family losses  
Defendant can benefit from a structured environment  
Depravation of relationship with his father impacted defendant significantly  
Defendant should be given mercy

\* \* \* \* \*

Defendant's name: DANE ABDOOL  
Sentenced to death on 5/12/2008 in Orange County  
Trial Counsel: TRISH CASHMAN and KELLY SIMS (privately retained)

Trial judge LISA T. MUNYON found 44 non-statutory mitigators:

Voluntarily spoke with law enforcement  
Ultimately took responsibility for his actions  
Biological Father an alcoholic  
Biological Father a gambler  
Hyperactivity  
Developmental Delay  
In Trinidad, repeated 3<sup>rd</sup> Grade  
Effect of parent's divorce  
Influence of move to the U.S. at young age  
Estranged from biological father  
Intellectually dull  
Not placed in special education classes  
Arrested development of social skills  
Emotionally underage  
Islets of ability  
Effect of having to repeat the 9<sup>th</sup> Grade  
Free from prejudice  
Unable to successfully complete classes necessary to sit for GED  
Good student in welding  
Shortly after automobile accident in 2004, was Baker-acted for suicidal ideation  
Family tension resulted in D moving in with his uncle temporarily  
Suffers from OCD symptoms  
Has features of Borderline Personality Disorder  
Has grandiose delusions  
Suffers from impulse control disorder  
Has communication disorder features  
Good soccer player  
ADD  
Learning disabilities  
Low self-esteem  
Poor student  
Has love and support of family  
Taunted by other kids for being held back in school  
Suffered from depression  
Dropped out of high school  
Good relationship with siblings  
Unable to function independent of family  
Suffers from anxiety separation disorder  
Victim of racial bias  
Feelings of inadequacy when compared to younger brother  
Failed to pass FCAT

Responsible, trusted employee  
Model inmate  
Good behavior at trial

\* \* \* \* \*

Defendant's name: KIRK DOUGLAS WILLIAMS  
Sentenced to death on 5/13/2008 in Walton County  
Trial Counsel: MICHAEL FLOWERS (court-appointed)

Trial judge KELVIN C. WELLS found 9 non-statutory mitigators:

- Defendant has a history as a polysubstance abuser
- Defendant was on a cocaine binge at the time of the murder
- Defendant participated in an outpatient substance abuse program approximately 10-12 months prior to the instant offense
- Defendant had a very chaotic and unstable childhood. He was constantly relocated and moved back and forth between his mother and aunt due to his mother's troubled life and the abuse he suffered from his stepfather
- Defendant's psychological testing shows he would not likely cause any violence in a controlled population such as prison
- Defendant's psychological testing shows he is not a psychopath
- Defendant has neuropsychological impairment which may be classified as alcohol fetal affects syndrome
- Defendant had a good relationship with his aunt and cousins, exhibited a caring and loving attitude for his children and desires to maintain and foster a good father-child relationship during his time of imprisonment
- Defendant was a kind, courteous, and gentle friend and hard worker for his employer

\* \* \* \* \*

Defendant's name: KHALID PASHA  
Sentenced to death on 5/30/2008 in Hillsborough County  
Trial Counsel: ROBERT FRASER and NICK J. SINARDI (court-appointed)

Trial judge WILLIAM FUENTE found 7 non-statutory mitigators:

- Defendant was a good parent
- Defendant has an antisocial personality disorder
- Defendant was a good worker
- Defendant did not have a drug or alcohol problem
- Defendant faithfully practices his religion
- Defendant has led a life of being polite, quiet, non-violent, religious and respectful
- Defendant is a positive influence on other prisoners

\* \* \* \* \*

Defendant's name: DONALD LENNETH BANKS  
Sentenced to death on 8/15/2008 in Duval County  
Trial Counsel: REFIK W. ELER and MICHAEL EDWARDS (court-appointed)

Trial judge HUGH A. CARITHERS found 5 non-statutory mitigators:

Low IQ  
Has a deficit in his brain – frontal lobe  
Has anti-social personality traits  
Was not the only participant in the murder  
Had a difficult youth

\* \* \* \* \*

Defendant's name: GALANTE PHILLIPS  
Sentenced to death on 9/19/2008 in Duval County  
Trial Counsel: FRANCIS JEROME SHEA (court-appointed)

Trial judge MALLORY D. COOPER found 25 non-statutory mitigators:

Defendant experienced frequent moves and changes in homes and schools as a child  
Defendant suffered from childhood mental illness  
Defendant suffered from adult mental illness  
Defendant suffered from childhood learning disabilities  
Defendant's childhood ADD drug, Ritalin, was not administered or taken as prescribed  
Defendant's birth was difficult and it took a while to get him to breathe  
Defendant was raised in drug and crime-infested neighborhoods  
Defendant was raised by a mentally ill mother  
Defendant did not have a stable father figure  
Defendant was openly disfavored as a child  
Defendant was deprived of food and clothing as a child  
Defendant suffered physical abuse as a child  
Defendant suffered mental abuse as a child  
Defendant suffered the loss of his grandmother, the only adult who loved him as a child  
Defendant was raised in poverty  
Defendant suffered a devastating on-the-job injury  
Defendant is reverent  
Defendant is trustworthy with family members  
Defendant is supportive of family members  
Defendant is protective of family members  
Defendant respects and helps elderly persons

Defendant is kind to animals  
Defendant respects the jury and the judicial system  
Defendant is friendly  
Defendant is remorseful

\* \* \* \* \*

Defendant's name: HARREL BRADDY  
Sentenced to death on 10/15/2008 in Dade County  
Trial Counsel: JIMMY FERA (court-appointed)

Trial judge LEONARD GLICK found 8 non-statutory mitigators:

Prison record and rehabilitation potential  
Life imprisonment alternative  
Appropriate behavior at trial  
Relationship with his friends and his contributions to them  
Family background after marriage and positive relationships with wife and children  
Impact of execution on family and friends  
Family background and positive relationships with his parents and brothers  
Church activities and dedication to Christian principles

\* \* \* \* \*

Defendant's name: ROY BALLARD  
Sentenced to death on 10/20/2008 in Polk County  
Trial Counsel: BYRON P. HILEMAN (court-appointed)

Trial judge DONALD G. JACOBSEN found 17 non-statutory mitigators:

Close relationship with his wife  
Can continue a relationship with his wife while in prison  
Has a strong work ethic  
Was charitable to his step family (found, but given NO weight)  
Brain impairment of mild to moderate severity in the right cerebral hemisphere and the frontal lobe  
Cerebrovascular dementia  
Diabetes  
Epilepsy (tonic-clonic seizures)  
Hypertension  
History of multiple strokes  
History of unexplained syncope  
Over medication / drug interaction  
Sensory motor deficits on the left side of the body

Transient Ischemic attacks with left sided hemiparesis  
Vascular disease with history of carotid stenosis  
Lack of impulse control  
Lack of societal inhibition

\* \* \* \* \*

Defendant's name: TAI A. PHAM  
Sentenced to death on 11/14/2008 in Seminole County  
Trial Counsel: JAMES E. FIGGATT (Public Defender)

Trial judge MARLENE M. ALVA found 3 non-statutory mitigators:

Defendant had a traumatic childhood, which had a strong negative impact on his mental and emotional development

Defendant had a stable employment history in the field of electronics repair and was considered a good, hardworking employee

Defendant cared for his sister's children for two weeks while their parents recuperated from a car accident

\* \* \* \* \*

Defendant's name: ANDREW ALLRED  
Sentenced to death on 11/19/2008 in Seminole County  
Trial Counsel: TIM CAUDILL (Public Defender)

Trial judge O.H. EATON, JR. found 4 non-statutory mitigators:

Accepted responsibility by entering a plea of guilty to all charges in the indictment

Cooperated with law enforcement

Defendant was likely sexually abused as a child

Defendant had developmental problems at the age of five or six that impacted his educational abilities and his ability to develop socially

\* \* \* \* \*

Defendant's name: PHILLUP PARTIN  
Sentenced to death on 12/1/2008 in Pasco County  
Trial Counsel: BJORN BRUNVAND (court-appointed)

Trial judge WILLIAM R. WEBB found 6 non-statutory mitigators:

Defendant has the ability to be productive and be a positive influence on others while in prison

Defendant is a good person, a good boyfriend and a compassionate person  
Defendant has maintained steady and consistent employment throughout the non-incarcerated periods  
Defendant has diminished mental capacity, mental disorder (poly-substance abuse, a cognitive disorder, and a major depressive disorder), and brain abnormalities  
Defendant's upbringing and childhood  
The non-unanimous verdict recommending the imposition of the death penalty

\* \* \* \* \*

Defendant's name: GARY BERNARD MCCRAY, II  
Sentenced to death on 12/10/2008 in Clay County  
Trial Counsel: FRANK TASSONE (court-appointed)

Trial judge WILLIAM A. WILKES found 10 non-statutory mitigators:

Raised without a mother figure for half his adolescence  
Raised by an absentee father  
Raised in a negative and unstable family environment  
Raised in an environment that involved drugs  
Lacked emotional maturity and desensitized himself with drugs and alcohol  
Received his GED  
Lacked parental guidance  
Had a difficult childhood and acted out in response to the instability in his life  
Throughout his youth, the defendant suffered from mental illness issues  
Age twenty-four when the crime was committed

\* \* \* \* \*

Defendant's name: WADADA DELHALL  
Sentenced to death on 12/15/2008 in Dade County  
Trial Counsel: TERENCE LENAMON (court-appointed)

Trial judge LEONARD E. GLICK found 3 non-statutory mitigators:

Family background and positive relationships with family members  
Impact of his execution upon family and friends  
Positive adjustment behavior in prison

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Defendant's name: WILLIAM SILVIA  
Sentenced to death on 1/28/2009 in Seminole County  
Trial Counsel: TIM CAUDILL (Public Defender)

Trial judge DONNA L. MCINTOSH found 5 non-statutory mitigators:

- Emotionally distressed by job loss, homelessness and his marriage was dissolving
- Suffered from a personality disorder with paranoid, delusional and anti-social features, and alcohol dependence
- Impaired by chronic alcohol dependence
- Previously diagnosed with a schizophreniform disorder as a teenager while he was hospitalized for mental treatment
- Grew up in a dysfunctional family setting where there was domestic violence

\* \* \* \* \*

Defendant's name: WILLIE JAMES HODGES  
Sentenced to death on 2/12/2009 in Escambia County  
Trial Counsel: MARTY LESTER (court-appointed)

Trial judge TERRY TERRELL found 53 non-statutory mitigators:

- Mildly mental retardation (IQ is at or about 65)
- Was impulsive and his ability to exercise good judgment was impaired
- Violence between mother/step-father
- Only one child in family graduated from high school
- One sister committed to a mental health institute
- Incapable of abstract reasoning
- Has memory problems
- Has the Primitive moral judgment of a child
- Exhibits neuropsychological brain dysfunction
- Acted in emotional rage
- Has poor educational skills
- Suffers from a learning disability or is a "slow learner"
- Has a history of substance abuse
- Has attempted to cure his addictions
- Has seen a psychologist and/or psychiatrist for drug abuse and emotional problems
- Has a family history of mental illness
- Has a prior mental health commitment and use of mental health medications
- Suffers from Generalized Anxiety Disorder
- Suffers from Depression
- Is not a psychopath
- Suffers from Antisocial Personality Disorder
- Suffers from an adjustment disorder
- Has performed charitable or humanitarian deeds
- Has three step-children, and treated the youngest as his biological child
- Exhibited the quality of being a caring parent

Has the capacity for loving relationships with his friends and family  
Treated his mentally handicapped brother well  
Could make a positive contribution to society  
Has previously maintained employment  
Ability to find employment hampered by learning disability and lack of academic skills  
Suffered from a deprived, neglectful and abusive childhood  
Father was an alcoholic  
Mother was an alcoholic  
Mother shot his father  
Devastated by the death of his parents and sister  
Has been the victim of racial discrimination  
Suffers from diabetes  
Suffers from hypertension  
Suffers from borderline glaucoma  
Suffered from physical injuries  
Entered prison at a young age  
Went a number of years without an arrest as a young man  
Respects elders and treats them in a kindly manner  
Lacks sophistication  
Is a human being  
Exhibits sorrow and remorse for crimes and expressed sympathy for the victim's family  
Does well in a jail setting  
May make a positive adjustment to incarceration  
Could contribute in prison  
Has continuing contact with and concern for his family  
Exhibited acceptable trial behavior  
Assisted counsel at trial  
Unlikely to endanger others in prison if sentenced to life without parole

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Defendant's name: CORNELIUS BAKER  
Sentenced to death on 3/4/2009 in Flagler County  
Trial Counsel: MATTHEW PHILLIPS (Public Defender)

Trial judge KIM C. HAMMOND found 5 non-statutory mitigators:

Suffers from brain damage, low intellectual functioning, and drug abuse  
Fetal alcohol exposure, born into an abusive household, and neglected as a child  
Is remorseful  
Well-behaved and displayed appropriate demeanor during all court proceedings  
Confession and cooperation with the police

\* \* \* \* \*

Defendant's name: JOSHUS LEE ALTERSBERGER  
Sentenced to death on 6/15/2009 in Highlands County  
Trial Counsel: PETER MILLS (Public Defender)

Trial judge J. MICHAEL HUNTER found 14 non-statutory mitigators:

- Did not fully develop emotionally
- Did not fully develop cognitively
- Brain deficiencies reduce capacity to make reasoned decisions
- Significant emotional deprivation while growing up
- Extremely dysfunctional family life prevented healthy psychological development
- Offense committed in unsophisticated manner
- Under the influence of alcohol at time of the offense
- History of substance abuse since age 15
- Grew up without positive adult figure and adversely affected by negative adult male role model
- Loves his family and is valued by them
- Devastated by death of grandfather (who was his only positive role model) when he was 7 years old
- Object of racial discrimination in own family
- Good behavior during court proceedings
- Pled guilty and took responsibility for offense