

**Death-to-Life Overrides in Florida
2012-Present¹
August 15, 2014**

(Information on first 88 Death-To-Life Overrides Available Elsewhere)

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1. Silva, Ricky
May 2012
Stuart (Martin County)
Trial Judge: William Roby
Jury Recommendation: 7-5
Defense Attorney: Mark Harllee

Case Synopsis: Convicted of first-degree murder for strangling his cellmate, Terry Bell, at Martin Correctional Institution, where Silva was serving time for two armed robberies. Judge Roby found death to be a disproportionate punishment. Even before birth, Silva was mistreated by his “horribly incapable” mother, who had abused alcohol and drugs during her pregnancy. The mother also mixed beer with the formula she fed Silva as a infant. In childhood Silva had been placed in some 37 foster homes or institutions. All this led to significant brain damage. The murder occurred in a fit of rage when Silva discovered Bell masturbating while holding a picture of Silva’s niece.³

2. Green, DeShawn Leon
May 2013
Jacksonville (Duval County)
Trial Judge: James Daniel
Jury Recommendation: 7-5
Defense Attorneys: Francis (Jerry) Shea and Christopher J. Anderson

Case Synopsis: Convicted of killing 24-year old Robert Kearney. Earlier on the day of the homicide, two friends of Green’s had been shot at, and prosecutors alleged that Green shot

¹ See Michael L. Radelet & Michael Mello, *Death to Life Overrides: Saving the Resources of the Florida Supreme Court*, 20 FLORIDA STATE UNIVERSITY LAW REVIEW 195 (1992). That paper documented 51 death-to-life overrides through the end of 1991 that had been given to 47 defendants. I know of only one death-to-life override prior to Dec. 31, 1991 that was not included in that paper (case of David Armour, now included in Michigan State Law Review paper). The update of the FSU paper is Michael L. Radelet, *Overriding Jury Sentencing Recommendations in Florida Capital Cases: An Update and Possible Half-Requiem*, MICHIGAN STATE LAW REVIEW 2011: 793-857 (2011).

² Please send any edits, corrections, updates, etc. to <Radelet@Colorado.edu>. I plan to post periodic updates to this paper on my web site, <<http://sociology.colorado.edu/people/Radelet-Michael>>.

³ Jim Mayfield, *Martin Circuit Judge’s Ruling Keeps Convicted Murderer Off Death Row*, TCPALM, May 24, 2012; Jim Mayfield, *Martin County Jury Recommends Death Sentence for Ricky Silva for 2009 Murder of Cellmate*, TCPALM, March 14, 2012.

Kearney out of revenge for those shootings (Kearney was actually killed by bullets probably intended for another person). Judge Daniel, however, expressed doubt about whether Green was the trigger man, and found that there was no evidence that this was a premeditated killing (Green was found guilty of felony murder – a murder during the attempted murder of another person – and not of premeditated murder). Green had been arrested ten times as a juvenile, and had also been convicted of the 2009 murder of another person. Later in 2013 he will face the death penalty for the 2009 murder of Bryan Clemons. After Green was sentenced to LWOP for the Kearney murder, Kearney’s mom, Ketura Smith, sated “I never really wanted him to get death. I think he should have to sit in a jail cell for a long time thinking about what he did.”⁴

3. LeBaron, Jonathan Leo

August 2013

Monroe County (Key West)

Trial Judge: Mark Jones

Jury Recommendation: 11-1

Defense Attorneys: Jack Blumenfeld, Kellie Peterson, and Rene Palomino

Case Synopsis: Convicted of killing Richard Gardner on Gardner’s boat in a marina in the Florida Keys. Judge Jones found two aggravators in the case: pecuniary gain and the murder was committed during the course of a robbery (merged into one aggravator), and that LeBaron was on probation at the time of the murder. On the other hand, he felt that the State did not prove the “heinous atrocious or cruel” aggravator beyond a reasonable doubt because the victim was unconscious when he was stabbed to death. In mitigation, Judge Jones found that LeBaron acted under substantial domination of his codefendant, that “the circumstances surrounding his upbringing were wretched” (with severe physical and psychological abuse), and that his mother introduced him to crystal meth. He also found that LeBaron had a good record of adjustment to the jail and had a potential for rehabilitation. When compared to other death penalty cases, Judge Jones found that this one “is not of the same magnitude of wickedness and evil.” LeBron was then sentenced to two consecutive life terms: one for the murder and one for armed robbery. His former girlfriend was sentenced to 18 years in prison for second degree murder for her role in the crime, and testified against LeBaron as part of her deal. In reaction to the life sentences, State Attorney Catherine Vogel stated “The court did a diligent effort assessing the evidence in this case and we’re satisfied the court gave its best effort and we believe a life sentence is a very long sentence and will serve the community well. We have great respect for the court’s difficult decision in this case.”⁵

4. Douglas, Joshua

June 19, 2014

Pensacola

⁴ Larry Hannan, *Jacksonville Killer Avoids Death Sentence for 2009 Murder*, FLORIDA TIMES UNION (Jacksonville), May 17, 2013.

⁵ Adam Linhardt, *LeBaron Draws Two Life Sentences*, THE CITIZEN (Key West), Aug. 13, 2013, at 8; *see also* Dick Wagner, *LeBaron Spared Death, Gets Life, No Parole*, FLORIDA KEYS KEYNOTER, Aug. 12, 2013, available at <http://www.keysnet.com/2013/08/12/489052/lebaron-spared-death-gets-life.html>; Sentencing Order, State v. Jonathan Leo LeBaron, Case No. 2009-CF-189-A-K (Aug. 12, 2013).

Trial Judge: Terry Terrell
Jury Recommendation: 12-0
Defense Attorney: Martin Lester

Case Synopsis: Douglas was convicted of killing Jamie Broxton, who was sexually assaulted, suffocated, and left in the woods. In rejecting the death penalty, Judge Terrell cited the fact that Douglas had no prior convictions and had been a model prisoner while in custody. In addition, he placed great weight on a finding that Douglas suffered from “substantial functional traumatic brain injury.”⁶

5. Johnson, Charles
May 12, 2016
Miami
Trial Judge: Nushin Sayfie
Jury Rec: 10-2 Death
Defense Attorney: Michael Bloom & Bruce Fleisher

Case Synopsis: Convicted of the 2011 murder of Luvonia Williams. In sentencing Johnson to death, Judge Safie told the victim’s family that the life sentence would save them years of continued pain watching the possible death sentence undergo years of appeal. Williams’ mother agreed with the judge’s decision. Williams was shot because her sister broke up a romantic relationship with Johnson’s brother, David. David allegedly ordered the hit, and is still awaiting trial.⁷

⁶ Transcript of sentencing proceeding, State v. Joshua Wayne Douglas, Case No. 2010 CF 005493, Circuit Court of Escambia County (June 19, 2014); Kevin Robinson, *Douglas Receives Life in Prison in Broxson Slaying*, PENSACOLA NEWS JOURNAL, June 20, 2014.

⁷ David Ovalle, *Judge Gives Miami Killer Life to Spare Victim’s Family from Death Penalty Disputes*, MIAMI HERALD, posted May 12,