

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

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

Trial judge JOHN DEWELL found 2 non-statutory mitigators:

Good prison record from previous incarcerations
Unwavering declaration of innocence

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

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

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

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

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

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

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

Trial judge URIEL BLOUNT found 1 non-statutory mitigator:

Suffers from sickle cell anemia

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

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

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

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Defendant's name: SONIA JACOBS
Sentenced to death on 08/20/76 in Broward County
Trial Counsel: RAY SANDSTROM (court appointed)

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

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

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

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

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

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

Trial judge CHARLES MINER found 1 non-statutory mitigator:

Mildly mentally retarded

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

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

Disparate treatment

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

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

Disparate treatment

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

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

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

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

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

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

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

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

- Came from a broken home in a ghetto area and raised in poverty
- His father, a career Navy man, promised to take him away from the filth in which he was being raised and after raising his hopes, walked away, leaving him emotionally devastated

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

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

Relative involvement

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

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

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

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

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

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

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

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

Drug abuse problem
Claimed intoxication

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

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

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

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

Trial judge RANDALL MCDONALD found 1 non-statutory mitigator:

Under the influence of drugs at the time of the crime

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

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

Heated argument
Domestic relationship
Disparate treatment

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

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

Difficult childhood - Defendant was raised essentially without a father, was hyperactive,

had learning disabilities, and had trouble in school

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

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

Relative involvement

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

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

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

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

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

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

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

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

History of drug abuse

"[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

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

Trial judge PHILLIP NOURSE found 2 non-statutory mitigators:

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

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Defendant's name: LARRY MANN
Resentenced to death on 01/14/83 in Pinellas County
(originally 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

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

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

Proportionality (the two co-defendants received life sentences)

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

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

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

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

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

Good behavior while confined in the Dade County Stockade

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

Trial judge ROM POWELL found 7 non-statutory mitigators:

Under stress because of limited ability to speak English and difficulty adjusting to American culture
Suspicious of police
Received bad advice from older associates
Capacity for hard work and other fine qualities
Believes in God
Changed for the better in jail
Rehabilitation potential

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

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

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

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

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

Alcoholism

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

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

Difficult early childhood
Marital problems
Confessed and pled guilty

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

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

History of drug abuse
Troubled personal life

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

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

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

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

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

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

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

Trial judge JAMES HARRISON found 3 non-statutory mitigators:

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

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

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

Relative participation
Disparate treatment
Family testimony about good qualities

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

Trial judge ARTHUR SNYDER found 1 non-statutory mitigator:

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

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

Trial judge FRANK ORLANDO found 1 non-statutory mitigator:

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

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

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

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

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

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

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

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

Trial judge JAMES HARRISON found 1 non-statutory mitigator:

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

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

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

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

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Defendant's name: CHARLES KIGHT
Sentenced to death on 08/07/84 in Duval County
Trial Counsel: WILLIAM J. SHEPPARD (court appointed)
Trial judge JAMES HARRISON found 2 non-statutory mitigators:

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

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

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

Defendant is a good husband, father and provider

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

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

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

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

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

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

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Defendant's name: HERBERT SPIVEY
Sentenced to death on 03/29/85 in Duval County
Trial Counsel: ROBERT LINK (court appointed)

Trial judge JAMES HARRISON found 1 non-statutory mitigator:

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

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Defendant's name: HECTOR IRIZARRY
Sentenced to death on 04/04/85 in Hillsborough County

Trial Counsel: BRIAN DONERLY (public defender)

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

Defendant lived 40 years with no significant prior criminal history

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Defendant's name: JAMES MORGAN

Resentenced to death on 06/07/85 in Martin County

(originally sentenced to death 12/30/77, remanded for new trial 01/15/81 at 392 So2d 1315, resentenced to death 12/07/81, remanded for new trial 07/12/84 at 453 So2d 0394)

Trial Counsel: ROBERT MAKEMSON (court appointed)

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

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

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Defendant's name: KIRK HANSBROUGH

Sentenced to death on 07/12/85 in Orange County

Trial Counsel: CHANDLER R. MULLER (privately retained)

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

Alcohol abuse

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Defendant's name: HOWARD DOUGLAS

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

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

Trial Counsel: LARRY SHEARER (public defender)

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

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

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

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

Credibility of guilt innocence witnesses
Prior domestic relationship

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Defendant's name: RICHARD RHODES
Sentenced to death on 09/12/85 in Pinellas County
Trial Counsel: HENRY ANDRINGA (court appointed)

Trial judge HELEN HANSEL found 1 non-statutory mitigator:

Long-term personality disorder

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Defendant's name: JOSEPH GARRON
Sentenced to death on 10/04/85 in Pasco County
Trial Counsel: ROBERT MCCLURE (public defender)

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

"The defendant has been a model prisoner"

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Defendant's name: GUY COCHRANE
Sentenced to death on 10/11/85 in Hillsborough County
Trial Counsel: MINA MORGAN (court appointed)

Trial judge DONALD EVANS found 1 non-statutory mitigator:

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

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

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

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

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

- Neglect by mother
- Marginal intelligence
- Intoxicated at time of offense

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

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

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

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

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

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

Trial judge KIM HAMMOND found 1 non-statutory mitigator:

- Defendant was an Eagle Scout

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

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

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

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

Influence of alcohol
Possessed positive personality traits

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

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

Model prisoner
Will adjust well to life imprisonment

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

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

Good character
Psychological stress

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

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

- Mental and emotional handicap
- Impoverished background
- Potential for rehabilitation

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

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

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

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

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

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

FSC reduced to life on direct appeal and found a basis for jury recommendation of life that trial

judge MARK SPEISER overrode including 3 non-statutory:

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

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

Trial judge MANUEL MENENDEZ found some non-statutory mitigators:

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

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

Trial judge CARVEN ANGEL found 4 non-statutory mitigators:

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

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

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

"The Court would find that the evidence clearly establishes... that said Defendant was the subject of 'impoverished background' and that there were undoubtedly circumstances

surrounding his birth, childhood and formative years which tend to mitigate in some degree the criminal conduct..."

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

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

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

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

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

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

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

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

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

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

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

Childhood trauma

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

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

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

* * * * *

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

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

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

* * * * *

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

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

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

* * * * *

Defendant's name: WILBURN LAMB
Sentenced to death on 02/25/87 in Brevard County

Trial Counsel: HOWARD VINCENT (privately retained)

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

Proportionality (Co-defendant plea bargained to lesser sentence)

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

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

* * * * *

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

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

Defendant showed good behavior while jailed awaiting trial

* * * * *

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

Trial judge GUY SPICOLA found 2 non-statutory mitigators:

Socially and economically disadvantaged
Below average mental capacity

* * * * *

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

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

Codefendant sentenced to life

* * * * *

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

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

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

* * * * *

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

Trial judge MANUEL MELENDEZ found 1 non-statutory mitigator:

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

* * * * *

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

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

"... [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 BEROSSET / MICHAEL PITTS

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

Close family ties / supportive of his mother

* * * * *

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

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

Close family ties / supportive of his mother

* * * * *

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

Trial judge NICKOLAS GEEKER found 1 non-statutory mitigator:

Close family ties / supportive of mother and children

* * * * *

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

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

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

* * * * *

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

Trial judge GAYLE GRAZIANO found 3 non-statutory mitigators:

Deprived childhood
Low intelligence
Developmentally learning disabled

* * * * *

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

Trial judge CHARLES DAVIS found 3 non-statutory mitigators:

Freely confessed
Shown remorse
No disciplinary reports while in county jail

* * * * *

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

Trial judge DWIGHT GEIGER found 2 non-statutory mitigators:

Behavior at trial acceptable
Entered prison at a young age

* * * * *

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

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

Relatively low IQ

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

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

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

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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

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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

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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

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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

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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

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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

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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

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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

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Defendant's name: THEWELL HAMILTON
Sentenced to death 08/05/91 in Holmes County
(originally sentenced to death on 04/07/88, remanded for new trial 7/27/89 at 547 So2d 630)
Trial Counsel: ROBERT ADAMS (public defender)

Sentencing judge CLINTON FOSTER found 2 non-statutory mitigators:

Wife's blood-alcohol level
Good military record and good character

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Defendant's name: PATRICK HANNON
Sentenced to death on 08/05/91 in Hillsborough County
Trial Counsel: JOE EPISCOPO (private)

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

Family testimony of non-violence
Disparate treatment of accomplice

* * * * *

Defendant's name: FRED WAY
Resentenced to death on 08/22/91 in Hillsborough County
(originally sentenced to death 01/27/84, remanded for new sentencing on state habeas 09/06/90 at 568 So2d 1263)
Trial Counsel: LINDA MCKINLEY / GREG ALDRIDGE (public defenders)

Trial judge SUSAN BUCKLEW found 8 non-statutory mitigators:

Father died when defendant was 11, family was poor and defendant worked at an early age to help family
Military service
Successful in employment, well liked by fellow workers
Reputation for peacefulness and hard work
Hearing impairment, possible mental impairment
Well behaved in prison
All other mitigating circumstances asserted by defendant
Happy family life, response to deaths

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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

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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

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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

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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

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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

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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

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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"

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

Trial judge URIEL BLOUNT found 1 non-statutory mitigator:

Borderline personality disorder

* * * * *

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

Trial judge DONALD MORAN found 2 non-statutory mitigators:

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

* * * * *

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

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

Intoxication
Organic brain damage

* * * * *

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

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

Military service with honorable discharge

Enjoyed good reputation in community until age 15 or 16
Good and considerate to mother and siblings

* * * * *

Defendant's name: RICHARD RHODES
Resentenced to death on 03/20/92 in Pinellas County
(originally sentenced to death 09/12/85, remanded for new sentencing on direct appeal
07/06/89 at 547 So2d 1201)
Trial Counsel: JOHN SWISHER (court appointed)

Trial judge DOUGLAS BAIRD found 2 non-statutory mitigators:

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

* * * * *

Defendant's name: MARIO LARA
Resentenced to death on 03/27/92 in Dade County
(originally sentenced to death 08/23/82, remanded for new sentencing by circuit court
02/14/89, decision affirmed by FSC 05/09/91 at 581 So2d 1288)
Trial Counsel: EUGENE ZENOBI (court appointed)

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

Early years were horrific

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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Defendant's name: MELVIN TROTTER
Resentenced to death on 07/23/93 in Manatee County
(originally sentenced to death 05/18/87, FSC remanded for new sentencing 04/04/90 at
576 So2d 0691)

Trial Counsel: JIM SLATER (public defender)

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

Below average IQ, family problems (abuse and neglect) and developmental problems from disadvantaged background
May have frontal lobe brain disorder
Remorseful to some degree

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Defendant's name: GUY GAMBLE
Sentenced to death on 08/10/93 in Lake County
Trial Counsel: MARK NACKE (public defender)

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

Neglected as a child
Abused as a child
Drug and alcohol abuse
Severe emotional problems
Remorse
Father of small child
Loving and caring family
Desire for rehabilitation
Co-defendant received life sentence

* * * * *

Defendant's name: JAMES HUNTER
Sentenced to death on 08/18/93 in Volusia County
Trial Counsel: GEORGE BURDEN (public defender)

Trial judge GAYLE GRAZIANO found 4 non-statutory mitigators:

Fetal alcohol syndrome
Separation from sibling
Dysfunctional family
Deprived, somewhat abusive and definitely neglected childhood

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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

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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

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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

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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

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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

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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

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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

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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

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Defendant's name: WILLIAM ELLEDGE
Resentenced to death on 02/04/94 in Broward County
(originally sentenced to death 03/27/75, FSC remanded for new sentencing on direct appeal 04/07/77 at 346 So2d 0998, resentenced to death 08/03/77, FSC affirmed 10/22/81 at 408 So2d 1021, 11th Circuit remanded for new sentencing 11/10/87 at 833 F2d 0250, resentenced to death 08/28/89, FSC remanded on direct appeal for new sentencing 01/14/93 at 613 So2d 0434)
Trial Counsel: WILLIAM LASWELL

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

Difficult and abusive childhood
Cooperation
Post-conviction life

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Defendant's name: RONALD LEE SMITH
Sentenced to death on 02/10/94 in Dade County
Trial Counsel: DIANE WARD (court appointed)

Trial judge MICHAEL CHAVIES found 6 non-statutory mitigators:

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

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

Trial judge DONALD PELLECCIA found 3 non-statutory mitigators:

Not a disciplinary problem in school
Good prisoner
Gainfully employed

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

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

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

* * * * *

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

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Defendant's name: ALVIN MORTON

Sentenced to death on 03/18/94 in Pasco County

Trial Counsel: GARY URSO (court appointed)

Trial judge CRAIG VILLANTI found 2 non-statutory mitigators:

Product of a dysfunctional family

Confession

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Defendant's name: MERRIT SIMS

Sentenced to death on 03/18/94 in Dade County

Trial Counsel: CLINTON J. PITTS (court appointed)

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

Unwavering declarations of innocence

Behavior at trial acceptable

Aspects of character as testified to by family

Not known by family as a violent man

Had love and affection of family

His church through minister urged against death penalty

Testified to and showed sincere and heartfelt remorse

Gave a voluntary statement following his arrest

Father of four children he loves

Mother testified he was a good son

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

* * * * *

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

Trial judge DOUGLAS BAIRD found 1 non-statutory mitigator:

Positive character traits as regards to family and community

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

Trial judge ARTHUR SNYDER found 3 non-statutory mitigators:

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

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Defendant's name: DANNY ROLLING
Sentenced to death on 04/20/94 in Alachua County
Trial Counsel: RICK PARKER / JOHNNY KEARNS (public defenders)

Trial judge STAN MORRIS found 6 non-statutory mitigators:

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

* * * * *

Defendant's name: DEAN KILGORE
Resentenced to death on 04/27/94 in Polk County
(originally sentenced to death 07/13/90, while pending on direct appeal the FSC remanded for a motion for rehearing concerning the plea, the original judge was recused, the new judge vacated the plea allowing the defendant to plea to life or go to trial)
Trial Counsel: ROGER ALCOTT (court appointed)

Trial judge DENNIS MALONEY found 4 non-statutory mitigators:

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

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Defendant's name: CHADWICK BANKS
Sentenced to death on 04/29/94 in Gadsden County
Trial Counsel: STEVEN SELIGER (court appointed)

Trial judge WILLIAM GARY found 7 non-statutory mitigators:

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

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

Trial judge THOMAS CARNEY found 7 non-statutory mitigators:

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

* * * * *

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

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

Expressed remorse
Unstable childhood
Positive character traits
Behavior at trial acceptable

* * * * *

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

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

Childhood abuse/substance abuse problem

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Defendant's name: JAMES WALKER JR.
Sentenced to death on 05/19/94 in Dade County

Trial Counsel: BRIAN MCDONALD / PAT NALLY (public defenders)

Trial judge MICHAEL SALMON found 1 non-statutory mitigator:

Some mental impairment

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

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

* * * * *

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

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

Service in the Navy and good family background

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

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

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

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

Trial judge PAUL LOGAN found 3 non-statutory mitigators:

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

* * * * *

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

Trial judge RICHARD EADE found 10 non-statutory mitigators:

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

* * * * *

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

Trial judge JOHN ADAMS found 6 non-statutory mitigators:

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

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

Trial Judge DAVID WIGGINS found no mitigation

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

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

* * * * *

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

Trial judge GARY FORMET found 3 non-statutory mitigators:

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

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

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

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

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

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

Sentence of co-defendant
Mental and emotional problems
Drug and alcohol abuse
Poor family background and impoverished upbringing
Could adjust to life imprisonment
Could be imprisoned for the rest of his life

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

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

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

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

Trial judge PAUL BACKMAN found 8 non-statutory mitigators:

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

* * * * *

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

Trial judge DIANA ALLEN found 4 non-statutory mitigators:

Crime was out of character for defendant
Skilled worker who can be expected to make contribution in prison system
Has large family who will provide love and support
Appropriate behavior since arrest

* * * * *

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

Trial judge JOHN KUDER found 3 non-statutory mitigators:

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

* * * * *

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

Trial judge JOHN KUDER found 5 non-statutory mitigators:

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

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

Trial judge RODOLFO SORONDO found 2 non-statutory mitigators:

Family history
Cooperation with authorities

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Defendant's name: LEONARDO FRANQUI
Sentenced to death on 10/11/94 in Dade County
Trial Counsel: ERIC COHEN

Trial judge RODOLFO SORONDO found 2 non-statutory mitigators:

Capacity to form loving relationships
Troubled youth

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

Trial judge RODOLFO SORONDO found 1 non-statutory mitigator:

Ability to form loving relationships

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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

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

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

Under emotional strain
At times acted in a peculiar fashion and adhered to strange religious practices
Did demonstrate some human qualities

Did play Santa Claus on at least one occasion and appeared to some as normal
Letters from family

* * * * *

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

Trial judge SUSAN SCHAEFFER found 2 non-statutory mitigators:

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

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

Trial judge HARRY STEIN found 8 non-statutory mitigators:

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

* * * * *

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

Trial judge AARON BOWDEN found 3 non-statutory mitigators:

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

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Defendant's name: JAMES BONIFAY
Sentenced to death on 12/06/94 in Escambia County
(originally sentenced to death on 9/20/91, remanded for resentencing on 9/2/93 at 626
So2d 1310)
Trial Counsel: PAUL MILLER

Trial judge MICHAEL JONES found 4 non-statutory mitigators:

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

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

Trial judge DOROTHY RUSSELL found 3 non-statutory mitigators:

Unstable childhood
First father figure an alcoholic
Talent for singing

* * * * *

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

Trial judge LARRY SCHACK found 8 non-statutory mitigators:

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

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Defendant's name: JOSE JIMENEZ
Sentenced to death on 12/14/94 in Dade County
Trial Counsel: ANDREW KASSIER & MICHAEL MATTERS (court appointed)

Trial Judge LESLIE ROTHENBERG found 2 non-statutory mitigators:

Potential for rehabilitation
Potential life sentence

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Defendant's name: OMAR BLANCO
Resentenced to death on 1/6/95 in Broward County
(originally sentenced to death on 6/21/82, affirmed 6/7/84 at 452 So2d 520; federal remand for resentencing on 7/12/88 at 691 FSupp 308; 11th Circuit affirmed relief on 9/30/91 at 943 F2d 1477)
Trial Counsel: HILLIARD MOLDOLF (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

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Defendant's name: PAUL HOWELL
Sentenced to death on 01/10/95 in Escambia County (venue changed from Jefferson County)
Trial Counsel: FRANK SHEFFIELD

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

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

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Defendant's name: DUSTY RAY SPENCER
Resentenced to death on 01/18/95 in Orange County
(originally sentenced to death 12/21/92, FSC remanded on direct appeal for new sentencing with judge only on 09/22/94 at 645 So2d 0377)
Trial Counsel: DON SMALLWOOD (court appointed)

Trial judge PERRY BELVIN found 6 non-statutory mitigators:

- Abused drugs and alcohol from an early age
- Paranoid personality disorder
- Sexually abused while a child by his father
- Honorable military record
- Good employment history
- Can function in a structured environment that does not contain women

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Defendant's name: CRUZ MARTA-RODRIGUEZ
Sentenced to death on 02/17/95 in Hillsborough County
Trial Counsel: JOHN SKYE (public defender)

Trial judge DIANA ALLEN did not find non-statutory mitigators

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

- Intoxication on day of offense
- Chronic user of marijuana and alcohol
- Co-defendant instigated offense plan
- Crimes out of character
- Family man
- Cooperation with police
- Consecutive life sentences = parole ineligibility for 50 years

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Defendant's name: GERARDO MANSO
Sentenced to death on 02/27/95 in Dade County
Trial Counsel: ARTHUR CARTER (court appointed)

Trial judge LESLIE ROTHENBERG found 2 non-statutory mitigators:

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

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

Trial judge JACK SPRINGSTEAD found 9 non-statutory mitigators:

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

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

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

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

Trial judge DOROTHY RUSSELL did not find non-statutory mitigators

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

Remorse
Good jail record
Mental health problems
Lengthy and substantial history of drug abuse
Difficult and unstable childhood

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Defendant's name: TIMOTHY HUDSON
Resentenced to death on 04/24/95 in Hillsborough County
(originally sentenced to death on 2/6/87 and affirmed on 1/19/89 at 538 So2d 829; on 3.850 motion, trial court found that counsel failed to adequately investigate and present mitigating evidence at trial and the FSC affirmed relief at 614 So2d 482 on 1/14/93)
Trial Counsel: BRIAN DONERLY (court appointed)

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

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

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Defendant's name: GARY LAWRENCE
Sentenced to death on 05/05/95 in Santa Rosa County
Trial Counsel: JOHN MILLER (court appointed)
Trial judge PAUL RASMUSSEN found 5 non-statutory mitigators:

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

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Defendant's name: ALBERT COOPER
Sentenced to death on 06/01/95 in Dade County
Trial Counsel: CARL MASZTAL (court appointed)
Trial judge ARTHUR SNYDER found 2 non-statutory mitigators:

Low intelligence

Abusive childhood

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

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

* * * * *

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

Remorse

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

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

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

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

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

- Reared in drug-ridden, crime-infested neighborhood
- Mother's mental illness
- Suffered various childhood traumas
- Gainful employment and good work habits

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

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

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

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

Trial judge PERRY BELVIN found 1 non-statutory mitigator:

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

* * * * *

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

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Defendant's name: TONEY DAVIS

Sentenced to death on 7/18/95 in Duval County

Trial Counsel: CHARLIE ADAMS (court appointed)

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

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

* * * * *

Defendant's name: KAYLE BATES

Sentenced to death on 7/25/95 in Bay County

(originally sentenced to death on 3/11/83 and remanded on 1/31/85 at 465 So2d 490;

resentenced to death on 7/22/85 and aff'd on 4/16/87 at 506 So2d 1033; 3850 remand for resentencing aff'd at 604 So.2d 457)

Trial Counsel: HAL RICHMOND; TOM DUNN

Trial judge DON SIRMONS found 8 non-statutory mitigators:

- Under some emotional distress
- Ability to conform conduct somewhat impaired
- Family background
- National Guard service
- Dedicated soldier and patriot
- Low-average IQ
- Love for wife and kids/good father
- Good employee

* * * * *

Defendant's name: MARTIN PUCCIO

Sentenced to death on 7/27/95 in Broward County

Trial Counsel: THOMAS CAZEL & KENNETH DUCKWORTH (retained)

Trial judge CHARLES GREENE found 4 non-statutory mitigators:

- Adversely affected by use of drugs and alcohol as a youth
- Capacity for rehabilitation
- Prior suffering created stress that led to offense, which was committed for emotional reasons
- Unlikely to endanger others if sentenced to life

* * * * *

Defendant's name: ROBERT PERKINS

Sentenced to death on 7/28/95 in Orange County

Trial Counsel: LEON CHEEK (court appointed)

Trial judge THEOTIS BRONSON found 6 non-statutory mitigators:

- Alcohol abuse
- Emotionally, physically and sexually abused as a child
- Good work record
- Good father
- Adaptability to prison
- Abandoned by father at an early age

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Defendant's name: BOBBY STEVERSON
Sentenced to death on 8/11/95 in Polk County
Trial Counsel: DAN BRAWLEY (court appointed)

Trial judge DENNIS MALONEY found 4 non-statutory mitigators:

Childhood characterized by repeated emotional and physical abuse by parents and step-father
No dominant male figure in youth
Drug abuse and alcoholism began after job-related debilitating back injury
Attempted cure for addictions

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Defendant's name: EDWARD THOMAS JAMES
Sentenced to death on 8/18/95 in Seminole County
Trial Counsel: GARY ANDERSON & JAMES FIGGATT (public defenders)

Trial judge ALAN DICKEY found 7 non-statutory mitigators:

Moderate mental/emotional disturbance
Influence of drugs and alcohol
Had helped others
Remorse
Cooperation with police
Good conduct while incarcerated
Capable of helping others

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Defendant's name: MICHAEL CRUMP
Resentenced to death on 9/11/95 in Hillsborough County
(originally sentenced to death 03/31/89, FSC remanded on direct appeal for new sentencing 06/10/93 at 622 So2d 0963; resentenced to death on 11/22/93, FSC remanded for new sentencing on 04/27/95 at 654 So2d 0545)
Trial Counsel: TOM CUNNINGHAM (court appointed)

Trial judge M. WM. GRAYBILL found 17 non-statutory mitigators:

Slow learner
Kind, considerate, thoughtful, playful child
As an adult, helpful to family and neighbors

Friendly, outgoing and good sense of humor
Warm and loving relationship with family
Married with three daughters
No father figure in formative years
Very poor planning ability
Poor impulse control and poor judgment which may be related to learning disabilities
Capacity to be warm and caring
Feeling of being persecuted, exploited, resulting in mistrust
Sporadic hallucinations
Difficulties in sexual development and adjustment
Precursors consistent with paranoid personality disorder
Redeeming factors as a human being
When provoked, delusional system sets in
Generally stable life

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Defendant's name: WARFIELD WIKE
Resentenced to death on 9/18/95 in Santa Rosa County
(originally sentenced to death 07/13/89, FSC remand for resentencing on 02/27/92 at 596
So2d 1020; resentenced to death on 1/11/93, FSC remand for resentencing 11/23/94 at 648 So2d
683)
Trial Counsel: B.B. BOLES & HENRY BARKSDALE (public defenders)

Trial judge PAUL RASMUSSEN found 6 non-statutory mitigators:

Traumatic childhood
History of drug and alcohol abuse
Maintained gainful employment
Can be given consecutive life sentences
Adapted well to prison life
Some health problems

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Defendant's name: RONALD JORGENSEN
Sentenced to death on 9/29/95 in Polk County
Trial Counsel: LARRY SHEARER & BYRON HILEMAN

Trial judge DANIEL TRUE ANDREWS found 2 non-statutory mitigators:

Drug use at time of offense
Disparity in sentence of co-defendant

The FSC reduced to life on direct appeal and noted that there were eleven additional non-statutory mitigators argued as presented to the trial court in this case but the judge never mentioned them in his sentencing memorandum:

- Impoverished childhood
- Latchkey kid
- Dropped out of high school
- Raised in single parent home with no child support
- Law-abiding from 1973 to 1993
- Good and loving father
- Loving relationship with family
- Good friend to many
- Age 54 at time of sentencing and would not be eligible for parole until age 79
- None of the statutory aggravators apply to this case
- Intelligent and potential for rehabilitation

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Defendant's name: MICHAEL SHELLITO
Sentenced to death on 10/20/95 in Duval County
Trial Counsel: REFIK WERNER ELER (court appointed)

Trial judge HUDSON OLLIFF found 1 non-statutory mitigator:

- Family background

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Defendant's name: ERNEST WHITFIELD
Sentenced to death on 10/20/95 in Sarasota County
Trial Counsel: CHARLES WILLIAMS & CHARLIE ANN SCOTT (court-appointed)

Trial Judge HARRY RAPKIN found 6 non-statutory mitigators:

- Some mental/emotional disturbance
- Cooperated with law enforcement
- Impoverished background
- Chronic crack cocaine addiction
- Abandoned by father; mother was alcoholic
- Forgave a man who shot him

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Defendant's name: CURTIS CHAMPION GREEN
Sentenced to death on 11/9/95 in Polk County
Trial Counsel: ROGER ALCOTT (court appointed)

Trial judge DICK PRINCE found 12 non-statutory mitigators:

- Behavior at trial acceptable
- Grew up without father figure at home
- Mother suffered from mental illness which impaired her parenting skills
- Suffered from difficult childhood
- History of drug and alcohol abuse
- Limited IQ
- Suffers from learning problems
- Suffers from organic brain disorder
- Little or no parental guidance during formative years
- Suffers from poor self-concept developed during childhood
- Would adjust adequately to life imprisonment
- History of suicide attempts and self-destructive behavior

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Defendant's name: ROBERT GORDON
Sentenced to death on 11/16/95 in Pinellas County
Trial Counsel: ROBERT LOVE & CHARLES HOLLOWAY (court appointed)
Trial judge SUSAN SCHAEFFER found 4 non-statutory mitigators:

- Family background
- Quality of being a caring parent
- Life sentence of the co-defendant
- Religious devotion

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Defendant's name: MERYL STANLEY MCDONALD
Sentenced to death on 11/16/95 in Pinellas County
Trial Counsel: RICHARD WATTS & MICHAEL SCHWARTZBERG (court appointed)
Trial judge SUSAN SCHAEFFER found 3 non-statutory mitigators:

- Good jail conduct
- Would die in prison without a death sentence
- Life sentence of co-defendant

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Defendant's name: CHADWICK WILLACY

Sentenced to death on 11/20/95 in Brevard County

(originally sentenced to death on 12/10/91 but remanded for new sentencing on 5/12/94 at 640 So2d 1079)

Trial Counsel: JIM KONTOS (private attorney)

Trial judge THERON YAWN found 31 non-statutory mitigators:

- Has shown kindness for others
- Has shown compassion for others
- Has shown concern for others
- No history of violent conduct
- Has enjoyed the love and affection of his family
- Has enjoyed the respect and admiration of his peers
- Has enjoyed the respect and admiration of his family
- Has shown a desire and willingness to help others
- Has been a leader among his peers
- Has been a role model to his peers
- Has maintained strong ties to his family
- Has shown appropriate behavior at the resentencing hearing
- Has shown love for his family
- Has been a good and loyal friend
- Has been a good and obedient son
- Had a good upbringing without serious disciplinary problems
- Has been unselfish
- Has contributed to the lives of others
- Has enjoyed the respect and confidence of teachers and coaches
- No academic or disciplinary problems in school
- Disciplined and dedicated member of his high school track team
- Helped his track teammates to be, and was, a "teampayer"
- Captain of the track team & won honors as a runner
- Has shown the proper respect for his elders
- Voluntarily sought help for his drug problem
- Has demonstrated honesty
- Has demonstrated responsibility
- Has been a hard worker
- Any other aspect of his character
- Any other aspect of his background
- Any other factor deemed appropriate

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Defendant's name: DWIGHT HARRISON

Sentenced to death on 11/27/95 IN Dade County

Trial Counsel: ANTHONY GENOVA (privately retained)

Trial judge RODOLFO SORONDO found 3 non-statutory mitigators:

Mental deficits including severe learning disability
Took care of ex-wife's mentally retarded child
Under influence of crack when murders committed

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Defendant's name: LORAN COLE
Sentenced to death on 12/20/95 in Marion County
Trial Counsel: DAN GLEASON (court appointed)

Trial judge WILLIAM SWIGERT found 2 non-statutory mitigators:

Organic brain damage and mental illness
Poor and deprived childhood

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Defendant's name: PRESSLEY BERNARD ALSTON
Sentenced to death on 1/12/96 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge AARON K. BOWDEN found 3 non-statutory mitigators:

Deprived childhood
Suffers from low intelligence and mental age
Suffers from a bipolar disorder

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Defendant's name: KRISTOPHER SANDERS
Sentenced to death on 01/18/96 in Pasco County
Trial Counsel: JOHN SWISHER & SAM WILLIAMS (court appointed)
Trial judge WILLIAM WEBB found 7 non-statutory mitigators:

Assistance to others
Obtained GED
Cooperated with law enforcement
History of drug abuse
Mental health history
Alleged principal was uncharged
Exhibited good conduct during trial

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Defendant's name: NICHOLAS LYNN HARDY
Sentenced to death on 2/14/96 in Plam Beach County
Trial Counsel: DEAN WILBER & EVELYN ZIEGLER (court appointed)
Trial judge VIRGINIA GAY BROOME found 5 non-statutory mitigators:

Background of abuse
Has punished self
Now behaves well, unlikely to endanger others while in prison
Life without parole available to the Court
Brain damaged to some extent

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Defendant's name: BOBBY ALLEN RALEIGH
Sentenced to death on 02/16/96 in Volusia County
Trial Counsel: MIKE TEAL & JIM CLAYTON (privately retained)
Trial judge JAMES FOXMAN found 15 non-statutory mitigators:

Intoxication
Remorseful
Pled guilty
Offered to testify against co-defendant
Possibility of life sentence and capacity for rehabilitation
Is a follower
Poor judgment and impulsive behavior
Good son and friend to mother
Good brother
Good father figure
No father
Suicide attempt
Low self-esteem
Adjustment disorder and anti-social

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Defendant's name: ASKARI MUHAMMAD (aka THOMAS KNIGHT)
Sentenced to death on 2/20/96 in Dade County
(originally sentenced to death 4/21/75; affirmed 9/30/76 at 338 So2d 201; denial of 3.850 motion affirmed 12/16/82 at 426 So2d 533; 11th Circuit ordered resentencing on 12/8/88 at 863 F.2d 705).
Trial Counsel: LEE & SHERIDAN WEISSENBORN

Trial judge RODOLFO SORONDO found 3 non-statutory mitigators:

Victim of abuse as child
Suffers from chronic mental disturbances
Raised in poverty

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Defendant's name: DAN PATRICK HAUSER
Sentenced to death on 3/4/96 in Okaloosa County
Trial Counsel: JAMES TONGUE (public defender)

Trial judge G. ROBERT BARRON found 2 non-statutory mitigators:

Good attitude and conduct at jail
Full cooperation with law enforcement

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Defendant's name: ROBERT HAWK
Sentenced to death on 3/29/96 in Pinellas County
Trial Counsel: JIM MARTIN & JOE MCDERMOTT (court appointed)

Trial judge CHARLES W. COPE found 6 non-statutory mitigators:

Lack of hearing to which he has never fully adjusted
Lack of father figure / abuse by father
Mental deficiencies
Possibility of life sentence
Disadvantaged childhood, abusive parent, lack of education and training
Some emotional distress

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Defendant's name: LEROY POOLER
Sentenced to death on 3/29/96 in Palm Beach County
Trial Counsel: MICHAEL SALNICK & MICHAEL SULLIVAN (court appointed)
Trial judge VIRGINIA GAY BROOME found 5 non-statutory mitigators:

Honorable service in military
Good employment record
Was a good parent
Has done specific good deeds and possesses certain good characteristics
Court has option of imposing life

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

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Defendant's name: CHARLES DONALDSON
Sentenced to death on 5/28/96 in Okaloosa County
Trial Counsel: JOHN HARRISON & CHRISTOPHER SAXER (court appointed)
Trial judge G. ROBERT BARRON found 4 non-statutory mitigators:

Good prison record
State of mind and distress about the safety of him and his family
Family history
Work record

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Defendant's name: SAMUEL FRANCIS WILLIAMS
Sentenced to death on 6/6/96 in Okaloosa County
Trial Counsel: JAY GONTAREK & D. REED AMMON (court appointed)
Trial judge G. ROBERT BARRON found 6 non-statutory mitigators:

Virtually no disciplinary problems in jail over the last 20 months
Obtained GED while incarcerated

Rehabilitation potential
Participation in weekly bible meetings
Intends to further education and become involved in prison ministry if sentenced to life
Capacity for hard work

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Defendant's name: JESUS DELGADO
Sentenced to death on 6/19/96 in Dade County
Trial Counsel: HOWARD SOHN & DAVID PECKINS (court appointed)
Trial judge NORMAN GERSTEIN found 8 non-statutory mitigators:

Suffers from lifelong physical and psychological impairments
Physically and emotionally battered child
Has never used drugs or alcohol
Father sentenced to federal prison for drug trafficking
Loved and protected parents
Little contact with mother for several years
Capacity to work hard and other fine qualities
Appropriate behavior during trial

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Defendant's name: MICHAEL KEEN
Sentenced to death on 7/15/96 in Broward County
(originally sentenced to death on 7/17/85, FSC remanded for new trial on 3/19/87 at 504 So2d 396; 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

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Defendant's name: PERRY OMAR BUCKNER
Sentenced to death on 8/21/96 in Sumter County
Trial Counsel: JULIAN HARRISON & FELIX ADAMS (court appointed)

Trial judge JOHN W. BOOTH found 4 non-statutory mitigators:

Expressed remorse
Never completed formal education
Has artistic talent
Chaotic lifestyle (no actual home, slept wherever he was)

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Defendant's name: CALVIN JEROME JOHNSON
Sentenced to death on 8/22/96 in Duval County
Trial Counsel: REFIK ELER & TERRY SOPP (court appointed)

Trial judge HUGH A. CARUTHERS found 6 non-statutory mitigators:

Turned self into police
Member of abusive and dysfunctional childhood home
Work history
Good to parents and neighbors
Has eight year old daughter
Good school background

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Defendant's name: GARY RAY BOWLES
Sentenced to death on 9/6/96 in Duval County
Trial Counsel: BILL WHITE (public defender)

Trial judge JACK SCHEMER found 4 non-statutory mitigators:

Drug addiciton and alcoholism
Assisted police in prosecuting a jailhouse rape
Confessed to police and FBI
Pled guilty to capital offense

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Defendant's name: WALTER MANUEL RUIZ
Sentenced to death on 10/7/96 in Hillsborough County
Trial Counsel: BRIAN DONERLY (court appointed)

Trial judge J. ROGERS PADGETT found 5 non-statutory mitigators:

Is a fair and considerate father to his children
Steadily employed before separation from wife
Active in church before separation from wife

Mother loves him and would visit him if he were sentenced to life in prison
Conduct and lifestyle changed abruptly 2 years ago

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Defendant's name: ARTURO BENEDITH
Sentenced to death on 10/9/96 in Brevard County
Trial Counsel: GREGORY EISENMENGER (court appointed)

Trial judge DEAN MOXLEY found 3 non-statutory mitigators:

Mental problems
Drug use
Sentence of accomplice

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Defendant's name: OSCAR BOLIN
Resentenced to death on 10/9/96 in Pasco County
(originally sentenced to death on 10/30/92 but remanded for new trial on 02/09/95 at 650
So2d 0019)
Trial Counsel: PAUL FIRMANI (public defender)

Trial judge WILLIAM WEBB found 8 non-statutory mitigators:

Has organic brain damage
Abused and battered child
Deprived childhood and poor upbringing
Under influence of some mental/emotional disturbance
Impaired capacity to conform to the law
Respectful behavior during trial
Saved life of another from drowning
Gainfully employed at time of offense

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Defendant's name: JAMES HITCHCOCK
Resentenced to death on 10/10/96 in Orange County
(originally sentenced 02/11/77, USSC remands for new sentencing 04/22/87 at 107 SCt
1821; resentenced to death 03/17/88, FSC affirmed 12/20/90 at 578 So2d 0685, USSC - on
rehearing - remanded at 112 SCt 3020, FSC remanded for new sentencing 01/28/93 at 614 So2d
0483; resentenced to death 8/30/93, FSC remanded for new sentencing on 3/21/96 at 673 So2d
859)
Trial Counsel: TRISH CASHMAN; KELLY SIMS; MATT PARDY (public defenders)

Trial judge MICHAEL CYCMANICK found 7 non-statutory mitigators:

- Background of poverty
- Lingering death of natural father from cancer
- Unable to pursue formal education
- Witnessed and experienced emotional and physical abuse by stepfather on himself and mother
- Personality disorders
- Ran away from home at early age
- Developed positive character traits since offense

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Defendant's name: RYAN J. URBIN
Sentenced to death on 10/11/96 in Duval County
Trial Counsel: TOM LARKIN & RALPH ELLIOTT (privately retained)

Trial judge WILLIAM A. WILKES found 5 non-statutory mitigators:

- Absence of father
- Drug and alcohol abuse
- Mother presently in prison
- Dyslexia
- Employment history

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Defendant's name: OSVALDO ALMEIDA
Sentenced to death on 2 cases on 11/1/96 in Broward County
Trial Counsel (12/12/95 trial): NEAL DUPREE, HILLIARD MOLDOF
Trial Counsel (2/20/96 trial): STEVE HAMMER, HILLIARD MOLDOF

Trial judge PAUL BACKMAN found 8 non-statutory mitigators:

- Capacity for rehabilitation
- Good behavior while incarcerated
- Cooperated with police after arrest
- Gave up right to be silent
- Alcohol use and abuse
- Difficult childhood and was physically abused
- Has shown remorse
- Exhibited genuine religious beliefs

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Defendant's name: PAUL ANTHONY BROWN
Sentenced to death on 11/7/96 in Volusia County
Trial Counsel: J. PEYTON QUARLES (court appointed)

Trial judge R. MICHAEL HUTCHINSON found 2 non-statutory mitigators:

Family background
Drug and alcohol abuse

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Defendant's name: NATHAN RAMIREZ
Sentenced to death on 11/8/96 in Pasco County
Trial Counsel: RICHARD KILEY & PAUL FIRMANI (public defenders)

Trial judge CRAIG VILLANTI found 5 non-statutory mitigators:

Cooperation with law enforcement
Conduct in jail and during trial
Demeanor and comments pertaining to the crime
Conduct prior to the crime
Background

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Defendant's name: RONNIE KEITH WILLIAMS
Sentenced to death on 11/15/96 in Broward County
Trial Counsel: BRUCE RADICOFF (court appointed)

Trial judge SHELDON SCHAPIRO found 4 non-statutory mitigators:

Model prisoner pre-trial
Attended jail religious services
Deprived childhood
Loving person

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Defendant's name: JOSHUA D. NELSON
Sentenced to death on 11/27/96 in Lee County
Trial Counsel: HAROLD STEVENS & JOHN MILLS (court appointed)

Trial judge WILLIAM NELSON found 6 non-statutory mitigators:

Voluntary confession
Co-defendant caused death of victim
Emotional handicaps
No prior convictions for violent felonies
Offered to plead guilty
Rehabilitation potential

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Defendant's name: BRANDY BAIN JENNINGS
Sentenced to death on 12/2/96 in Collier County (trial venue changed to Pinellas)
Trial Counsel: TOM OSTEEN (public defender)
Trial judge WILLIAM BLACKWELL found 7 non-statutory mitigators:

Family background/deprived childhood
Disparate sentence of co-defendant
Cooperation with law enforcement
Good employment history
Loving relationship with mother
Positive personality traits enabling formation of strong caring relationships
Capacity to care for and be mutually loved by children

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Defendant's name: PAUL HILDWIN
Resentenced to death on 12/4/96 in Hernando County
(originally sentenced to death on 9/17/86; case affirmed by FSC on 9/1/88 at 531 So2d 124; 3850 motion denied on 6/23/93; FSC granted new sentencing on 3850 appeal on 1/19/95 at 654 So2d 107).
Trial Counsel: RICHARD HOWARD & WILLIAM HALLMAN (court appointed)

Trial judge RICHARD TOMBRINK found 5 non-statutory mitigators:

History of childhood abuse, including sexual abuse by father
History of drug or substance abuse
Organic brain damage
Ability to do well in structured environment
His mental illness is readily treatable in prison setting

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Defendant's name: JAMES GUZMAN
Resentenced to death on 12/27/96 in Volusia County

(originally sentenced to death on 10/16/92 but remanded for new trial on 09/22/94 at 644 So2d 0996)

Trial Counsel: GERARD KEATING (court-appointed)

Trial judge WILLIAM JOHNSON found 1 non-statutory mitigator:

Drug dependency

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Defendant's name: ROBERT TREASE

Sentenced to death on 1/22/97 in Sarasota County

Trial Counsel: FRED MERCURIO (court appointed)

Trial judge ROBERT BENNETT found 3 non-statutory mitigators:

Behavior while incarcerated
Father abused him and his sisters as children
Disparate sentence of co-defendant

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Defendant's name: AKEEM MUHAMMAD (aka RICHARD MICHAEL RINALDO)

Sentenced to death on 1/24/97 in Broward County

Trial Counsel: BRADLEY COLLINS & STEVEN HAMMER

Trial judge RICHARD EADE found 3 non-statutory mitigators:

Good behavior at trial
Cooperative when arrested
Difficult and unstable childhood

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Defendant's name: JOHN H. HESS

Sentenced to death on 1/29/97 in Lee County

Trial Counsel: MARQUIN RINARD (public defender)

Trial judge JAY ROSMAN found 16 non-statutory mitigators:

Is a loving son
Is a loving brother
Employment history
Loving and caring father
Provided financial assistance to family

Lacked male role model when growing up
Traumatized by having sons taken away
Illness at a young age left a learning disability
Treated cruelly when young because of learning disability
As a child and adult accepts blame for things he did not do
Cooperation with law enforcement
Disparate treatment
Mental background
Religious devotion
Length of potential sentences
Good conduct in jail and at trial

The FSC on direct appeal reduced to life and found that the statutory mitigator of no prior significant crimes should have been found.

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Defendant's name: MANUEL ANTONIO RODRIGUEZ
Sentenced to death on 1/31/97 in Dade County
Trial Counsel: EUGENE ZENOBI & RICHARD HOULIHAN (court appointed)
Trial judge LESLIE ROTHENBERG found 4 non-statutory mitigators:

Mental health deficits
History of drug abuse
Love and compassion for family and friends
Heartache and sadness in his life

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Defendant's name: ALBERT HOLLAND
Resentenced to death on 2/7/97 in Broward County
(originally sentenced to death on 8/20/91; remand for new trial on 3/24/94 at 636 So2d 1289)
Trial Counsel: JAMES LEWIS & EVAN BARON (court appointed)

Trial judge CHARLES M. GREENE found 2 non-statutory mitigators:

History of drug and alcohol abuse
Long-standing history of mental illness

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Defendant's name: BERRY KESSLER
Sentenced to death on 2/19/97 in Pasco County

Trial Counsel: PAUL FIRMANI & WILLIAM EBLE

Trial judge WILLIAM WEBB found 17 non-statutory mitigators:

70 year old prisoners are not a danger to society
Service in World War II
Purple Heart in World War II
Bronze Star in World War II
50 year marriage and supported wife
Raised four children well
Jewish, attended temple and generous to children at synagogue
Generous in business
Assisted taxpayers in accounting business
Gainfully employed
Under financial stress
Under emotional stress
Good trial conduct
Can be productive in prison
Has support of his family
No prior violent record
Prior felonies were for federal IRS crimes

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Defendant's name: ALPHONSO CAVE

Resentenced to death on 2/21/97 in Pinellas County - venue changed from Martin County

(originally sentenced to death 12/10/82 in Pinellas County, FSC affirmed on direct appeal 08/30/85 at 476 So2d 0180, FDC remanded on federal habeas for new sentencing 08/03/90, 11th Circuit affirmed relief 08/26/92 at 971 F2d 1513; resentenced to death on 6/25/93 in Pinellas County, FSC remanded for new sentencing on 9/21/95 at 660 So2d 705)

Trial Counsel: JEFFREY GARLAND (court appointed)

Judge C. PFEIFFER TROWBRIDGE found 11 non-statutory mitigators:

Remorse
Not the triggerman
Saved the life of Frank Andrews
Under the influence of marijuana and/or alcohol
Was a good and considerate son
Unselfishness and concern toward neighbors
Worked steadily to support himself and son
Loved and nurtured his son
Only son killed as a result of criminal act
Improved self through education and religious study while in prison
Confessed his involvement

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Defendant's name: DAVID CARPENTER

Sentenced to death on 2/28/97 in Pinellas County

(originally sentenced to death 5/3/96 but trial court vacated sentence because the jury had been misinformed about alternate sentence)

Trial Counsel: ROBERT FORD & D. ROBERT LEWIS (court appointed)

Trial judge TIMOTHY PETERS found 2 non-statutory mitigators:

Sentence of co-defendant
Cooperation with police

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Defendant's name: KEITH BRENNAN

Sentenced to death on 3/20/97 in Lee County

Trial Counsel: ROBERT JACOBS (public defender)

Trial judge WILLIAM NELSON found 25 non-statutory mitigators:

Offered to plead guilty for life sentence
Proportionality
Mother committed suicide when he was 2 years old
Relative involvement in offense
Drug abuse problems
Sexually abused as a child by older brother
Difficult childhood
Behavior at trial was acceptable
Dysfunctional family
Gave voluntary statement following arrest
Used LSD the night before the offense
Feared his own demise at hands of co-defendant
Influence of older co-defendant
Alcohol abuse
Not known, prior to this case, as a violent person
Personality disorder
Childhood trauma
Psychological stress
Questions about his role and role of co-defendant
Step mother testified he was a good son
Victim had raped his girlfriend
Lack of childhood development made him small in stature and so was taken advantage of
by others

Emotional reasons for crime rather than cold calculation
Very young, 16 at time of offense
Was a follower rather than a leader

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Defendant's name: BILLY KEARSE
Sentenced to death on 3/24/97 in Indian River County (venue changed from St. Lucie)
(originally sentenced to death on 11/08/91 but remanded for new sentencing 06/22/95 at
662 So2d 677)
Trial Counsel: ROBERT UDELL (court appointed)

Trial judge C. PFEIFFER TROWBRIDGE found 3 non-statutory mitigators:

Trial behavior acceptable
Difficult childhood resulting in psychological and emotional problems
Entered penal system at early age

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Defendant's name: ANDREW LUKEHART
Sentenced to death on 4/4/97 in Duval County
Trial Counsel: MICHAEL EDWARDS (court appointed)

Trial judge WILLIAM WILKES found 4 non-statutory mitigators:

Alcoholic father
History of drug and alcohol abuse
Sexually abused by uncle when age 10
Employed at the time of the crime

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Defendant's name: JAMES M. RANDALL
Sentenced to death on 4/4/97 in Pinellas County
Trial Counsel: MICHAEL SCHWARTZBERG & RICHARD WATTS (court appointed)

Trial judge SUSAN SCHAEFFER found 3 non-statutory mitigators:

Sexual sadism
Good work record
Good jail and courtroom conduct

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Defendant's name: DAVID P. SNIPES
Sentenced to death on 4/11/97 in Lee County
Trial Counsel: BRIAN BOYLE & MARK GRABER (court appointed)

Trial judge JAY ROSMAN found 37 non-statutory mitigators:

- Parents were divorced
- Positive traits and rehabilitation potential
- GED
- Character
- Drug abuse problem
- Sexually abused as a child
- Difficult childhood
- Trial behavior good
- Pre-trial behavior good
- Proportionality in general
- Dysfunctional family
- Voluntary statement before arrest
- Voluntary statement after arrest
- State used his statement to convict him
- Statement led police to co-defendant
- Would not have been arrested or convicted but for his own statements
- Statement led to co-defendant's arrest warrant
- Expressed remorse voluntarily
- Expressed remorse despite knowing it would not benefit him
- Went to drug rehabilitation
- Influenced by older co-defendant
- Not known as a violent person
- Personality disorder
- Self-destructive traits
- Psychological dysfunction
- Lack of male role model
- Childhood trauma
- Psychological stress
- Family support
- Is a loving and caring father
- Life in prison would give him meaningful role as parent
- Wife intends to move so he can visit his child
- Did not flee, but co-defendant did
- Suffers from some mental and emotional disturbance
- Capacity to conform to law is somewhat impaired
- Religious devotion
- Life sentence would be a just punishment for this crime

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Defendant's name: DAVID WYATT JONES
Sentenced to death on 4/25/97 in Duval County
Trial Counsel: ALAN CHIPPERFIELD & LEWIS BUZZELL (public defenders)

Trial judge WILLIAM WILKES found 4 non-statutory mitigators:

Crack addict with long-term drug problem
Family and employment history
Prevented escape during previous incarceration
Jail records shows signs of psychotic episode

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Defendant's name: TERRY LEE WOODS
Sentenced to death on 5/2/97 in Lake County
Trial Counsel: JEFFREY PFISTER & MICHAEL GRAVES (court app-td)

Trial judge JERRY T. LOCKETT found 7 non-statutory mitigators:

Learning disabilities caused him to drop out of school
IQ is 77, in the borderline range
Good parent to his 2 daughters and a child who is not biologically his
Good sibling
Absence of father figure
No prior convictions for violent offenses
Assisted police with a murder and carjacking case

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Defendant's name: LYNFORD BLACKWOOD
Sentenced to death on 5/16/97 in Broward County
Trial Counsel: ROBERT ULLMAN (court appointed)

Trial judge JAMES COHN found 8 non-statutory mitigators:

Under influence of emotional disturbance
Capacity for rehabilitation
Cooperation with police
Lover's quarrel/passion killing
Remorse
Good parent to teenaged son

Hard worker
Low IQ

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Defendant's name: JOAQUIN JOSE MARTINEZ
Sentenced to death on 5/27/97 in Hillsborough County
Trial Counsel: THOMAS FOX & ROBERT FRASIER (privately retained)

Trial judge J. ROGERS PADGETT found 3 non-statutory mitigators:

Adjusted well to confinement
Ex-wife and daughters will visit him in prison
Above average IQ and healthy personality will help him adapt to prison

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Defendant's name: GLEN EDWARD ROGERS
Sentenced to death on 7/11/97 in Hillsborough County
Trial Counsel: NICK SINARDI & ROBERT FRASIER (court appointed)

Trial judge DIANA ALLEN found 4 non-statutory mitigators:

Lack of moral upbringing
Reliable employee
Sole care of two children
Bought drinks for victim and friends in a generous manner

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Defendant's name: MICHAEL LEE ROBINSON
Sentenced to death on 8/15/97 in Orange County
(originally sentenced to death on 4/12/95 and remanded for resentencing on 11/21/96 at 684 So2d 175. The Court said the record reflects evidence of remorse; good jail record; mental health problems; drug abuse; difficult childhood)
Trial Counsel: MIKE IRWIN; MARK BENDER (court appointed)

Trial judge DOROTHY RUSSELL found 15 non-statutory mitigators:

Acted under duress
Suffers from brain damage
Drug problem/under influence of cocaine
Remorse
Religious

Father had substance abuse problem
Father was abusive
Suffers from personality disorder
Emotionally disturbed as a child/hyperactive
Obtained his GED
Good inmate
Afraid to go back to prison
Assisted police/led them to victim's body
Ability to adjust to life in prison
Has people who love and care about him

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Defendant's name: TROY MERCK
Sentenced to death on 9/12/97 in Pinellas County
Trial Counsel: FREDERIC ZINOBAR (court appointed)

Trial judge NELLY KHOUZAM discusses 6 non-statutory mitigators in her sentencing memo:

Childhood abuse and deprivation
Learning disability
Alcohol abuse
Capable of forming loving relationships
Chemically dependant parents
Lack of parental role model

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Defendant's name: GARY LEE THORP
Sentenced to death on 10/13/97 in Brevard County
Trial Counsel: KENNETH STUDSTILL (court appointed)
Trial judge TONYA RAINWATER found 2 non-statutory mitigators:

Cerebral palsy
Family background

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Defendant's name: TERRY PAUL RAY
Sentenced to death on 11/12/97 in Holmes (venue changed to Bay County)
Trial Counsel: WALTER SMITH (public defender)
Trial judge CLINTON E. FOSTER found 5 non-statutory mitigators:

Low IQ

Suffers from depression
Family history of mental health problems and low IQ
Some brain damage at premature birth
Is a caring stepfather and has a loving family

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Defendant's name: MICHAEL D. ZACK
Sentenced to death on 11/24/97 in Escambia County
Trial Counsel: ELTON KILLAM (public defender)

Trial judge JOSEPH Q. TARBUCK found 3 non-statutory mitigators:

Remorse
Voluntary confession
Good jail conduct

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Defendant's name: SCOTT MANSFIELD
Sentenced to death on 1/30/98 in Osceola County
Trial Counsel: KATHLEEN FLAMMIA & MICHAEL ERWIN (court-appointed)

Trial judge BELVIN PERRY found 4 non-statutory mitigators:

Good trial conduct
Alcoholism
Poor upbringing and dysfunctional family
Mother was alcoholic

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Defendant's name: JAMES FRANKLIN ROSE
Sentenced to death on 2/13/98 in Broward County
Trial Counsel: RAAG SINGHAL (court appointed)

Trial judge PAUL BACKMAN found 9 non-statutory mitigators:

Mental and emotional disturbance
Non-nurturing childhood
Below average intelligence and is a slow learner
Employment history
Good conduct in prison
Cooperated with police by waiving Miranda

Unwavering declaration of innocence
Has performed good deeds
Possesses good characteristics

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Defendant's name: ANTHONY LAMARCA
Sentenced to death on 2/20/98 in Pinellas County
Trial Counsel: RON EIDES & NORA MCCLURE (public defenders)

Trial judge BRANDT DOWNY found 1 non-statutory mitigator:

History of drug abuse and other mental health defects

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Defendant's name: RODERICK JUSTIN FERRELL
Sentenced to death on 2/27/98 in Lake County
Trial Counsel: CANDACE HAWTHORNE (public defender)

Trial judge JERRY T. LOCKETT found 19 non-statutory mitigators:

Schizotypal personality disorder
Abandoned by his father
Mother failed to discipline
Mother failed to provide role modeling
Violent destructive fantasy games impaired his ability to deal with reality
Dysfunctional family and disturbed mother
Lacked father figure
Felt persecuted by society
Influenced by vampirism and occult
History of drug use and under influence at time of offense
Possibly had encephalitis as a child
Sense of self distorted by bizarre thoughts
Standard of normalcy influenced by family's conduct
Victim of child abuse
Forced to witness the physical abuse of others
Took responsibility for the offenses
Victim of sexual abuse
Adapted well in prison
4 consecutive life sentences removes him from society forever

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Defendant's name: JOSEPH RAMIREZ
Sentenced to death on 3/13/98 in Dade County
(originally sentenced to death 2/20/85)
Trial Counsel: EUGENE ZENOBI (court appointed)

Trial judge RONALD DRESNICK overrode the JURY RECOMMENDATION OF LIFE (only 3 votes for death) and found 3 non-statutory mitigators:

Positive influence on son and supportive to wife
Sexually abused by babysitter
Physically abused by father

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Defendant's name: JASON STEPHENS
Sentenced to death on 4/7/98 in Duval County
Trial Counsel: RICHARD NICHOLS & REFIK ELER (court appointed)

Trial judge JACK SCHEMER found 12 non-statutory mitigators:

Came to the aid of a child in a mall
Church volunteer
Employed
Loving family and distraught over father's death
Educational history shows capacity for rehabilitation
Likes and cares for children
Good student
Adjusted well to incarceration
Did not intend to kill the victim
Co-defendant received life sentence
Faces life on underlying offenses
Pled guilty to numerous underlying offenses

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Defendant's name: LAWRENCE SINGLETON
Sentenced to death on 4/14/98 in Hillsborough County
Trial Counsel: JOHN SKYE (public defender)

Trial judge BOB ANDERSON MITCHAM found 9 non-statutory mitigators:

The "previous conviction" aggravator was a 1978 case when the defendant was 51 years old

The intent to kill was formed during an argument or disagreement with the victim

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

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Defendant's name: ANTHONY FARINA
Sentenced to death on 5/7/98 in Volusia County
Trial Counsel: LARRY HENDERSON; WILLIAM HATHAWAY (public defenders)

Trial judge C. MCFERRIN SMITH found 15 non-statutory mitigators:

- Co-defendant killed the victim
- Abused & battered as child
- Deprived childhood & poor upbringing
- History of emotional problems
- Good conduct in prison
- Amenable to rehabilitation
- Cooperative with police
- Lack of education
- Good employment history
- Involved in Bible study and religion
- Remorse
- Positive influence on others
- Used marijuana regularly
- No history of violence
- Parental abandonment

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Defendant's name: JEFFREY FARINA
Sentenced to death on 5/7/98 in Volusia County
Trial Counsel: LARRY HENDERSON; WILLIAM HATHAWAY (public defenders)

Trial judge C. MCFERRIN SMITH found 6 non-statutory mitigators:

- Remorse
- Potential to reform in prison
- Physical, Mental & Emotional Abuse

Caring relationship with younger sister
Maintained employment at age 16
Earned GED in prison, pursued Christianity and learned to knit (i.e., sought to improve self in prison)

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Defendant's name: CURTIS BEASLEY
Sentenced to death on 5/22/98 in Polk County
Trial Counsel: BOB NORGDARD; BYRON HILEMAN (court appointed)

Trial judge CECELIA MOORE found 25 non-statutory mitigators:

Failure to complete college
Failed marriage
Good manners
Good personality
Good son
Good student
Active student leader
Good athlete
Honorable veteran
Good worker
Good friend
Good brother
Good musician
Active in church
Substance abuse
Suicide of friend
Self-sufficient & self-reliant
Financially responsible
Financial trouble due to substance abuse
No criminal convictions for violence
Good relationship with children & grandchildren
Alcohol problems for two years after first divorce
Mental/Emotional disturbance & incapacity
Ability to serve life sentence without difficulty
Good behavior from offense to sentencing
Remorse
Potential to reform in prison
Physical, Mental & Emotional Abuse
Caring relationship with younger sister
Maintained employment at age 16
Earned GED in prison, pursued Christianity and learned to knit (i.e., sought to improve

self in prison)

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Defendant's name: RONALD ALAN KNIGHT
Sentenced to death on 5/29/98 in Palm Beach County
Trial Counsel: JOSE SOSA (court-appointed advisor to pro se Knight)
Trial judge EDWARD GARRISON found 3 non-statutory mitigators:

Broken home and unstable childhood
Has support and love of his family
Disparate treatment of codefendants

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Defendant's name: MICHAEL SCOTT STOLL
Sentenced to death on 6/9/98 in Seminole County
Trial Counsel: JACK EDMUND; STEVE KACKLEY (private)

Trial judge SEYMOUR BENSON found 3 non-statutory mitigators:

Mocked as a child for disfigurements (born with cleft palate and had scars from dog attack)
Cared for wife's children and sent his wife to Chicago for treatment for multiple sclerosis
Attended church with daughter

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Defendant's name: SEBURT CONNOR
Sentenced to death on 6/19/98 in Dade County
Trial Counsel: EUGENE ZENOBI (court-appointed)

Trial judge MAXINE COHEN LANDO found 4 non-statutory mitigators:

Mental illness
Good father
Will die in prison if given life sentences
No prison problems

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Defendant's name: DONALD LEE BRADLEY
Sentenced to death on 6/25/98 in Clay County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge PETER DEARING found 6 non-statutory mitigators:

- Overcame chaotic and dysfunctional childhood
- Good provider and loving husband
- Very hard worker and good employee
- Unselfish and helpful to others
- Sincere religious faith
- Codefendants got life or less

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Defendant's name: STEPHEN TODD BOOKER

Resentenced to death on 6/25/98 in Alachua County

(originally sentenced to death 10/20/78 and affirmed on appeal at 397 So2d 910; federal court granted resentencing)

Trial Counsel: JOHN KEARNS

Trial judge ROBERT CATES found 9 non-statutory mitigators:

- Childhood sexual abuse
- Childhood physical abuse
- Childhood verbal abuse
- Inconsistent family life
- Repeated disruption of education
- Alcohol and drug abuse
- Contributions to literature through his poetry
- Remorse
- Honorable discharge from the U.S. Army

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Defendant's name: MICHAEL GRIFFIN

Sentenced to death on 7/10/98 in Pinellas County

Trial Counsel: DWIGHT WELLS (court-appointed)

PLED GUILTY AND WAIVED JURY RECOMMENDATION

Trial judge BRANDT DOWNEY found 2 non-statutory mitigators:

- Good jail and courtroom behavior
- Remorse

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Defendant's name: NOEL DOORBAL
Sentenced to death on 7/17/98 in Dade County
Trial Counsel: ANTHONY NATALE; PENNY BURKE (court-appointed)

Trial judge ALEX FERRER found 6 non-statutory mitigators:

- Difficult childhood
- Hardworking and loyal employee
- Positive influence on others
- Religious devotion
- Appropriate courtroom behavior
- Will be imprisoned for rest of life

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Defendant's name: DANIEL LUGO
Sentenced to death on 7/17/98 in Dade County
Trial Counsel: RONALD GURALNICK (private)

Trial judge ALEX FERRER found 5 non-statutory mitigators:

- Shows great care, love and affection for family and friends
- Execution will negatively impact his family
- Appropriate courtroom behavior
- Assisted police in locating bodies of victims
- Life without parole protects society from defendant

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Defendant's name: DAVID MILLER
Sentenced to death on 7/24/98 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial judge L. HALDANE TAYLOR found 10 non-statutory mitigators:

- Victim was unconscious and thus did not suffer
- Turned himself in to police
- Life sentence means no parole
- Remorse
- Cooperated with police
- Emotionally distraught by deaths in his family
- Frontal lobe brain deficit
- Can adapt to prison
- Is loved by his family

Has adjusted well in jail

FSC affirmed on direct appeal and ruled that trial judge should have found "long-term drug and alcohol abuse" as a mitigator.

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Defendant's name: ANDREA JACKSON

Resentenced to death on 8/17/98 in Duval County

(originally sentenced to death 2/10/84; resentenced 2/21/92; resentenced 1/18/96; direct appeal remand on 11/6/97 at 704 So2d 500 cited improper weighing in sentencing order)

Trial Counsel: STEPHEN WEINBAUM (court-appointed)

Trial judge DONALD MORAN found 5 non-statutory mitigators:

- Victim of physical and domestic violence
- Physically and psychologically dependant on alcohol
- Physically and psychologically dependant on drugs
- Under the influence at the time of the offense
- Remorse

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Defendant's name: LEONARDO FRANQUI

Resentenced to death on 9/18/98 in Dade County

(originally sentenced to death 10/11/94 and remanded for new sentencing on 7/3/97 at 699 So2d 1332)

Trial Counsel: ERIC COHEN (court-appointed)

Trial judge ROBERT SCOLA found 4 non-statutory mitigators:

- Positive relationship with his children
- Cooperated with authorities
- Disparate sentences for codefendants
- Has improved himself and his faith while in prison

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Defendant's name: RICARDO GONZALEZ

Resentenced to death on 9/18/98 in Dade County

(originally sentenced to death 10/11/94 and remanded for new sentencing on 9/18/97 at 700 So2d 1217)

Trial Counsel: REEMBERTO DIAZ; BRUCE FLEISCHER (court-appointed)

Trial judge ROBERT SCOLA found 5 non-statutory mitigators:

- Brain damage and psychological problems
- Remorse
- Cooperation with authorities
- Disparate sentences for codefendants
- Good jail conduct and rehabilitation potential

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

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Defendant's name: ALEX PAGAN
Sentenced to death on 10/15/98 in Broward County
Trial Counsel: DENNIS COLLARAN (court-appointed)

Trial judge SUSAN LEBOW found 7 non-statutory mitigators:

- Childhood deprivation
- Attention deficit disorder
- Borderline personality disorder
- Loving brother to his sister
- Loving son, grandson and great-grandson
- Good conduct while in custody
- Loving friend

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Defendant's name: DARRYL MOODY
Sentenced to death on 10/20/98 in Polk County

Trial Counsel: RONALD TOWARD; BYRON HILEMAN (court-appointed)

Trial judge SUSAN WADSWORTH ROBERTS found 5 non-statutory mitigators:

Life is example to family
No proof that he initiated shooting
Others, uncharged, were involved
Successful drug rehabilitation
Talented artist

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Defendant's name: CARLTON FRANCIS
Sentenced to death on 11/10/98 in Palm Beach County
Trial Counsel: CRAIG BOUDREAU (court-appointed)

Trial judge EDWARD GARRISON found 6 non-statutory mitigators:

No significant history of violent crime
Mentally ill/emotionally disturbed
Sympathy for victim's family
Has family and friends who care for him
Loving son, brother and father
Ability to conform conduct is impaired

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Defendant's name: EDDIE LEE SEXTON
Sentenced to death on 11/18/98 in Palm Beach County
Trial Counsel: RICK TERRANA; ROBERT FRASER (court-appointed)

Trial judge J. ROGERS PADGETT found 6 non-statutory mitigators:

Kind to children (plays Santa at Christmas)
Pastor of a church
At times, had normal loving relationship with his children
Helped mother and sister with chores and repairs
Father died when 10 years old; deprived of male role model
Codefendant received lesser sentence

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Defendant's name: JUAN CARLOS CHAVEZ
Sentenced to death on 11/23/98
(change of venue from Dade to Orange County)
Trial Counsel: PATRICK NALICK; ART KOCH (public defenders)

Trial judge MARC SCHUMACHER found 6 non-statutory mitigators:

- Good relationship with family
- Political and economic conditions in Cuba
- Good and reliable worker
- Positive relationships with others
- Good jail and courtroom conduct
- No history of violence

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Defendant's name: DONNY LEE CROOK
Sentenced to death on 11/24/98 in Highlands County
Trial Counsel: RONALD TOWARD (court-appointed)

Trial judge J. DAVID LANGFORD found 5 non-statutory mitigators:

- Did not flee after offense
- Did not resist cooperation with police
- Confession showed remorse
- Good courtroom behavior
- Mercy and compassion could be extended

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Defendant's name: RAYMOND MORRISON
Sentenced to death on 12/18/98 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial judge HENRY DAVIS found 8 non-statutory mitigators:

- Cooperative with police
- No parole if given life sentence
- Good jail conduct
- Alcohol and drug problem
- Employed
- Low intellectual capacity
- Helpful to family and neighbors
- Adjusted well to incarceration

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Defendant's name: DOLAN CARLTON DARLING (aka SEAN HECTOR SMITH)
Sentenced to death on 12/18/98 in Orange County
Trial Counsel: ROBERT LEBLANC (court-appointed)

Trial judge JOHN H. ADAMS found 12 non-statutory mitigators:

Acceptable trial behavior
IQ of 85
Belief in God
Caring son to his mother
Caring father to his daughter
Abused as a child by alcoholic father
Sends greeting cards to family
Concerned brother
Good employment history
Has the love and support of his family
Unwavering declaration of innocence
Family lives in a foreign country

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Defendant's name: HARRY LEE BUTLER
Sentenced to death on 1/11/99 in Pinellas County
Trial Counsel: BOB DILLINGER (court-appointed)

Trial judge FRANK QUESADA found 4 non-statutory mitigators:

mother murdered when defendant was 8 years old
good and loving son
“well thought of” by neighbors and co-workers
long term substance abuse problem

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Defendant's name: SONNY RAY JEFFRIES
Sentenced to death on 1/22/99 in Orange County
Trial Counsel: WESLEY BLANKNER; LETICIA MARQUEZ (court-appointed)
DEFENDANT WAS PRO SE AT PENALTY PHASE

Trial judge BOB WATTLES found 7 non-statutory mitigators:

Codefendant got 20 years
History of emotional and mental problems
History of drug and alcohol abuse
History of suicide attempts
Life plea offered
Good trial conduct
Confession

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Defendant's name: THOMAS 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

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Defendant's name: LABRANT DENNIS
Sentenced to death on 2/26/99 in Dade County
Trial Counsel: RONALD GURALNICK (private)

Trial judge MANUEL CRESPO found 1 non-statutory mitigator:

Good courtroom behavior

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Defendant's name: JOHN STEVEN HUGGINS
Sentenced to death on 2/26/99 (change of venue from Orange to Duval County)
Trial Counsel: ROBERT WESLEY; TYRONE KING (court-appointed)

Trial judge BELVIN PERRY found 12 non-statutory mitigators:

Mission work in Haiti/positive attitude toward people of other races
Could contribute to prison community

Abused by father
Mother was abused by father
Difficult family separation
Caring and loving parent
Active in religious programs
Contributed money to the church
Active in a children's ministry
Served the sick and poor in Haiti
Served the homeless
Good trial conduct

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Defendant's name: ALVIN MORTON
Resentenced to death on 3/1/99 in Pasco County
(originally sentenced to death on 3/18/94 and remanded for new sentencing on 3/6/97 at
689 So2d 259)
Trial Counsel: GARY URSO; JOHN SWISHER (court-appointed)

Trial judge ROBERT BEACH found 4 non-statutory mitigators:

Family background
Mental problems
Parental abuse
Cooperation with authorities & confession

FSC affirmed and said "...for the future we caution resentencing judges against adopting a prior sentencing order or substantial parts thereof from the original sentencing judge."

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Defendant's name: THOMAS OVERTON
Sentenced to death on 3/18/99 in Monroe County
Trial Counsel: JASON SMITH (court-appointed)
DEFENDANT REFUSED TO PRESENT MITIGATION

Trial judge MARK JONES found 2 non-statutory mitigators:

Will be incarcerated for rest of life
Good courtroom behavior

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Defendant's name: GERALD MURRAY
Sentenced to death on 3/19/99 in Duval County
Trial Counsel: JANIS WARREN; RICHARD KURITZ (court-appointed)

Trial judge L. HALDANE TAYLOR found 5 non-statutory mitigators:

Untimely death of wife
Loving to his girlfriend and her children
Troubled youth
Lack of education and little contact with father
Mental health problems

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Defendant's name: ROBERT RIMMER
Sentenced to death on 3/19/99 in Broward County
Trial Counsel: RICHARD GARFIELD; HALE SCHANTZ (court-appointed)

Trial judge JAMES COHN found 5 non-statutory mitigators:

Difficult upbringing
Excellent employee
Ministered to others
Good father
Mental Illness

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Defendant's name: MARSHALL LEE GORE (pro se at penalty phase)
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)

Trial judge LESLIE ROTHENBERG found 3 non-statutory mitigators:

Intervened in an altercation between friend's parents
Hearing loss
Migraine headaches

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Defendant's name: CHARLES ANDERSON
Sentenced to death on 4/19/99 in Broward County
Trial Counsel: GEORGE RERAS (public defender)

Trial judge DANIEL TRUE ANDREWS found 13 non-statutory mitigators:

Sexual dementia/ordered into a sex offender program
Confessed to sexual battery of victim during drug addiction counseling
Drug addiction
Comes from good family and has 7 siblings
Good, obedient and helpful child
Helped care for his children
Loves his children
Sends gifts to his children
Is a caring person
5 years service in Coast Guard and honorable discharge
Society would be safe if he served a life sentence
Earned money "playing the market"
Insightful and poetic

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Defendant's name: ROBERT MORRIS
Sentenced to death on 4/30/99 in Polk County
Trial Counsel: REX DIMMIG; HOWARDENE GARRETT (public defender)

Trial judge ROBERT YOUNG found 12 non-statutory mitigators:

Borderline IQ
Learning disabilities
Childhood filled with poverty, abuse and neglect
Had ulcers from extreme stress
Alcohol and drug 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

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Defendant's name: MAURICE FLOYD
Sentenced to death on 5/26/99 in Putnam County
Trial Counsel: DOUG WITHEE (public defender)

Trial judge WILLIAM PARSONS found 4 non-statutory mitigators:

- Exemplary courtroom demeanor
- Assisted counsel by taking notes and communicating
- Successfully completed 22 months of his 5 year probation
- Concerned about his wife's alcohol use

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Defendant's name: JAMES FORD
Sentenced to death on 6/3/99 in Charlotte County
Trial Counsel: PAUL SULLIVAN; PAUL ALESSANDRONI (private)

Trial judge CYNTHIA ELLIS found 12 non-statutory mitigators:

- Devoted son
- Loyal friend
- Learning disability
- Developmental age of 14
- Family history of alcoholism
- Chronic alcoholism
- Has diabetes
- Excellent jail record and conduct
- Self-improvement in jail
- School system failed to intervene re: impairments
- Is not sociopathic or psychopathic
- Is not antisocial

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Defendant's name: STEVEN EVANS
Sentenced to death on 6/7/99 in Orange County
Trial Counsel: ANDREA BLACK; MARLENE ALVA (court-appointed)

Trial judge JAY PAUL COHEN found 2 non-statutory mitigators:

- History of drug and alcohol use and abuse
- Family and community relationships

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Defendant's name: PAUL EVANS
Sentenced to death on 6/16/99 in Indian River County
Trial Counsel: DIAMOND LITTY; MARK HARLLEE (public defenders)

Trial judge ROBERT HAWLEY found 12 non-statutory mitigators:

- Good jail behavior
- Good trial behavior
- Difficult childhood
- Raised without a father
- Broken home
- Great childhood trauma
- Hyperactivity/Psychological history/Mental hospitalization
- Father of two young girls
- Believes in God
- Will adjust well to prison
- Family love
- Codefendant's life sentence

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Defendant's name: SAMUEL SMITHERS
Sentenced to death on 6/25/99 in Hillsborough County
Trial Counsel: DANNY HERNANDEZ (court-appointed)

Trial judge WILLIAM FUENTE found 8 non-statutory mitigators:

- Good husband and father
- Close to siblings
- Childhood physical and emotional abuse
- Religious devotion
- Good jail conduct
- Victim's father wants life sentence
- Community contributions
- Confessed to crimes

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Defendant's name: JEFFREY LEE WEAVER
Sentenced to death on 8/27/99 in Broward County
Trial Counsel: RAAG SINGHAL (court-appointed; penalty phase only; Weaver was pro se at trial)

Trial judge MARK SPEISER found 2 non-statutory mitigators:

- Cooperation with police
- Adapted to incarceration

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Defendant's name: GARY RAY BOWLES
Sentenced to death on 9/7/99 in Duval County
(originally sentenced to death on 9/6/96; remanded for new sentencing on 8/27/98 at 716
So2d 769)
Trial Counsel: BILL WHITE (public defender)

Trial judge JACK SCHEMER found 8 non-statutory mitigators:

Abusive childhood
Severe abuse endured by his mother
History of alcoholism
Absence of true father figure in home
Lack of education/Failed to finish junior high school
Cooperation with law enforcement
Voluntary plea of guilty
Use of alcohol and drugs at time of offense

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

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Defendant's name: WILLIE SETH CRAIN
Sentenced to death on 11/19/99 in Hillsborough County
Trial Counsel: DANNY HERNANDEZ; CHARLES TRAINA (court-appointed)

Trial judge BARBARA FLEISCHER found 9 non-statutory mitigators:

Impaired mental health exacerbated by drugs and alcohol
Intoxicated at time of offense
History of substance abuse
History of abuse and unstable home life
Educationally deprived (cannot read or write)

Depressed and suicidal prior to offense
Hard worker - ran his own business
Good prison record
Can form loving relationships

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Defendant's name: DANIEL CONAHAN
Sentenced to death on 12/10/99 (Venue change from Charlotte to Collier County for penalty phase)
Trial Counsel: PAUL SULLIVAN; MARK AHLBRAND (court-appointed)

Trial judge WILLIAM BLACKWELL found 4 non-statutory mitigators:

Loyal, devoted and kind to parents
Worked to improve himself in nursing school
Good familial relationships
Hardworking

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Defendant's name: ADAM WILLIAM DAVIS
Sentenced to death on 12/17/99 in Hillsborough County
Trial Counsel: CHARLES TRAINA (court-appointed)

Trial judge CYNTHIA HOLLOWAY found 8 non-statutory mitigators:

On LSD at time of offense
No priors for violence
Father killed when 14 years old
Mother not his biological parent
Situational stress prior to offense
Skilled writer and artist
Has encouraged others to stay in school
Appropriate courtroom behavior

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Defendant's name: ARTHUR BARNHILL
Sentenced to death on 2/11/00 in Seminole County
Trial Counsel: ARTHUR HAFT (public defender)

Trial judge KENNETH LESTER found 8 non-statutory mitigators:

Learning disability
Frontal lobe impairment of the brain
Difficult childhood
Pled guilty
Appropriate courtroom behavior
Suffers from psychiatric disorders
Remorseful
Neglected by mother

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Defendant's name: WYDELL EVANS
Sentenced to death on 2/15/00 in Brevard County
Trial Counsel: KENNETH STUDSTILL (court-appointed)

Trial judge JERE LOBER found 5 non-statutory mitigators:

Abused and deprived childhood
Good work habits
Charitable deeds
Counseled youth to avoid crime
Good jail and prison behavior

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Defendant's name: GUERRY WAYNE HERTZ
Sentenced to death on 2/18/00 in Wakulla County
Trial Counsel: BOB RAND (court-appointed)

Trial judge N. SANDERS SAULS found 10 non-statutory mitigators:

Abused and neglected by parents
Mental capacity somewhat impaired
Low IQ
No significant criminal history
No history of violence
Not a problem while in jail
Good behavior at trial
Remorseful
Life in prison is harsh enough penalty
Disparate sentence of codefendant

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Defendant's name: JASON BRICE LOONEY
Sentenced to death on 2/18/00 in Wakulla County
Trial Counsel: GREG CUMMINGS (court-appointed)

Trial judge N. SANDERS SAULS found 5 non-statutory mitigators:

- Difficult childhood
- No significant criminal history
- Remorseful
- Life without parole is a possible penalty
- Codefendant received a life sentence

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Defendant's name: RORY CONDE
Sentenced to death on 3/7/00 in Dade County
Trial Counsel: JEFFREY FINK; RAFAEL RODRIGUEZ (court-appointed)

Trial judge JERALD BAGLEY found 6 non-statutory mitigators:

- Family background
- Good employee
- Mental, emotional and marriage problems
- Model inmate who adjusted to jail
- Will be in prison for rest of his life
- Relationship with his children

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Defendant's name: HOWARD AULT
Sentenced to death on 3/13/00 in Broward County
Trial Counsel: KEVIN KULIK; MELODEE SMITH (court-appointed)

Trial judge MARC GOLD found 5 non-statutory mitigators:

- Troubled upbringing
- Victim of sexual and physical abuse
- Physical traumas and organic brain damage
- Pedophilia
- Remorse

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Defendant's name: RAY JOHNSTON
Sentenced to death on 3/13/00 in Hillsborough County
Trial Counsel: LITTMAN & REGISTRATO (public defenders)

Trial judge DIANA ALLEN found 13 non-statutory mitigators:

- Remorse
- History of mental illness
- Capable of strong, loving relationships
- Excels in prison
- Could work and contribute in prison
- Served in military, honorably discharged
- Excelled on parole
- Productive after release from prison
- Turned himself in to police
- Good courtroom behavior
- Has tried to behave normally
- Has support of family
- Offered to be a kidney donor for wife

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Defendant's name: MICAH LOUIS NELSON
Sentenced to death on 3/17/00 in Polk County
Trial Counsel: ROBERT TROGOLO (public defender)

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

- Appropriate courtroom behavior
- Loving relationship with family and friends
- Medication could have controlled his mental illness
- Life sentence is a possible penalty
- Cooperation with police
- Deprived childhood
- Inappropriate sexual conduct (incest)
- Depression and suicide attempt in jail
- Diminished educational experience
- Rape victim in prison
- Low IQ
- No prior felony convictions
- Never been treated for mental & emotional problems
- Offered to plead guilty for life without parole

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Defendant's name: WILLIAM MELVIN WHITE
Sentenced to death on 4/20/00 in Orange County
Trial Counsel: CHANDLER MULLER (court-appointed)

Trial judge MARGARET WALLER found 4 non-statutory mitigators:

- Poor family background and deprived childhood
- Alcohol and drug abuse at young age & extensive history
- Organic brain damage
- Low IQ
- Intoxication and diminished capacity at time of crime
- Willing worker and good employee
- Good prison record/potential for rehabilitation
- Community contributions
- Loving person
- Generous to others

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Defendant's name: TIMOTHY LEE HURST
Sentenced to death on 4/26/00 in Escambia County
Trial Counsel: GLENN ARNOLD (court-appointed)

Trial judge JOSEPH Q. TARBUCK found 4 non-statutory mitigators:

- Good trial conduct
- Contribution to church and neighbors
- Regular church attendance and Bible study
- Good family member

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Defendant's name: DEMETRIS OMAR THOMAS
Sentenced to death on 5/3/00 in Okaloosa County
Trial Counsel: JAY GONTAREK (court-appointed)

Trial judge G. ROBERT BARRON found 6 non-statutory mitigators:

- Mentally retarded
- Family history
- Good jail behavior
- Cooperation with law enforcement
- Did not plan to kill the victim
- Grew up without mother

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Defendant's name: RONALD BELL
Sentenced to death on 5/15/00 in Okaloosa County
Trial Counsel: JAY GONTAREK (court-appointed)

Trial judge THOMAS REMINGTON found 7 non-statutory mitigators:

Codefendants were not sentenced to death
Good student
Good jail behavior
Loving and supportive family
Active in church activities
Gainfully employed
Loving and supportive church family

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Defendant's name: ROGER HARRIS
Sentenced to death on 6/23/00 in Columbia County
Trial Counsel: BLAIR PAYNE; JAMES TAYLOR; BOB WESLEY (private)

Trial judge E. VERNON DOUGLAS found 11 non-statutory mitigators:

Loving son to mother
Loving brother to sister
Gave financial and emotional assistance to sister
Surrogate father to niece
Does good deeds for others
Excellent work record
Works well under supervision and adverse conditions
Good behavior at trial
Good provider for family
17 years of honorable military service
Decorated military service

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Defendant's name: ANTHONY SPANN
Sentenced to death on 6/23/00 in Martin County
Trial Counsel: ROBERT UDELL; RORY LITTLE (court-appointed)

Trial judge CYNTHIA ANGELOS found 6 non-statutory mitigators:

Age 17 at time of battery conviction
Good son, brother and student
Not the triggerman in this offense
Good jail behavior
Good husband and father
Father was shot to death when Spann was a baby

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Defendant's name: LENARD PHILMORE
Sentenced to death on 7/21/00 in Martin County
Trial Counsel: TOM GARLAND; CHIP BAUER (court-appointed)

Trial judge CYNTHIA ANGELOS found 8 non-statutory mitigators:

Abusive alcoholic father
History of extensive drug and alcohol use
Severe emotional trauma and PTSD
Was raped and molested at age 7
Classified in school as severely emotionally handicapped
Able to form close, loving relationships
Cooperation with police
Expressed remorse

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Defendant's name: ALLEN WARD COX
Sentenced to death on 7/24/00 in Lake County
Trial Counsel: WILLIAM STONE (public defender)

Trial judge T. MICHAEL JOHNSON found 17 non-statutory mitigators:

Domestic violence in childhood home
Mother was cruel and unpredictable
Corporal punishment and physical abuse
Father absent, indifferent & failed to protect
Mother was emotionally unstable and prone to violence
Forced to haul wood until fainted from exhaustion
Parents had stormy and unstable marriage
Has no happy childhood memories
Abandoned by mother at age 9
Has loving relationships with family and friends
Has dysthymic disorder and it is treatable

Is suicidal
Organic brain dysfunction
Is extremely detached and has impaired emotional responses
Appropriate courtroom conduct
Functions well in prison
Is loved by his family

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Defendant's name: SETH PENALVER
Sentenced to death on 7/27/00 in Broward County
Trial Counsel: PAT RASTATTER; HILLIARD MOLDOF (court-appointed)

Trial judge BARRY GOLDSTEIN found 3 non-statutory mitigators:

Good attitude and demeanor pre-trial and during trial
Turned himself in after warrant issued
Good deeds and characteristics

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Defendant's name: JONATHAN LAWRENCE
Sentenced to death on 8/15/00 in Santa Rosa County
Trial Counsel: ELTON KILLAM (public defender)

Trial judge KENNETH BELL found 7 non-statutory mitigators:

Caring relationship with family, especially mother
Raised in sick and disturbed home
Remorse
Assisted law enforcement
Pled guilty to all three murders
Offered to testify against codefendant for life without parole
Well-behaved inmate

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Defendant's name: PABLO IBAR
Sentenced to death on 8/28/00 in Broward County
Trial Counsel: BARBARA BRUSH; KAYO MORGAN (court-appointed)

Trial judge DANIEL TRUE ANDREWS found 9 non-statutory mitigators:

Good deeds and loving family member

Good worker
Could be productive in prison if given life sentence
Good friend and brother
Good courtroom behavior
Religious
Has family and friends who care for him
Comes from a good family
Remorse

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Defendant's name: PAUL FITZPATRICK
Sentenced to death on 9/13/00 in Pinellas County
Trial Counsel: FREISEN & MCCLURE (public defenders)

Trial judge LAUREN LAUGHLIN found 6 non-statutory mitigators:

Cared for disabled brother
Kindness toward others
Close to his family
Capacity for loving relationships
Friendly, kind and outgoing
GED in 1982

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Defendant's name: LLOYD DUEST
Resentenced to death on 10/26/00 in Broward County
(Originally sentenced to death on 4/14/83, affirmed on 1/10/85 at 462 So2d 446,
remanded for new sentencing by federal court at 967 F2d 472)
Trial Counsel: CARLOS LLORENTE (court-appointed)

Trial judge SUSAN LEBOW found 12 non-statutory mitigators:

History of drug and alcohol abuse
Under the influence of drugs and alcohol at time of crime
Physically and emotionally abused as a child
Suffered institutional abuse and corruption
Trauma and deprivation of love
Unfavorable treatment and troubled childhood
Influenced toward crime by peers
Love and care of family and friends
Participated in jail programs for self-improvement
Artistic ability

Has a terminal illness: lymphoma
Victim could have been saved if help had arrived in time

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Defendant's name: GLENN OCHA (aka RAVEN RAVEN)
Sentenced to death on 11/1/00 in Osceola County
Trial Counsel: KEN KOMARA (public defender)

Trial judge FRANK KANEY found 14 non-statutory mitigators:

- Good prison conduct in Kentucky
- History of suicidal thinking
- Artistic ability
- History of two head injuries
- History of alcohol and drug abuse
- Learning disabled; special education dropout in 10th grade
- Capable of warm caring relationships despite psychological difficulties
- Encouraged ex-wife
- May suffer from PTSD
- Chaotic and violent childhood
- Remorse
- Intoxicated at time of offense
- Psychiatrically disturbed
- Hard worker

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Defendant's name: JEREMIAH RODGERS
Sentenced to death on 11/21/00 in Santa Rosa County
Trial Counsel: DENISE LEBEOUF (court-appointed)

Trial judge PAUL RASMUSSEN found 10 non-statutory mitigators:

- Sexual abuse
- Physical abuse
- Abandonment
- Drug and alcohol abuse by parents
- Family history of suicide
- Incarcerated at age 16 and sexually abused in prison
- Mental illness, including self-mutilation & attempted suicide
- Potential for positive impact on prison population
- Remorse
- Cooperated with law enforcement

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Defendant's name: J.B. PARKER

Resentenced to death on 12/13/00 (venue changed from Martin to Lake County)

(originally sentenced to death on 1/11/83 and affirmed on 8/22/85 at 476 So2d 134; Trial court grants new sentencing which is affirmed on 9/4/98 at 721 So2d 1147)

Trial Counsel: DAVID LAMOS (court-appointed)

Trial judge DWIGHT GEIGER found 13 non-statutory mitigators:

- Cooperation with law enforcement
- Abused/deprived childhood (hunger and poverty)
- Followership
- Good behavior in prison
- Does well in a structured environment
- Appropriate trial behavior
- Ability to establish and maintain a friendship
- Used alcohol at the time of the offense
- Good athlete in school
- Slow learner in school and was teased by peers
- Left school to support family/was not violent or cruel but kind and helpful and he protected his family
- Treated teachers with respect/was not aggressive as a child
- Inconsistent evidence presented by state re: codefendant as the triggerman

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Defendant's name: NORMAN GRIM

Sentenced to death on 12/21/00 in Santa Rosa County

Trial Counsel: RICHARD TERRY HILL (court-appointed)

Trial judge KENNETH BELL found 3 non-statutory mitigators:

- Great stress due to marital problems
- Model inmate in jail and prison
- First incarcerated at a young age

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Defendant's name: FRED ANDERSON

Sentenced to death on 1/11/01 in Lake County

Trial Counsel: CLINT DOUD; BILL STONE (public defenders)

Trial judge G. RICHARD SINGELTARY found 6 non-statutory mitigators:

Remorse
Cooperation with law enforcement
Employment history
Potential for rehabilitation/Can be productive in prison
Appropriate courtroom demeanor
Willingness to plead

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Defendant's name: JOEL DIAZ
Sentenced to death on 1/29/01 in Lee County
Trial Counsel: JAMES FRANKLIN PORTER (court-appointed)

Trial judge THOMAS REESE found 2 non-statutory mitigators:

Remorse
Family history of violence

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Defendant's name: JEFFREY HUTCHINSON
Sentenced to death on 2/6/01 in Okaloosa County
Trial Counsel: STEPHEN & KIMBERLY COBB (court-appointed)

Trial judge G. ROBERT BARRON found 20 non-statutory mitigators:

Valued security officer at a hospital
Decorated military veteran of the Gulf War
Served 8 years in the U.S. Army and was honorably discharged
Supports 15 yr old son financially and emotionally
Potential for rehabilitation and productivity in prison
Has Gulf War Illness
Has Attention Deficit Disorder
Has never abused illegal drugs
Provided financial and emotional support to family
Has shown compassion, kindness and love for others
High School graduate
Active in educating others about Gulf War Illness
History of employment
Religious
Has moral support from family
Accomplished motorcycle mechanic
Designed mechanical improvements & seeking patents

911 tape shows distress
Has moral support of friends
Use of alcohol at time of offense

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Defendant's name: LUIS CABALLERO
Sentenced to death on 2/15/01 in Broward County
Trial Counsel: PEDRO ONTOLS; DEBBIE CARPENTER (court-appointed)

Trial judge SUSAN LEBOW found 5 non-statutory mitigators:

Has partial hearing loss
Learning disabilities
Loving father to his children
Loving son and brother
Has successfully completed self-improvement programs in jail

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Defendant's name: HENRY GARY THORNTON
Sentenced to death on 2/15/01 in Dade County
Trial Counsel: G.P. DELLA-FERA; CLINTON PITTS (court-appointed)

Trial judge VICTORIA PLATZER found 5 non-statutory mitigators:

Dull-normal IQ
Learning disabilities
Emotional handicaps
Deprived childhood & poor upbringing
Witness to domestic violence

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Defendant's name: WILLIE BRIAN MILLER
Sentenced to death on 3/9/01 in Clay County
(originally sentenced to death on 4/28/95, remanded for resentencing on 7/16/98 at 713
So2d 1008)
Trial Counsel: REFIK ELER (court-appointed)

Trial judge WILLIAM WILKES found 9 non-statutory mitigators:

Codefendant received a life sentence
Father was absent from home

Mild retardation and IQ of 64
Cognitive brain disorder
Twin brother was murdered by mother and all children in family subjected to aggravated child abuse
No prior prison disciplinary problems
Loved by his family
Severely dysfunctional family
Completed the 7th grade

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Defendant's name: RICHARD LYNCH
Sentenced to death on 4/3/01 in Seminole County
Trial Counsel: JAMES FIGGATT; TIMOTHY CAUDILL (public defenders)

Trial judge O.H. EATON found 8 non-statutory mitigators:

Mental Illness
Abused by father
History of alcohol abuse
Has adjusted well to incarceration
Gainfully employed most of the time
Cooperated with police
Good father to his children
Remorse

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Defendant's name: JAMES BELCHER
Sentenced to death on 05/17/01 in Duval County
Trial Counsel: LEWIS BUZZELL (public defender)

Trial judge PETER DEARING found 15 non-statutory mitigators:

Considerate, generous and concerned about his family
Loves and is loved by his family
Has discouraged other family members not to engage in criminal behavior
Has done many kind things for family members
Despite his personal problems, has encouraged his cousins to do well
Relatives think of him as mentor and role model of integrity
Maintains contact with family and provides advice and counsel when required
Raised in high crime area in New York and was unable to resist temptation of crime
Sent to an adult prison at an early age and it affected his development
Has never abused alcohol or drugs

Shows concern for, tutors, coaches, advises and counsels younger inmates
Life sentence would allow him to continue to assist other inmates
Has not been a discipline problem in prison or jail
Displayed proper behavior during trial
Displayed remorse and concern for own family and family of victim

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Defendant's name: JOHN BLACKWELDER
Sentenced to death on 08/06/01 in Columbia County
Trial Counsel: VIC AFRICANO & TINA JOHNSON (court-appointed)

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

Dysfunctional relationship with his parents
Sexually molested at military school

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Defendant's name: JAMIL RASHID
Sentenced to death on 08/09/01 in Duval County
Trial Counsel: ALAN CHIPPERFIELD (public defender)

Trial judge PETER DEARING found 19 non-statutory mitigators:

Abusive childhood
Emotionally deprived childhood
Economically deprived childhood
Mother had abusive relationships with men
Unstable living conditions during childhood
Parents' divorce when defendant was only 10 and it devastated him
Poor and inadequate medical care, particularly when he had a high fever
Caring son to his mother
Good relationship with his father and caring brother to his two sisters
Caring parent to his 2 sons
Did poorly in school as a child
Did not receive psychological counseling recommended by school
Has never been violent or abusive to family and friends
Is a Muslim
Successful in his job as a welder
Performed laudable humanitarian deeds
Good trial behavior
Did well on conditional release for 11 months before this murder
Will die in prison regardless of which sentence is imposed

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Defendant's name: LAWRENCE JOEY SMITH
Sentenced to death on 8/17/01 in Pasco County
Trial Counsel: ROBBINS & HERNANDEZ (court-appointed)

Trial judge MAYNARD SWANSON found 5 non-statutory mitigators:

Lost father at an early age
Emotional distress due to brother's health
Has the love and support of his family
Good student until his father died
Long history of drug abuse

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Defendant's name: RAY JOHNSTON
Sentenced to death on 8/22/01 in Hillsborough County
Trial Counsel: HARVEY HYMAN & JOHN SKYE (public defenders)

Trial judge REX MARTIN BARBAS found 12 non-statutory mitigators:

long history of mental illness
affectionate to family
excels in prison
can work and contribute in prison
honorable discharge from Air Force
got Certificate of Recognition from Secretary of Defense
excelled on parole
productive after release from prison
turned himself in to police
appropriate courtroom behavior
has support of his family
family loves him

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Defendant's name: THOMAS THIBAUT
Sentenced to death on 8/31/01 in Palm Beach County
Trial Counsel: JOHN GARCIA (court appointed)

Trial judge MARVIN MOUNTS found 1 non-statutory mitigator:

accepted responsibility for crime and testified against co-defendant

FSC remanded for new sentencing due to defective waiver of jury at penalty phase

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Defendant's name: CHARLES GLOBE
Sentenced to death on 10/11/01 in Columbia County
Trial Counsel: M. PAYNE BLAIR (court-appointed)

Trial judge E. VERNON DOUGLAS found 11 non-statutory mitigators:

- mother abused him
- good friend to other inmates
- anti-social personality disorder
- confessed to crime
- history of substance abuse from an early age
- good deeds for inmate Perkins
- mother still loves him
- good courtroom behavior
- helpful to minister and family
- capacity to form relationships
- father berated him and kicked him out

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Defendant's name: KENNETH DESSAURE
Sentenced to death on 10/26/01 in Pinellas County
Trial Counsel: SCHWARTZBERG & WATTS (court-appointed)

Trial judge BRANDT DOWNEY found 4 non-statutory mitigators:

- is a caring parent
- dysfunctional family background
- capacity to form personal relationships
- proper courtroom behavior

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Defendant's name: MICHAEL FITZPATRICK
Sentenced to death on 11/02/01 in Pasco County
Trial Counsel: WILLIAM EBLE (court-appointed)

Trial judge MAYNARD SWANSON found 9 non-statutory mitigators:

good and loving family
good employee
history of alcoholism
honorable discharge from military
attempted suicide and mental problems
good surrogate father to girlfriend's children
remorse
is NOT a sex-starved maniac preying on troubled women
is a friendly, warm and considerate person

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Defendant's name: ROSSINY ST. CLAIR
Sentenced to death on 12/17/01 in Dade County
Trial Counsel: WEISSENBORN & ROSENTHAL (court-appointed)

Trial judge LEONARD GLICK found 11 non-statutory mitigators:

no significant criminal history
important to his family
lacked guidance in his formative years
never had a father/son relationship
immigrant background
will adapt well to prison
appropriate courtroom behavior
conflict re: who was the triggerman
jury rec was 7 -5
did well when he lived in Haiti
did not flee

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Defendant's name: OSCAR BOLIN
Sentenced to death on 12/28/01 in Pasco County
Trial Counsel: JOHN SWISHER (court-appointed)

Trial judge CRAIG VILLANTI found 10 non-statutory mitigators:

difficult childhood
limited education
sexual abuse
stress of his wife's health and pregnancy
respectful during trial

saved person from drowning
gainfully employed
history of alcohol and drug abuse
brain damage and mental illness
suicide attempts

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Defendant's name: FAUNCE PEARCE
Sentenced to death on 2/14/02 in Pasco County
Trial Counsel: A.J. IVIE & MARK WARE (court-appointed)
DEFENDANT REFUSED TO PERMIT MITIGATION TO BE PRESENTED

Trial judge MAYNARD SWANSON nevertheless found 1 non-statutory mitigator:
good jail conduct

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Defendant's name: JOHN CHAMBERLAIN
Sentenced to death on 5/10/02 in Palm Beach County
Trial Counsel: GREGG LERMEN (court-appointed)

Trial judge MARVIN MOUNTS found 2 non-statutory mitigators:

abused by cousins and neglected by parents
good, obedient and conscientious employee

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Defendant's name: PEDRO HERNANDEZ-ALBERTO
Sentenced to death on 5/28/02 in Hillsborough County
Trial Counsel: DANIEL HERNANDEZ (court-appointed)

Trial judge CHET THARPE found 9 non-statutory mitigators:

suffers from brain injury
lost mother at early age
alcoholic father beat him frequently
neighbor/guardian beat and mistreated him
auxiliary police officer
loving relationships in his youth
extreme poverty in childhood
confession
borderline IQ

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Defendant's name: DAVID SNELGROVE
Sentenced to death on 6/13/02 in Flagler County
Trial Counsel: LARRY HENDERSON (public defender)

Trial judge KIM HAMMOND found 12 non-statutory mitigators:

long history of drug addiction
attempts to obtain treatment for his drug addiction
presence of cocaine in bloodstream at time of murder
history of gainful employment
capacity to form loving relationships with family
show of emotion in regard to remorse for crimes
educational level
abnormal brain function
learning disability
low intelligence
lost both parents in last 5 years
no previous violent offenses in criminal history

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Defendant's name: LUTHER DOUGLAS
Sentenced to death on 6/13/02 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial judge HENRY DAVIS found 16 non-statutory mitigators:

has close-knit, religious family
has family support
abused by father
father abused mother
he and his siblings feared their father
father arrested for child abuse
father sexually abused his sister
sexual abuse devastated the family
is interested in the bible
is helpful to his stepfather
has learning disabilities
only went to the 7th grade
got his GED
can be rehabilitated

can be a productive inmate
appropriate trial behavior

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Defendant's name: LUCIOUS BOYD
Sentenced to death on 6/21/02 in Broward County
Trial Counsel: WILLIAM LASWELL & J. ONGLEY (public defenders)

Trial judge RONALD ROTHCHILD found 5 non-statutory mitigators:

is religious
good jail record
family and friends who care for him
came from a good family
expressed remorse

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Defendant's name: WILLIAM CODAY
Sentenced to death on 7/26/02 in Broward County
Trial Counsel: GEORGE RERES (public defenders)

Trial judge ALFRED HOROWITZ found 12 non-statutory mitigators:

medication helps him cope with stress and mental illness
voluntarily return to the US and surrendered
cooperated with police
confessed
consented to search and confiscation of evidence
good employment history
health problems affected his social development
unlikely that he is a danger to others in prison
life sentence would protect society from him
German language skills could assist the needy
is a voracious reader and has helped inmates to learn to read
remorse

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Defendant's name: JOHN HUGGINS
Sentenced to death on 9/19/02 in Hillsborough County (venue change from Orange)
Trial Counsel: BOB WESLEY (public defender)

Trial judge BELVIN PERRY found 13 non-statutory mitigators:

troubled early life, bad marriages, alcohol abuse & missionary work in Haiti
positive attitude toward persons of other races
could contribute to prison community
abused by father
witnessed violence toward mother
endured difficult family separation
is a caring and loving parent
active participant in religious functions
contributed money to the church
active in the "Love a Child" ministry
served the sick and poor in Haiti
served the homeless
good trial conduct

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Defendant's name: PAUL EVERETT
Sentenced to death on 1/9/03 in Bay County
Trial Counsel: WALTER SMITH (public defender)

Trial judge DON SIRMONS found 8 statutory mitigators:

under the influence of a "substance" during the offense
no history of violent criminal activity
family background
history of drug abuse
remorse
good jail conduct
ineligibility of parole if he gets a life sentence
confessed to crime

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Defendant's name: DONNY CROOK
Sentenced to death on 2/18/03 in Highlands County
Trial Counsel: RONALD TOWARD (court-appointed)

Trial judge J. DAVID LANGFORD found 13 non-statutory mitigators:

low psychological and emotional age
family loves him
impaired education
unstable homelife / poor parents

abject poverty
drug abuse
family trauma
cared for by older brothers, who were troubled themselves, while his mother prostituted
herself in Mexican bars
no significant history of violent crime
did not flee
cooperated with police
remorseful during taped confession
good courtroom behavior

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Defendant's name: MICHAEL SEIBERT
Sentenced to death on 3/24/03 in Dade County
Trial Counsel: RICHARD HOULIHAN (court-appointed)

Trial judge STANFORD BLAKE found 6 non-statutory mitigators:

will probably be non-violent in prison
adoption and family background
psychological history
history of substance abuse
good friend
appropriate courtroom behavior

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Defendant's name: MICHAEL TANZI
Sentenced to death on 4/11/03 in Monroe County
Trial Counsel: NANCY ROSSELL (public defender)

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

narcissistic personality disorder, conduct disorder and anti-social personality disorder
institutionalization as a youth
behavior improves with psychotropic drugs
lost his father to cancer at age 8
sexually abused by older males
tried to join military twice
cooperated with police
good deeds
family loves him

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Defendant's name: JAMES WINKLES
Sentenced to death on 4/14/03 in Pinellas County
Trial Counsel: HERNANDEZ & BRUNVAND (court-appointed)

Trial judge RICHARD LUCE found 7 non-statutory mitigators:

- cooperation with law enforcement
- life sentences will result in his death in prison
- guilty plea resulted in waiver of appellate issues
- spared the state trial costs
- confessions gave family "closure"
- positive prison conduct
- honorable discharge from military

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Defendant's name: JOHN BALLARD
Sentenced to death on 5/23/03 in Collier County
Trial Counsel: MICHAEL ORLANDO (public defender)

Trial judge LAUREN MILLER found 24 non-statutory mitigators:

- father was an alcoholic
- father suffered from mental illness
- exposed to parents' alcoholism as a child
- no stable father figure
- deprived of a nurturing mother
- deprived of his only real nurturing parent at age 6
- subjected to severe punishments as a child
- forced to witness severe punishments of his siblings
- forced to witness incidents of domestic abuse
- subjected to neglect
- never provided with regular medical care
- never provided with regular dental care
- learning disabilities
- limited education
- hearing loss
- supplies emotional support to his children
- good father and nurturing parent to his children
- emotional support to his wife
- loves his wife and children
- loving son to his mother

provides emotional support to mother
hard worker and solid provider
loyal supportive friend
has often helped others in need

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Defendant's name: GERALD MURRAY
Resentenced to death on 6/23/03 in Duval County
Trial Counsel: RICHARD KURITZ (court-appointed)

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

untimely death of his wife
loving and good with children
troubled youth
lack of education and little contact with father
mental health problems

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Defendant's name: DANIEL ELY PEREZ
Sentenced to death on 7/21/03 in St. Lucie County
Trial Counsel: MARK HARLLEE and RUSTY AKINS (public defenders)

Trial judge BURTON CONNOR found 14 non-statutory mitigators:

unstable upbringing and family history
sexually abused as child
is a loving father, husband, son and brother and his family loves him
long term mental health problems, multiple placements in mental health facilities and family history of mental health problems
gainfully employed at time of offense
sent to an adult prison as a juvenile
suffered drug addiction for many years starting in adolescence
boy scout who received merit awards
GED while in prison
jury did not find him guilty of premeditated murder
the cold, calculated and premeditated aggravator does not apply in this case
cooperative with law enforcement
good attitude and conduct during trial
death penalty will have severe impact on defendant's family

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Defendant's name: MICHAEL GORDON REYNOLDS
Sentenced to death on 9/19/03 in Seminole County
Trial Counsel: STEVEN LAWRENCE (court-appointed)

Trial judge KENNETH LESTER found 4 non-statutory mitigators:

- gainfully employed at the time of the offense
- appropriate courtroom conduct
- cooperation with law enforcement
- had a difficult childhood

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Defendant's name: RANDY SCHOENWETTER
Sentenced to death on 12/5/03 in Brevard County
Trial Counsel: RANDY MOORE and GEORGE MCCARTHY (public defenders)

Trial judge JOHN M. GRIESBAUM found 8 non-statutory mitigators:

- accepts responsibility
- bullied by peers
- gainfully employed (found but no weight given?)
- no danger to society if life sentence is imposed
- impaired social interaction
- sexual preoccupation
- close family relations (found but no weight given?)
- physical abuse by mother's boyfriend

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Defendant's name: ERIC SIMMONS
Sentenced to death on 12/11/03 in Lake County
Trial Counsel: JEFFERY PFISTER (private counsel)

Trial judge T. MICHAEL JOHNSON found 8 non-statutory mitigators:

- good courtroom behavior
- was kind to victim
- loves and cares for animals
- active in his church
- good family background
- was employed
- learning disability
- immaturity

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Defendant's name: NATHAN RAMIREZ
Sentenced to death on 12/11/03 in Pasco County (originally sentenced on 11/8/96)
Trial Judge: DANIEL DISKEY
Trial Counsel: D. KEITH HAMMOND ignored repeated requests for copy of sentencing memo

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Defendant's name: JOHN TROY
Sentenced to death on 1/23/04 in Sarasota County
Trial Counsel: ADAM TEBRUGGE (public defender)

Trial Judge LEE HAYWORTH found 15 non-statutory mitigators:

- dysfunctional family
- defendant has positive characteristics
- molested as a teenager
- severe substance abuse
- history of mental and emotional problems
- adjusted well to prison, good jail conduct, good courtroom conduct
- cooperated with police and offered to plead guilty
- sentence of life without parole would permit defendant to be productive
- difficulty adjusting after long prison sentence
- father of 3 children
- in prior offenses, defendant has cooperated with police and confessed
- intelligent, obtained GED and writes lots of letter
- has shown he has legal skills and has potential for rehabilitation
- life sentence would allow defendant to assist inmates and officers
- has expressed remorse

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Defendant's name: JOHN MICHAEL BUZIA
Sentenced to death on 3/11/04 in Seminole County
Trial Counsel: TIM CAUDILL (public defenders)

Trial judge KENNETH LESTER found 7 non-statutory mitigators:

- mental or emotional disturbance
- impaired capacity
- gainfully employed
- appropriate courtroom conduct
- cooperation with law enforcement

difficult childhood
remorse

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Defendant's name: RONNIE KEITH WILLIAMS
Resentenced to death on 4/16/04 in Broward County (originally sentenced on 11/15/96)
Trial Counsel: BRUCE RATICOFF (court-appointed)

Trial Judge SHELDON SCHAPIRO found 5 non-statutory mitigators:

model jail inmate
attended religious services
deprived childhood
loving person and good brother
bullied in school

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Defendant's name: THEODORE RODGERS
Sentenced to death on 6/16/04 in Orange County
Trial Counsel: Rowana Williams and Junior Barrett (public defenders)

Trial Judge BELVIN PERRY found 6 non-statutory mitigators:

impoverished background
mild mental retardation
abandoned by father
educational deficiency
generosity and kindness to others
love and support from family

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Defendant's name: RICHARD ENGLAND
Sentenced to death on 7/23/04 in Volusia County
Trial Counsel: GERALD KEATING (court-appointed)

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

good worker
difficult family life
good to his girlfriend

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Defendant's name: RICHARD ALLEN JOHNSON
Sentenced to death on 8/9/04 in St. Lucie County
Trial Counsel: ROBERT STONE (court-appointed)

Trial Judge BURTON C. CONNOR found 8 non-statutory mitigators:

frequent physical and verbal abuse by father
history of drug and alcohol abuse
sexual abuse by uncle, brother and cousin
slow learner (but given no weight!?)
has shown kindness to others
family loves him
acceptable courtroom behavior
will adjust well to prison

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Defendant's name: QUAWN FRANKLIN
Sentenced to death on 6/3/04 in Lake County
Trial Counsel: MARK NACKE (public defender)

Trial Judge MARK J. HILL found 9 non-statutory mitigators:

deficient early upbringing
twice sent to an adult prison when a teenager
cooperative with law enforcement
confessed and took responsibility for offense
offered to plea guilty for life without parole
apologized and showed remorse
entered pleas in related cases
no one voluntarily appeared to testify for him at the penalty phase
co-defendant got 35 years

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Defendant's name: CHRISTOPHER JONES
Sentenced to death on 9/1/04 in Okeechobee County
Trial Counsel: MARK HARLLEE (public defender)

Trial Judge DAN L. VAUGHN found 6 non-statutory mitigators:

cooperation with law enforcement

broken home
death of grandmother had adverse effect on defendant
had potential and did well before grandmother's death
lack of sophistication
good trial conduct

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Defendant's name: WILLIAM KENNETH TAYLOR
Sentenced to death on 9/29/04 in Hillsborough County
Trial Counsel: DEB GOINS AND JOHN SKYE (public defenders)

Trial Judge BARBARA FLEISCHER found 12 non-statutory mitigators:

some mental and emotional disturbance
psychological trauma due to abuse
psychological trauma due to deprivation
stepfather gave defendant no real affection or support
learning disabilities and social interaction problems
got GED in prison
tried to recover from drug addiction and failed
good and dependable worker
cooperated with police
history of substance abuse
under influence of alcohol at time of the offense
appropriate courtroom conduct

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Defendant's name: ROBERT SHANNON WALKER
Sentenced to death on 12/13/04 in Brevard County
Trial Counsel: KENNETH STUDSTILL (court-appointed)

Trial Judge CHARLES HOLCOMB found 4 non-statutory mitigators:

drug use, bipolar condition and sleep deprivation at time of offense
co-defendant did not get the death penalty
gave confession to police
letter to the court was remorseful

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Defendant's name: EDDIE JUNIOR BIGHAM
Sentenced to death on 1/11/05 in t. Lucie County

Trial Counsel: MARK HARLLEE (public defender)

Trial Judge C.P. TROWBRIDGE found 16 non-statutory mitigators:

good jail and prison adjustment
looking out for and saving others
capacity to conform conduct is somewhat impaired/low IQ/anxiety disorder
bad area of Ft. Lauderdale made it hard to adjust outside prison
childhood problems due to family difficulties
positive relationship with step-father and good deeds
medical problems and violent injuries
repressed, but not anti-social
no formal schooling after age 14 but got his GED
participation in prison programs
no significant history of drug and alcohol abuse
starting working at age 12 / limited employment history
entered prison at age 19
cooperated with police and good trial conduct
age 47 at the time of offense
served too much time in prison for second degree murder

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Defendant's name: ROY LEE MCDUFFIE

Sentenced to death on 3/15/05 in Volusia County

Trial Counsel: GERARD KEATING and ROBERT SANDERS (court-appointed)

Trial Judge S. JAMES FOXMAN found 7 non-statutory mitigators:

good family man
coached little league football
good friend to Anthony Wiggins
strong religious beliefs and activities
expressed sympathy and empathy to victim's husband
got his GED while awaiting trial
did not misbehave during trial

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Defendant's name: COREY SMITH

Sentenced to death on 3/17/05 in Dade County

Trial Counsel: CARL MASZTAL (court-appointed)

Trial Judge SCOTT M. BERNSTEIN found 8 non-statutory mitigators:

no prior history of criminal activity
born and raised in a crime-infested neighborhood
raised in a gang-controlled community
good family man
good behavior during trial
exposed to chronic violence growing up
graduated from high school
never intended to kill Angel Wilson

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Defendant's name: WILLIAM MICHAEL KOPSHO
Sentenced to death on 4/8/05 in Marion County (venue change to Sumter)
Trial Counsel: WILLIAM MILLER (public defender)

Trial Judge DAVID B. EDDY found 12 non-statutory mitigators:

murder committed while under the influence of mental and emotional disturbance
confessed and cooperated
did not flee; assisted in own arrest
did not try to harm bystanders
remorseful
abandoned by mother at age 16
sent to juvenile facility at age 16 and housed with violent offenders
good father
good brother
society can be protected with sentence of life without parole
good employee
good jail and prison behavior

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Defendant's name: HAROLD ALBERT KNIGHT
Sentenced to death on 5/13/05 in Polk County
Trial Counsel: GIL COLON (court-appointed)

Trial Judge ROGER ALCOTT found 7 non-statutory mitigators:

good courtroom behavior
good son and loving relationship with family
remorseful
cooperated with authorities
co-defendant got life sentence

no violent history before his prior which was only 2 weeks before this offense
has adjusted to incarceration and society would be protected if he got life without parole

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Defendant's name: DAVID SYLVESTER FRANCIS
Sentenced to death on 5/13/05 in Orange County
Trial Counsel: JERRY HOOPER (public defender)

Trial Judge JOHN ADAMS found 7 non-statutory mitigators:

model inmate with good demeanor
polite, quiet and reserved
pathologically dependent on brother and thus pulled into his aggressive and violent
lifestyle
abandoned by mother after birth
reared in poverty by grandmother
no positive male role model
brother was dominant force in murders and he got life because he was 15 years old

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Defendant's name: ANDREW MICHAEL GOSCIMINSKI
Sentenced to death on 6/7/05 in St. Lucie County
Trial Counsel: MARK HARLLEE and JOHN UNRUH (public defenders)

Trial Judge BURTON CONNOR found 14 non-statutory mitigators:

normal upbringing - was not disruptive or delinquent
served in US Air Force and was honorably discharged
good work history, especially in health care
positive adjustment to incarceration
history does not indicate future dangerousness
life sentence means he'd never be paroled
orthopedic knee injuries
difficulty coping with the loss of his father
no criminal history before age 44
pulled driver from a burning truck in Tampa
has personality disorders
good behavior during trial
effect of his execution on his elderly mother
cumulative effect of all mitigation

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Defendant's name: GERALD HOJAN
Sentenced to death on 8/2/05 in Broward County
Trial Counsel: JOHN CATRONE and MITCHELL POLAY (court-appointed)
(Defendant WAIVED PENALTY PHASE; HILLIARD MOLDOF appointed as “independent
counsel” to present mitigation)

Trial Judge PAUL BACKMAN found 2 non-statutory mitgators:

good son, parent and provider
good jail behavior

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Defendant's name: CHRISTOPHER OFFORD
Sentenced to death on 8/3/05 in Bay County
Trial Counsel: WALTER SMITH (public defender)

Trial Judge DEDEE COSTELLO found 2 non-statutory mitgators:

marital discord
drug and alcohol abuse

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Defendant's name: MARK ANTHONY POOLE
Sentenced to death on 8/25/05 in Polk County
Trial Counsel: HOWARD DIMMIG and JULIA JESTER (public defenders)

Trial Judge J. DALE DURRANCE found 14 non-statutory mitgators:

borderline IQ
head injury that caused mental dementia
age and mental deficiency and lack of serious criminal history
dropped out of school due to low IQ
death of family friend led to drug use
sought help for drug problem
alcohol abuse problem
drug use problem
not anti-social and not psychopathic
has a 7 year old son
strong work ethic
close relationship with family
religious
murder and rape were impulsive acts, not premeditated

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Defendant's name: TAVARES WRIGHT
Sentenced to death on 10/12/05 in Polk County
Trial Counsel: BYRON HILEMAN and DAVID CARMICHAEL (court-appointed)

Trial Judge DICK PRINCE found 9 non-statutory mitigators:

emotional deprivation in Defendant's upbringing
low IQ affects judgment and perception
neurological impairments affect impulse control and reasoning
low self-esteem
lacks capacity to maintain health relationships
learning disability causes frustration
lacks mature coping skills
appropriate courtroom conduct
suffered from substance abuse problems

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Defendant's name: JESSE GUARDADO
Sentenced to death on 10/13/05 in Walton County
Trial Counsel: JOHN JAY GONTAREK (court-appointed)

Trial Judge KELVIN WELLS found 19 non-statutory mitigators:

pled guilty without asking for a deal
accepts responsibility for this offense
is not a psychopath and would not be a danger to inmates or officers if given life
could work as a plumber in prison if given life sentence
cooperated with law enforcement
good jail record
great deal of remorse
suffers from crack cocaine addiction which led him to criminal actions
good family and support system
would try to counsel other inmates if given life sentence
crib death of sibling caused a major life trauma
sexually molested by neighbor as a child
long history of substance abuse
biological father died before defendant formed any lasting memories
raised by mother and step-father; discord during teen years was over substance abuse
emotional duress during the time of the offense
no mental illness or major emotional disorder

offered to release personal property to girlfriend
previously contributed to state as a plumber for the prison

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Defendant's name: THOMAS WILLIAM RIGTERINK
Sentenced to death on 10/14/05 in Polk County
Trial Counsel: BYRON P. HILEMAN (court-appointed)

Trial judge J. DALE DURRANCE found 11 non-statutory mitigators:

drug use
reputation as a kind and peaceful person
gave love and respect to grandmother
desire to help other inmates
religious commitment
helps turtles cross the street
has supportive family
capable of kindness
one class away from college degree
sympathy for the victim's family
appropriate courtroom conduct

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Defendant's name: THOMAS EUGENE BEVEL
Sentenced to death on 10/21/05 in Duval County
Trial Counsel: REFIK ELER (court-appointed)

Trial Judge LAWRENCE P. HADDOCK found 6 non-statutory mitigators:

is religious and his family loves him
confessed
good jail conduct
behaved appropriately in court
IQ of 65
struggled with loss of mother at age 12

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Defendant's name: PINKNEY "CHIP" CARTER
Sentenced to death on 12/22/05 in Duval County
Trial Counsel: BILL WHITE and ALAN CHIPPERFIELD

Trial Judge LANCE DAY found 17 non-statutory mitigators:

raised in broken home, impoverished, yet successful student and adult
above-average achiever in high school, junior college and college
president of service organization in college
distinguished military service in US Air Force
good employment record
good son to his parents
good brother to his siblings
rescued child from drowning
loyal friend to many
close to his nephew
worked as a roofer in KY after the offense
potential to be a productive inmate
support of family and friends
society can be protected by life sentence
offered to plead guilty, never appeal and never to seek clemency in exchange for life
without parole
resisted father's racist beliefs
prior relationship with victim and victim's children

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Defendant's name: CHARLES PETERSON
Sentenced to death on 1/6/06 in Pinellas County
Trial Counsel: RICHARD WATTS (court-appointed)

Trial Judge LINDA R. ALLEN found 6 non-statutory mitigators:

emotionally immature
low IQ
limited mental impairment
positive father figure to niece
consistent employment
good jail record

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Defendant's name: WILLIAM DEPARVINE
Sentenced to death on 1/9/06 in Hillsborough County
Trial Counsel: JOHN SKYE and SAMANTHA WARD (public defenders)

Trial Judge J. ROGERS PADGETT found 4 non-statutory mitigators:

serious emotional deprivation as a child due to family dysfunction
difficulty forming close relationships
worked hard to put himself through college and law school
was a true family man whose children grieve for his current predicament

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Defendant's name: RYAN THOMAS GREEN
Sentenced to death on 1/11/06 in Escambia County
Trial Counsel: EARL LOVELESS and CHRIS ROSS (public defenders)
Trial Judge JOHN KUDER found 3 non-statutory mitigators:

untreated mental illness
drug abuse problems were the result of mental illness
good conduct since arrest

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Defendant's name: WILLIE HENRY NOWELL
Sentenced to death on 1/31/06 in Brevard County
Trial Counsel: ERNIE CHANG and KEVIN MAWN (court-appointed)
Trial Judge TONYA RAINWATER found 15 non-statutory mitigators:

alcohol and drug problem
capacity for rehabilitation
voluntarily surrendered to police
good son and good friend
victim of neglect; placed in foster care
victim of sexual abuse and assault
good employee
never received psychiatric treatment
good trial conduct
will adjust well to prison
good jail conduct
involved in religious activities as a child
has family and friends who love him
raised in neighborhood rife with drug activities and shootings
society can be protected with a life sentence

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Defendant's name: ANTHONY WAYNE WELCH
Sentenced to death on 3/7/06 in Brevard County

Trial Counsel: MARK LANNING and GEORGE MCCARTHY

Trial Judge TONYA RAINWATER found 9 non-statutory mitigators:

- alcohol and drug abuse
- suicides of brother and uncle greatly affected Mr. Welch
- post-traumatic stress disorder
- bipolar disorder
- no psychological treatment prior to offense
- abnormal brain scan
- suffers from dissociative symptoms
- mental and emotional age of 15 years
- pled guilty

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Defendant's name: JOSPEH PETER SMITH

Sentenced to death on 3/15/06 in Sarasota County

Trial Counsel: ADAM TEBRUGGE, CAROLYN DASILVA, and STEVE SCHAEFFER
(public defenders)

Trial Judge ANDREW OWENS found 13 non-statutory mitigators:

- history of mental illness
- history of drug abuse
- severe pain from back injuries contributed to addiction
- sought help for problems
- repeatedly denied treatment or received inadequate help
- has many positive qualities
- provided information that helped resolve the case
- family assisted law enforcement
- demonstrated spiritual growth
- maintained gainful employment
- kind and loving father to 3 daughters
- remorseful
- amenable to rehabilitation and productive life in prison

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Defendant's name: RUSSELL HUDSON

Sentenced to death on 3/17/06 in Broward County

Trial Counsel: EVAN BARON and MITCHELL POLAY (court-appointed)

Trial Judge PAUL BACKMAN found 12 non-statutory mitigators:

abandoned by mother at age 2
suffered abuse as child
history of drug abuse
not allowed contact with siblings
victim of sexual abuse
can adapt to prison life
good employee who excelled at his work
cares for others
has established positive relationships
good trial conduct
could teach computer skills to inmates
under influence of cocaine during offense

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Defendant's name: DWIGHT THOMAS EAGLIN
Sentenced to death on 3/31/06 in Charlotte County
Trial Counsel: DOUGLAS WITHEE and NEIL MCLAUGHLIN (public defenders)

Although Mr. Eaglin waived mitigation re: his childhood and his history of mental illness,
Trial Judge WILLIAM BLACKWELL found 2 non-statutory mitigators:

severely abusive childhood and severely dysfunctional family
negligent operation of prison (no weight given)

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Defendant's name: GABBY TENNIS
Sentenced to death on 4/6/06 in Broward County
Trial Counsel: PATRICK RASTATTER (court-appointed)

Trial Judge SUSAN LEBOW found 4 non-statutory mitigators:

severe learning disability and low IQ
deprived childhood due to unique culture (family considered themselves Gypsies)
his family loves him
remorse

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Defendant's name: NEIL KURT SALAZAR
Sentenced to death on 5/30/06 in Okeechobee County
Trial Counsel: RUSSELL AKINS (court-appointed)

Trial Judge SHERWOOD BAUER found 6 non-statutory mitigators:

Salazar was not the shooter
broken home
raised in poverty in third world country
good relationship with family
good student
good trial conduct

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Defendant's name: RICARDO IGNACIO GILL
Sentenced to death on 6/30/06 in Union County
Trial Counsel: PRO SE; BILL SALMON and JOHN STOKES (stand-by counsel)

Trial Judge ROBERT CATES found 1 non-statutory mitigator:

brain anomaly may cause uncontrollable fits of rage and violence

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Defendant's name: CLEMENTE JAVIER AGUIRRE-JARQUIN
Sentenced to death on 6/30/06 in Seminole County
Trial Counsel: TIMOTHY CAUDILL and JAMES FIGGATT (public defenders)

Trial Judge O.H. EATON found 5 non-statutory mitigators:

long-term problem with substance abuse
raised in dysfunctional family
physically abused as a child
poor performance in school
brain damage

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Defendant's name: JOHN MOSLEY
Sentenced to death on 6/30/06 in Duval County
Trial Counsel: RICHARD KURITZ and QUENTIN TILL (court-appointed)

Trial Judge MICHAEL WEATHERBY found 26 non-statutory mitigators:

raised in stable and loving family
above-average high school student

witnessed physical and sexual abuse at young age
love and support of wife and family
good parent to 3 children (no weight given)
good and respectful son to mother and grandmother
good friend to many
good jail conduct
potential to be productive inmate
good worker, steadily employed
patriotism led to joining US Naval Reserves
served in US Naval Reserves
EMC certificate from Junior College
volunteer worker for tenant advisory council
diploma certificate from State Fire Marshal
certified nursing assistant
mentor to teens
has never killed before; this crime was an aberrant act
mentally abused as child
active in boy scouts as a child
trained in law enforcement
coached youth in sports
active volunteer fireman at two stations
active member of the PTA
has encouraged youth to stay in school
good trial conduct

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Defendant's name: WILLIAM FRANK DAVIS
Sentenced to death on 8/15/06 in Duval County
Trial Counsel: LEWIS BUZZELL and WAFFA HANANIA (public defenders)

Trial Judge LANCE M. DAY found 26 non-statutory mitigators:

defendant himself led to the discovery of the victims
remorse
attended Job Corps and won awards
good worker, reliable and trustworthy
could be a productive worker in prison
loved by family and friends
these crimes completely out of character for defendant
loving son, cousin and nephew
dysfunctional extended family
ADHD
learning disability

borderline personality disorder
organic frontal lobe brain damage
cognitive and memory deficits
borderline IQ
could not finish high school or pass the GED
employed and financially independent
good trial conduct
good pre-trial conduct
devoted to Christian principles
will function well in prison system
if not sentenced to death, will spend the rest of his life in prison
society can be protected with a life sentence
support of family and friends
defendant is troubled by these murders
physical and emotional abuse as a child

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Defendant's name: STEPHEN VINCENT SMITH
Sentenced to death on 8/18/06 in Charlotte County
Trial Counsel: PAUL SULLIVAN (court-appointed)

Trial Judge WILLIAM BLACKWELL found 3 non-statutory mitigators:

dysfunctional family background
mental/emotional health issues
remorse

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Defendant's name: JERONE HUNTER
Sentenced to death on 9/21/06 in Volusia County
Trial Counsel: ED MILLS and FRANK BANKOWITZ (court-appointed)

Trial Judge BILL PARSONS found 3 non-statutory mitigators:

immature
good jail conduct
good trial conduct

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Defendant's name: TROY MIGUEL VICTORINO
Sentenced to death on 9/21/06 in Volusia County (venue change to St. Johns)

Trial Counsel: MICHAEL NIELSON and JAMES DOWDY (court-appointed)

Trial Judge BILL PARSON found 9 non-statutory mitigators:

history of mental illness, brain damage and psychiatric hospitalizations
physically, sexually and emotionally abused as a child
devoted son, brother, uncle and friend
has demonstrated acts of kindness
good trial conduct
good jail conduct and participation in jail programs
good student who won awards
alcohol abuse problem
skilled in auto collision repair

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Defendant's name: JASON LEE WHEELER
Sentenced to death on 10/23/06 in Lake County
Trial Counsel: WILLIAM GROSSENBACHER (public defender)

Trial Judge T. MICHAEL JOHNSON found 11 non-statutory mitigators:

good courtroom conduct
good family background
loving and devoted father to his 2 children
did well in elementary and middle school
public service work
has good friends
hard worker
remorse
paralyzed due to these crimes
drug and alcohol abuse
stress from volatile relationship with girlfriend, job loss and storm damage to his house

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Defendant's name: MICHAEL ALBERT HERNANDEZ
Sentenced to death on 3/22/07 in Santa Rosa County
Trial Counsel: TED STOKES and MICHAEL ROLLO (court-appointed)

Trial Judge RON SWANSON found 23 non-statutory mitigators:

dysfunctional, neglectful and impoverished childhood
no family home; no regular schooling

both parents sold and abused drugs
exposure to drugs from time he was a toddler
mother's many boyfriends were mentally, physically and emotionally abusive to her and
the defendant
witness to mother's physical abuse
abandoned by mother on many occasions
father died of drug overdose
severely abused in foster care
ran away from foster care
abused drugs and lived on the streets
half-brother and his father exposed defendant to drugs
special education classes
married and supported his family for 2 years
loving father, husband and person
life-long drug addiction
hangover on day of offense due to heavy drinking the night before
turned himself in to police
remorse
cooperation with police
suicide attempt
several mental and cognitive disorders
big-hearted and good influence on family

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Defendant's name: RICHARD ANDREW KNIGHT
Sentenced to death on 3/28/07 in Broward County
Trial Counsel: SAM HALPERN and EVAN BARON (court-appointed)

Trial Judge EILEEN O'CONNOR found 8 non-statutory mitigators:

good upbringing
continues to express love and compassion for family
excelled in art in high school
admired by children and highly regarded by adults in his neighborhood in Jamaica
good work ethic
had part-time job at time of offense
good courtroom conduct
capable of loving relationships with family and friends

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Defendant's name: 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

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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

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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

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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.

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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

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

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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

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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

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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

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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

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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

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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

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Defendant's name: NORMAN BLAKE MCKENZIE (pro se)
Sentenced to death on 10/19/2007 in St. Johns County
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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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 3rd 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 9th 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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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Defendant's name: DAVID BYRON RUSS
Sentenced to death on 5/13/2009 in Seminole County
Penalty Phase Counsel: DOWDY & NIELSEN (appointed by court to present mitigation)

Trial judge MARLENE M. ALVA found 9 non-statutory mitigators:

Had an abusive childhood
Severe, long-term drug addiction
Remorseful
Suffers from multiple medical problems
Capacity to form loving and caring relationships
Skilled roofer who has pursued higher education
No violent criminal history
Appropriate courtroom behavior
Wrote thank-you notes to scholarship donors

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Defendant's name: JOSHUA 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

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Defendant's name: WILLIAM MICHAEL KOPSHO
Sentenced to death on 7/2/2009 in Marion County
Trial Counsel: WILLIAM MILLER (Public Defender)

Trial judge DAVID B. EDDY found 15 non-statutory mitigators:

Under the influence of mental and emotional disturbance
Reared in an unloving home
Subjected to emotional and physical abuse as a child
Abandoned by his mother at age 16
Sent to a juvenile detention facility at age 16
Housed with violent criminal offenders of 8 months at age 16
Beaten while at the juvenile detention facility
Good brother to his siblings
Good father to his son
Society will be protected with a life sentence
Cooperated with law enforcement and gave a voluntary statement
Did not flee from police and assisted in his own arrest
Murder occurred as a result of marital discord
Excellent and dependable employee
Studied bible in prison and is a human being worth saving

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Defendant's name: KEVIN JEROME SCOTT
Sentenced to death on 7/23/2009 in Duval County
Trial Counsel: FRED GAZALEH (Public Defender)

Trial judge CHARLES W. ARNOLD found 9 non-statutory mitigators:

Religious and active in his church
Good brother, father, and stepfather
Father absent from his life
Family loves him
Good and respectful son
Good surrogate father
Can be a good father figure from prison
Overheard domestic abuse as a child
Stopped a shop-lifter when employed at Winn-Dixie

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Defendant's name: ERIC KURT PATRICK
Sentenced to death on 10/5/2009 in Broward County
Trial Counsel: GEORGE RERES (Public Defender)

Trial judge ILONA M. HOLMES found 24 non-statutory mitigators:

Suffered severe physical and verbal abuse from father
His tragic youth predisposed him to violence

Childhood instability due to family relocations
Witnessed extreme domestic violence
Drug abuse and addiction began at age 11
Drug use at the time of the offense
Strong Catholic faith
Remorse
Loves his family
Close relationship with mother
Close relationship with brother
Confessed to law enforcement
Good courtroom behavior
Knows he needs to change and prays for forgiveness
Emotionally and mentally disturbed at the time of the offense
Dysfunctional family
Victim of sexual abuse
Lifetime of Mental and emotional trauma
Problems with impulsivity and detachment
No opportunity to develop pro-social behaviors
Suffers from PTSD and major depression
Loss of control directly related to history of abuse
Psychological testimony supports the truthfulness of confession
Violent assault triggered by prior sexual abuse

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Defendant's name: ANDREW GOSCIMINSKI
Sentenced to death on 11/6/2009 in St. Lucie County
Trial Counsel: MARK HARLLEE (Public Defender)

Trial judge ROBERT E. BELANGER found 19 non-statutory mitigators:

Family history of high blood pressure
Was an only child
Death of grandmother when a young child
Good student, involved in pro-social activities, successful worker
Stress and anxiety problems caused personality disorder
Lack of emotional support from parents
Voluntary enlistment in military and honorable discharge
History of depression and anxiety
Good work history in healthcare
Positive correctional adjustment
History does not indicate future dangerousness
Life sentence means he will never get out of prison
Knee injury from motorcycle accident

Difficulty coping with death of father in 1982
Saved a life by pulling a man from a burning truck in Tampa
Personality has histrionic, narcissistic, and aggressive features and to some extent they explain why the murder occurred
Good behavior during trial
Impact of his execution on his daughter
Cumulative effect of all mitigation enhances the effect of each mitigator

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Defendant's name: RAYMOND BRIGHT
Sentenced to death on 11/19/2009 in Duval County
Trial Counsel: RICHARD KURITZ (Court-Appointed)

Trial judge CHARLES W. ARNOLD found the statutory mitigator of extreme mental or emotional disturbance at the time of the offense and gave it "some" weight

Trial judge CHARLES W. ARNOLD also found 19 non-statutory mitigators:

Long history of drug abuse
Repeated sought help for his drug problems
Remorse
Afraid of victims, tried to get them out of the house and called police for help
Served in the U.S. Marine Corp for 10 years and was honorably discharged
Was an aviation mechanic
Prevented tragic mishap by noticing problem with a military jet
Mentored young mechanics
Good employee
Loving and caring boyfriend
Good brother
Good father
Shares love and support with family
Good friend
Exceptional inmate
Good courtroom behavior
Maintained gainful employment
Amenable to rehabilitation
Bonded with another inmate and taught him how to read

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Defendant's name: MICHAEL KING
Sentenced to death on 12/4/2009 in Sarasota County
Trial Counsel: CAROLYN SCHLEMMER (Public Defender)

Trial judge DENO G. ECONOMOU found 13 non-statutory mitigators:

- Head injury at age 6
- PET scan shows frontal lobe brain damage
- Low IQ
- Educational difficulties
- Depressed and despondent at time of offense
- No violent history
- Cooperative inmate
- Never abused drugs or alcohol
- 13 year old son
- Good father
- Devoted boyfriend
- Good worker
- Close relationship with friends and family

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Defendant's name: DONTE HALL
Sentenced to death on 12/9/2009 in Lake County
Trial Counsel: ED MILLS (Court-Appointed)

Trial judge T. MICHAEL JOHNSON found 9 non-statutory mitigators:

- Appropriate courtroom behavior
- Generational history of alcohol and drug abuse
- Generational history of criminal behavior
- Did not grow up with good role models
- Grew up in a dangerous neighborhood rife with drugs
- Victim of child abuse
- Passed around to many different family members to live
- Suffers from ADD and is borderline mentally retarded
- Extensive history of drug and alcohol abuse

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Defendant's name: ROBERT EARL PETERSON
Sentenced to death on 12/10/2009 in Duval County
Trial Counsel: CHARLES FLETCHER (Court-Appointed)

Trial judge L. PAGE HADDOCK found 5 non-statutory mitigators:

- Drug abuse
- Has skills as a mechanic
- Good friend

Charitable acts
Exceptional inmate

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Defendant's name: MATTHEW LEE CAYLOR
Sentenced to death on 12/11/2009 in Bay County
Trial Counsel: WALTER SMITH (Public Defender)

Trial judge DEDEE S. COSTELLO found 5 non-statutory mitigators:

Dysfunctional family
Mental health issues
Good employee and compassionate to animals
Learning problems
Remorse

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Defendant's name: JUSTIN HEYNE
Sentenced to death on 12/17/2009 in Brevard County
Trial Counsel: RANDY MOORE (Public Defender)

Trial judge O. H. EATON found 13 non-statutory mitigators:

Mental illness
Brain damage and brain deficits
Cocaine and alcohol abuse and dependence
Capacity to appreciate and to conform conduct was impaired
Under the influence of emotional disturbance at time of crime
Good, caring father to handicapped son
Helped and cared about elderly neighbors as a child
Gave his coat to a homeless person when it was cold
Protected younger and weaker children when growing up
Played football and other sports
Was referred for in-patient psychiatric help at age 5, but never got it
History of suicide attempts
Good behavior during trial

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Defendant's name: GENGHIS KOCAKER
Sentenced to death on 12/18/2009 in Pinellas County
Trial Counsel: BJORN BRUNVAND & DANNY HERNNDEZ (Court Appointed)

Trial judge JOSEPH A. BULONE found 10 non-statutory mitigators:

- Loving relationship with family
- History of drug and alcohol abuse
- Under the influence of alcohol at time of crime
- Brain damage
- Victim of sexual abuse as child
- HIV positive
- Called 911 to report the crime
- Birth father absent from his life
- Head injuries as a child
- Could not focus as a child

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Defendant's name: RALSTON DAVIS
Sentenced to death on 1/7/2010 in Broward County
Trial Counsel: JEFF HARRIS (Court Appointed)

Trial judge JEFFREY R. LEVENSON found 10 non-statutory mitigators:

- Grew up in a poor environment
- Abandoned as a child several times
- Physically and mentally abused as a child
- Comes from a broken home
- Has shown compassion and generosity
- Proper courtroom behavior
- Victim rendered unconscious immediately
- Loves his family
- No support or guidance from parents
- Can be rehabilitated; average IQ; no learning disability; not a psychopath; does not have an anti-social personality disorder

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Defendant's name: ENOCH D. HALL
Sentenced to death on 1/15/2010 in Volusia County
Trial Counsel: JAMES VAERINO & MATTHEW PHILLIPS (Public Defenders)

Trial judge J. DAVID WALSH found 8 non-statutory mitigators:

- Good son and brother
- Family loves him
- Good athlete

Victim of sexual abuse
Good worker while in prison
Cooperated with law enforcement
Remorse
Appropriate courtroom behavior

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Defendant's name: TERRY ELLERBEE
Sentenced to death on 1/29/2010 in Okeechobee County
Trial Counsel: MARK HARLEE (Public Defender)

Trial judge DAN L. VAUGHN found 21 non-statutory mitigators:

Raised by father and felt rejected by his mother
Little guidance from father
Difficult childhood
History of drug and alcohol abuse
Suffers from poor self-concept
Broken home; parents divorced
Mother suffered from mental illness
Father abused mother in front of him
Mother was cruel and unpredictable
Little maternal contact
Father abused drugs and alcohol
Never completed any formal education
IQ of 83
Childhood physical trauma
History of suicide attempts and self-destructive behavior
Showed kindness to others
Cooperated with authorities
Hard worker
Would adjust well to prison life
Poor dental hygiene
Good courtroom behavior

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Defendant's name: JOHN LEE HAMPTON
Sentenced to death on 2/19/2010 in Pinellas County
Trial Counsel: RICHARD WATTS (Court Appointed)

Trial judge RICHARD A. LUCE found 7 non-statutory mitigators:

Mental health issues
Childhood neglect
Childhood abuse
Abandonment; inadequate parents
Good current relationship with family
Good jail behavior
Non-unanimous jury recommendation

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Defendant's name: DAVID MARTIN
Sentenced to death on 3/3/2010 in Clay County
Trial Counsel: QUENTIN TILL (Public Defender)

Trial judge WILLIAM A. WILKES found 11 non-statutory mitigators:

Drug abuse
Raised in broken home by alcoholic mother
Lack of violent history
Crime was aberrant for the defendant
Family and friends care for and love him
Has performed kind deeds for others
Shares love and support with family
Attempts to have positive influence on family despite incarceration
Has artistic skills
Cares about animals
Amenable to rehabilitation

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Defendant's name: RANDALL DEVINEY
Sentenced to death on 6/11/2010 in Duval County
Trial Counsel: GREG MESSORE & MELINA BUNCOME-WILLIAMS (Public Defenders)

Trial judge MALLORY D. COOPER found the statutory mitigator of age and gave it moderate weight

Trial judge MALLORY D. COOPER found 7 non-statutory mitigators:

Was under the influence of extreme mental and emotional disturbance
Provided information that resolved the case
Deprived childhood
Has many positive qualities
Maintained gainful employment
Remorseful

Amenable to rehabilitation

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Defendant's name: MICHAEL RENARD JACKSON
Sentenced to death on 7/16/2010 in Clay County
Trial Counsel: REFIK ELER (Public Defender)

Trial judge WILLIAM A. WILKES found 24 non-statutory mitigators:

Model prisoner and probationer
Deprived childhood
Father absent from the home
Mother abandoned him
Skull fracture at young age
Family was poor
Abused by older women when mother was absent
He and siblings subjected to child sexual abuse and neglect
Good jail behavior
Loved by family and friends
Severely dysfunctional family
Has friends and cares about others
Believes in God
Involuntary drug and alcohol use prior to age 5
Was hospitalized and needed surgery 3 times before age 3
Abnormal brain activity found at age 6 months; no follow-up or treatment
Raised in the projects in a polluted neighborhood
As a child, saw mother get shot by her husband
Removed from care of loving relative and sent to Florida
Sexually abused as a teen by juvenile detention counselor
Known as hard worker and good provider
Kind to children and the homeless, giving them money and food
Polite and cooperative with his legal team
Lived with and helped elderly couple who had medical issues

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Defendant's name: DOUG BLAINE MATTHEWS
Sentenced to death on 8/12/2010 in Volusia County
Trial Counsel: MICHAEL NIELSON (Court Appointed)

Trial judge R. MICHAEL HUTCHESON found 38 non-statutory mitigators:

Long history of mental health problems

Treated for mental problems from 1994 – 2005
Head injury from bicycle accident
Grew up without true father figure
Loved by his mother
Loved by his brother and sister
Capacity for loving family relationships
Has a young daughter
Capacity for loving relationships with friends
Good trial behavior
Received a GED
History of drug abuse
High on hallucinogens, cocaine and marijuana at the time of the crime
Is artistic
Remorseful and apologetic
Traumatic birth included head injury
On Ritalin and Prozac as a child
Physically abused by stepfather as child
Severely beaten with a brick in 2002
Certificate of recognition for an art exhibit
Graduated from South Fork school
Bullied by others due to stuttering problem
Was counseled at Catholic Services from age 9
Had ADHD as a child
Placed in a residential group home as a child
Placed at Camp Eckert Wilderness Program as a child
In ROTC while in school
Got award from Paisley Middle School
Got Young Citizen Award from the Officer Friendly Program
Got certificate of completion from the DARE program
Made the honor roll twice in 1997
Assisted a friend with finding a lost pet
Known as a good-hearted person by a long-time friend
Raised in a single parent home with little adult supervision
Stopped someone from hurting his brother
Witnessed violent behavior in the home when growing up
Long history of drug abuse
On meds for Bi-Polar Disorder

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Defendant's name: JUSTIN RYAN MCMILLIAN
Sentenced to death on 10/1/2010 in Duval County
Trial Counsel: FRED GAZALEH (Public Defender)

Trial judge DAVID GOODING found 7 non-statutory mitigators:

- Religious faith
- Love for family and friends
- Consistent history of employment
- Birth mother not active in his upbringing
- IQ of 76
- Good trial behavior
- Mental and emotional distress at the time of the murder

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Defendant's name: TAVARES CALLOWAY
Sentenced to death on 10/1/2010 in Miami-Dade County
Trial Counsel: SCOTT SAKIN (Court Appointed)

Trial judge DAVA J. TUNIS found 20 non-statutory mitigators:

- Poor upbringing
- Abandoned by mother, who was a crack addict
- Father physically abused his mother
- Poor school performance and low IQ
- Raised in drug-infested neighborhood
- Childhood emotional deprivation
- Exposure to chronic violence
- Deprived of a nurturing mother
- Grew up in abject poverty
- Born into a dysfunctional family
- Normality of violence in his life
- Lack of guidance in his formative years
- Unstable living conditions
- Good father figure to ex-girlfriend's children
- Encouraging to his cousins
- Considerate, generous and concerned about his family
- Confessed to police
- Never received recommended counseling
- Employed at time of arrest
- Mental problems caused impulsive behavior and poor judgment

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Defendant's name: MIGUEL OYOLA
Sentenced to death on 10/25/2010 in Jefferson County
Trial Counsel: GREGORY CUMMINGS (Court Appointed)

Trial judge L. RALPH SMITH found 3 non-statutory mitigators:

Serious drug abuse
Abusive home life as a child created a cycle of violence
Mental disorders

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Defendant's name: RICHARD ROBARDS
Sentenced to death on 10/29/2010 in Pinellas County
Trial Counsel: RICHARD WATTS (Court Appointed)

Trial judge JOSEPH A. BULONE found 10 non-statutory mitigators:

Family history of discord and abuse
No plan to murder anyone
Good conduct in custody
Capacity to form positive relationships
Remorse and potential for rehabilitation
Three areas of abnormality in the brain
Abuse of steroids aggravated existing brain injuries
Using oxycodone, morphine, and Provigil exacerbated effects of steroids
Mental Health Issues
Good employment history

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Defendant's name: LEO LOUIS KACZMAR
Sentenced to death on 11/5/2010 in Clay County
Trial Counsel: FRANCIS SHEA & CHRISTOPHER ANDERSON (Court Appointed)

Trial judge WILLIAM A. WILKES found 14 non-statutory mitigators:

Raised by an alcoholic father
Father was physically and emotionally abusive
Emotionally traumatized by watching his grandfather drown and his mother shoot his
father
Was taught to lie in court
Lacked a normal mother/son bonding and relationship
Kind to animals
Loyal friend
Good business partner
Loving relationship with his aunt

Protective of younger family members
Long-term effects of illegal drug use
Impaired by drugs at the time of the offense
Absence of mental health counseling and treatment
Respectful behavior in court

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Defendant's name: RASHEEM DUBOSE
Sentenced to death on 12/9/2010 in Duval County
Trial Counsel: RICHARD KURITZ (Court Appointed)

Trial judge L. PAGE HADDOCK found 11 non-statutory mitigators:

Suffers depression due to being abandoned by mother
Cognitive mental deficits
Age at the time (22)
Saved the life of a drowning child
Good to his grandmother and helped her around the house
Loving and caring father
Good brother and tried to provide for and protect his family
Shares the love and support of his family
Good behavior in court
Gainful employment
No significant male role models

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Defendant's name: LEONARD GONZALEZ
Sentenced to death on 2/17/2011 in Escambia County
Trial Counsel: RANDALL ETHERIDGE (Court Appointed)

Trial judge NICKOLAS P. GEEKER found 3 non-statutory mitigators:

Voluntary community service work
Is a good husband and father
Came from broken home; suffers from depression; addicted to pain-killers

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Defendant's name: EMILIA LILLY CARR
Sentenced to death on 2/22/2011 in Marion County
Trial Counsel: CANDACE HAWTHORNE (Court Appointed)

Trial judge WILLARD POPE found 27 non-statutory mitigators:

- Poor upbringing
- Mother did not protect her
- Raised in a dysfunctional family
- Good sister to her siblings
- No mental illness
- Good student
- Good mother
- Good daughter
- Charitable deeds
- Attended church as a child
- Completed modeling school
- Completed massage therapy school
- In ROTC in high school
- Not a violent person
- Was 17 when she became a mother
- Is a single mother
- Is bilingual
- Murder was an isolated incident
- Suffers from anxiety
- The PSI recommends a life sentence
- Life in prison protects society
- Jury rec was 7 – 5 for death
- Has support of family and friends
- Sexually abused as a child by grandfather and father
- Was having a high-risk pregnancy at the time of the offense
- Cooperation with law enforcement
- Did not flee from law enforcement

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Defendant's name: WILLIAM GREGORY
Sentenced to death on 4/14/2011 in Flagler County
Trial Counsel: GARRY WOOD (Public Defender)

Trial judge WILLIAM A. PARSONS found 7 non-statutory mitigators:

- Long-standing drug and alcohol problem
- Grew up without father and was raised by his mother
- Forced to witness the rape of his sister
- Dysfunctional childhood
- Drug and alcohol impaired at the time of the offense
- Family support

Good worker

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Defendant's name: GARY HILTON
Sentenced to death on 4/21/2011 in Leon County
Trial Counsel: INES SUBER & ROB FRIEDMAN (Public Defenders)

Trial judge JAMES C. HANKINSON found 8 non-statutory mitigators:

Grew up in an emotionally abusive and neglectful home
Drug abuse
Deprived of a relationship with his birth father
Already serving a life sentence
Military service
Maternal deprivation
In foster care as a teen
Traumatic brain injury as a child

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Defendant's name: LEON DAVIS
Sentenced to death on 4/29/2011 in Polk County
Trial Counsel: BOB & ANDREA NORGDARD (Court Appointed)

Trial judge J. MICHAEL HUNTER found 15 non-statutory mitigators:

Victim of bullying as a child
Victim of sexual assault as a child
Victim of physical and emotional abuse by a caretaker
Poor family dynamics
Military service
History of suicide attempts
Has an untreated personality disorder
History of depression
Extreme financial stress at the time of the offense
Good father, loving husband, and devoted to his siblings
Good worker
Good son
Good father to a child with Down's syndrome
Good courtroom behavior
Good jail conduct

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Defendant's name: TERRY SMITH
Sentenced to death on 5/12/2011 in Duval County
Trial Counsel: RICHARD KURITZ & JAMES HERNANDEZ (Court Appointed)

Trial judge ADRIAN G. SOUD found 9 non-statutory mitigators:

- Borderline IQ; immaturity; vulnerable to influences; depression; suicidal ideations; impulsivity
- Good father and husband
- Good brother
- Cared for his sister's 7 children when she worked
- Dependable family member and employee
- Good and obedient employee
- Good courtroom behavior
- Can be rehabilitated
- Grew up in a high-crime neighborhood

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Defendant's name: DARIOUS WILCOX
Sentenced to death on 5/16/2011 in Broward County
Trial Counsel: JOSEPH PATRICK WALSH (Court Appointed)

Trial judge PAUL L. BACKMAN found 6 non-statutory mitigators:

- Not properly nurtured by crack and heroin addicted mother
- Lack of stability in home
- Dysfunctional childhood
- Childhood depression
- Life sentence would protect society
- Good courtroom behavior

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Defendant's name: MARGARET ANN ALLEN
Sentenced to death on 5/19/2011 in Brevard County
Trial Counsel: FRANK BANKOWITZ (Court Appointed)

Trial judge GEORGE W. MAXWELL found 4 non-statutory mitigators:

- Victim of physical and sexual abuse
- Traumatic brain injury
- Grew up in drug and crime-infested neighborhood

Always willing to help others with shelter, food or money

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Defendant's name: LESLY JEAN-PHILIPPE
Sentenced to death on 6/2/2011 in Duval County
Trial Counsel: MELINA BUNCOME-WILLIAMS (Public Defender)

Trial judge ADRIAN G. SOUD found 12 non-statutory mitigators:

- Move to US at age 4 was stressful and defendant had to adapt to a new culture and learn a new language
- Good student, attended college to become a doctor
- Excelled in football and track
- Good son, brother, and friend; helped others in need
- Close family
- Religious person who attended church
- Has love and support of family and friends
- Military service
- Impaired judgment
- Remorse
- Court courtroom behavior
- Can contribute to the improvement of other prisoners

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Defendant's name: HECTOR SANCHEZ-TORRES
Sentenced to death on 9/1/2011 in Clay County
Trial Counsel: KATE BEDELL (Public Defender)

Trial judge JOHN H. SKINNER found 22 non-statutory mitigators:

- Can have positive impact on family and friends
- Peaceful as a child and enjoyed family time
- Good athlete and baseball player
- Has a gambling problem and is addicted to drugs
- Had a hard time when parents divorced when he was age 12
- Moved away from mother and sister to live with father at age 15
- Lived in bad neighborhood with father; little supervision
- Father died of alcohol and drug use; defendant was devastated
- Was a good brother to siblings
- Outgoing and the "clown" of the family
- Kind and respectful to family, friends, and co-workers
- Had difficulty in school

Reliable employee
Charitable deeds
Loves his child and wants to be a supportive father
Loves animals
Confessed to police
Remorse
Good jail conduct
Good courtroom conduct
Believes in God and joined a church
Life sentence protects society

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Defendant's name: CECIL SHYRON KING
Sentenced to death on 10/27/2011 in Duval County
Trial Counsel: QUENTIN TILL (Public Defender)

Trial judge MALLORY D. COOPER found 15 non-statutory mitigators:

Good jail conduct
Potential for rehabilitation
Lack of violent history
Good father
Loves children
Only biological child of his parents
Parents divorced when he was young; was distant from father
On track and football team
Graduated high school and attended college
Took his mother's death very hard
Went to church with mother and considered the ministry
Cared for ill family members
Good brother to his sister
Family visits him in prison
His execution would devastate his family

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Defendant's name: THOMAS BROWN
Sentenced to death on 10/28/2011 in Duval County
Trial Counsel: FRED GAZALEH (Public Defender)

Trial judge ELIZABETH A. SENTERFITT found 5 non-statutory mitigators:

Difficult childhood and lack of parental guidance

Borderline mentally retarded
Offered to plead guilty in exchange for life without parole
Suffers from mental illness
The victim did not suffer

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Defendant's name: MICHAEL YACOB
Sentenced to death on 12/5/2011 in Duval County
Trial Counsel: MELINA BUNCOME-WILLIAMS (Public Defender)

Mr. Yacob decided to waive the majority of available mitigation. Judge Soud ordered a PSI to be done by DOC and said in the sentencing memo that "... the PSI was unremarkable."

Trial judge ADRIAN G. SOUD found 4 non-statutory mitigators:

Did not harm the bystander (witness)
Immigrated from a foreign country
Graduated from high school and is intelligent
Loves his family and his family loves him

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Defendant's name: HUMBERTO DELGADO
Sentenced to death on 2/10/2012 in Hillsborough County
Trial Counsel: THEDA JAMES & MARCIA PERLIN (Public Defender)

Trial judge EMMETT L. BATTLES found 39 non-statutory mitigators:

Did not plan to commit offenses
Considered suicide after the murder
Capable of forming good relationships
Dysfunctional family as a child
Witnessed mother being subjected to domestic violence by step-father
Abandoned by mother and raised by paternal grandparents
Strong spiritual standards
Considerate towards his family
Has family who loves him
Is a loving son and grandson
Was a loving husband
Devoted father of 2 sons and 1 daughter
Was primary caregiver for his youngest child
Provided financial support for children
Has a good character

Can be a good friend
Not known to be a violent person
Friendly, outgoing, and has a good sense of humor
Is concerned for others and unselfish
Expresses gratitude for kindness shown to him
Served as a policeman for 5 years and his 1st hospitalization was after he left
Honorably served in the military until his mental illness interfered
Good courtroom conduct
Good jail conduct shows he will adjust well to prison
Compliant with treatment and medication since the offense
At the time of the offense, was homeless and stressed
Is not a psychopath, not a sociopath, and no anti-social personality disorder
Suffers from a treatable mental illness
Has a disorder characterized by impulsivity
Remorse
Was a good student
Never abused drugs or alcohol
Suffers from cognitive disorder that causes memory impairment
Military injury caused chronic pain
Strong work ethic
Has neuropsychological impairment
Loss of grandmother was devastating
Tried to better himself by going to school
Of three contacts with law enforcement, none resulted in violence

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Defendant's name: BILL MARQUARDT
Sentenced to death on 2/28/2012 in Sumter County
Trial Counsel: CHARLES VAUGHN (Standby counsel for pro se Defendant)

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

Good courtroom conduct
Good jail conduct

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Defendant's name: JOHN KALISZ
Sentenced to death on 3/6/2012 in Hernando County
Trial Counsel: ALAN FANTER (Public Defender)

Trial judge DANIEL B. MERRITT found 3 non-statutory mitigators:

Chronic abuse of drugs and alcohol
Overcame alcohol addiction
Helped others through AA, was gainfully employed, and performed kind and generous deeds

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Defendant's name: THOMAS MCCOY
Sentenced to death on 3/26/2012 in Walton County
Trial Counsel: SHARON WILSON (Court Appointed)

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

Family history of depression and mental illness
Family history of alcoholism
Dysfunctional family life included psychological and emotional abuse
Achieved a modicum of success in adulthood
Military service
Adjusts well to a structured environment
Low risk for future violence
Remorseful and has accepted responsibility
Has many positive characteristics

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Defendant's name: BILLY SHEPPARD
Sentenced to death on 3/30/2012 in Duval County
Trial Counsel: CHARLES FLETCHER (Court Appointed)

Trial judge BRAD STETSON found 16 non-statutory mitigators:

Loving brother, son, grandson and friend
Capable of bonding with others
Good with animals, children, and family members
Desire to help family, especially when they are sick
Shown concern for family and can still have positive impact on them
Had to go live with grandmother b/c mother abused drugs and alcohol
Forced to witness frequent and on-going violence as a very young child
Lacked any productive role models
Limited education
Poverty
Father died when he was only 8 years old
In adult prison at age 14 and through what should have been his high school years
Intoxicated at time of offense

Amenable to a productive life in prison
Slow development and mental disabilities
Devastated by the loss of his step-father

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Defendant's name: DAVID SPARRE
Sentenced to death on 3/30/2012 in Duval County
Trial Counsel: REFIK ELER & MICHAEL BATEH (Public Defenders)

Trial judge ELIZABETH SENTRIFITT found 13 non-statutory mitigators:

Accepts responsibility for his actions
Victim of neglect
Victim of emotional deprivation
Victim of physical abuse
Lacks a support system
Father absent from his life
Good at fixing things
Got his GED
Military service and ROTC
Devoted to his grandmother
Has a child
Loves his family
His family loves him

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Defendant's name: TERRANCE PHILLIPS
Sentenced to death on 4/20/2012 in Duval County
Trial Counsel: JERRY SHEA (Court Appointed)

Trial judge MARK HULSEY found 14 non-statutory mitigators:

Borderline IQ
Learning disability
Speech impediment
Easily influenced by others
Father was murdered when he was only 5 years old
Loving and caring family member
Steadfast friend
Good neighbor
Good sportsman
Grew up in neighborhood with high crime rate

Neglected and abused as a child
Did not receive the professional mental help he needed as a child
Reverent and God-fearing
Good courtroom conduct

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Defendant's name: JOHNNY CALHOUN
Sentenced to death on 5/18/2012 in Holmes County
Trial Counsel: KIMBERLY DOWGUL (Public Defender)

Trial judge CHRISTOPHER N. PATTERSON found 5 non-statutory mitigators:

Good jail conduct
Positive role model to other inmates
Capable of forming loving relationships
Happy childhood filled with family and friends
Will be in prison for the rest of his life and will be no danger to others

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Defendant's name: PATRICK EVANS
Sentenced to death on 7/27/2012 in Pinellas County
Trial Counsel: DAVID PARRY (Private attorney)

Trial judge RICHARD A. LUCE found 6 non-statutory mitigators:

Strong work ethic and history
Close to his two children
Shares love and support with his family
Good courtroom behavior
Life sentence protects society
Charitable deeds

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Defendant's name: ARTHUR MARTIN
Sentenced to death on 8/30/2012 in Duval County
Trial Counsel: JERRY SHEA (Court appointed)

Trial judge LINDA MCCALLUM found 13 non-statutory mitigators:

Is functionally illiterate
Has a learning disability

Poor health: asthma, diabetes, and sleep apnea
Loving and caring son to his mother
Hard worker
Generous
Reverent
Loving and caring brother
Love of work thwarted by poor health
Childhood was plagued by the drinking and fighting of his parents
Respectful to court officials
Had temper issues
Attacked by other children at school

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Defendant's name: ROBERT MCCLOUD
Sentenced to death on 9/10/2012 in Polk County
Trial Counsel: BYRON HILEMAN (Court Appointed)

Trial judge DONALD G. JACOBSEN found 18 non-statutory mitigators:

Learning disabilities
Childhood physical abuse
Neglect
Suffered institutional failures due to lack of intervention
Unstable, chaotic childhood affected his emotional maturity
Borderline intellectual functioning
Promoted a positive family life as an adult
Gainfully employed
Good parent to step-daughter
Positive influence on children in his family
Troubled relationship with his natural family
Raised without a father
Continued contact with and concern for his family
Difficult and unstable childhood
Not the instigator of the crime
Abnormal family life
Borderline intellectual functioning
Mental or emotional disturbance

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Defendant's name: TINA BROWN
Sentenced to death on 9/28/2012 in Escambia County
Trial Counsel: JOHN GONTAREK (Court appointed)

Trial judge GARY L. BERGOSH found 27 non-statutory mitigators:

Child of teenage mother
Neglected by parents
Loss of childhood
Abandoned by mother
Family violence
Early exposure to drugs
Damaged development due to parental drug dependence
Victim of sexual violence by father
Betrayed by grandmother when she went to her for help re: sexual abuse by father
Corruptive community and exposure to criminal lifestyle
Chaotic moves and transitions
Victim of relational/domestic violence
Witness to extreme violence and testified for the prosecution in a homicide case
Loss of family
Repeated trauma
Drug addiction
Long term effects of crack cocaine abuse on the brain
Productive citizen when sober
Living circumstances and poverty at the time of the offense
Good jail behavior
Bible study in jail
Good courtroom behavior
No possibility of parole if sentenced to life
Remorse
Proportionality with co-defendants
No history of violent crime
Crack cocaine use on the day of the offense

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Defendant's name: TIMOTHY FLETCHER
Sentenced to death on 10/12/2012 in Putnaml County
Trial Counsel: GARRY WOOD (Court appointed)

Trial judge WENDY BERGER found 16 non-statutory mitigators:

Victim of physical abuse by his alcoholic father
Chronic addiction to drugs
Depression
PTSD
Witnessed abuse of mother by his alcoholic father
Suicide attempts; cutting himself

Has responded well to counseling in prison
Consumed methamphetamines prior to jail escape
Got his GED while incarcerated
Dysfunctional family
Mother died while he was in prison
Artistic
Remorse
Good courtroom behavior
Cooperated with police
Co-defendant received life sentence (GREAT WEIGHT)

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Defendant's name: DALE MIDDLETON
Sentenced to death on 10/19/2012 in Okeechobee County
Trial Counsel: THOMAS GARLAND (Court appointed)

Trial judge ROBERT E. BELANGER found 10 non-statutory mitigators:

Low IQ
ADHD
Long history of chronic substance abuse
No role models to guide him as a child
Lack of parental supervision; mother was emotionally unavailable
Steady history of employment
Little formal education
Has two daughters
Childhood of chronic neglect
Remorse
Good courtroom behavior

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Defendant's name: MARVIN CANNON
Sentenced to death on 11/15/2012 in Gadsden County
Trial Counsel: CLYDE TAYLOR (Court appointed)

Trial judge JONATHAN SJOSTROM found 12 non-statutory mitigators:

Good courtroom behavior
Did not resist arrest
Limited education
Got youth program farming grants to raise horses and cattle

Worked hard as a farmer for the family business
Good provider to his family and stepchildren
Loving person to his siblings and their children
Low IQ
Emotionally impoverished family dynamic
Siblings imprisoned when he was a teen and young adult
Mental health problems
Assisted the state in prosecuting a carjacking case

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Defendant's name: ROBERT HOBART
Sentenced to death on 11/30/2012 in Santa Rosa County
Trial Counsel: MICHELLE HENDRIX (Court Appointed)

Trial judge DAVID RIMMER found 16 non-statutory mitigators:

Parents had dysfunctional marriage
Physically abused as a child
Substance abuse and dependency
Low IQ
Is a good roofer
No encouragement from his father
Close bond with siblings
Neglected by custodial parents
Poor impulse control
Capable of strong, loving relationships
Special bond with his children
Has been a good family member when not on drugs
Has a family that loves him very much
Mild traumatic brain injury
Neuropsychological deficits
Brain damage

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Defendant's name: LEON DAVIS
Sentenced to death on 11/30/2012 in Polk County
Trial Counsel: ROBERT NORGDARD (Court appointed)

Trial judge DONALD G. JACOBSEN found 15 non-statutory mitigators:

Victim of bullying
Victim of sexual assault as a child

Victim of physical and emotional child abuse
Overall family dynamics
Military service; discharged for psychiatric reasons
Suicidal as a child and as an adult
Personality disorder
History of depression
Stressors at the time of the incident
Good person, in general
Good worker
Good son, good sibling, good husband
Good father to a child with Down's syndrome
Good behavior in the courtroom
Good behavior while in custody

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Defendant's name: JAMES ROBERTSON
Sentenced to death on 12/18/2012 in Charlotte County
Trial Counsel: MARK C. DESISTO (Court appointed)

Trial judge CHRISTINE GREIDER found 7 non-statutory mitigators:

Mental and emotional disturbance
Many family members were alcoholics or substance abusers
Very hyperactive in early childhood
Poor family background of poverty, substance abuse, and violence
Substance abuse; criminal history; in custody since 1980; never had a job, a meaningful relationship or a normal life
Obtained his GED
[Court gave GREAT WEIGHT to Defendant's wish and intent to be put to death – not clear if she considered this to be an aggravator or a mitigator]

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Defendant's name: WILLIAM DAVIS
Sentenced to death on 12/27/2012 in Seminole County
Trial Counsel: TIMOTHY CAUDILL (Public Defender)

Trial judge JOHN D. GALLUZZO found 6 non-statutory mitigators:

Long term chronic mental problems beginning in early childhood
Can be properly treated with medication
Can adapt well to imprisonment
Good work history

Remorse
Good courtroom behavior

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Defendant's name: JOEL LEBRON
Sentenced to death on 1/31/2013 in Dade County
Trial Counsel: JEFFREY FINK & RAFAEL RODRIGUEZ (Court appointed)

Trial judge WILLIAM L. THOMAS listed 54 non-statutory mitigators in his sentencing memorandum that he said were argued by the defense and asserts that they were considered and concludes that they are entitled to "little weight." No indication of whether the judge "found" any evidence to support the mitigators listed.

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Defendant's name: JOHN CAMPBELL
Sentenced to death on 3/19/2013 in Citrus County
Trial Counsel: MICHAEL LAMBERTI (Public Defender)

Trial judge RICHARD HOWARD found 4 non-statutory mitigators:

Difficult childhood and history of depression
Extensive history of drug abuse
Depressed due to loss of job and troubled relationship with his father
Remorse

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Defendant's name: VICTOR GUZMAN
Sentenced to death on 4/25/2013 in Dade County
Trial Counsel: BRUCE FLEISHER (Court-appointed)

Trial judge DENNIS MURPHY found 26 non-statutory mitigators:

Suffers from cognitive deficits and impairments
IQ of 75
Mental impairments prevent him from keeping a job & having socially appropriate relationships
Witnessed traumatic domestic abuse of mother and brother
Repeated brutal physical abuse by father
Alcoholic mother who drank during pregnancy
Neglected by parents, abandoned by father, had transient home life with periods of homelessness
Not allowed in father's California home (was rejected a second time)
Anger and resentment of father affected the Defendant's judgment

Serious and severe alcohol and drug problem
Unable to develop healthy attachments to others
Depression, paranoia, cognitive impairment, anger issues, personality disintegration,
psychological distress, symptoms of psychosis and inappropriate emotions
Lacks education; dropped out of school in sixth grade
Has suffered malnutrition
Has loving daughter
Has young son whose mother wants him to know his father
Excellent jail behavior for ten years
Not a future danger to inmates and officers in prison
Stable when in an alcohol-free structured environment
Mentor, rehabilitator, and religious minister for other inmates
Has dedicated his life to God's service and has repented
Remorse
Grew up poor and without running water and electricity
Mother wants to maintain relationship with him
Family in California and Peru want to maintain relationship with him
Has emotional scars that will last a lifetime

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Defendant's name: DERRAL HODGKINS
Sentenced to death on 4/26/2013 in Pasco County
Trial Counsel: BJORN BRUNVAND (Court Appointed)

Trial judge PAT SIRACUSA found 4 non-statutory mitigators:

Has maintained loving family relationships
Cultivated artistic talents while incarcerated
Difficult childhood; physically abused by step-father
History of longstanding learning disabilities

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Defendant's name: DELMER SMITH
Sentenced to death on 5/28/2013 in Manatee County
Trial Counsel: BJORN BRUNVAND (Court Appointed)

Trial judge PETER A. DUBENSKY found 5 non-statutory mitigators:

Intermittent Explosive Disorder
Loving relationship with nieces
Suffered physical, emotional, and sexual abuse as a child
Acute academic failure and attention deficit disorder

Good conduct while in custody

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Defendant's name: KENNETH JACKSON
Sentenced to death on 6/5/2013 in Hillsborough County
Trial Counsel: CHARLES TRAINA (Public Defender)

Trial judge WILLIAM FUENTE found xx5 non-statutory mitigators:

Dysfunctional and unstable family background
Psychological trauma due to deprivation in parental nurturing during infancy
Abandoned by parents
No healthy role models from which to learn appropriate behavior and coping skills
Sexually abused by grandmother's boyfriend
Exhibited cutting and other self-mutilating behavior
Unable to attach, to articulate and self-regulate his emotions
Personality disorder
Raised in extreme poverty and was taught by family to steal
His neglectful guardians encouraged him to commit criminal acts at a young age
History of drug and alcohol abuse by his care-givers
Impacted by the suicide of a loved one
Exhibited positive signs of normalcy, such as affection and protectiveness, during childhood
Diminished capacity to conform conduct to the requirements of the law

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Defendant's name: WAYNE DOTY
Sentenced to death on 6/5/2013 in Bradford County (pled Guilty w/out a plea deal)
Trial Counsel: STEPHEN BERNSTEIN & MICHAEL RUPPERT (Court appointed)

Trial judge JAMES P. NILON found 7 non-statutory mitigators:

Cooperated with authorities during investigation
Childhood neglect, abandonment, and physical abuse
Perceived the victim as a threat within the context of a prison environment
Major mental health issues
Perceives violence as an acceptable form of problem solving
Failed by the juvenile justice system
Good courtroom behavior

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Defendant's name: KHALID PASHA

Sentenced to death on 8/1/2013 in Hillsborough County
Trial Counsel: JERVIS WISE (Court appointed)

Trial judge KIMBERLY KAY FERNANDEZ found xx5 non-statutory mitigators:

His age (58) at the time of the offense
His age (69) at the time of sentencing
Had prostate cancer and wears a colostomy bag
Never knew his father
Lost two mothers at a young age
Victim of harsh racism and racial prejudice as a child
Victim of corporal punishment as a child
Devoutly religious
Never abused alcohol or drugs
Provided for his family
Good employee and hard worker
Frontal lobe impairment affects his ability to make judgments, reason, and control impulses

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Defendant's name: RICHARD FRANKLIN
Sentenced to death on 8/2/2013 in Columbia County
Trial Counsel: BLAIR PAYNE (Public Defender)

Trial judge PAUL S. BRYAN found 7 non-statutory mitigators:

Childhood and adolescence were troubled, unstable, and violent
Is a great brother and uncle
Suffered a head injury from a gunshot wound as a teenager
The Defendant's family effectively abandoned him
Intervened when a fellow inmate was being attacked
Good behavior during trial
Remorse

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Defendant's name: KHADAFY MULLENS
Sentenced to death on 8/23/2013 in Pinellas County
Trial Counsel: JILL MENADIER (Public Defender)

Trial judge PHILIP J. FEDERICO found 6 non-statutory mitigators:

The Defendant's mental illness can be successfully treated
The Defendant is immature, impulsive, and easily manipulated

The Defendant was acting under the domination and control of the co-defendant
Low IQ and poor academic achievement scores
Took responsibility for his crimes
Has loving and supportive family and friends

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Defendant's name: JOSEPH JORDAN
Sentenced to death on 9/23/2013 in Volusia County
Trial Counsel: MICHAEL NIELSEN (Court appointed)

Trial judge R. MICHAEL HUTCHESON found 37 non-statutory mitigators:

History of mental illness and hospitalizations
Childhood head injuries
Physically and emotionally abused by mother
Sister loves him and will maintain their loving relationship
Capacity to form loving relationships while in custody
Good grades in school; got his GED
Long history of substance abuse; hospitalized due to cocaine abuse
Was ill as a child; in an oxygen tank for two years
Bipolar and is medicated
Parents divorced when he was 12
Took in a friend who was homeless
Employed as a carpenter and was a hard worker
Has two children
Mother drove her car into another car in a fit of rage
Tried to commit suicide 3 times
Average IQ
Memory impairment due to multiple head traumas
Verbal memory weakness from brain damage
Juvenile ADHD
Takes multiple prescription drugs for mental health problems
Depression
Panic attacks
Severe substance abuse history
Substance abuse treatment at age 14
Attended AA and Narcotics Anonymous
Has performed random acts of kindness
Acts differently when on and when off his medications
Loving and kind relationships with friends
Not taking his bipolar meds at time of the offense
Loving relationship with his father
Mother put out cigarettes on him

Mother would humiliate him on purpose in front of others
Did not react with violence while being abused by mother
Hard and diligent worker in many fields
Adoptive brother loves him and will maintain a loving relationship
Mother of his child still loves him and believes he has a good heart
Family and friends do not want him to be sentenced to death

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Defendant's name: KIM JACKSON
Sentenced to death on 10/1/2013 in Duval County
Trial Counsel: MICHAEL BATEH (Public Defender)

Trial judge JAMES H. DANIEL found 50 non-statutory mitigators:

Good father to his daughter
Encouraged daughter to study hard, go to college, and grow beyond Nashville, GA
Involved in his daughter's life and taught her right from wrong
Daughter will maintain relationship with her father
Loves his daughter; daughter loves him
Assumed role of stepfather and is a good father to his stepson
Good role model to his stepson
Taught stepson value of hard work; taught him good work ethic; encouraged him to study hard
Good athlete and he encouraged stepson athletically
Provided emotional encouragement to stepson when he joined military
Loves stepson; stepson loves him
Stepson has relationship with him
Stepson will continue his relationship with him
Good husband, friend, and companion
Wife will continue her relationship with him
Was a good provider to his family
Good sibling and son
Good influence on sister
Encouraged his sister through her difficulties
Mutual love and respect with his sister
Sister will continue her relationship with him
Good son and is good to his father
Is respectful and polite to his father
Good relationship with his father
Father will continue his relationship with him
Often visited family and friends
Did his best to support family in a poor town and was active in his church
Mother had to work a lot and so was rarely home; her death was very hard on Defendant
Father in Army and was often away from home

No strong male role model while growing up; little adult guidance; dysfunctional family
Raised in poverty
Good reputation in the community
Not known to be a violent person
Not a trouble-maker as a child or teen
Humble, generous, and helpful
Is a good and trusted friend
Is trustworthy and has a good heart
Is athletic, dependable, and coached area children
Nurturing and caring with children
An excellent athlete, who was a good and dependable teammate
Proud of and a Good representative for his adult softball team
Is a gentleman and is respectful of women
Is never rude to friends or strangers; is polite, respectful, and has good manners
Is religious and hosted church functions at his home
Is a productive and hard worker
Is artistic; is a hard worker; is a good project worker
Always has a positive outlook on life
Family will continue their relationship with him
Low-average intelligence
Respects the court process; excellent courtroom behavior

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Defendant's name: STEVEN COZZIE
Sentenced to death on 10/17/2013 in Walton County
Trial Counsel: SHARON WILSON (Court appointed)

Trial judge KELVIN C. WELLS found 25 non-statutory mitigators:

Physical abuse
Emotional abuse
Sexual abuse
Victim of bullying
Compromised social skills
Low-average IQ
Neurological deficits
Physical neglect
Emotional neglect
Parental abandonment
Divorced parents
Family history of drug abuse
Poor role models
Lack of sound reasoning and judgment

Transient lifestyle
Homelessness
Lack of stability
Lack of psychological care
Depression
Saved the lives of two children
Is a devoted uncle
Good with animals
Capable of maintaining loving relationships
Mother and grandmother believed he was “possessed” and had been abducted by aliens
Has held jobs and did not demonstrate poor conduct in the workplace

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Defendant's name: MICHAEL SHANE BARGO
Sentenced to death on 12/13/2013 in Marion County
Trial Counsel: CHARLES HOLLOMAN (Court appointed)

Trial judge DAVID B. EDDY found 49 non-statutory mitigators:

Under the influence of mental or emotional disturbance
Abandoned by his father
Hostile relationship with his mother; Put in boot camp program
At age 7, diagnosed with ADHD/ADD
Was a danger to himself and others due to anger over parents divorce
Treated for self-sabotaging behavior over parents divorce
Hostility between parents negatively impacted the Defendant
Harassed and teased as a teen over his short stature
Bullied in school
Father encouraged him to fight back when bullied
Justin Soto participated in the offense
Kyle Hooper participated in the offense
Amber Wright participated in the offense
Charlie Ely participated in the offense
Had an abnormal brain scan
Diagnosed as Bipolar
Close and loving relationship with sister
Suffered with Bipolar Disorder
Suffers from Schizoaffective Disorder
Suffers from Partial Complex Seizure Disorder
Was prescribed Ritalin, Concerta, Focolin, and Adderal for ADHD
Was prescribed Seroqual, Stratera, and Respiradol for Bipolar Disorder
Suffered from a severe drug addiction and received treatment
Got his GED

Loving relationship with paternal grandmother
Loving relationship with father
Father encouraged him to disrespect and disobey his mother
Is artistic
Suffers from paranoid and delusional thinking
Suffers from hallucinations
Well behaved during trial
When father moved to Florida, he stopped paying child support and abandoned Defendant
Encouraged by father to misbehave and act out
Engaged in cutting himself
Completed probation in Michigan
Dysfunctional family
Is a danger to himself and should have been committed to a mental hospital
Stopped taking his medication at the direction of his father
Not taking his medication at the time of the offense
Could not be disciplined as a normal child
Mental illness made him unable to behave at school or at home
Mental illness made him unable to control his conduct in society
Parents sabotaged him with their negative and hurtful conduct
Sought employment so as to be self-sufficient
Suffered side effects from his medication
Florida DOC has facilities to care for mentally ill patients
Paternal grandfather comitted suicide
Paternal grandfather was committed to a mental hospital
Brain development impacted by mental illness

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Defendant's name: JOHN SEXTON
Sentenced to death on 12/16/2013 in Pasco County
Trial Counsel: BYRON HILEMAN (Court appointed)

Trial judge MARY M. HANDSEL found 1 non-statutory mitigator:

Amenable to rehabilitation and a productive life in prison

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Defendant's name: DONALD WILLIAMS
Sentenced to death on 2/28/2014 in Lake County
Trial Counsel: WILLIAM GROSSENBACHER (Public Defender)

Trial judge MARK A. NACKE found 13 non-statutory mitigators:

Appropriate courtroom behavior
Military service
Alcohol and drug abuse
Good jail behavior
Suffered physical, mental and emotional abuse as a child
Hit by a car and leg was broken; suffered complications from the accident
Father and grandfather were alcoholics
Witness father abuse the mother
Suffered head injuries while growing up
Was a good father
Loving companion to Shirley Harvey
Hard worker
Helpful to others

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Defendant's name: RODNEY NEWBERRY
Sentenced to death on 4/14/2014 in Duval County
Trial Counsel: JAMES HERNANDEZ

Trial judge ADRIAN G. SOUD found 11 non-statutory mitigators:

Raised in a loving home and has family that loves and supports him
Is immature and naïve for his age
Suffers from depression, mood shifts, and anxiety
Very vulnerable to outside influences
Has a need for approval
Poor decision making skills
Acts impulsively; This is exacerbated by drug use
Low IQ test scores
Was the victim of violence
Good behavior in court
Impacted by his father's death

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Defendant's name: DONTAE MORRIS
Sentenced to death on 5/30/2014 in Hillsborough County
Trial Counsel: BYRON HILEMAN (Court appointed)

Trial judge WILLIAM FUENTE found 21 non-statutory mitigators:

Prematurely born to a 16 year old unwed mother who had no emotional support
No stable family structure; no guidance for normal development and socialization

Mother incapable of bonding; Defendant deprived of needed parental support as an infant
Stepgrandfather lost job and became crack addict
Raised without a father or male role model
Rejected by his stepfather
Turmoil in the home; mother's marriage was troubled
Isolated and rejected by his stepfather
Siblings were nurtured by stepfather; he was not
Tried to assume role of man of the house at age 14 when stepfather left
Had to leave home at age 15 due to mother's new boyfriend
Family conflict encouraged by former stepfather
Troubled adolescence; deteriorating school work; behavioral turmoil
Aunt and cousins moved away when he needed them the most
Unstable early teen years; no emotional support
Mother unable to get support from Department of Juvenile Justice for her son
No meaningful guidance or intervention available to him
Good relationship with his 7 year old son
Has caring and supportive relationship with family
Remorse
Many negative and difficult factors combined establish credible mitigation

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Defendant's name: BRANDON BRADLEY
Sentenced to death on 6/27/2014 in Brevard County
Trial Counsel: MICHAEL PIROLO (Public Defender)

Trial judge MORGAN LAUR REINMAN found 18 non-statutory mitigators:

Severely physically abused as a child
Verbally and emotionally abused as a child
Mother did nothing to protect him and brothers from stepfather's physical abuse
Witnessed mother being physically, verbally and emotionally abused by stepfather
Witnessed siblings being physically, verbally and emotionally abused by stepfather
No loving father figure or male role model growing up
Close loving relationship with brother
Family and friends know him to be generous and to offer financial support
Addicted to and abused drugs from an early age
Has a brain injury and brain functional deficits
Cousin's death had a devastating effect on Defendant
Drug abuse escalated when girlfriend miscarried their child
Became paranoid and thought a "hit" was placed on his life, and so obtained a gun
The loss of many family and friends to death and murder was emotionally difficult
Takes psychotropic medications for mental disorders
Diagnosed with polysubstance dependence & passive/dependent personality traits

Cooperative with law enforcement; confessed
Appropriate courtroom behavior

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Defendant's name: RALPH WRIGHT
Sentenced to death on 8/15/2014 in Pinellas County
Trial Counsel: BJORN BRUNVAND (Court appointed)

Trial judge THANE B. COVERT found 4 non-statutory mitigators:

The jury rec was 7-5
Good relationships with family and friends
Contributions to community
Good conduct while in custody

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Defendant's name: KENTRELL JOHNSON
Sentenced to death on 9/16/2014 in St. Johns County
Trial Counsel: JUNIOR BARRETT (Court appointed)

Trial judge RAUL A. ZAMBRANO found 12 non-statutory mitigators:

No relationship with his father
Physically and mentally abused by mother
Victim of child neglect
Traumatic childhood
Raised in an unstable home
Economically disadvantaged
Intellectual deficits
Traumatic brain injury
Good conduct in court
Does well in prison
Defendant told that death would not be sought if he cooperated (GREAT WEIGHT GIVEN)
Cooperated with police (MODERATE WEIGHT)

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Defendant's name: KEVIN JEFFRIES
Sentenced to death on 9/26/2014 in Bay County
Trial Counsel: WALTER SMITH (Court appointed)

Trial judge BRANTLEY S. CLARK, JR. found 4 non-statutory mitigators:

Abusive childhood
Model prisoner
Cooperative during the investigation
Co-defendant received lesser sentence

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Defendant's name: RANDY TUNDIDOR
Sentenced to death on 11/17/2014 in Broward County
Trial Counsel: MITCHELL B. POLAY (Court appointed)

Trial judge CYNTHIA G. IMPERATO found 7 non-statutory mitigators:

Chaotic and dysfunctional upbringing; abused physically and verbally by father
Forced to quit school in the 8th grade to work painting houses with his father
Suffered from physical injuries and pain
Gainfully employed and ran a successful business
Red Cross volunteer and active in his church
Good behavior in jail
Has maintained positive relationships

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Defendant's name: JAMES HERARD
Sentenced to death on 1/23/2015 in Broward County
Trial Counsel: MITCHELL POLAY (Court appointed)

Trial judge PAUL L. BACKMAN found 19 non-statutory mitigators:

Mental health problems
Raised without a father
Raised in poverty by a mother who was a brutal disciplinarian
Forced to kneel for long periods of time and had his fingers burned
Close loving relationship with his mother
Maintained good relationships with family
Has a big heart and helps others
Befriended Omar Hunter and helped him get sickle cell anemia treatment
Helpful to others while incarcerated
Wrote a novel while awaiting trial
Talked two fellow inmates out of committing suicide
Will be helpful and productive while incarcerated
Is deeply spiritual
Active in his church

Helped fellow inmates learn English and math
Worked to help mother financially
Never got the help he needed to mature as an adult
Only finished the 9th grade
Started using alcohol at age 7; Used marijuana beginning in middle school

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Defendant's name: DWAYNE WHITE
Sentenced to death on 3/19/2015 in Seminole County
Trial Counsel: TIMOTHY CAUDILL (Public Defender)

Trial judge KENNETH R. LESTER found 8 non-statutory mitigators:

Background factors in the Defendant's life, including: Assisted his family; good sense of humor; fun to be around; unwavering love for family; good son to his mother; absent father; good grades in high school and participated in extracurricular activities; gainful employment; diligent at work; supported his family; a sentence of life would protect society; counseled young men re: poor choices and avoiding incarceration
Abandoned at early age by father
Raised by mother who set a good example
Good student and member of the police explorers
Has family and friends who care for and love him
Participated in the lives of his children
Helped counsel young men
Good courtroom behavior

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Defendant's name: ZACHARY WOOD
Sentenced to death on 5/12/2015 in Washington County
Trial Counsel: WALTER SMITH (Court appointed)

Trial judge CHRISTOPHER N. PATTERSON found 4 non-statutory mitigators:
[judge counts the first two mitigators below as statutory – 921.141(6)(h)]

Has been gainfully employed and is a good worker
Disruptive and abusive childhood
Good jail conduct
Graduated from high school and was admitted to college
Has support of loving family and friends
Cooperated with law enforcement

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Defendant's name: EDWARD COVINGTON

Sentenced to death on 5/29/2015 in Hillsborough County (pled Guilty w/out plea deal)

Trial Counsel: THEDA ROSE JAMES (Public Defender)

Trial judge WILLIAM FUENTE found 11 non-statutory mitigators:

Earned numerous training certificates during 10 year employment with Florida DOC

Assisted law enforcement in 1999 during a domestic incident by helping adult and child victims

Ability to form positive friendships

His parents love and support him

Cooperation with police in the investigation of this case

Remorse

His "risk for violence" decreases each year of imprisonment based on a research study

His "risk for violence" will decrease with stabilization of psychotropic meds

Has conformed to incarceration; no disciplinary actions since 2012

Pled guilty and acknowledged responsibility for the deaths of the victims, thus sparing their family the trauma of a trial

No significant history of prior criminal activity