

IN THE SUPREME COURT OF FLORIDA

RODERRICK FERRELL,)
)
 Appellant,)
)
 vs.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

CASE NUMBER 93,127

APPEAL FROM THE CIRCUIT COURT
IN AND FOR LAKE COUNTY, FLORIDA

SUPPLEMENTAL INITIAL BRIEF OF APPELLANT

JAMES B. GIBSON
PUBLIC DEFENDER
SEVENTH JUDICIAL CIRCUIT

CHRISTOPHER S. QUARLES
ASSISTANT PUBLIC DEFENDER
FLORIDA BAR NO. 0294632
112 Orange Avenue, Suite A
Daytona Beach, Florida 32114
(904) 252-3367
ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

	<u>PAGE NO.</u>
TABLE OF CONTENTS	i
TABLE OF CITATIONS	ii
ARGUMENT	1
THIS COURT'S OPINION IN <u>BRENNAN V. STATE</u> , 24 FLA. L.WEEKLY S365, (JULY 8, 1999) HOLDING THAT THE EXECUTION OF SIXTEEN-YEAR-OLD OFFENDERS IS CRUEL OR UNUSUAL UNDER THE FLORIDA CONSTITUTION IS CONTROLLING IN APPELLANT'S CASE.	
CONCLUSION	3
CERTIFICATE OF SERVICE	4

TABLE OF CITATIONS

CASES CITED:

PAGE NO.

Brennan v. State

24 Fla.L. Weekly S365, (July 8, 1999)

1,2

OTHER AUTHORITIES CITED:

Article I, Section 17 of The Florida Constitution

2

IN THE SUPREME COURT OF FLORIDA

RODERRICK FERRELL,)
)
 Appellant,)
)
 vs.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

CASE NO. 93,127

ARGUMENT

THIS COURT’S OPINION IN BRENNAN V. STATE, 24 FLA. L.WEEKLY S365, (JULY 8, 1999) HOLDING THAT THE EXECUTION OF SIXTEEN-YEAR-OLD OFFENDERS IS CRUEL OR UNUSUAL UNDER THE FLORIDA CONSTITUTION IS CONTROLLING IN APPELLANT’S CASE.

In response to this Court’s August 26, 1999 order, undersigned counsel files this Supplemental Initial Brief addressing the applicability of Brennan v. State, 24 Fla.L. Weekly S365, (July 8, 1999). Rod Ferrell was a boy of only sixteen when he killed Richard Wendorf and Naomi Queen on November 25, 1996. Appellant raised the issue of his youth at the trial level. (XI 1965-68) Appellant argued in his initial brief served on May 26, 1999, that the capital punishment of a sixteen-year old child offender violates international law and the constitution of Florida and the United

States. See Point XI of the Initial Brief.

In answer to this Court's order, Brennan is directly controlling. Brennan holds that the imposition of the death sentence for a sixteen-year-old criminal constitutes cruel or unusual punishment in violation of Article I, Section 17 of the Florida Constitution. Brennan could not be more controlling as to this issue raised in appellant's case. Appellant also incorporates by reference the supplemental brief served on this same date in the case of Farina v. State, case no. 93,907.

CONCLUSION

Based upon the foregoing cases, authorities, policies, and arguments, Appellant respectfully requests this Honorable Court to vacate the death sentences and remand for the imposition of sentences of life imprisonment without possibility of parole.

Respectfully submitted,
JAMES B. GIBSON
PUBLIC DEFENDER
SEVENTH JUDICIAL CIRCUIT

CHRISTOPHER S. QUARLES
ASSISTANT PUBLIC DEFENDER
FLORIDA BAR NO. 0294632
112 Orange Avenue, Suite A
Daytona Beach, FL 32114
(904) 252-3367
ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been hand- delivered to the Honorable Robert A. Butterworth, Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118, via his basket at the Fifth District Court of Appeal and mailed to Roderrick Ferrell, #124473, Florida State Prison, P.O. Box 181, Starke, FL 32091-0181, this 17th day of September, 1999.

CHRISTOPHER S. QUARLES
ASSISTANT PUBLIC DEFENDER

CERTIFICATE OF FONT

I hereby certify that the size and style of type used in this brief is point proportionally spaced CG Times, 14 pt.

CHRISTOPHER S. QUARLES
ASSISTANT PUBLIC DEFENDER