

IN THE SUPREME COURT OF FLORIDA

ARAMIS AYALA, as State Attorney
for the Ninth Judicial Circuit,
Petitioner,

v.

RICK SCOTT, as Governor
of the State of Florida,

Respondent.

Case No. SC17-653

**NOTICE OF SUPPLEMENTAL AUTHORITY
TO PETITION FOR WRIT OF *OUO WARRANTO***

Pursuant to Florida Rule of Appellate Procedure 9.225, Petitioner Aramis Ayala hereby notifies the Court that on June 8, 2017, Governor Scott signed Executive Order 17-165 (attached). This exact issue is before this Court and scheduled for oral argument on June 28, 2017. While the Bessman Okafor case is not ripe for the scheduling of a resentencing and in all likelihood would not be until after oral argument, we provide the attached to ensure the Court has a complete record.

Dated: June 12, 2017

Respectfully submitted,

/s/ Marcos E. Hasbun

Marcos E. Hasbun

Fla. Bar No. 0145270

Mamie V. Wise

Fla. Bar No. 65570

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RECEIVED, 06/12/2017 11:53:29 AM, Clerk, Supreme Court

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed a true and correct copy of the foregoing with the Florida E-Portal, which will provide service by email to all attorneys of record this 12th day of June, 2017.

s/ Marcos E. Hasbun
MARCOS E. HASBUN

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion complies with the font requirements of Rule 9.100(l) of the Florida Rules of Appellate Procedure.

s/ Marcos E. Hasbun
MARCOS E. HASBUN

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 17-165

WHEREAS, Bessman Okafor was convicted of First-Degree Murder, a capital felony, in the Ninth Judicial Circuit Court, in and for Orange County, Florida, in case number 2012-CF-014950, and the trial court imposed the death penalty; and

WHEREAS, on June 8, 2017, the Florida Supreme Court issued an order remanding Bessman Okafor's case for a new capital sentencing proceeding in the trial court based upon its earlier decisions in *Hurst v. State of Florida* and subsequent cases retroactively applying the holdings in *Hurst*; and

WHEREAS, on March 16, 2017, newly-elected State Attorney ARAMIS D. AYALA publicly announced her blanket opposition to seeking the imposition of the death penalty in all pending and future capital felonies without consideration of the circumstances of the offenses and without regard for the presence of applicable statutory aggravators warranting the death penalty; and

WHEREAS, the unequivocal statements of State Attorney ARAMIS D. AYALA raise grave concerns regarding her willingness to abide by and uphold the uniform application of the laws of the State of Florida, and the ends of justice will be best served by the assignment of another state attorney to discharge the duties of State Attorney ARAMIS D. AYALA with respect to the investigation, prosecution, and all matters related to Bessman Okafor; and

WHEREAS, BRAD KING, State Attorney for the Fifth Judicial Circuit of Florida, has agreed to accept an executive assignment in this matter; and

WHEREAS, it is in the best interests of the State of Florida and of the ends of justice that State Attorney BRAD KING discharge the duties of State Attorney ARAMIS D. AYALA, pursuant to section 27.14, Florida Statutes.

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, in obedience to my solemn constitutional duty to "take care that the laws be faithfully executed," and pursuant to the Constitution and laws of the State of Florida, issue the following Executive Order, effective immediately:

Section 1.

BRAD KING, State Attorney for the Fifth Judicial Circuit of Florida, referred to as the "Assigned State Attorney," is assigned to discharge the duties of ARAMIS D. AYALA, State Attorney for the Ninth Judicial Circuit of Florida, as they relate to the investigation, prosecution, and all matters related to Bessman Okafor.

Section 2.

The Assigned State Attorney or one or more Assistant State Attorneys and Investigators, who have been designated by the Assigned State Attorney, shall proceed immediately to the Ninth Judicial Circuit of Florida, and are vested with the authority to perform the duties prescribed herein.

Section 3.

All residents of the Ninth Judicial Circuit are requested, and all public officials are directed, to cooperate and render whatever assistance is necessary to the Assigned State Attorney, so that justice may be served.

Section 4.

The period of this Executive Assignment shall be for one (1) year, to and including June 8, 2018.

Section 5.

The Assigned State Attorney shall notify the Governor on or before May 8, 2018, if additional time is required.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 8th day of June, 2017.

Handwritten signature of Rick Scott in black ink.

RICK SCOTT, GOVERNOR

ATTEST:

Handwritten signature of Ken Ritzman in black ink.
SECRETARY OF STATE

FILED
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TALLAHASSEE, FLORIDA