

IN THE SUPREME COURT OF THE STATE OF FLORIDA

RICHARD HAROLD ANDERSON
DEFENDANT/APPELLANT

CASE NO. 87-CF-008047-A

VS.

STATE OF FLORIDA
PLAINTIFF/APPELLEE

APPELLATE CASE NO: SC17-884

APPEAL FROM THE CIRCUIT COURT, CRIMINAL DIVISION, OF THE THIRTEENTH
JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH
COUNTY

THE HONORABLE MICHELLE SISCO
JUDGE OF CIRCUIT COURT
CRIMINAL DIVISION

CHELSEA REA SHIRLEY, ESQ.
ASSISTANT CAPITAL COLLATERAL COUNSEL
12973 N. TELECOM PARKWAY
TEMPLE TERRACE, FLORIDA 33637

ASSISTANT ATTORNEY GENERAL
CONCOURSE CENTER NO. 4
3507 E FRONTAGE ROAD, STE 200
TAMPA, FLORIDA 33607

ATTORNEY FOR APPELLANT

ATTORNEY FOR APPELLEE

FLORIDA SUPREME COURT

05/26/2017

RECEIVED

MASTER INDEX**INDEX TO THE ORIGINAL RECORD ON APPEAL**

ITEM	FILE DATE	INSTRUMENT	PAGE
		87-CF-008047-A	
1	5/25/2017	APPEAL CASE SUMMARY	1 - 58
2	1/9/2017	SUCCESSIVE MOTION TO VACATE DEATH SENTENCE	59 - 88
3	1/9/2017	SUCCESSIVE MOTION TO VACATE DEATH SENTENCE	89 - 120
4	1/27/2017	STATE'S ANSWER TO DEFENDANT'S SUCCESSIVE MOTION FOR POSTCONVICTION RELIEF	121 - 139
5	3/21/2017	ORDER DENYING DEFENDANT'S SUCCESSIVE MOTION TO VACATE DEATH SENTENCE, SIGNED BY MICHELLE SISCO ON 03/20/17	140 - 146
6	4/17/2017	NOTICE OF APPEAL	147 - 148
7	4/19/2017	DESIGNATION TO COURT REPORTER	149 - 150
8	4/19/2017	DIRECTIONS TO THE CLERK	151 - 152
9	4/19/2017	JUDICIAL ACTS TO BE REVIEWED	153 - 154
10	5/4/2017	TRANSCRIPT OF TESTIMONY AND PROCEEDINGS TAKEN BEFORE MICHELLE SISCO ON MARCH 23, 2017	T1 - T16

DIVISION B
CASE SUMMARY
CASE NO. 87-CF-008047-A

STATE OF FLORIDA vs ANDERSON, RICHARD
HAROLD

§
§
§
§
§
§

Location: **Division B**
Judicial Officer: **Sabella, Christopher C**
Filed on: **03/04/1994**
Case Number History: **87-CF-008047**
Uniform Case Number: **291987CF008047000AHC**

CASE INFORMATION

Offense	Deg	Date	Case Type:	FELONY CAPITAL MURDER
Municipality: HILLSBOROUGH COUNTY				
1. 78204 FIRST DEGREE MURDER	FC	05/07/1987	Case Flags:	FILE HOME LOCATION - RECORDS CENTER
Sequence: 1				
<i>Filed As:</i> SEE DOCKET OR CASE FILE FOR CHARGES	F	3/4/1994		

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	87-CF-008047-A
Court	Division B
Date Assigned	08/17/2013
Judicial Officer	Sabella, Christopher C

PARTY INFORMATION

Defendant	ANDERSON, RICHARD HAROLD	<i>Lead Attorneys</i> SHIRLEY, CHELSEA RAE <i>Retained</i> 813-558-1600(W)
Plaintiff	STATE OF FLORIDA	DITTMAR, CAROL MARIE 813-760-0846(W)
Converted Attorney	CANNON, PETER J, Esquire Removed: 09/02/2009 Ended Converted Party	
	STRAIN, ROBERT T Removed: 09/02/2009 Ended Converted Party	
Judge	LOPEZ, MANUEL A Removed: 01/20/2007 Rotation/Administrative Order	
	POMPONIO, DENISE A Removed: 01/24/2011 Rotation/Administrative Order	
	SIMMS, ROBERT J Removed: 01/04/2001 Rotation/Administrative Order	
	STEPHENS, STEVEN SCOTT, Esquire Removed: 08/17/2013 Rotation/Administrative Order	
	WOLFE, MARK Removed: 07/20/2008 Rotation/Administrative Order	

DATE

EVENTS & ORDERS OF THE COURT

INDEX

DIVISION B
CASE SUMMARY
CASE NO. 87-CF-008047-A

06/08/2017	POST CONVICTION RELIEF STATUS HEARING (11:00 AM) (Judicial Officer: SISCO, MICHELLE)
05/23/2017	 ORDER <i>SETTING STATUS CONFERENCE REGARDING THE PREPARATION OF THE RECORD ON APPEAL--SIGNED BY JUDGE SISCO--COPIES SENT TO ATTYS, ATTORNEY GENERAL OFFICE APPEALS, COURT REPORTS AND SAO--VBA</i>
05/23/2017	 NOTICE OF HEARING Court Date: 06/08/2017 Party: CAPITAL COLLATERAL ATTORNEY SHIRLEY, CHELSEA RAE <i>FELONY NOTICE OF HEARING</i>
05/23/2017	 NOTICE OF HEARING Court Date: 06/08/2017 Party: Defendant ANDERSON, RICHARD HAROLD <i>FELONY NOTICE OF HEARING</i>
05/22/2017	 REQUEST TO ADD CASE ON DOCKET <i>PER JUDGE'S OFFICE SET FOR STATUS 6-8-17@11:00AM</i>
05/19/2017	 ACKNOWLEDGEMENT OF NEW CASE <i>05/15/17 SC17-884</i>
05/19/2017	 ORDER FROM SUPREME COURT <i>05/15/17 SC17-884</i>
05/12/2017	 LETTER OF TRANSMITTAL <i>NOA SENT TO SUPREME COURT</i>
05/05/2017	 LETTER OF TRANSMITTAL <i>NOA SENT TO DCA</i>
05/05/2017	 NOTICE OF SUBSTITUTION OF COUNSEL
05/04/2017	 TRANSCRIPT <i>02/23/2017 (ALL TRANSCRIPTS HERE TO COMPLETE RECORD)</i>
05/03/2017	CANCELED EVIDENTIARY HEARING (9:00 AM) (Judicial Officer: SISCO, MICHELLE) <i>Per Judge's Order</i>
04/19/2017	 JUDICIAL ACTS TO BE REVIEWED
04/19/2017	 DIRECTIONS TO THE CLERK
04/19/2017	 DESIGNATION TO COURT REPORTER
04/17/2017	 NOTICE OF APPEAL
03/21/2017	 ORDER DENYING <i>DEFT'S SUCCESSIVE MOTION TO VACATE DEATH SENTENCE--SIGNED BY JUDGE SISCO--COPIES SENT TO ATTYS, ATTORNEY GENERAL OFFICE AND SAO--VBA</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

02/25/2017	 NOTICE OF HEARING Court Date: 05/03/2017 Party: Defendant ANDERSON, RICHARD HAROLD <i>FELONY NOTICE OF HEARING</i>
02/23/2017	 COURT DOCKET PAGE
02/23/2017	COURT REPORTER <i>ELEC MOMNIQUE BROWN</i>
02/23/2017	ASSISTANT STATE ATTORNEY <i>CHRIS MOODY FOR JAY PRUNER</i>
02/23/2017	STATEWIDE PROSECUTOR <i>CAROL DITTMER</i>
02/23/2017	BY ATTORNEY <i>CHELSEA SIRLEY - JULISSA FONTAIN - MARIA DE LIBERATO</i>
02/23/2017	STATUS CONFERENCE (11:00 AM) (Judicial Officer: SISCO, MICHELLE)
02/14/2017	 RETURNED MAIL
02/10/2017	 NOTICE OF HEARING Court Date: 02/23/2017 Party: Defendant ANDERSON, RICHARD HAROLD <i>FELONY NOTICE OF HEARING</i>
02/09/2017	 REQUEST TO ADD CASE ON DOCKET <i>PER JUDGE'S OFFICE MEMO SET FOR CASE MGMT CONF</i>
01/27/2017	 ANSWER TO MOTION <i>STATE'S TO DEFTS SUCCESSIVE MOTN FOR POSTCONVICTION RELIEF</i>
01/10/2017	 NOTICE OF APPEARANCE
01/09/2017	 MOTION TO VACATE SENTENCE
01/09/2017	 MOTION TO VACATE SENTENCE
11/15/2013	CASE STATUS UPDATED <i>User ID=CUSHMAN</i>
09/02/2009	NOTICE OF APPEARANCE BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>RAHEELA AHMED, ASSISTANT CCRC-M User ID=KIRKCONNELL</i>
06/08/2009	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO SUPPLEMENT THE RECORD ORDER DENYING AMENDED SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE SIGNED BY MARK WOLFE User ID=GILBERTJ</i>
06/08/2009	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>DISMISSING JANUARY 2008 RECORDS REQUESTS ORDER DENYING MARCH 2008</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>RECORDS REQUEST SIGNED BY MARK WOLFE User ID=GILBERTJ</i>
06/08/2009	DEFENDANT CLOSED Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=DIPIAZZAS</i>
04/29/2009	TRANSCRIPT OF PROCEEDING Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=GILBERTJ</i>
04/29/2009	TRANSCRIPT OF PROCEEDING Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=GILBERTJ</i>
04/29/2009	TRANSCRIPT OF PROCEEDING Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=GILBERTJ</i>
04/29/2009	TRANSCRIPT OF PROCEEDING Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=GILBERTJ</i>
07/03/2008	NOTICE Party: Defendant ANDERSON, RICHARD HAROLD <i>STATE'S NOTICE OF FILING SUPPLEMENTAL AUTHORITY User ID=GULLEY</i>
07/03/2008	LETTER Party: Defendant ANDERSON, RICHARD HAROLD <i>FROM OFFICE OF THE ATTORNEY GENERAL. User ID=GULLEY</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>MVA-MOTION TO VACATE Text: AMENDED SUCCESSIVE MOTION VACATE, JUDGEMENTS OF SENTENCE - RE-MOTN Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: MOTION TO VACATE</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: EVIDENTIARY HEARING REQUESTED ON 1B-1, 1B-2, 1B-3, 1B-4, 1B-6, 1C-14, II-2, II-3, II-4, II-5, II-6, II-STRICKEN, III-STRICKEN, 1B-7STRICKEN Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFST-DEFENSE STIPULATES TO Text: THESE ARE LEGAL ISSUES NOT HEEDING AND EVIDENTIARY HEARING - 1B-5, 1B-8, 1N-9 Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: DEFENSE STIPULATES TO</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: COURTS RULING WILL BE MADE BY WRITTEN ORDER Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>MTUA-MOTION TAKEN UNDER ADVISEMENT Text: BY THE COURT Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: MOTION TAKEN UNDER ADVISEMENT</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>ALSO-ALSO PRESENT: Text: HUFF HEARING HELD Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: ATTY GEN- KEN NUNNELLY Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: CCRC MARIA PERINITTI Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>BYAT-BY ATTORNEY Text: CCRC PETER CANNON Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: BY ATTORNEY</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSA-ASSISTANT STATE ATTORNEY Text: SIDNEY HARMON Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY</i>
06/13/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: MEAGAN VIRGIN Hearing: SRC-2008-06-13; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
06/13/2008	STATUS REVIEW-CLOSED (8:30 AM) (Judicial Officer: Wolfe, Mark) <i>RESET PER JUDGE JA.</i>
05/23/2008	NOTICE OF FILING Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=MANRESAM</i>
05/14/2008	PER JUDGES MEMO Party: Defendant ANDERSON, RICHARD HAROLD <i>RESET COURT DATE PER JUDGE JA User ID=GULLEY</i>
05/14/2008	COURT EVENT DELETED Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Deleted,HEA,06-JUN-2008,09:00:00, Judge:WOLFE, MARK, Room:CR21, Room Location:NT, User ID = GULLEY User ID=GULLEY</i>
05/14/2008	STATUS REVIEW SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled,SRC,13-JUN-2008,08:30, Judge:WOLFE, MARK, Room:CR21, Room Location:NT, User ID = GULLEY User ID=GULLEY</i>
04/24/2008	NOTICE Party: Defendant ANDERSON, RICHARD HAROLD <i>OF FILING, FROM CAPITAL COLLATERAL REGIONAL COUNSEL User ID=GULLEY</i>
04/07/2008	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled,HEA,06-JUN-2008,09:00, Judge:WOLFE, MARK, Room:CR21, Room Location:NT, User ID = MERCEDES User ID=MERCEDES</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTN-MOTION Text: FOR PRODUCTION OF PUB RECORDS Hearing: HEA-2008-04-04; Motion By: ; Ruling: MOTD Ruling Desc: MOTION DENIED</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEMO-DEFENSE'S MOTION Text: TO SUPPLEMENT THE RECORD Hearing: HEA-2008-04-04; Motion By: ; Ruling: MOG Ruling Desc: MOTION GRANTED</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DENP-DEFENDANT NOT PRESENT Text: Hearing: HEA-2008-04-04; Motion By: ; Ruling: Ruling Desc: DEFENDANT NOT PRESENT</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: HEA 6/06/08 9:00 Hearing: HEA-2008-04-04; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: KEN NUNNELLY W/ATTORNEY GENERALS OFFICE Hearing: HEA-2008-04-04; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSA-ASSISTANT STATE ATTORNEY Text: S SCOTT HARMON Hearing: HEA-2008-04-04; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>BYAT-BY ATTORNEY Text: PETER CANNON & CAROL RODRIGUEZ - CCRC Hearing: HEA-2008-04-04; Motion By: ; Ruling: Ruling Desc: BY ATTORNEY</i>
04/04/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: ASHLEY WILLIAMS Hearing: HEA-2008-04-04; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
04/04/2008	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>DATA SHEET FILED IN COURT User ID=FREESTON</i>
04/04/2008	HEARING (9:00 AM) (Judicial Officer: Wolfe, Mark) <i>HUFF. DEFTS REQUEST FOR PRODUCTION OF. PUBLIC RECORDS.</i>
04/03/2008	RESPONSE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT'S RESPONSE TO MOTION FOR CLARIFICATION. FROM ATTY PETER J. CANNON User ID=GULLEY</i>
04/03/2008	RESPONSE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEPARTMENT OF CORRECTIONS RESPONSE TO DEFENDANT'S REQUEST FOR PUBLIC RECORDS. User ID=GULLEY</i>
04/03/2008	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR 04-04-08 / ALREADY SET/TELEPHONIC HEARING INSTRUCTIONS ATTACHED User ID=BAKKEG</i>
04/02/2008	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR 04-04-08/ ALREADY SET/ NOTICE FILED ON 03-25-08 User ID=BAKKEG</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

04/02/2008	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO SUPPLEMENT THE RECORD AND NOTICE OF DOCUMENTARY EXHIBITS BY ATTY CAROL RODRIGUEZ User ID=GULLEY</i>
03/27/2008	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR CLARIFICATION REGARDING HUFF HEARING. FROM SAO User ID=GULLEY</i>
03/25/2008	REQUEST FOR DISCLOSURE Party: Defendant ANDERSON, RICHARD HAROLD <i>PUBLIC RECORDS. FROM CAPITAL COLLATERAL REGIONAL COUNSEL-MIDDLE REGION: CAROL C. RODRIGUEZ User ID=GULLEY</i>
03/13/2008	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled,HEA,04-APR-2008,09:00, Judge:WOLFE, MARK, Room:CR21, Room Location:NT, User ID = MERCEDES User ID=MERCEDES</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFT-DEFENDANT Text: REQUES FOR PUB RECORDS HEARING DATE - STATUS CONFERENCE - SEE ADD ON PG 1 Hearing: SRC-2008-03-12; Motion By: ; Ruling: Ruling Desc: DEFENDANT</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>BYAT-BY ATTORNEY Text: CAROL RODRIGUEZ & PETER CANNON Hearing: SRC-2008-03-12; Motion By: ; Ruling: Ruling Desc: BY ATTORNEY</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: ROBERT LANDRY & PAULA MONTLARY W/ATTY - GENERAL'S OFFICE Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: IN COURT: PETER CANNON & CAROL RODRIGUEZ W/CAPITAL COLLATERAL REG COUNSEL Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: ON PHONE: MAX CHANGUS W/DOC & JIM MARTIN W/FDLE Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: HEA 4/04/08 9:00 - HUFF Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>BYAT-BY ATTORNEY Text: ROBERT STRAIN Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: BY ATTORNEY</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFT-DEFENDANT Text: RESQUESTFOR ADDITIONAL PUB RECORDS - TAKEN UNDER ADVISMENT Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc:</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>DEFENDANT</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSA-ASSISTANT STATE ATTORNEY Text: SCOTT HARMON Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY</i>
03/12/2008	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: ASHLEY WILLIAMS Hearing: HEA-2008-03-12; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
03/12/2008	HEARING (10:00 AM) (Judicial Officer: Wolfe, Mark) <i>TELEPHONIC HEARING DEFT'S REQUEST FOR. ADDITIONAL PUBLIC RECORDS AND DOC'S,FDLE. RESPONSE AND OBJECTIONS.</i>
03/12/2008	STATUS REVIEW-CLOSED (10:00 AM) (Judicial Officer: Wolfe, Mark) <i>STATUS CONFERENCE. DEFT'S REQUEST FOR PUBLIC RECORDS. HEARING DATE.</i>
03/11/2008	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled,HEA, 12-MAR-2008, 10:00, Judge: WOLFE, MARK, Room: CR21, Room Location: NT, User ID = BAKKEG User ID=BAKKEG</i>
03/10/2008	RESPONSE Party: Defendant ANDERSON, RICHARD HAROLD <i>FDLE'S RESPONSE AND OBJECTION TO DEFENDANT'S DEMAND FOR ADDITIONAL RECORDS, BY ASST. GENERAL COUNSEL JAMES D. MARTIN. User ID=GULLEY</i>
03/10/2008	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR 03-12-08/TELEPHONIC HEARING DIAL-IN INSTRUCTIONS ATTACHED User ID=BAKKEG</i>
02/28/2008	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>SETTING PUBLIC RECORDS HEARING DATE BY MRW ON 2/26/08 User ID=GONZALZS</i>
02/27/2008	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO SUPPLEMENT THE RECORD BY MRW ON 2/26/08 User ID=GONZALZS</i>
02/22/2008	RESPONSE Party: Defendant ANDERSON, RICHARD HAROLD <i>TO AMENDED SUCCESSIVE MOTION TO VACATE User ID=GULLEY</i>
02/12/2008	MOTION TO SUPPLEMENT RECORD Party: Defendant ANDERSON, RICHARD HAROLD <i>ATTY C. RODRIGUEZ: CAPITAL COLLATERAL REGIONAL COUNSEL-MIDDLE REGION User ID=GULLEY</i>
02/05/2008	RESPONSE Party: Defendant ANDERSON, RICHARD HAROLD <i>DEPARTMENT OF CORRECTIONS' RESPONSE TO DEFENDANT'S REQUEST FOR PUBLIC RECORDS User ID=GULLEY</i>
01/10/2008	MOTION TO VACATE Party: Defendant ANDERSON, RICHARD HAROLD <i>AMENDED SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE User ID=PESQUERA</i>
01/10/2008	CAPITAL COLLATERAL REQUEST

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR PRODUCTION OF PUBLIC RECORDS User ID=PESQUERA</i>
01/10/2008	NOTICE OF FILING Party: Defendant ANDERSON, RICHARD HAROLD <i>FROM CAPITAL COLLATERAL User ID=PESQUERA</i>
01/10/2008	WITNESS LIST Party: Defendant ANDERSON, RICHARD HAROLD <i>AMENDED User ID=PESQUERA</i>
12/19/2007	MAIL RETURNED ATTORNEY NOTICE Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR 3/12/08 NO SUCH NUMBER User ID=DIPIAZZAS</i>
12/10/2007	STATUS REVIEW SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled,SRC,12-MAR-2008,10:00, Judge:WOLFE, MARK, Room:CR21, Room Location:NT, User ID = WILLAMAU User ID=WILLAMAU</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: DEFENSE TO RESPOND WITHIN 30 DAYS Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: ORDER SIGNED & FILED STRIKING SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE WITH LEAVE TO AMEND AND ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE RESPONSE Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: STATUS ON DEFTS MOTION TO VACATE JUDGMENT & SENT - SUCCESSIVE- COURT GRANTED LEAVE TO AMEND UNTIL 01-15-08 Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: LAW CLERK Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: SRC 03-12-08 10AM Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: ROBERT LANDRY ASST GENERAL ATTY Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: J HENRY Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>BYAT-BY ATTORNEY Text: PETER CANNON , CAROL RODRIGUEZ CCRC Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: BY ATTORNEY</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

12/07/2007	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD ASSA-ASSISTANT STATE ATTORNEY Text: SCOTT HARMON Hearing: SRC-2007-12-07; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY
12/07/2007	ORDER Party: Defendant ANDERSON, RICHARD HAROLD TO DEFENDANT TO RESPOND (PUBLIC RECORDS) SIGNED BY JUDGE WOLFE- COPIES GIVEN IN OPEN COURT TO DEF, CCRC, SAO, ATTY GENERAL PER LAW CLERK MINTON User ID=DUNCAN
12/07/2007	ORDER DENYING Party: Defendant ANDERSON, RICHARD HAROLD MOTION FOR EXTENSION OF TIME TO FILE RESPONSE SIGNED BY JUDGE WOLFE- COPIES GIVEN IN OPEN COURT TO DEF, CCRC, ATTY GENERAL, SAO PER LAW CLERK MINTON User ID=DUNCAN
12/07/2007	ORDER Party: Defendant ANDERSON, RICHARD HAROLD STRIKING SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE WITH LEAVE TO AMEND SIGNED BY JUDGE WOLFE-COPIES GIVEN IN OPEN COURT TO DEF, CCRC, ATTY GEN, AND SAO PER LAW CLERK MINTON User ID=DUNCAN
12/07/2007	MOTION FOR LEAVE Party: Defendant ANDERSON, RICHARD HAROLD TO AMEND SUCCESSIVE MOTION TO VACATE JUDGMENT AND SENTENCE User ID=DUNCAN
12/07/2007	STATUS REVIEW-CLOSED (10:30 AM) (Judicial Officer: Wolfe, Mark) STATUS ON DEFTS MOTN TO VACATE JUDGMENT. & SENT -SUCCESSIVE. DEFT'S REQUEST FOR ADDITIONAL PUBLIC. RECORDS
11/13/2007	STATUS REVIEW SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD Event Scheduled, SRC, 07-DEC-2007, 10:30, Judge: WOLFE, MARK, Room: CR21, Room Location: NT, User ID = EDWARDS User ID=EDWARDS
11/06/2007	ORDER Party: Defendant ANDERSON, RICHARD HAROLD STATUS HEARING FOR DECEMBER 7TH, 07 @10:30AM User ID=EDWARDS
09/12/2007	LETTER Party: Defendant ANDERSON, RICHARD HAROLD OBJECTION TO DEFT'S DEMAND FOR ADDITIONAL PUBLIC RECORDS X2 User ID=EDWARDS
09/12/2007	RESPONSE Party: Defendant ANDERSON, RICHARD HAROLD TO SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE User ID=SIERRA
09/12/2007	LETTER TO JUDGE Party: Defendant ANDERSON, RICHARD HAROLD OFFICE OF THE ATTY GENERAL User ID=SIERRA
08/24/2007	MOTION Party: Defendant ANDERSON, RICHARD HAROLD FOR EXTENTION OF TIME TO FILE RESPONSE User ID=PESQUERA
08/21/2007	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD DEPARTMENT OF CORRECTIONS OBJECTIONS TO DEFENDANT'S DEMAND FOR

DIVISION B
CASE SUMMARY
CASE NO. 87-CF-008047-A

ADDITIONAL RECORDS User ID=DIPIAZZAS

07/17/2007	LETTER Party: Defendant ANDERSON, RICHARD HAROLD <i>COVER LETTER FROM CAROL C RODRIGUEZ, ASSISTANT CCRC; **ATTY'S COPIES NOT SENT, SELF STAMPED ENVELOPE NOT PROVIDED, "EXHIBIT LIST, WITNESS LIST, SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE" User ID=SIERRA VI</i>
07/17/2007	MOTION TO VACATE Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGMENTS OF SENTENCE - SUCCESSIVE. User ID=SIERRA VI</i>
07/17/2007	WITNESS LIST Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=SIERRA VI</i>
07/13/2007	WITNESS LIST Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=SUTTLE</i>
07/13/2007	MOTION TO VACATE Party: Defendant ANDERSON, RICHARD HAROLD <i>SUCCESSIVE MOTION TO VACATE JUDGMENTS OF SENTENCE User ID=SUTTLE</i>
11/07/2006	EVIDENCE INVENTORIED - SENSITIVE Party: Defendant ANDERSON, RICHARD HAROLD <i>EDS# NO # S-60 User ID=SHAWA</i>
04/02/2004	RELEASE TRANSFER OF EVIDENCE Party: Defendant ANDERSON, RICHARD HAROLD <i>4/1/04 S-50, S-50B EVIDENCE RELEASED TO LYNN RYDER FOR COPYING OF TAPES FOR COURT TV, 4/2/04 S-50, S-50B RETURNED. User ID=LAPEER</i>
08/14/2002	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: ASHLEY FORRY-OFFICIAL Hearing: MAN-2002-08-14; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
08/14/2002	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSA-ASSISTANT STATE ATTORNEY Text: KIM SEACE Hearing: MAN-2002-08-14; Motion By: ; Ruling: Ruling Desc: ASSISTANT STATE ATTORNEY</i>
08/14/2002	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>NONE-NO ONE PRESENT Text: Hearing: MAN-2002-08-14; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT</i>
08/14/2002	MANDATE (8:30 AM) (Judicial Officer: Behnke, Debra)
07/29/2002	MANDATE SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled,MAN,14-AUG-2002,08:30, Judge:BEHNKE, DEBRA, Room:CR22, Room Location:NT, User ID = DENTPAM User ID=DENTPAM</i>
07/29/2002	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR 08-14-02 (FOR MANDATE) PD User ID=DENTPAM</i>
07/22/2002	MANDATE AFFIRMED

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>SUPREME COURT OF FLORIDA MANDATE SC01-24 User ID=PROCTOR</i>
10/26/2001	LETTER OF TRANSMITTAL Party: Defendant ANDERSON, RICHARD HAROLD <i>SUPPLEMENT User ID=DETROY</i>
10/08/2001	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER FROM SUPREME COURT GRANTING MOTION TO SUPPLEMENT THE RECORD. SUPREME COURT NUMBER SC01-24 User ID=STEWARTJ</i>
05/21/2001	NOTICE OF APPEARANCE Party: Defendant ANDERSON, RICHARD HAROLD <i>ELIZABETH A. WILLIAMS, CCCRC ATTORNEY - WO User ID=OWENSW</i>
04/23/2001	LETTER OF TRANSMITTAL Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=FERNANDEZA</i>
04/05/2001	TRANSCRIPT FOR APPEAL Party: Defendant ANDERSON, RICHARD HAROLD <i>3-9-99 (ALL TRANSCRIPTS IN APPEALS TO COMPLETE RECORD) User ID=PROCTOR</i>
01/29/2001	TRANSCRIPT FOR APPEAL Party: Defendant ANDERSON, RICHARD HAROLD <i>4-27-00 User ID=PROCTOR</i>
01/26/2001	TRANSCRIPT FOR APPEAL Party: Defendant ANDERSON, RICHARD HAROLD <i>2-2,28-00 User ID=PROCTOR</i>
01/22/2001	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>1-18-01 FROM SUPREME COURT OF FLORIDA WE HAVE RECEIVED A NOTICE OF APPEAL. THE TRANSCRIPT SHOULD BE FILED WITH THE TRIAL COURT CLERK ON OR BEFORE APRIL 9, 2001. THE TRIAL COURT CLERK SHALL HAVE TWENTY (20) DAYS AFTER THE FILING OF THE TRANSCRIPTS IN WHICH TO FILE THE RECORD ON APPEAL WITH THIS COURT. User ID=FERNANDEZA</i>
01/17/2001	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CCR,ATTY GENERAL,SAO & DEFT User ID=COLLINS</i>
01/16/2001	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>CORRECTING AND SUPPLEMENTING THE POST CONVICTION RECORD User ID=COLLINS</i>
01/16/2001	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>CORRECTING FINAL ORDER DENYING DEFT'S THIRD AMENDED 3.850 MOTION User ID=COLLINS</i>
01/10/2001	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COVER SHEET FROM CAPITAL COLLATERAL FILED WITH NOTICE OF HEARING ATTACHED FOR 1-09-2001 @ 10:00 User ID=RODRIGZA</i>
01/10/2001	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>THIS CASE SHALL REMAIN ASSIGNED TO JUDGE SIMMS FOR ALL COLLATERAL</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>PROCEEDINGS. User ID=RODRIGZA</i>
01/09/2001	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>ROBERT STRAIN AND DENISE COOK, CAPITAL COLLATERAL AF User ID=FREESTON</i>
01/09/2001	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>ROBERT LANDRY ASS. ATTORNEY GENERAL, SHIRLEY WILLIAMS ASS. STATE ATTORNEY, DEFT (AF) User ID=FREESTON</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: * TO BE HEARD BY JUDGE SIMMS Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: ASHLEY HULME - OFFICIAL Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: COURT RECESSED @ 10:30 AM Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: COURT CONVENED @ 09:55 AM Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: - SHOULD HAS READ JULY 15, 1987 ON PAGE 2 , PG 5 PARAGRAPH 5 SHOULD REFLECT WITNESS CONNIE BEASLEY CAPITAL COLLATERAL WILL PREPARE COTTECTED ODRER Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: ORDER OF MAY 07, 1999 SIGNED BY JUDGE SIMMS NOT REFLECTING ON ON ABSTRACT CLERK ORDERED TO DOCKET SAIS ORDER THE COURT REVIEWED THE NOTES OD MR SKY ON 02-02-00 HAVING WHEN MAKING HIS DECISION AND HAD BEEN MADE PART OF THE RECORD ORDER OF 08-25-00 Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: CR 391 Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: JUDGE ROBERT SIMMS Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>RCR-COURT REPORTER Text: BEVERLY HUNTER- BERRYHILL Hearing: MOT-2001-01-09; Motion By: ; Ruling: Ruling Desc: COURT REPORTER</i>
01/09/2001	CONVERTED MINUTE CODE

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>MO-MOTION Text: FOR CORRECTIN AND SUPPLEMENTING THE POST CONVICTION RECORD- GRANTED AS STATED BELOW</i> Hearing: MOT-2001-01-09; Motion By: ; Ruling: MOTG Ruling Desc: MOTION GRANTED
01/09/2001	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DENP-DEFENDANT NOT PRESENT Text: ATTY ROBERT STRAIN</i> Hearing: MOT-2001-01-09; Motion By: ATTY; Ruling: Ruling Desc: DEFENDANT NOT PRESENT
01/09/2001	Motion Hearing (9:00 AM) (Judicial Officer: Baumann, Herbert J, Jr) <i>MOTION FOR CORRECTING AND SUPPLEMENTING. THE POST-CONVICTION RECORD.</i>
12/21/2000	EVENT MODIFIED Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Change, MOT, 09-JAN-2001, 09:00:00, Judge: BAUMANN, HERBERT, Room: CR22, Room Location: NT, User ID = LEAVINES</i> User ID=LEAVINES
12/21/2000	EVENT MODIFIED Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Change, MOT, 09-JAN-2001, 09:00:00, Judge: SIMMS, ROBERT J., Room: CR22, Room Location: NT, User ID = LEAVINES</i> User ID=LEAVINES
12/21/2000	MOTION SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>Event Scheduled, MOT, 09-JAN-2001, 09:00, Judge: SIMMS, ROBERT J., Room: CR12, Room Location: AN, User ID = LEAVINES</i> User ID=LEAVINES
12/21/2000	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>FOR CORRECTING AND SUPPLEMENTING THE POST-CONVICTION RECORD</i> User ID=LEAVINES
09/25/2000	CERTIFIED COPIES TO APPEALS DEPARTMENT Party: Defendant ANDERSON, RICHARD HAROLD User ID=DAWSONS
09/25/2000	DESIGNATION TO COURT REPORTER Party: Defendant ANDERSON, RICHARD HAROLD User ID=DAWSONS
09/25/2000	JUDICIAL ACTS TO BE REVIEWED Party: Defendant ANDERSON, RICHARD HAROLD User ID=DAWSONS
09/25/2000	WRITTEN DIRECTIONS TO CLERK Party: Defendant ANDERSON, RICHARD HAROLD User ID=DAWSONS
09/25/2000	NOTICE OF APPEAL TO 2ND DCA Party: Defendant ANDERSON, RICHARD HAROLD User ID=DAWSONS
08/28/2000	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>ROBERT STRAIN ESQ/ROBERT J LANDRY ESQ/SHIRLEY WILLIAMS ESQ</i> User ID=CARAWAY
08/28/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: ORDER DENYING 3.850 MOTION SENT TO CLERK</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>OFFICE 8/25 Hearing: CRC-2000-08-28; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
08/28/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>NONE-NO ONE PRESENT Text: Hearing: CRC-2000-08-28; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT</i>
08/28/2000	CASE REVIEW-CLOSED (9:00 AM)
08/25/2000	TRANSCRIPT OF TESTIMONY RECEIVED Party: Defendant ANDERSON, RICHARD HAROLD <i>(ORIGINAL) AND PROCEEDINGS ON 02/28/00. CC User ID=CARAWAY</i>
08/25/2000	TRANSCRIPT OF TESTIMONY RECEIVED Party: Defendant ANDERSON, RICHARD HAROLD <i>(ORIGINAL) AND PROCEEDINGS ON 02/02/00 AT 2:00PM. CC User ID=CARAWAY</i>
08/25/2000	TRANSCRIPT OF TESTIMONY RECEIVED Party: Defendant ANDERSON, RICHARD HAROLD <i>(ORIGINAL) AND PROCEEDINGS OF 02/02/00 AT 1:30PM. CC User ID=CARAWAY</i>
08/25/2000	TRANSCRIPT OF PROCEEDING Party: Defendant ANDERSON, RICHARD HAROLD <i>04/27/00. CC User ID=CARAWAY</i>
08/25/2000	TRANSCRIPT OF PROCEEDING Party: Defendant ANDERSON, RICHARD HAROLD <i>ORIGINAL-3.850 PROCEEDINGS. CC User ID=CARAWAY</i>
08/25/2000	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>FINAL ORDER DENYING DEFT'S THIRD AMENDED MOTION TO VACATE JUDGMENTS OF CONVICTION AND SENTENCE WITH SPECIAL REQUESTS FOR LEAVE TO AMEND AND FOR EVIDENTIARY HEARING FILED ON JANUARY 19, 1999. CC User ID=CARAWAY</i>
08/11/2000	NOTICE OF HEARING RETURNED Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=ESCALONA</i>
08/09/2000	NOTICE OF HEARING RETURNED Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=ALBIN</i>
08/02/2000	REOPEN CASE REVIEW Party: Defendant ANDERSON, RICHARD HAROLD <i>CRC AUGUST 28, 2000 9:00AM CR 12 DIV. B (PATTI B.) User ID=BEALS</i>
08/02/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: 08-28-00 Hearing: CRC-2000-08-02; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
08/02/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: NTFY ATTY Hearing: CRC-2000-08-02; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
08/02/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>NADE-NO ONE APPEARED FOR DEFENSE Text: Hearing: CRC-2000-08-02; Motion By: ; Ruling: Ruling Desc: NO ONE APPEARED FOR DEFENSE</i>
08/02/2000	CASE REVIEW-CLOSED (9:00 AM)
07/20/2000	REOPEN CASE REVIEW Party: Defendant ANDERSON, RICHARD HAROLD <i>AUG. 2, 2000 @ 9AM CR12/VV User ID=VIRGILV</i>
07/20/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: NOTIFY ATTY Hearing: CRC-2000-07-20; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
07/20/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>NONE-NO ONE PRESENT Text: Hearing: CRC-2000-07-20; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT</i>
07/20/2000	NOTICE OF HEARING RETURNED Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=REIKER</i>
07/20/2000	CASE REVIEW-CLOSED (9:00 AM)
07/08/2000	REOPEN CASE REVIEW Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=VIRGILV</i>
07/07/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>NALL-NOTIFY ALL PARTIES Text: Hearing: MOT-2000-07-07; Motion By: ; Ruling: Ruling Desc: NOTIFY ALL PARTIES</i>
07/07/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: CRC 7-20-00 Hearing: MOT-2000-07-07; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
07/07/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>NONE-NO ONE PRESENT Text: Hearing: MOT-2000-07-07; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT</i>
07/07/2000	Motion Hearing (9:00 AM)
06/26/2000	MOTION SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>07-07-00 1:30PM CR12/TC User ID=COLON</i>
06/22/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: NOTIFY ATTY Hearing: MOT-2000-06-22; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
06/22/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: 7-7-00 Hearing: MOT-2000-06-22; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
06/22/2000	CONVERTED MINUTE CODE

DIVISION B
CASE SUMMARY
CASE NO. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>NONE-NO ONE PRESENT Text: Hearing: MOT-2000-06-22; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT</i>
06/22/2000	Motion Hearing (1:30 PM)
05/30/2000	NOTICE OF HEARING RETURNED Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=REIKER</i>
05/24/2000	MOTION SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION JUNE 23RD 2000 9AM SET BY SELINA J. User ID=JOICHIN</i>
05/23/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>TEXT-SEE FREE FORM TEXT Text: NOTIFY ATTY Hearing: SRC-2000-05-23; Motion By: ; Ruling: Ruling Desc: SEE FREE FORM TEXT</i>
05/23/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>NONE-NO ONE PRESENT Text: Hearing: SRC-2000-05-23; Motion By: ; Ruling: Ruling Desc: NO ONE PRESENT</i>
05/23/2000	STATUS REVIEW-CLOSED (9:00 AM) <i>MOTION.</i>
05/19/2000	NOTICE OF FILING Party: Defendant ANDERSON, RICHARD HAROLD <i>TRANSCRIPT OF PROCEEDINGS User ID=ESCALONA</i>
05/01/2000	STATUS REVIEW SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>STATUS REVIEW SET FOR 5-23-00 AT 9:00 A.M. DIV B S.SWEET User ID=SWEET</i>
04/27/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ATJA-ATTENTION JAIL Text: DEFT. MAHY BE TRANSPORTED BACK TO FSP Hearing: HEA-2000-04-27; Motion By: ; Ruling: Ruling Desc: ATTENTION JAIL</i>
04/27/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>SWTE-SWORN TESTIMONY TAKEN Text: CONNIE BEASLEY HUNT Hearing: HEA-2000-04-27; Motion By: ; Ruling: Ruling Desc: SWORN TESTIMONY TAKEN</i>
04/27/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: 4/23/00 SRC MOC @ 9:00 DEF. PRESENCE WAIVED Hearing: HEA-2000-04-27; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
04/27/2000	HEARING (1:30 PM)
04/12/2000	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>SAO/DEFT User ID=RODRIGUEZA</i>
04/12/2000	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CAPITAL COLLATERAL/HCSO X2/DOC User ID=RODRIGUEZA</i>
04/12/2000	ORDER

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>GRANTING MOTION TO TRANSPORT User ID=RODRIGUEZA</i>
03/31/2000	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO TRANSPORT User ID=RODRIGUEZA</i>
03/22/2000	SEE DOCKET TEXT <i>NOTICE OF FILING, TRANSCRIPT OF TESTIMONY AND PROCEEDINGS X4 User ID=COLLINS</i>
03/21/2000	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>4-27-00 @ 1:30 CR12 User ID=EDSON</i>
03/20/2000	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING -CCR, WITH PRAECIPE AND SUBPOENA FOR HEARING ATTACHED CONFIRMATION OF RECEIPT SENT TO CCR User ID=COLLINS</i>
03/17/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: SAA CHRIS WATSON FOR SHIRLEY WILLIAMS Hearing: HEA-2000-03-17; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
03/17/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: HEARING 4-27-00 @ 1:30 CR12 Hearing: HEA-2000-03-17; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
03/17/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: DEF. ATTY CCR ROBERT STRAIN Hearing: HEA-2000-03-17; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
03/17/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>DENP-DEFENDANT NOT PRESENT Text: DEF. ATTY CCR ROBERT STRAIN Hearing: HEA-2000-03-17; Motion By: ATTY; Ruling: Ruling Desc: DEFENDANT NOT PRESENT</i>
03/17/2000	HEARING (10:00 AM)
03/04/2000	SEE DOCKET TEXT <i>NOTICE OF APPEARANCE FILED FROM DENISE COOK,CCR User ID=COLLINS</i>
03/02/2000	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT'S NOTICE NOT SENT ADDRESS UNKNOWN (GEY2) User ID=LEVYA</i>
03/02/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO-ALSO PRESENT: Text: ROBERT STRAIN CCR (ATTY) Hearing: HEA-2000-03-02; Motion By: ; Ruling: Ruling Desc: ALSO PRESENT:</i>
03/02/2000	HEARING (9:00 AM)
03/02/2000	HEARING (9:00 AM) <i>EVIDENTIARY HEARING (CONTINUED).</i>
02/29/2000	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>User ID=RODRIGUEZA</i>
02/28/2000	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=COLLINS</i>
02/28/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>CONT-CONTINUED Text: 3-2-00 Hearing: HEA-2000-02-28; Motion By: ; Ruling: Ruling Desc: CONTINUED</i>
02/28/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>SWTE-SWORN TESTIMONY TAKEN Text: RULE INVOKED Hearing: HEA-2000-02-28; Motion By: ; Ruling: Ruling Desc: SWORN TESTIMONY TAKEN</i>
02/28/2000	CONVERTED MINUTE CODE Party: Defendant ANDERSON, RICHARD HAROLD <i>WICO-WITH COUNSEL Text: PDA ROBERT STRAIN (CCR) Hearing: HEA-2000-02-28; Motion By: ; Ruling: Ruling Desc: WITH COUNSEL</i>
02/28/2000	HEARING (1:30 PM) <i>EVIDENTIARY HEARING.</i>
02/09/2000	SEE DOCKET TEXT <i>notice of filing from ccr confirmation of receipt mailed to ccr User ID=COLLINS</i>
02/07/2000	HEARING SET AND NOTICE SENT Party: Defendant ANDERSON, RICHARD HAROLD <i>User ID=MARTINEZB</i>
02/02/2000	MOTION/CLOSED CASE (1:00 PM) <i>EVIDENTIARY HEARING.</i>
01/31/2000	NOTICE Party: Defendant ANDERSON, RICHARD HAROLD <i>OF FILING User ID=ESCALONA</i>
01/23/2000	REOPEN CASE <i>User ID=FRYMAN</i>
01/18/2000	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING W/ATTACHMENTS-FILED User ID=AA14</i>
01/14/2000	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CERTIFIED COPIES TO: CAPITAL COLLATERAL REGIONAL COUNSEL UNION CORRECTIONAL INST/DOC/HCSO User ID=AC59</i>
01/14/2000	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO User ID=AC59</i>
01/14/2000	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO TRANSPORT User ID=AC59</i>
01/10/2000	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPY RETURNED TO CCR User ID=AA14</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

01/04/2000	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF APPEARANCE FILED BY ROBERT STRAIN,ESQ User ID=AA14</i>
11/24/1999	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO User ID=AC59</i>
11/24/1999	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CERTIFIED COPIES TO: HCSO X2/ROBERT J LANDRY ASST ATTY GEN RONALD S TULIN CCC User ID=AC59</i>
11/23/1999	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO TRANSPORT User ID=AC59</i>
11/10/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>2 CC SENT TO HCSO User ID=AA14</i>
11/10/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO CCR,ATTY GEN & SAO User ID=AA14</i>
11/10/1999	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO TRANSPORT User ID=AA14</i>
11/01/1999	SUBPOENA RETURNED SERVED Party: Defendant ANDERSON, RICHARD HAROLD <i>SUBPOENA RETURNED SERVED User ID=AA29</i>
10/25/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 2/02/00 1:30PM 12 FOR: MOTION ADD'L HRNG: EVIDENTIARY HEARING User ID=AB34</i>
10/25/1999	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 2-2-00 EVIDENTIARY HEARING User ID=AB34</i>
10/20/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET User ID=AA4S</i>
10/20/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA4S</i>
10/20/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA4S</i>
10/20/1999	HEARING (1:00 PM) <i>EVIDENTARY.</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET User ID=AA12</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE SENT TO TULIN, RONALD S ESQ (ADA) ON 10/01/99 User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE SENT TO ANDERSON, RICHARD HARO(DEA) ON 10/01/99 User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 10/20/99 1:30PM 12 FOR: HEARING ADD'L HRNG: EVIDENTARY User ID=AA12</i>
09/28/1999	REQUEST FOR NOTICE TO ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST FOR NOTICE TO ATTORNEY User ID=AA12</i>
09/28/1999	REQUEST FOR NOTICE TO DEFENDANT Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST FOR NOTICE TO DEFT User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA12</i>
09/28/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA12</i>
09/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET User ID=AA12</i>
09/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA12</i>
09/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA12</i>
09/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/28/99 PM -- REMOVED FROM CALENDAR User ID=AA14</i>
09/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/BP 9/28/99 1:30PM 12 FOR: STRIKE CASE FROM CALEND User ID=AA14</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

09/27/1999	HEARING (1:00 PM) <i>EVIDENTIARY HEARING.</i>
09/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET User ID=AA12</i>
09/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA12</i>
09/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA12</i>
09/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/28/99 1:30PM 12 FOR: HEARING ADD'L HRNG: EVIDENTIARY HEARING User ID=AA14</i>
09/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/27/99 1:30PM 12 FOR: HEARING ADD'L HRNG: EVIDENTIARY HEARING User ID=AA14</i>
09/23/1999	STATUS REVIEW-CLOSED (8:00 AM)
09/22/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>LEAVE DATE PREVIOUSLY SET 9-27-99 User ID=AC37</i>
09/22/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC37</i>
09/22/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NO ONE PRESENT User ID=AC37</i>
09/22/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME - OFFICIAL User ID=AC37</i>
09/22/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC37</i>
09/22/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/BA 9/23/99 9:00AM 12 FOR: STRIKE CASE FROM CALEND ADD'L HRNG: DO NOT TRANSPORT DEFENDANT User ID=AA14</i>
09/22/1999	HEARING (1:00 PM) <i>EVIDENTIARY HEARING.</i>
09/21/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>STRIKE User ID=AA72</i>
09/21/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA72</i>
09/21/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA72</i>
09/21/1999	HEARING (1:00 PM) <i>EVIDENTIARY HEARING.</i>
09/07/1999	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO TRANSPORT 2 CC SENT TO HCSO COPIES SENT TO CCR,SAO & ATTY GENERAL User ID=AA14</i>
09/07/1999	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO/RONALD TULIN-CCR User ID=AC59</i>
09/02/1999	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: SIGNED AND FILED GRANTING STATE'S MOTION TO QUASH SUBPOENAS User ID=AC59</i>
08/31/1999	2 CERTIFIED COPIES TO SAO PROCESS Party: Defendant ANDERSON, RICHARD HAROLD <i>2 CERT COPIES TO SAO TO PROCESS User ID=AA58</i>
08/31/1999	WRIT OF HABEAS CORPUS AD PROSE Party: Defendant ANDERSON, RICHARD HAROLD <i>WRIT OF HABEAS CORPUS AD PROSEQUENDUM User ID=AA58</i>
08/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 9/23/99 9:00AM 12 FOR: STATUS REVIEW User ID=AA12</i>
08/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO QUASH SUBPOENA FOR DEPOSITION-GRANTED AS TO 3 WITNESSES User ID=AA12</i>
08/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT TO ENTER RULING IN WRITING User ID=AA12</i>
08/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>QUESTIONS TO SENT TO COURT ON OTHER 2 WITNESSES User ID=AA12</i>
08/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>STATE TO WRIT FOR 9-27-99 HEARING User ID=AA12</i>
08/27/1999	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY RONALD TULIN User ID=AA12</i>
08/27/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA12</i>
08/27/1999	SEE DOCKET TEXT

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA12</i>
08/27/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA12</i>
08/26/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/BA 8/27/99 9:00AM 12 FOR: MOTION ADD'L HRNG: MOTION TO QUASH SUBPOENA FOR DEPOSIT User ID=AB34</i>
08/25/1999	SUBPOENA RETURNED SERVED Party: Defendant ANDERSON, RICHARD HAROLD <i>SUBPOENA RETURNED SERVED PRAECIPE & SUBPOENA DUCES TECUM X20 User ID=AA81</i>
08/24/1999	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO QUASH SUBPOENA FOR DEPOSITION User ID=AB34</i>
08/24/1999	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 8-27-99 User ID=AB34</i>
08/24/1999	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO QUASH SUBPOENA FOR DEPOSITION User ID=AB34</i>
08/24/1999	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 8-25-99 NOT SET RECEIVED 8-24-99 User ID=AB34</i>
08/18/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEATH ROW POST-CONVICTION STATUS REPORT-FILED User ID=AA14</i>
08/11/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING FROM CCCR (COPY)-FILED User ID=AC59</i>
08/11/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING (COPY) - FILED User ID=AC59</i>
08/11/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT'S MOTION FOR A CONTINUANCE- FROM CCCR (COPY) - FILED User ID=AC59</i>
08/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/22/99 1:30PM 12 FOR: HEARING ADD'L HRNG: EVIDENTIARY HEARING User ID=AAAU</i>
08/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/21/99 1:30PM 12 FOR: HEARING ADD'L HRNG: EVIDENTIARY HEARING User ID=AAAU</i>
08/06/1999	SEE DOCKET TEXT

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT'S MOTION FOR CONTINUANCE-GRANTED User ID=AAAU</i>
08/06/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AAAU</i>
08/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: TAMMY FAIELLA-BERRYHILL User ID=AAAU</i>
08/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AAAU</i>
08/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 8/11/99 PM -- REMOVED FROM CALENDAR User ID=AA14</i>
07/29/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING User ID=AA14</i>
07/29/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFT'S MOTION FOR CONTINUANCE NOT SET REC'D TODAY (8-6-99) User ID=AA14</i>
07/13/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET PREVIOUSLY RESET FOR 8/11/99 / PM User ID=AC36</i>
07/13/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC36</i>
07/13/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: JAY PRUNER User ID=AC36</i>
07/13/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AC36</i>
07/13/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
06/03/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 8/11/99 1:30PM 12 FOR: HEARING ADD'L HRNG: EVIDENTIARY HEARING User ID=AA3X</i>
06/03/1999	MOTION FOR CONTINUANCE Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR CONTINUANCE: -GRANTED User ID=AA3X</i>
06/03/1999	WITH COUNSEL Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH COUNSEL RONALD TULIN User ID=AA3X</i>
06/03/1999	ASSISTANT STATE ATTORNEY

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA3X</i>
06/03/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA3X</i>
06/03/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA3X</i>
05/17/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 6/03/99 9:00AM 12 FOR: MOTION ADD'L HRNG: MOTION FOR CONTINUANCE User ID=AB34</i>
05/14/1999	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR CONTINUANCE User ID=AB34</i>
05/14/1999	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 6-3-99 User ID=AB34</i>
05/12/1999	MAIL RETURNED ATTORNEY NOTICE Party: Defendant ANDERSON, RICHARD HAROLD <i>MAIL RETURNED: ATTORNEY User ID=AA81</i>
05/10/1999	ORDER SIGNED Party: Defendant ANDERSON, RICHARD HAROLD <i>Pursuant to Florida Rule of Criminal Procedure 3.851(c) Granting in part Evidentiary Hearing and Denying in part Evidentiary Hearing. Docketed on 12/27/00. User ID=LEAVINES</i>
05/07/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE SENT TO TULIN, RONALD S ESQ (ADA) ON 05/10/99 User ID=AA3Y</i>
05/07/1999	NOTICE OF APPEARANCE BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF APPEARANCE BY ATTORNEY: RONALD S TULIN ESQ User ID=AA3Y</i>
05/07/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 7/13/99 1:30PM 12 FOR: HEARING ADD'L HRNG: STATE TO WRIT ADD'L HRNG: EVIDENTIARY HEARING User ID=AF04</i>
05/07/1999	NO FILE IN COURT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO FILE IN COURT User ID=AF04</i>
05/07/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AF04</i>
05/07/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: KURT ALLEN User ID=AF04</i>
05/07/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>COURT REPORTER: ASHLEY HULME - OFFICIAL User ID=AF04</i>
05/07/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AF04</i>
05/05/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC36</i>
05/05/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AC36</i>
05/05/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AC36</i>
05/05/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
05/05/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 5/07/99 9:00AM 12 FOR: STATUS REVIEW User ID=AA14</i>
04/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 5/05/99 9:00AM 12 FOR: STATUS REVIEW User ID=AF04</i>
04/23/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AF04</i>
04/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES- BERRYHILL & ASSOC User ID=AF04</i>
04/23/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AF04</i>
04/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 4/23/99 8:30AM 12 FOR: STATUS REVIEW ADD'L HRNG: COURT TO ENTER ORDER User ID=AA3R</i>
04/19/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA3R</i>
04/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES-BERRYHILL User ID=AA3R</i>
04/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA3R</i>
04/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>GEN/BA 4/19/99 9:00AM 12 FOR: STATUS REVIEW ADD'L HRNG: COURT TO ENTER ORDER User ID=AC36</i>
04/09/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC36</i>
04/09/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AC36</i>
04/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES-BERRYHILL User ID=AC36</i>
04/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
04/08/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA1B</i>
04/08/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHARON VOLLRATH User ID=AA1B</i>
04/08/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES - BERRYHILL User ID=AA1B</i>
04/08/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA1B</i>
04/08/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/BA 4/09/99 9:00AM 12 FOR: STATUS REVIEW User ID=AA14</i>
04/06/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA1B</i>
04/06/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: CURT ALLEN User ID=AA1B</i>
04/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES - BERRYHILL User ID=AA1B</i>
04/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA1B</i>
04/06/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 4/08/99 9:00AM 12 FOR: STATUS REVIEW User ID=AA14</i>
03/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>GEN/BA 4/06/99 9:00AM 12 FOR: STATUS REVIEW User ID=AC36</i>
03/19/1999	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC36</i>
03/19/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AC36</i>
03/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES-BERRYHILL User ID=AC36</i>
03/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
03/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>PROOF OF FILING MAILED TO CCR -JAMES WALSH User ID=AA14</i>
03/18/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING User ID=AA14</i>
03/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 3/19/99 9:00AM 12 FOR: HEARING ADD'L HRNG: RULING ON THEFT HEARING User ID=AC36</i>
03/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>SHIP DEFT BACK TO FSP ASAP User ID=AC36</i>
03/09/1999	WITH COUNSEL Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH COUNSEL JAMES WALSH User ID=AC36</i>
03/09/1999	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AC36</i>
03/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CEIGE AMES-BERRYHILL User ID=AC36</i>
03/09/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
02/24/1999	2 CERTIFIED COPIES TO SAO PROCESS Party: Defendant ANDERSON, RICHARD HAROLD <i>2 CERT COPIES TO SAO TO PROCESS User ID=AA58</i>
02/24/1999	WRIT OF HABEAS CORPUS AD PROSE Party: Defendant ANDERSON, RICHARD HAROLD <i>WRIT OF HABEAS CORPUS AD PROSEQUENDUM User ID=AA58</i>
01/19/1999	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>DEFENDANT'S THIRD AMENDED MOTION TO VACATE JUDGMENTS OF User ID=AA23</i>
12/28/1998	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: CCR User ID=AAA7</i>
12/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>AMENDED MOTION TO PERMIT DISCOVERY FILED BY CCR User ID=AAA7</i>
12/18/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 3/09/99 1:30PM 12 FOR: HEARING ADD'L HRNG: HUFF User ID=AA1B</i>
12/18/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENSE HAS 30 DAYS FROM TODAY TO FILE AMENDMENT FOR 3.850 User ID=AA1B</i>
12/18/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>RULING ON MOTION - DENIED User ID=AA1B</i>
12/18/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY JAMES WALSH User ID=AA1B</i>
12/18/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA1B</i>
12/18/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME - OFFICIAL User ID=AA1B</i>
12/18/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA1B</i>
12/16/1998	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CERTIFIED COPIES TO: CCR, ATTY. GEN, UNION CORR. INST., DOC User ID=AAA7</i>
12/16/1998	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO User ID=AAA7</i>
12/16/1998	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER GRANTING: DEFT.'S MOTION TO TRANSPORT FILED User ID=AAA7</i>
12/08/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO PERMIT DISCOVERY-PROOF OF RECEIPT RETURNED TO CCR User ID=AA14</i>
12/03/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF COMPLIANCE ON ORDER ON MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS User ID=AA14</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

12/03/1998	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CERTIFIED COPIES TO: CCR,ATTY, GEN., DOC, UNION CORR. INST.,HCSO User ID=AAA7</i>
12/03/1998	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO User ID=AAA7</i>
12/03/1998	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER GRANTING: DEFT.'S MOTION TO TRANSPORT GEN/BA 12/18/98 AM: RULING ON MOTION User ID=AAA7</i>
11/25/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION SENT TO JUDGE FOR SIGNATURE User ID=AA14</i>
11/25/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO TRANSPORT User ID=AA14</i>
11/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 12/18/98 9:00AM 12 FOR: CASE REVIEW User ID=AA33</i>
11/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFT'S PRESENCE WAIVED AT NEXT COURT DATE User ID=AA33</i>
11/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>TRANSPORT DEFT BACK TO FSP User ID=AA33</i>
11/24/1998	WITH COUNSEL Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH COUNSEL JAMES WALSH User ID=AA33</i>
11/24/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: JAY PRUNER User ID=AA33</i>
11/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME - OFFICIAL User ID=AA33</i>
11/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA33</i>
10/26/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO TRANSPORT DEFENDANT User ID=AA14</i>
10/26/1998	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER GRANTING: DEFT.'S MOTION TO TRANSPORT User ID=AAA7</i>
10/19/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>ORDER ON MOTION TO CLARIFY AND CORRECT ORDER ON MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS SENT TO CCR,FDLE AND SAO User ID=AC21</i>
10/12/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE SENT TO WALSH,JAMES H (ADA) ON 10/15/98 User ID=AC36</i>
10/12/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 11/24/98 11:00AM 12 FOR: CASE REVIEW User ID=AC36</i>
10/12/1998	REQUEST FOR NOTICE TO ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST FOR NOTICE TO ATTORNEY User ID=AC36</i>
10/12/1998	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC36</i>
10/12/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: JAY PRUNER User ID=AC36</i>
10/12/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AC36</i>
10/12/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
09/28/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO CLARIFY: CORRECT ORDER ON MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS - GRANTED User ID=AA33</i>
09/28/1998	NO FILE IN COURT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO FILE IN COURT User ID=AA33</i>
09/28/1998	ALSO PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO PRESENT: GREGORY COWSERT-FDLE REGIONAL LEGAL ADVISOR User ID=AA33</i>
09/28/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES KLAESH CCR User ID=AA33</i>
09/28/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA33</i>
09/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME, OFFICIAL User ID=AA33</i>
09/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA33</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

09/28/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO CLARIFY AND CORRECT ORDER ON MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS User ID=AA21</i>
09/28/1998	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 9-28-98 (NOT SET - RECVD 9-28-98 User ID=AA21</i>
09/23/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO CLARIFY AND CORRECT ORDER ON MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS (FAX COPY) User ID=AA21</i>
09/23/1998	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 9-28-98 (NOT SET - FAX COPY) User ID=AA21</i>
09/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 10/12/98 11:00AM 12 FOR: CASE REVIEW User ID=AC36</i>
09/15/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES WALSH User ID=AC36</i>
09/15/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NO ONE PRESENT User ID=AC36</i>
09/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AC36</i>
09/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AC36</i>
09/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CLERKS OFFICE TO PROCESS User ID=AAAH</i>
09/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER ON MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS User ID=AAAH</i>
09/09/1998	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AAAH</i>
09/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME User ID=AAAH</i>
09/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AAAH</i>
08/19/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/15/98 2:00PM 12 FOR: STATUS REVIEW User ID=AAA6</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

08/19/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>HUFF HEARING-MOTN FOR IN CAMERA INSPECTION SAO TO NOTIFY COURT IN WRITING STATING THE POSITION OF TH STATE- TO BE HEARD WITH HUFF HRG</i> User ID=AAA6
08/19/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ON THAT DATE-GRANTED FOR IN CAMERA INSPECTION</i> User ID=AAA6
08/19/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES WALSH</i> User ID=AAA6
08/19/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS</i> User ID=AAA6
08/19/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ-BERRYHILL AND ASSOC</i> User ID=AAA6
08/19/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS</i> User ID=AAA6
08/17/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER ON MOTION FOR IN CAMERA INSPECTION AND NOTICE OF HEARING</i> User ID=AAA7
08/10/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR REHEARING/FILED W/O NOTICE OF HRG</i> User ID=AA21
08/06/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>* CLERK'S OFFICE TO PROCESS</i> User ID=AA15
08/06/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: ON DEFT'S MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS</i> User ID=AA15
08/06/1998	PRO SE MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>PRO SE MOTION FOR IN CAMERA INSPECTION OF DOCUMENTS FILED ON 7-20-98</i> User ID=AA15
08/06/1998	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT</i> User ID=AA15
08/06/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: WAYNE CHALU</i> User ID=AA15
08/06/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ,BERRYHILL</i> User ID=AA15

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

08/06/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA15</i>
07/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE TOOK FILE TO REVIEW & WILL FILE A WRITTEN ORDER User ID=AA15</i>
07/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>** RESERVED RULING ON REQUEST FOR COP OF PARTICULARS MATTERS User ID=AA15</i>
07/24/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES WALSH (CCR) User ID=AA15</i>
07/24/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA15</i>
07/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ,BERRYHILL User ID=AA15</i>
07/24/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA15</i>
07/20/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 7/24/98 9:00AM 12 FOR: STATUS REVIEW ADD'L HRNG: STATES RESPONSE User ID=AA15</i>
07/20/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES WALSH User ID=AA15</i>
07/20/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: MELANIE BOSSIE User ID=AA15</i>
07/20/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ,BERRYHILL User ID=AA15</i>
07/20/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA15</i>
07/14/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>STATE'S RESPONSE TO DEFT'S MOTION FOR IN CAMERA INSPECTION-FILED User ID=AA14</i>
07/10/1998	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AAA8</i>
07/10/1998	SEE DOCKET TEXT

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ-BERRYHILL User ID=AAA8</i>
07/10/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AAA8</i>
07/09/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: SETTING HUFF HEARING User ID=AAA7</i>
07/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 8/19/98 2:00PM 12 FOR: HEARING ADD'L HRNG: HUFF HEARING User ID=AAA7</i>
07/08/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>TRANSCRIPT FILED GEN/BP 8/19/98 PM: HEARD WITH HUFF HRG ON THAT DATE ADD'L HRNG: STATING THE POSITION OF THE STATE - ADD'L HRNG: INSPECTION SAO TO NOTIFY COURT IN WR User ID=AAA7</i>
07/08/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD'L HRNG: HUFF HEARING - MOTN FOR IN CAMERA User ID=AAA7</i>
07/02/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 7/10/98 9:00AM 12 FOR: MOTION ADD'L HRNG: POSITION OF THE STATE ADD'L HRNG: NOTIFY COURT IN WRITING STATING THE ADD'L HRNG: MOTION FOR IN CAMERA INSPECTION SAO User ID=AAA8</i>
06/30/1998	NO FILE IN COURT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO FILE IN COURT User ID=AA15</i>
06/30/1998	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA15</i>
06/30/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: WAYNE CHALU User ID=AA15</i>
06/30/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ,BERRYHILL User ID=AA15</i>
06/30/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA15</i>
06/30/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 7/02/98 9:00AM 12 FOR: MOTION ADD'L HRNG: POSITION OF THE STATE ADD'L HRNG: NOTIFY COURT IN WRITING STATING THE ADD'L HRNG: MOTION FOR IN CAMERA INSPECTION SAO User ID=AA14</i>
06/26/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/BA 6/30/98 9:00AM 12 FOR: MOTION ADD'L HRNG: STATING STATE'S POSITION ADD'L HRNG: SAO TO NOTIFY COURT IN WRITING TO CO ADD'L HRNG: MOTN FOR</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>IN CAMERA INSPECTION User ID=AA15</i>
06/26/1998	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA15</i>
06/26/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: JOHN TERRY FOR SHIRLEY WILLIAMS User ID=AA15</i>
06/26/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: MIA CRUZ,BERRYHILL User ID=AA15</i>
06/26/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS User ID=AA15</i>
06/23/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 6/26/98 9:00AM 12 FOR: MOTION ADD'L HRNG: MOTION FOR IN CAMERA INSPECTION User ID=AA14</i>
06/16/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR IN CAMERA INSPECTION User ID=AA64</i>
06/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 7/20/98 9:00AM 12 FOR: STATUS REVIEW User ID=AA15</i>
06/09/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES WALSH User ID=AA15</i>
06/09/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: JAY PRUNER User ID=AA15</i>
06/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME,OFFICIAL User ID=AA15</i>
06/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: SIMMS FOR MITCHAM User ID=AA15</i>
06/04/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>RESPONSE OF FDLE TO FLA.R.CRIM.P.3.85 AND CHAPTER 119 F.S. REQUEST,OBJECTION TO PORTIONS THEREOF,AND ASSERTION OF EXEMPTIONS User ID=AA14</i>
05/18/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>RESPONSE OF FDLE R.CRIM P.3.852 &CHAPTER 119E.S.REQUEST,OBJECTION TO PORTIONS THEREOF AND ASSERTION OF EXEMPTIONS User ID=AA81</i>
05/13/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF PRODUCTION User ID=AA81</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

05/06/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>2 CC SENT TO HCSO User ID=AA14</i>
05/06/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO CCR,SAO,UCI & DOC User ID=AA14</i>
05/06/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: TO TRANSPORT DEFT User ID=AA14</i>
05/01/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO SAO,ATTY GEN,HCSO, HELENE MARKS,GENERAL COUNSEL User ID=AA14</i>
05/01/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: DENYING MOTION TO UNSEAL, OPEN AND PRODUCE RECORDS FOR COPYING User ID=AA14</i>
04/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 6/09/98 9:00AM 12 FOR: STATUS REVIEW User ID=AAA6</i>
04/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 5/13/98 AM -- REMOVED FROM CALENDAR User ID=AAA6</i>
04/28/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO UNSEAL, OPEN AND PRODUCE FOR COPYING -DENIED User ID=AAA6</i>
04/28/1998	WITH COUNSEL Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH COUNSEL: JAMES WALSH User ID=AAA6</i>
04/28/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AAA6</i>
04/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME -OFFICIAL User ID=AAA6</i>
04/28/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AAA6</i>
04/23/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 4/28/98 9:00AM 12 FOR: HEARING ADD'L HRNG: COPYING ADD'L HRNG: MOTION TO UNSEAL, OPEN, AND PRODUCE FO User ID=AA14</i>
04/23/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO UNSEAL, OPEN, AND PRODUCE FOR COPYING User ID=AA14</i>
04/23/1998	NOTICE OF HEARING

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 4-28-98 BY JAMES WALSH User ID=AA14</i>
04/23/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO ATTY GEN,SAO,CCRC,HCSO AND CLASSIFICATIONS DEPT,ASST GEN COUNSEL User ID=AA14</i>
04/23/1998	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO TRANSPORT User ID=AA14</i>
04/23/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO TRANSPORT User ID=AA14</i>
04/20/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING FROM CCR(FILE PER JUDGE) User ID=AC59</i>
04/14/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPY OF LETTER SENT TO MR. LAPEER MAILED TO JUDGE MITCHAM-FILE PER JUDGE MITCHAM User ID=AA60</i>
04/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF APPEARANCE BY ATTORNEY: JAMES H WALSH,ESQ User ID=AC58</i>
04/09/1998	NOTICE OF APPEARANCE BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSISTANT CAPITAL COLLATERAL REGIONAL COUNSEL- CAPITAL COLLATERAL REGIONAL COUNSEL-MIDDLE REGION User ID=AC58</i>
04/02/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEATH ROW POST CONVICTION STATUS REPORT-FILED User ID=AA14</i>
03/23/1998	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: JUDGE MITCHAM RETURNED FILE PER JUDGE User ID=AC59</i>
03/23/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF FILING FROM CCR - FILED User ID=AC59</i>
01/21/1998	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: JUDGE MITCHAM User ID=AC59</i>
01/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING FROM CCR GEN/BA 5/13/98 AM: EVIDENTIARY HEARING User ID=AC59</i>
01/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 5/13/98 9:30AM 12 FOR: HEARING ADD'L HRNG: STATE TO WRIT ADD'L HRNG: DEFT TO BE PRESENT User ID=AA9U</i>
01/15/1998	SEE DOCKET TEXT

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 2/05/98 AM -- REMOVED FROM CALENDAR - HEARING User ID=AA9U</i>
01/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET 2-5-98 User ID=AA9U</i>
01/15/1998	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR EXTENSION OF TIME - GRANTED User ID=AA9U</i>
01/15/1998	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: JAMES WALSH & LINDA MCDERMOTT User ID=AA9U</i>
01/15/1998	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA9U</i>
01/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ELEANO MASSARO, BERRYHILL User ID=AA9U</i>
01/15/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA9U</i>
01/09/1998	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR EXTENTION OF TIME User ID=AA64</i>
10/09/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 2/05/98 8:30AM 12 FOR: HEARING ADD'L HRNG: EVIDENTIARY HEARING User ID=AA9U</i>
10/09/1997	ATTENTION JAIL Party: Defendant ANDERSON, RICHARD HAROLD <i>ATTN JAIL PLEASE HOLD FOR 1 WK FOR COUNSEL TO TALK TO DEF User ID=AA9U</i>
10/09/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>SECOND AMENDED MOTION TO VACATE JUDGMENT OF CONVICTION & SENTENCE W/SPECIAL REQUEST FOR LEAVE TO AMEND AND FOR EVIDENTIARY HEARING - NOT RULED ON User ID=AA9U</i>
10/09/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH CCR TERRI BACKHUS User ID=AA9U</i>
10/09/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA9U</i>
10/09/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CHRISTINA WALSH, BERRYHILL User ID=AA9U</i>
10/09/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA9U</i>

DIVISION B
CASE SUMMARY
CASE NO. 87-CF-008047-A

10/06/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>FLORIDA SUPREME COURT ORDER DATED 9-30-97 PETITION FOR REVIEW DISMISSED User ID=AA42</i>
09/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 10/09/97 10:30AM 12 FOR: HEARING ADD'L HRNG: STATE TO WRIT ADD'L HRNG: HUFF HEARING User ID=AA9U</i>
09/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEF NOT TRANSPORTED FROM UNION CORRECTIONAL (STATE TO WRIT) User ID=AA9U</i>
09/25/1997	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRI BACKHUS (CCR) User ID=AA9U</i>
09/25/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA9U</i>
09/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CHRISTINA WALSH, BERRYHILL User ID=AA9U</i>
09/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA9U</i>
09/25/1997	2 CERTIFIED COPIES TO SAO PROCESS Party: Defendant ANDERSON, RICHARD HAROLD <i>TWO CERTIFIED COPIES TO SAO FOR PROCESSING User ID=AA58</i>
09/25/1997	WRIT OF HABEAS CORPUS AD PROSE Party: Defendant ANDERSON, RICHARD HAROLD <i>WRIT OF HABEAS CORPUS AD PROSEQUENDUM User ID=AA58</i>
09/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>LETTER FROM SUPREME COURT IN RE: TO RESPONSE TO THE MOTION TO DISMISS APPEAL User ID=AA59</i>
09/10/1997	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO, PD, HCSO, UNION C.I. & DOC User ID=AA59</i>
09/10/1997	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO TRANSPORT User ID=AA59</i>
09/10/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 9/25/97 1:30PM 12 FOR: HEARING ADD'L HRNG: HUFF HEARING User ID=AA15</i>
09/10/1997	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRI BACKUS, CCR User ID=AA15</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

09/10/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: CHRIS WATSON FOR SHIRLEY WILLIAMS User ID=AA15</i>
09/10/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CHRISTINA WALSH,BERRYHILL User ID=AA15</i>
09/10/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA15</i>
08/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>STRIKE ALREADY RESCHEDULED User ID=AA10</i>
08/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO FILE IN COURT User ID=AA10</i>
08/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA10</i>
08/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA10</i>
08/20/1997	COMMUNITY CONTROL OFFICER PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY SYDNEY KILGORE FOR TERI BACKUS,CCR User ID=AA21</i>
08/20/1997	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA21</i>
08/20/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA21</i>
08/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME-OFFICIAL User ID=AA21</i>
08/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA21</i>
08/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 9/10/97 8:30AM 12 FOR: STATUS REVIEW ADD'L HRNG: MOTION TO TRANSPORT DEFENDANT ADD'L HRNG: HUFF HEARING User ID=AA41</i>
08/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO FILE IN COURT User ID=AA9W</i>
08/18/1997	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA9W</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

08/18/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA9W</i>
08/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HULME, OFFICIAL User ID=AA9W</i>
08/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA9W</i>
08/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BP 8/20/97 1:30PM 12 FOR: STATUS REVIEW ADD'L HRNG: HUFF HEARING User ID=AA41</i>
08/15/1997	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO & PD User ID=AA59</i>
08/15/1997	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO TRANSPORT DEFENDANT FILED W/O NOTICE OF HEARING User ID=AA59</i>
08/15/1997	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO & PD User ID=AA59</i>
08/15/1997	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR EXTENSION OF TIME FILED W/O NOTICE OF HEARING User ID=AA59</i>
08/04/1997	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 8-21-97/STATUS ON HUFF User ID=AA90</i>
08/04/1997	NOTICE OF APPEARANCE BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF APPEARANCE BY ATTORNEY: ROBERT J LANDRY,ESQ- ASSISTANT ATTORNEY GENERAL User ID=AA67</i>
07/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 8/21/97 8:30AM 12 FOR: STATUS REVIEW ADD'L HRNG: HUFF HEARING User ID=AA9W</i>
07/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>SAO TO NOTIFY CCR User ID=AA9W</i>
07/31/1997	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA9W</i>
07/31/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: WAYNE CHALU FOR SHIRLEY WILLIAMS User ID=AA9W</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

07/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CHRISTINA WALSH, BERRYHILL User ID=AA9W</i>
07/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA9W</i>
07/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>STATES RESPONSE TO DEFENDANTS SECOND AMENDED MOTION TO VACATE JUDGMENTS OF CONVICTION AND SENTENCE WITH SPECIAL REQUEST FOR LEAVE TO AMEND AND FOR User ID=AA41</i>
07/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>EVIDENTIARY HEARING User ID=AA41</i>
07/03/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 7/31/97 8:30AM 12 FOR: STATUS REVIEW ADD'L HRNG: (STATE TO FILE RESPONSE) User ID=AA9U</i>
07/03/1997	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA9U</i>
07/03/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SAMANTHA WARD User ID=AA9U</i>
07/03/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ASHLEY HUME, OFFICIAL User ID=AA9U</i>
07/03/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA9U</i>
06/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>CASE STRICKEN OFF DOCKET User ID=AA15</i>
06/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ, OFFICIAL User ID=AA15</i>
06/25/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA15</i>
06/24/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GP 6/25/97 2:00PM 14 FOR: STRIKE CASE FROM CALEND GEN/BA 7/03/97 AM: (STATE TO FILE RESPONSE) User ID=AA24</i>
06/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 7/03/97 8:30AM 12 FOR: STATUS REVIEW User ID=AA15</i>
06/18/1997	BY ATTORNEY

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BACHUS,CCR User ID=AA15</i>
06/18/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AA15</i>
06/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: CHERYL COOPER,BERRYHILL User ID=AA15</i>
06/18/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: MITCHAM User ID=AA15</i>
06/16/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF APPEAL RECEIVED BY FLORIDA SUPREME COURT 6-11-97 User ID=AA42</i>
06/11/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/BA 6/18/97 8:30AM 12 FOR: STATUS REVIEW User ID=AA89</i>
06/11/1997	WITH COUNSEL Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH COUNSEL: JENNIFER COREY FOR TERRY BACKHUS OF CAPITAL COLLATERAL User ID=AA89</i>
06/11/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: PAM BONDI FOR SHIRLEY WILLIAMS User ID=AA89</i>
06/11/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ, OFFICIAL User ID=AA89</i>
06/11/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA89</i>
06/10/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSIGNED TO DIVISION B User ID=AA24</i>
06/10/1997	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: OF RECUSAL User ID=AA24</i>
06/10/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GA 6/11/97 8:30AM 14 FOR: STATUS REVIEW ADD'L HRNG: JENNIFER COREY 871-7900 ADD'L HRNG: STRIKE 6-11-97 2PM ADD'L HRNG: REQUEST TO ADD CASE ON DOCKET User ID=AA38</i>
06/10/1997	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 6-11-97/STATUS REVIEW User ID=AA38</i>
06/10/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 6/11/97 PM -- REMOVED FROM CALENDAR User ID=AA38</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

06/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 6/11/97 2:00PM 14 FOR: STATUS REVIEW ADD'L HRNG: JENNIFER COREY WILL BE CALLING WED ADD'L HRNG: REQUEST TO ADD CASE ON DOCKET User ID=AA38</i>
06/05/1997	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 6-11-97/STATUS User ID=AA38</i>
06/05/1997	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CERTIFIED COPIES TO: TERRI L. BACKHUS User ID=AA63</i>
06/05/1997	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO User ID=AA63</i>
06/05/1997	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER GRANTING: MOTION FOR EXTENSION OF TIME User ID=AA63</i>
05/29/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>SECOND AMENDED MOTION TO VACATE JUDGMENTS OF CONVICTION User ID=AA38</i>
05/29/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 6/25/97 2:00PM 14 FOR: HEARING ADD'L HRNG: HUFF HEARING User ID=AA15</i>
05/29/1997	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BAKKUS User ID=AA15</i>
05/29/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: CHRIS WATSON User ID=AA15</i>
05/29/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: BETH MALONE,BERRYHILL User ID=AA15</i>
05/29/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA15</i>
05/22/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COVER LETTER FROM CAPITAL COLLATERAL W/COPY OF MOTION FOR EXTENSION OF TIME User ID=AA63</i>
05/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 5/29/97 2:00PM 14 FOR: STATUS REVIEW User ID=AC37</i>
05/21/1997	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AC37</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

05/21/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SHIRLEY WILLIAMS User ID=AC37</i>
05/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ - OFFICIAL User ID=AC37</i>
05/21/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: CREWSHAW FOR FLEISCHER User ID=AC37</i>
04/24/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>2 CERTIFIED COPIES SENT TO APPEALS User ID=AA36</i>
04/23/1997	NOTICE OF APPEAL TO 2ND DCA Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF APPEAL FILED :ATTNY TERRI BACKHUS User ID=AA36</i>
04/23/1997	DESIGNATION TO COURT REPORTER Party: Defendant ANDERSON, RICHARD HAROLD <i>DESIGNATION TO THE COURT REPORTER: AND REPORTERS ACKNOWLEDGMENT :ATTNY TERRI BACKHUS User ID=AA36</i>
03/31/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEATH ROW POST-CONVICTION STATUS REPORT- FILED User ID=AA59</i>
03/26/1997	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO:CHRISTOPHER SABELLA/TERRI BAKHUS BY J.A. User ID=AA63</i>
03/26/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>LETTER FROM HCSO W/ORDER FOR CCR TO MAKE PAYMENT FOR SERVICES PROVIDED BY HCSO User ID=AA63</i>
03/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 5/21/97 8:00AM 14 FOR: STATUS REVIEW User ID=AA33</i>
03/20/1997	ALSO PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO PRESENT: CHRIS SABELLA, ATTY HCSO User ID=AA33</i>
03/20/1997	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRI BACCAS, CCR User ID=AA33</i>
03/20/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: PAMELA BONDI User ID=AA33</i>
03/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA WILLIAMS-GONZALEZ User ID=AA33</i>
03/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>JUDGE: FLEISCHER User ID=AA33</i>
03/12/1997	ORDER TO TRANSPORT Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER TO TRANSPORT: User ID=AA63</i>
03/12/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>LETTER FROM LAW OFFICE OF CAPITAL COLLATERAL- FILED User ID=AA63</i>
03/06/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COMPOSITE OF 9 CLERK'S CERTIFICATES FILED AND MAILED TO CCR User ID=AA63</i>
03/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 3/20/97 8:30AM 14 FOR: STATUS REVIEW User ID=AA89</i>
03/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPY OF INVOICE User ID=AA89</i>
03/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>*DEF TO BE SHIPPED BACK TO UNION CORRECTIONAL* User ID=AA89</i>
03/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MR SABELLA TO PROVIDE ORDER TO COURT REGARDING COSTS User ID=AA89</i>
03/05/1997	SWORN TESTIMONY TAKEN Party: Defendant ANDERSON, RICHARD HAROLD <i>SWORN TESTIMONY TAKEN MR WILSON (HCSO) User ID=AA89</i>
03/05/1997	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION AS TO HANDWRITTEN NOTES - MEMO TO BE SENT TO DET OR DEPUTIES OR ANYONE TO CONTACT MR SABELLA IF THEY HAVE ANY NOTES CONCERNING THIS CASE User ID=AA89</i>
03/05/1997	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR COSTS - GRANTED (ALL COSTS) User ID=AA89</i>
03/05/1997	ALSO PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO PRESENT: MR MARTIN HEROWITZ (FISCAL HCSO) User ID=AA89</i>
03/05/1997	ALSO PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO PRESENT: MR WILSON FROM HCSO User ID=AA89</i>
03/05/1997	ALSO PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO PRESENT: CHRIS SABELLA ATTY FOR HCSO User ID=AA89</i>
03/05/1997	WITH COUNSEL Party: Defendant ANDERSON, RICHARD HAROLD <i>WITH COUNSEL: TERRI BACCUS, CCR, & JENNFIER COREY CCR User ID=AA89</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

03/05/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: LYANN GOUDIE User ID=AA89</i>
03/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ - OFFICIAL User ID=AA89</i>
03/05/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA89</i>
02/24/1997	SUBPOENA ISSUED Party: Defendant ANDERSON, RICHARD HAROLD <i>SUBPOENA ISSUED X3 User ID=AA62</i>
02/20/1997	SUBPOENA RETURNED SERVED Party: Defendant ANDERSON, RICHARD HAROLD <i>SUBPOENA RETURNED-SERVED SUBPOENA DUCES TECUM FROM CAPITAL COLLATERAL User ID=AA00</i>
02/20/1997	CERTIFIED COPIES TO Party: Defendant ANDERSON, RICHARD HAROLD <i>CERTIFIED COPIES TO:2 HCSO/T. BACKHUS/DOC/UNION CORRECT. User ID=AA63</i>
02/20/1997	COPIES SENT TO Party: Defendant ANDERSON, RICHARD HAROLD <i>COPIES SENT TO: SAO User ID=AA63</i>
02/20/1997	ORDER GRANTING Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER GRANTING: MOTION TO TRANSPORT User ID=AA63</i>
02/20/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION TO TRANSPORT DEFENDANT User ID=AA63</i>
02/03/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 3/05/97 2:00PM 14 FOR: STATUS REVIEW ADD'L HRNG: HEARING ON PUBLIC RECORDS DEMANDS User ID=AA27</i>
02/03/1997	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: SIDNEY KILGORE FOR CAPITAL COLLATERAL User ID=AA27</i>
02/03/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: WAYNE CHALU User ID=AA27</i>
02/03/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA WILLIAMS GONZALEZ User ID=AA27</i>
02/03/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA27</i>
01/06/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 2/03/97 2:00PM 14 FOR: STATUS REVIEW ADD'L HRNG: HEARING ON PUBLIC</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>RECORDS DEMANDS User ID=AA89</i>
01/06/1997	NO FILE IN COURT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO FILE IN COURT User ID=AA89</i>
01/06/1997	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BACKUS/CAPITAL COLLATERAL User ID=AA89</i>
01/06/1997	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA89</i>
01/06/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: GINA HERRERA, BERRYHILL User ID=AA89</i>
01/06/1997	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA89</i>
12/11/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GA 12/12/96 8:00AM 7 FOR: STATUS REVIEW User ID=AA15</i>
12/11/1996	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BACKUS FROM CAPITAL COLLATERAL PRESENT VIA TELEPHONE User ID=AA15</i>
12/11/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA15</i>
12/11/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZLAEZ, OFFICIAL User ID=AA15</i>
12/11/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA15</i>
11/21/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 12/11/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA9Y</i>
11/21/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA9Y</i>
11/21/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA9Y</i>
11/21/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: COLLEEN MERRITT-BERRYHILL User ID=AA9Y</i>
11/21/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>JUDGE: FLEISCHER User ID=AA9Y</i>
11/05/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 11/21/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA9Y</i>
11/05/1996	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BACKUS User ID=AA9Y</i>
11/05/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA9Y</i>
11/05/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ-OFFICIAL User ID=AA9Y</i>
11/05/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA9Y</i>
11/04/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA9Y</i>
11/04/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: AMY QUEZON User ID=AA9Y</i>
11/04/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ User ID=AA9Y</i>
11/04/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA9Y</i>
11/04/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GA 11/05/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA24</i>
10/21/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 11/04/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA9Y</i>
10/21/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA9Y</i>
10/21/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA9Y</i>
10/21/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ-OFFICIAL User ID=AA9Y</i>
10/21/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA9Y</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

09/20/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COPY ARRIVED FROM CAPITAL COLLATERAL OF User ID=AA9T</i>
09/20/1996	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: GRANTING MOTION TO COMPEL User ID=AA9T</i>
09/11/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 10/21/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA86</i>
09/11/1996	WITH ASSISTANT PUBLIC DEFENDER Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BACKUS FROM CAPITAL COLLATERAL User ID=AA86</i>
09/11/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA86</i>
09/11/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: PATTY SECKLEY User ID=AA86</i>
09/11/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA86</i>
08/08/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 9/11/96 8:30AM 7 FOR: STATUS REVIEW User ID=AC38</i>
08/08/1996	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: T BOCKUS FROM CCR User ID=AC38</i>
08/08/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: N COX User ID=AC38</i>
08/08/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ - OFFICIAL User ID=AC38</i>
08/08/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AC38</i>
08/07/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GA 8/08/96 8:30AM 7 FOR: STATUS REVIEW ADD'L HRNG: REQUEST TO ADD CASE ON DOCKET User ID=AA90</i>
08/07/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 8/15/96 PM -- REMOVED FROM CALENDAR User ID=AA90</i>
08/07/1996	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 8-8-96 STRIKE 8-15 RE-SET FOR 8-8 User</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>ID=AA90</i>
07/15/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 8/15/96 2:00PM 7 FOR: STATUS REVIEW User ID=AA83</i>
07/15/1996	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRY BACKUS FROM CCR User ID=AA83</i>
07/15/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA83</i>
07/15/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ, OFFICIAL User ID=AA83</i>
07/15/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA83</i>
07/11/1996	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 7-15-96 STATUS User ID=AA90</i>
07/02/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 7/15/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA10</i>
07/02/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA10</i>
07/02/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA10</i>
07/02/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ, OFFICIAL User ID=AA10</i>
07/02/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: BEHNKE FOR JUDGE FLEISCHER User ID=AA10</i>
07/01/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA83</i>
07/01/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA83</i>
07/01/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ, OFFICIAL User ID=AA83</i>
07/01/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA83</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

07/01/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GA 7/02/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA59</i>
06/05/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 7/01/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA9U</i>
06/05/1996	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: TERRI BACKUS User ID=AA9U</i>
06/05/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA9U</i>
06/05/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: COLLEEN MERRITT, BERRYHILL User ID=AA9U</i>
06/05/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA9U</i>
05/23/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GP 6/05/96 3:00PM 7 FOR: STATUS REVIEW User ID=AA33</i>
05/23/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>TELEPHONE CONFERENCE W/TERRI BACKHUS User ID=AA33</i>
05/23/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA33</i>
05/23/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA33</i>
05/23/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: COLLEEN MERRITT User ID=AA33</i>
05/23/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA33</i>
05/21/1996	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 5-23-96 FOR / STATUS (ALREADY SET) User ID=AA90</i>
05/21/1996	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 5-23-96 STATUS User ID=AA90</i>
05/15/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 5/23/96 8:30AM 7 FOR: STATUS REVIEW User ID=AA79</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

05/15/1996	REQUEST FOR NOTICE TO DEFENDANT Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST FOR NOTICE TO : TERRI BACKHUS 1533 SOUTH MONROE ST. TALLAHASSEE, FL. 32301 User ID=AA79</i>
05/15/1996	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA79</i>
05/15/1996	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NICK COX User ID=AA79</i>
05/15/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: C. MERRITT, BERRYHILL & ASSOCIATE User ID=AA79</i>
05/15/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA79</i>
05/14/1996	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ADD/GA 5/15/96 8:30AM 7 FOR: STATUS REVIEW ADD'L HRNG: REQUEST TO ADD CASE ON DOCKET User ID=AA97</i>
05/14/1996	REQUEST TO ADD CASE ON DOCKET Party: Defendant ANDERSON, RICHARD HAROLD <i>REQUEST TO ADD CASE ON DOCKET FOR 5/15/96 STATUS User ID=AA97</i>
04/05/1995	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER GRANTING ATTORNEY FEES AND COSTS User ID=AA66</i>
04/03/1995	ALSO PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>ALSO PRESENT: SUSAN JOHNSON-VALEZ, COUNTY ATTORNEY User ID=AA67</i>
04/03/1995	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER TO BE PREPARED BY RICHARD ESCOBAR User ID=AA67</i>
04/03/1995	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COUNTY HAS NO OBJECTION User ID=AA67</i>
04/03/1995	MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR ATTORNEY FEES AND COSTS--GRANTED User ID=AA67</i>
04/03/1995	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: RICHARD ESCOBAR User ID=AA67</i>
04/03/1995	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: NONE PRESENT User ID=AA67</i>
04/03/1995	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD

DIVISION B
CASE SUMMARY
CASE NO. 87-CF-008047-A

	<i>COURT REPORTER: LINDA COLLIER User ID=AA67</i>
04/03/1995	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: GRAYBILL User ID=AA67</i>
03/16/1995	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/IA 4/03/95 8:30AM 6 FOR: MOTION ADD'L HRNG: MOTION FOR ATTORNEY FEES AND COSTS User ID=AA9L</i>
03/16/1995	REOPEN MOTION Party: Defendant ANDERSON, RICHARD HAROLD <i>REOPEN/MOTION: User ID=AA9L</i>
03/16/1995	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>MOTION FOR ATTORNEY FEES AND COSTS User ID=AA9L</i>
03/16/1995	NOTICE OF HEARING Party: Defendant ANDERSON, RICHARD HAROLD <i>NOTICE OF HEARING: FOR 04-03-95 User ID=AA9L</i>
09/09/1994	DEFENDANT CLOSED Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT CLOSED User ID=AA57</i>
09/09/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>STRIKE FROM DOCKET TILL ATTY FROM CAPITAL COLLATERAL NOTIFIES CT. User ID=AA57</i>
09/09/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>RESPONSE IN OPPOSITION TO DEF'S AMENDED MOTION TO VACATE JUDGEMENT & SENTENCE W/ SPECIAL REQUEST FOR LEAVE TO AMEND & FOR EVIDENTIARY HEARING - GRANTED User ID=AA57</i>
09/09/1994	NO ONE PRESENT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ONE PRESENT User ID=AA57</i>
09/09/1994	BY ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>BY ATTORNEY: KELLY CRUZ & JENNIFER COREY User ID=AA57</i>
09/09/1994	ASSISTANT STATE ATTORNEY Party: Defendant ANDERSON, RICHARD HAROLD <i>ASST STATE ATTY: SANDRA SPOTO FOR RON HANES User ID=AA57</i>
09/09/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>COURT REPORTER: ALTHEA GONZALEZ - JUDICIAL User ID=AA57</i>
09/09/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>JUDGE: FLEISCHER User ID=AA57</i>
08/17/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>GEN/GA 9/09/94 8:30AM 7 FOR: STATUS REVIEW ADD'L HRNG: REQUEST TO ADD</i>

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

	<i>CASE ON DOCKET User ID=AA25</i>
08/17/1994	REOPEN CASE REVIEW Party: Defendant ANDERSON, RICHARD HAROLD <i>REOPEN/CASE REVIEW User ID=AA25</i>
03/18/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DISQUALIFICATION FILED BEFORE BLIND ROTATION User ID=AA72</i>
03/18/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>ASSIGNED TO DIVISION G User ID=AA20</i>
03/16/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT'S AMENDED MOTION TO VACATE JUDGMENTS OF CONVICTION AND SENTENCE WITH SPECIAL REQUEST FOR LEAVE TO AMEND AND FOR EVIDENTIARY HEARING User ID=AA9H</i>
03/10/1994	ORDER Party: Defendant ANDERSON, RICHARD HAROLD <i>ORDER: DENYING DEFENDANT'S AMENDED 3.850 MOTION WITHOUT PREJUDICE User ID=AA72</i>
03/07/1994	SEE DOCKET BOOK FOR PREVIOUS ENTRIES Party: Defendant ANDERSON, RICHARD HAROLD <i>SEE DOCKET BOOK FOR PREVIOUS ENTRIES: User ID=AA25</i>
03/04/1994	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT'S AMENDED MOTION TO VACATE JUDGMENTS OF CONVICTION AND SENTENCE WITH SPECIAL REQUEST FOR LEAVE TO AMEND AND FOR EVIDENTIARY HEARING User ID=AA9H</i>
12/05/1988	DEFENDANT CLOSED Party: Defendant ANDERSON, RICHARD HAROLD <i>DEFENDANT CLOSED User ID=AA25</i>
02/26/1988	Sentence (Judicial Officer: Sabella, Christopher C) 1. 78204 FIRST DEGREE MURDER CONVERTED SENTENCING EVENT Charge Reopen Status (07/17/2007, MOTION, , Comment: FMVA-MOTION TO VACATE; JUDGMENTS OF SENTENCE - SUCCES) Confinement (Effective 02/26/1988 at 12:00 AM, Min. Death, Max. Death, FLORIDA DEPARTMENT OF CORRECTIONS, Comment: COMTD-COMMITTED TO FSP-DEATH SENT.;) Credit for Time Served: 0 Yr 0 Mo 0 Days Suspended for: 0 Yr 0 Mo 0 Days Drug Trafficking: 0 Yr 0 Mo 0 Days Jurisdiction Retained: 0 Yr 0 Mo 0 Days
07/17/1987	Plea (Judicial Officer: Sabella, Christopher C) 1. SEE DOCKET OR CASE FILE FOR CHARGES NOT GUILTY OBTS: Sequence: 1
07/17/1987	Disposition (Judicial Officer: Sabella, Christopher C) 1. 78204 FIRST DEGREE MURDER NT - ADJUDGED GUILTY OBTS: Sequence: 1

DIVISION B
CASE SUMMARY
CASE No. 87-CF-008047-A

07/15/1987	INDICTMENT Party: Defendant ANDERSON, RICHARD HAROLD <i>INDICTMENT: FIRST DEGREE MURDER User ID=AA25</i>
05/07/1987	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>DIVISION I ASSIGNED User ID=AA25</i>
05/07/1987	SEE DOCKET TEXT Party: Defendant ANDERSON, RICHARD HAROLD <i>NO ARREST:FIRST DEGREE MURDER User ID=AA25</i>

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff,**

v.

Case No. 1987-CF-008047

**Richard H. Anderson,
Defendant.**

SUCCESSIVE MOTION TO VACATE DEATH SENTENCE

Defendant Richard H. Anderson, through undersigned counsel, files this successive motion to vacate under Fla. R. Crim. P. 3.851. This motion is filed in light of a change in Florida law following the decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016), the enactment of Chapter 2016-13 on March 7, 2016, and the decisions of *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), *Perry v. State*, --- So.3d --- 2016 WL 6036982 (Fla.), *Mosley v. State*, ---So.3d --- 2016 WL7406506 (Fla. December 22, 2016) and *Asay v. State*, ---So.3d --- 2016 WL7406538 (Fla. December 22, 2016).

1. The judgment and sentence under attack and the name of the court that rendered the same.

The Circuit Court of the Thirteenth Judicial Circuit, Hillsborough County, entered the judgments of conviction and sentence under consideration.

Mr. Anderson was tried by a jury and found guilty on February 17, 1987, of first degree murder. The jury recommended a sentence of death for the first degree murder conviction on February 18, 1987, by a vote of eleven to one. The trial court sentenced Mr. Anderson to death on February 26, 1987. On January 3, 1991, the Florida Supreme Court affirmed his conviction and sentence. *Anderson v. State*, 574 So. 2d 87 (Fla. 1991). The Supreme Court of the United States denied certiorari on October 7, 1991. *Anderson v. Florida*, 112 S. Ct. 114 (1991).

On October 12, 1992, Mr. Anderson filed a Motion to Vacate Judgment and Sentence pursuant to Fla. R. Crim. P. 3.850. The circuit court summarily denied and dismissed the motion because it failed to comply with the oath requirement of Rule 3.850. Mr. Anderson appealed to the Florida Supreme Court which reversed and remanded the case. *Anderson v. State*, 627 So. 2d 1170 (Fla. 1993). Mr. Anderson refiled his

Motion to Vacate Judgment and Sentence pursuant to Fla. R. Crim. P. 3.850 ("Motion) on February 28, 1994; his second amended motion on May 27, 1997; and his third amended motion on January 15, 1999. A final order denying relief was issued on August 25, 2000, and a corrected order issued on January 16, 2001. The Florida Supreme Court affirmed the denial of his 3.850 Motion and denied his state habeas petition. *Anderson v. State*, 822 So. 2d 1261 (Fla. 2002).

Thereafter, Mr. Anderson filed a timely Petition for Writ of Habeas Corpus in the United States District Court for the Middle District of Florida. *Anderson v. Secretary Department of Corrections*, District Court Case No. 8:03-CV-1485-T-26EAJ. The District Court denied his habeas petition on December 5, 2005. He filed a timely Notice of Appeal and Certificate of Appealability before the United States Court of Appeals for the Eleventh Circuit on December 30, 2005, which was subsequently denied. Mr. Anderson also filed a successive 3.851 regarding lethal injection. That was also subsequently denied.

2. Issues raised on appeal and disposition thereof.

The following issues were raised in Mr. Anderson's direct appeal:

1. Trial court erred by denying appellant's motions to dismiss and for arrest of judgment because the State violated due process by failing to correct the principal witness's perjured testimony before the Grand jury (denied);
2. Trial court erred by admitting evidence of Connie Beasley's prior consistent statements to police officers made after she had time and motive to falsify (denied, harmless);
3. Trial court erred by admitting evidence of collateral crimes relevant solely to appellant's bad character or propensity (denied);
4. Trial court violated appellant's right to due process by admitting irrelevant portions of a videotaped news broadcast featuring appellant in jail clothing while in the custody of jail authorities (denied);
5. Trial court erred by admitting a defense witness's prior inconsistent statements to prosecutor in a deposition as substantive evidence (denied);
6. The trial court violated due process by denying appellant's request to instruct the jury on the law applicable to his theory of defense (denied);
7. The trial court erred by accepting appellant's waiver of his right to have defense counsel present mitigating evidence without conducting an adequate inquiry to determine whether the waiver was a voluntary and intelligent relinquishment of a known right or privilege (denied);
8. The trial court violated the Eighth and Fourteenth Amendments by refusing to admit non-statutory mitigating evidence that the State offered appellant a plea agreement for a life sentence (denied).

3. Disposition of all previous claims raised in post-conviction proceedings and the reasons the claims raised in the present motion were not raised in the former motions.

A. Motion to Vacate Judgments and Sentences:

1. Access to files and records pertaining to Mr. Anderson's case in the possession of certain state agencies have been withheld in violation of Chapter 119, Fla. Stat. (denied);
2. The state withheld evidence which was material and exculpatory in nature and/or presented misleading evidence (denied);
3. Newly discovered evidence establishes that Mr. Anderson's conviction and sentence is unreliable (denied);
4. Prosecutorial misconduct during closing argument and the sentencing court's reliance on non-statutory aggravating factors rendered Mr. Anderson's sentence unfair and unreliable (denied);
5. Jury and judge considered non-statutory aggravating circumstance that Mr. Anderson was a future danger to society (denied);
6. Ineffective assistance of counsel and the prosecutor's improper conduct rendered conviction and sentence unreliable (denied);
7. Denial of effective assistance of counsel at the guilt phase (denied);
8. Indictment was obtained on perjured testimony (denied);
9. Exculpatory evidence was not presented to the jury and the jury was allowed to rely on improper testimony (denied);
10. Failure to prove corpus delicti (denied);
11. Waiver of right to present penalty phase evidence without an adequate record inquiry violated the Sixth, Eighth, and Fourteenth Amendments (denied);
12. Ineffective assistance of counsel at the penalty phase for failing to investigate (denied);
13. Ineffective assistance of counsel at the penalty phase for failing to argue facts in evidence (denied);
14. Jury was improperly instructed on the cold, calculated, and premeditated aggravator (denied);
15. Trial court overbroadly and vaguely instructed the jury on the previous conviction of a violent felony aggravator (denied);
16. Denied a reliable sentencing because the judge refused and failed to find the existence of mitigation (denied);
17. Sentencing court erred by failing to independently weigh aggravators and mitigators (denied);
18. Jury was misled by instructions and comments which unconstitutionally and inaccurately diluted its sense of responsibility for sentencing (denied);
19. Florida's statute on aggravating factors is facially vague and overbroad (denied);
20. Jury improperly instructed that one act could support two separate aggravators (denied);
21. Failure to present to jury evidence of his good record from previous incarceration (denied);
22. Penalty phase jury instructions shifted burden to prove that death was inappropriate and the judge used the wrong standard (denied);
23. Cumulative error (denied).

B. Second Amended Motion

The same as above with the addition of:

1. The rules prohibiting jurors from being interviewed by lawyers violates the constitution (denied);
2. Execution by electrocution is cruel and/or unusual punishment (denied).

C. Third Amended Motion

1. Prosecutorial misconduct (denied);

2. Newly discovered evidence (denied);
3. Ineffective assistance of counsel at the guilt phase (denied);
4. Ineffective assistance of counsel at the penalty phase (denied);
5. Failure to prove corpus delicti (denied);
6. Sentencing judge failed to find the existence of mitigating evidence established by the record (denied);
7. Sentencing jury was misled by comments and instructions which defense counsel failed to correct (denied);
8. Jury improperly instructed that one single act supported two separate aggravating factors (denied);
9. Penalty phase jury instructions shifted burden to prove that death was inappropriate and the judge used the wrong standard (denied);
10. Cumulative error (denied);
11. Execution by electrocution is cruel and/or unusual punishment (denied).

D. Successive Motion

1. Lethal injection violates the Eighth Amendment (denied);
2. Florida Statute prohibiting counsel from filing a Section 1983 claim is unconstitutional (denied);
3. Florida death penalty statute is unconstitutional on its face (denied);
4. Newly discovered evidence shows Florida's lethal injection method is unconstitutional (denied).

E. Claims not Raised in Previous Motions:

On January 12, 2016, *Hurst v. Florida*, 136 S. Ct. 616 (2016), issued. It declared Florida's capital sentencing scheme unconstitutional. On March 7, 2016, Chapter 2016-13 was enacted. It was the legislature's effort to rewrite § 921.141 in the wake of *Hurst* to cure the constitutional deficiencies.

On October 14, 2016, the Florida Supreme Court issued its decision in *Perry v. State*, __So. 3d __ (Fla. October 14, 2016), and declared the 10-2 provision contained in Chapter 2016-13 to be unconstitutional under *Hurst v. Florida*. In *Perry*, the Florida Supreme Court concluded that the Sixth and the Eighth Amendment required a unanimous jury verdict recommending a death sentence before one could be imposed. As the Florida Supreme Court explained in *Hurst*, "jury unanimity further(s) the goal that a defendant will receive a fair trial and help to guard against arbitrariness in the ultimate decision of whether a defendant lives or dies, jury unanimity in the jury's final recommendation of death also ensures that Florida conforms to 'the evolving standards of decency that mark the progress of a maturing society,' which inform Eighth Amendment analyses." *Hurst v. State*, 202 So.3d 40, 72 (Fla. 2016) (internal citations omitted). Accordingly, the jury must unanimously find that sufficient aggravators existed to justify a death

sentence and that the aggravators outweighed the mitigating factors that were present in the case. If a unanimous death recommendation is not returned, a death sentence cannot be imposed. Thus, a life sentence is mandated if one or more jurors vote in favor of a life sentence due to a desire to be merciful even if the jury unanimously determined that sufficient aggravators existed and that they outweighed the mitigators that were present. *Perry v. State*, ---So. 3d ---, 2016WL 6036982 *8, quoting *Hurst v. State*, 202 So. 3d 40, 59 (Fla. 2016) (“the penalty phase jury must be unanimous in making the critical findings and recommendation that are necessary before a sentence of death may be considered by the judge or imposed.”) See also *Hurst v. State*, 202 So.3d at 62, n. 18.

On December 22, 2016, the Florida Supreme Court explicitly decided that, as a matter of state law, there are two classes of defendants who are entitled to the retroactive application of *Hurst*:

1) Those whose sentences became final after the Supreme Court issued its decision in *Ring*. Such defendants are entitled to retroactive application as a group, regardless of preservation. See *Mosley v. State*, ---So.3d --- 2016 WL7406506 (Fla. Dec. 22, 2016) at **56-75. Because his direct appeal proceedings concluded in 1991, see *Anderson v. Florida*, 502 U.S. 834 (1991) (denying certiorari), Mr. Anderson is outside this group.

2) Those who specifically preserved the *Ring* issue. See *Mosely* at *53-56 & n.13 (citing *James v. State*, 615 So. 2d 668 (Fla. 1993)). Considerations of fundamental fairness dictate the application of the requirements contained in *Hurst v. Florida* to this class of defendant. Mr. Anderson is within this class. Because Mr. Anderson “raised a *Ring* claim at his first opportunity and was then rejected at every turn ... fundamental fairness requires the retroactive application of *Hurst*, which defined the effect of *Hurst v. Florida*,” to him. *Mosley* at *56.

On the basis of the new Florida law arising from *Hurst v. Florida*, the enactment of Chapter 2016-13, *Perry v. State*, *Hurst v. State*, *Mosley v. State*, and *Asay v. State*, Mr. Anderson files this motion to vacate and presents his claims for relief arising from the resulting new Florida law, which was previously unavailable when Mr. Anderson filed his prior motions.

4. The nature of the relief sought.

Mr. Anderson seeks to set aside his death sentence and receive a new penalty phase, or, in the alternative, a life sentence.

5. Claims for which an evidentiary hearing is sought.

CLAIM I

Mr. Anderson's death sentence stands in violation of the Sixth Amendment under *Hurst v. Florida* and *Hurst v. State* and should be vacated.

This claim is evidence by the following:

All factual allegations contained elsewhere within this motion and set forth in the Defendant's previous motions to vacate, and all evidence presented by him during the previously conducted evidentiary hearing are incorporated herein by specific reference.

This motion is filed within one year of the issuance of *Hurst v. Florida*, the enactment of Chapter 2016-13, the issuance of *Perry v. State*, *Hurst v. State*, *Mosley v. State*, and *Asay v. State*, all of which established new Florida law. The claims presented herein could not have been presented before the change in Florida law that these cases and statutory amendment brought about. The claims were simply not ripe before because the basis for the Defendant's claims did not exist before the change in Florida law resulting from *Hurst v. Florida*. Accordingly, this motion is timely.

The Sixth Amendment right enunciated in *Hurst v. Florida*, and found applicable to Florida's capital sentencing scheme, guarantees that all facts that are statutorily necessary before a judge is authorized to impose a death sentence are to be found by a jury, pursuant to the capital defendant's constitutional right to a jury trial. *Hurst v. Florida* held that "Florida's capital sentencing scheme violates the Sixth Amendment" It invalidated Fla. Stat. §§ 921.141(2) and (3) as unconstitutional. Under those provisions, a defendant who has been convicted of a capital felony could be sentenced to death only after the sentencing judge entered written fact findings that: 1) sufficient aggravating circumstances existed that justify the imposition a death sentence, and 2) insufficient mitigating circumstances existed to outweigh the aggravating circumstances. *Hurst*, 136 S. Ct. at 620-21. *Hurst v. Florida* found Florida's sentencing scheme

unconstitutional because “Florida does not require the jury to make critical findings necessary to impose the death penalty,” but rather, “requires a judge to find these facts.” *Id.* at 622. On remand, the Florida Supreme Court held in *Hurst v. State* that *Hurst v. Florida* means “that before the trial judge may consider imposing a sentence of death, the jury in a capital case must unanimously and expressly find all the aggravating factors that were proven beyond a reasonable doubt, unanimously find that the aggravating factors are sufficient to impose death, unanimously find that the aggravating factors outweigh the mitigating circumstances, and unanimously recommend a sentence of death.” *Hurst v. State*, 202 So. 3d at 57.

A. Mr. Anderson is entitled to retroactive application of both *Hurst* decisions under the fundamental fairness doctrine

1. The *Hurst* decisions apply retroactively to Mr. Anderson under the equitable “fundamental fairness” retroactivity doctrine, which the Florida Supreme Court (“Court”) has applied in cases such as *Mosley* and *James v. State*, 615 So. 2d 668 (Fla. 1993). In *Mosley*, the Court explained that although *Witt* is the “standard” retroactivity test in Florida, defendants may also be entitled to retroactive application of the *Hurst* decisions by virtue of the fundamental fairness doctrine, which had been applied in cases like *James*. See *Mosley*, 2016 WL 7406506, at *19. Unlike the *Mosley* Court’s *Witt* analysis, which considered whether *Mosley*’s sentence became final after the *Ring* decision as a factor in assessing *Hurst* retroactivity, the Court’s fundamental fairness analysis made no distinction between pre-*Ring* and post-*Ring* sentences. *Id.* at *18-19. Rather, the *Mosley* Court’s separate fundamental fairness analysis focused on whether it would be fundamentally unfair to bar *Mosley* from seeking *Hurst* relief on retroactivity grounds, regardless of when his sentence became final, by virtue of the fact that *Mosley* had previously attempted to challenge Florida’s unconstitutional capital sentencing scheme and was “rejected at every turn” under the Florida Supreme Court’s flawed pre-*Hurst* law. *Mosley*, 2016 WL 7406506, at *19.

2. Although *Mosley* was a post-*Ring* case, the Court’s fundamental fairness approach applies to pre-*Ring* defendants, who may also obtain retroactive *Hurst* relief on fundamental fairness grounds. See *id.* at *19 n. 13. In other words, to the extent *Mosley* stands for the proposition that defendants sentenced after *Ring* are categorically entitled to *Hurst* relief under *Witt*, it also stands for the proposition that any

defendant, regardless of when they were sentenced, can receive the same retroactive application of the *Hurst* decisions as a matter of fundamental fairness, as measured by this Court on a case-by-case basis.

3. In assessing fundamental fairness in the retroactivity context, the *Mosley* Court explained that an important inquiry is whether the defendant unsuccessfully attempted to raise a challenge to Florida's capital sentencing scheme before *Hurst v. Florida* and *Hurst v. State* were decided. *See id.* at *19. In *Mosley's* case, the Court looked to whether he raised a challenge under *Ring* "at his first opportunity." *See Id.* If *Mosley* had raised such a challenge, the Court reasoned, it would be fundamentally unfair to prohibit him from seeking post-conviction relief under *Hurst*, given that he had accurately anticipated the fatal defects in Florida's capital sentence scheme even before they were recognized in the *Hurst* decisions. *See id.* The *Mosley* Court emphasized that ensuring fundamental fairness in assessing retroactivity outweighed the State's interests in the finality of death sentences.

4. In Mr. Anderson's case the *Hurst* decisions should apply retroactively under the fundamental fairness doctrine. Although his direct appeal was pre-*Ring*, he filed post-conviction motions in the circuit court raising a *Ring*-type claim. Without the benefit of the *Ring* or *Hurst* decisions, Mr. Anderson raised a challenge to Florida's capital sentencing scheme during post-conviction. Mr. Anderson challenged Florida's advisory-jury system as violative of the United States Constitution under *Espinosa* and *Caldwell*. This effort constituted a pre-*Ring* effort to raise *Ring*-like challenges.

5. Just because Mr. Anderson did not raise a *Ring* claim after 2002, is not a sufficient reason to deny relief. The Court has made clear that it was widely known that *Ring* or *Ring*-like claims were futile in this state, given the Court's belief that *Ring* did not apply in Florida before *Hurst v. Florida* corrected that belief. It would be fundamentally unfair to reward defendants who raised futile *Ring* claims while blocking *Hurst* relief for defendant who were prescient enough to challenge Florida's sentencing scheme before *Ring* and discerning enough not to pursue a clearly futile *Ring* appeal.

6. In this case, the interests of finality must yield to fundamental fairness. Mr. Anderson, who anticipated the defects in Florida's capital sentencing scheme that were later articulated in *Hurst v. Florida* and *Hurst v. State*, should not be denied the chance to now seek relief under the *Hurst* decisions. Applying

the *Hurst* decisions retroactively to Mr. Anderson “in light of the rights guaranteed by the United States and Florida Constitutions, supports basic tenets of fundamental fairness,” and “it is fundamental fairness that underlies the reasons for retroactivity of certain constitutional decisions, especially those involving the death penalty.” *Mosley*, 2016 WL 7406506, at *25. Accordingly, this Court should hold that fundamental fairness requires retroactively applying the *Hurst* decisions in this case.

B. Mr. Anderson is entitled to retroactive application of both *Hurst* decisions under the traditional *Witt* test

7. *Hurst v. Florida* was a decision of fundamental significance that has resulted in substantive and substantial upheaval in Florida’s capital sentencing jurisprudence. The fundamental change in Florida law that has resulted means that under Florida’s retroactivity test set forth in *Witt v. State*, 387 So. 2d 922 (Fla. 1980), the decision in *Hurst v. Florida* must be given retroactive effect.¹ Under *Witt*, Florida courts apply holdings favorable to criminal defendants retroactively provided that the decisions (1) emanate from the United States Supreme Court or the Florida Supreme Court, (2) are constitutional in nature, and (3) constitute “a development of fundamental significance.” *Id.* *Hurst v. Florida* and the change in Florida law made in its wake satisfy the first two *Witt* retroactivity factors—(1) *Hurst v. Florida* is a decision by the US Supreme Court, and (2) its holding is constitutional in nature: the Sixth Amendment forbids a capital sentencing scheme that provides for judges, not juries, make the factual findings that are statutorily required to authorize the imposition of a death sentence.

8. The third factor under *Witt* is also met because *Hurst v. Florida* “constitutes a development of fundamental significance,” i.e., it is a change in the law which is “of sufficient magnitude to necessitate

¹ Mr. Anderson recognizes that *Asay v. State*, ---So.3d --- 2016 WL7406538 (Fla. December 22, 2016) suggests that cases that were final when *Ring* was decided are not entitled to the retroactive effect of *Hurst* under a *Witt* analysis, but that case left open the possibility for retroactivity under the fundamental fairness doctrine as discussed *supra*. In addition, Mr. Anderson’s case should be decided on an individual basis. Moreover, the United States and Florida Constitutions cannot tolerate the concept of “partial retroactivity,” where similarly situated defendants are granted or denied the benefit of seeking *Hurst* relief in collateral proceedings based on when their sentences were finalized. To deny Anderson the retroactive effect of *Hurst* deprives him of due process and equal protection under the federal constitution and the corresponding provisions of the Florida Constitution.

retroactive application as ascertained by the three-fold test of the United States Supreme Court's decisions in *Stovall v. Denno*, 388 U.S. 293 (1967), and *Linkletter v. Walker*, 381 U.S. 618 (1965).” *Falcon*, 162 So. 3d at 961 (quoting *Witt*, 387 So. 2d at 929) (internal brackets omitted).

9. As applied to Mr. Anderson, the first *Stovall/Linkletter* factor – the purpose to be served by the new rule – weighs heavily in favor of retroactivity. The right to a trial by jury is a fundamental feature of the United States and Florida Constitutions and its protection must be among the highest priorities of the courts, particularly in capital cases. See *Asay*, 2016 WL 7406538, at *10 (“[I]n death cases, this Court has taken care to ensure all necessary constitutional protections are in place before one forfeits his or her life”).

10. The second *Stovall/Linkletter* factor – extent of reliance on the old rule – also weighs in favor of applying those decisions retroactively. This factor requires examination of the “extent to which a condemned practice infect(ed) the integrity of the truth-determining process at trial.” *Stovall v. Denno*, 388 U.S. 293, 297 (1967). Florida’s unconstitutional sentencing scheme has always been unconstitutional and systemically infected the truth-determining process at penalty-phase proceedings since the statute was enacted – including Mr. Anderson’s trial. Accordingly, the second factor weighs in favor of retroactivity.

11. Finally, the third *Stovall/Linkletter* factor – effect on administration of justice – also weighs in favor of retroactivity. This factor does not weigh against retroactivity unless it will, “destroy the stability of the law, render punishments uncertain and therefore ineffectual, and burden the judicial machinery of our state, fiscally and intellectually, beyond any tolerable limit.” *Witt v. State*, 387 So. 2d 922, 929–30 (Fla. 1980). There can be no serious rationale for a prediction that categorically permitting the retroactive application of the *Hurst* decisions to all pre-Ring defendants will “destroy” the judiciary.

12. Undoubtedly, retroactive application will have slightly more of an impact on the administration of justice but that is not the test. Retroactive application of new rules affecting much larger populations have been approved. See *e.g. Montgomery v. Louisiana*, 136 S.Ct. 718 (2016).

13. As a result, retroactivity would also ensure that all defendants’ Sixth and Eighth Amendment rights are protected. “Considerations of fairness and uniformity make it very ‘difficult to justify depriving a person of his liberty or his life under a process no longer considered acceptable and no longer applied to

indistinguishable cases.” *Falcon*, 162 So. 3d at 962 (quoting *Witt*, 387 So. 2d at 929).

14. Anything less than full retroactivity leads to disparate treatment among Florida capital defendants. See *Meeks v. Moore*, 216 F.3d 951, 959 (11th Cir. 2000) (new penalty phases on 1974 murders); *State v. Dougan*, 202 So.3d 363 (Fla. 2016)(granting a new trial in a 1974 homicide); *Hildwin v. State*, 141 So.3d 1178 (Fla. 2014)(granting a new trial in a 1985 homicide); *Cardona v. State*, 185 So.3d 514 (Fla. 2016)(granting a new trial in a 1990 homicide), and *Johnson v. State*, ---So.3d --- 2016 WL 7013856 (Fla. December 1, 2016)(on a direct appeal from a resentencing, the Court remand for a new penalty phase because of *Hurst* error in a 1981 triple homicide).

15. Ensuring uniformity and fairness in circumstances in Florida’s application of the death penalty requires the retroactive application of *Hurst* and the resulting new Florida law. After all, “death is a different kind of punishment from any other that may be imposed in this country,” and “[i]t is of vital importance . . . that any decision to impose the death sentence be, and appear to be, based on reason rather than caprice . . .” *Gardner v. Florida*, 430 U.S. 349, 357-58 (1977).

C. Mr. Anderson has a federal right to retroactive application of the *Hurst* decisions

16. Mr. Anderson is also entitled to the retroactive effect of *Hurst* under federal law. Where a constitutional rule is substantive, the Supremacy Clause of the United States Constitution requires a state post-conviction court to apply it retroactively. See *Montgomery v. Louisiana*, 136 S. Ct. 718, 731-32 (2016) (“Where state collateral review proceedings permit prisoners to challenge the lawfulness of their confinement, States cannot refuse to give retroactive effect to a substantive constitutional right that determines the outcome of that challenge.”).

17. That case arose when Montgomery launched state post-conviction proceedings seeking the benefit of *Miller v. Alabama* and the Louisiana Supreme Court (in contrast to the Florida Supreme Court in *Falcon*) determined that *Miller* was not retroactive under its state retroactivity doctrines. The United States Supreme Court held that determination made no difference to Montgomery’s entitlement to the benefits of *Miller*. Because the rule of *Miller* was substantive, Louisiana was required to apply it on state post-conviction review.

18. In *Hurst v. State*, the Florida Supreme Court announced not one, but two substantive constitutional rules. *First*, the Florida Supreme Court held that the Sixth Amendment requires that a jury decide whether those aggravating factors that have been proven beyond a reasonable doubt are sufficient in themselves to warrant the death penalty and, if so, whether those factors outweigh the mitigating circumstances. *Second*, the Florida Supreme Court determined that the Eighth Amendment required that the jury's fact-finding during the penalty phase be unanimous. The function of the unanimity rule is to ensure that Florida's overall capital system complies with the Eighth Amendment. That makes the rule substantive.

19. *Hurst v. State* held that the "specific findings required to be made by the jury include the existence of each aggravating factor that has been proven beyond a reasonable doubt, the finding that the aggravating factors are sufficient, and the finding that the aggravating factors outweigh the mitigating circumstances." Such findings are manifestly substantive.² See *Montgomery v. Louisiana*, 136 S.Ct. at 734 (holding that the decision whether a particular juvenile is or is not a person "whose crimes reflect the transient immaturity of youth" is substantive, not procedural).

20. Because the Sixth Amendment rules announced in *Hurst v. State* are substantive, Mr. Anderson is, as *Montgomery v. Louisiana* held, entitled under the United States Constitution to benefit from them in this state post-conviction proceeding.

D. The State cannot establish that the *Hurst* error in Mr. Anderson's sentencing was harmless beyond a reasonable doubt

21. The procedure employed when Mr. Anderson received his death sentence deprived him of his Sixth

²In contrast, in *Schriro v. Summerlin*, 542 U.S. 348, 352 (2004), the Supreme Court (applying *Teague v. Lane*, 489 U.S. 288 (1989)) found that *Ring v. Arizona*, 489 U.S. 288 (1989)—the basis of *Hurst v. Florida*—was not retroactive on federal collateral review because the requirement that the jury rather than the judge make findings as to whether a defendant had a prior violent felony aggravator was procedural rather than substantive. *Summerlin* did not review a capital sentencing statute, like Florida's, that required the jury not only to make the fact-finding regarding the applicable aggravators, but also required the jury to make the finding as to whether the aggravators were *sufficient* to impose death.

Moreover, *Hurst*, unlike *Ring*, addressed the proof-beyond-a-reasonable-doubt standard which the Supreme Court has always regarded as substantive. See *Powell v. Delaware*, --- A.3d ---, 2016 WL 7243546 at *3 (Del. Dec. 15, 2016) (*Schriro* only addressed the misallocation of fact-finding responsibility (judge versus jury) and not, the applicable burden of proof).

Amendment rights under *Hurst v. Florida* and the resulting new Florida law requiring the jury's verdict authorizing a death sentence to be unanimous or else a life sentence is required, rather than a judge imposed sentence. In the wake of *Hurst v. Florida*, the Florida Supreme Court has held that each juror is free to vote for a life sentence even if the requisite facts have been found by the jury unanimously. *Hurst v. State*, 202 So.3d at 57-58. Individual jurors may decide to exercise "mercy" and vote for a life sentence, and in so doing, preclude the imposition of a death sentence. *Perry v. State*, 2016 WL 6036982 at*8.

22. At his initial penalty phase, the jurors recommended death by a vote of 11-1. However, the jury did not return a verdict making any findings of fact. The only document returned by the jury was an advisory recommendation that death should be imposed. This reflects nothing about the jury's findings leading to the final vote.

23. The Sixth Amendment error under *Hurst v. Florida* cannot be proven by the State to be harmless beyond a reasonable doubt in Mr. Anderson's case. In *Hurst v. State*, the Florida Supreme Court stated that error under *Hurst v. Florida* "is harmless only if there is no reasonable possibility that the error contributed to the sentence." 202 So. 3d at 68. "[T]he harmless error test is to be rigorously applied, and the State bears an extremely heavy burden in cases involving constitutional error." *Id.* (internal citations and quotation marks omitted). The State must show beyond a reasonable doubt that the jury's failure to unanimously find not only the existence of each aggravating factor, that the aggravating factors are sufficient, and that the aggravating factors outweigh the mitigating circumstances had no effect on the death recommendations. The State must also show beyond a reasonable doubt that no properly instructed juror would have dispensed mercy to Mr. Anderson by voting for a life sentence. A harmless error analysis must be performed on a case-by-case basis, and there is no one-size fits all analysis; rather there must be a "detailed explanation based on the record" supporting a finding of harmless error. *See Clemons v. Mississippi*, 494 U.S. 738, 753 (1990). *Accord Sochor v. Florida*, 504 U.S. 527, 540 (1992). The State cannot establish beyond a reasonable doubt that the *Hurst v. Florida* error was harmless in Mr. Anderson's case.

24. As the Florida Supreme Court pointed out in *Hurst v. State*, "[b]ecause there was no interrogatory verdict, we cannot determine what aggravators, if any, the jury unanimously found proven beyond a

reasonable doubt. We cannot determine how many jurors may have found the aggravation sufficient for death. We cannot determine if the jury unanimously concluded that there were sufficient aggravating factors to outweigh the mitigating circumstances.” 202 So. 3d at 69. This Court cannot rely upon a legally meaningless recommendation by an advisory jury, *Hurst v. Florida*, 136 S.Ct. at 622 (Sixth Amendment cannot be satisfied by merely treating “an advisory recommendation by the jury as the necessary factfinding”), as making findings the Sixth Amendment requires a jury to make.

25. As will be discussed further below, Mr. Anderson’s jury was repeatedly told its recommendation was advisory only. In order to treat a jury’s advisory recommendation, the jury must be correctly instructed as to its sentencing responsibility under *Caldwell v. Mississippi*, 472 U.S. 320 (1985). Post-*Hurst*, the individual jurors must know that each will bear the responsibility for a death sentence resulting in a defendant’s execution since each juror possesses the power to require the imposition of a life sentence simply by voting against a death recommendation. See *Perry v. State*. Mr. Anderson’s jury was told the exact opposite – that Mr. Anderson could be sentenced to death regardless of the jury’s recommendation, thus relieving jurors of individual responsibility. Indeed, because the jury’s sense of responsibility was inaccurately diminished in *Caldwell*, the Supreme Court held that the jury’s unanimous verdict imposing a death sentence in that case violated the Eighth Amendment and required the resulting death sentence to be vacated. *Caldwell*, 472 U.S. at 341. Mr. Anderson’s death sentence likewise violate the Eighth Amendment under *Caldwell*.

26. The error in Mr. Anderson’s case warrants relief. The State simply cannot show the error to be harmless beyond a reasonable doubt that no properly instructed juror would have refused to vote in favor of a death recommendation. In fact, Mr. Anderson did have a recommendation of 11-1 at his initial penalty phase, even though Mr. Anderson’s jurors were not instructed that they could exercise mercy by not joining a death recommendation irrespective of their views on the aggravation and mitigation. See *Johnson v. State*, ___ So. 3d ___, 2016 WL 7013856 at *3 (Fla. Dec. 1, 2016)(Florida Supreme Court granted *Hurst* relief on a triple murder case where the jury recommended death by a vote of 11-1).

27. As a result, the State cannot establish beyond a reasonable doubt that at least one juror, if properly

instructed, would have decided to dispense mercy to Mr. Anderson. Mr. Anderson's death sentence must be vacated and a resentencing ordered.

CLAIM II

Mr. Anderson's death sentence stands in violation of the Eighth Amendment under *Hurst v. State* and should be vacated.

This claim is evidenced by the following:

1. All factual allegations contained elsewhere within this motion and set forth in the Defendant's previous motions to vacate, and all evidence presented by him during the previously conducted evidentiary hearing are incorporated herein by specific reference.

2. In *Hurst v. State*, 202 So.3d 40 (Fla. 2016), the Florida Supreme Court explained that, in accordance with Florida's capital sentencing scheme, the jury has a "right to recommend a sentence of life even if it finds aggravating factors were proven, were sufficient to impose death, and that they outweigh the mitigating circumstances." *Hurst*, 202 So. 3d at 58, citing *Brooks v. State*, 762 So. 2d 879, 902 (Fla. 2000). In other words, before a judge can impose the death penalty, the jury must be told it has the right to recommend a life sentence, even if the precedent factual findings are all made unanimously. This safeguard is to allow jurors in capital cases to "exercise reasoned judgment in his or her vote as to a recommended sentence." *Hurst*, 202 So. 3d at 58.³ Accord *Perry*, 2016 WL 6036982 at *7-8 ("It has long been true that a juror is not required to recommend the death sentence even if the jury concludes that the aggravating factors outweigh the mitigating circumstances"). See also *Hurst*, 202 So. 3d at 58 ("Regardless of your findings . . . you are neither compelled nor required to recommend a sentence of death").

3. The Florida Supreme Court further held in *Hurst v. State* that there is an Eighth Amendment right to have a jury unanimously recommend a death sentence before a death sentence is permissible. *Hurst v. State*, 202 So. 3d at 59.

³ The U.S. Supreme Court as far back as 1974 held that a capital sentence can constitutionally dispense mercy in a case that otherwise might warrant imposition of the death penalty. *Gregg v. Georgia*, 428 U.S. 153, 203 (1976). In Florida prior to *Hurst*, it was the sentencing judge who had been given the authority to dispense mercy in a capital case. However, that authority has now been transferred to the jury under *Hurst v. State*.

4. But of course, the jury must know and appreciate the significance of its verdict:

In a capital case, the gravity of the proceeding and the concomitant juror responsibility weigh even more heavily, and it can be presumed that the penalty phase jurors will take special care to understand and follow the law.

Id. at 63. Indeed, under *Caldwell v. Mississippi*, 472 U.S. 320 (1985), a unanimous jury verdict in favor of a death sentence violates the Eighth Amendment if the jury was not correctly instructed as to its sentencing responsibility. *Caldwell* held: “it is constitutionally impermissible to rest a death sentence on a determination made by a sentencer who has been led to believe that the responsibility for determining the appropriateness of the defendant's death rests elsewhere.” *Id.* 328-29. Jurors must feel the weight of their sentencing responsibility; they must know that if the defendant is ultimately executed it will be because no juror exercised her power to preclude a death sentence.

5. In *Caldwell*, the prosecutor responding to defense counsel’s argument stated in his argument before the jury: “Now, they would have you believe that you're going to kill this man and they know—they know that your decision is not the final decision. My God, how unfair can you be? Your job is reviewable.” *Id.* at 325.⁴ Because the jury’s sense of responsibility was improperly diminished by this argument, the Supreme Court held that **the jury’s unanimous verdict** imposing a death sentence in that case violated the Eighth Amendment and required the death sentence to be vacated. *Caldwell*, 472 U.S. at 341 (“Because we cannot say that this effort had no effect on the sentencing decision, that decision does not meet the standard of reliability that the Eighth Amendment requires.”). *Caldwell* explained: “Even when a sentencing jury is unconvinced that death is the appropriate punishment, it might nevertheless wish to ‘send a message’ of extreme disapproval for the defendant's acts. This desire might make the jury very receptive to the prosecutor's assurance that it can more freely ‘err because the error may be corrected on appeal.’” *Id.* at 331.⁵

⁴ In her concurrence, Justice O'Connor wrote: “In telling the jurors, ‘your decision is not the final decision...[y]our job is reviewable,’ the prosecutor sought to minimize the sentencing jury’s role, by creating the mistaken impression that automatic appellate review of the jury’s sentence would provide the authoritative determination of whether death was appropriate.” *Caldwell*, 472 U.S. at 342-43.

⁵ This would certainly apply to the circumstances in Mr. Anderson’s case when the jury was repeatedly

6. Jurors must feel the weight of their sentencing responsibility and know about their individual authority to preclude a death sentence. See *Blackwell v. State*, 79So. 731, 736 (Fla. 1918) (prejudicial error found in “the remark of the assistant state attorney as to the existence of a Supreme Court to correct any error that might be made in the trial of the cause, in effect told the jury that it was proper matter for them to consider when they retired to make up their verdict. Calling this vividly to the attention of the jury tended to lessen their estimate of the weight of their responsibility, and cause them to shift it from their consciences to the Supreme Court.”). Where the jurors’ sense of responsibility for a death sentence is not explained or is diminished, a jury’s unanimous verdict in favor of a death sentence violates the Eighth Amendment and the death sentence cannot stand. *Caldwell*, 472 U.S. at 341 (“Because we cannot say that this effort had no effect on the sentencing decision, that decision does not meet the standard of reliability that the Eighth Amendment requires.”).

7. The United States Supreme Court in *Caldwell* found that diminishing an individual juror’s sense of responsibility for the imposition of a death sentence creates a bias in favor of a juror voting for death. *Caldwell*, 472 U.S. at 330 (“In the capital sentencing context there are specific reasons to fear substantial unreliability as well as bias in favor of death sentences when there are state-induced suggestions that the sentencing jury may shift its sense of responsibility to an appellate court.”).

8. Mr. Anderson’s jury was not advised of each jurors’ authority to dispense mercy. The circumstances under which Mr. Anderson’s jury returned its 11-1 death recommendation shows that it cannot now be viewed as a valid verdict or that the *Hurst* error was harmless without violating the Eighth Amendment. “Even when a sentencing jury is unconvinced that death is the appropriate punishment, it might nevertheless wish to ‘send a message’ of extreme disapproval for the defendant’s acts. This desire might make the jury very receptive to the prosecutor’s assurance that it can more freely ‘err because the error may be corrected on appeal.’” *Caldwell*, 472 U.S. at 331. The advisory recommendation simply “does not meet the standard of reliability that the Eighth Amendment requires.” *Id.* at 341.

reminded its penalty phase verdict was merely an advisory recommendation.

9. This Court cannot rely on the jury's death recommendation in Mr. Anderson's case as showing either that he was not deprived of his Eighth Amendment right to require a unanimous jury's death recommendations or that the violation of the right was harmless. To do so would violate the Eighth Amendment because the advisory verdict was not returned in proceedings compliant with the Eighth Amendment. *Caldwell*, 472 U.S. at 332 ("The death sentence that would emerge from such a sentencing proceeding would simply not represent a decision that the State had demonstrated the appropriateness of the defendant's death.").

10. In *Hurst v. Florida*, the US Supreme Court warned against using what was an advisory verdict to conclude that the findings necessary to authorize the imposition a death sentence had been made by the jury:

"[T]he jury's function under the Florida death penalty statute is advisory only." *Spaziano v. State*, 433 So.2d 508, 512 (Fla.1983). The State cannot now treat the advisory recommendation by the jury as the necessary factual finding that *Ring* requires.

Hurst v. Florida, 136 S. Ct. at 622. An advisory verdict (premised upon inaccurate information regarding the binding nature of a life recommendation, the juror's inability to be merciful based upon sympathy, and what aggravating factors could be found and weighed in the sentencing calculus) cannot be used as a substitute for a unanimous verdict from a properly instructed jury. *California v. Ramos*, 463 U.S. 992, 1004 (1983) ("Because of the potential that the sentencer might have rested its decision in part on erroneous or inaccurate information that the defendant had no opportunity to explain or deny, the need for reliability in capital sentencing dictated that the death penalty be reversed.").

11. Additionally, under *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), the Florida Supreme Court's Eighth Amendment ruling in *Hurst v. State* must be applied retroactively. Under *Witt v. State* and the fundamental fairness doctrine, the Florida Supreme Court's decision in *Hurst v. State* must be applied retroactively. It is not constitutionally permissible to execute a person whose death sentence was imposed under an unconstitutional scheme.⁶

⁶ "[R]etroactivity is binary – either something is retroactive, has effect on the past, or it is not." *Asay*, 2016 WL 7406538, at *27 (Perry, J., dissenting). This legal reality is highlighted by the United States Supreme

12. Failing to apply *Hurst* retroactively to Mr. Anderson, especially where he raised a *Ring*-type claim at his first opportunity, would be a violation of his due process and equal protection rights under the federal constitution and would result in a death sentence that is arbitrary and capricious in violation of the Eighth Amendment of the United States Constitution and the corresponding provision of the Florida Constitution.

13. Finally, Mr. Anderson's death sentence should be vacated because it was obtained in violation of the Florida Constitution. On remand in *Hurst v. State*, the Florida Supreme Court found that the right to a jury trial found in the United States Constitution required that all factual findings be made by the jury unanimously under the Florida Constitution. In addition to Florida's jury trial right, the Florida Supreme Court found that the Eighth Amendment's evolving standards of decency required and bar on arbitrary and capricious imposition of the death penalty require a unanimous jury fact- finding. *Hurst v. State*, 202 So. 3d at 59–60.

14. The increase in penalty imposed on Mr. Anderson was without any jury at all. No unanimous jury found "all aggravating factors to be considered," "sufficient aggravating factors exist[ed] for the imposition of the death penalty," or that "the aggravating factors outweigh the mitigating circumstances." There was only "unanimity in the final jury recommendation for death." This was a further violation of Florida Constitution.

16. Mr. Anderson had a number of other rights under the Florida Constitution that are at least coterminous with the United States Constitution, and possibly more extensive. This Court should also vacate Mr. Anderson's death sentences based on the Florida Constitution. Article I, Section 15(a) provides:

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

Article I, Section 16(a) provides in relevant part:

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature

Court's decision in *Montgomery*, the Delaware Supreme Court's recent decision in *Powell v. Delaware*, 2016 WL 7243546 (Del. Dec. 15, 2016)(holding *Hurst* retroactive to all prisoners), and the Florida Supreme Court's decision in *Falcon*. If "partial retroactivity" ultimately occurs, Florida will again be the outlier, subjecting its citizens to disparate treatment under the law, in violation of the state and federal constitutions.

and cause of the accusation, and shall be furnished a copy of the charges...

Prior to *Apprendi*, *Ring*, and *Hurst*, the United States Supreme Court addressed a similar question in a federal prosecution and held that: "elements must be charged in the indictment, submitted to a jury, and proven by the Government beyond a reasonable doubt." *Jones v. United States*, 526 U.S. 227, 232 (1999). Because the State proceeded against Mr. Anderson under an unconstitutional system, the State never presented the aggravating factors of elements for the Grand Jury to consider in determining whether to indict Mr. Anderson. A proper indictment would require that the Grand Jury find that there were sufficient aggravating factors to go forward with a capital prosecution. Mr. Anderson was denied his right to a proper Grand Jury Indictment. Additionally, because the State was proceeding under an unconstitutional death penalty scheme, Mr. Anderson was never formally informed of the full "nature and cause of the accusation" because the aggravating factors were not found by the Grand Jury and contained in the indictment. This Court should vacate Mr. Anderson's death sentence.

CLAIM III

THE DENIAL OF MR. ANDERSON'S PRIOR POSTCONVICTION CLAIMS MUST BE REHEARD AND DETERMINED UNDER A CONSTITUTIONAL FRAMEWORK.

This claim is evidenced by the following:

1. All other factual allegations in this motion and its attachments and in Mr. Anderson's previous motions to vacate, and all evidence presented by him during the evidentiary hearing are incorporated herein by specific reference.

2. In *Hildwin v. State*, 141 So. 3d 1178, 1184 (Fla.2014), the Florida Supreme Court explained then when presented with qualifying newly discovered evidence:

the postconviction court must consider the effect of the newly discovered evidence, in addition to all of the evidence that could be introduced at a new trial. *Swafford v. State*, 125 So. 3d 760, 775-76 (Fla. 2013). In determining the impact of the newly discovered evidence, the court must conduct a cumulative analysis of all the evidence so that there is a 'total picture' of the case.

In *Swafford*, the Florida Supreme Court indicated the evidence to be considered in evaluating whether a different outcome was probable, included "evidence that [had been] previously excluded as procedurally

barred or presented in another proceeding.” *Swafford v. State*, 125 So. 3d at 775-76. The “standard focuses on the likely result that would occur during a new trial with all admissible evidence at the new trial being relevant to that analysis.” *Id.* Put simply, the analysis requires envisioning how a new trial or resentencing would look with all of the evidence that would be available. Obviously, the law that would govern at a new trial or resentencing must be part of the analysis. Here, the revised capital sentencing statute would apply at a resentencing and would require that the jury unanimously determine that sufficient aggravating factors existed to justify a death sentence and unanimously determine that the aggravators outweigh the mitigating factors. It would also require the jury to unanimously recommend a death sentence before the sentencing judge would be authorized to impose a death sentence. One single juror voting in favor of a life sentence would require the imposition of a life sentence.

3. This is new Florida law that did not exist when Mr. Anderson previously presented his original 3.850/3.851 *Strickland* and *Giglio/Brady* claims. Accordingly before the issuance of *Perry v. State* and *Hurst v. State* on October 14, 2016, Mr. Anderson could not present his claim as set forth herein because the new law that would govern any resentencing ordered in Mr. Anderson’s case was previously unavailable. Accordingly, Mr. Anderson’s previously presented claims must be reevaluated in light of the new Florida law. The Florida Supreme Court explained in *Hurst v. State* that “the requirement of unanimity in capital jury findings will help to ensure the heightened level of protection necessary for a defendant who stands to lose his life as a penalty.” 202 So.3d 40, 59. *See State v. Steele*, 921 So. 2d 538, 549 (Fla. 2005), quoting *State v. Daniels*, 542 A.2d 306, 315 (Conn. 1988) (“[W]e perceive a special need for jury unanimity in capital sentencing. Under ordinary circumstances, the requirement of unanimity induces a jury to deliberate thoroughly and helps to assure the reliability of the ultimate verdict.”). Thus, reliability of Florida death sentences is the touchstone of the new Florida law requiring a unanimous jury to make the factual determinations necessary for the imposition of a death sentence and requiring the jury to unanimously return a death recommendation before a death sentence is authorized as a sentencing option. Implicit in the justification for the new Florida law is an acknowledgment that death sentences imposed under the old capital sentencing scheme were (or are) less reliable.

4. Before executions are carried out in case in which the reliability of a death sentence is subpar, a re-evaluation of such a death sentence in light of the changes made by Chapter 2016-13, *Hurst v. State*, and *Perry v. State* is warranted. A previous rejection of a death sentenced defendant's *Strickland* claims, *Brady* claims, and/or newly discovered evidence claims should be re-evaluated in light of the new requirement that juries must unanimously make the necessary findings of fact and return a unanimous death recommendation before a death sentence is even a sentencing option. Further, the *Strickland* prejudice analysis requires a determination of whether confidence in the reliability of the outcome - the imposition of a death sentence - is undermined by the evidence the jury did not hear due to the *Strickland* violations. The new Florida law should be part of the evaluation of whether confidence in the reliability of the outcome is undermined, particular since the touchstone of the new Florida law is the likely enhancement of the reliability of any resulting death sentence.

5. This Court must re-visit and re-evaluate the rejection of Mr. Anderson's previously presented *Strickland* and *Brady/Giglio* claims in light of the new Florida law which would govern at a resentencing. When such a re-evaluation is conducted, it is apparent that the outcome would probably be different and that Mr. Anderson would likely receive a binding life recommendation from the jury.

12. Rule 3.851 relief is warranted. Mr. Anderson's death sentences should be vacated and a new penalty phase ordered.

CONCLUSION

Based on the foregoing, Mr. Anderson prays for the following relief, based on his prima facie allegations showing violation of his constitutional rights: 1) a "fair opportunity" to demonstrate that his death sentence stands in violation of the Sixth and Eighth Amendments and *Hurst v. Florida*, *Perry v. State* and *Hurst v. State*; 2) an opportunity for further evidentiary development to the extent necessary; and, 3) on the basis of the reasons presented herein, Rule 3.851 relief vacating his death sentence of death and granting a new penalty phase, or, in the alternative, the imposition of a life sentence.

CERTIFICATION PURSUANT TO FLA. R. CRIM. P. 3.851 (e)

Pursuant to Fla. R. Crim P. 3.851(e)(2)(A) and (e)(1)(F), undersigned counsel hereby certifies that discussions with Mr. Anderson of this motion and its contents has occurred over a period time as relevant new Florida has unfolded during the past year⁷. Counsel has endeavored to fully discuss and explain the contents of this motion with Mr. Anderson, and that counsel to the best of her ability has complied with Rule 4-1.4 of the Rules of Professional Conduct, and that this motion is filed in good faith.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Successive Motion to Vacate Death Sentence has been filed with Clerk for the 13th Judicial Circuit, Hillsborough County served upon The Office of the Attorney General (capapp@myfloridalegal.com); Assistant State Attorney Jay Pruner (MailProcessingStaff@sao13th.com); and The Honorable Christopher C. Sabella (felonydivb@fljud13.org); and the Honorable Michelle Sisco, siscodm@fljud13.org on this 9th day of January, 2017.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley
Florida Bar. No. 112901
Assistant Capital Collateral Counsel
Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato

Maria E. DeLiberato
Florida Bar No. 664251
Assistant Capital Collateral Counsel
deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán

Julissa R. Fontán
Florida Bar. No. 0032744
Assistant Capital Collateral Counsel
12973 N. Telecom Parkway
Temple Terrace, FL 33637
813-558-1600
Fontan@ccmr.state.fl.us
Counsel for Mr. Anderson

⁷ Undersigned counsel recently took over this case from a retiring lawyer, but the contents and legal principles have been discussed by both current and prior counsel.

P82

Anderson, Richard Harold

1a

(Applicable if checked)

- ☐ The Court hereby stays and withholds the imposition of sentence as to count(s) _____
- ☐ The Court hereby defers imposition of sentence until _____
- ☐ The Court places the Defendant on Probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in separate order).
- ☐ The Court places the Defendant in Community Control for a period _____ under the supervision of the Department of Corrections (conditions of community control set forth in separate order).

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation/community control is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

FINGERPRINTS OF DEFENDANT

1. R. Thumb 	2. R. Index 	3. R. Middle 	4. R. Ring 	5. R. Little 
6. L. Thumb 	7. L. Index 	8. L. Middle 	9. L. Ring 	10. L. Little 

Fingerprints taken by:

B. Evers
Name and Title

148105

DONE AND ORDERED in Open Court at Hillsborough County, Florida, this 26th day of FEBRUARY A.D. 19 88. I HEREBY certify that the above and foregoing fingerprints are the fingerprints of the Defendant RICHARD HAROLD ANDERSON and that they were placed thereon by said Defendant in my presence in Open Court this date.

M. Wm. Ruggill
JUDGE

3018

Page 2 of 4

Order book 225 page 441

FILED

FEB 26 1988

RICHARD L. AKE, CLERK

Defendant RICHARD HAROLD ANDERSON
TRIAL DIVISION I (ONE)
 Case Number 87-8047

2

SENTENCE

(As to Count _____)

The Defendant, being personally before this Court, accompanied by his attorney, WILLIAM FUENTE, ESQUIRE and MARK OBER, ESQUIRE, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown.

☐ and the Court having on _____ deferred imposition of sentence until this date. (date)

(Check either provision if applicable)

☐ and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

☐ and the Court having placed the Defendant in community control and having subsequently revoked the Defendant's community control by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

☐ The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25

☒ The Defendant is hereby committed to the custody of the Department of Corrections

☐ The Defendant is hereby committed to the custody of the Sheriff* of Hillsborough County, Florida
 (Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

☐ For a term of Natural Life

☒ For a term of DEATH BY ELECTROCUTION

☐ For an indeterminate period of 6 months to _____ years.

☐ Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

☐ However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this action.

Firearm - 3 year mandatory minimum ☐ It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking - mandatory minimum ☐ It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction ☐ The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender ☐ The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit ☒ It is further ordered that the Defendant shall be allowed a total of 241 DAYS credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Consecutive/
Concurrent

It is further ordered that the sentence imposed for this count shall run ☐ consecutive to ☐ concurrent with (check one) the sentence set forth in count _____ above.

Page 3 of 4

3019

Defendant RICHARD HAROLD ANDERSON
TRIAL DIVISION I (ONE)
 Case Number 87-8047

Consecutive/
 Concurrent
 (As to other
 convictions)

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run ☐ consecutive to ☐ concurrent with (check one) the following:

☐ Any active sentence being served.

☐ Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Hillsborough County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____
 COURT'S WRITTEN "SENTENCE" FILED.

DONE AND ORDERED in Open Court at Hillsborough County, Florida, this 26th day of
FEBRUARY A.D., 19 88.

M. Wm. Alarcon
 JUDGE

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA)

vs.)

RICHARD HAROLD ANDERSON,)
Defendant.)

Case No. 87-8047

TRIAL DIVISION 1

FILED
CLERK OF CIRCUIT COURT
FEB 26 2 04 PM '88
HILLSBOROUGH COUNTY FL
CIRCUIT CLERK

S E N T E N C E

The Defendant, RICHARD HAROLD ANDERSON, stands before the Court convicted by the Jury of Murder in the First Degree of Robert Grantham with a recommendation of eleven of the Jurors that he be sentenced to death.

After considering only the evidence before the Jury, the Court finds the following Aggravating and Mitigating Circumstances:

STATUTORY AGGRAVATING CIRCUMSTANCES

1. The Defendant has been previously convicted of another capital offense or of a felony involving the use of violence to the person, to-wit:

The Defendant, back in May of 1974, was convicted of Murder in the First Degree in Pinellas County, Florida, Circuit Court Case No. 73-2672.

2. The capital felony for which the Defendant is to be sentenced was not only committed for pecuniary gain but was also committed in a cold, calculated and premeditated manner without any pretense of moral or legal justification (treated by the Court as one Aggravating Circumstance rather than two separate Aggravating Circumstances), to-wit:

The Defendant was aware that the victim was interested in having sex with the Defendant's girlfriend and, upon learning that the victim was returning from what the Defendant believed to have been a successful gambling trip to Las Vegas, the Defendant arranged for his girlfriend to meet the victim upon his arrival at the Orlando Airport, drive back to Tampa and have dinner at the Sabal Park Holiday Inn. When the Defendant failed to

3021

meet them as planned, the victim and the Defendant's girlfriend went to the Defendant's apartment and about forty to forty-five minutes later the Defendant entered under the false pretext of needing a ride home. The Defendant, his girlfriend and the victim left the Defendant's apartment in the victim's automobile with the victim driving, the Defendant in the rear seat and the Defendant's girlfriend in the front passenger seat. The Defendant, under the guise of giving directions to his home, directed the victim to an area felt by the Defendant to be a safe place to murder him for pecuniary gain. While still in the rear seat, the Defendant put on black gloves and, just after the victim made a U-turn, the Defendant, without any provocation whatsoever, shot the victim four times with a pistol owned by the Defendant and with which the Defendant had obviously armed himself before getting into the victim's automobile with premeditated intent to murder and rob him. After telling his girlfriend that it was the ultimate high to kill someone and that it took a sick (expletive deleted) to shoot someone four times because he was probably dead the first time he shot him, the Defendant drove to a wooded area, and dumped the victim's lifeless body on a mound of sand. On the way back to the Defendant's apartment, the Defendant mentioned moving the body back to Orlando so somebody will think that somebody in Orlando did it. Upon their arrival back at the Defendant's apartment, the Defendant also told his girlfriend that he couldn't believe he just (expletive deleted) killed somebody for \$2,600.00.

STATUTORY MITIGATING CIRCUMSTANCES

None.

NON-STATUTORY MITIGATING CIRCUMSTANCES

The only Non-statutory Mitigating Circumstance established by the evidence is that the Defendant's girlfriend, although an accomplice, was allowed to plead guilty to Murder in the Third Degree of Robert Grantham for a maximum possible sentence of three years imprisonment, which sentence has yet to be imposed.

The Court also finds that the aforesaid Statutory Aggravating Circumstances clearly outweigh the aforesaid Non-statutory Mitigating Circumstance to such an extent that the Defendant should be sentenced to death as recommended by the Jury.

The Defendant, RICHARD HAROLD ANDERSON, therefore stands adjudicated guilty of Murder in the First Degree of Robert Grantham and is hereby sentenced to death by electrocution as provided by the Laws of the State of Florida.

The Defendant, RICHARD HAROLD ANDERSON, is hereby advised of his right to appeal this Sentence by filing notice of appeal within thirty days from this date with the clerk of this Court, and is also hereby advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon the showing of indigency.

DONE AND ORDERED in Open Court at Tampa, Hillsborough County, Florida, this 26th day of February, 1988.

M. Wm. Graybill
M. WM. GRAYBILL, CIRCUIT JUDGE

Copies furnished to:

Defendant and his counsel
Counsel for the State

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff,**

v.

Case No. 1987-CF-008047

**Richard H. Anderson,
Defendant.**

SUCCESSIVE MOTION TO VACATE DEATH SENTENCE

Defendant Richard H. Anderson, through undersigned counsel, files this successive motion to vacate under Fla. R. Crim. P. 3.851. This motion is filed in light of a change in Florida law following the decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016), the enactment of Chapter 2016-13 on March 7, 2016, and the decisions of *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), *Perry v. State*, --- So.3d --- 2016 WL 6036982 (Fla.), *Mosley v. State*, ---So.3d --- 2016 WL7406506 (Fla. December 22, 2016) and *Asay v. State*, ---So.3d --- 2016 WL7406538 (Fla. December 22, 2016).

1. The judgment and sentence under attack and the name of the court that rendered the same.

Mr. Anderson was tried by a jury and found guilty on February 17, 1987, of first degree murder. The jury recommended a sentence of death for the first degree murder conviction on February 18, 1987, by a vote of eleven to one. The trial court sentenced Mr. Anderson to death on February 26, 1987. On January 3, 1991, the Florida Supreme Court affirmed his conviction and sentence. *Anderson v. State*, 574 So. 2d 87 (Fla. 1991). The Supreme Court of the United States denied certiorari on October 7, 1991. *Anderson v. Florida*, 112 S. Ct. 114 (1991).

On October 12, 1992, Mr. Anderson filed a Motion to Vacate Judgment and Sentence pursuant to Fla. R. Crim. P. 3.850. The circuit court summarily denied and dismissed the motion because it failed to comply with the oath requirement of Rule 3.850. Mr. Anderson appealed to the Florida Supreme Court which reversed and remanded the case. *Anderson v. State*, 627 So. 2d 1170 (Fla. 1993). Mr. Anderson refiled his

Motion to Vacate Judgment and Sentence pursuant to Fla. R. Crim. P. 3.850 ("Motion) on February 28, 1994; his second amended motion on May 27, 1997; and his third amended motion on January 15, 1999. A final order denying relief was issued on August 25, 2000, and a corrected order issued on January 16, 2001. The Florida Supreme Court affirmed the denial of his 3.850 Motion and denied his state habeas petition. *Anderson v. State*, 822 So. 2d 1261 (Fla. 2002).

Thereafter, Mr. Anderson filed a timely Petition for Writ of Habeas Corpus in the United States District Court for the Middle District of Florida. *Anderson v. Secretary Department of Corrections*, District Court Case No. 8:03-CV-1485-T-26EAJ. The District Court denied his habeas petition on December 5, 2005. He filed a timely Notice of Appeal and Certificate of Appealability before the United States Court of Appeals for the Eleventh Circuit on December 30, 2005, which was subsequently denied. Mr. Anderson also filed a successive 3.851 regarding lethal injection. That was also subsequently denied.

2. Issues raised on appeal and disposition thereof.

The following issues were raised in Mr. Anderson's direct appeal:

1. Trial court erred by denying appellant's motions to dismiss and for arrest of judgment because the State violated due process by failing to correct the principal witness's perjured testimony before the Grand jury (denied);
2. Trial court erred by admitting evidence of Connie Beasley's prior consistent statements to police officers made after she had time and motive to falsify (denied, harmless);
3. Trial court erred by admitting evidence of collateral crimes relevant solely to appellant's bad character or propensity (denied);
4. Trial court violated appellant's right to due process by admitting irrelevant portions of a videotaped news broadcast featuring appellant in jail clothing while in the custody of jail authorities (denied);
5. Trial court erred by admitting a defense witness's prior inconsistent statements to prosecutor in a deposition as substantive evidence (denied);
6. The trial court violated due process by denying appellant's request to instruct the jury on the law applicable to his theory of defense (denied);
7. The trial court erred by accepting appellant's waiver of his right to have defense counsel present mitigating evidence without conducting an adequate inquiry to determine whether the waiver was a voluntary and intelligent relinquishment of a known right or privilege (denied);
8. The trial court violated the Eighth and Fourteenth Amendments by refusing to admit non-statutory mitigating evidence that the State offered appellant a plea agreement for a life sentence (denied).

3. Disposition of all previous claims raised in post-conviction proceedings and the reasons the claims raised in the present motion were not raised in the former motions.

A. Motion to Vacate Judgments and Sentences:

1. Access to files and records pertaining to Mr. Anderson's case in the possession of certain state agencies have been withheld in violation of Chapter 119, Fla. Stat. (denied);
2. The state withheld evidence which was material and exculpatory in nature and/or presented misleading evidence (denied);
3. Newly discovered evidence establishes that Mr. Anderson's conviction and sentence is unreliable (denied);
4. Prosecutorial misconduct during closing argument and the sentencing court's reliance on non-statutory aggravating factors rendered Mr. Anderson's sentence unfair and unreliable (denied);
5. Jury and judge considered non-statutory aggravating circumstance that Mr. Anderson was a future danger to society (denied);
6. Ineffective assistance of counsel and the prosecutor's improper conduct rendered conviction and sentence unreliable (denied);
7. Denial of effective assistance of counsel at the guilt phase (denied);
8. Indictment was obtained on perjured testimony (denied);
9. Exculpatory evidence was not presented to the jury and the jury was allowed to rely on improper testimony (denied);
10. Failure to prove corpus delicti (denied);
11. Waiver of right to present penalty phase evidence without an adequate record inquiry violated the Sixth, Eighth, and Fourteenth Amendments (denied);
12. Ineffective assistance of counsel at the penalty phase for failing to investigate (denied);
13. Ineffective assistance of counsel at the penalty phase for failing to argue facts in evidence (denied);
14. Jury was improperly instructed on the cold, calculated, and premeditated aggravator (denied);
15. Trial court overbroadly and vaguely instructed the jury on the previous conviction of a violent felony aggravator (denied);
16. Denied a reliable sentencing because the judge refused and failed to find the existence of mitigation (denied);
17. Sentencing court erred by failing to independently weigh aggravators and mitigators (denied);
18. Jury was misled by instructions and comments which unconstitutionally and inaccurately diluted its sense of responsibility for sentencing (denied);
19. Florida's statute on aggravating factors is facially vague and overbroad (denied);
20. Jury improperly instructed that one act could support two separate aggravators (denied);
21. Failure to present to jury evidence of his good record from previous incarceration (denied);
22. Penalty phase jury instructions shifted burden to prove that death was inappropriate and the judge used the wrong standard (denied);
23. Cumulative error (denied).

B. Second Amended Motion

The same as above with the addition of:

1. The rules prohibiting jurors from being interviewed by lawyers violates the constitution

- (denied);
2. Execution by electrocution is cruel and/or unusual punishment (denied).

C. Third Amended Motion

1. Prosecutorial misconduct (denied);
2. Newly discovered evidence (denied);
3. Ineffective assistance of counsel at the guilt phase (denied);
4. Ineffective assistance of counsel at the penalty phase (denied);
5. Failure to prove corpus delicti (denied);
6. Sentencing judge failed to find the existence of mitigating evidence established by the record (denied);
7. Sentencing jury was misled by comments and instructions which defense counsel failed to correct (denied);
8. Jury improperly instructed that one single act supported two separate aggravating factors (denied);
9. Penalty phase jury instructions shifted burden to prove that death was inappropriate and the judge used the wrong standard (denied);
10. Cumulative error (denied);
11. Execution by electrocution is cruel and/or unusual punishment (denied).

D. Successive Motion

1. Lethal injection violates the Eighth Amendment (denied);
2. Florida Statute prohibiting counsel from filing a Section 1983 claim is unconstitutional (denied);
3. Florida death penalty statute is unconstitutional on its face (denied);
4. Newly discovered evidence shows Florida's lethal injection method is unconstitutional (denied).

E. Claims not Raised in Previous Motions:

On January 12, 2016, *Hurst v. Florida*, 136 S. Ct. 616 (2016), issued. It declared Florida's capital sentencing scheme unconstitutional. On March 7, 2016, Chapter 2016-13 was enacted. It was the legislature's effort to rewrite § 921.141 in the wake of *Hurst* to cure the constitutional deficiencies.

On October 14, 2016, the Florida Supreme Court issued its decision in *Perry v. State*, __So. 3d __ (Fla. October 14, 2016), and declared the 10-2 provision contained in Chapter 2016-13 to be unconstitutional under *Hurst v. Florida*. In *Perry*, the Florida Supreme Court concluded that the Sixth and the Eighth Amendment required a unanimous jury verdict recommending a death sentence before one could be imposed. As the Florida Supreme Court explained in *Hurst*, "jury unanimity further(s) the goal that a

defendant will receive a fair trial and help to guard against arbitrariness in the ultimate decision of whether a defendant lives or dies, jury unanimity in the jury's final recommendation of death also ensures that Florida conforms to 'the evolving standards of decency that mark the progress of a maturing society,' which inform Eighth Amendment analyses." *Hurst v. State*, 202 So.3d 40, 72 (Fla. 2016) (internal citations omitted). Accordingly, the jury must unanimously find that sufficient aggravators existed to justify a death sentence and that the aggravators outweighed the mitigating factors that were present in the case. If a unanimous death recommendation is not returned, a death sentence cannot be imposed. Thus, a life sentence is mandated if one or more jurors vote in favor of a life sentence due to a desire to be merciful even if the jury unanimously determined that sufficient aggravators existed and that they outweighed the mitigators that were present. *Perry v. State*, ---So. 3d ---, 2016WL 6036982 *8, quoting *Hurst v. State*, 202 So. 3d 40, 59 (Fla. 2016) ("the penalty phase jury must be unanimous in making the critical findings and recommendation that are necessary before a sentence of death may be considered by the judge or imposed.") See also *Hurst v. State*, 202 So.3d at 62, n. 18.

On December 22, 2016, the Florida Supreme Court explicitly decided that, as a matter of state law, there are two classes of defendants who are entitled to the retroactive application of *Hurst*:

1) Those whose sentences became final after the Supreme Court issued its decision in *Ring*. Such defendants are entitled to retroactive application as a group, regardless of preservation. See *Mosley v. State*, ---So.3d --- 2016 WL7406506 (Fla. Dec. 22, 2016) at **56-75. Because his direct appeal proceedings concluded in 1991, see *Anderson v. Florida*, 502 U.S. 834 (1991) (denying certiorari), Mr. Anderson is outside this group.

2) Those who specifically preserved the *Ring* issue. See *Mosely* at *53-56 & n.13 (citing *James v. State*, 615 So. 2d 668 (Fla. 1993)). Considerations of fundamental fairness dictate the application of the requirements contained in *Hurst v. Florida* to this class of defendant. Mr. Anderson is within this class. Because Mr. Anderson "raised a *Ring* claim at his first opportunity and was then rejected at every

turn ... fundamental fairness requires the retroactive application of *Hurst*, which defined the effect of *Hurst v. Florida*,” to him. *Mosley* at *56.

On the basis of the new Florida law arising from *Hurst v. Florida*, the enactment of Chapter 2016-13, *Perry v. State*, *Hurst v. State*, *Mosley v. State*, and *Asay v. State*, Mr. Anderson files this motion to vacate and presents his claims for relief arising from the resulting new Florida law, which was previously unavailable when Mr. Anderson filed his prior motions.

4. The nature of the relief sought.

Mr. Anderson seeks to set aside his death sentence and receive a new penalty phase, or, in the alternative, a life sentence.

5. Claims for which an evidentiary hearing is sought.

CLAIM I

Mr. Anderson’s death sentence stands in violation of the Sixth Amendment under *Hurst v. Florida* and *Hurst v. State* and should be vacated.

This claim is evidence by the following:

All factual allegations contained elsewhere within this motion and set forth in the Defendant’s previous motions to vacate, and all evidence presented by him during the previously conducted evidentiary hearing are incorporated herein by specific reference.

This motion is filed within one year of the issuance of *Hurst v. Florida*, the enactment of Chapter 2016-13, the issuance of *Perry v. State*, *Hurst v. State*, *Mosley v. State*, and *Asay v. State*, all of which established new Florida law. The claims presented herein could not have been presented before the change in Florida law that these cases and statutory amendment brought about. The claims were simply not ripe before because the basis for the Defendant’s claims did not exist before the change in Florida law resulting from *Hurst v. Florida*. Accordingly, this motion is timely.

The Sixth Amendment right enunciated in *Hurst v. Florida*, and found applicable to Florida’s capital sentencing scheme, guarantees that all facts that are statutorily necessary before a judge is authorized to

impose a death sentence are to be found by a jury, pursuant to the capital defendant's constitutional right to a jury trial. *Hurst v. Florida* held that "Florida's capital sentencing scheme violates the Sixth Amendment" It invalidated Fla. Stat. §§ 921.141(2) and (3) as unconstitutional. Under those provisions, a defendant who has been convicted of a capital felony could be sentenced to death only after the sentencing judge entered written fact findings that: 1) sufficient aggravating circumstances existed that justify the imposition a death sentence, and 2) insufficient mitigating circumstances existed to outweigh the aggravating circumstances. *Hurst*, 136 S. Ct. at 620-21. *Hurst v. Florida* found Florida's sentencing scheme unconstitutional because "Florida does not require the jury to make critical findings necessary to impose the death penalty," but rather, "requires a judge to find these facts." *Id.* at 622. On remand, the Florida Supreme Court held in *Hurst v. State* that *Hurst v. Florida* means "that before the trial judge may consider imposing a sentence of death, the jury in a capital case must unanimously and expressly find all the aggravating factors that were proven beyond a reasonable doubt, unanimously find that the aggravating factors are sufficient to impose death, unanimously find that the aggravating factors outweigh the mitigating circumstances, and unanimously recommend a sentence of death." *Hurst v. State*, 202 So. 3d at 57.

A. Mr. Anderson is entitled to retroactive application of both *Hurst* decisions under the fundamental fairness doctrine

1. The *Hurst* decisions apply retroactively to Mr. Anderson under the equitable "fundamental fairness" retroactivity doctrine, which the Florida Supreme Court ("Court") has applied in cases such as *Mosley* and *James v. State*, 615 So. 2d 668 (Fla. 1993). In *Mosley*, the Court explained that although *Witt* is the "standard" retroactivity test in Florida, defendants may also be entitled to retroactive application of the *Hurst* decisions by virtue of the fundamental fairness doctrine, which had been applied in cases like *James*. See *Mosley*, 2016 WL 7406506, at *19. Unlike the *Mosley* Court's *Witt* analysis, which considered whether *Mosley*'s sentence became final after the *Ring* decision as a factor in assessing *Hurst* retroactivity, the Court's fundamental fairness analysis made no distinction between pre-*Ring* and post-*Ring* sentences. *Id.* at *18-19. Rather, the *Mosley* Court's separate fundamental fairness analysis focused on whether it

would be fundamentally unfair to bar Mosley from seeking *Hurst* relief on retroactivity grounds, regardless of when his sentence became final, by virtue of the fact that Mosley had previously attempted to challenge Florida's unconstitutional capital sentencing scheme and was "rejected at every turn" under this Court's flawed pre-*Hurst* law. *Mosley*, 2016 WL 7406506, at *19.

2. Although *Mosley* was a post-*Ring* case, the Court's fundamental fairness approach applies to pre-*Ring* defendants, who may also obtain retroactive *Hurst* relief on fundamental fairness grounds. *See id.* at *19 n. 13. In other words, to the extent *Mosley* stands for the proposition that defendants sentenced after *Ring* are categorically entitled to *Hurst* relief under *Witt*, it also stands for the proposition that any defendant, regardless of when they were sentenced, can receive the same retroactive application of the *Hurst* decisions as a matter of fundamental fairness, as measured by this Court on a case-by-case basis.

3. In assessing fundamental fairness in the retroactivity context, the *Mosley* Court explained that an important inquiry is whether the defendant unsuccessfully attempted to raise a challenge to Florida's capital sentencing scheme before *Hurst v. Florida* and *Hurst v. State* were decided. *See id.* at *19. In Mosley's case, the Court looked to whether he raised a challenge under *Ring* "at his first opportunity." *See Id.* If Mosley had raised such a challenge, the Court reasoned, it would be fundamentally unfair to prohibit him from seeking post-conviction relief under *Hurst*, given that he had accurately anticipated the fatal defects in Florida's capital sentence scheme even before they were recognized in the *Hurst* decisions. *See id.* The *Mosley* Court emphasized that ensuring fundamental fairness in assessing retroactivity outweighed the State's interests in the finality of death sentences.

4. In Mr. Anderson's case the *Hurst* decisions should apply retroactively under the fundamental fairness doctrine. Although his direct appeal was pre-*Ring*, he filed post-conviction motions in the circuit court raising a *Ring*-type claim. Without the benefit of the *Ring* or *Hurst* decisions, Mr. Anderson raised a challenge to Florida's capital sentencing scheme during post-conviction. Mr. Anderson challenged Florida's advisory-jury system as violative of the United States Constitution under *Espinosa* and *Caldwell*.

This effort constituted a pre-*Ring* effort to raise *Ring*-like challenges.

5. Just because Mr. Anderson did not raise a *Ring* claim after 2002, is not a sufficient reason to deny relief. The Court has made clear that it was widely known that *Ring* or *Ring*-like claims were futile in this state, given the Court's belief that *Ring* did not apply in Florida before *Hurst v. Florida* corrected that belief. It would be fundamentally unfair to reward defendants who raised futile *Ring* claims while blocking *Hurst* relief for defendant who were prescient enough to challenge Florida's sentencing scheme before *Ring* and discerning enough not to pursue a clearly futile *Ring* appeal.

6. In this case, the interests of finality must yield to fundamental fairness. Mr. Anderson, who anticipated the defects in Florida's capital sentencing scheme that were later articulated in *Hurst v. Florida* and *Hurst v. State*, should not be denied the chance to now seek relief under the *Hurst* decisions. Applying the *Hurst* decisions retroactively to Mr. Anderson "in light of the rights guaranteed by the United States and Florida Constitutions, supports basic tenets of fundamental fairness," and "it is fundamental fairness that underlies the reasons for retroactivity of certain constitutional decisions, especially those involving the death penalty." *Mosley*, 2016 WL 7406506, at *25. Accordingly, this Court should hold that fundamental fairness requires retroactively applying the *Hurst* decisions in this case.

B. Mr. Anderson is entitled to retroactive application of both *Hurst* decisions under the traditional *Witt* test

7. *Hurst v. Florida* was a decision of fundamental significance that has resulted in substantive and substantial upheaval in Florida's capital sentencing jurisprudence. The fundamental change in Florida law that has resulted means that under Florida's retroactivity test set forth in *Witt v. State*, 387 So. 2d 922 (Fla. 1980), the decision in *Hurst v. Florida* must be given retroactive effect.¹ Under *Witt*, Florida courts apply

¹ Mr. Anderson recognizes that *Asay v. State*, ---So.3d --- 2016 WL7406538 (Fla. December 22, 2016) suggests that cases that were final when *Ring* was decided are not entitled to the retroactive effect of *Hurst* under a *Witt* analysis, but that case left open the possibility for retroactivity under the fundamental fairness doctrine as discussed *supra*. In addition, Mr. Anderson's case should be decided on an individual basis. Moreover, the United States and Florida Constitutions cannot tolerate the concept of "partial retroactivity," where similarly situated defendants are granted or denied the benefit of seeking *Hurst* relief in collateral

holdings favorable to criminal defendants retroactively provided that the decisions (1) emanate from the United States Supreme Court or the Florida Supreme Court, (2) are constitutional in nature, and (3) constitute “a development of fundamental significance.” *Id. Hurst v. Florida* and the change in Florida law made in its wake satisfy the first two *Witt* retroactivity factors—(1) *Hurst v. Florida* is a decision by the US Supreme Court, and (2) its holding is constitutional in nature: the Sixth Amendment forbids a capital sentencing scheme that provides for judges, not juries, make the factual findings that are statutorily required to authorize the imposition of a death sentence.

8. The third factor under *Witt* is also met because *Hurst v. Florida* “constitutes a development of fundamental significance,” i.e., it is a change in the law which is “of sufficient magnitude to necessitate retroactive application as ascertained by the three-fold test of the United States Supreme Court’s decisions in *Stovall v. Denno*, 388 U.S. 293 (1967), and *Linkletter v. Walker*, 381 U.S. 618 (1965).” *Falcon*, 162 So. 3d at 961 (quoting *Witt*, 387 So. 2d at 929) (internal brackets omitted).

9. As applied to Mr. Anderson, the first *Stovall/Linkletter* factor – the purpose to be served by the new rule – weighs heavily in favor of retroactivity. The right to a trial by jury is a fundamental feature of the United States and Florida Constitutions and its protection must be among the highest priorities of the courts, particularly in capital cases. *See Asay*, 2016 WL 7406538, at *10 (“[I]n death cases, this Court has taken care to ensure all necessary constitutional protections are in place before one forfeits his or her life”).

10. The second *Stovall/Linkletter* factor – extent of reliance on the old rule – also weighs in favor of applying those decisions retroactively. This factor requires examination of the “extent to which a condemned practice infect(ed) the integrity of the truth-determining process at trial.” *Stovall v. Denno*, 388 U.S. 293, 297 (1967). Florida’s unconstitutional sentencing scheme has always been unconstitutional and

proceedings based on when their sentences were finalized. To deny Anderson the retroactive effect of *Hurst* deprives him of due process and equal protection under the federal constitution and the corresponding provisions of the Florida Constitution.

systemically infected the truth-determining process at penalty-phase proceedings since the statute was enacted – including Mr. Anderson’s trial. Accordingly, the second factor weighs in favor of retroactivity.

11. Finally, the third *Stovall/Linkletter* factor – effect on administration of justice – also weighs in favor of retroactivity. This factor does not weigh against retroactivity unless, “destroy the stability of the law, render punishments uncertain and therefore ineffectual, and burden the judicial machinery of our state, fiscally and intellectually, beyond any tolerable limit.” *Witt v. State*, 387 So. 2d 922, 929–30 (Fla. 1980). There can be no serious rationale for a prediction that categorically permitting the retroactive application of the *Hurst* decisions to all pre-Ring defendants will “destroy” the judiciary.

12. Undoubtedly, retroactive application will have slightly more of an impact on the administration of justice but that is not the test. Retroactive application of new rules affecting much larger populations have been approved. *See e.g. Montgomery v. Louisiana*, 136 S.Ct. 718 (2016).

13. As a result, retroactivity would also ensure that all defendants’ Sixth and Eighth Amendment rights are protected. “Considerations of fairness and uniformity make it very ‘difficult to justify depriving a person of his liberty or his life under a process no longer considered acceptable and no longer applied to indistinguishable cases.’” *Falcon*, 162 So. 3d at 962 (quoting *Witt*, 387 So. 2d at 929).

14. Anything less than full retroactivity leads to disparate treatment among Florida capital defendants. *See Meeks v. Moore*, 216 F.3d 951, 959 (11th Cir. 2000) (new penalty phases on 1974 murders); *State v. Dougan*, 202 So.3d 363 (Fla. 2016)(granting a new trial in a 1974 homicide); *Hildwin v. State*, 141 So.3d 1178 (Fla. 2014)(granting a new trial in a 1985 homicide); *Cardona v. State*, 185 So.3d 514 (Fla. 2016)(granting a new trial in a 1990 homicide), and *Johnson v. State*, ---So.3d --- 2016 WL 7013856 (Fla. December 1, 2016)(on a direct appeal from a resentencing, the Court remand for a new penalty phase because of *Hurst* error in a 1981 triple homicide).

15. Ensuring uniformity and fairness in circumstances in Florida’s application of the death penalty requires the retroactive application of *Hurst* and the resulting new Florida law. After all, “death is a different

kind of punishment from any other that may be imposed in this country,” and “[i]t is of vital importance . . . that any decision to impose the death sentence be, and appear to be, based on reason rather than caprice . . .” *Gardner v. Florida*, 430 U.S. 349, 357-58 (1977).

C. Mr. Anderson has a federal right to retroactive application of the *Hurst* decisions

16. Mr. Anderson is also entitled to the retroactive effect of *Hurst* under federal law. Where a constitutional rule is substantive, the Supremacy Clause of the United States Constitution requires a state post-conviction court to apply it retroactively. *See Montgomery v. Louisiana*, 136 S. Ct. 718, 731-32 (2016) (“Where state collateral review proceedings permit prisoners to challenge the lawfulness of their confinement, States cannot refuse to give retroactive effect to a substantive constitutional right that determines the outcome of that challenge.”).

17. That case arose when Montgomery launched state post-conviction proceedings seeking the benefit of *Miller v. Alabama* and the Louisiana Supreme Court (in contrast to the Florida Supreme Court in *Falcon*) determined that *Miller* was not retroactive under its state retroactivity doctrines. The United States Supreme Court held that determination made no difference to Montgomery’s entitlement to the benefits of *Miller*. Because the rule of *Miller* was substantive, Louisiana was required to apply it on state post-conviction review.

18. In *Hurst v. State*, the Florida Supreme Court announced not one, but two substantive constitutional rules. *First*, the Florida Supreme Court held that the Sixth Amendment requires that a jury decide whether those aggravating factors that have been proven beyond a reasonable doubt are sufficient in themselves to warrant the death penalty and, if so, whether those factors outweigh the mitigating circumstances. *Second*, the Florida Supreme Court determined that the Eighth Amendment required that the jury’s fact-finding during the penalty phase be unanimous. The function of the unanimity rule is to ensure that Florida’s overall capital system complies with the Eighth Amendment. That makes the rule substantive.

19. *Hurst v. State* held that the “specific findings required to be made by the jury include the existence

of each aggravating factor that has been proven beyond a reasonable doubt, the finding that the aggravating factors are sufficient, and the finding that the aggravating factors outweigh the mitigating circumstances.” Such findings are manifestly substantive.² See *Montgomery v. Louisiana*, 136 S.Ct. at 734 (holding that the decision whether a particular juvenile is or is not a person “whose crimes reflect the transient immaturity of youth” is substantive, not procedural).

20. Because the Sixth Amendment rules announced in *Hurst v. State* are substantive, Mr. Anderson is, as *Montgomery v. Louisiana* held, entitled under the United States Constitution to benefit from them in this state post-conviction proceeding.

D. The State cannot establish that the *Hurst* error in Mr. Anderson’s sentencing was harmless beyond a reasonable doubt

21. The procedure employed when Mr. Anderson received his death sentence deprived him of his Sixth Amendment rights under *Hurst v. Florida* and the resulting new Florida law requiring the jury’s verdict authorizing a death sentence to be unanimous or else a life sentence is required, rather than a judge imposed sentence. In the wake of *Hurst v. Florida*, the Florida Supreme Court has held that each juror is free to vote for a life sentence even if the requisite facts have been found by the jury unanimously. *Hurst v. State*, 202 So.3d at 57-58. Individual jurors may decide to exercise “mercy” and vote for a life sentence, and in so doing, preclude the imposition of a death sentence. *Perry v. State*, 2016 WL 6036982 at*8.

22. At his initial penalty phase, the jurors recommended death by a vote of 11-1. However, the jury did

²In contrast, in *Schriro v. Summerlin*, 542 U.S. 348, 352 (2004), the Supreme Court (applying *Teague v. Lane*, 489 U.S. 288 (1989)) found that *Ring v. Arizona*, 489 U.S. 288 (1989)—the basis of *Hurst v. Florida*—was not retroactive on federal collateral review because the requirement that the jury rather than the judge make findings as to whether a defendant had a prior violent felony aggravator was procedural rather than substantive. *Summerlin* did not review a capital sentencing statute, like Florida’s, that required the jury not only to make the fact-finding regarding the applicable aggravators, but also required the jury to make the finding as to whether the aggravators were *sufficient* to impose death.

Moreover, *Hurst*, unlike *Ring*, addressed the proof-beyond-a-reasonable-doubt standard which the Supreme Court has always regarded as substantive. See *Powell v. Delaware*, --- A.3d ---, 2016 WL 7243546 at *3 (Del. Dec. 15, 2016)(*Schriro* only addressed the misallocation of fact-finding responsibility (judge versus jury) and not, the applicable burden of proof).

not return a verdict making any findings of fact. The only document returned by the jury was an advisory recommendation that death should be imposed. This reflects nothing about the jury's findings leading to the final vote.

23. The Sixth Amendment error under *Hurst v. Florida* cannot be proven by the State to be harmless beyond a reasonable doubt in Mr. Anderson's case. In *Hurst v. State*, the Florida Supreme Court stated that error under *Hurst v. Florida* "is harmless only if there is no reasonable possibility that the error contributed to the sentence." 202 So. 3d at 68. "[T]he harmless error test is to be rigorously applied, and the State bears an extremely heavy burden in cases involving constitutional error." *Id.* (internal citations and quotation marks omitted). The State must show beyond a reasonable doubt that the jury's failure to unanimously find not only the existence of each aggravating factor, that the aggravating factors are sufficient, and that the aggravating factors outweigh the mitigating circumstances had no effect on the death recommendations. The State must also show beyond a reasonable doubt that no properly instructed juror would have dispensed mercy to Mr. Anderson by voting for a life sentence. A harmless error analysis must be performed on a case-by-case basis, and there is no one-size fits all analysis; rather there must be a "detailed explanation based on the record" supporting a finding of harmless error. *See Clemons v. Mississippi*, 494 U.S. 738, 753 (1990). *Accord Sochor v. Florida*, 504 U.S. 527, 540 (1992). The State cannot establish beyond a reasonable doubt that the *Hurst v. Florida* error was harmless in Mr. Anderson's case.

24. As the Florida Supreme Court pointed out in *Hurst v. State*, "[b]ecause there was no interrogatory verdict, we cannot determine what aggravators, if any, the jury unanimously found proven beyond a reasonable doubt. We cannot determine how many jurors may have found the aggravation sufficient for death. We cannot determine if the jury unanimously concluded that there were sufficient aggravating factors to outweigh the mitigating circumstances." 202 So. 3d at 69. This Court cannot rely upon a legally meaningless recommendation by an advisory jury, *Hurst v. Florida*, 136 S.Ct. at 622 (Sixth Amendment cannot be satisfied by merely treating "an advisory recommendation by the jury as the necessary

factfinding”), as making findings the Sixth Amendment requires a jury to make.

25. As will be discussed further below, Mr. Anderson’s jury was repeatedly told its recommendation was advisory only. In order to treat a jury’s advisory recommendation, the jury must be correctly instructed as to its sentencing responsibility under *Caldwell v. Mississippi*, 472 U.S. 320 (1985). Post-*Hurst*, the individual jurors must know that each will bear the responsibility for a death sentence resulting in a defendant’s execution since each juror possesses the power to require the imposition of a life sentence simply by voting against a death recommendation. See *Perry v. State*. Mr. Anderson’s jury was told the exact opposite – that Mr. Anderson could be sentenced to death regardless of the jury’s recommendation, thus relieving jurors of individual responsibility. Indeed, because the jury’s sense of responsibility was inaccurately diminished in *Caldwell*, the Supreme Court held that the jury’s unanimous verdict imposing a death sentence in that case violated the Eighth Amendment and required the resulting death sentence to be vacated. *Caldwell*, 472 U.S. at 341. Mr. Anderson’s death sentence likewise violates the Eighth Amendment under *Caldwell*.

26. Moreover, Mr. Anderson’s jurors were not instructed that they could exercise mercy by not joining a death recommendation irrespective of their views on the aggravation and mitigation. This distinguishes Mr. Anderson’s case from *Davis v. State*, ---So.3d--- 2016 WL 6649941 at *29 (Fla. Nov. 10, 2016), where the Court placed great emphasis on the fact that Davis’ jury was instructed that “it was not required to recommend death even if the aggravators outweighed the mitigators” and that it nonetheless returned unanimous death recommendations. *Id.* The State cannot establish beyond a reasonable doubt that at least one juror, if properly instructed, would have decided to dispense mercy to Mr. Anderson.

27. The error in Mr. Anderson’s case warrants relief. The State simply cannot show the error to be harmless beyond a reasonable doubt that no properly instructed juror would have refused to vote in favor of a death recommendation. Mr. Anderson’s death sentence must be vacated and a resentencing ordered.

CLAIM II

Mr. Anderson's death sentence stands in violation of the Eighth Amendment under *Hurst v. State* and should be vacated.

This claim is evidenced by the following:

1. All factual allegations contained elsewhere within this motion and set forth in the Defendant's previous motions to vacate, and all evidence presented by him during the previously conducted evidentiary hearing are incorporated herein by specific reference.

2. In *Hurst v. State*, 202 So.3d 40 (Fla. 2016), the Florida Supreme Court explained that, in accordance with Florida's capital sentencing scheme, the jury has a "right to recommend a sentence of life even if it finds aggravating factors were proven, were sufficient to impose death, and that they outweigh the mitigating circumstances." *Hurst*, 202 So. 3d at 58, citing *Brooks v. State*, 762 So. 2d 879, 902 (Fla. 2000). In other words, before a judge can impose the death penalty, the jury must be told it has the right to recommend a life sentence, even if the precedent factual findings are all made unanimously. This safeguard is to allow jurors in capital cases to "exercise reasoned judgment in his or her vote as to a recommended sentence." *Hurst*, 202 So. 3d at 58.³ Accord *Perry*, 2016 WL 6036982 at *7-8 ("It has long been true that a juror is not required to recommend the death sentence even if the jury concludes that the aggravating factors outweigh the mitigating circumstances"). See also *Hurst*, 202 So. 3d at 58 ("Regardless of your findings . . . you are neither compelled nor required to recommend a sentence of death").

3. The Florida Supreme Court further held in *Hurst v. State* that there is an Eighth Amendment right to have a jury unanimously recommend a death sentence before a death sentence is permissible. *Hurst v. State*, 202 So. 3d at 59.

4. But of course, the jury must know and appreciate the significance of its verdict:

³ The U.S. Supreme Court as far back as 1974 held that a capital sentence can constitutionally dispense mercy in a case that otherwise might warrant imposition of the death penalty. *Gregg v. Georgia*, 428 U.S. 153, 203 (1976). In Florida prior to *Hurst*, it was the sentencing judge who had been given the authority to dispense mercy in a capital case. However, that authority has now been transferred to the jury under *Hurst v. State*.

In a capital case, the gravity of the proceeding and the concomitant juror responsibility weigh even more heavily, and it can be presumed that the penalty phase jurors will take special care to understand and follow the law.

Id. at 63. Indeed, under *Caldwell v. Mississippi*, 472 U.S. 320 (1985), a unanimous jury verdict in favor of a death sentence violates the Eighth Amendment if the jury was not correctly instructed as to its sentencing responsibility. *Caldwell* held: “it is constitutionally impermissible to rest a death sentence on a determination made by a sentencer who has been led to believe that the responsibility for determining the appropriateness of the defendant's death rests elsewhere.” *Id.* 328-29. Jurors must feel the weight of their sentencing responsibility; they must know that if the defendant is ultimately executed it will be because no juror exercised her power to preclude a death sentence.

5. In *Caldwell*, the prosecutor responding to defense counsel’s argument stated in his argument before the jury: “Now, they would have you believe that you're going to kill this man and they know—they know that your decision is not the final decision. My God, how unfair can you be? Your job is reviewable.” *Id.* at 325.⁴ Because the jury’s sense of responsibility was improperly diminished by this argument, the Supreme Court held that **the jury’s unanimous verdict** imposing a death sentence in that case violated the Eighth Amendment and required the death sentence to be vacated. *Caldwell*, 472 U.S. at 341 (“Because we cannot say that this effort had no effect on the sentencing decision, that decision does not meet the standard of reliability that the Eighth Amendment requires.”). *Caldwell* explained: “Even when a sentencing jury is unconvinced that death is the appropriate punishment, it might nevertheless wish to ‘send a message’ of extreme disapproval for the defendant's acts. This desire might make the jury very receptive to the

⁴ In her concurrence, Justice O’Connor wrote: “In telling the jurors, ‘your decision is not the final decision...[y]our job is reviewable,’ the prosecutor sought to minimize the sentencing jury’s role, by creating the mistaken impression that automatic appellate review of the jury’s sentence would provide the authoritative determination of whether death was appropriate.” *Caldwell*, 472 U.S. at 342-43.

prosecutor's assurance that it can more freely 'err because the error may be corrected on appeal.'" *Id.* at 331.⁵

6. Jurors must feel the weight of their sentencing responsibility and know about their individual authority to preclude a death sentence. *See Blackwell v. State*, 79So. 731, 736 (Fla. 1918) (prejudicial error found in "the remark of the assistant state attorney as to the existence of a Supreme Court to correct any error that might be made in the trial of the cause, in effect told the jury that it was proper matter for them to consider when they retired to make up their verdict. Calling this vividly to the attention of the jury tended to lessen their estimate of the weight of their responsibility, and cause them to shift it from their consciences to the Supreme Court."). Where the jurors' sense of responsibility for a death sentence is not explained or is diminished, a jury's unanimous verdict in favor of a death sentence violates the Eighth Amendment and the death sentence cannot stand. *Caldwell*, 472 U.S. at 341 ("Because we cannot say that this effort had no effect on the sentencing decision, that decision does not meet the standard of reliability that the Eighth Amendment requires.").

7. The United States Supreme Court in *Caldwell* found that diminishing an individual juror's sense of responsibility for the imposition of a death sentence creates a bias in favor of a juror voting for death. *Caldwell*, 472 U.S. at 330 ("In the capital sentencing context there are specific reasons to fear substantial unreliability as well as bias in favor of death sentences when there are state-induced suggestions that the sentencing jury may shift its sense of responsibility to an appellate court.").

8. Mr. Anderson's jury was not advised of each jurors' authority to dispense mercy. The circumstances under which Mr. Anderson's jury returned its 11-1 death recommendation shows that it cannot now be viewed as a valid verdict or that the *Hurst* error was harmless without violating the Eighth Amendment. "Even when a sentencing jury is unconvinced that death is the appropriate punishment, it might nevertheless

⁵ This would certainly apply to the circumstances in Mr. Anderson's case when the jury was repeatedly reminded its penalty phase verdict was merely an advisory recommendation.

wish to ‘send a message’ of extreme disapproval for the defendant's acts. This desire might make the jury very receptive to the prosecutor's assurance that it can more freely ‘err because the error may be corrected on appeal.’” *Caldwell*, 472 U.S. at 331. The advisory recommendation simply “does not meet the standard of reliability that the Eighth Amendment requires.” *Id.* at 341.

9. This Court cannot rely on the jury’s death recommendation in Mr. Anderson’s case as showing either that he was not deprived of his Eighth Amendment right to require a unanimous jury’s death recommendations or that the violation of the right was harmless. To do so would violate the Eighth Amendment because the advisory verdict was not returned in proceedings compliant with the Eighth Amendment. *Caldwell*, 472 U.S. at 332 (“The death sentence that would emerge from such a sentencing proceeding would simply not represent a decision that the State had demonstrated the appropriateness of the defendant's death.”).

10. In *Hurst v. Florida*, the US Supreme Court warned against using what was an advisory verdict to conclude that the findings necessary to authorize the imposition a death sentence had been made by the jury:

“[T]he jury's function under the Florida death penalty statute is advisory only.” *Spaziano v. State*, 433 So.2d 508, 512 (Fla.1983). The State cannot now treat the advisory recommendation by the jury as the necessary factual finding that *Ring* requires.

Hurst v. Florida, 136 S. Ct. at 622. An advisory verdict (premised upon inaccurate information regarding the binding nature of a life recommendation, the juror’s inability to be merciful based upon sympathy, and what aggravating factors could be found and weighed in the sentencing calculus) cannot be used as a substitute for a unanimous verdict from a properly instructed jury. *California v. Ramos*, 463 U.S. 992, 1004 (1983) (“Because of the potential that the sentencer might have rested its decision in part on erroneous or inaccurate information that the defendant had no opportunity to explain or deny, the need for reliability in capital sentencing dictated that the death penalty be reversed.”).

11. Additionally, under *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), the Florida Supreme Court’s

Eighth Amendment ruling in *Hurst v. State* must be applied retroactively. Under *Witt v. State* and the fundamental fairness doctrine, the Florida Supreme Court's decision in *Hurst v. State* must be applied retroactively. It is not constitutionally permissible to execute a person whose death sentence was imposed under an unconstitutional scheme.⁶

12. Failing to apply *Hurst* retroactively to Mr. Anderson, especially where he raised a *Ring*-type claim at his first opportunity, would be a violation of his due process and equal protection rights under the federal constitution and would result in a death sentence that is arbitrary and capricious in violation of the Eighth Amendment of the United States Constitution and the corresponding provision of the Florida Constitution.

13. Finally, Mr. Anderson's death sentence should be vacated because it was obtained in violation of the Florida Constitution. On remand in *Hurst v. State*, the Florida Supreme Court found that the right to a jury trial found in the United States Constitution required that all factual findings be made by the jury unanimously under the Florida Constitution. In addition to Florida's jury trial right, the Florida Supreme Court found that the Eighth Amendment's evolving standards of decency required and bar on arbitrary and capricious imposition of the death penalty require a unanimous jury fact- finding. *Hurst v. State*, 202 So. 3d at 59–60.

14. The increase in penalty imposed on Mr. Anderson was without any jury at all. No unanimous jury found "all aggravating factors to be considered," "sufficient aggravating factors exist[ed] for the imposition of the death penalty," or that "the aggravating factors outweigh the mitigating circumstances." There was only "unanimity in the final jury recommendation for death." This was a further violation of Florida Constitution.

⁶ “[R]etroactivity is binary – either something is retroactive, has effect on the past, or it is not.” *Asay*, 2016 WL 7406538, at *27 (Perry, J., dissenting). This legal reality is highlighted by the United States Supreme Court's decision in *Montgomery*, the Delaware Supreme Court's recent decision in *Powell v. Delaware*, 2016 WL 7243546 (Del. Dec. 15, 2016)(holding *Hurst* retroactive to all prisoners), and the Florida Supreme Court's decision in *Falcon*. If “partial retroactivity” ultimately occurs, Florida will again be the outlier, subjecting its citizens to disparate treatment under the law, in violation of the state and federal constitutions.

16. Mr. Anderson had a number of other rights under the Florida Constitution that are at least coterminous with the United States Constitution, and possibly more extensive. This Court should also vacate Mr. Anderson's death sentences based on the Florida Constitution. Article I, Section 15(a) provides:

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

Article I, Section 16(a) provides in relevant part:

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation, and shall be furnished a copy of the charges...

Prior to *Apprendi*, *Ring*, and *Hurst*, the United States Supreme Court addressed a similar question in a federal prosecution and held that: "elements must be charged in the indictment, submitted to a jury, and proven by the Government beyond a reasonable doubt." *Jones v. United States*, 526 U.S. 227, 232 (1999). Because the State proceeded against Mr. Anderson under an unconstitutional system, the State never presented the aggravating factors of elements for the Grand Jury to consider in determining whether to indict Mr. Anderson. A proper indictment would require that the Grand Jury find that there were sufficient aggravating factors to go forward with a capital prosecution. Mr. Anderson was denied his right to a proper Grand Jury Indictment. Additionally, because the State was proceeding under an unconstitutional death penalty scheme, Mr. Anderson was never formally informed of the full "nature and cause of the accusation" because the aggravating factors were not found by the Grand Jury and contained in the indictment. This Court should vacate Mr. Anderson's death sentence.

CLAIM III

THE DENIAL OF MR. ANDERSON'S PRIOR POSTCONVICTION CLAIMS MUST BE REHEARD AND DETERMINED UNDER A CONSTITUTIONAL FRAMEWORK.

This claim is evidenced by the following:

1. All other factual allegations in this motion and its attachments and in Mr. Anderson's previous motions to vacate, and all evidence presented by him during the evidentiary hearing are incorporated herein

by specific reference.

2. In *Hildwin v. State*, 141 So. 3d 1178, 1184 (Fla.2014), the Florida Supreme Court explained then when presented with qualifying newly discovered evidence:

the postconviction court must consider the effect of the newly discovered evidence, in addition to all of the evidence that could be introduced at a new trial. *Swafford v. State*, 125 So. 3d 760, 775-76 (Fla. 2013). In determining the impact of the newly discovered evidence, the court must conduct a cumulative analysis of all the evidence so that there is a ‘total picture’ of the case.

In *Swafford*, the Florida Supreme Court indicated the evidence to be considered in evaluating whether a different outcome was probable, included “evidence that [had been] previously excluded as procedurally barred or presented in another proceeding.” *Swafford v. State*, 125 So. 3d at 775-76. The “standard focuses on the likely result that would occur during a new trial with all admissible evidence at the new trial being relevant to that analysis.” *Id.* Put simply, the analysis requires envisioning how a new trial or resentencing would look with all of the evidence that would be available. Obviously, the law that would govern at a new trial or resentencing must be part of the analysis. Here, the revised capital sentencing statute would apply at a resentencing and would require that the jury unanimously determine that sufficient aggravating factors existed to justify a death sentence and unanimously determine that the aggravators outweigh the mitigating factors. It would also require the jury to unanimously recommend a death sentence before the sentencing judge would be authorized to impose a death sentence. One single juror voting in favor of a life sentence would require the imposition of a life sentence.

3. This is new Florida law that did not exist when Mr. Anderson previously presented his original 3.850/3.851 *Strickland* and *Giglio/Brady* claims. Accordingly before the issuance of *Perry v. State* and *Hurst v. State* on October 14, 2016, Mr. Anderson could not present his claim as set forth herein because the new law that would govern any resentencing ordered in Mr. Anderson’s case was previously unavailable. Accordingly, Mr. Anderson’s previously presented claims must be reevaluated in light of the new Florida law. The Florida Supreme Court explained in *Hurst v. State* that “the requirement of unanimity

in capital jury findings will help to ensure the heightened level of protection necessary for a defendant who stands to lose his life as a penalty.” 202 So.3d 40, 59. *See State v. Steele*, 921 So. 2d 538, 549 (Fla. 2005), quoting *State v. Daniels*, 542 A.2d 306, 315 (Conn. 1988) (“[W]e perceive a special need for jury unanimity in capital sentencing. Under ordinary circumstances, the requirement of unanimity induces a jury to deliberate thoroughly and helps to assure the reliability of the ultimate verdict.”). Thus, reliability of Florida death sentences is the touchstone of the new Florida law requiring a unanimous jury to make the factual determinations necessary for the imposition of a death sentence and requiring the jury to unanimously return a death recommendation before a death sentence is authorized as a sentencing option. Implicit in the justification for the new Florida law is an acknowledgment that death sentences imposed under the old capital sentencing scheme were (or are) less reliable.

4. Before executions are carried out in case in which the reliability of a death sentence is subpar, a re-evaluation of such a death sentence in light of the changes made by Chapter 2016-13, *Hurst v. State*, and *Perry v. State* is warranted. A previous rejection of a death sentenced defendant’s *Strickland* claims, *Brady* claims, and/or newly discovered evidence claims should be re-evaluated in light of the new requirement that juries must unanimously make the necessary findings of fact and return a unanimous death recommendation before a death sentence is even a sentencing option. Further, the *Strickland* prejudice analysis requires a determination of whether confidence in the reliability of the outcome - the imposition of a death sentence - is undermined by the evidence the jury did not hear due to the *Strickland* violations. The new Florida law should be part of the evaluation of whether confidence in the reliability of the outcome is undermined, particular since the touchstone of the new Florida law is the likely enhancement of the reliability of any resulting death sentence.

5. This Court must re-visit and re-evaluate the rejection of Mr. Anderson’s previously presented *Strickland* and *Brady/Giglio* claims in light of the new Florida law which would govern at a resentencing. When such a re-evaluation is conducted, it is apparent that the outcome would probably be different and

that Mr. Anderson would likely receive a binding life recommendation from the jury.

12. Rule 3.851 relief is warranted. Mr. Anderson's death sentences should be vacated and a new penalty phase ordered.

CONCLUSION

Based on the foregoing, Mr. Anderson prays for the following relief, based on his prima facie allegations showing violation of his constitutional rights: 1) a "fair opportunity" to demonstrate that his death sentence stands in violation of the Sixth and Eighth Amendments and *Hurst v. Florida*, *Perry v. State* and *Hurst v. State*; 2) an opportunity for further evidentiary development to the extent necessary; and, 3) on the basis of the reasons presented herein, Rule 3.851 relief vacating his death sentence of death and granting a new penalty phase, or, in the alternative, the imposition of a life sentence.

CERTIFICATION PURSUANT TO FLA. R. CRIM. P. 3.851 (e)

Pursuant to Fla. R. Crim P. 3.851(e)(2)(A) and (e)(1)(F), undersigned counsel hereby certifies that discussions with Mr. Anderson of this motion and its contents has occurred over a period time as relevant new Florida has unfolded during the past year. Counsel has endeavored to fully discuss and explain the contents of this motion with Mr. Anderson, and that counsel to the best of her ability has complied with Rule 4-1.4 of the Rules of Professional Conduct, and that this motion is filed in good faith.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Successive Motion to Vacate Death Sentence has been filed with Clerk of the Circuit Court, the Office of the Attorney General, (capapp@myfloridalegal.com); Assistant State Attorney, Jay Pruner, (MailProcessingStaff@sao13th.com); Circuit Court Judge, Michelle D. Sisco, (siscodm@fljud13.org), and by U.S. Mail to Richard Anderson on this 9th day of January, 2017.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley
Florida Bar. No. 112901
Assistant Capital Collateral Counsel
Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato

Maria E. DeLiberato
Florida Bar No. 664251
Assistant Capital Collateral Counsel
deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán

Julissa R. Fontán
Florida Bar. No. 0032744
Assistant Capital Collateral Counsel
12973 N. Telecom Parkway
Temple Terrace, FL 33637
813-558-1600
Fontan@ccmr.state.fl.us
Counsel for Mr. Anderson

P114

Anderson, Richard Harold

1a

(Applicable if checked)

- ☐ The Court hereby stays and withholds the imposition of sentence as to count(s) _____
- ☐ The Court hereby defers imposition of sentence until _____
- ☐ The Court places the Defendant on Probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in separate order).
- ☐ The Court places the Defendant in Community Control for a period _____ under the supervision of the Department of Corrections (conditions of community control set forth in separate order).

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation/community control is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

FINGERPRINTS OF DEFENDANT

1. R. Thumb 	2. R. Index 	3. R. Middle 	4. R. Ring 	5. R. Little 
6. L. Thumb 	7. L. Index 	8. L. Middle 	9. L. Ring 	10. L. Little 

Fingerprints taken by:

B. Evers
Name and Title

148105

DONE AND ORDERED in Open Court at Hillsborough County, Florida, this 26th day of FEBRUARY A.D. 19 88. I HEREBY certify that the above and foregoing fingerprints are the fingerprints of the Defendant RICHARD HAROLD ANDERSON and that they were placed thereon by said Defendant in my presence in Open Court this date.

M. Wm. Ruggill
JUDGE

3018

Page 2 of 4 Order book 225 page 441

FILED

FEB 26 1988

RICHARD L. AKE, CLERK

Defendant RICHARD HAROLD ANDERSON
TRIAL DIVISION I (ONE)
 Case Number 87-8047

SENTENCE

(As to Count _____)

The Defendant, being personally before this Court, accompanied by his attorney, WILLIAM FUENTE, ESQUIRE and MARK OBER, ESQUIRE, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown.

☐ and the Court having on _____ deferred imposition of sentence until this date. (date)

(Check either provision if applicable)

☐ and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

☐ and the Court having placed the Defendant in community control and having subsequently revoked the Defendant's community control by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

☐ The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25

☒ The Defendant is hereby committed to the custody of the Department of Corrections

☐ The Defendant is hereby committed to the custody of the Sheriff* of Hillsborough County, Florida
 (Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

☐ For a term of Natural Life

☒ For a term of DEATH BY ELECTROCUTION

☐ For an indeterminate period of 6 months to _____ years.

☐ Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

☐ However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this action.

Firearm - 3 year mandatory minimum ☐ It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking - mandatory minimum ☐ It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction ☐ The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender ☐ The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit ☒ It is further ordered that the Defendant shall be allowed a total of 241 DAYS credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Consecutive/
Concurrent

It is further ordered that the sentence imposed for this count shall run ☐ consecutive to ☐ concurrent with (check one) the sentence set forth in count _____ above.

Defendant RICHARD HAROLD ANDERSON
TRIAL DIVISION I (ONE)
 Case Number 87-8047

Consecutive/
 Concurrent
 (As to other
 convictions)

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run ☐ consecutive to ☐ concurrent with (check one) the following:

☐ Any active sentence being served.

☐ Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Hillsborough County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____
 COURT'S WRITTEN "SENTENCE" FILED.

DONE AND ORDERED in Open Court at Hillsborough County, Florida, this 26th day of
FEBRUARY A.D., 19 88.

M. Wm. Alarcon
 JUDGE

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA)

vs.)

RICHARD HAROLD ANDERSON,)
Defendant.)

Case No. 87-8047

TRIAL DIVISION 1

FILED
CLERK OF CIRCUIT COURT
FEB 26 2 04 PM '88
HILLSBOROUGH COUNTY FL
CIRCUIT CLERK

S E N T E N C E

The Defendant, RICHARD HAROLD ANDERSON, stands before the Court convicted by the Jury of Murder in the First Degree of Robert Grantham with a recommendation of eleven of the Jurors that he be sentenced to death.

After considering only the evidence before the Jury, the Court finds the following Aggravating and Mitigating Circumstances:

STATUTORY AGGRAVATING CIRCUMSTANCES

1. The Defendant has been previously convicted of another capital offense or of a felony involving the use of violence to the person, to-wit:

The Defendant, back in May of 1974, was convicted of Murder in the First Degree in Pinellas County, Florida, Circuit Court Case No. 73-2672.

2. The capital felony for which the Defendant is to be sentenced was not only committed for pecuniary gain but was also committed in a cold, calculated and premeditated manner without any pretense of moral or legal justification (treated by the Court as one Aggravating Circumstance rather than two separate Aggravating Circumstances), to-wit:

The Defendant was aware that the victim was interested in having sex with the Defendant's girlfriend and, upon learning that the victim was returning from what the Defendant believed to have been a successful gambling trip to Las Vegas, the Defendant arranged for his girlfriend to meet the victim upon his arrival at the Orlando Airport, drive back to Tampa and have dinner at the Sabal Park Holiday Inn. When the Defendant failed to

3021

meet them as planned, the victim and the Defendant's girlfriend went to the Defendant's apartment and about forty to forty-five minutes later the Defendant entered under the false pretext of needing a ride home. The Defendant, his girlfriend and the victim left the Defendant's apartment in the victim's automobile with the victim driving, the Defendant in the rear seat and the Defendant's girlfriend in the front passenger seat. The Defendant, under the guise of giving directions to his home, directed the victim to an area felt by the Defendant to be a safe place to murder him for pecuniary gain. While still in the rear seat, the Defendant put on black gloves and, just after the victim made a U-turn, the Defendant, without any provocation whatsoever, shot the victim four times with a pistol owned by the Defendant and with which the Defendant had obviously armed himself before getting into the victim's automobile with premeditated intent to murder and rob him. After telling his girlfriend that it was the ultimate high to kill someone and that it took a sick (expletive deleted) to shoot someone four times because he was probably dead the first time he shot him, the Defendant drove to a wooded area, and dumped the victim's lifeless body on a mound of sand. On the way back to the Defendant's apartment, the Defendant mentioned moving the body back to Orlando so somebody will think that somebody in Orlando did it. Upon their arrival back at the Defendant's apartment, the Defendant also told his girlfriend that he couldn't believe he just (expletive deleted) killed somebody for \$2,600.00.

STATUTORY MITIGATING CIRCUMSTANCES

None.

NON-STATUTORY MITIGATING CIRCUMSTANCES

The only Non-statutory Mitigating Circumstance established by the evidence is that the Defendant's girlfriend, although an accomplice, was allowed to plead guilty to Murder in the Third Degree of Robert Grantham for a maximum possible sentence of three years imprisonment, which sentence has yet to be imposed.

The Court also finds that the aforesaid Statutory Aggravating Circumstances clearly outweigh the aforesaid Non-statutory Mitigating Circumstance to such an extent that the Defendant should be sentenced to death as recommended by the Jury.

The Defendant, RICHARD HAROLD ANDERSON, therefore stands adjudicated guilty of Murder in the First Degree of Robert Grantham and is hereby sentenced to death by electrocution as provided by the Laws of the State of Florida.

The Defendant, RICHARD HAROLD ANDERSON, is hereby advised of his right to appeal this Sentence by filing notice of appeal within thirty days from this date with the clerk of this Court, and is also hereby advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon the showing of indigency.

DONE AND ORDERED in Open Court at Tampa, Hillsborough County, Florida, this 26th day of February, 1988.

M. Wm. Graybill
M. WM. GRAYBILL, CIRCUIT JUDGE

Copies furnished to:

Defendant and his counsel
Counsel for the State

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

**Case No. 1987-CF-008047
Death Penalty Case**

RICHARD H. ANDERSON,

Defendant.

_____ /

**STATE'S ANSWER TO DEFENDANT'S
SUCCESSIVE MOTION FOR POSTCONVICTION RELIEF**

COMES NOW, the State of Florida, by and through the undersigned counsel, and hereby responds to the Successive Motion to Vacate filed in this case on January 9, 2017. The State respectfully submits that, as explained below, the motion must be summarily denied as untimely and meritless.

FACTS AND PROCEDURAL HISTORY

Defendant Anderson was convicted of the first degree murder of Robert Grantham in 1988. Anderson and his girlfriend concocted a plan to rob and kill Grantham. Believing that Grantham possessed a large amount of cash, the girlfriend lured the victim to Anderson's apartment. When Grantham agreed to give Anderson a ride, Anderson shot Grantham four times and left his

body in the woods. Anderson had a prior conviction for first degree murder, and did not allow his defense attorney to present any mitigating evidence at the penalty phase. See generally Anderson v. State, 574 So. 2d 87 (Fla.), cert. denied, 502 U.S. 834 (1991).

Anderson's sentence became final on October 7, 1991, when the United States Supreme Court denied certiorari review of his case. Subsequent collateral challenges have been rejected. See Anderson v. State, 822 So. 2d 1261 (Fla. 2002); Anderson v. Secretary, Dept. of Corrections, 462 F.3d 1319 (11th Cir. 2006) (denying certificate of appealability), cert. denied, 549 U.S. 1216 (2007).

ARGUMENT

Anderson, a death row inmate whose conviction became final in 1991, seeks relief pursuant to the United States Supreme Court's opinion in Hurst v. Florida, 136 S. Ct. 616 (2016) [Hurst v. Florida], and the Florida Supreme Court's Hurst v. State, 202 So. 3d 40 (Fla. 2016) [Hurst], opinion. Anderson's successive motion for postconviction relief was filed January 9, 2017, which is well beyond the one-year time limitation after his judgment and sentence became final. See Fla. R. Crim. P. 3.851(d)(1). Therefore, the motion is untimely and subject to summary denial unless his claim is either based on newly

discovered evidence that could not have been ascertained by the exercise of due diligence, or a fundamental constitutional right not established within one year of his judgment and sentence becoming final and the constitutional right *has been held to apply retroactively*. See Fla. R. Crim. P. 3.851(d)(2) (emphasis added).

As will be established below, Anderson cannot meet these requirements, and his motion must be summarily denied.

HURST DOES NOT APPLY RETROACTIVELY TO ANDERSON

In Hurst v. Florida, the United States Supreme Court declared the portion of Florida's capital sentencing scheme requiring the judge, rather than a jury, to find each fact necessary to impose a sentence of death unconstitutional in light of Ring v. Arizona, 536 U.S. 583 (2002). The Florida Supreme Court has recently held that Hurst v. Florida and Hurst can be retroactively applied to cases that were not final when the Ring opinion was issued June 24, 2002. Mosley v. State, 2016 WL 7406506 (Fla. Dec. 22, 2016). Significantly, the Court also held that any case in which the death sentence was final before Ring was decided would not receive relief based on Hurst. Gaskin v. State, 2016 WL 224772 (Fla. Jan. 19, 2017); Asay v. State, 2016 WL 7406538 at *13 (Fla. Dec. 22, 2016); see also Mosley v.

State, 2016 WL 7406506 at *18 (Fla. Dec. 22, 2016) (“we have now held in Asay v. State that Hurst does not apply retroactively to capital defendants whose sentences were final before the United States Supreme Court issued its opinion in Ring”).

Anderson’s death sentence was final in 1991. This was certainly before Ring was decided in 2002. Under the Florida Supreme Court’s controlling precedent, Hurst is not retroactive to his case. Gaskin; Asay.

Despite the Florida Supreme Court’s unequivocal rulings on the issue, Anderson claims his motion is timely and that Hurst can be applied to his case. Specifically, Anderson argues that Mosley in fact created two sets of capital defendants entitled to seek relief under Hurst: (1) all cases which were not yet final when Ring was decided in June, 2002; and (2) all cases where the defendants specifically preserved a Ring issue, regardless of the date of finality. Anderson claims to be a member of the second class, and therefore entitled to seek relief under Hurst.

However, Anderson’s interpretation is not supported by a reasonable reading of Mosley. Although the Florida Supreme Court analyzes the issue under both the fundamental fairness principles of James v. State, 615 So. 2d 668 (Fla. 1994), and the traditional retroactivity factors of Witt v. State, 387 So.

2d 922 (Fla.), cert. denied, 449 U.S. 1067 (1980), the opinion gives no indication that any defendant who has challenged the lack of jury factfinding at sentencing at any time can now seek relief under Hurst. To the contrary, Mosley cited to and built on Asay, where the Court expressly held that Ring does not apply to cases that were final prior to Ring. Mosley, 2016 WL 7406506 at *18. Accordingly, the time-of-finality factor was in play prior to Mosley even being decided and applies to both retroactivity analyses conducted.

If Mosley itself is not clear on the issue, the Florida Supreme Court has recently reiterated that capital sentences that were final prior to 2002 are not entitled to any relief under Hurst. In Gaskin v. State, 2017 WL 224772, at *3 (Pariente, J., concurring and dissenting), the defendant raised the substance of a Hurst claim both at trial and on direct appeal, specifically challenging the lack of unanimous jury factfinding as to sentencing factors. The Florida Supreme Court found this unpersuasive in deciding retroactivity and held that “[b]ecause Gaskin’s sentence became final in 1993, Gaskin is not entitled to relief under Hurst v. Florida.” Gaskin, 2017 WL 224772 at *2 (citing Asay, 2016 WL 7406538 at *13). Gaskin

clearly renders Anderson's claim meritless and it should be denied.¹

In a footnote, Anderson asserts that Asay merely "suggests" that cases final prior to Ring are not entitled to any benefit from Hurst, and that denying relief would amount to a violation of due process and equal protection. Motion, p. 9-10, n. 1. The Asay Court clearly issued a holding, not a suggestion, and this Court is legally bound to follow that decision. State v. Herring, 76 So. 3d 891, 897 (Fla. 2011); State v. Dwyer, 332 So. 2d 333, 335 (Fla. 1976) ("Where an issue has been decided in the Supreme Court of the state, the lower courts are bound to adhere to the Court's ruling when considering similar issues, even though the court might believe that the law should be otherwise"). There is no language in Asay or any other case which supports any claim that retroactivity is to be reconsidered anew in every case. Accordingly, this Court must apply Gaskin and Asay and find this motion to be untimely.

¹ Moreover, it is readily apparent that Anderson did not present this constitutional claim prior to trial and on appeal, as necessary to preserve it for consideration under the fundamental fairness exception. While Anderson claims that he has "a Ring-type claim" and other constitutional challenges in postconviction (Motion, p. 8), these are direct appeal issues and would have been procedurally barred in postconviction. This history falls far short of qualifying as having raised the issue "at the first opportunity," as necessary under James and Mosley.

Although Anderson also offers his own Witt retroactivity analysis (Motion, p. 9-12), it has been rejected by the Florida Supreme Court as a matter of law. In Asay, the Court conducted a Witt analysis, and determined that retroactive application to pre-Ring cases is not compelled by the relevant factors. Asay, 2016 WL 7406538, at *7-13.

Anderson also invokes federal law and claims that Hurst created new substantive law which must be applied retroactively under the federal constitution. He repeatedly characterizes the new law from Hurst as substantive rather than procedural, yet provides no support or authority to support the label.

In fact, the jury factfinding required by Hurst is not "manifestly substantive" (Motion, p. 13) as both the Florida Supreme Court and the United States Supreme Court have characterized jury factfinding under the Sixth Amendment as procedural in nature. See Schriro v. Summerlin, 542 U.S. 348, 354, 358 (2004) (observing that a rule is substantive "if it alters the range of conduct or the class of persons that the law punishes," but rules that "regulate only the *manner of determining* the defendant's culpability" are procedural) [emphasis in original]; Johnson v. State, 904 So. 2d 400, 412

(Fla. 2005).² This is why Anderson's reliance on Falcon v. State, 162 So. 3d 954 (Fla. 2015), and Montgomery v. Louisiana, 136 S. Ct. 718 (2016), is misplaced, as those decisions discuss retroactivity in the context of a new substantive criminal law. Since Hurst is procedural rather than substantive, the issue of retroactivity is necessarily vastly different.

Although Anderson cites to Powell v. Delaware, 2016 WL 7243546 (Del. Dec. 15, 2016), it refutes rather than supports his position. Powell held that Hurst had to be applied retroactively in Delaware, because under Delaware law prior to that time, the State was only required to prove an aggravating factor by a preponderance of the evidence standard. In Rauf v. State, 145 A.3d 430 (Del. 2016), the Delaware court acknowledged that Hurst v. Florida identified two separate problems with Delaware's death penalty statute - the lack of jury factfinding, and the incorrect burden of proof.³ And it was precisely because the lower burden of proof implicated due process that full

² Although somewhat abrogated by Mosley, the Florida Supreme Court has not overruled that part of Johnson which held that Ring was procedural in nature.

³ In a footnote, Anderson claims that "Hurst, unlike Ring, addressed the proof-beyond-a-reasonable-doubt standard," which would implicate substantive law; however, Anderson does not cite anywhere in either Hurst opinion which addressed the standard of proof. Of course, since the standard was beyond-a-reasonable-doubt by statute prior to Hurst, this issue was not even before the Supreme Court, as noted by Powell.

retroactivity was determined to be necessary. "Thus, unlike Rauf, neither Ring nor Hurst involved a Due Process Clause violation caused by the unconstitutional use of a lower burden of proof. This significant distinction in Ring and Hurst is fatal to the State's reliance upon Summerlin and is dispositive of why the Rauf holding fits within Teague's second exception to nonretroactivity." Powell, 2016 WL 7243546 at *4 (emphasis added).

Moreover, reliance on any purported fairness in jury factfinding is misplaced. Just like Ring did not enhance the fairness or efficiency of death penalty procedures, neither does Hurst. Johnson, 904 So. 2d at 409. As the United States Supreme Court has explained, "for every argument why juries are more accurate factfinders, there is another why they are less accurate." Summerlin, 542 U.S. at 356. Because the accuracy of Anderson's death sentence is not at issue, fairness does not demand retroactive application of Hurst.

In short, the Florida Supreme Court has made it very clear that Hurst should not be applied retroactively to cases in which the death sentence became final before the issuance of Ring. Anderson's case squarely falls within this parameter. Each claim presented in this successive motion is premised on Hurst being

applied to Anderson's case, which is contrary to established law. Therefore, all relief must be denied.

DEFENDANT HAS FAILED TO ESTABLISH HARMFUL ERROR, AS ANY ALLEGED HURST ERROR IS HARMLESS BEYOND A REASONABLE DOUBT

Even if Hurst were retroactive to Anderson's case, he still would not be entitled to relief. In order to be entitled to relief, the alleged Hurst error must not be harmless beyond a reasonable doubt. See Hurst, 202 So. 3d at 67 (recognizing that a Hurst error is capable of harmless error review); and Hurst v. Florida, 136 S. Ct. at 624 (remanding to the state court to determine whether the error was harmless).

While Anderson claims that the State cannot show beyond a reasonable doubt that any Hurst error was harmless (Motion, p. 14), it is not the State's burden to prove. Unlike a direct appeal, the State has no burden of proving harmless error in postconviction proceedings. Rather, it is the movant that must show entitlement to relief. See Caratelli v. State, 961 So. 2d 312, 317-320 (Fla. 2007); Freeman v. State, 761 So. 2d 1055, 1061 (Fla. 2000) (explaining that in order to obtain postconviction relief, "[t]he defendant bears the burden of establishing a prima facie case based upon a legally valid claim."); Ives v. State, 993 So. 2d 117, 121 (Fla. 4th DCA 2008)

(observing that the burden is generally on the State to prove harmlessness on direct appeal, but rests with the defendant to prove prejudice in postconviction); but see Mosley v. State, 2016 WL 7406506, at *25-26 (Fla. Dec. 22, 2016). Thus, it is Anderson's burden to meet, and he has failed to do so.

Anderson cannot do so, because any Hurst error was harmless. In order to be harmless error, there must be no reasonable possibility that the Hurst error contributed to the defendant's death sentence. Davis v. State, 41 Fla. L. Weekly S528 at *28-29 (Fla. Nov. 10, 2016), reh'g denied, 2017 WL 56089 (Fla. Jan. 5, 2017); see also Hurst v. State, 202 So. 3d at 68 (analyzing whether the jury's failure to unanimously find all the facts necessary for imposition of the death penalty contributed to Hurst's death sentence); Galindez v. State, 955 So. 2d 517, 523 (Fla. 2007) (explaining that the harmless error analysis for a violation of Apprendi v. New Jersey, 530 U.S. 466 (2000), is whether the record demonstrates beyond a reasonable doubt that a rational jury would have found penetration when there was a failure to have the jury make the victim injury finding regarding penetration). A unanimous jury recommendation is not required in order to establish harmless error. Instead, it is necessary to look to what a rational jury would have done

and whether the alleged Hurst error contributed to the death sentence in this case.

Anderson claims that Sixth Amendment error was harmful in this case because the jurors were not properly instructed. They were told that their recommendation was only advisory, and they were not told that any juror could exercise mercy, even if the aggravating factors outweighed the mitigation. According to Anderson, this was a new principle of law “[i]n the wake of Hurst” (Motion, p. 13). However, neither Hurst v. Florida nor Hurst addressed the jury instruction issue. Clearly, the Florida Supreme Court has found Hurst error to be harmless even when the jury was given the standard instruction that its role was advisory. And the principle that no juror was ever required to vote to recommend a death sentence, even when the aggravators outweighed the mitigators, has been recognized for many years; yet no specific instruction on this point was compelled. See Franqui v. State, 804 So. 2d 1185, 1192 (Fla. 2001); Brooks v. State, 762 So. 2d 879, 902 (Fla. 2000); Henyard v. State, 689 So. 2d 239, 249-50 (Fla. 1996); Downs v. Moore, 801 So. 2d 906, 912 (Fla. 2001) (defendant not entitled to jury instruction on mercy); Correll v. Dugger, 558 So. 2d 422, 425 (Fla. 1990) (same).

The Florida Supreme Court has emphasized that in analyzing the right to a jury trial with regard to the facts necessary to impose the death penalty, "it must be clear beyond a reasonable doubt that a rational jury would have unanimously found that there were sufficient aggravating factors that outweighed the mitigating circumstances." Davis, 41 Fla. L. Weekly S528 at *29. In this case, the multiple aggravating factors were established, and no persuasive mitigation was offered. This was an egregious case, with a well-planned murder committed for financial gain, by a defendant with an unrelated prior murder conviction. The 11 to 1 jury recommendation demonstrates a strong case which any reasonable jury, even if required to be unanimous, would have returned. Any Hurst error must be deemed harmless on the facts of this case.

NO EIGHTH AMENDMENT ERROR HAS BEEN ESTABLISHED

Anderson's second claim submits that his sentence violates the Eighth Amendment to the United States Constitution which, according to Anderson, requires a jury sentencing recommendation to be unanimous. As the United States Supreme Court has never held that the Eighth Amendment requires a unanimous jury recommendation, this claim is procedurally barred and meritless.

In Spaziano v. Florida, 468 U.S. 447, 463-64, (1984), the United States Supreme Court held that the Eighth Amendment is not violated in a capital case when the ultimate responsibility of imposing death rests with the judge. In deciding Hurst v. Florida, the United States Supreme Court analyzed the case pursuant to Sixth Amendment grounds and overruled Spaziano to the extent that it allows a sentencing judge to find aggravating circumstances independent of a jury's fact-finding. Hurst v. Florida, 136 S. Ct. at 618. The Court did not address the issue of any possible Eighth Amendment violation, and similarly, it did not overrule Spaziano on Eighth Amendment grounds.

While the Florida Supreme Court initially included the Eighth Amendment as a reason for warranting unanimous jury recommendations in its Hurst decision, the Court did not, and cannot, overrule the United State Supreme Court's surviving precedent in Spaziano. In addition, Florida has a conformity clause in its state constitution that requires the state courts to interpret Florida's prohibition on cruel and unusual punishments in conformity with the United States Supreme Court's Eighth Amendment jurisprudence. Art. I, § 17, Fla. Const.; Henry v. State, 134 So. 3d 938, 947 (Fla. 2014) (noting that under Article I, section 17 of the Florida Constitution, Florida courts are "bound by the precedent of the United States Supreme

Court" regarding Eighth Amendment claims). Given that there is no United States Supreme Court case holding that the Eighth Amendment requires the jury's final recommendation be unanimous, Anderson's argument must fail.

While the Florida Supreme Court found unanimity necessary under the state and federal constitutions in Hurst, as previously demonstrated, that case is not retroactive to Anderson. And although Anderson repeats his concerns about the adequacy of his jury instructions and claims his charging indictment was inadequate, no instructional or indictment issues were addressed in Hurst and therefore any such claims are beyond the scope of a successive motion premised on Hurst. Again, Anderson's claim to have raised Ring "at his first opportunity" (Motion, p. 20) is refuted by the record, which establishes there was no claim of constitutional error due to a lack of unanimous jury factfinding presented at trial and on appeal.

As Anderson's Eighth Amendment claim is procedurally barred and meritless, it must be rejected.

**ANDERSON IS NOT ENTITLED TO REEVALUATION OF HIS
PREVIOUSLY LITIGATED CLAIMS**

In Claim III, Anderson argues he is entitled to reconsideration of his previously presented postconviction

claims. Hurst, a Sixth Amendment right-to-a-jury-trial case, does not operate to breathe new life into unrelated, previously denied claims.

Anderson's reliance on Hildwin v. State, 141 So. 3d 1178 (Fla. 2014), and Swafford v. State, 125 So. 3d 760 (Fla. 2013), is misplaced. Both cases require a cumulative analysis of all the evidence when a claim of newly discovered evidence is being raised, but a Hurst claim is not a claim of newly discovered evidence and is not premised in any way on evidentiary concerns. Hurst is a purely legal issue, and no language from any case offers support for Anderson's position that his previously denied claims must be reconsidered under Hurst.

Defendant further argues that the new requirements for jury unanimity would impact the prejudice prong of his previously litigated Strickland v. Washington, 466 U.S. 668, 695 (1984), claim because he would allegedly be more likely to receive a life sentence. This argument assumes he is entitled to relief under Hurst, when as previously explained, he is not. It further assumes that his Strickland claim can be resurrected, when it cannot be. Even if Anderson could relitigate his previously disposed of Strickland claim, he would be entitled to no relief because the prejudice standard requires a showing that the

defendant was prejudiced by his counsel's errors, not a Sixth Amendment fact-finding error. Strickland, 466 U.S. at 695.

CONCLUSION

Notably, Anderson's conclusion prays for a "fair opportunity" to demonstrate that his sentence violates the Sixth Amendment under Hurst, but the motion he filed itself qualifies as such an opportunity. He also requests the opportunity for further evidentiary development, which should not be granted on a purely legal claim. Finally, he seeks imposition of a life sentence as an alternative to a new penalty phase proceeding, but his motion does not offer any legal theory upon which a life sentence could be granted.

In sum, the Florida Supreme Court has precluded Hurst from being retroactively applied to capital defendants like Anderson whose sentences were final before Ring. Because Hurst is not retroactive to this case, Anderson is not entitled to relief as a matter of law. Each claim raised in this untimely, successive motion is without merit and provides no basis for relief. Accordingly, the motion must be summarily denied.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/s/ Carol M. Dittmar
Senior Assistant Attorney General
Florida Bar No. 0503843
Office of the Attorney General
3507 East Frontage Road, Suite 200
Tampa, Florida 33607-7013
Telephone: (813) 287-7910
Facsimile: (813) 281-5501
capapp@myfloridalegal.com [and]
carol.dittmar@myfloridalegal.com

CO-COUNSEL, STATE OF FLORIDA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 2017, I filed the foregoing with the Clerk of the Court by using the E-Portal Filing System which will send a notice of electronic filing to the following: Chelsea Rae Shirley, Maria E. DeLiberato, and Julissa R. Fontan, Assistants-CCRC-M, 12973 No. Telecom Parkway, Temple Terrace, Florida 33637, **shirley@ccmr.state.fl.us,** **deliberato@ccmr.state.fl.us,** **fontan@ccmr.state.fl.us,** **support@ccmr.state.fl.us;** Jay Pruner, Assistant State Attorney, Hillsborough County State Attorney's Office, 419 Pierce Street, Tampa, Florida 33602, **pruner_j@sao13th.com** (and) **mailprocessingstaff@sao13th.com;** and

Honorable Michelle D. Sisco, Circuit Judge, 401 No. Jefferson
Street, Room 102, Tampa, Florida 33602, **heckshsl@fljud13.org**.

/s/ Carol M. Dittmar
CO-COUNSEL FOR STATE OF FLORIDA

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division**

STATE OF FLORIDA

v.

**RICHARD ANDERSON,
Defendant.**

CASE NO.: 87-CF-008947

DIVISION: J

FILED
CLERK OF COURT
HILLSBOROUGH COUNTY, FLORIDA
MAR 21 PM 1:57

**ORDER DENYING DEFENDANT'S SUCCESSIVE MOTION TO VACATE
DEATH SENTENCE**

THIS MATTER is before the Court on Defendant's Successive Motion to Vacate Death Sentence, filed on January 9, 2017, pursuant to Florida Rule of Criminal Procedure 3.851. On January 27, 2017, the State filed its response to Defendant's motion and, on February 23, 2017, the Court held a case management conference. Defendant's claims are purely legal and do not require an evidentiary hearing. After considering Defendant's motion, the State's response, the court file and record, as well as the arguments of counsel presented during the February 23, 2017, case management conference, the Court finds as follows.

A jury found Defendant guilty of first degree murder and recommended a sentence of death by a vote of eleven to one. On February 26, 1988, the trial court imposed a death sentence. The Florida Supreme Court affirmed Defendant's conviction and death sentence. *See Anderson v. State*, 574 So. 2d 87 (Fla. 1991). The United States Supreme Court denied Defendant's petition for writ of certiorari on October 7, 1991. *See Anderson v. Florida*, 502 U.S. 834 (1991).

Defendant filed a motion for postconviction relief, which was subsequently denied, and the Florida Supreme Court affirmed the denial. *See Anderson v. State*, 822 So. 2d 1261 (Fla. 2002).

In this successive motion, Defendant asserts various claims in light of the United States Supreme Court's opinion in *Hurst v. Florida*, 136 S. Ct. 616 (2016), and the Florida Supreme

Court's decisions in *Hurst v. State*, 202 So. 3d 40 (Fla. 2016); *Perry v. State*, No. SC16-547, 2016 WL 6036982 (Fla. October 14, 2016), *Mosley v. State*, No. SC14-436 and No. SC14-2108, 2016 WL 7406506 (Fla. December 22, 2016), and *Asay v. State*, 2016 WL 7406538, No. SC16-223, No. SC16-102, No. SC16-628, 2016 WL 7406538 (Fla. December 22, 2016), and the enactment of Chapter 2016-13, Law of Florida. Defendant requests that the Court vacate his death sentence and grant a new penalty phase or sentence him to life in prison.

CLAIM I

MR. ANDERSON'S DEATH SENTENCE STANDS IN VIOLATION OF THE SIXTH AMENDMENT UNDER HURST V. FLORIDA AND HURST V. STATE AND SHOULD BE VACATED

In claim I, Defendant asserts his death sentence is unconstitutional and in violation of the Sixth Amendment pursuant to *Hurst v. Florida* and *Hurst v. State*. Defendant asserts *Hurst v. Florida* should be applied retroactively to his case under the *Witt*¹ analysis as well as principles of fundamental fairness as set forth in *Mosley* and *James v. State*, 615 So. 2d 668 (Fla. 1993). Defendant posits that in *Mosley*, the court found two classes of defendants are entitled to retroactive application of the *Hurst* decisions: those whose sentences were final after *Ring*,² and those who preserved a *Ring*-type error (regardless of when their death sentences became final). Defendant asserts he falls into the latter category. Defendant contends considerations of fairness and uniformity require retroactive application of *Hurst*, and he cites to numerous defendants whose crimes were committed before his own, but will still receive the benefit of *Hurst* because their convictions or death sentences were vacated for other reasons. Defendant further contends he has a federal constitutional right to retroactive application of *Hurst* pursuant to *Montgomery v.*

¹ *Witt v. State*, 387 So. 2d 922 (Fla. 1980).

² *Ring v. Arizona*, 536 U.S. 584 (2002).

Louisiana, 136 S. Ct. 718 (2016). Defendant also asserts the State cannot establish beyond a reasonable doubt any *Hurst* error was harmless here.

In its response, the State asserts Defendant's motion is untimely, procedurally barred and without merit. The State contends a reasonable reading of *Mosley*, *Asay* and *Gaskin v. State*, No. SC15-1884, 2017 WL 224772 (Fla. January 19, 2017) reflect that *Hurst v. Florida* and *Hurst v. State* do not apply retroactively to Defendant's case. The State further contends it does not bear the burden of proving harmless error, and any *Hurst* error here is harmless. The State requests that the Court summarily deny claim I.

The Court disagrees with Defendant's interpretation of *Mosley*. The *Mosley* court specifically noted that its decision in *Asay* held *Hurst* does not apply retroactively to defendants whose sentences were final before *Ring* but left unanswered the question of whether *Hurst* applies retroactively to defendants whose death sentences became final after *Ring*. *Mosley*, 2016 WL 7406506, at *18. The Court finds the Florida Supreme Court has held *Hurst v. Florida* and *Hurst v. State* simply do not apply retroactively to cases that were final at the time of *Ring*.³ See *Asay*, 2016 WL 7406538, at *4-13 (conducting a retroactivity analysis and concluding that *Hurst* should not be applied to defendant's case, which became final before *Ring*); *Mosley*, 2016 WL 7406506, at *18 ("[W]e have now held in *Asay v. State*, that *Hurst* does not apply retroactively to capital defendants whose sentences were final before the United States Supreme Court issued its opinion in *Ring*."); *Gaskin*, 2017 WL 224772, at *2 (citing *Asay* and finding defendant is not entitled to relief under *Hurst v. Florida* because his sentence became final in 1993); *Bogle v. State*, No. SC11-2403 and No. SC12-2465, 2017 WL 526507, *16 (Fla. February 9, 2017) (citing *Asay* and finding defendant is not "entitled to *Hurst* relief because *Hurst* does not apply to retroactively to cases that

³ *Ring* was decided on June 24, 2002. See *Ring*, 536 U.S. at 584.

were final before *Ring* was decided.”); *Davis v. State*, No. SC16-264, 2017 WL 656307, *2 (Fla. February 17, 2017) (citing *Asay* and denying defendant’s *Hurst v. Florida* claim); *Lambrix v. State*, SC16-8, 2017 WL 931105, *8 (Fla. March 9, 2017) (citing *Asay* and concluding defendant is not entitled to a new penalty phase based on *Hurst v. Florida* or *Hurst v. State*). This Court is bound by the decisions of the Florida Supreme Court.

Here, Defendant’s sentence became final when the United State Supreme Court denied certiorari on October 7, 1991. *See* Fla. R. Crim. P. 3.851(d)(1)(B) (“For purposes of this rule, a judgment is final . . . on disposition of the petition for writ of certiorari by the United States Supreme Court, if filed.”). Because Defendant’s sentence was final before *Ring* was decided, the Court finds *Hurst v. Florida* and *Hurst v. State* do not retroactively apply to the instant case.⁴ No relief is warranted on claim I.

CLAIM II

MR. ANDERSON’S DEATH SENTENCE STANDS IN VIOLATION OF THE EIGHTH AMENDMENT UNDER HURST V. STATE AND SHOULD BE VACATED

In claim II, Defendant asserts that in *Hurst v. State*, the Florida Supreme Court held the Eighth Amendment requires jury unanimity in recommending a death sentence and the jury must be informed of its right to recommend a life sentence even if it unanimously makes the necessary factual findings. Defendant further asserts that failure to properly inform the jury of its role violates the Eighth Amendment, and cites to *Caldwell v. Mississippi*, 472 U.S. 320 (1985). Defendant argues that failure to properly instruct the jury and the jury’s non-unanimous advisory recommendation in this case violate the Eighth Amendment, and reflect *Hurst* error is not harmless here. Defendant again argues *Hurst v. State* applies retroactively to his case under *Montgomery*,

⁴ Because the *Hurst* decisions are not retroactively applicable to Defendant’s case, the Court does not further address the issue of harmless error.

Witt, and principles of fundamental fairness. Defendant posits that failure to retroactively apply *Hurst* to his case will result not only in a violation of his constitutional right to due process and equal protection, but also “in a death sentence that is arbitrary and capricious” in violation of the Eighth Amendment and the corresponding provision of the Florida Constitution. Defendant contends that in *Hurst v. State*, the court required jury unanimity in the recommendation verdict based on the Eighth Amendment and evolving standards of decency, and to prevent arbitrary and capricious imposition of the death penalty. Defendant also contends his sentence further violates the Florida Constitution. Defendant cites to Article I, Sections 15(a) and 16(a), and asserts the aggravating factors in this case were not submitted to the grand jury or charged in the indictment, therefore, he was denied his right to a proper grand jury indictment and was never fully informed of the “full nature and cause of the accusation.”

In its response, the State asserts the Eighth Amendment has never required a unanimous jury sentencing recommendation and the United States Supreme Court has never held the Eighth Amendment requires a unanimous jury sentencing recommendation. The State contends in *Spaziano v. State*, 468 U.S. 447 (1984), the United States Supreme Court held the Eighth Amendment is not violated when the ultimate sentencing responsibility rests with the judge. The State further contends *Hurst v. Florida* overruled *Spaziano* only to the extent *Spaziano* allows a sentencing judge to find an aggravating circumstance independent of the jury’s fact-finding, but the Court did not overrule *Spaziano* on Eighth Amendment grounds. The State also contends the conformity clause of the Florida Constitution requires this Court to construe Florida’s prohibition against cruel and unusual punishment consistently with the United States Supreme Court’s precedent on Eighth Amendment claims. The State again argues *Hurst* is not retroactive to Defendant’s case. The State also contends Defendant’s allegations regarding jury instructions and

the indictment exceed the scope of claims predicated on *Hurst* as *Hurst* did not address such issues.

The State urges the Court to summarily reject this claim.

As discussed in claim I above, the *Hurst* decisions do not apply retroactively to the instant case. To the extent Defendant is raising allegations regarding the grand jury and his indictment that are not predicated on *Hurst*, his allegations are procedurally barred. No relief is warranted on claim II.

CLAIM III

THE DENIAL OF MR. ANDERSON'S PRIOR POSTCONVICTION CLAIMS MUST BE REHEARD AND DETERMINED UNDER A CONSTITUTIONAL FRAMEWORK

In claim III, Defendant asserts the Court should review his previously presented *Strickland*, *Brady* and *Giglio* claims in light of the new Florida law which would govern at a resentencing and the requirement that the jury now make all findings unanimously. Defendant cites to *Hildwin v. State*, 141 So. 3d 1178 (Fla. 2014), and *Swafford v. State*, 125 So. 3d 760 (Fla. 2014). Defendant asserts that under such a re-evaluation, it is apparent the outcome of the proceedings would have been different as Defendant would likely receive a binding life recommendation.

In its response, the State asserts *Hurst* “does not operate to breathe new life into unrelated, previously denied claims.” The State further contends the cases relied on by Defendant are inapplicable here as those cases address a cumulative analysis standard for newly discovered evidence, which is not at issue here. The State requests that the Court summarily deny this claim.

As discussed in claim I above, *Hurst v. Florida* and *Hurst v. State* do not apply retroactively to the instant case. The Court agrees with the State’s assertion that there is no legal authority which would permit or require this Court to re-evaluate and reconsider previously presented

postconviction claims in light of either *Hurst* decision or the new death penalty statute. **No relief is warranted on claim III.**

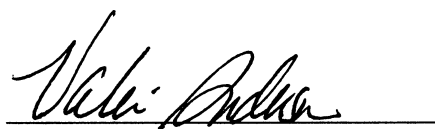
It is therefore **ORDERED AND ADJUDGED** that Defendant's Successive Motion to Vacate Death Sentence is hereby **DENIED**.

DONE AND ORDERED in Chambers in Hillsborough County, Florida this 20th day of March, 2017.


MICHELLE SISCO
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this order has been furnished to Chelsea Rae Shirley, Esquire, Maria E. Deliberato, Esquire and Julissa R. Fontan, Esquire, CCRC-M, 12973 North Telecom Parkway, Temple Terrace, FL 33637; Carol M. Dittmar, Esquire, Office of the Attorney General, 3507 East Frontage Road, Suite 200, Tampa, FL 33607; Jay Pruner, Esquire, Office of the State Attorney, 419 North Pierce Street, Tampa, FL 33602, by U.S. mail, on this 21st day of March, 2017.


Deputy Clerk

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 1987-CF-008047

Richard H. Anderson,

Defendant.

_____ /

NOTICE OF APPEAL

COMES NOW Richard Anderson by and through undersigned counsel, and takes and enters this Notice of Appeal to the Florida Supreme Court to review the final orders of the Circuit Court of the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida.

The nature of the order appealed is the:

Order Denying Defendant's Successive Motion to Vacate Death Sentence

All parties to said cause are called upon to take notice of the entry of this Appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing motion has been filed with Clerk for the 13th Judicial Circuit, Hillsborough County served upon The Office of the Assistant Attorney General Carol Dittmar (carol.dittmar@myfloridalegal.com and capapp@myfloridalegal.com); Assistant State Attorney Jay Pruner (pruner_j@sao13th.com); and The Honorable Michelle Sisco (heckshsl@fljud13.org); on this 17th day of April, 2017.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley

Florida Bar. No. 112901

Assistant Capital Collateral Counsel

Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato

Maria E. DeLiberato

Florida Bar No. 664251

Assistant Capital Collateral Counsel

deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán

Julissa R. Fontán

Florida Bar. No. 0032744

Assistant Capital Collateral Counsel

12973 N. Telecom Parkway

Temple Terrace, FL 33637

813-558-1600

Fontan@ccmr.state.fl.us

Counsel for Mr. Anderson

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 1987-CF-008047

Richard H. Anderson,

Defendant.

_____ /

DESIGNATION TO THE COURT REPORTER

Petitioner, Richard Anderson, directs the court reporter MONIQUE BROWN, Circuit Court Reporting, to transcribe one (1) original and two (2) copies of the Case Management Conference proceedings heard in front of Judge Michelle Sisco, Division J, on February 23, 2017, to be used in this appeal.

The Court reporter is directed to file the original and two copies with the clerk of the lower tribunal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing motion has been filed with Clerk for the 13th Judicial Circuit, Hillsborough County served upon The Office of the Assistant Attorney General Carol Dittmar (carol.dittmar@myfloridalegal.com and capapp@myfloridalegal.com); Assistant State Attorney Jay Pruner (pruner_j@sao13th.com); The Honorable Michelle Sisco (heckshsl@fljud13.org); and by US Mail to Monique Brown, Circuit Court Reporting, 800 E Twiggs Street, Room 606R, Tampa, FL 33602 on this 19th day of April, 2017.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley

Florida Bar. No. 112901

Assistant Capital Collateral Counsel

Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato

Maria E. DeLiberato

Florida Bar No. 664251

Assistant Capital Collateral Counsel

deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán

Julissa R. Fontán

Florida Bar. No. 0032744

Assistant Capital Collateral Counsel

12973 N. Telecom Parkway

Temple Terrace, FL 33637

813-558-1600

Fontan@ccmr.state.fl.us

Attorneys for Petitioner

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 1987-CF-008047

Richard H. Anderson,

Defendant.

_____ /

DIRECTIONS TO THE CLERK

Defendant, Richard Anderson, by and through undersigned counsel, hereby directs the Clerk as specified in Florida Rule of Appellate Procedure 9.200(a)(1) to include all items filed in this post-conviction proceeding in the record on appeal, including all pleadings, original documents, transcripts of all proceedings including status hearings, and all exhibits which have been filed with the Clerk of Court, whether accepted into evidence or not.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley

Florida Bar. No. 112901

Assistant Capital Collateral Counsel

Shirley@ccmr.state.fl.us

Counsel for Mr. Anderson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing motion has been filed with Clerk for the 13th Judicial Circuit, Hillsborough County served upon The Office of the Assistant Attorney General Carol Dittmar (carol.dittmar@myfloridalegal.com and capapp@myfloridalegal.com); Assistant State Attorney Jay Pruner (pruner_j@sao13th.com); and The Honorable Michelle Sisco (heckshsl@fljud13.org); on this 19th day of April, 2017.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley
Florida Bar. No. 112901
Assistant Capital Collateral Counsel
Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato

Maria E. DeLiberato
Florida Bar No. 664251
Assistant Capital Collateral Counsel
deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán

Julissa R. Fontán
Florida Bar. No. 0032744
Assistant Capital Collateral Counsel
12973 N. Telecom Parkway
Temple Terrace, FL 33637
813-558-1600
Fontan@ccmr.state.fl.us

Attorneys for Petitioner

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 1987-CF-008047

Richard H. Anderson,

Defendant.

_____ /

JUDICIAL ACTS TO BE REVIEWED

Petitioner, Richard Anderson, sets out the following as Judicial Act(s) to be reviewed:

Order Denying Defendant's Successive Motion to Vacate Death Sentence filed on
March 24, 2017.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing motion has been filed with Clerk for the 13th Judicial Circuit, Hillsborough County served upon The Office of the Assistant Attorney General Carol Dittmar (carol.dittmar@myfloridalegal.com and capapp@myfloridalegal.com); Assistant State Attorney Jay Pruner (pruner_j@sao13th.com); and The Honorable Michelle Sisco (heckshsl@fljud13.org); on this 19th day of April, 2017.

Respectfully submitted,

/s/ Chelsea Rae Shirley

Chelsea Rae Shirley
Florida Bar. No. 112901
Assistant Capital Collateral Counsel
Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato

Maria E. DeLiberato
Florida Bar No. 664251
Assistant Capital Collateral Counsel
deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán

Julissa R. Fontán
Florida Bar. No. 0032744
Assistant Capital Collateral Counsel
12973 N. Telecom Parkway
Temple Terrace, FL 33637
813-558-1600
Fontan@ccmr.state.fl.us

Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

Case No.: 1987-CF-008047

vs.

Division: J

RICHARD H. ANDERSON,
Defendant.

TRANSCRIPT OF PROCEEDINGS

This case came on to be heard before the
Honorable Michelle D. Sisco, Circuit Judge, at the
Hillsborough County Courthouse Annex, Tampa, Florida, on
February 23, 2017, commencing at approximately 11:26
a.m., reported by Mary E. Blazer, RPR.

APPEARANCES:

Carol M. Dittmar, Assistant Attorney General
Office of Attorney General
3507 East Frontage Road, Suite 200
Tampa, Florida 33607
On Behalf of the State of Florida.

Chelsea Rae Shirley,
Maria E. DeLiberato and
Julissa R. Fontán,
Assistant Capital Collateral Regional Counsels
12973 North Telecom Parkway
Temple Terrace, Florida 33637
On Behalf of the Defendant.

Also Present:

Staff Attorneys

ORIGINAL

P R O C E E D I N G S

THE COURT: All right. So next up is
Anderson.

MS. SHIRLEY: Good morning, Your Honor.

THE COURT: Good morning.

MS. SHIRLEY: We're here on the defense's
successive post-conviction motion for Mr. Anderson
based on Hurst V Florida, Hurst V. State, and the
following decisions from the Florida Supreme
Court --

THE COURT: And for the record, you are?

MS. SHIRLEY: Chelsea Shirley from CCRC.

THE COURT: Okay.

MS. SHIRLEY: And I have with me Maria
DeLiberato and Julissa Fontán.

THE COURT: Okay. Hello, ladies. How are
you?

MS. DELIBERATO: Good morning.

MS. FONTAN: Good.

THE COURT: And I think we're ready.
We're at the stage where I would set an
evidentiary hearing, but I think these are purely
legal issues; is that correct?

MS. SHIRLEY: Yes, Your Honor. The vast
majority are legal issues.

1 We would, if Your Honor is inclined, ask for
2 an evidentiary hearing as to harmless error. I,
3 unfortunately, haven't been able to get in contact
4 with trial counsel because their voice mail will
5 not let me leave a message.

6 THE COURT: Okay.

7 MS. SHIRLEY: But I think, you know, they
8 could potentially have some new facts that would be
9 important for this issue, specifically how Hurst
10 would have changed their trial strategy. And I can
11 see if they would be willing to sign an affidavit
12 or we would ask for an evidentiary hearing on that
13 issue.

14 THE COURT: Okay. So -- and I don't know if I
15 would -- I don't know that I'm inclined to even
16 give you an evidentiary hearing on that issue, but
17 what I'm going to do is we'll pick a date in the
18 event I do find we need to have an evidentiary
19 hearing on that issue, and -- however, you'll get
20 an order from me in the interim. And so if the
21 order says, obviously, we don't need an evidentiary
22 hearing and here's my ruling, then you'll
23 understand that the hearing is canceled, so...

24 MS. SHIRLEY: Yes, Your Honor.

25 THE COURT: All right. I think I've got 90

1 days, right? To get --

2 MS. SHIRLEY: I believe so, yes, Your Honor.

3 THE COURT: So, I could set this for May the
4 3rd at 9 a.m.

5 MS. SHIRLEY: That works for me.

6 THE COURT: Okay. All right. Very good.

7 So you will at some point get an order from me
8 and see where we are.

9 MS. SHIRLEY: All right.

10 THE COURT: Okay. All right. Is that it?

11 MS. SHIRLEY: No, Your Honor.

12 THE COURT: Oh.

13 MS. SHIRLEY: Actually, I was going to make
14 some legal argument because we're treating this as
15 our --

16 THE COURT: Yes, yes. Okay. Go ahead. Sure.

17 MS. SHIRLEY: All right. Before I begin my
18 arguments, Your Honor, we would just ask that this
19 Court consider waiting ruling on the merits of
20 Mr. Anderson's motion because as Your Honor
21 correctly noted the state of the law is in flux.

22 Specifically, the State has filed a cert
23 petition on Hurst on February 13th. The State last
24 week filed a motion for extension of time to file
25 cert on Paul Beasley Johnson, which is based on

1 Hurst issues as well. And it's the defense
2 counsel's understanding, Your Honor, that the
3 attorneys in Asay will also be taking cert to the
4 U.S. Supreme Court, as well as the Gaskin case,
5 which the State relied on in their motion is not
6 final either. There's a motion for rehearing
7 pending.

8 And there is also the Lambrix decision which
9 has not yet issued from the Florida Supreme Court
10 as well, and that's also a pre-Ring case like
11 Mr. Anderson's. And so because those five cases
12 and the law itself is still very much in flux, we
13 would just ask Your Honor to, you know,
14 respectfully consider waiting to rule on the merits
15 of the motion until those cases are final.

16 As to retroactivity, our first point, Your
17 Honor, was fundamental fairness that Hurst is
18 retroactive under the fundamental fairness
19 doctrine, which the Florida Supreme Court brought
20 up in Mosley. And the court noted, Your Honor,
21 that Mosley raised Ring at his first opportunity.
22 And the Florida Supreme Court, at page 19, stated:
23 This court has previously held that fundamental
24 fairness alone may require the retroactive
25 application of certain decisions involving the

1 death penalty after the U.S. Supreme Court decides
2 the case that changes our jurisprudence.

3 So, as Your Honor knows, Hurst was a case from
4 the U.S. Supreme Court that changed Florida
5 jurisprudence. And Mr. Anderson did raise a Sixth
6 Amendment challenge to his death sentence. He
7 filed special jury instructions during pretrial
8 which were denied by the trial court. He also
9 raised Sixth Amendment issues in his 3.850 back in
10 1992. He raised them in his initial brief to the
11 Florida Supreme Court after his 3.850 was denied.

12 And, Your Honor, he raised these issues before
13 Hurst, before Ring, before Apprendi, and even
14 before Espinoza was issued, and so he really was at
15 the forefront of these issues. As well as the Asay
16 court, Your Honor, the court noted in Asay that in
17 footnote 12 that Asay did not raise the Sixth
18 Amendment pre-Ring challenge to his case, whereas
19 Mr. Anderson did.

20 To refute this point, the State relies on the
21 Gaskin case, which again I would just like to point
22 out that that case is not final, as well as the
23 Florida Supreme Court did not have the benefit of
24 briefing on Hurst in the Gaskin case. The court
25 kind of in a one or two sentences addressed the

1 Hurst issue but without briefing from either the
2 State or the defense on that issue.

3 It's the defense's position as well that Asay
4 was wrongly decided as to the Witt analysis. And I
5 laid out in my motion exactly the factors of Witt.

6 And, Your Honor, we also believe there is no
7 basis in federal or state law for partial
8 retroactivity. Before the Mosley decision and the
9 Asay decision, retroactivity has always been a
10 binary concept. It's either been retroactive to
11 everybody that was final or it has not been
12 retroactive and applies only to the pipeline cases.
13 There's never been this partial retroactivity
14 before. And this partial retroactivity violates
15 the Fifth, Sixth, Eighth, and Fourteenth
16 Amendments.

17 Hurst is also retroactive, Your Honor, under
18 federal law in Montgomery V Louisiana, which is 136
19 Supreme Court 718, which said that substantive
20 constitutional rights must be given retroactive
21 effect by the state.

22 In Hurst V State, Your Honor, the Florida
23 Supreme Court announced two substantive rulings,
24 one under the Sixth and one under the Eighth
25 Amendment.

1 Under the Sixth Amendment the court said that
2 defendants have the right for -- to have a jury
3 decide whether those aggravators proven sufficient
4 beyond a reasonable doubt are sufficient to impose
5 the death penalty, and also whether those
6 aggravators outweigh any mitigation in the case.

7 And then under the Eighth Amendment, the court
8 found that jury unanimity is required under the
9 Eighth Amendment. And as result, anyone who does
10 not have a unanimous verdict that death is
11 unconstitutional.

12 And so like other substantive rules, Hurst
13 becomes retroactive because it carries a
14 significant risk that a defendant, here
15 Mr. Anderson, would face a punishment that the law
16 cannot impose, and that's quoting from Montgomery
17 at page 734.

18 As to the uniformity and fairness, Your Honor,
19 there are defendants that are being charged with
20 crimes committed before Mr. Anderson that will get
21 the benefit of Hurst. There are cases, and I can
22 name at least four, Douglas Ray Meeks from a crime,
23 1974; Jacob Dougan, 1974; John Hardwick, 1984; and
24 Paul Hildwin, 1985. They all received some form of
25 postconviction relief, but now that we have the new

1 law they will be receiving Hurst as well, and have
2 new penalty phases conducted under Hurst even
3 though their crimes occurred years before
4 Mr. Anderson's.

5 And so, because of all these things, Your
6 Honor, the State cannot prove harmless error, and
7 that is the State's burden. The Florida Supreme
8 Court stated that in Hurst V State at page 68.

9 The Florida Supreme Court said: In the
10 context of Hurst V Florida, the burden is on the
11 State as the beneficiary of the error to prove
12 beyond a reasonable doubt that the jury's failure
13 to unanimously find all the facts necessary for
14 imposition of death did not contribute to
15 petitioner here, Mr. Anderson's death sentence. So
16 it's the State's burden to prove that, Your Honor.

17 And they can't do that in this case because
18 one, the jury's recommendation was only advisory.
19 In Hurst V State says that we cannot now treat that
20 as the fact finding that Ring requires.

21 Also Mr. Anderson's jury never received the
22 mercy instruction, which the Florida Supreme Court
23 heavily relied on in conducting harmless error
24 analysis so far. And also the -- as I mentioned
25 before, the nonunanimous verdicts. And so not only

1 do we have a nonunanimous verdict, Your Honor, but
2 there was also no mitigation presented because
3 Mr. Anderson waived and yet one juror still voted
4 for life without hearing any mitigation evidence.

5 And so not only do we have that factor, but
6 also we have to factor in that we have no idea if
7 the aggravators were found proven unanimously
8 beyond a reasonable doubt, whether they found the
9 aggravators were sufficient, you know, and that's
10 where the nonunanimous verdict comes from or if
11 just one juror wanted to impose mercy, and we don't
12 know. And because we don't know, we can't
13 speculate.

14 And the Florida Supreme Court reversed two
15 other cases that were an 11-1, Paul Beasley Johnson
16 and McGirth. As I said before, they were -- Paul
17 Johnson will be having cert filed in that case by
18 the State, so it's not final, but also both were
19 post-Ring, so I'll make that caveat as well.

20 THE COURT: And Johnson was reversed for what
21 reason?

22 MS. SHIRLEY: It was reversed because it was
23 11-1 and he had three murder convictions, Your
24 Honor, and Mr. Anderson only has one.

25 THE COURT: And his conviction was final

1 before?

2 MS. SHIRLEY: No, Your Honor, it was
3 post-Ring.

4 THE COURT: Post-Ring.

5 MS. SHIRLEY: And so was McGirth, it was
6 post-Ring as well, but his jury vote was also 11-1.
7 And the State is also going to be filing cert in
8 Johnson's case.

9 THE COURT: Okay.

10 MS. SHIRLEY: As to the Eighth Amendment, our
11 claim 2, the lack of unanimity and recommendation
12 violates the Eighth Amendment; again Hurst V State
13 at page 59. And the new right, Your Honor, to have
14 the jury verdict and have the jury make all these
15 findings is premised on the fact that the jury know
16 and appreciate the significance of their verdict.
17 They must correctly know their sentencing
18 responsibility and also their ability to preclude
19 death.

20 THE COURT: And I'm sorry, one second. We
21 reset you for March 23rd at 9 a.m.

22 MR. TERRANA: Okay. Thank you, Judge. I was
23 in a trial.

24 THE COURT: Yes, I heard.

25 MR. TERRANA: Thank you.

1 MS. SHIRLEY: And that just comes from
2 Blackwell V State, which is 79 So. 731.

3 And the last point, Your Honor, is that this
4 line drawing done by the Florida Supreme Court is
5 arbitrary and capricious, that there is no basis in
6 the constitution and any constitutional standards.
7 It's not based on the aggravation or the mitigation
8 in the case. It's not based on the individual
9 characteristics of Mr. Anderson, but instead his
10 case suffers from the fatal and random accident of
11 time that this misfortune of falling on the wrong
12 side of the calendar line, not based on his
13 aggravation or mitigation violates the Eighth
14 Amendment to the U.S. Constitution and
15 corresponding provisions of the Florida
16 Constitution.

17 THE COURT: Okay. Ms. Dittmar, anything
18 additionally you wish to argue?

19 MS. DITTMAR: Well, Your Honor, just very
20 briefly. I won't go through all that because I
21 know it's really, I think, pretty much fleshed out
22 in the written things that are before you.

23 I just did want to mention that there is a
24 case, I believe, that came out since we did -- the
25 State filed a response called Bogle versus State

1 out of Hillsborough County, B-O-G-L-E. That was
2 another pre-Ring case where the Florida Supreme
3 Court again said Hurst offers no relief at all.
4 There's no benefit to defendants whose sentences
5 were final --

6 THE COURT: Right.

7 MS. DITTMAR: -- prior to Ring under Hurst.
8 And again, that's the position where Mr. Anderson
9 was.

10 Even if there were some way he could seize on
11 to the fundamental fairness, he did not raise a
12 Sixth Amendment claim in his direct appeal, which
13 is what would be necessary to preserve a
14 fundamental fairness argument. I would just rely
15 on my response for the rest of the arguments, but I
16 would also cite Bogle to the Court.

17 THE COURT: Just because the issue was raised,
18 I'm just curious.

19 MS. DITTMAR: Sure.

20 THE COURT: This issue of partial
21 retroactivity, are you aware of any other time that
22 there has been partial retroactivity?

23 MS. DITTMAR: Not really. I mean, they talk
24 about -- they rely on James for the fundamental
25 fairness part of it. And in James, which was in

1 Espinoza retroactivity question, the interesting
2 thing is the court never undertakes any kind of
3 Wood analysis in James. And the dissent in James
4 says well, we have Witt, and that's what you should
5 go with, and -- but they don't go there.

6 And then in Mosley they come out and, you
7 know, obviously they do both, which I think doesn't
8 make a lot of sense to a lot of us. I think it was
9 maybe a split the baby sort of thing.

10 THE COURT: Yes.

11 MS. DITTMAR: I don't know. A compromise.
12 But there is -- I've never seen any cases saying
13 that you can't. There is a U.S. Supreme Court case
14 law that says the federal constitution really
15 doesn't care about postconviction retroactivity,
16 that's a state decision for state law. So I don't
17 see how they can make a federal constitutional
18 argument --

19 THE COURT: Right.

20 MS. DITTMAR: -- based on that decision.

21 It's unusual, but I don't think that means
22 it's necessarily -- and just even being
23 unprecedented, I don't think renders it
24 unconstitutional.

25 THE COURT: Okay.

1 MS. DITTMAR: But I really haven't -- I'm not
2 familiar with any other cases where they do that
3 that way.

4 THE COURT: Well, I guess at some point we'll
5 get a federal opinion that says one way or the
6 other, right?

7 MS. DITTMAR: Apparently should be something,
8 yes.

9 THE COURT: Okay. Very good. Okay. All
10 right.

11 Well, thank you all very much and I'll see you
12 in a couple of weeks on -- at least I'll see you on
13 Finney and Valentine.

14 MS. DITTMAR: Right.

15 THE COURT: Very good.

16 MS. DITTMAR: Thank you.

17 (Concluded at 11:40 a.m.)
18
19
20
21
22
23
24
25

1
2 CERTIFICATE OF REPORTER3 STATE OF FLORIDA
4 COUNTY OF HILLSBOROUGH
56 I, Mary E. Blazer, Registered Professional
7 Reporter, AOC Circuit Court, hereby certify that I was
8 authorized to and did stenographically report the
9 foregoing proceedings and that the transcript is a true
10 record.
1112 I further certify that I am not employed by or
13 related to any of the parties in this matter, nor am I
14 financially or otherwise interested in this action.
1516 IN WITNESS WHEREOF, I have hereunto set my hand
17 in Tampa, Hillsborough County, Florida, this 2nd day of
18 May, 2017.
1920 Mary E. Blazer
21 Mary E. Blazer, RPR
22 AOC Circuit Court Reporter
23
24
25

CLERK OF THE CIRCUIT COURT
PO BOX 1110
TAMPA, FLORIDA 33601-1110
813-276-8100

APPEAL NO: SC17-884

CERTIFICATE OF CLERK

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, PAT FRANK, CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF HILLSBOROUGH, STATE OF
FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 TO 154 CONTAIN A CORRECT COPY OF
THE JUDGMENT IN THE CASE OF

RICHARD HAROLD ANDERSON
APPELLANT
VS

STATE OF FLORIDA
APPELLEE

CASE NO: 87-CF-008047-A AND A TRUE AND CORRECT RECITAL AND INCLUSION OF ALL SUCH ORIGINAL
PAPERS AND PROCEEDINGS IN SAID CAUSE AS IT APPEARS FROM THE RECORDS AND FILES OF MY
OFFICE THAT HAVE BEEN DIRECTED TO BE INCLUDED IN SAID RECORD BY THE DIRECTIONS FURNISHED
ME. PAGES T1 TO T16 INCLUSIVE EMBRACES THE TRANSCRIBED NOTES OF THE REPORTER AS MADE AT
THE TRIAL AND CERTIFIED TO ME BY HIM/HER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID
COURT ON THIS THE 26TH DAY OF MAY, 2017.

87-CF-008047-A, 5/26/2017 2:31 PM
Isomar Molina



AS DEPUTY CLERK
87-CF-008047-A, 5/26/2017 2:31 PM