

IN THE SUPREME COURT OF FLORIDA

**S.C. Case Number: SC21-1327
DCA Case Number: 1D20-0608**

CANDIE LYNN WALKER
Petitioner,

v.

STATE OF FLORIDA
Respondent,

_____ /

Amended Petitioner's Jurisdictional Brief

On Review from the District Court of Appeal, First District

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STATEMENT OF THE ISSUE

The issue is that the present case (a First District Court of Appeals case) conflicts with the holding in *Denise Williams v. State*, 314 So.3d 775 (1st DCA, 2021) [another First District case], wherein the Court held that despite significant evidence to support the principal theory to convict Ms. Williams for her husband's homicide, she would not qualify as a principal because her involvement was too remote and not directly associated with his death. Whereas to the contrary, the Petitioner was convicted on the principal theory, even though Ms. Walker may have been remotely involved, and if so, completely renounced (prior to the act) any plan to attack or kill Ms. Cline (the victim in this case).

The Florida Supreme Court has discretionary jurisdiction to review a decision of a district court of appeal that expressly and directly conflicts with a decision of the supreme court or another district court of appeal on the same point of law. Fl. R. App. P. 9.030. Here the conflict arises from two conflicting cases decided in the same district court of appeal.

STATEMENT OF THE CASE AND FACTS

Petitioner seeks review of the First District Court of Appeal's opinion in Candi Lynn Walker v. State of Florida, 46 Fla. L. Weekly D1823a for her conviction for attempted first degree murder and solicitation to commit first degree murder based on her actions as an alleged principal in the attempted murder of Ms. Jessica Cline by Walker's daughter Ms. Hanna Fine.

Ms. Walker as a Principal to Homicide

Several months prior the attack, the Petitioner passively engaged in the solicitation of murder of her estranged husband's current girlfriend, Ms. Jessica Cline.

The allegations are that the Petitioner approached her daughter and friends of her daughter to shoot Ms. Cline. The Petitioner allegedly bought bullets and provided a gun for the homicide. After several months of being a non-starter the Petitioner withdrew her interest, renouncing her intent, and made no further attempts to solicit, conspire, counsel, aid or abet the homicide.

On or about October 18, 2018, the Petitioner's daughter with the assistance of her one of her friends independently renewed the homicide

plan and attacked Ms. Cline and Cline's daughter with a machete. There was no evidence at the crime scene to implicate the Petitioner was being a principal in the attempt, nor was there competent or sufficient evidence to indicate the Appellant acted as an aider or abettor. See Williams v. State, 314 So.3d 775 (Fla. 1st DCA, 2021) for a complete discussion of the legal evolution of a principal in the first degree, and second degree, and accessory, all of which were unified in the current F.S. 777.011.

At trial Petitioner's counsel moved for an acquittal of the charges based on the premise that she withdrew and announced any intention to have her daughter commit the homicide. See: *IB p. 12 of Appellant*, "An affirmative defense to the crime of solicitation is that the defendant renounces the criminal activity, completely, and before the event occurs ---- F.S. sec. 777.04(5)(b), Carroll v. State, 680 So.2d 1065 (Fla. 3^d DCA 1996); Harriman v. State, 174 So.2d 1044, 1045-1047 (1st DCA 2015); Longval v. State, 914 So. 2d 1098, 1100 (Fla. 4th DCA 2005); Dixon v. State, 559 So.2d 354, 356 (Fla. 1st DCA 1990); and Smith v. State, 424 So.2d 726, 728 (Fla. 1982). In fact, the Petitioner testified that she did not think killing Ms. Cline was even a possibility: *IB Appellant*, p. 13: "The Appellant [T-1108]: '--- and she [Ms. Maddocks] said that she thought the easiest and quickest way for Mark [the ex-husband] to come back

home was if Jessica [Cline] was dead, if someone was to kill her. I [the Appellant] said that sounds good, but that's probably impossible.'"

Trial Counsel: *"Did you want her dead at that time frame?"*,

Appellant: *No.*

Trail Counsel: *"---- when Ms. Maddocks brought that up, did you think, well, that could be a solution?"*

Appellant: *"--- did I think that --- no"*

The Petitioner also testified that ---- she relayed what Ms. Maddocks had mentioned to her [Petitioner's] daughter Hannah. Surprisingly, Hannah said "Okay" [T-1109]. The Petitioner testified that her daughter had relayed this information to Mr. Manley [the alleged hitman], who proactively said "--- I got her." [referring to Ms. Cline] [T-1110]. The Petitioner testified that she did not at first know what to make of Mr. Manley's statement to Hannah. [T-1112 – 1113] but realized a plot to kill Ms. Cline had been hatched. Any involvement of the Petitioner was quickly and definitively abandoned.

Trial Counsel: *"When was the next time you and Mr. Manley had any discussion about doing anything to Jessica?"*

Appellant: *"None after that"*

Trial Counsel: *Why? If you had brought it up to Hannah and then Mr. Manley said he would take care of it, why did that end at that point in time?"*

Appellant: “Because when he actually asked me for the bullets --- I realized --- it was for real and things had gotten out of hand –” [T-1121]

Trial Counsel: “So between that point – that conversation where you tell Manly, no, you’re not going over there, and the point in time when Mr. Corker shows up, did you and Mr. Manley have any more discussions, either by text or otherwise, concerning Jessica Cline?”

Appellant: “No sir”

Trial Counsel: “did you and Hannah have any more discussions regarding Jessica Cline?”

Appellant: “No sir”

The testimony of both Mr. Manley and the Petitioner clearly establish that any plan to kill Ms. Cline was abandoned and not renewed. Petitioner cannot be considered a principal to kill Ms. However, the First District Court of Appeal ruled that the Appellant was in fact, and legally, a principal.

Ms. Williams as a Principal to Homicide:

The case of Denise Williams is a well known and litigated case in Tallahassee and the First District Court of Appeal. Briefly, Ms. Williams did plot, conspire, and materially participate in the planning of the death of her husband Mike Williams. See Williams v. State, 314 So. 3d 775 (Fla. 1stDCA 2021). Ms. Williams and her accomplice Mr. Winchester began to think

about killing Mike Williams about a year to a year and one-half before the actual murder. At no time did she ever retreat or extricate herself from the plot. To make matters worse and to demonstrate complete evil, she timed the murder to avoid an anniversary celebration and meet a deadline on a life insurance policy covering Mike Williams. Williams, p. 778-779. Her codefendant Mr. Winchester stated that Ms. Williams' role was to make sure Mike Williams went on this "last" duck hunting trip with Mr. Winchester, and come up with an alibi for herself, she aided and abetted the homicide plan. Not only did she help plan and execute the murder, she tried to cover up the facts after Mr. Winchester was arrested.

In this scenario, the First District Court of appeal granted Ms. Williams motion and ruled that she did not act as a principal in the homicide. Williams, pp. 786-789. Clearly, Ms. Williams was more culpable than Ms. Walker.

ARGUMENT

This case meets the discretionary jurisdictional requirement (Fl. R. App. P. 9.030(a)(2)(A) of this Court. Clearly, the rulings of the First District in the Walker case where Ms. Walker did not materially participate and affirmatively renounced any actions that would make her liable as a principal, conflict with the Williams case where Ms. Williams actively

planned and participated in a successful murder and then tried to cover up the facts post-arrest.

CONCLUSION

For reasons stated above, the Petitioner requests that this Honorable Court accept jurisdiction and consider this case on the merits.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served on the Office of the Attorney General, 400 South Monroe Street, Tallahassee, Florida 32399 and electronically at crimapphl@myfloridalegal.com and filed with the Clerk of Court, Florida Supreme Court this 28 day of September 2021 through the Florida Courts e-filing Portal.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this instant brief has been prepared pursuant to the Fl. R. App. P. in Arial 14 Point.

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