

Supreme Court of Florida

No. SC17-1225

ERNEST D. SUGGS,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

No. SC16-1066

ERNEST D. SUGGS,
Appellant,

vs.

JULIE L. JONES, etc.,
Appellee.

[January 22, 2018]

PER CURIAM.

We have for review Ernest D. Suggs' appeal of the circuit court's order denying Suggs' motion filed pursuant to Florida Rule of Criminal Procedure 3.851,

as well as Suggs' motion for rehearing on his petition for a writ of habeas corpus.

This Court has jurisdiction. See art. V, § 3(b)(1), (9), Fla. Const.

Suggs' motion and habeas petition sought relief pursuant to the United States Supreme Court's decision in Hurst v. Florida, 136 S. Ct. 616 (2016), and our decision on remand in Hurst v. State (Hurst), 202 So. 3d 40 (Fla. 2016), cert. denied, 137 S. Ct. 2161 (2017). This Court stayed Suggs' appeal and consideration of his motion for rehearing pending the disposition of Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017). After this Court decided Hitchcock, Suggs responded to this Court's order to show cause arguing why Hitchcock should not be dispositive in both cases.

After reviewing Suggs' response to the order to show cause, as well as the State's arguments in reply, we conclude that Suggs is not entitled to relief. Suggs was sentenced to death following a jury's recommendation for death by a vote of seven to five. Suggs v. State, 644 So. 2d 64, 66 (Fla. 1994). His sentence of death became final in 1995. Suggs v. Florida, 514 U.S. 1083 (1995). Thus, Hurst does not apply retroactively to Suggs' sentence of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Suggs' motion and deny Suggs' motion for rehearing on his petition for a writ of habeas corpus.

The Court having carefully considered all arguments raised by Suggs, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

LABARGA, C.J., and QUINCE, POLSTON, and LAWSON, JJ., concur.
PARIENTE, J., concurs in result with an opinion.
LEWIS and CANADY, JJ., concur in result.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in Hitchcock.

An Appeal from the Circuit Court in and for Walton County,
Kelvin Clyde Wells, Judge - Case No. 661990CF000338CFAXMX
And an Original Proceeding – Habeas Corpus

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