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SAYFIE

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO. F89-14998

-VS-

RONNIE JOHNSON,

Defendant.

NOTICE OF APPEAL

Defendant, **RONNIE JOHNSON**, through counsel, hereby appeals to the Florida Supreme Court from the Order Denying his Successive Motion for Post-Conviction Relief entered June 5, 2017, by the Honorable Nushin G. Sayfie.

I HEREBY CERTIFY that a true and correct copy of the foregoing was efiled/mailed this 5th day July, 2017, to: GAIL LEVINE, ASST. STATE ATTORNEY, Office of the Miami-Dade State Attorney, 1350 N.W. 12th Avenue, Miami, FL 33136-2111; MELISSA ROCA, ASST. ATTORNEY GENERAL, Attorney General's Office, 444 Brickell Avenue, Suite 950, Miami, FL 33131, and capapp@myfloridalegal.com; and Ronnie Johnson, DC# # 440701/P-4123, Union Correctional Institution, 7819 N.W. 228th Street, Raiford, FL 32026.

Respectfully submitted

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/s/ Charles G. White
CHARLES G. WHITE, ESQ.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the original on file in this office.
AUG 04 2017
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk



Richard Ruv
26476

FILED
JOHN A. TOMASINO
AUG 10 2017
CLERK, SUPREME COURT

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

RONNIE JOHNSON,
Defendant.

CASE NO.: CASE NO. ~~F83~~-14998
DIVISION: F061
JUDGE NUSHIN G. SAYFIE

2017 JUN -5 AM 9:18
FILED FOR RECORD
CLERK

ORDER DENYING SUCCESSIVE MOTION FOR POSTCONVICTION RELIEF


This cause having come to be heard on the Defendant's Successive Motion for Postconviction Relief, and the court having reviewed the Defendant's motion filed on January 12, 2017, the State's Answer filed on February 1, 2017, and having heard arguments of the parties at a *Huff* hearing, held on June 2, 2017, finds as follows:

The Defendant seeks to vacate his death sentence pursuant to *Hurst v. Florida*, 136 S.Ct. 616 (2016), and requests a new sentencing hearing. The Defendant's death sentence became final in 1998. *Johnson v. Florida* 522 U.S. 1095 (1998).

The Florida Supreme Court held in *Mosley v. State*, 209 So.3d 1248(Fla.2016) and *Asay v. State*, 210 So. 3d 1, (Fla. 2016), that *Hurst* does not apply retroactively to death sentences that were final before *Ring v. Arizona*, 536 US 583 (2002). *Asay*, at 22. (See also *Rodriguez v. State*, 2017 WL 1409668). Based on the current state of the law in Florida the Defendant is not entitled to relief.

WHEREFORE, it is ORDERED AND ADJUDGED that Defendant's Successive Motion for Postconviction Relief is DENIED.

Done and Ordered in Miami-Dade County this 5th day of June, 2017.


NUSHIN G SAYFIE
CIRCUIT COURT JUDGE

cc: Melissa J. Roca, AAG
Gail Levine, ASA
Charles G. White, Counsel for Defendant