

# Supreme Court of Florida

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No. SC18-1435

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**WILLIAM LEE THOMPSON,**  
Appellant,

vs.

**STATE OF FLORIDA,**  
Appellee.

January 7, 2019

PER CURIAM.

We have for review William Lee Thompson's appeal of the postconviction court's order denying Thompson's motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. *See* art. V, § 3(b)(1), Fla. Const.

Thompson's motion 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). Thompson responded to this Court's order to show cause arguing

why *Hitchcock v. State*, 226 So. 3d 216 (Fla.), *cert. denied*, 138 S. Ct. 513 (2017), should not be dispositive in this case.

After reviewing Thompson’s response to the order to show cause, as well as the State’s arguments in reply, we conclude that Thompson is not entitled to relief. Thompson was convicted of first-degree murder and sentenced to death following a jury’s recommendation for death by a vote of seven to five. *Thompson v. State*, 619 So. 2d 261, 264 (Fla. 1993). Thompson’s sentence of death became final in 1993. *Thompson v. Florida*, 510 U.S. 966 (1993). Thus, *Hurst* does not apply retroactively to Thompson’s sentence of death. *See Hitchcock*, 226 So. 3d at 217; *see also Foster v. State*, No. SC18-860, 2018 WL 6379348, at \*2-4 (Fla. Dec. 6, 2018) (explaining why the “elements of ‘capital first-degree murder’ ” argument derived from *Hurst* and the legislation implementing *Hurst* “has no merit”).

Accordingly, we affirm the postconviction court’s order denying relief.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

An Appeal from the Circuit Court in and for Miami-Dade County,  
Marisa Tinkler-Mendez, Judge - Case No. 131976CF003350B000XX

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