

SUPREME COURT OF FLORIDA

Harrel Franklin Braddy v. State of Florida; Harrel Franklin Braddy
v. Julie L. Jones, etc.

219 So. 3d 803 (Fla. 2017) · No. SC15-404; SC16-481 · Decided June 15, 2017

SUMMARY

The Supreme Court of Florida reviewed Harrel Franklin Braddy’s appeal from the denial of postconviction relief and his petition for a writ of habeas corpus. The court affirmed the denial of relief concerning the guilt phase but granted a new penalty phase under Hurst v. Florida and Hurst v. State. The opinion also addressed claims concerning postconviction counsel, jury impartiality, ineffective assistance, disclosure, and prosecutorial or judicial misconduct.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Labarga; Pariente; Lewis; Quince; Lawson; Canady; Polston
JURISDICTION	Florida
DECIDED	June 15, 2017
DOCKET	SC15-404; SC16-481
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Braddy appealed the denial of his Florida Rule of Criminal Procedure 3.851 motion for postconviction relief and separately petitioned the Supreme Court of Florida for a writ of habeas corpus.
STANDARD OF REVIEW	Abuse of discretion for withdrawal or discharge of counsel and denial of public-records requests; de novo review for constitutional challenges to statutes; de novo review of constitutional issues; Strickland's deficient-performance and prejudice standard for ineffective-assistance claims.
PRECEDENTIAL VALUE	Published opinion; binding Florida Supreme Court precedent, with a per curiam majority and separate concurrence and partial dissent.
PARTIES	Harrel Franklin Braddy v. State of Florida

TOPICS

state post-conviction relief

habeas corpus

sentencing

post-conviction relief

appellate procedure

PRACTICE AREAS

state post-conviction relief

capital punishment

habeas corpus

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the postconviction court abused its discretion by denying appointed capital collateral counsel's motion to withdraw and by failing to conduct Nelson inquiries on Braddy's pro se motions to discharge counsel.
2. Whether Florida's public-records statutes and Florida Rule of Criminal Procedure 3.852 were unconstitutionally applied and whether Braddy was entitled to additional records.
3. Whether trial counsel was ineffective for failing to preserve challenges to prosecutorial closing argument and for failing to retain experts concerning police practices, DNA evidence, and forensic pathology.
4. Whether Braddy was deprived of a fair and impartial jury based on alleged nondisclosure by a juror.
5. Whether Braddy was entitled to habeas relief and a new penalty phase under *Hurst v. Florida* and *Hurst v. State*.

HOLDINGS

1. The postconviction court did not abuse its discretion in denying counsel's motion to withdraw or in denying Braddy's motions to discharge counsel without Nelson hearings.
2. The postconviction court did not abuse its discretion in denying Braddy access to most requested attorney work-product materials or to additional personnel and internal-affairs files, and the statutory and rule-based public-records procedures were not unconstitutionally applied.
3. Braddy was not entitled to postconviction relief on his ineffective-assistance claims concerning prosecutorial comments, expert testimony, DNA evidence, police practices, or forensic pathology.
4. Braddy was entitled to a new penalty phase because *Hurst v. Florida* and *Hurst v. State* apply retroactively to defendants sentenced under Florida's former capital-sentencing scheme after *Ring v. Arizona*, and his eleven-to-one jury recommendation made the error nonharmless.

KEY QUOTATIONS

"The Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death." (219 So. 3d at 836)

"We therefore conclude that Braddy is entitled to a new penalty phase." (219 So. 3d at 837)

FACTUAL BACKGROUND

Braddy abducted Shandelle Maycock and her five-year-old daughter, Quatisha, after attacking and choking Shandelle. Shandelle escaped after being placed in the trunk of a car, while Braddy left Quatisha in the

Everglades; Quatisha's body was later found in a canal. The jury recommended death by an eleven-to-one vote, and the trial court imposed a death sentence under Florida's former capital-sentencing scheme.

PROCEDURAL HISTORY

Braddy was convicted in 2007 of first-degree murder and related offenses and sentenced to death. The Supreme Court of Florida affirmed the convictions and sentence on direct appeal in *Braddy v. State*, 111 So. 3d 810 (Fla. 2012). The circuit court denied Braddy's postconviction motion on February 19, 2015. The Supreme Court affirmed denial of guilt-phase relief and most habeas claims, but vacated the death sentence and remanded for a new penalty phase under *Hurst v. Florida* and *Hurst v. State*.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The death sentence was vacated and the case was remanded for a new penalty phase. The denial of relief concerning the guilt phase was affirmed, and the habeas petition was denied except as to Hurst relief.

CASES CITED

- *Braddy v. State*, 111 So. 3d 810 (Fla. 2012)
- *Hurst v. Florida*, 136 S. Ct. 616 (2016)
- *Hurst v. State*, 202 So. 3d 40 (Fla. 2016)
- *Mosley v. State*, 209 So. 3d 1248 (Fla. 2016)
- *Franklin v. State*, 209 So. 3d 1241 (Fla. 2016)
- *Cuyler v. Sullivan*, 446 U.S. 335 (1980)
- *Mickens v. Taylor*, 535 U.S. 162 (2002)
- *Hunter v. State*, 817 So. 2d 786 (Fla. 2002)
- *Morrison v. State*, 818 So. 2d 432 (Fla. 2002)
- *Shevin v. Byron, Harless, Schaffer, Reid & Assocs., Inc.*, 379 So. 2d 633 (Fla. 1980)
- *Twilegar v. State*, 175 So. 3d 242 (Fla. 2015)
- *Valle v. State*, 70 So. 3d 530 (Fla. 2011)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Rogers v. State*, 957 So. 2d 538 (Fla. 2007)
- *Lugo v. State*, 2 So. 3d 1 (Fla. 2008)
- *Brady v. Maryland*, 373 U.S. 83 (1963)
- *Davis v. State*, 136 So. 3d 1169 (Fla. 2014)