

SUPREME COURT OF FLORIDA

Matthew Marshall v. State of Florida

854 So. 2d 1235 (Fla. 2003) · No. SC00-1186 · Decided June 12, 2003

SUMMARY

The Supreme Court of Florida reviewed Matthew Marshall’s appeal from the denial of his motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. The court held that Marshall was entitled to an evidentiary hearing on his allegations of juror misconduct involving racial remarks and extrinsic materials, while affirming the denial of relief on the other issues addressed, including ineffective assistance of counsel and claims concerning withheld exculpatory information.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Anstead; Justice Pariente; Senior Justice Shaw; Justice Lewis; Justice Wells; Justice Quince
JURISDICTION	Florida
DECIDED	June 12, 2003
DOCKET	SC00-1186
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850 in a capital case.
STANDARD OF REVIEW	Ineffective-assistance claims present mixed questions of law and fact subject to plenary review under Strickland, with deference to the trial court's factual findings. Postconviction rulings and summary denials were reviewed for legal error.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Matthew Marshall v. State of Florida

TOPICS

- post-conviction relief
- jury selection
- ineffective assistance
- prosecutorial misconduct
- due process

PRACTICE AREAS

- criminal postconviction
- capital litigation
- criminal procedure
- constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether Marshall was entitled to an evidentiary hearing on allegations that jurors made racial remarks and considered non-record materials.
2. Whether trial counsel was ineffective for failing to investigate and present mitigating evidence concerning Marshall's family background and alleged childhood abuse.
3. Whether Marshall established a Brady violation based on alleged nondisclosure of a promise to house inmate witnesses together.
4. Whether the State violated Giglio by presenting or permitting false testimony concerning promises made to a witness.
5. Whether cumulative error required relief.
6. Whether the trial court improperly summarily denied additional postconviction claims.

HOLDINGS

1. A postconviction movant is entitled to an evidentiary hearing when sworn allegations, including a third-party affidavit, assert potentially prejudicial overt juror acts such as racial remarks or receipt of prejudicial non-record information that do not inhere in the verdict. The trial court erred by summarily denying Marshall's juror-misconduct claim.
2. Marshall failed to establish deficient performance because counsel conducted a substantial pretrial investigation and Marshall, his father, and available records did not disclose the alleged childhood abuse. The denial of this ineffective-assistance claim was affirmed.
3. The direct Ake competency-of-expert claim was procedurally barred because it could have been raised on direct appeal, and counsel was not ineffective merely because the trial court denied counsel's request for an additional mental-health expert.
4. Marshall failed to establish a Brady violation based on the alleged promise to house inmate witnesses together because, even assuming the State withheld evidence of such a promise, the evidence was not sufficiently material to undermine confidence in the verdict.
5. Marshall failed to establish a Giglio violation because he did not show material false testimony knowingly presented by the State, and there was no reasonable likelihood that the alleged undisclosed promise affected the verdict.
6. The cumulative-error claim was moot because the court rejected all asserted errors except the juror-misconduct claim, which was remanded for an evidentiary hearing.
7. Claims presented without developed appellate argument were deemed insufficiently presented, while the specifically argued claims were procedurally barred or not ripe for review.

KEY QUOTATIONS

“But when appeals to racial bias are made openly among the jurors, they constitute overt acts of misconduct.” (854 So. 2d at 1241)

“In order to prove an ineffective assistance of counsel claim, a defendant must establish two elements: First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense.” (854 So. 2d at 1245)

“The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; [2] that evidence must have been suppressed by the State, either willfully or inadvertently; and [3] prejudice must have ensued.” (854 So. 2d at 1250)

FACTUAL BACKGROUND

Marshall was convicted of murdering fellow inmate Jeffrey Henry at the Martin Correctional Institution in 1988 and received a death sentence after the trial court rejected the jury's recommendation of life imprisonment. In postconviction proceedings, Marshall presented allegations that jurors made racial remarks and considered extrinsic materials, that counsel failed to investigate childhood abuse and mitigation, and that the State withheld an alleged promise concerning housing of two inmate witnesses. The trial court denied relief after an evidentiary hearing on selected claims and summarily denied the remainder.

PROCEDURAL HISTORY

Marshall was convicted of first-degree murder and sentenced to death after the trial court overrode the jury's life recommendation. The Florida Supreme Court affirmed the conviction and sentence on direct appeal. In postconviction proceedings, the trial court granted an evidentiary hearing on four claims, later denied all relief, and summarily denied the remaining claims. The Florida Supreme Court affirmed the denial of relief on all claims except juror misconduct and remanded for a limited evidentiary hearing on that claim.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct an evidentiary hearing limited initially to attempting to identify and interview the female juror who allegedly contacted Ronald Smith. Further juror interviews may occur only if the court determines there is a reasonable probability that misconduct occurred. The trial court should control most or all questioning and avoid inquiry into matters inhering in the verdict.

CASES CITED

- Marshall v. State, 604 So. 2d 799, 802, 805-06 (Fla. 1992)
- Marshall v. Florida, 508 U.S. 915 (1993)
- McAllister Hotel, Inc. v. Porte, 123 So. 2d 339, 344 (Fla. 1960)
- Russ v. State, 95 So. 2d 594, 600 (Fla. 1957)
- Marks v. State Road Department, 69 So. 2d 771, 774-75 (Fla. 1954)

- Devoney v. State, 717 So. 2d 501, 502 (Fla. 1998)
- Baptist Hospital of Miami, Inc. v. Maler, 579 So. 2d 97, 99-101 (Fla. 1991)
- State v. Hamilton, 574 So. 2d 124, 128 (Fla. 1991)
- Powell v. Allstate Insurance Co., 652 So. 2d 354, 356-58 (Fla. 1995)
- Sentinel Communications Co. v. Watson, 615 So. 2d 768, 772 (Fla. 5th DCA 1993)
- Kelley v. State, 569 So. 2d 754, 762 (Fla. 1990)
- Strickland v. Washington, 466 U.S. 668, 687, 689, 691, 693-94 (1984)
- Rutherford v. State, 727 So. 2d 216, 219-20 (Fla. 1998)
- Stephens v. State, 748 So. 2d 1028, 1033 (Fla. 1999)
- Rose v. State, 675 So. 2d 567, 571 (Fla. 1996)
- State v. Riechmann, 777 So. 2d 342, 350, 362 (Fla. 2000)
- Stewart v. State, 801 So. 2d 59, 67 (Fla. 2001)
- Cherry v. State, 781 So. 2d 1040, 1047-50 (Fla. 2000)
- Rose v. State, 617 So. 2d 291, 294-95 (Fla. 1993)
- Asay v. State, 769 So. 2d 974, 984 (Fla. 2000)
- Ake v. Oklahoma, 470 U.S. 68 (1985)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Strickler v. Greene, 527 U.S. 263, 281-82, 290 (1999)
- Kyles v. Whitley, 514 U.S. 419, 435 (1995)
- Sireci v. State, 773 So. 2d 34 (Fla. 2000)
- Haliburton v. Singletary, 691 So. 2d 466, 470 (Fla. 1997)
- Giglio v. United States, 405 U.S. 150 (1972)
- Robinson v. State, 707 So. 2d 688, 693 (Fla. 1998)
- Routly v. State, 590 So. 2d 397, 400 (Fla. 1991)
- Ventura v. State, 794 So. 2d 553, 563, 565 (Fla. 2001)
- Shere v. State, 742 So. 2d 215, 218 n.6 (Fla. 1999)