

SUPREME COURT OF FLORIDA

Hunter v. State

817 So. 2d 786 (Fla. 2002) · No. SC00-1885, SC01-836 · Decided April 4, 2002

SUMMARY

The Supreme Court of Florida affirmed the denial of James Eugene Hunter's motion for postconviction relief and denied his petition for a writ of habeas corpus. The court rejected claims involving an alleged conflict of interest, ineffective assistance of trial counsel concerning photographic evidence, ineffective assistance of appellate counsel, and the proportionality of Hunter's death sentence relative to a codefendant's life sentence.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Shaw, J.; Harding, J.; Anstead, J.; Pariente, J.; Lewis, J.; Quince, J.; Wells, C.J.
JURISDICTION	Florida
DECIDED	April 4, 2002
DOCKET	SC00-1885, SC01-836
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hunter appealed the denial of his Florida Rule of Criminal Procedure 3.850 motion for postconviction relief and separately petitioned the Supreme Court of Florida for a writ of habeas corpus alleging ineffective assistance of appellate counsel.
STANDARD OF REVIEW	Ineffective-assistance claims are reviewed as mixed questions of law and fact, with independent review of the trial court's legal conclusions and deference to supported factual findings. The court applied plenary review under Strickland to the legal component of the claims.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Florida; precedential.
PARTIES	James Eugene Hunter v. State of Florida

TOPICS

- state post-conviction relief
- ineffective assistance
- habeas corpus
- competency to be executed
- appellate procedure

PRACTICE AREAS

state post-conviction relief

capital postconviction litigation

criminal procedure

habeas corpus

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether trial counsel labored under an actual conflict of interest because the public defender's office had previously represented a State witness.
2. Whether trial counsel was ineffective for failing to use color photographs to challenge the identification and the State's case.
3. Whether appellate counsel was ineffective for failing to raise the alleged conflict-of-interest issue and the alleged disproportionality of Hunter's death sentence compared with a codefendant's life sentence.
4. Whether Hunter could obtain habeas relief based on a claim that he might be incompetent at the time of execution before issuance of a death warrant.
5. Whether the remaining postconviction claims were procedurally barred or without merit.

HOLDINGS

1. A defendant claiming ineffective assistance based on a conflict of interest must establish both that counsel actively represented conflicting interests and that the conflict adversely affected counsel's performance. Hunter failed to make that showing because trial counsel was unaware of the public defender office's prior representation of the witness and Hunter identified no factual connection between that representation and counsel's performance.
2. Hunter failed to establish ineffective assistance under Strickland because the photographs would have been cumulative of evidence and arguments already presented to the jury, and he did not show a reasonable probability of a different result.
3. Hunter was not entitled to habeas relief based on appellate counsel's alleged conflict because the claim duplicated the conflict claim rejected in the postconviction appeal and habeas corpus may not be used as an additional appeal of issues that were or could have been raised elsewhere.
4. Appellate counsel was not ineffective for failing to argue that Hunter's death sentence was disproportionate to codefendant Boyd's life sentence because the record supported the conclusion that Hunter was the actual shooter and more culpable participant.
5. A claim that Hunter might be incompetent at the time of execution was premature because Florida law permits the claim to be raised after issuance of a death warrant.

KEY QUOTATIONS

"A possible, speculative or merely hypothetical conflict is "insufficient to impugn a criminal conviction.""
(792)

"habeas corpus petitions are not to be used for additional appeals on questions which could have been ... or were raised on appeal or in a rule 3.850 motion. ..." (797)

“Where a more culpable codefendant receives a life sentence, a sentence of death should not be imposed on the less culpable defendant.” (798)

FACTUAL BACKGROUND

Hunter participated in a series of armed robberies in DeLand and Daytona Beach on September 16, 1992. During the Daytona Beach robbery, four victims were robbed at gunpoint and shot; one victim died. Hunter was identified as the shooter, and evidence showed that he was the only participant carrying a real handgun, gave orders during the crime, and later told the driver that he had fired because a victim tried to run. Hunter was convicted of eight offenses and received a death sentence for the murder.

PROCEDURAL HISTORY

Hunter was convicted of first-degree murder, attempted first-degree murder, armed robbery, and attempted armed robbery, and was sentenced to death. The Supreme Court of Florida affirmed his convictions and sentences on direct appeal, and the United States Supreme Court denied certiorari. The trial court denied Hunter's amended postconviction motion after granting an evidentiary hearing on several claims. The Supreme Court of Florida affirmed that denial and denied habeas relief.

DISPOSITION

affirmed

CASES CITED

- Hunter v. State, 660 So. 2d 244, 246-54 (Fla. 1995)
- Hunter v. Florida, 516 U.S. 1128 (1996)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Cuyler v. Sullivan, 446 U.S. 335 (1980)
- Quince v. State, 732 So. 2d 1059, 1064-65 (Fla. 1999)
- Herring v. State, 730 So. 2d 1264, 1267-68 (Fla. 1998)
- McCrae v. State, 510 So. 2d 874, 877 (Fla. 1987)
- Porter v. State, 478 So. 2d 33, 35 (Fla. 1985)
- Foster v. State, 387 So. 2d 344, 345 (Fla. 1980)
- Porter v. Singletary, 14 F.3d 554, 561 (11th Cir. 1994)
- Rutherford v. State, 727 So. 2d 216, 219-20 (Fla. 1998)
- Rose v. State, 675 So. 2d 567, 569-71 (Fla. 1996)
- Stephens v. State, 748 So. 2d 1028, 1033 (Fla. 1999)
- Shere v. State, 742 So. 2d 215, 218 n. 7 (Fla. 1999)
- Doyle v. State, 526 So. 2d 909, 911 (Fla. 1988)
- Hildwin v. Dugger, 654 So. 2d 107, 109 (Fla. 1995)
- Ray v. State, 755 So. 2d 604, 611-12 (Fla. 2000)

- Parker v. Dugger, 550 So. 2d 459, 460 (Fla. 1989)
- Freeman v. State, 761 So. 2d 1055, 1069 (Fla. 2000)
- Pope v. Wainwright, 496 So. 2d 798, 800 (Fla. 1986)
- Thompson v. State, 759 So. 2d 650, 660 (Fla. 2000)
- Jennings v. State, 718 So. 2d 144, 153-54 (Fla. 1998)
- Howell v. State, 707 So. 2d 674, 683 (Fla. 1998)
- Hall v. Moore, 792 So. 2d 447, 450 (Fla. 2001)
- Peede v. State, Peede v. State, 748 So. 2d 253, 256 n. 6 (Fla. 1999)
- Harvey v. Dugger, 656 So. 2d 1253, 1256 (Fla. 1995)
- Huff v. State, 622 So. 2d 982 (Fla. 1993)