

SUPREME COURT OF FLORIDA

James Armando Card, Sr. v. Julie L. Jones, etc.

219 So. 3d 47 (Fla. 2017) · No. SC17-453 · Decided May 4, 2017

SUMMARY

The Florida Supreme Court granted James Armando Card’s petition for a writ of habeas corpus based on the Hurst v. Florida jury-trial error in his capital sentencing proceeding. Because the jury recommended death by a vote of eleven to one, the court concluded that the State could not prove the error harmless beyond a reasonable doubt, vacated the death sentence, and remanded for a new penalty phase.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Labarga, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Polston, J.; Lawson, J.
JURISDICTION	Florida
DECIDED	May 4, 2017
DOCKET	SC17-453
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Card petitioned the Supreme Court of Florida for a writ of habeas corpus seeking relief under Hurst v. Florida and Hurst v. State from his death sentence.
STANDARD OF REVIEW	The State bore the burden to prove beyond a reasonable doubt that the Hurst error did not contribute to the death sentence; the court applied the harmless-beyond-a-reasonable-doubt standard.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of Florida
PARTIES	James Armando Card, Sr. v. Julie L. Jones, etc.

TOPICS

- state post-conviction relief
- habeas corpus
- sentencing
- sixth amendment
- constitutional law

PRACTICE AREAS

- capital post-conviction litigation
- habeas corpus
- criminal sentencing

QUESTIONS PRESENTED

1. Whether *Hurst v. Florida* and *Hurst v. State* applied retroactively to Card's death sentence.
2. Whether the Hurst error in Card's penalty-phase proceeding was harmless beyond a reasonable doubt.

HOLDINGS

1. Hurst applies retroactively to Card because his sentence became final after the United States Supreme Court issued *Ring v. Arizona*.
2. The Hurst error was not harmless beyond a reasonable doubt because the State could not establish that a rational jury would have unanimously found every fact necessary to impose death, and Card's jury did not unanimously recommend death.

KEY QUOTATIONS

“[I]n the context of a Hurst v. Florida error, the burden is on the State, as the beneficiary of the error, to prove beyond a reasonable doubt that the jury’s failure to unanimously find all the facts necessary for imposition of the death penalty did not contribute to [the] death sentence.” (-2-)

“As applied to the right to a jury trial with regard to the factual findings necessary to impose a sentence of death, it must be clear beyond a reasonable doubt that a rational jury would have unanimously found that each aggravating factor was proven beyond a reasonable doubt, that the aggravating factors were sufficient to impose death, and that the aggravating factors outweighed the mitigating circumstances.” (-2-)

FACTUAL BACKGROUND

Card's penalty-phase jury recommended a death sentence by an eleven-to-one vote rather than unanimously. The jury did not unanimously make the factual findings required for imposition of the death penalty, including findings concerning aggravating factors, their sufficiency, and the balance between aggravating and mitigating circumstances. Card's sentence became final four days after the United States Supreme Court issued its opinion in *Ring v. Arizona*.

PROCEDURAL HISTORY

Card's death sentence became final on June 28, 2002, after the United States Supreme Court denied certiorari. His penalty-phase jury had recommended death by a vote of eleven to one. The Supreme Court of Florida held that Hurst applied retroactively, determined that the Hurst error was not harmless beyond a reasonable doubt, granted habeas relief, vacated the death sentence, and remanded for a new penalty phase.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must conduct a new penalty phase.

CASES CITED

- Hurst v. Florida, 136 S. Ct. 616 (2016)
- Hurst v. State, 202 So. 3d 40, 44, 68 (Fla. 2016)
- Card v. State, 803 So. 2d 613, 619 (Fla. 2001)
- Card v. Florida, 536 U.S. 963 (2002)
- Mosley v. State, 209 So. 3d 1248, 1276 (Fla. 2016)
- Ring v. Arizona, 536 U.S. 584 (2002)

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