

SUPREME COURT OF FLORIDA

Marbel Mendoza v. State of Florida

235 So. 3d 302 (Fla. 2018) · No. SC17-1324 · Decided January 30, 2018

SUMMARY

The Supreme Court of Florida affirmed the denial of Marbel Mendoza’s motion for post-conviction relief under Florida Rule of Criminal Procedure 3.851. The court held that *Hurst v. Florida* did not apply retroactively to Mendoza’s death sentence, which became final in 1998, consistent with *Hitchcock v. State*.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Labarga, C.J.; Quince, J.; Polston, J.; Lawson, J.; Pariente, J.; Lewis, J.; Canady, J.
JURISDICTION	Florida
DECIDED	January 30, 2018
DOCKET	SC17-1324
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the circuit court denying Mendoza's motion for post-conviction relief under Florida Rule of Criminal Procedure 3.851.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion
PARTIES	Marbel Mendoza v. State of Florida

TOPICS

- state post-conviction relief
- post-conviction relief
- sentencing
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal law
- Capital post-conviction relief
- Appellate procedure

QUESTIONS PRESENTED

1. Whether *Hurst v. Florida* applies retroactively to Mendoza's death sentence, which became final in 1998.

2. Whether Mendoza was entitled to post-conviction relief under Florida Rule of Criminal Procedure 3.851.

HOLDINGS

1. Hurst does not apply retroactively to Mendoza's death sentence because the sentence became final in 1998.
2. Mendoza was not entitled to relief, and the denial of her Rule 3.851 motion was affirmed.

FACTUAL BACKGROUND

Mendoza was sentenced to death following a jury's recommendation for death by a vote of seven to five. Her death sentence became final in 1998. She later filed a Rule 3.851 motion seeking relief based on the United States Supreme Court's decision in *Hurst v. Florida* and the Florida Supreme Court's decision on remand in *Hurst v. State*.

PROCEDURAL HISTORY

Mendoza was sentenced to death after a jury recommended death by a seven-to-five vote, and the sentence became final in 1998. She later sought relief under *Hurst v. Florida* and *Hurst v. State* through a Rule 3.851 motion. The Florida Supreme Court stayed the appeal pending *Hitchcock v. State*, then affirmed the circuit court's denial after concluding that *Hitchcock* controlled and *Hurst* did not apply retroactively.

DISPOSITION

affirmed

CASES CITED

- *Hurst v. Florida*, 136 S. Ct. 616 (2016)
- *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), cert. denied, 137 S. Ct. 2161 (2017)
- *Hitchcock v. State*, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017)
- *Mendoza v. State*, 700 So. 2d 670, 673 (Fla. 1997)
- *Mendoza v. Florida*, 525 U.S. 839 (1998)