

SUPREME COURT OF FLORIDA

Ballard v. State

66 So. 3d 912 (Fla. 2011) · No. SC08-2041 · Decided June 30, 2011

SUMMARY

The Supreme Court of Florida affirmed Roy Phillip Ballard’s first-degree murder conviction and upheld the admission of collateral-crime evidence concerning his sexual relationship with the victim’s minor daughter. The court also upheld the cold, calculated, and premeditated aggravator but held that the death sentence was disproportionate in light of the mitigation, vacating it and remanding for imposition of life imprisonment without the possibility of parole. A dissent would have affirmed the death sentence.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente; Lewis; Quince; Labarga; Perry; Polston; Canady
JURISDICTION	Florida
DECIDED	June 30, 2011
DOCKET	SC08-2041
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a first-degree murder conviction and death sentence.
STANDARD OF REVIEW	Collateral-crime evidence is reviewed for abuse of discretion, subject to the rules of evidence. An aggravating-circumstance finding is reviewed to determine whether the trial court applied the correct rule of law and whether competent, substantial evidence supports the finding. The sufficiency of the evidence supporting a homicide conviction is reviewed as part of the court's mandatory review. Proportionality of a death sentence is reviewed comparatively against other death-penalty decisions.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida; majority opinion is per curiam, with a separate partial concurrence and dissent.
PARTIES	Roy Phillip Ballard v. State of Florida

TOPICS

sentencing evidence criminal procedure appellate jurisdiction standard of review

PRACTICE AREAS

criminal law capital punishment evidence appellate practice

QUESTIONS PRESENTED

1. Whether the trial court improperly admitted collateral-crime evidence concerning Ballard's sexual relationship with Suny Houghtling.
2. Whether competent, substantial evidence supported the cold, calculated, and premeditated aggravating circumstance.
3. Whether the death sentence was proportionate in light of the aggravating and mitigating circumstances.
4. Whether Florida's death-penalty statute was unconstitutional under *Ring v. Arizona*.

HOLDINGS

1. The trial court did not abuse its discretion by admitting evidence of Ballard's sexual relationship with Suny because the evidence was relevant to establish motive and was inextricably intertwined with the events surrounding Autumn's murder.
2. Competent, substantial evidence supported the trial court's finding of the cold, calculated, and premeditated aggravator.
3. The evidence was sufficient to sustain Ballard's first-degree murder conviction.
4. The death sentence was disproportionate and had to be vacated and reduced to life imprisonment without the possibility of parole.
5. Ballard's constitutional challenge under *Ring v. Arizona* was moot because the death sentence was being vacated and replaced with life imprisonment.

KEY QUOTATIONS

“To establish the CCP aggravator, the State must prove beyond a reasonable doubt that (1) the killing was the product of cool and calm reflection and not an act prompted by emotional frenzy, panic, or a fit of rage (cold); (2) the defendant had a careful plan or prearranged design to commit murder before the fatal incident (calculated); (3) the defendant exhibited heightened premeditation (premeditated); and (4) the murder was committed with no pretext of legal or moral justification.” (919)

“Because we find the sentence to be disproportionate, we reverse the sentence of death and remand to the trial court for entry of an order sentencing Ballard to life imprisonment without the possibility of parole.” (920)

FACTUAL BACKGROUND

Autumn Traub disappeared after being in the company of her stepfather, Roy Phillip Ballard, who wanted to regain custody of Autumn's minor daughter, Suny Houghtling, with whom Ballard had an illegal sexual relationship. Evidence showed that Ballard purchased an eighteen-inch metal pipe and duct tape, traveled to a remote area near the time of the disappearance, waited for Autumn's husband to leave, and lured Autumn from her home. Blood and DNA evidence linked Autumn to items in Ballard's trunk, and a former cellmate testified that Ballard confessed to killing Autumn with the pipe and disposing of her body. Autumn's body was never found.

PROCEDURAL HISTORY

A jury convicted Ballard of first-degree murder and recommended a death sentence by a vote of nine to three. The trial court adjudicated him guilty and imposed death. On mandatory direct review, the Supreme Court of Florida affirmed the conviction, affirmed the admission of collateral-crime evidence and the finding of the cold, calculated, and premeditated aggravator, but found the death sentence disproportionate and remanded for entry of a life sentence without parole.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the sentence of death and enter an order sentencing Ballard to life imprisonment without the possibility of parole; the first-degree murder conviction remains affirmed.

CASES CITED

- Hodges v. State, Hodges v. State, 885 So. 2d 338, 357 (Fla. 2004)
- Sexton v. State, 697 So. 2d 833, 837 (Fla. 1997)
- Johnston v. State, 863 So. 2d 271, 278 (Fla. 2003)
- Huff v. State, 569 So. 2d 1247, 1249 (Fla. 1990)
- Canakaris v. Canakaris, 382 So. 2d 1197, 1203 (Fla. 1980)
- Williams v. State, 110 So. 2d 654, 659-60 (Fla. 1959)
- LaMarca v. State, 785 So. 2d 1209, 1212-13 (Fla. 2001)
- Dorsett v. State, 944 So. 2d 1207 (Fla. 3d DCA 2006)
- McWatters v. State, 36 So. 3d 613, 640-41 (Fla. 2010)
- Lynch v. State, 841 So. 2d 362, 368 (Fla. 2003)
- Pearce v. State, 880 So. 2d 561, 575-76 (Fla. 2004)
- Wright v. State, 19 So. 3d 277, 298 (Fla. 2009)
- Brown v. State, 721 So. 2d 274, 277 (Fla. 1998)
- Hudson v. State, 992 So. 2d 96 (Fla. 2008)
- Swafford v. State, 533 So. 2d 270 (Fla. 1988)

- Jackson v. State, 648 So. 2d 85, 89 (Fla. 1994)
- Wuornos v. State, 644 So. 2d 1000, 1008 (Fla. 1994)
- Walls v. State, 641 So. 2d 381, 388 (Fla. 1994)
- Dennis v. State, 817 So. 2d 741, 765 (Fla. 2002)
- Morton v. State, 995 So. 2d 233, 243 (Fla. 2008)
- State v. Dixon, 283 So. 2d 1 (Fla. 1973)
- DeAngelo v. State, 616 So. 2d 440 (Fla. 1993)
- Klokoc v. State, 589 So. 2d 219 (Fla. 1991)
- Ring v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002)
- Butler v. State, 842 So. 2d 817 (Fla. 2003)
- Merck v. State, 975 So. 2d 1054, 1065 (Fla. 2007)
- Windom v. State, 656 So. 2d 432, 440 (Fla. 1995)
- Diaz v. State, 860 So. 2d 960, 971 (Fla. 2003)
- Morton v. State, 789 So. 2d 324, 331 (Fla. 2001)
- Larkins v. State, 739 So. 2d 90, 95 (Fla. 1999)
- Burns v. State, 699 So. 2d 646 (Fla. 1997)
- Ferrell v. State, 680 So. 2d 390 (Fla. 1996)
- Cardona v. State, 641 So. 2d 361 (Fla. 1994)
- Besaraba v. State, 656 So. 2d 441, 446-47 (Fla. 1995)
- Nibert v. State, 574 So. 2d 1059, 1062-63 (Fla. 1990)
- Porter v. Crosby, 840 So. 2d 981, 986 (Fla. 2003)
- Bottoson v. Moore, 833 So. 2d 693 (Fla. 2002)
- King v. Moore, 831 So. 2d 143 (Fla. 2002)