

SUPREME COURT OF FLORIDA

Winkles v. State

21 So. 3d 19 (Fla. 2009) · Decided September 3, 2009

SUMMARY

The Florida Supreme Court affirmed the denial of James Delano Winkles's motion for postconviction relief from his convictions and death sentences for two first-degree murders. The court rejected his claims that trial counsel was ineffective in advising him to plead guilty and waive a penalty-phase jury, declining to present mental-health evidence, and failing to call his uncle as a witness. The court concluded that counsel's decisions were reasonable strategic choices and that Winkles failed to establish prejudice under Strickland v. Washington.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                              |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Florida                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Per Curiam; Quince, C.J.; Pariente, J.; Lewis, J.; Canady, J.; Polston, J.; Labarga, J.; Perry, J.                                                                                                                                                           |
| JURISDICTION          | Florida                                                                                                                                                                                                                                                      |
| DECIDED               | September 3, 2009                                                                                                                                                                                                                                            |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Winkles appealed the circuit court's denial of his Florida Rule of Criminal Procedure 3.851 motion to vacate his convictions and death sentences, asserting ineffective assistance of trial counsel.                                                         |
| STANDARD OF REVIEW    | The court deferred to postconviction factual findings supported by competent, substantial evidence and reviewed legal conclusions de novo. Ineffective-assistance claims were evaluated under Strickland's deficient-performance and prejudice requirements. |
| PRECEDENTIAL VALUE    | Published Florida Supreme Court opinion; precedential.                                                                                                                                                                                                       |
| PARTIES               | James Delano Winkles v. State of Florida                                                                                                                                                                                                                     |

TOPICS

- state post-conviction relief
- ineffective assistance
- sentencing
- post-conviction relief
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for advising Winkles to plead guilty and waive a penalty-phase jury based on the anticipated effect of *Ring v. Arizona*.
2. Whether trial counsel was ineffective for failing to present a mental-health expert and evidence concerning Winkles's alleged history of sexual abuse during the penalty phase.
3. Whether trial counsel was ineffective for failing to locate and call Winkles's uncle, J.C. Winkles, as a penalty-phase witness.

## HOLDINGS

1. Winkles failed to establish prejudice because he neither pleaded nor testified that, but for counsel's advice concerning *Ring*, he would not have pleaded guilty and would have insisted on a trial.
2. Counsel was not ineffective for advising Winkles to waive the penalty-phase jury, and Winkles failed to establish prejudice from the waiver.
3. Trial counsel was not ineffective for declining to present a mental-health expert or related sexual-abuse evidence after consulting experts, and Winkles failed to establish prejudice.
4. Winkles failed to establish ineffective assistance based on counsel's failure to locate and call J.C. Winkles because J.C.'s testimony did not establish prejudice.

## KEY QUOTATIONS

*"This Court employs a mixed standard of review, deferring to the postconviction court's factual findings that are supported by competent, substantial evidence, but reviewing legal conclusions de novo."* (23)

*"strategic decisions do not constitute ineffective assistance of counsel if alternative courses have been considered and rejected and counsel's decision was reasonable under the norms of professional conduct."* (25)

*"An ineffective assistance claim does not arise from the failure to present mitigation evidence where that evidence presents a double-edged sword."* (26)

## FACTUAL BACKGROUND

While serving a life sentence for another crime, Winkles confessed to abducting and murdering Elizabeth Graham and Margo Delimon. He pleaded guilty to both first-degree murders and waived a penalty-phase jury; the circuit court found four aggravating circumstances for each murder and imposed death sentences. In postconviction proceedings, Winkles presented claims concerning counsel's advice about pleading guilty and waiving a jury, the failure to present mental-health evidence, and the failure to call his uncle as a penalty-phase witness.

## PROCEDURAL HISTORY

Winkles pleaded guilty to two counts of first-degree murder and received two death sentences after waiving a penalty-phase jury. The Supreme Court of Florida affirmed the convictions and sentences on direct appeal. After the circuit court held an evidentiary hearing on Winkles's amended postconviction motion and denied relief, Winkles appealed the denial of his ineffective-assistance claims.

## DISPOSITION

affirmed

## CASES CITED

- Winkles v. State, 894 So. 2d 842, 843-48 (Fla. 2005)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Cherry v. State, 659 So. 2d 1069, 1072 (Fla. 1995)
- Sochor v. State, 883 So. 2d 766, 771-72 (Fla. 2004)
- Grosvenor v. State, 874 So. 2d 1176, 1181 (Fla. 2004)
- Grim v. State, 971 So. 2d 85, 101 (Fla. 2007)
- Occhicone v. State, 768 So. 2d 1037, 1048 (Fla. 2000)
- Bowles v. State, 979 So. 2d 182, 188 (Fla. 2008)
- Pace v. State, 854 So. 2d 167, 173-74 (Fla. 2003)
- Griffin v. State, 866 So. 2d 1, 9 (Fla. 2003)
- State v. Larzelere, 979 So. 2d 195, 206 (Fla. 2008)
- Hildwin v. Dugger, 654 So. 2d 107, 109-10 (Fla. 1995)
- Phillips v. State, 608 So. 2d 778, 782-83 (Fla. 1992)
- Willacy v. State, 967 So. 2d 131, 144 (Fla. 2007)