

SUPREME COURT OF FLORIDA

Edward Allen Covington v. State of Florida

228 So. 3d 49 (Fla. 2017) · No. SC15-1252 · Decided August 31, 2017

SUMMARY

The Supreme Court of Florida reviews Edward Allen Covington’s convictions and death sentences for the first-degree murders of Lisa, Zachary, and Heather Savannah Freiberg. The court describes the murders, Covington’s guilty pleas and penalty-phase waiver, the aggravating and mitigating circumstances, and affirms the convictions and sentences.

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	August 31, 2017
DOCKET	SC15-1252
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for three first-degree murders and death sentences, following guilty pleas and waiver of a penalty-phase jury.
STANDARD OF REVIEW	The sufficiency of evidence supporting an aggravating circumstance is reviewed for competent, substantial evidence. The Court reviews whether the trial court applied the correct rule of law and whether competent, substantial evidence supports the finding, without reweighing the evidence. The determination and weighting of aggravating and mitigating circumstances is reviewed for abuse of discretion. The validity of a guilty plea in a capital case is reviewed to ensure that it was knowing, intelligent, and voluntary. Proportionality is reviewed under the totality of the circumstances.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida
PARTIES	Edward Allen Covington v. State of Florida

TOPICS

sentencing

appellate procedure

criminal procedure

standard of review

PRACTICE AREAS

criminal law

capital punishment

criminal appellate practice

QUESTIONS PRESENTED

1. Whether competent, substantial evidence supported the particularly vulnerable aggravator for the murders of Zachary and Heather Savannah based on Covington's familial or custodial authority.
2. Whether competent, substantial evidence supported the especially heinous, atrocious, or cruel aggravator for Heather Savannah's murder.
3. Whether the sentencing order complied with the requirements governing the evaluation and weighing of aggravating and mitigating circumstances.
4. Whether the trial court erred by failing to treat parole ineligibility as a mitigating circumstance.
5. Whether Covington's guilty pleas to capital murder were knowing, intelligent, and voluntary.
6. Whether the death sentences were proportionate.
7. Whether Covington was entitled to relief under *Hurst v. Florida* despite waiving a penalty-phase jury.

HOLDINGS

1. The particularly vulnerable aggravator was properly applied to the murders of Zachary and Heather Savannah because competent, substantial evidence showed that Covington stood in a familial or custodial position of authority over the children, which heightened their vulnerability to him.
2. The especially heinous, atrocious, or cruel aggravator was properly applied to Heather Savannah's murder because competent, substantial evidence showed that she suffered severe physical and emotional trauma before death, including beating, broken femurs, head trauma, terror, and a fatal throat wound.
3. The sentencing order was sufficient because the trial court expressly evaluated each proposed mitigator, determined whether it was supported and mitigating, assigned weights to aggravating and mitigating circumstances, and explained the weighing process.
4. The trial court erred by failing to determine whether parole ineligibility was mitigating under the circumstances, but the error was harmless beyond a reasonable doubt and did not require resentencing.
5. Covington's guilty pleas were knowingly, intelligently, and voluntarily entered.
6. The three death sentences were proportionate under the totality of the circumstances.
7. Covington was not entitled to relief under *Hurst v. Florida* because he waived his right to a penalty-phase jury.

KEY QUOTATIONS

“Thus, there is competent, substantial evidence in the record to support the trial court’s conclusion that the children were particularly vulnerable to Covington due to the nature of their relationship with him.” (at 56)

“Thus, regardless of whether Heather Savannah was conscious when Covington cut her throat, there is competent, substantial evidence to support the trial court’s finding that her murder was HAC.” (at 59)

“Thus, any error in the trial court’s failure to consider parole ineligibility as a mitigating circumstance was harmless beyond a reasonable doubt.” (at 66)

“We therefore conclude that Covington’s pleas were knowingly, intelligently, and voluntarily entered.” (at 70)

“Having reviewed Covington’s claims as well as the sufficiency of his pleas, we affirm the judgments of conviction and sentences of death.” (at 77)

FACTUAL BACKGROUND

Covington lived with Lisa Freiberg and her two children, Zachary and Heather Savannah, for several weeks before the murders and assumed a parental or custodial role in the household. On May 11, 2008, he killed Lisa, Zachary, Heather Savannah, and the family dog, using knives and hammers; Heather Savannah was severely beaten, dismembered, and decapitated, and Zachary was stabbed and mutilated. Covington was found in a closet after taking medication and later confessed to the murders. At sentencing, the trial court found multiple aggravating circumstances and statutory and nonstatutory mitigating circumstances, then imposed three death sentences.

PROCEDURAL HISTORY

Covington was indicted in the Circuit Court for Hillsborough County on three counts of first-degree murder, three counts of abuse of a dead body, and one count of cruelty to an animal. After trial proceedings began, he pleaded guilty to all seven counts and waived a penalty-phase jury. The trial court imposed three death sentences, concurrent fifteen-year sentences for the three abuse-of-a-dead-body counts, and a five-year sentence for cruelty to an animal. The Supreme Court of Florida reviewed the direct appeal, including the sufficiency of the guilty pleas and the required proportionality review, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Guardado v. State, 965 So. 2d 108, 115 (Fla. 2007)
- Aguirre-Jarquín v. State, 9 So. 3d 593, 608, 610 (Fla. 2009)
- Willacy v. State, 696 So. 2d 693, 695 (Fla. 1997)
- Beasley v. State, 774 So. 2d 649, 669 (Fla. 2000)
- Hernandez v. State, 4 So. 3d 642, 669 (Fla. 2009)
- Lott v. State, 695 So. 2d 1239, 1244 (Fla. 1997)
- Gore v. State, 706 So. 2d 1328, 1335 (Fla. 1997)
- James v. State, 695 So. 2d 1229, 1235 (Fla. 1997)
- King v. State, 130 So. 3d 676, 684 (Fla. 2013)

- Douglas v. State, 878 So. 2d 1246, 1261 (Fla. 2004)
- Dennis v. State, 817 So. 2d 741, 766 (Fla. 2002)
- Campbell v. State, 571 So. 2d 415, 419-20 (Fla. 1990)
- Trease v. State, 768 So. 2d 1050, 1055 (Fla. 2000)
- Fennie v. State, 855 So. 2d 597, 608 (Fla. 2003)
- Orme v. State, 25 So. 3d 536, 547-48 (Fla. 2009)
- Griffin v. State, 820 So. 2d 906, 913 (Fla. 2002)
- Ford v. State, 802 So. 2d 1121, 1136 (Fla. 2001)
- Tanzi v. State, 964 So. 2d 106, 120 (Fla. 2007)
- Winkles v. State, 894 So. 2d 842, 847 (Fla. 2005)
- Lynch v. State, 841 So. 2d 362, 375 (Fla. 2003)
- Koenig v. State, 597 So. 2d 256, 257 n.2 (Fla. 1992)
- Ocha v. State, 826 So. 2d 956, 965 (Fla. 2002)
- Taylor v. State, 937 So. 2d 590, 601 (Fla. 2006)
- Hayward v. State, 24 So. 3d 17, 46 (Fla. 2009)
- Urbin v. State, 714 So. 2d 411, 416 (Fla. 1998)
- Hodges v. State, Hodges v. State, 55 So. 3d 515, 542 (Fla. 2010)
- Smithers v. State, 826 So. 2d 916 (Fla. 2002)
- Francis v. State, 808 So. 2d 110 (Fla. 2001)
- Morton v. State, 789 So. 2d 324 (Fla. 2001)
- Hurst v. Florida, 136 S. Ct. 616 (2016)
- Mullens v. State, 197 So. 3d 16, 40 (Fla. 2016), cert. denied, 137 S. Ct. 672 (2017)
- Brant v. State, 197 So. 3d 1051, 1079 (Fla. 2016)