

SUPREME COURT OF FLORIDA

Hendrix v. State

908 So. 2d 412 (Fla. 2005) · No. Nos. SC04-54, SC04-1641 · Decided July 7, 2005

SUMMARY

The Supreme Court of Florida affirmed the denial of Robert Eugene Hendrix's motion for postconviction relief under Florida Rule of Criminal Procedure 3.850 and denied his petition for a writ of habeas corpus. The court rejected claims involving ineffective assistance of counsel, undisclosed information concerning a prosecution witness, shackling, mitigation evidence, and the heinous, atrocious, or cruel aggravator. The court concluded that Hendrix failed to establish deficient performance, prejudice, or a Brady violation.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Pariente, C.J.; Wells, J.; Anstead, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	July 7, 2005
DOCKET	Nos. SC04-54, SC04-1641
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hendrix appealed the denial of his Florida Rule of Criminal Procedure 3.850 motion for postconviction relief and separately petitioned the Supreme Court of Florida for a writ of habeas corpus alleging ineffective assistance of appellate counsel.
STANDARD OF REVIEW	Ineffective-assistance claims are mixed questions of law and fact: factual findings are reviewed for competent, substantial evidence, while legal conclusions and the application of law are reviewed independently under Strickland. Brady claims are reviewed deferentially as to factual findings supported by competent, substantial evidence and de novo as to the application of law to those facts.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Robert Eugene Hendrix v. State of Florida

TOPICS

state post-conviction relief

habeas corpus

ineffective assistance

evidence

due process

PRACTICE AREAS

criminal law

capital punishment

post-conviction litigation

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constitutional law

QUESTIONS PRESENTED

1. Whether the postconviction court erred in denying Hendrix's ineffective-assistance claims concerning trial counsel's handling of relevance evidence, witness impeachment, alleged judicial-prosecutorial connections, penalty-phase mitigation, the heinous-atrocious-or-cruel aggravator, and shackling.
2. Whether the State violated *Brady v. Maryland* by failing to disclose LaForce's prior cooperation as a confidential informant or cooperating defendant.
3. Whether Hendrix was denied a fair trial or ineffective assistance because he was shackled without the required findings and because the restraints allegedly could have been perceived by the jury.
4. Whether appellate counsel was ineffective for failing to raise the shackling issue on direct appeal.
5. Whether Hendrix's first postconviction claim concerning newly discovered evidence and judicial impartiality was preserved for review.

HOLDINGS

1. Hendrix failed to establish both deficient performance and resulting prejudice under *Strickland*; the postconviction court therefore properly denied his ineffective-assistance claims.
2. The State should have disclosed LaForce's prior cooperation with law enforcement as favorable impeachment evidence, but the nondisclosure did not prejudice Hendrix and therefore did not warrant relief.
3. Hendrix failed to establish ineffective assistance based on counsel's failure to object to shackling because the restraints were justified by security concerns, were not visible or audible to the jury, and caused no demonstrated prejudice.
4. Appellate counsel was not ineffective for failing to raise the shackling issue on direct appeal because the claim was unpreserved and depended on facts outside the direct-appeal record.
5. Hendrix's claim concerning newly discovered evidence and judicial impartiality was procedurally barred because the specific legal argument was not presented to the postconviction court.

KEY QUOTATIONS

"In order to prove that counsel was ineffective, a defendant must establish two elements: First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense." (at 419)

"Herein, information regarding Roger LaForce's prior cooperation with the Lake County drug task force should have been disclosed as impeachment evidence favorable to the Defendant." (at 423-424)

FACTUAL BACKGROUND

Hendrix was convicted of murdering Elmer Scott and Michelle Scott after planning the killings to prevent Elmer from testifying against him in an armed-burglary case. The evidence showed that Hendrix obtained a firearm, attempted to construct a silencer, traveled to the victims' home, shot Elmer, stabbed both victims, and concealed evidence afterward. In the penalty phase, counsel presented some mitigation but did not present additional evidence concerning Hendrix's drug use, alleged brain damage, family abuse, or related mental-health theories. Postconviction counsel presented new lay, mental-health, medical, and impeachment evidence, including evidence that witness Roger LaForce had previously cooperated with law enforcement.

PROCEDURAL HISTORY

Hendrix was convicted of two counts of premeditated first-degree murder, conspiracy, and armed burglary, and received two death sentences. The Supreme Court of Florida affirmed on direct appeal except as to one conspiracy conviction, and the United States Supreme Court denied certiorari. After an evidentiary hearing on selected claims, the circuit court denied the remaining Rule 3.850 claims. The Supreme Court of Florida affirmed that denial and denied the habeas petition.

DISPOSITION

affirmed

CASES CITED

- Hendrix v. State, 637 So. 2d 916, 917-18 (Fla. 1994)
- Hendrix v. Florida, 513 U.S. 1004 (1994)
- Strickland v. Washington, 466 U.S. 668, 687, 694 (1984)
- Hodges v. State, Hodges v. State, 885 So. 2d 338, 346 (Fla. 2004)
- Banks v. State, 842 So. 2d 788 (Fla. 2003)
- Rose v. State, 617 So. 2d 291, 294 (Fla. 1993)
- Asay v. State, 769 So. 2d 974, 985-86 (Fla. 2000)
- Jones v. State, 732 So. 2d 313, 320 (Fla. 1999)
- Pace v. State, 854 So. 2d 167, 173-74 (Fla. 2003)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Sochor v. State, 883 So. 2d 766, 785 n.23 (Fla. 2004)
- Sims v. State, 602 So. 2d 1253, 1256 (Fla. 1992)
- Marquard v. State, 850 So. 2d 417, 431 (Fla. 2003)
- Rutherford v. Moore, 774 So. 2d 637, 646 (Fla. 2000)
- Bertolotti v. Dugger, 514 So. 2d 1095, 1096 (Fla. 1987)