

SUPREME COURT OF FLORIDA

Richard Harold Anderson v. State of Florida

235 So. 3d 277 (Fla. 2018) · No. SC17-884 · Decided January 26, 2018

SUMMARY

The Supreme Court of Florida affirmed the denial of Richard Harold Anderson’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 Anderson’s death sentence, which became final in 1991, relying on *Hitchcock v. State*.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Labarga, C.J.; Polston, J.; Lawson, J.; Pariente, J.; Lewis, J.; Canady, J.
JURISDICTION	Florida
DECIDED	January 26, 2018
DOCKET	SC17-884
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anderson appealed the circuit court's denial of his motion for post-conviction relief under Florida Rule of Criminal Procedure 3.851, seeking relief based on <i>Hurst v. Florida</i> and <i>Hurst v. State</i> .
STANDARD OF REVIEW	De novo review of the legal issue concerning the retroactive application of <i>Hurst</i> to a final death sentence.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding on Florida courts concerning the disposition of Anderson's <i>Hurst</i> -based retroactivity claim.
PARTIES	Richard Harold Anderson v. State of Florida

TOPICS

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

PRACTICE AREAS

- criminal procedure
- capital post-conviction relief
- death penalty

QUESTIONS PRESENTED

1. Whether *Hurst v. Florida* and *Hurst v. State* apply retroactively to Anderson's death sentence, which became final in 1991.
2. Whether the circuit court properly denied Anderson's Rule 3.851 motion for post-conviction relief.

HOLDINGS

1. *Hurst* does not apply retroactively to Anderson's death sentence because the sentence became final in 1991.
2. The circuit court correctly denied Anderson's motion for post-conviction relief.

KEY QUOTATIONS

“Thus, *Hurst* does not apply retroactively to Anderson’s sentence of death.” (235 So. 3d at 277)

“Accordingly, we affirm the denial of Anderson’s motion.” (235 So. 3d at 277)

FACTUAL BACKGROUND

Anderson was sentenced to death following a jury's recommendation for death by a vote of eleven to one. His death sentence became final in 1991. He sought post-conviction relief under Rule 3.851 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

Anderson was sentenced to death after a jury recommended death by an eleven-to-one vote, and his sentence became final in 1991. He later filed a Rule 3.851 motion based on *Hurst*. The Florida Supreme Court stayed the appeal pending *Hitchcock v. State*, required briefing on whether *Hitchcock* was dispositive, and then affirmed the denial of relief.

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, 217 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017)
- *Anderson v. State*, 574 So. 2d 87, 90 (Fla. 1991)
- *Anderson v. Florida*, 502 U.S. 834 (1991)

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