

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)