

SUPREME COURT OF FLORIDA

Johnston v. State

863 So. 2d 271 (Fla. 2003) · No. SC01-1914 · Decided October 16, 2003

SUMMARY

The Supreme Court of Florida affirmed Ray Lamar Johnston’s conviction for first-degree murder and sentence of death. The court held that statements concerning an alter ego named “Dwight” were admissible as implied admissions and that evidence of Johnston’s prior murder conviction was admissible under Florida’s Williams rule. The court also addressed the sufficiency of the circumstantial evidence supporting Johnston’s identity as the perpetrator.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, J.; Pariente, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.; Anstead, C.J.
JURISDICTION	Florida
DECIDED	October 16, 2003
DOCKET	SC01-1914
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a conviction for first-degree murder and a sentence of death.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Review of a motion for judgment of acquittal is de novo, while the sufficiency of the evidence supporting a conviction is reviewed for competent, substantial evidence viewed in the light most favorable to the State. Capital sentences are subject to independent proportionality review.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Ray Lamar Johnston v. State of Florida

TOPICS

- evidence
- criminal procedure
- sentencing
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether statements concerning an alter ego named Dwight were admissible as implied admissions rather than inadmissible propensity or bad-character evidence.
2. Whether evidence of Johnston's prior murder of Leanne Coryell was admissible under Florida's Williams rule.
3. Whether the circumstantial evidence was sufficient to prove Johnston's identity as Nugent's murderer.
4. Whether the circumstantial evidence was sufficient to prove premeditation.
5. Whether Florida's capital sentencing scheme violated the United States Constitution under *Ring v. Arizona* and *Apprendi v. New Jersey*.
6. Whether Johnston's death sentence was proportionate under mandatory proportionality review.

HOLDINGS

1. The trial court did not abuse its discretion by admitting Johnston's statements about Dwight as implied admissions because, in context, the statements tended to show Johnston's involvement in Nugent's murder and were relevant to a material issue beyond propensity or bad character.
2. The Coryell murder was admissible as Williams rule evidence because the two murders had pervasive, unusual similarities and their dissimilarities were insubstantial or explained by Johnston's own confession.
3. The evidence was legally sufficient for the jury to determine that Johnston was Nugent's murderer and to reject every reasonable hypothesis of innocence.
4. The evidence was sufficient for the jury to find premeditation beyond a reasonable doubt.
5. Johnston was not entitled to relief under *Ring* or *Apprendi* because controlling Florida precedent rejected the challenge and his prior violent-felony conviction independently satisfied the applicable constitutional requirement.
6. Johnston's death sentence was proportionate when evaluated against the totality of the circumstances and comparable capital cases.

KEY QUOTATIONS

"In this case, there are unusual and pervasive similarities between the Coryell and Nugent murders. The dissimilarities between the two murders are insubstantial and are partially explained by Johnston's own confession in the Coryell case." (283)

"Based upon the manner of Nugent's death and her antemortem injuries, we find that the State presented sufficient evidence for a jury to conclude that the murder was premeditated." (286)

"Comparing the circumstances in this case to the cases cited above and other capital cases, we conclude that death is proportionate." (286)

FACTUAL BACKGROUND

Janice Nugent was manually strangled in her Tampa home, and her body was submerged in a bathtub. Evidence connecting Johnston to the crime included his fingerprints near the body, DNA on a sheet in the master bedroom, shoe tracks consistent with his shoes, inconsistent statements to police, and statements concerning an alter ego named Dwight. The State also introduced Williams rule evidence concerning Johnston's similar murder of Leanne Coryell, including strangulation, patterned injuries to the buttocks, and postmortem submersion in water.

PROCEDURAL HISTORY

A jury convicted Johnston of first-degree murder and recommended death in a second penalty phase by an eleven-to-one vote after the trial court granted a mistrial as to the first penalty phase. The trial court imposed death after finding and weighing aggravating and mitigating circumstances. Johnston raised five issues on direct appeal, and the Supreme Court of Florida also conducted mandatory proportionality review.

DISPOSITION

affirmed

CASES CITED

- Carpenter v. State, 785 So. 2d 1182 (Fla. 2001)
- Blanco v. State, 452 So. 2d 520, 523 (Fla. 1984)
- Nardone v. State, 798 So. 2d 870, 874 (Fla. 4th DCA 2001)
- Swafford v. State, 533 So. 2d 270, 273-74 (Fla. 1988)
- Drake v. State, 441 So. 2d 1079, 1082 (Fla. 1983)
- Williams v. State, 110 So. 2d 654 (Fla. 1959)
- Drake v. State, 400 So. 2d 1217, 1219 (Fla. 1981)
- Peek v. State, 488 So. 2d 52, 55 (Fla. 1986)
- Thompson v. State, 494 So. 2d 203, 204 (Fla. 1986)
- Chandler v. State, 442 So. 2d 171, 173 (Fla. 1983)
- Crump v. State, 622 So. 2d 963, 968, 971 (Fla. 1993)
- Gore v. State, 599 So. 2d 978, 983-84 (Fla. 1992)
- Pagan v. State, 830 So. 2d 792, 803 (Fla. 2002)
- Donaldson v. State, 722 So. 2d 177 (Fla. 1998)
- Terry v. State, 668 So. 2d 954, 964 (Fla. 1996)
- Orme v. State, 677 So. 2d 258, 262-63 (Fla. 1996)
- Banks v. State, 732 So. 2d 1065 (Fla. 1999)
- Darling v. State, 808 So. 2d 145, 155-56 (Fla. 2002)
- State v. Law, 559 So. 2d 187, 188-89 (Fla. 1990)
- Shores v. State, 756 So. 2d 114 (Fla. 4th DCA 2000)

- Jaramillo v. State, 417 So. 2d 257 (Fla. 1982)
- Blackwood v. State, 777 So. 2d 399, 406 (Fla. 2000)
- Sireci v. State, 399 So. 2d 964, 967 (Fla. 1981)
- DeAngelo v. State, 616 So. 2d 440, 441 (Fla. 1993)
- Hoefert v. State, 617 So. 2d 1046 (Fla. 1993)
- Green v. State, 715 So. 2d 940, 943 (Fla. 1998)
- Holton v. State, 573 So. 2d 284, 289-90 (Fla. 1990)
- Woods v. State, 733 So. 2d 980, 986 (Fla. 1999)
- Jones v. State, 845 So. 2d 55 (Fla. 2003)
- Doorbal v. State, 837 So. 2d 940, 963 (Fla. 2003)
- Rimmer v. State, 825 So. 2d 304, 331 (Fla. 2002)
- Beasley v. State, 774 So. 2d 649, 673 (Fla. 2000)
- Johnston v. State, 841 So. 2d 349 (Fla. 2002)
- Schwab v. State, 636 So. 2d 3, 7 (Fla. 1994)
- Rings v. Arizona, 536 U.S. 584, 122 S. Ct. 2428, 153 L. Ed. 2d 556 (2002)
- Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000)