

SUPREME COURT OF FLORIDA

Zachary Taylor Wood v. State of Florida

209 So. 3d 1217 (Fla. 2017) · No. SC15-954 · Decided January 31, 2017

SUMMARY

The Supreme Court of Florida affirmed Zachary Taylor Wood’s convictions for first-degree murder, armed burglary, and armed robbery. The court held that the trial court improperly found the cold, calculated, and premeditated and avoid-arrest aggravating factors and improperly rejected certain mitigation. Concluding that the death sentence was disproportionate, the court vacated it and remanded for imposition of a mandatory life sentence without parole.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Labarga, C.J.; Pariente, J.; Quince, J.; Perry, Senior Justice; Lewis, J.; Canady, J.; Polston, J.
JURISDICTION	Florida
DECIDED	January 31, 2017
DOCKET	SC15-954
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from convictions for first-degree murder, armed burglary of a structure, and armed robbery, and from a sentence of death.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed under the competent-substantial-evidence standard, viewing the evidence in the light most favorable to the State and asking whether a rational trier of fact could find the elements beyond a reasonable doubt. The sufficiency of evidence supporting an aggravating factor is reviewed for competent, substantial evidence, with review focused on whether the trial court applied the correct legal rule and whether the record supports its finding. Mitigation findings are reviewed for abuse of discretion. Harmlessness of sentencing error is evaluated under the rigorous harmless-beyond-a-reasonable-doubt standard.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Zachary Taylor Wood v. State of Florida

TOPICS

sentencing criminal procedure standard of review appellate procedure cruel and unusual punishment

PRACTICE AREAS

criminal law capital sentencing appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether competent, substantial evidence supported Wood's convictions for first-degree murder, armed burglary, and armed robbery.
2. Whether competent, substantial evidence supported application of the cold, calculated, and premeditated aggravating factor to Wood.
3. Whether competent, substantial evidence supported application of the avoid-arrest aggravating factor to Wood.
4. Whether the trial court improperly rejected Wood's history of drug and alcohol abuse as a mitigating circumstance.
5. Whether Wood could challenge the trial court's failure to find remorse as a nonstatutory mitigating circumstance when he had not presented it below.
6. Whether the sentencing errors were harmless beyond a reasonable doubt under Hurst.
7. Whether death was a disproportionate sentence after the invalid aggravators were stricken.

HOLDINGS

1. The record contained competent, substantial evidence supporting Wood's first-degree-murder, armed-burglary, and armed-robbery convictions.
2. The trial court erred in finding the CCP aggravating factor because competent, substantial evidence did not establish Wood's heightened premeditation or deliberate ruthlessness.
3. The avoid-arrest aggravating factor could not be applied to Wood because competent, substantial evidence did not establish that eliminating Shores as a witness was Wood's sole or dominant motive.
4. The trial court erred by finding that Wood's drug and alcohol abuse had not been proven as a mitigating circumstance.
5. Wood could not challenge the trial court's failure to find remorse as mitigation because he did not present remorse as a proposed nonstatutory mitigating circumstance in the trial court.
6. The sentencing errors were not harmless beyond a reasonable doubt because the jury was instructed on two aggravating factors that lacked competent, substantial evidentiary support and the State could not establish that those errors did not contribute to the death sentence.
7. Death was a disproportionate punishment because, after striking the CCP and avoid-arrest aggravators, the case was not among the most aggravated and least mitigated first-degree murders.

KEY QUOTATIONS

“However, we conclude that the trial court erred as a matter of law in finding two of the three aggravating factors, which served as a predicate for imposing Wood’s death sentence, and erred as a matter of law in rejecting some of the uncontroverted mitigation offered.” (1217)

“The murder in the instant case does not have the hallmarks of CCP.” (1229)

“There is a lack of competent, substantial evidence establishing that the dominant motive of Wood’s participation in the murder of Shores was to avoid arrest.” (1232)

“Accordingly, the trial court erred in failing to find that this mitigating circumstance was proven.” (1233)

“Reviewing the totality of the circumstances of this felony-murder case and comparable cases involving minimal aggravation and mitigation, it is evident that the death penalty is a disproportionate punishment in this case.” (1235)

“Therefore, we vacate Wood’s death sentence and remand for imposition of a sentence of life without parole.” (1239)

FACTUAL BACKGROUND

Wood and Dillon Scott Rafsky became stranded in a Jeep on James William Shores’s Florida property after entering and rummaging through a house. When Shores arrived and confronted them, Rafsky attacked him with a garden hoe, and Wood helped bind Shores’s legs and may have punched him. Shores was later shot in the back of the head with his own shotgun, but the evidence did not establish that Wood fired the fatal shot; DNA evidence identified Rafsky as the person who handled the shotgun. Wood and Rafsky then left in Shores’s vehicle, were pursued by Alabama law enforcement, and were apprehended.

PROCEDURAL HISTORY

Wood was indicted and tried in the Circuit Court for Washington County, Florida. A jury found him guilty of first-degree murder under premeditated-murder and felony-murder theories, armed burglary, and armed robbery, and unanimously recommended death. The trial court found three aggravating factors and imposed a death sentence. The Florida Supreme Court affirmed the convictions, struck the CCP and avoid-arrest aggravators, determined that the trial court improperly rejected uncontroverted drug-and-alcohol-abuse mitigation, found the death sentence disproportionate, vacated the death sentence, and remanded for imposition of life imprisonment without parole.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the sentence of death and impose a mandatory sentence of life imprisonment without parole. The convictions remain affirmed.

CASES CITED

- *Yacob v. State*, 136 So. 3d 539 (Fla. 2014)
- *Simmons v. State*, 934 So. 2d 1100 (Fla. 2006)
- *Gregory v. State*, 118 So. 3d 770 (Fla. 2013)
- *Banda v. State*, 536 So. 2d 221 (Fla. 1988)
- *Buzia v. State*, 926 So. 2d 1203 (Fla. 2006)
- *Carr v. State*, 156 So. 3d 1052 (Fla. 2015)
- *Cave v. State*, 727 So. 2d 227 (Fla. 1998)
- *Looney v. State*, 803 So. 2d 656 (Fla. 2001)
- *Robertson v. State*, 611 So. 2d 1228 (Fla. 1993)
- *Willacy v. State*, 696 So. 2d 693 (Fla. 1997)
- *Copeland v. State*, 457 So. 2d 1012 (Fla. 1984)
- *Perez v. State*, 919 So. 2d 347 (Fla. 2005)
- *Mahn v. State*, 714 So. 2d 391 (Fla. 1998)
- *Gonzalez v. State*, 136 So. 3d 1125 (Fla. 2014)
- *Hurst v. Florida*, 136 S. Ct. 616 (2016)
- *Hurst v. State*, 202 So. 3d 40 (Fla. 2016)
- *Silvia v. State*, 60 So. 3d 959 (Fla. 2011)
- *Yacob v. State*, 136 So. 3d 539 (Fla. 2014)
- *Lawrence v. State*, 846 So. 2d 440 (Fla. 2003)
- *Johnson v. State*, 720 So. 2d 232 (Fla. 1998)
- *Scott v. State*, 66 So. 3d 923 (Fla. 2011)
- *Thompson v. State*, 647 So. 2d 824 (Fla. 1994)
- *Dixon v. State*, 283 So. 2d 1 (Fla. 1973)
- Polston dissent citing *Brown v. State*, 959 So. 2d 146, 150 (Fla. 2007), and *Trotter v. State*, 932 So. 2d 1045, 1050 (Fla. 2006)