

SUPREME COURT OF FLORIDA

Williams v. State

37 So. 3d 187 (Fla. 2010) · No. SC08-965 · Decided May 20, 2010

SUMMARY

The Supreme Court of Florida reviewed Kirk Douglas Williams's death sentence following his conviction for first-degree murder. The court held that the evidence did not support the cold, calculated, and premeditated (CCP) aggravator and questioned the evidentiary support for other penalty-phase findings, concluding that the murder was not among the most aggravated and least mitigated murders warranting capital punishment. The court vacated the death sentence and remanded for imposition of life imprisonment without the possibility of parole.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per curiam; Quince, C.J.; Pariente, J.; Lewis, J.; Labarga, J.; Perry, J.; Polston, J.; Canady, J.
JURISDICTION	Florida
DECIDED	May 20, 2010
DOCKET	SC08-965
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a judgment of conviction for first-degree murder and a sentence of death. Williams did not challenge his conviction but challenged the penalty-phase aggravating and mitigating findings and the proportionality of the death sentence.
STANDARD OF REVIEW	The sufficiency of evidence supporting an aggravating circumstance is reviewed for competent, substantial evidence. The Court determines whether the trial court applied the correct legal rule and whether competent, substantial evidence supports the finding; it does not reweigh the evidence. A proposed mitigating circumstance must be found when established by the greater weight of the evidence, and rejection requires a rational basis supported by the record.
PRECEDENTIAL VALUE	Published precedential opinion; majority opinion binding in the Supreme Court of Florida.
PARTIES	Kirk Douglas Williams v. State of Florida

TOPICS

sentencing criminal procedure appellate procedure standard of review harmless error

PRACTICE AREAS

criminal law capital sentencing appellate law

QUESTIONS PRESENTED

1. Whether competent, substantial evidence supported the cold, calculated, and premeditated aggravator.
2. Whether competent, substantial evidence supported the heinous, atrocious, or cruel aggravator.
3. Whether competent, substantial evidence supported the pecuniary-gain aggravator.
4. Whether competent, substantial evidence supported the avoid-arrest aggravator.
5. Whether the trial court erred by rejecting the statutory mitigating circumstance that Williams's capacity to appreciate the criminality of his conduct or conform his conduct to the law was substantially impaired.
6. Whether the death sentence was proportionate under Florida's capital-sentencing proportionality review.
7. Whether the death sentence was unconstitutional under *Ring v. Arizona*.

HOLDINGS

1. The evidence did not support the CCP aggravator beyond a reasonable doubt, because the murder arose during a spontaneous argument and there was no competent, substantial evidence of advance planning or the heightened premeditation required for CCP.
2. The HAC aggravator was not supported by competent, substantial evidence because the record did not establish that Dykes remained conscious and aware of impending death during the beating.
3. The pecuniary-gain aggravator was not supported by competent, substantial evidence because the evidence was equally consistent with the reasonable hypothesis that Williams merely continued using property he already had access to after the murder, without killing Dykes to obtain financial gain.
4. The avoid-arrest aggravator was supported by competent, substantial evidence because Williams's admission to Hawley constituted direct evidence that avoiding arrest and imprisonment was the dominant motive for the murder.
5. The trial court erred by rejecting the statutory mitigating circumstance that Williams's capacity to conform his conduct to the requirements of law was substantially impaired.
6. Death was not a proportionate penalty because, after striking CCP and HAC and rejecting pecuniary gain, only the avoid-arrest aggravator remained, while substantial statutory and nonstatutory mitigation was present.

KEY QUOTATIONS

“Rather than a carefully planned murder, the evidence demonstrates that this murder occurred after an argument erupted with the victim, with whom Williams lived.” (190)

“In sum, the direct evidence of the murder—the inmates’ testimonies—shows that this was not a preplanned killing that would meet the heightened premeditation standard required for CCP.” (198)

“We conclude that the trial court erred in rejecting the statutory mitigation.” (205)

“However, this crime is not one of the most aggravated and least mitigated, and accordingly we conclude that the imposition of the death penalty is not a proportionate penalty.” (207)

FACTUAL BACKGROUND

Williams lived with Susan Littrell Dykes and had a long history of substance abuse, including a crack-cocaine binge around the time of the murder. After using Dykes's ATM card and arguing with her about the transactions and crack cocaine, Williams beat her with an aluminum tee-ball bat. He later attempted to conceal the crime by cleaning the trailer, transporting Dykes's body in a boat, and weighting it with cinderblocks before placing it in a lake. The medical examiner could not determine whether Dykes remained conscious after the first blow or whether any blow caused death or unconsciousness.

PROCEDURAL HISTORY

A Florida trial court convicted Williams of first-degree premeditated murder with a weapon and imposed a death sentence after a jury recommended death by an eleven-to-one vote. The trial court found four aggravators, rejected the requested impaired-capacity statutory mitigator, and found several nonstatutory mitigators. The Florida Supreme Court exercised mandatory jurisdiction and reviewed the penalty-phase issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the death sentence and impose a sentence of life imprisonment without the possibility of parole.

CASES CITED

- Guardado v. State, 965 So. 2d 108 (Fla. 2007)
- Aguirre-Jarquin v. State, 9 So. 3d 593 (Fla. 2009)
- Willacy v. State, 696 So. 2d 693 (Fla. 1997)
- Franklin v. State, 965 So. 2d 79 (Fla. 2007)
- Deparvine v. State, 995 So. 2d 351 (Fla. 2008)
- Foster v. State, 778 So. 2d 906 (Fla. 2001)
- Thompson v. State, 565 So. 2d 1311 (Fla. 1990)
- Swafford v. State, 533 So. 2d 270 (Fla. 1988)
- Harris v. State, 843 So. 2d 856 (Fla. 2003)
- Hildwin v. State, 727 So. 2d 193 (Fla. 1998)

- Mahn v. State, 714 So. 2d 391 (Fla. 1998)
- Eutzy v. State, 458 So. 2d 755 (Fla. 1984)
- Hernandez v. State, 4 So. 3d 642 (Fla. 2009)
- State v. Dixon, 283 So. 2d 1 (Fla. 1973)
- Brown v. State, 721 So. 2d 274 (Fla. 1998)
- Zakrzewski v. State, 717 So. 2d 488 (Fla. 1998)
- Simmons v. State, 419 So. 2d 316 (Fla. 1982)
- Douglas v. State, 878 So. 2d 1246 (Fla. 2004)
- Lawrence v. State, 698 So. 2d 1219 (Fla. 1997)
- Brooks v. State, 918 So. 2d 181 (Fla. 2005)
- Hardwick v. State, 521 So. 2d 1071 (Fla. 1988)
- Finney v. State, 660 So. 2d 674 (Fla. 1995)
- Connor v. State, 803 So. 2d 598 (Fla. 2001)
- Alston v. State, 723 So. 2d 148 (Fla. 1998)
- Riley v. State, 366 So. 2d 19 (Fla. 1978)
- Consalvo v. State, 697 So. 2d 805 (Fla. 1996)
- Coday v. State, 946 So. 2d 988 (Fla. 2006)
- Offord v. State, 959 So. 2d 187 (Fla. 2007)
- Crook v. State, 908 So. 2d 350 (Fla. 2005)
- Buzia v. State, 926 So. 2d 1203 (Fla. 2006)
- Larkins v. State, 739 So. 2d 90 (Fla. 1999)
- Green v. State, 975 So. 2d 1081 (Fla. 2008)
- Almeida v. State, 748 So. 2d 922 (Fla. 1999)
- Kramer v. State, 619 So. 2d 274 (Fla. 1993)
- Spencer v. State, 615 So. 2d 688 (Fla. 1993)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Merriam-Webster's Collegiate Dictionary 570 (11th ed. 2005)