

SUPREME COURT OF FLORIDA

Reynolds v. State

934 So. 2d 1128 (Fla. 2006) · No. SC03-1919 · Decided May 18, 2006

SUMMARY

The Supreme Court of Florida reviews Michael Gordon Reynolds's convictions for second-degree murder, two counts of first-degree murder, and burglary, including corresponding death sentences for the two first-degree murder convictions. The court addresses the admissibility of an unavailable witness's statements under the hearsay and statement-against-interest exceptions and concludes that any error in excluding portions of the statements was harmless beyond a reasonable doubt. The court affirms the convictions and death sentences.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Pariente, C.J.; Wells, J.; Anstead, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	May 18, 2006
DOCKET	SC03-1919
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for second-degree murder, two counts of first-degree murder, and burglary of a dwelling during which a battery was committed while armed, and from two death sentences.
STANDARD OF REVIEW	The court reviewed the denial of the motion for judgment of acquittal de novo, viewing the evidence in the light most favorable to the State. It reviewed the trial court's availability determination for abuse of discretion, evidentiary rulings generally for abuse of discretion, aggravating-circumstance findings for competent substantial evidence and correct application of law, and the weighing of mitigation for abuse of discretion. The court also conducted proportionality review of the death sentences.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Michael Gordon Reynolds v. State of Florida

TOPICS

criminal procedure hearsay sentencing evidence appellate procedure

PRACTICE AREAS

criminal procedure capital sentencing evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly excluded portions of Justin Pratt's interview as hearsay or under the statement-against-interest exception.
2. Whether exclusion of portions of Pratt's interview violated Reynolds's constitutional right to a fair trial.
3. Whether the evidence was sufficient to sustain the convictions and whether the special circumstantial-evidence standard applied.
4. Whether the trial court abused its discretion by requiring an advisory penalty-phase jury recommendation despite Reynolds's waiver.
5. Whether the penalty-phase testimony concerning details of a prior violent felony conviction was improperly admitted.
6. Whether Florida's capital-sentencing statute and penalty-phase jury instructions unconstitutionally shifted the burden regarding mitigating circumstances.
7. Whether the trial court improperly refused to consider residual or lingering doubt as mitigation.
8. Whether competent substantial evidence supported the heinous, atrocious, or cruel and avoid-arrest aggravators and whether mitigation was properly evaluated.
9. Whether Florida's capital-sentencing scheme violated *Ring v. Arizona* and the Sixth Amendment.
10. Whether the death sentences were proportionate.

HOLDINGS

1. The statements concerning Pratt's location during the crimes were properly treated as hearsay and did not qualify as statements against interest because they tended to exculpate rather than inculpate Pratt. The statements concerning the manner of death were not hearsay because they were offered to show Pratt's knowledge, not the truth of the asserted information, but their exclusion was harmless beyond a reasonable doubt.
2. The trial court did not abuse its discretion in finding Pratt unavailable for trial after the defense made reasonable but unsuccessful efforts to secure his attendance.
3. The evidence was sufficient to sustain the convictions, and the special standard applicable to cases based wholly on circumstantial evidence did not apply because the State presented direct evidence, including DNA evidence and testimony concerning Reynolds's admissions.
4. The trial court did not abuse its discretion by requiring an advisory penalty-phase jury recommendation despite Reynolds's waiver of that recommendation and waiver of presenting mitigating evidence.

5. The trial court properly admitted testimony describing the circumstances and details of Reynolds's prior aggravated-battery conviction, even though the testimony also suggested conduct underlying offenses for which he was not convicted.
6. Florida's capital-sentencing statute and standard penalty-phase instruction were not unconstitutional for requiring consideration of whether mitigating circumstances outweigh aggravating circumstances.
7. The trial court properly refused to consider residual or lingering doubt as a mitigating circumstance in imposing sentence.
8. Competent substantial evidence supported the heinous, atrocious, or cruel aggravator and the avoid-arrest aggravator, and the trial court did not abuse its discretion in evaluating the mitigating circumstances.
9. Reynolds was not entitled to relief under *Ring v. Arizona* because Florida's capital-sentencing scheme had previously been upheld against the same constitutional challenge and one aggravator was based on prior violent-felony convictions.
10. The death sentences were proportionate when compared with other Florida capital cases.

KEY QUOTATIONS

"Error is considered harmless only when there is no reasonable possibility that the error contributed to the conviction." (1141)

"If, after viewing the evidence in a light most favorable to the State, a rational trier of fact could find the existence of the elements of the crime beyond a reasonable doubt, sufficient evidence exists to sustain a conviction." (1145)

"In determining whether the HAC factor was present, the focus should be upon the victim's perceptions of the circumstances as opposed to those of the perpetrator." (1156)

"to establish the avoid arrest aggravating factor where the victim is not a law enforcement officer, the State must show beyond a reasonable doubt that the sole or dominant motive for the murder was the elimination of a witness." (1157)

FACTUAL BACKGROUND

Three victims, Danny Ray Privett, Robin Razor, and Christina Razor, were murdered at their residence. The State presented substantial evidence linking Reynolds to the scene, including DNA evidence, a pubic-hair match, evidence concerning injuries inconsistent with his account, evidence that a vehicle similar to his was at the residence, and testimony from inmates that he confessed. Reynolds denied having been inside the trailer, asserted that Justin Pratt committed the murders, and challenged the handling and reliability of the forensic evidence.

PROCEDURAL HISTORY

A Florida grand jury indicted Reynolds for three counts of first-degree premeditated murder and burglary. Following trial, the jury convicted him of second-degree murder for Danny Privett's death, first-degree murder

for the deaths of Robin and Christina Razor, and burglary. The trial court imposed concurrent life sentences for the second-degree murder and burglary convictions and separate death sentences for the two first-degree murder convictions. Reynolds appealed directly to the Supreme Court of Florida, which affirmed the convictions and death sentences.

DISPOSITION

affirmed

CASES CITED

- Steinhorst v. State, 412 So. 2d 332, 338 (Fla. 1982)
- Foster v. State, 778 So. 2d 906, 914-15 (Fla. 2000)
- State v. DiGuilio, 491 So. 2d 1129, 1135 (Fla. 1986)
- Jackson v. State, 575 So. 2d 181, 187 (Fla. 1991)
- Lawrence v. State, 691 So. 2d 1068 (Fla. 1997)
- Trease v. State, 768 So. 2d 1050, 1053 n.2 (Fla. 2000)
- Curtis v. State, 876 So. 2d 13, 15-20 (Fla. 1st DCA 2004)
- Chambers v. Mississippi, 410 U.S. 284, 298-303 (1973)
- Pagan v. State, 830 So. 2d 792, 803 (Fla. 2003)
- State v. Law, 559 So. 2d 187, 188-89 (Fla. 1990)
- State v. Hernandez, 645 So. 2d 432, 434-35 (Fla. 1994)
- Muhammad v. State, 782 So. 2d 343, 350, 361 (Fla. 2001)
- Rhodes v. State, 547 So. 2d 1201, 1204 (Fla. 1989)
- Anderson v. State, 841 So. 2d 390, 406-07 (Fla. 2003)
- Arango v. State, 411 So. 2d 172 (Fla. 1982)
- Bottoson v. Moore, 833 So. 2d 693 (Fla. 2002)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Beasley v. State, 774 So. 2d 649, 673 (Fla. 2000)