

SUPREME COURT OF FLORIDA

Hodges v. State

55 So. 3d 515 (Fla. 2010) · No. SC09-468 · Decided December 2, 2010

SUMMARY

The Supreme Court of Florida affirmed Willie James Hodges’s first-degree murder conviction and death sentence for the killing of Patricia Belanger. The court rejected challenges concerning the determination of intellectual disability, admission and use of collateral-crime evidence, waiver of a penalty-phase jury, and the constitutionality of the death sentence under *Ring v. Arizona*. The court also reviewed the sufficiency of the evidence and sentence proportionality.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Canady, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Polston, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	December 2, 2010
DOCKET	SC09-468
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a first-degree murder conviction and death sentence.
STANDARD OF REVIEW	Mental-retardation findings are reviewed for competent, substantial evidence, without reweighing evidence or second-guessing credibility determinations; legal questions are reviewed de novo. Evidentiary rulings and control of closing argument are reviewed for abuse of discretion. Sufficiency of the evidence is reviewed by asking whether, viewing the evidence in the light most favorable to the State, a rational trier of fact could find the elements beyond a reasonable doubt. Proportionality of a death sentence is reviewed by considering the totality of the circumstances and comparing the case with other capital cases.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida.
PARTIES	Willie James Hodges v. State of Florida

TOPICS

sentencing criminal procedure evidence appellate procedure standard of review

PRACTICE AREAS

criminal law capital punishment criminal appellate procedure evidence

QUESTIONS PRESENTED

1. Whether Hodges was entitled to have a jury determine his mental-retardation status as a bar to execution.
2. Whether competent, substantial evidence supported the trial court's finding that Hodges did not have concurrent deficits in adaptive behavior.
3. Whether the State could discuss collateral-crime evidence during rebuttal closing argument.
4. Whether the collateral-crime evidence impermissibly became a feature of the trial.
5. Whether the trial court erred by refusing to permit Hodges to waive the penalty-phase jury.
6. Whether Florida's capital-sentencing scheme violated *Ring v. Arizona* because of the prior-violent-felony aggravator or its allowance of a nonunanimous jury recommendation.
7. Whether sufficient evidence supported Hodges's first-degree murder conviction under theories of premeditated murder and felony murder.
8. Whether Hodges's death sentence was proportionate.

HOLDINGS

1. A capital defendant has no right under *Ring* or *Atkins* to have a jury determine whether he is mentally retarded for purposes of eligibility for execution.
2. The trial court's finding that Hodges failed to prove concurrent deficits in adaptive behavior was supported by competent, substantial evidence; therefore, Hodges was not entitled to relief from the death sentence on that ground.
3. The trial court did not abuse its discretion by permitting the State to argue from properly admitted collateral-crime evidence during rebuttal to the defense theory that Hodges was not the perpetrator.
4. The collateral-crime evidence did not impermissibly become a feature of the trial.
5. The trial court could reject Hodges's waiver of a penalty-phase jury and require an advisory jury recommendation.
6. *Ring* did not entitle Hodges to relief because the prior-violent-felony and under-sentence-of-imprisonment aggravators applied, and Florida was not required to obtain a unanimous jury sentencing recommendation.
7. The evidence was sufficient to support Hodges's first-degree murder conviction under both premeditated-murder and felony-murder theories.
8. Hodges's death sentence was proportionate and constitutionally permissible.

KEY QUOTATIONS

“Accordingly, the trial court in this case did not err by not presenting to the jury the issue of mental retardation as a bar to execution, and Hodges is not entitled to relief.” (526-527)

“We hold that the trial court's conclusion that Hodges did not suffer from deficits in adaptive functioning is supported by competent, substantial evidence and is in keeping with this Court's precedent.” (535)

“Because the collateral crime evidence was properly admitted into evidence and was relevant to rebutting the defense theory that Hodges did not perpetrate the Belanger homicide, the trial court did not abuse its discretion in concluding that the State could argue from the collateral crime evidence during rebuttal.” (538)

“The collateral crime evidence did not become a feature of his trial.” (540)

“Based on the foregoing, we conclude that Hodges' death sentence is proportionate.” (543)

FACTUAL BACKGROUND

Hodges was convicted of killing Patricia Belanger in her Pensacola home in 2001 by stabbing and bludgeoning her. Evidence linking Hodges to the crime included clothing and other items found along the escape route, DNA and fingerprint evidence, photographs, witness testimony, and admissions to two witnesses. The State also introduced evidence of a collateral Ohio homicide under Florida's Williams rule. During the penalty phase, experts disputed whether Hodges had intellectual and adaptive-functioning deficits, and the trial court found that he had not proved concurrent deficits in adaptive behavior.

PROCEDURAL HISTORY

A jury found Hodges guilty of first-degree murder by general verdict and recommended death by a ten-to-two vote. The trial court denied Hodges's motion asserting that he was mentally retarded, conducted a Spencer hearing, and imposed a death sentence. Hodges appealed directly to the Supreme Court of Florida, which had mandatory jurisdiction over the capital case.

DISPOSITION

affirmed

CASES CITED

- Williams v. State, 110 So. 2d 654 (Fla. 1959)
- Atkins v. Virginia, 536 U.S. 304 (2002)
- Spencer v. State, 615 So. 2d 688 (Fla. 1993)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Nixon v. State, 2 So. 3d 137 (Fla. 2009)
- Arbelaez v. State, 898 So. 2d 25 (Fla. 2005)
- Phillips v. State, 984 So. 2d 503 (Fla. 2008)
- Rodriguez v. State, 919 So. 2d 1252 (Fla. 2005)

- Jones v. State, 966 So. 2d 319 (Fla. 2007)
- Brown v. State, 959 So. 2d 146 (Fla. 2006)
- Tibbs v. State, 397 So. 2d 1120 (Fla. 1981)
- Cherry v. State, 959 So. 2d 702 (Fla. 2007)
- Johnson v. State, 442 So. 2d 185 (Fla. 1983)
- Evans v. State, 800 So. 2d 182 (Fla. 2001)
- Ruiz v. State, 743 So. 2d 1 (Fla. 1999)
- Gore v. State, 719 So. 2d 1197 (Fla. 1998)
- Seaboard Air Line Ry. v. Rentz, 60 Fla. 449, 54 So. 20 (1910)
- Collins Fruit Co. v. Giglio, 184 So. 2d 447 (Fla. 2d DCA 1966)
- Merck v. State, 975 So. 2d 1054 (Fla. 2008)
- Dufour v. State, 905 So. 2d 42 (Fla. 2005)
- Heddendorf v. Joyce, 178 So. 2d 126 (Fla. 2d DCA 1965)
- LaMarca v. State, 785 So. 2d 1209 (Fla. 2001)
- Conde v. State, 860 So. 2d 930 (Fla. 2003)
- Wuornos v. State, 644 So. 2d 1000 (Fla. 1994)
- Steverson v. State, 695 So. 2d 687 (Fla. 1997)
- Peterson v. State, 2 So. 3d 146 (Fla. 2009)
- Victorino v. State, 23 So. 3d 87 (Fla. 2009)
- Reynolds v. State, 934 So. 2d 1128 (Fla. 2006)
- State v. Carr, 336 So. 2d 358 (Fla. 1976)
- Frances v. State, 970 So. 2d 806 (Fla. 2007)
- Deparvine v. State, 995 So. 2d 351 (Fla. 2008)
- Williams v. State, 967 So. 2d 735 (Fla. 2007)
- Perry v. State, 801 So. 2d 78 (Fla. 2001)
- Taylor v. State, 937 So. 2d 590 (Fla. 2006)
- Urbin v. State, 714 So. 2d 411 (Fla. 1998)
- State v. Dixon, 283 So. 2d 1 (Fla. 1973)
- Zommer v. State, 31 So. 3d 733 (Fla. 2010)
- Murray v. State, 3 So. 3d 1108 (Fla. 2009)
- Johnston v. State, 841 So. 2d 349 (Fla. 2002)
- Pope v. State, 679 So. 2d 710 (Fla. 1996)

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