

SUPREME COURT OF FLORIDA

Daniel Lugo v. State of Florida

845 So. 2d 74 (Fla. 2003) · No. SC93994 · Decided February 20, 2003

SUMMARY

The Supreme Court of Florida reviewed Daniel Lugo’s convictions and death sentences arising from the abduction, attempted extortion, and attempted murder of Marc Schiller and the murders of Frank Griga and Krisztina Furton. The court affirmed the convictions and sentences, including the trial court’s denial of Lugo’s motion to sever the RICO, Schiller, and Griga-Furton charges.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Anstead; Justice Wells; Justice Lewis; Justice Quince; Senior Justice Shaw; Senior Justice Harding; Justice Pariente
JURISDICTION	Florida
DECIDED	February 20, 2003
DOCKET	SC93994
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions and sentences, including two first-degree murder convictions and two death sentences, following a jury trial.
STANDARD OF REVIEW	The court reviewed denial of severance for abuse of discretion; sufficiency of the evidence in the light most favorable to the State for competent, substantial evidence; and unpreserved claims for fundamental error. Sentencing aggravator findings were reviewed for competent, substantial evidence, while the weighing of mitigation was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Florida; per curiam majority opinion with a special concurrence
PARTIES	Daniel Lugo v. State of Florida

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by refusing to sever the Schiller, Griga-Furton, and RICO charges or Lugo's trial from those of his codefendants.
2. Whether sufficient evidence supported Lugo's convictions for RICO activity and conspiracy to commit RICO activity.
3. Whether prosecutorial opening and closing arguments, codefendant cross-examination, evidentiary rulings, or alleged Brady violations required reversal or a new trial.
4. Whether the evidence supported the aggravating circumstances and the death sentences.
5. Whether the trial court properly weighed mitigating circumstances and imposed consecutive sentences for firearm-related offenses.
6. Whether Lugo's death sentences were disproportionate compared with the sentence imposed on codefendant Jorge Delgado.
7. Whether Florida's capital sentencing scheme was unconstitutional.

HOLDINGS

1. The trial court did not abuse its discretion by trying the Schiller, Griga-Furton, and RICO charges together because the offenses were connected by a meaningful relationship, common scheme, and the alleged RICO enterprise.
2. The trial court did not abuse its discretion by trying Lugo with codefendants Doorbal and Mese, particularly because Lugo received a separate jury and antagonistic defenses alone did not require severance.
3. Competent, substantial evidence supported Lugo's RICO convictions because the State proved an ongoing organization with a common criminal purpose, continuity of roles, and a pattern of related racketeering activity.
4. The challenged prosecutorial comments, codefendant cross-examination, evidentiary rulings, and alleged Brady violations did not warrant relief because any error was harmless or did not constitute fundamental error.
5. The trial court properly found the prior-violent-felony, pecuniary-gain, witness-elimination or arrest-avoidance, HAC, and CCP aggravators.
6. The trial court did not abuse its discretion in weighing mitigation, and Lugo's death sentences were proportionate despite the lesser sentences received by codefendant Delgado.

7. The trial court acted within its discretion by imposing consecutive mandatory-minimum sentences for robbery with a firearm and kidnapping with a firearm.

KEY QUOTATIONS

“The nature of these crimes removes them from the category of being merely similar to each other, and requires that they be placed in the category of “connected acts or transactions.”” (97)

“The prosecutor unmistakably asked the jurors to place themselves in Furton’s position, which clearly is error.” (107)

“Four elements must be established to justify a finding of CCP” (114)

FACTUAL BACKGROUND

Lugo and his associates abducted and extorted Marc Schiller, attempted to abduct and extort Winston Lee, and abducted Frank Griga and Krisztina Furton as part of an organized scheme targeting wealthy victims. Schiller survived an attempted murder, while Griga and Furton were killed after being held, tortured, and questioned about access to Griga’s assets; their bodies were later dismembered and concealed. Evidence showed that Lugo was a principal planner and leader of the enterprise, participated directly in the crimes, and helped direct the treatment of Furton. The jury convicted Lugo on thirty-nine counts and recommended death for both murders by votes of eleven to one.

PROCEDURAL HISTORY

Lugo was convicted on thirty-nine criminal counts, including two counts of first-degree murder, and was sentenced to death for the murders of Frank Griga and Krisztina Furton. The trial court denied his motions for judgment of acquittal, new trial, and arrest of judgment, imposed consecutive sentences, and accepted the jury’s death recommendations. Lugo appealed directly to the Supreme Court of Florida, which affirmed all convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- Crossley v. State, 596 So. 2d 447 (Fla. 1992)
- Wright v. State, 586 So. 2d 1024 (Fla. 1991)
- Garcia v. State, 568 So. 2d 896 (Fla. 1990)
- Ellis v. State, 622 So. 2d 991 (Fla. 1993)
- Shimek v. State, 610 So. 2d 632 (Fla. 1st DCA 1992)
- Fotopoulos v. State, 608 So. 2d 784 (Fla. 1992)
- Bundy v. State, 455 So. 2d 330 (Fla. 1984)
- Fenelon v. State, 594 So. 2d 292 (Fla. 1992)

- Gross v. State, 765 So. 2d 39 (Fla. 2000)
- State v. Lucas, 600 So. 2d 1093 (Fla. 1992)
- H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 (1989)
- United States v. Baltas, 236 F.3d 27 (1st Cir. 2001)
- United States v. Zannino, 895 F.2d 1 (1st Cir. 1990)
- United States v. Boylan, 898 F.2d 230 (1st Cir. 1990)
- First v. State, 696 So. 2d 1357 (Fla. 2d DCA 1997)
- Traina v. State, 657 So. 2d 1227 (Fla. 4th DCA 1995)
- Fernandez v. State, 730 So. 2d 277 (Fla. 1999)
- Oakes v. State, 746 So. 2d 510 (Fla. 5th DCA 1999)
- McCray v. State, 416 So. 2d 804 (Fla. 1982)
- Bryan v. State, 533 So. 2d 744 (Fla. 1988)
- Randolph v. State, 463 So. 2d 186 (Fla. 1984)
- Sims v. State, 681 So. 2d 1112 (Fla. 1996)
- Amoros v. State, 531 So. 2d 1256 (Fla. 1988)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Way v. State, 760 So. 2d 903 (Fla. 2000)
- Richardson v. State
- Breedlove v. State, 580 So. 2d 605 (Fla. 1991)
- Crump v. State, 622 So. 2d 963 (Fla. 1993)
- Davis v. State, 698 So. 2d 1182 (Fla. 1997)
- McDonald v. State, 743 So. 2d 501 (Fla. 1999)
- Henyard v. State, 689 So. 2d 239 (Fla. 1996)
- Woods v. State, 733 So. 2d 980 (Fla. 1999)
- Guzman v. State, 721 So. 2d 1155 (Fla. 1998)
- Gordon v. State, 704 So. 2d 107 (Fla. 1997)
- Jackson v. State, 648 So. 2d 85 (Fla. 1994)
- Rodriguez v. State, 753 So. 2d 29 (Fla. 2000)
- Gamble v. State, 659 So. 2d 242 (Fla. 1995)
- Foster v. State, 778 So. 2d 906 (Fla. 2000)
- Kearse v. State, 770 So. 2d 1119 (Fla. 2000)
- Larzelere v. State, 676 So. 2d 394 (Fla. 1996)
- Knight v. State, 746 So. 2d 423 (Fla. 1998)
- Shere v. State, 579 So. 2d 86, 95 (Fla. 1991)
- Booker v. State, 773 So. 2d 1079, 1096 (Fla. 2000)
- Porter v. Crosby, 840 So. 2d 981, 987 (Fla. 2003)
- Israel v. State, 837 So. 2d 381, 394 (Fla. 2002)

- Ring v. Arizona, 536 U.S. 584 (2002)

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