

SUPREME COURT OF FLORIDA

Steinhorst v. State

695 So. 2d 1245 (Fla. 1997) · No. No. 86109 · Decided June 5, 1997

SUMMARY

The Supreme Court of Florida affirmed the denial of Walter Gale Steinhorst's second motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850. Steinhorst argued that the prior post-conviction proceeding was invalid because the judge had previously represented the estate of a murder victim and had recused himself from a codefendant's case. The majority held that competent substantial evidence supported the finding that the recusal information could have been discovered through due diligence, while dissenting justices argued that the conflict created a nonwaivable due process violation.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Overton; Grimes; Harding; Wells; Kogan; Shaw; Anstead
JURISDICTION	Florida
DECIDED	June 5, 1997
DOCKET	No. 86109
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying Steinhorst's second motion for post-conviction relief under Florida Rule of Criminal Procedure 3.850, in which he sought to set aside the judgment entered after his first Rule 3.850 evidentiary hearing because the post-conviction judge had an undisclosed conflict of interest.
STANDARD OF REVIEW	The Supreme Court reviewed the record in the light most favorable to the prevailing theory and would not disturb the trial court's factual findings if supported by competent, substantial evidence.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Florida; precedential.
PARTIES	Walter Gale Steinhorst v. State of Florida

TOPICS

- state post-conviction relief
- post-conviction relief
- criminal procedure
- due process
- appellate procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

judicial disqualification

death penalty

QUESTIONS PRESENTED

1. Whether competent, substantial evidence supported the trial court's finding that Judge Turner's recusal order was present in the court files during the 1986 review.
2. Whether competent, substantial evidence supported the finding that Steinhorst's counsel failed to exercise due diligence before the applicable Rule 3.850 time limit.
3. Whether the undisclosed judicial conflict constituted newly discovered evidence sufficient to overcome procedural waiver and require a new Rule 3.850 hearing.

HOLDINGS

1. When the evidence supports two conflicting theories, the appellate court reviews the record in the light most favorable to the prevailing theory and will not alter the trial court's factual findings if competent, substantial evidence supports them.
2. Information concerning Judge Turner's conflict and recusal did not qualify as newly discovered evidence sufficient to require a new Rule 3.850 hearing because it could have been ascertained through the exercise of due diligence.
3. The trial court did not err in denying Steinhorst's second Rule 3.850 motion.

KEY QUOTATIONS

“When the evidence adequately supports two conflicting theories, this Court's duty is to review the record in the light most favorable to the prevailing theory.” (1248)

“Under that standard, we will not alter a trial court's factual findings if the record contains competent substantial evidence to support those findings.” (1248)

“Having upheld the trial court's findings of fact, we conclude that the trial court did not err in denying Steinhorst's motion for relief.” (1249)

FACTUAL BACKGROUND

Judge W. Fred Turner presided over Steinhorst's first Rule 3.850 evidentiary hearing. Before becoming a judge, Turner had represented and advised the estate of one of the murder victims and had recused himself from the trial of Steinhorst's codefendant, Charles Hughes, because of that conflict; the conflict and recusal were not disclosed to Steinhorst. Steinhorst's counsel discovered the recusal order in 1991, but the trial court found that it had been present in the court files during counsel's 1986 review and that counsel failed to contact Hughes's trial attorney before 1986. The Supreme Court concluded that competent, substantial evidence supported those findings and that the claim was procedurally waived or otherwise barred because the information could have been discovered through due diligence.

PROCEDURAL HISTORY

Steinhorst was convicted of four first-degree murders and received three death sentences and one life sentence. His convictions and sentences were affirmed on direct appeal, and his first Rule 3.850 motion was denied after an evidentiary hearing and affirmed on appeal. After discovering that the judge who presided over the first post-conviction hearing had previously represented the estate of a murder victim and had recused himself from a codefendant's case, Steinhorst filed a second post-conviction motion. The Supreme Court of Florida previously remanded for factual findings concerning availability of the conflict information and due diligence; after an evidentiary hearing, the trial court found that the information could have been discovered through due diligence and denied relief. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Steinhorst v. State, 412 So. 2d 332 (Fla. 1982)
- Steinhorst v. State, 574 So. 2d 1075 (Fla. 1991)
- Steinhorst v. State, 636 So. 2d 498 (Fla. 1994)
- Steinhorst v. State, 498 So. 2d 414 (Fla. 1986)
- Steinhorst v. Wainwright, 477 So. 2d 537 (Fla. 1985)
- Steinhorst v. State, 438 So. 2d 992 (Fla. 1st DCA 1983)
- Johnson v. State, 660 So. 2d 637, 642 (Fla. 1995), cert. denied, 516 U.S. 1088 (1996)
- Scull v. State, 569 So. 2d 1251, 1252 (Fla. 1990)
- Maharaj v. State, 684 So. 2d 726, 728 (Fla. 1996)
- Rogers v. State, 630 So. 2d 513 (Fla. 1993)
- Lightbourne v. Dugger, 549 So. 2d 1364, 1368 (Fla. 1989)
- Fischer v. Knuck, 497 So. 2d 240, 243 (Fla. 1986)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Hitchcock v. Dugger, 481 U.S. 393 (1987)