

SUPREME COURT OF FLORIDA

Charles C. Peterson v. State of Florida; Charles C. Peterson v.
Michael D. Crews

154 So. 3d 275 (Fla. 2014) · No. SC12-1442; SC13-47 · Decided June 26, 2014

SUMMARY

The Supreme Court of Florida affirmed the denial of Charles C. Peterson’s postconviction motion challenging his first-degree murder conviction and death sentence, and denied his petition for a writ of habeas corpus. The court rejected claims of ineffective assistance of trial counsel concerning juror challenges, eyewitness identifications, evidentiary issues, mitigation, and cumulative error. It found appellate counsel deficient for misstating Peterson’s conviction history in collateral cases but held that the error did not undermine confidence in the appellate result.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Polston, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Labarga, J.; Perry, J.; Canady, J.
JURISDICTION	Florida
DECIDED	June 26, 2014
DOCKET	SC12-1442; SC13-47
DISPOSITION	affirmed
PROCEDURAL POSTURE	Peterson appealed the denial of his Florida Rule of Criminal Procedure 3.851 postconviction motion seeking to vacate his first-degree murder conviction and death sentence, and separately petitioned the Supreme Court of Florida for a writ of habeas corpus based on ineffective assistance of appellate counsel.
STANDARD OF REVIEW	The court deferred to postconviction factual findings supported by competent, substantial evidence and reviewed legal conclusions de novo. Ineffective-assistance claims were evaluated under Strickland's deficient-performance and prejudice requirements. Appellate-counsel claims were evaluated under the two-prong Schoenwetter test.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Charles C. Peterson v. State of Florida, Michael D. Crews

TOPICS

state post-conviction relief

habeas corpus

ineffective assistance

jury selection

evidence

PRACTICE AREAS

criminal postconviction

capital defense

habeas corpus

ineffective assistance of counsel

criminal procedure

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to challenge five jurors for cause or use peremptory challenges against them.
2. Whether trial counsel was ineffective for failing to consult an eyewitness-identification expert or present such testimony.
3. Whether trial counsel was ineffective for failing to move to suppress in-court and out-of-court identifications.
4. Whether the cumulative effect of alleged guilt-phase and penalty-phase errors warranted postconviction relief.
5. Whether appellate counsel was ineffective for incorrectly representing that Peterson had been convicted of or pleaded guilty to all three collateral robberies.

HOLDINGS

1. A postconviction claim alleging ineffective assistance for failing to make or preserve a cause challenge requires the defendant to demonstrate that the juror was actually biased. Peterson failed to show actual bias or that a biased juror served on his jury.
2. Counsel's strategic selection of jurors who might be favorable during the penalty phase, even if not ideal during the guilt phase, did not constitute deficient performance. Peterson also failed to establish prejudice.
3. On the facts of this case, counsel was not ineffective for failing to consult an eyewitness-identification expert because the proposed testimony would have been cumulative and Peterson failed to show either deficient performance or prejudice.
4. Counsel was not ineffective for declining to file a suppression motion where the decision was a reasonable strategic choice to attack the identifications before the jury rather than risk undermining the defense strategy.
5. A cumulative-error claim fails when the individual ineffective-assistance claims do not independently establish deficient performance and prejudice.
6. Appellate counsel performed deficiently by telling the court that Peterson had either been convicted or pleaded guilty to each collateral robbery when the record showed that he had been charged and convicted in only the Family Dollar case. Peterson nevertheless failed to prove prejudice, so habeas relief was denied.

KEY QUOTATIONS

“Because both prongs of the Strickland test present mixed questions of law and fact, this Court employs a mixed standard of review, deferring to the circuit court’s factual findings that are supported by competent, substantial evidence, but reviewing the circuit court’s legal conclusions de novo.” (280)

“where a postconviction motion alleges that trial counsel was ineffective for failing to raise or preserve a cause challenge, the defendant must demonstrate that a juror was actually biased.” (279)

“Simply put, this is not the type of case in which there was a substantial likelihood of misidentification such that the failure to consult with an expert in eyewitness identification is deficient” (284)

“Because we based our decision in Peterson to affirm Peterson’s conviction on substantially identical factual findings, he cannot show that appellate counsel’s misstatement “compromised the appellate process to such a degree as to undermine confidence in the correctness of the result.”” (285)

FACTUAL BACKGROUND

Peterson was convicted of murdering John Cardoso during a December 24, 1997, robbery at a Big Lots store in St. Petersburg, Florida. Several store employees identified the robber, and the State introduced evidence of three collateral robberies under Florida’s Williams rule. The jury recommended death by an eight-to-four vote, and the trial court imposed the death sentence based principally on Peterson’s prior violent-felony convictions, his imprisonment status, and the contemporaneous robbery.

PROCEDURAL HISTORY

Peterson was convicted of first-degree murder and sentenced to death in the circuit court. The Supreme Court of Florida affirmed the conviction and sentence on direct appeal. After an evidentiary hearing, the circuit court denied Peterson’s postconviction motion, and Peterson appealed that ruling while also seeking habeas relief for alleged ineffective assistance of appellate counsel. The Supreme Court of Florida affirmed the denial of postconviction relief and denied the habeas petition.

DISPOSITION

affirmed

CASES CITED

- Peterson v. State, 2 So. 3d 146 (Fla. 2009)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Carratelli v. State, 961 So. 2d 312 (Fla. 2007)
- McCoy v. State, 113 So. 3d 701 (Fla. 2013)
- Bolin v. State, 41 So. 3d 151 (Fla. 2010)
- Burns v. State, 944 So. 2d 234 (Fla. 2006)
- Johnston v. State, 63 So. 3d 730 (Fla. 2011)
- Lukehart v. State, 70 So. 3d 503 (Fla. 2011)

- Thompson v. State, 796 So. 2d 511 (Fla. 2001)
- Patton v. Yount, 467 U.S. 1025 (1984)
- Lusk v. State, 446 So. 2d 1038 (Fla. 1984)
- Smithers v. State, 18 So. 3d 460 (Fla. 2009)
- Nelson v. State, 73 So. 3d 77 (Fla. 2011)
- Dillbeck v. State, 964 So. 2d 95 (Fla. 2007)
- Johnson v. State, 903 So. 2d 888 (Fla. 2005)
- Gamble v. State, 877 So. 2d 706 (Fla. 2004)
- Phillips v. State, 894 So. 2d 28 (Fla. 2004)
- Duckett v. State, 918 So. 2d 224 (Fla. 2005)
- Marquard v. State, 850 So. 2d 417 (Fla. 2002)
- Patton v. State, 784 So. 2d 380 (Fla. 2000)
- Gracy v. Atlantic Coast Line Railroad Co., 42 So. 903 (Fla. 1907)
- Owen v. State, 986 So. 2d 534 (Fla. 2008)
- Maharaj v. State, 778 So. 2d 944 (Fla. 2000)
- Jones v. State, 845 So. 2d 55 (Fla. 2003)
- Schoenwetter v. State, 46 So. 3d 535 (Fla. 2010)
- Freeman v. State, 761 So. 2d 1055 (Fla. 2000)
- Brown v. State, 846 So. 2d 1114 (Fla. 2003)
- Spencer v. State, 615 So. 2d 688 (Fla. 1993)
- Ring v. Arizona, 536 U.S. 584 (2002)