

SUPREME COURT OF FLORIDA

Carl Dausch v. State of Florida

141 So. 3d 513 (Fla. 2014) · No. SC12-1161 · Decided June 12, 2014

SUMMARY

The Florida Supreme Court reviewed Carl Dausch’s convictions for first-degree murder and aggravated battery and his death sentence arising from the murder of Adrian Mobley. In a corrected per curiam opinion, the court held that the State presented insufficient competent substantial evidence establishing Dausch’s identity as the perpetrator, reversed and vacated the convictions and sentences, and remanded for entry of a judgment of acquittal. Chief Justice Polston dissented, concluding that the DNA and other circumstantial evidence was sufficient to submit the identity issue to the jury.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Pariente; Lewis; Quince; Canady; Labarga; Perry; Polston
JURISDICTION	Florida
DECIDED	June 12, 2014
DOCKET	SC12-1161
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from convictions for first-degree premeditated murder and aggravated battery and corresponding sentences, including a death sentence.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence de novo in a direct capital appeal, viewing the evidence in the light most favorable to the State and applying the special standard for convictions based wholly on circumstantial evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Carl Dausch v. State of Florida

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- burden of proof
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State presented competent substantial evidence sufficient to establish beyond a reasonable doubt that Dausch was the perpetrator of Mobley's murder.
2. Whether the circumstantial evidence excluded Dausch's reasonable hypothesis of innocence that he hitchhiked with a person who had already stolen Mobley's car.
3. Whether the convictions and sentences had to be reversed and vacated because the evidence was insufficient.

HOLDINGS

1. The State failed to present competent substantial evidence establishing beyond a reasonable doubt that Dausch was the person who murdered Mobley. Evidence linking Dausch to Mobley's vehicle, together with the qualified and partially exculpatory DNA evidence, established no more than suspicion of guilt.
2. The convictions and sentences for first-degree murder and aggravated battery had to be reversed and vacated, and the case had to be remanded for entry of a judgment of acquittal.

KEY QUOTATIONS

"Evidence which furnishes nothing stronger than a suspicion, even though it would tend to justify the suspicion that the defendant committed the crime, [] is not sufficient to sustain [a] conviction." (518)

"Viewed in its entirety, the record lacks competent substantial evidence to support the jury's verdict." (520)

"At best, the evidence presented by the State creates a suspicion of guilt." (520)

FACTUAL BACKGROUND

Adrian Mobley was murdered in Sumter County, Florida, in July 1987, and his body was found hogtied and severely beaten. Mobley's car was later abandoned in Tennessee, and fingerprints and DNA evidence eventually linked Dausch to the vehicle and identified him as a possible contributor to some DNA evidence. Other DNA evidence excluded Dausch, and the State presented no witness who saw the murder or competent substantial evidence placing Dausch in Sumter County at the time of the killing. Dausch maintained that he hitchhiked with someone already in possession of Mobley's car.

PROCEDURAL HISTORY

Dausch was indicted in 2006 for first-degree murder and sexual battery. In 2011, a jury convicted him of first-degree murder and aggravated battery as a lesser included offense of sexual battery. In 2012, the trial court sentenced him to death for murder and ten years' imprisonment for aggravated battery. The Supreme Court of Florida addressed only the sufficiency of the evidence and reversed the convictions and sentences, remanding for entry of a judgment of acquittal.

DISPOSITION

REMAND INSTRUCTIONS

Reverse and vacate both convictions and sentences and remand to the trial court with instructions to enter a judgment of acquittal.

CASES CITED

- Ballard v. State, 923 So. 2d 475 (Fla. 2006)
- Reynolds v. State, 934 So. 2d 1128 (Fla. 2006)
- Pagan v. State, 830 So. 2d 792 (Fla. 2002)
- Darling v. State, 808 So. 2d 145 (Fla. 2002)
- Lindsey v. State, 14 So. 3d 211 (Fla. 2009)
- Frank v. State, 163 So. 223 (Fla. 1935)
- Crain v. State, 894 So. 2d 59 (Fla. 2004)
- De Groot v. Sheffield, 95 So. 2d 912 (Fla. 1957)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Serrano v. State, 64 So. 3d 93 (Fla. 2011)
- Kocaker v. State, 119 So. 3d 1214 (Fla. 2013)
- Durousseau v. State, 55 So. 3d 543 (Fla. 2010)
- Brim v. State, 695 So. 2d 268 (Fla. 1997)
- Roberson v. State, 16 S.W.3d 156 (Tex. Ct. App. 2000)
- United States v. Morrow, 374 F. Supp. 2d 51 (D.D.C. 2005)
- United States v. Graves, 465 F. Supp. 2d 450 (E.D. Pa. 2006)
- United States v. McCluskey, 954 F. Supp. 2d 1224 (D.N.M. 2013)
- Commonwealth v. Mattei, 920 N.E.2d 845 (Mass. 2010)
- Hampton v. State, 961 N.E.2d 480 (Ind. 2012)
- State v. Lang, 954 N.E.2d 596 (Ohio 2011)
- Commonwealth v. O’Laughlin, 843 N.E.2d 617 (Mass. 2006)
- Commonwealth v. Crews, 640 A.2d 395 (Pa. 1994)
- Mickens v. State, 121 So. 3d 563 (Fla. 4th DCA 2013)
- Walker v. State, 707 So. 2d 300 (Fla. 1997)
- Penalver v. State, 926 So. 2d 1118 (Fla. 2006)
- Sireci v. State, 399 So. 2d 964 (Fla. 1981)
- Sloan v. State, 104 So. 3d 1271 (Fla. 4th DCA 2013)
- Thorp v. State, 777 So. 2d 385 (Fla. 2000)
- Washington v. State, 653 So. 2d 362 (Fla. 1994)

- McDuffie v. State, 970 So. 2d 312 (Fla. 2007)
- United States v. Hicks, 103 F.3d 837 (9th Cir. 1996)
- United States v. W.R. Grace, 526 F.3d 499 (9th Cir. 2008)

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