

SUPREME COURT OF FLORIDA

Silvia v. State

60 So. 3d 959 (Fla. 2011) · Decided April 7, 2011

SUMMARY

The Florida Supreme Court reviewed William Frances Silvia’s convictions for first-degree murder and attempted first-degree murder and his death sentence. The court independently reviewed the sufficiency of the evidence and considered challenges to the penalty-phase findings, including the cold, calculated, and premeditated aggravator and the great-risk-of-death aggravator. The court affirmed the convictions and death sentence.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Canady, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Polston, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	April 7, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for first-degree murder and attempted first-degree murder and from a death sentence imposed for the first-degree murder conviction.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence de novo under whether a rational trier of fact, viewing the evidence in the light most favorable to the State, could find the elements beyond a reasonable doubt. Findings supporting aggravating circumstances were reviewed for competent, substantial evidence. A ruling on a motion for mistrial was reviewed for abuse of discretion. Unpreserved evidentiary claims were reviewed for fundamental error or a due-process violation.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida.
PARTIES	William Frances Silvia v. State of Florida

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- prosecutorial misconduct
- evidence

PRACTICE AREAS

capital punishment

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether competent, substantial evidence supported Silvia's first-degree murder conviction.
2. Whether the trial court properly found the cold, calculated, and premeditated aggravating circumstance.
3. Whether the trial court properly found that Silvia knowingly created a great risk of death to many persons.
4. Whether the death sentence was proportionate.
5. Whether testimony concerning lack of remorse and the prosecutor's guilt-phase closing comments warranted a mistrial or reversal.
6. Whether the victim-impact evidence constituted fundamental error or violated due process despite the absence of specific objections.
7. Whether Florida's death-sentencing scheme was unconstitutional under the Sixth Amendment and *Ring v. Arizona*.

HOLDINGS

1. The evidence was sufficient to support Silvia's first-degree murder conviction because his confession, eyewitness testimony, the victim's death from shotgun wounds, and ballistic evidence established the offense beyond a reasonable doubt.
2. The trial court did not err in finding the cold, calculated, and premeditated aggravating circumstance.
3. The trial court did not err in finding that Silvia knowingly created a great risk of death to many persons.
4. The death sentence was proportionate to the first-degree murder of Patricia Silvia.
5. The trial court did not abuse its discretion in denying Silvia's motion for mistrial based on testimony referring to lack of remorse.
6. The trial court did not err in overruling Silvia's objections to the prosecutor's guilt-phase closing argument because the comments were fair inferences from the evidence and did not cause harmful penalty-phase error.
7. Silvia's challenge to the victim-impact evidence was not preserved by a general objection, and the challenged statements did not constitute fundamental error or a due-process violation.
8. *Ring v. Arizona* did not require relief because the prior-violent-felony aggravator based on Silvia's contemporaneous attempted-murder conviction was not required to be found by the jury.

KEY QUOTATIONS

"In order to establish the CCP aggravator, the evidence must show that (1) "the killing was the product of cool and calm reflection and not an act prompted by emotional frenzy, panic, or a fit of rage (cold)"; (2) "the defendant had a careful plan or prearranged design to commit murder before the fatal incident (calculated)";

(3) “the defendant exhibited heightened premeditation (premeditated)” ; and (4) “the defendant had no pretense of moral or legal justification.”” (970)

“Although Silvia may have intended to kill only Patricia, there is competent, substantial evidence to support a finding that Silvia engaged in “indiscriminate shooting” in the direction of at least four persons other than Patricia who were not only put in “an immediate and present risk of death,” Williams, 574 So.2d at 138, but were also “in the line of fire,” Alvin, 548 So.2d at 1115.” (972)

“Any convincing evidence of remorse may properly be considered in mitigation of the sentence, but absence of remorse should not be weighed either as an aggravating factor nor as an enhancement of an aggravating factor.” (975)

FACTUAL BACKGROUND

After separating from Patricia Silvia, Silvia repeatedly attempted to contact her and was rejected. On the day of the killing, after losing his job and while homeless, Silvia purchased a twelve-gauge shotgun and ammunition, rented a motel room, and later drove to Patricia's family's home. After Patricia declined to reconcile, Silvia retrieved the shotgun from his truck and fired multiple shots toward the carport and house, killing Patricia and seriously injuring her mother, Betty Woodard; several other people were exposed to the gunfire. Silvia later confessed to shooting Patricia, and forensic testing linked the shotgun found in his motel room to shells recovered from the crime scene.

PROCEDURAL HISTORY

A jury convicted Silvia of first-degree murder for killing Patricia Silvia and attempted first-degree murder for shooting Betty Woodard. The jury recommended death by an eleven-to-one vote, and the trial court imposed death for Patricia's murder and life imprisonment for the attempted murder of Betty. The Supreme Court of Florida conducted mandatory sufficiency and proportionality review, considered Silvia's penalty-phase claims, and affirmed the convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- Jones v. State, 963 So. 2d 180, 184 (Fla. 2007)
- Simmons v. State, 934 So. 2d 1100, 1111 (Fla. 2006)
- Bradley v. State, 787 So. 2d 732, 738 (Fla. 2001)
- Simpson v. State, 3 So. 3d 1135, 1147 (Fla. 2009)
- Barnhill v. State, 834 So. 2d 836, 850-51 (Fla. 2002)
- Franklin v. State, 965 So. 2d 79, 98 (Fla. 2007)
- Swafford v. State, 533 So. 2d 270, 277 (Fla. 1988)
- Deparvine v. State, 995 So. 2d 351, 381-82 (Fla. 2008)

- Foster v. State, 778 So. 2d 906, 921 (Fla. 2000)
- Evans v. State, 800 So. 2d 182, 193 (Fla. 2001)
- Owen v. State, 862 So. 2d 687, 701 (Fla. 2003)
- Spencer v. State, 691 So. 2d 1062, 1065 (Fla. 1996)
- Santos v. State, 591 So. 2d 160, 162-63 (Fla. 1991)
- Johnson v. State, 696 So. 2d 317, 325 (Fla. 1997)
- Williams v. State, 574 So. 2d 136, 138 (Fla. 1991)
- Alvin v. State, 548 So. 2d 1112, 1115 (Fla. 1989)
- Terry v. State, 668 So. 2d 954, 965 (Fla. 1996)
- Anderson v. State, 841 So. 2d 390, 407-08 (Fla. 2003)
- Duest v. State, 855 So. 2d 33, 47 (Fla. 2003)
- Porter v. State, 564 So. 2d 1060, 1064 (Fla. 1990)
- Urbin v. State, 714 So. 2d 411, 416 (Fla. 1998)
- Bates v. State, 750 So. 2d 6, 12 (Fla. 1999)
- Farinas v. State, 569 So. 2d 425, 431 (Fla. 1990)
- Turner v. State, 37 So. 3d 212, 224 (Fla.), cert. denied, 131 S. Ct. 426 (2010)
- Lynch v. State, 841 So. 2d 362, 377 (Fla. 2003)
- Carter v. State, 980 So. 2d 473, 485 (Fla. 2008)
- Buzia v. State, 926 So. 2d 1203, 1216 (Fla. 2006)
- Sired v. Moore, 825 So. 2d 882, 887 (Fla. 2002)
- Evans v. State, 838 So. 2d 1090, 1097-98 (Fla. 2002)
- Floyd v. State, 850 So. 2d 383, 392-93, 408-09 (Fla. 2002)
- Robinson v. State, 761 So. 2d 269, 272-73 (Fla. 1999)
- Pope v. State, 441 So. 2d 1078, 1078 (Fla. 1983)
- Robinson v. State, 520 So. 2d 1, 5-6 (Fla. 1988)
- England v. State, 940 So. 2d 389, 401-02 (Fla. 2006)
- Gore v. State, 719 So. 2d 1197, 1200 (Fla. 1998)
- Gonzalez v. State, 990 So. 2d 1017, 1028-29 (Fla. 2008)
- Bertolotti v. State, 476 So. 2d 130, 134 (Fla. 1985)
- Wheeler v. State, 4 So. 3d 599, 606-07 (Fla. 2009)
- F.B. v. State, 852 So. 2d 226, 229 (Fla. 2003)
- Steinhorst v. State, 412 So. 2d 332, 338 (Fla. 1982)
- Payne v. Tennessee, 501 U.S. 808, 825 (1991)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Jones v. State, 855 So. 2d 611, 619 (Fla. 2003)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)

