

SUPREME COURT OF FLORIDA

Granville Ritchie v. State of Florida

No. SC20-1422, Supreme Court of Florida (June 9, 2022)

SUMMARY

The Supreme Court of Florida affirmed Granville Ritchie's first-degree murder conviction and death sentence for the sexual battery and strangulation of a nine-year-old child. The court held that the prosecutor's improper penalty phase comments—including a "same mercy" argument, golden rule arguments, and anti-immigrant rhetoric—did not constitute fundamental error given the overwhelming aggravation (HAC, victim under 12, sexual battery) and minimal mitigation. The court also rejected facial and as-applied challenges to Florida's victim impact evidence statute and found no abuse of discretion in redacting portions of a mitigation video or in admitting rebuttal testimony. The dissent argued that the cumulative prosecutorial misconduct required a new penalty phase.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Canady; Lawson; Muñiz; Couriel; Grosshans; Polston
JURISDICTION	Florida
DECIDED	June 9, 2022
DOCKET	SC20-1422
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a judgment of conviction and sentence of death.
STANDARD OF REVIEW	Fundamental error for unpreserved issues; abuse of discretion for evidentiary rulings; harmless error for preserved issues.
PRECEDENTIAL VALUE	Published
PARTIES	Granville Ritchie v. State of Florida

TOPICS

- criminal procedure
- sentencing
- prosecutorial misconduct
- evidence
- harmless error
- appellate procedure
- standard of review
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the cumulative impact of improper prosecutorial comments during the penalty phase closing argument deprived Ritchie of a fair penalty phase.
2. Whether Florida law regarding the presentation of victim impact evidence is unconstitutional on its face and as applied.
3. Whether the trial court erred in ordering audio redactions to a mitigation video and allowing improper rebuttal evidence.
4. Whether the cumulative prejudicial effect of the alleged trial errors deprived Ritchie of a fair penalty phase.

HOLDINGS

1. The improper comments did not amount to fundamental error because the evidence of aggravation was substantial and the comments were isolated; the jury's death recommendation could have been obtained without the errors.
2. The facial challenge is rejected based on precedent; the as-applied challenge regarding the mother's Bible verse testimony was improper but not fundamental error.
3. The trial court did not abuse its discretion in ordering limited redactions, and the rebuttal testimony was proper.
4. The combined prejudice from the prosecutorial comments and improper victim impact testimony does not amount to fundamental error.

KEY QUOTATIONS

“Fundamental error ‘reaches down into the validity of the trial itself to the extent that a . . . jury recommendation of death could not have been obtained without the assistance of the alleged error.’” (at 34)

“To the extent the prosecutor’s rhetoric could be taken as anti-immigrant, we condemn such rhetoric in the strongest possible terms; it has no place in our courts.” (at 28)

“The improper prosecutorial comments were isolated statements in an otherwise proper closing argument that, on the whole, asked the jury to return a death recommendation based on the evidence.” (at 35)

FACTUAL BACKGROUND

Ritchie sexually battered and strangled a nine-year-old child, F.W., who was left in his care. He then dumped her body in the water off the Courtney Campbell Causeway and fabricated a story about her disappearance. The victim's body was found washed up against the shoreline the next day. Ritchie was arrested and indicted for first-degree murder, sexual battery, and aggravated child abuse.

PROCEDURAL HISTORY

Ritchie was convicted of first-degree murder, sexual battery of a victim less than twelve years of age, and aggravated child abuse. The jury recommended death, and the trial court sentenced Ritchie to death. Ritchie appeals his convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- Spencer v. State, 615 So. 2d 688 (Fla. 1993)
- Smith v. State, 320 So. 3d 20 (Fla. 2021)
- Braddy v. State, 111 So. 3d 810 (Fla. 2012)
- Brooks v. State, 762 So. 2d 879 (Fla. 2000)
- Card v. State, 803 So. 2d 613 (Fla. 2001)
- Merck v. State, 975 So. 2d 1054 (Fla. 2007)
- Bertolotti v. State, 476 So. 2d 130 (Fla. 1985)
- Urbin v. State, 714 So. 2d 411 (Fla. 1998)
- Evans v. State, 177 So. 3d 1219 (Fla. 2015)
- Wheeler v. State, 4 So. 3d 599 (Fla. 2009)
- Rhodes v. State, 986 So. 2d 501 (Fla. 2008)
- Cardona v. State, 185 So. 3d 514 (Fla. 2016)
- Andres v. State, 254 So. 3d 283 (Fla. 2018)
- Davis v. State, 121 So. 3d 462 (Fla. 2013)
- Richardson v. State, 604 So. 2d 1107 (Fla. 1992)
- Mosley v. State, 46 So. 3d 510 (Fla. 2009)
- Walker v. State, 707 So. 2d 300 (Fla. 1997)
- Ruiz v. State, 743 So. 2d 1 (Fla. 1999)
- Bush v. State, 295 So. 3d 179 (Fla. 2020)
- Fletcher v. State, 168 So. 3d 186 (Fla. 2015)
- Hutchinson v. State, 882 So. 2d 943 (Fla. 2004)
- Thompson v. State, 318 So. 2d 549 (Fla. 4th DCA 1975)
- Calloway v. State, 210 So. 3d 1160 (Fla. 2017)
- Sexton v. State, 775 So. 2d 923 (Fla. 2000)
- Snelgrove v. State, 107 So. 3d 242 (Fla. 2012)
- Jeffries v. State, 222 So. 3d 538 (Fla. 2017)
- Conahan v. State, 844 So. 2d 629 (Fla. 2003)
- Cruz v. State, 320 So. 3d 695 (Fla. 2021)
- Francis v. State, 808 So. 2d 110 (Fla. 2001)

- Gore v. State, 719 So. 2d 1197 (Fla. 1998)
- Lewis v. State, 711 So. 2d 205 (Fla. 3d DCA 1998)
- Kirk v. State, 227 So. 2d 40 (Fla. 4th DCA 1969)
- Hurst v. State, 202 So. 3d 40 (Fla. 2016)
- State v. Poole, 297 So. 3d 487 (Fla. 2020)
- McKenzie v. State, 333 So. 3d 1098 (Fla. 2022)
- Victorino v. State, 127 So. 3d 478 (Fla. 2013)
- Deparvine v. State, 995 So. 2d 351 (Fla. 2008)
- Johnson v. State, 252 So. 3d 1114 (Fla. 2018)
- Lawrence v. State, 308 So. 3d 544 (Fla. 2020)

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