HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 527 Sentencing for Capital Felonies
SPONSOR(S): Sprowls
TIED BILLS: **IDEN./SIM. BILLS:** SB 280

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	14 Y, 0 N	Homburg	White
2) Judiciary Committee	17 Y, 1 N	Homburg	Camechis

SUMMARY ANALYSIS

On the first day of the 2016 Regular Session, the United States Supreme Court found Florida's death penalty sentencing process unconstitutional, holding that the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death because a jury's "mere recommendation is not enough." To address this decision, the Legislature during the 2016 Regular Session enacted HB 7101 (hereinafter "the 2016 Act"), which took effect on March 7, 2016. In relevant part, the 2016 Act required the sentencing jury in a death penalty case to unanimously find at least one aggravating factor before the defendant could be eligible for a sentence of death. The 2016 Act also required at least 10 of the 12 jurors to concur in a recommendation of a sentence of death to the court.

On October 14, 2016, the Florida Supreme Court (FSC) held in *Hurst v. State* that all of the findings necessary for a jury to impose a sentence of death must be determined unanimously by the jury and that a jury's recommendation of a sentence of death must also be unanimous. On that same day, the FSC issued *Perry v. State,* in which the Court held the 2016 Act unconstitutional because it does not require the jury to unanimously recommend a sentence of death. The FSC stated, "[w]hile most of the Act can be construed constitutionally under our holding in *Hurst*, the Act's 10-2 jury recommendation requirement renders the Act unconstitutional."

To address the FSC's holding, the bill amends Florida's death penalty sentencing process to require that a jury's recommendation of a sentence of death be unanimous. Under the bill, if the jury does not unanimously determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of life imprisonment without parole.

The bill does not appear to have a fiscal impact.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Death Penalty Sentencing - Background
In 1972, the United States (U.S.) Supreme Court decided *Furman v. Georgia*, which struck down all of the then-existing death penalty statutes in the U.S. on grounds that the imposition and carrying out of the death penalty constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments.[1]

Florida was the first state to reenact a death penalty statute in the wake of *Furman*. This occurred in the fall of 1972, when House Bill 1-A was enacted during a Special Session of the Legislature.[2] The death penalty sentencing process adopted at that time was repeatedly upheld as constitutional[3] and remained largely the same until 2016.

Under that process, when a defendant was convicted of a capital felony,[4] a separate sentencing proceeding was conducted before the trial jury or, if the defendant pled, before a jury impaneled for the purpose of sentencing.[5] During the sentencing proceeding, the jury, after hearing all the evidence, was required to render a recommended sentence to the judge based on the following factors:

- Whether sufficient aggravating factors[6] existed;
- Whether sufficient aggravating factors existed which outweighed the mitigating circumstances found to exist; and
- Based on these considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or death.[7]

Only a simple majority vote of the jury was necessary to recommend the death penalty. Juries were not required to list on the verdict aggravating and mitigating circumstances that the jury found persuasive or to disclose the number of jurors making the findings.[8] Moreover, the judge was not required to sentence a defendant as recommended by the jury; instead, the judge conducted an independent

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[1] *Furman v. Georgia*, 408 U.S. 238 (1972).
[2] The bill was signed by Governor Askew on December 8, 1972. Ch. 72-724, Laws of Fla. (1973).
[3] *See Proffitt v. Florida*, 428 U.S. 242 (1976) (holding that the death penalty was not a "cruel and unusual" punishment per se, and that Florida's capital-sentencing procedure was not unconstitutionally arbitrary and/or capricious);*Spaziano v. Florida*, 468 U.S. 447, 104 S. Ct. 3154, 82 L. Ed. 2d 340 (1984) (rejecting defendant's claim that allowing the judge to impose death when the jury recommends life violates the 5th, 6th, and 8th Amendments of the U.S. Constitution); *Hildwin v. Florida*, 490 U.S. 638, 109 S. Ct. 2055, 104 L.Ed. 2d 728 (1989)(rejecting defendant's claim that a jury, rather than the judge, must find the aggravating factors; holding that the Sixth Amendment "does not require that the specific findings authorizing the imposition of the sentence of death be made by the jury.").
[4] Capital felonies in Florida are: (a) first degree murder; (b) the killing of an unborn child by injury to the mother which would be murder in the first degree constituting a capital felony if it resulted in the death of the mother; (c) willfully making, possessing, throwing, etcetera, a destructive device, if the act results in the death of another person; (d) unlawfully manufacturing, possessing, selling, using, etcetera, a weapon of mass destruction, if death results; and (e) certain drug trafficking, importation, and manufacturing crimes that result in a death or where the probable result of such act would be the death of a person ss. 782.04(1)(a), 782.09(1)(a), 790.161(4), 790.166(2), and 893.135(1), F.S
[5] ss. 921.141(1) and 921.142(2), F.S.
[6] "An aggravating circumstance is a standard to guide the jury in making the choice between the alternative recommendations of life imprisonment without the possibility of parole or death. It is a statutorily enumerated circumstance which increases the gravity of a crime or the harm to a victim." *Fla. Standard Jury Instructions, Criminal Cases,* Penalty Proceedings Capital Cases, Instr. 7.11.
[7] ss. 921.141(2) and 921.142(3), F.S.
[8] "If a majority of the jury, seven or more, determine that (defendant) should be sentenced to death, your advisory sentence will be: A majority of the jury by a vote of _________ to __________ advise and recommend to the court that it impose the death penalty upon (defendant). On the other hand, if by six or more votes the jury determines that (defendant) should not be sentenced to death, your advisory sentence will be: The jury advises and recommends to the court that it impose a sentence of life imprisonment upon (defendant) without possibility of parole." *Fla. Standard Jury Instructions, Criminal Cases, Penalty Proceedings Capital Cases, Instr. 7.11.*

analysis of the aggravating and mitigating circumstances and was authorized to impose a sentence of life or death notwithstanding the jury's recommendation.[9]

***Hurst v. Florida* – U.S. Supreme Court**
On the opening day of the 2016 Regular Session, January 12, 2016, the U.S. Supreme Court found Florida's death penalty sentencing process unconstitutional in *Hurst v. Florida*.[10]

In this case, Timothy Lee Hurst was convicted of first-degree murder for fatally stabbing his co-worker in 1998 with a box cutter.[11] A jury recommended a sentence of death by a seven-to-five vote; thereafter, the trial court entered a sentence of death.[12] Hurst challenged his sentence arguing before the U.S. Supreme Court that the jury was required to find specific aggravators and issue a unanimous advisory sentence recommendation.[13]

In the eight-to-one decision, the U.S. Supreme Court ruled that the Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death because a jury's "mere recommendation is not enough."[14] The Court compared Florida's sentencing scheme to Arizona's scheme, which the Court had ruled unconstitutional in 2002 in *Ring v. Arizona*,[15] and found Florida's distinctive factor of the advisory jury verdict immaterial. Like the trial judge in *Ring*, the trial judge in *Hurst* performed her own fact finding and increased *Hurst's* authorized punishment, thereby violating the Sixth Amendment.[16] The Court remanded the case to the Florida Supreme Court (FSC) for "proceedings not inconsistent with" its decision.[17]

The U.S. Supreme Court never mentioned the issue of jury unanimity in its decision.

2016 Legislation
During the 2016 Regular Session, the Legislature for purposes of addressing the U.S. Supreme Court's decision in *Hurst* enacted HB 7101, which took effect on March 7, 2016.[18] Under the new law, the death penalty sentencing process was revised to require the jury, after hearing all of the evidence regarding aggravating factors and mitigating circumstances, to:

- Determine if the state has proven, beyond a reasonable doubt, the existence of at least one aggravating factor.
- Return findings identifying each aggravating factor found. A finding that an aggravating factor exists must be unanimous.[19]

The new law further specified that if the jury:

- Does not unanimously find an aggravating factor, the defendant is ineligible for a sentence of death.
- Unanimously finds at least one aggravating factor, the defendant is eligible for a sentence of death and the jury must recommend to the court whether the defendant shall be sentenced to life imprisonment without the possibility of parole or death.[20]

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[9] ss. 921.141(3) and 921.142(4), F.S
[10] *Hurst v. Florida,* 136 S.Ct. 616 (2016).
[11] *Hurst v. State*, 147 So. 3d 435, 437 (Fla. 2014), *rev'd and remanded*, 136 S.Ct. 616 (U.S. Jan. 12, 2016).
[12] *Id*. at 440.
[13] *Hurst,* 136 S.Ct. at 619-620.
[14] *Id*.
[15] In *Ring,* the court ruled that the jury, rather than the judge, must find the aggravating factors justifying a sentence of death. The decision was clear as to its application to the Arizona death penalty sentencing scheme wherein the judge, without any input from the jury beyond the verdict of guilty on the murder charge, made the sentencing decision. It was not clear, however, as to whether the *Ring* decision had any impact on Florida's "hybrid" sentencing scheme. Under Florida's "hybrid" process, the jury had input given that it made a recommendation of death or life to the judge. *Ring v. Arizona*, 536 U.S. 584 (2002).
[16] *Id*. at 621,622.
[17] *Id.* at 624.
[18] Chapter 2016-13, L.O.F. (2016).
[19] ss. 921.141(2)(a) and (b) and 921.142(3)(a) and (b), F.S.
[20] ss. 921.141(2)(b) and 921.142(3)(b), F.S.

In making its recommendation, the jury must weigh the following:

- Whether sufficient aggravating factors exist.
- Whether sufficient mitigating circumstances exist that outweigh the aggravating factors found to exist.
- Based on the above-referenced considerations, whether the defendant should be sentenced to life imprisonment without the possibility of parole or death.[21]

To recommend a sentence of death, a minimum of 10 jurors out of the 12 jurors must concur in the recommendation. If fewer than 10 jurors concur, a sentence of life imprisonment without the possibility of parole must be the jury's recommendation to the court.[22]

If the jury recommends:

- Life imprisonment without the possibility of parole, the judge must impose that sentence.
- A sentence of death, the judge may impose a sentence of death or life imprisonment without the possibility of parole. The judge may only consider an aggravating factor that was unanimously found by the jury.[23]

Hurst v. State **(on remand to the FSC)**

On October 14, 2016, the FSC issued its opinion in *Hurst v. State,* on remand from the U.S. Supreme Court. In this opinion, a majority of the FSC ruled that there are three "critical findings," also referred to by as "facts" and "elements," which must be found by the jury before the jury may consider a recommendation of death.[24] According to the majority, these critical findings are:

- The existence of each aggravating factor that has been proven beyond a reasonable doubt;
- That the aggravating factors are sufficient to impose death; and
- That the aggravating factors outweigh the mitigating circumstances.[25]

Further, according to the majority, each of the critical findings must be found *unanimously* by the jury based on Florida common law, the Florida Constitution's right to trial by jury, and the Sixth and Eighth Amendments of the U.S. Constitution. With respect to Florida law, the majority stated:

> [J]ust as elements of a crime must be found unanimously by a Florida jury, all these findings necessary for the jury to essentially convict a defendant of capital murder—thus allowing imposition of the death penalty— are also elements that must be found unanimously by the jury. … This holding is founded upon the Florida Constitution and Florida's long history of requiring jury unanimity in finding all the elements of the offense to be proven; and it gives effect to our precedent that the "final decision in the weighing process must be supported by 'sufficient competent evidence in the record.'"[26]

Finally, the majority ruled that a jury's recommendation of a sentence of death must also be unanimous. In part, the majority stated, "[W]e conclude that juror unanimity in any recommended verdict resulting in a death sentence is required under the Eighth Amendment. Although the [U.S.] Supreme Court has not ruled on whether unanimity is required in the jury's advisory verdict in capital cases, the foundational precept of the Eighth Amendment calls for unanimity…."[27]

Applying the aforementioned holding to Hurst's case, the majority reversed and remanded for resentencing.[28] According to the majority, *Hurst v. Florida* error is not structural error. Such error "is

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[21] *Id.*
[22] ss. 921.141(2)(c) and 921.142(3)(c), F.S.
[23] ss. 921.141(3)(a) and 921.142(4)(a), F.S.
[24] *Hurst v. State*, 202 So.3d 40, 54 (Fla. 2016).
[25] *Hurst*, 202 So.3d at 45.
[26] *Id.* at 53-54.
[27] *Id.* at 44-45.
[28] The majority rejected Hurst's argument that his sentence should be commuted to life imprisonment sentence under s. 775.082(2), F.S., which provides that a death penalty sentence shall be reduced to life imprisonment if the death penalty is held unconstitutional. According to the majority, the U.S. Supreme Court, "did not invalidate death as a penalty, but invalidated only that portion of the

capable of harmless error review."[29] The majority determined, however, that the error in Hurst's case was not harmless because the court could not determine whether the jury unanimously found that: (a) any aggravators existed; (b) the aggravation was sufficient for death; or (c) the aggravating factors outweighed the mitigating circumstances.[30] According to the majority, "the fact that only seven jurors recommended death strongly suggests to the contrary."[31]

Justice Canady dissented in an opinion in which Justice Polston concurred. According to the dissent:

> Because I conclude that the Sixth Amendment as explained by the Supreme Court's decision in *Hurst v. Florida* … simply requires that an aggravating circumstance be found by the jury, I disagree with the majority's expansive understanding of *Hurst v. Florida*. And because I conclude that the absence of a finding of an aggravator by the jury that tried Hurst was harmless beyond a reasonable doubt and agree with the majority's rejection of Hurst's claim that he is entitled to be sentenced to life, I would affirm the sentence of death.
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> The majority concludes that the Supreme Court decided in *Hurst v. Florida* that the Sixth Amendment requires jury sentencing in death cases so that no death sentence can be imposed unless a unanimous jury decides that death should be the penalty. But this conclusion cannot be reconciled with the reasoning of the Court's opinion in *Hurst v. Florida* or with [other Supreme Court precedent]…. The majority's reading of *Hurst v. Florida* wrenches the Court's reference to "each fact necessary to impose a sentence of death," …, out of context, ignoring how the Court has used the term "facts" in its Sixth Amendment jurisprudence, and failing to account for the *Hurst v. Florida* Court's repeated identification of Florida's failure to require a jury finding of an aggravator as the flaw that renders Florida's death penalty law unconstitutional.
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> Not content with its undue expansion of *Hurst v. Florida's* holding regarding the requirements of the Sixth Amendment, the majority injects conclusions based on the Eighth Amendment even though *Hurst v. Florida* does not address the Eighth Amendment. Remarkably, the majority adopts the view of the Eighth Amendment expressed by Justice Breyer in his concurring opinions in *Ring* and *Hurst v. Florida*. In doing so, the majority addresses a question that is not even properly at issue in this remand proceeding—which solely concerns how we are to apply *Hurst v. Florida's* Sixth Amendment holding—and delivers a ruling that dramatically departs from binding precedent from the Supreme Court. In short, the majority fundamentally misapprehends and misuses *Hurst v. Florida*, thereby unnecessarily disrupting the administration of the death penalty in Florida. I strongly dissent.[32]

Perry v. State

On the same day that the FSC decided *Hurst v. State,* it also decided *Perry v. State.* In this case, the FSC considered whether the new death penalty sentencing process enacted by the Legislature in 2016 could be constitutionally applied in cases where the underlying crime was committed prior to 2016. Answering the question in the negative, the majority stated:

> [W]e resolve any ambiguity in the [death penalty sentencing process enacted in 2016] consistent with our decision in *Hurst*. Namely, to increase the penalty from a life sentence to a sentence of death, the jury must unanimously find the existence of any aggravating factor, that the aggravating factors are sufficient to warrant a sentence of death, that the aggravating factors outweigh the mitigating circumstances, and must unanimously recommend a sentence of death. … ***While most***

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process which had allowed the necessary factfinding to be made by the judge rather than the jury in order to impose a sentence of death." *Id.* at 62-63.

[29] *Id.* at 68.

[30] *Id.* at 55-56.

[31] *Id.* at 56.

[32] *Id.* at 89-92 (citations omitted).

of the Act can be construed constitutionally under our holding in Hurst, the Act's 10-2 jury recommendation requirement renders the Act unconstitutional.[33]

Effect of the Bill

To address the FSC's holding that the death penalty sentencing process is constitutional except for its 10-2 jury recommendation requirement, the bill amends ss. 921.141(2)(c) and 921.142(3)(c), F.S., to require that a jury's recommendation of a sentence of death be unanimous. If the jury does not unanimously determine that the defendant should be sentenced to death, the jury's recommendation shall be a sentence of life imprisonment without parole.

The bill reeneacts ss. 775.082(1)(a), 782.04(1)(b), 794.011(2)(a), and 893.135(1)(b) through (l), F.S., for purposes of incorporating the bill's amendments to ss. 921.141 and 921.142, F.S.

The bill is effective upon becoming law.

B. SECTION DIRECTORY:

Section 1. Amends s. 921.141, F.S., relating to a sentence of death or life imprisonment for capital felonies.

Section 2. Amends s. 921.142, F.S., relating to a sentence of death or life imprisonment for capital drug trafficking felonies.

Section 3. Reenacts s. 775.082, F.S., relating to capital felonies.

Section 4. Reenacts s. 782.04, F.S., relating to murder.

Section 5. Reenacts s. 794.011, F.S., relating to sexual battery.

Section 6. Reenacts s. 893.135, F.S., relating to trafficking.

Section 7. Provides the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: The bill does not appear to have any impact on state revenues.

2. Expenditures: The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: The bill does not appear to have any impact on local government revenues.

2. Expenditures: The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: The bill does not appear to have any direct economic impact on the private sector.

D. FISCAL COMMENTS: None.

[33] *Perry v. State,* 2016 WL 6036982, *25 (Fla. 2016)(emphasis added).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Retroactivity
On December 22, 2016, a majority of the FSC ruled that *Hurst* applies retroactively to anyone whose sentence became final on or after June 24, 2002, which is the day that the U.S. Supreme Court decided *Ring v. Arizona*.[34]

According to data from the Office of State Court Administrator, the sentences of 211 death penalty defendants[35] became final on or after *Ring;*[36] however, not all of these defendants will be eligible to receive a new sentencing proceeding based on *Hurst* error. If the defendant waived his or her right to a penalty phase jury, he or she is precluded from raising *Hurst* error on appeal.[37] Further, as discussed below, *Hurst* error may be found harmless in cases where the jury unanimously recommended a sentence of death. As illustrated in the chart below, approximately 20 percent of jury recommendations for a sentence of death are unanimous.

Distribution of Jury Votes in Death Cases
by Calendar Year of Disposition by Florida Supreme Court[38]
(N=296)

Original Jury Vote	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	Total	%[39]	Cum %
7-5	6	1	4	4	0	3	0	2	4	1	3	2	2	3	2	3	40	12%	12%
8-4	4	6	2	6	2	0	3	0	**2**	9	2	1	5	2	3	5	52	15%	27%
9-3	4	4	3	6	2	2	11	3	5	6	6	9	5	2	1	2	71	21%	48%
10-2	3	12	4	3	3	3	2	2	2	5	11	1	3	2	2	2	60	18%	66%
11-1	2	8	5	5	3	1	1	2	1	5	5	1	3	2	1	0	45	13%	79%
12-0	9	6	8	4	2	3	6	7	6	0	1	6	2	5	2	3	70	21%	100%
Subtotal	28	37	26	28	12	12	23	16	20	26	28	20	20	16	11	15	338	100%	
Other[40]	3	1	2	3	4	2	0	0	1	4	3	1	0	1	0	1	26		
TOTAL	31	38	28	31	16	14	23	16	21	30	31	21	20	17	11	16	364		

Harmless Error
As discussed above, the FSC has held that *Hurst* error "is capable of harmless error review."[41] To date, the FSC has reversed for resentencing each death penalty case raising cognizable *Hurst* error where the jury did not make a unanimous recommendation of death.[42] The FSC has found *Hurst* error to be harmless in two cases where the jury unanimously recommended a sentence of death.[43]

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[34] *Mosely v. State*, *Mosely v. Jones*, Nos. SC14-436, SC14-2108 (Dec. 22, 2016); *Asay v. State, Asay v. Jones,* Nos. SC16-223, SC16-102, SC16-628 (Dec. 22, 2016).
[35] As of February 10, 2017, there are a total of 383 inmates on Florida's Death Row. Department of Corrections, *Death Row Statistics,* http://www.dc.state.fl.us/OffenderSearch/deathrowroster.aspx (last visited February 10, 2017).
[36] E-mail from Sarah Naf, Director, Community and Intergovernmental Relations, Office of State Court Administrator, January 11, 2017 (on file with House of Representatives, Criminal Justice Subcommittee).
[37] *Mullens v. State,* 197 So.3d 16, 40 (2016): and *Davis v. State*, Case No. SC 13-1 (Nov. 10, 2016).
[38] E-mail from Sarah Naf, Director, Community and Intergovernmental Relations, Office of State Court Administrator, November 30, 2016 (on file with House of Representatives, Criminal Justice Subcommittee).
[39] Calculated percentage excludes the "other" category.
[40] Includes waiver of penalty phase, and judicial overrides from jury recommendation of life to judge imposing death.
[41] *Hurst*, 202 So.3d at 68.
[42] *See, e.g., Franklin v. State*, No. SC13-1632 (Nov. 23, 2016)(remanding for resentencing where the jury recommended a death sentence by a 9-to-3 vote); *Johnson v. State,* No. SC14-1175 (Dec. 1, 2016) (remanding for resentencing where the jury recommended

B. RULE-MAKING AUTHORITY: The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Pending Prosecutions

As of January 15, 2017, state attorneys reported a total of 313 pending death penalty cases of which 66 were ready for trial in the twenty judicial circuits.[44] The FSC has not yet ruled on whether pending prosecutions may move forward by changing the jury instructions for death penalty sentencing proceedings to require unanimity, although litigation on this issue has been pending since October 2017.[45] As a result, death penalty prosecutions in this state have been effectively halted. Defendants charged with capital crimes are presenting demands for speedy trial in some cases in an attempt to avoid the death penalty.[46]

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

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a death sentence by an 11-to-1 vote); and *Dubose v. State,* No. SC 10-2363, *31 (February 9, 2017)(remanding for resentencing where jury recommended death sentence by an 8-to-4 vote).

[43] *See Davis v. State*, No. SC11-1122 (Nov. 10, 2016); *Hall v. State,* No. SC15-1662 (February 9, 2017).

[44] Data on file with House of Representatives, Criminal Justice Committee staff.

[45] On October 25, 2016, in the death penalty prosecution of Patrick Evans in Pinellas County, Circuit Court Judge Bulone ruled that the state could move forward with the guilt phase, notwithstanding arguments by defense counsel that such cases may not be prosecuted until the Legislature amends the capital sentencing law. According to Judge Bulone, if Evans is convicted, the sentencing phase will then be conducted in accordance with the FSC's decision in *Hurst.* Defense counsel filed an Emergency Petition for Writ of Prohibition in the FSC arguing that Judge Bulone must be restrained from trying Evans. The FSC has not yet ruled on the petition. *See Evans v. State*, No. SC16-1946.

[46] Zack McDonald, *Triple murder suspect seeks speedy trial,* PANAMA CITY NEWS HERALD (Jan. 18, 2017) http://www.newsherald.com/news/20170118/triple-murder-suspect-seeks-speedy-trial (last visited February 9, 2017); Rafael Olmeda, *Speedy trial demand knocks out death penalty in Sunrise disemboweling case,* SUN SENTINEL (February 3, 2017) http://www.sun-sentinel.com/local/broward/sunrise/fl-disembowelment-case-speedy-trial-20170202-story.html (last visited February 10, 2017);.