

Supreme Court of Florida

No. SC17-1480

RONNIE JOHNSON,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

No. SC17-1484

RONNIE JOHNSON,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[March 27, 2018]

PER CURIAM.

We have for review Ronnie Johnson's appeals of the circuit court's orders denying Johnson's motions filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. *See* art. V, § 3(b)(1), Fla. Const.

Johnson's motions sought relief pursuant to the United States Supreme Court's decision in *Hurst v. Florida*, 136 S. Ct. 616 (2016), and our decision on remand in *Hurst v. State (Hurst)*, 202 So. 3d 40 (Fla. 2016), *cert. denied*, 137 S. Ct. 2161 (2017). This Court stayed Defendant's appeals pending the disposition of *Hitchcock v. State*, 226 So. 3d 216 (Fla.), *cert. denied*, 138 S. Ct. 513 (2017).

After this Court decided *Hitchcock*, Johnson responded to this Court's orders to show cause arguing why *Hitchcock* should not be dispositive in these cases.

After reviewing Johnson's responses to the orders to show cause, as well as the State's arguments in reply, we conclude that Johnson is not entitled to relief. Johnson was sentenced to death for the murder of Lee Arthur Lawrence following a jury's recommendation for death by a vote of seven to five. *Johnson v. State*, 696 So. 2d 317, 320 (Fla. 1997). Johnson was also sentenced to death for the murder of Tequila Larkins following a jury's recommendation for death by a vote of nine to three. *Johnson v. State*, 696 So. 2d 326, 329 (Fla. 1997). Both of Johnson's sentences of death became final in 1998. *Johnson v. Florida*, 522 U.S. 1120 (1998); *Johnson v. Florida*, 522 U.S. 1095 (1998). Thus, *Hurst* does not apply retroactively to Johnson's sentences of death. See *Hitchcock*, 226 So. 3d at 217. Accordingly, we affirm the denial of Johnson's motions.

The Court having carefully considered all arguments raised by Johnson, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

LABARGA, C.J., and QUINCE, POLSTON, and LAWSON, JJ., concur.
PARIENTE, J., concurs in result with an opinion.
LEWIS and CANADY, JJ., concur in result.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in *Hitchcock v. State*, 226 So. 3d 216 (Fla. 2017), *cert. denied*, 138 S. Ct. 513 (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in *Hitchcock*.

Appeals from the Circuit Court in and for Miami-Dade County,
Nushin G. Sayfie, Judge - Case Nos. 131989CF0149980001XX &
131989CF012383B000XX

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