

# Supreme Court of Florida

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No. SC17-2190

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**LOUIS B. GASKIN,**  
Appellant,

vs.

**STATE OF FLORIDA,**  
Appellee.

[February 28, 2018]

PER CURIAM.

We have for review Louis B. Gaskin's appeal of the circuit court's order denying Gaskin's motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. *See* art. V, § 3(b)(1), Fla. Const.

Gaskin's motion 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). After this Court decided *Hitchcock v. State*, 226 So. 3d 216 (Fla.), *cert. denied*, 138 S. Ct. 513 (2017), Gaskin responded to this Court's order to show cause arguing why *Hitchcock* should not be dispositive in this case.

After reviewing Gaskin's response to the order to show cause, as well as the State's arguments in reply, we conclude that Gaskin is not entitled to relief. Gaskin was sentenced to two sentences of death following a jury's recommendation for "two death sentences for [two] murders [both] by a vote of eight to four." *Gaskin v. State*, 218 So. 3d 399, 400 (Fla. 2017) (citing *Gaskin v. State*, 591 So. 2d 917, 919 (Fla. 1991)). Gaskin's sentence of death became final in 1993. *Id.* at 401. Thus, as this Court has previously determined, *Hurst* does not apply retroactively to Gaskin's sentence of death. *See Hitchcock*, 226 So. 3d at 217; *Gaskin*, 218 So. 3d at 401 (denying Gaskin's claim to relief under *Hurst v. Florida*). Accordingly, we affirm the denial of Gaskin's motion.

The Court having carefully considered all arguments raised by Gaskin, 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*.

An Appeal from the Circuit Court in and for Flagler County,  
Howard M. Maltz, Judge - Case Nos. 181990CF000001AXXXXX  
and 181990CF000007XXXXXX

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