

ATTACHMENT A

2018 WL 1673423

Only the Westlaw citation is currently available.

NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION IN THE PERMANENT
LAW REPORTS. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

Supreme Court of Florida.

Juan David RODRIGUEZ, Petitioner(s)

v.

Julie L. JONES, etc., Respondent(s)

CASE NO.: SC18-352

|

APRIL 6, 2018

Lower Tribunal No(s): 131988CF018180B000XX

Opinion

*1 Juan David Rodriguez, a prisoner under sentence of death, petitions this Court for a writ of habeas corpus. This Court previously affirmed both Rodriguez's convictions and sentence of death on direct appeal, affirmed the denial of his initial motion for postconviction relief, and denied his first petition for writ of habeas corpus. *Rodriguez v. State (Rodriguez I)*, 609 So. 2d 493, 495 (Fla. 1992), *cert. denied* 510 U.S. 830 (1993); *Rodriguez v. State (Rodriguez II)*, 919 So. 2d 1252, 1265 (Fla. 2005). We remanded the summary denial of Rodriguez's first successive postconviction motion for an evidentiary hearing. *Rodriguez v. State (Rodriguez III)*, 968 So. 2d 557 (Fla. 2007). Following the evidentiary hearing, we affirmed the circuit court's denial of relief. *Rodriguez v. State (Rodriguez IV)*, 110 So. 3d 441 (Fla. 2013). This Court affirmed the summary denial of his second successive postconviction motion seeking relief under *Hall v. Florida*, 134 S. Ct. 1986 (2014), and denied relief under *Hurst v. Florida*, 136 S. Ct. 616 (2016), following supplemental briefing in this Court. *Rodriguez v. State (Rodriguez V)*, 219 So. 3d 751 (Fla. 2017), *cert. denied* — S. Ct. —, 2018 WL 491566 (2018).

Rodriguez now petitions this Court for a writ of habeas corpus arguing that chapter 2017-1, Laws of Florida, created a substantive right that must be applied retroactively. To the extent that this claim is an extension of his previous *Hurst* claim, it is procedurally barred. *See Johnson v. Moore*, 837 So. 2d 343, 346 (Fla. 2002). We have consistently rejected this claim as lacking merit. *See Hannon v. State*, 228 So. 3d 505, 513 (Fla. 2017); *Lambrix v. State*, 227 So. 3d 112, 113 (Fla. 2017); *Asay v. State*, 224 So. 3d 695, 703 (Fla. 2017). Accordingly, we deny the petition on the merits. No rehearing will be entertained.

It is so ordered.

LABARGA, C.J., and LEWIS, QUINCE, POLSTON, and LAWSON, JJ., concur.

PARIENTE and CANADY, JJ., concur in result.

All Citations

Not Reported in So.3d, 2018 WL 1673423