

DOCKET NO. 18-6877
IN THE SUPREME COURT OF THE UNITED STATES

RICHARD EARL SHERE, Jr.,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

INDEX TO APPENDIX

COURT'S INSTRUCTIONS TO THE JURY R979-980 Appendix A

Appendix A

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR HERNANDO COUNTY

STATE OF FLORIDA,

Plaintiff,

-VS-

RICHARD EARL SHERE, JR.,

Defendant.

CASE NUMBER 88-0028-CF

**92-150843DCA FSC 74,352
RICHARD EARL SHERE, JR.
Hernando Co. 88-028-CF
DIRECT APPEAL Turner**

PROCEEDINGS:

JURY TRIAL

BEFORE:

HONORABLE RAYMOND T. McNEAL
Circuit Judge
Fifth Judicial Circuit

DATES:

April 18, 1989
April 19, 1989
April 20, 1989
April 21, 1989
April 26, 1989

PLACE:

Hernando County Courthouse
Brooksville, Florida

REPORTED BY:

LOIS C. GRIGG, RPR, CP
CAROLYN F. ENGEL, RPR, CP
Deputy Official Court Reporters
Fifth Judicial Circuit
Notaries Public
State of Florida at Large

VOLUME V

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	<u>Examination</u>	<u>Page</u>
RICHARD E. SHERE, JR. . .	Direct (Buckingham) . . .	942
	Cross (King)	948
	Redirect (Buckingham) . .	952
DEFENDANT RESTS		952
CLOSING ARGUMENTS		953
COURT'S INSTRUCTIONS TO JURY		979
RECOMMENDATION OF JURY		985

1 to you that we've established many, many mitigating
2 circumstances, many more than would outweigh any
3 aggravating circumstances that you may find.

4 I submit to you that having heard about Rick
5 Shere, having gotten to know a little bit about Rick
6 Shere and the people behind him, that when you
7 carefully sift and weigh and discuss this, that you
8 will return to the Judge a recommendation that he not
9 be put to death by electrocution, but that he be
10 sentenced to life imprisonment. We're counting on
11 each and every one of you to make the right
12 decision. On behalf of Rick and his family and
13 friends, we put the decision in your hands.

14 Thank you.

15 THE COURT: Ladies and gentlemen of the jury, it
16 is now your duty to advise the Court as to what
17 punishment should be imposed upon the defendant for
18 his crime of murder in the first degree. As you have
19 been told, the final decision as to what punishment
20 shall be imposed is the responsibility of the Judge.
21 However, it is your duty to follow the law that will
22 be given to you by the Court and render to the Court
23 an advisory sentence based upon your determination of
24 whether sufficient aggravating circumstances exist to
25 justify the imposition of the death penalty and

1 whether sufficient mitigating circumstances exist to
2 outweigh any aggravating circumstances found to
3 exist.

4 Your advisory sentence must be given great
5 weight by the Court. The Court may impose a sentence
6 of death following a jury's advisory sentence of life
7 only where the facts suggesting a sentence of death
8 are so clear and convincing that virtually no
9 reasonable person could differ. Your advisory
10 sentence should be based upon the evidence that you
11 have heard while trying the guilt or innocence of the
12 defendant and the evidence that has been presented to
13 you in these proceedings. The aggravating
14 circumstances that you may consider are limited to
15 any of the following that are established by the
16 evidence.

17 One, the crime for which the defendant is to be
18 sentenced was committed to disrupt or hinder the
19 lawful exercise of any governmental function or the
20 enforcement of laws.

21 Two, the crime for which the defendant is to be
22 sentenced was especially wicked, evil, atrocious, or
23 cruel. Acts committed after the death of a victim
24 are not relevant in considering whether the homicide
25 was especially wicked, evil, atrocious, or cruel.