

DOCKET NO. 18-6877

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD EARL SHERE, Jr.,

*Petitioner,*

vs.

STATE OF FLORIDA,

*Respondent.*

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# Appendix A

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

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STATE OF FLORIDA, :  
:-----

Plaintiff, :  
:-----

-VS- : CASE NUMBER 88-0028-CF

RICHARD EARL SHERE, JR., :  
:-----

Defendant. :  
:-----

**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

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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.