

DOCKET NO. 17-9204

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD WALLACE RHODES,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

ON PETITION FOR WRIT OF
CERTIORARI TO THE FLORIDA SUPREME COURT

APPENDIX TO
RESPONDENT'S BRIEF IN OPPOSITION

- State v. Rhodes, Case Number: CRC84-03982CFANO,
Transcript of Jury Instructions from Penalty Phase of Trial

CR 8'-3982 CFauw

State vs. Richard W. Rhodes ✓

SP- 322043

Ladies and gentlemen of the jury, it is now your duty to advise the court as to what punishment should be imposed upon the defendant for his crime of Murder in the First Degree. Your advisory sentence is entitled by law and will be given great weight in determining what sentence to impose. It is only under rare circumstances that this court could impose a sentence other than what you recommend. As you have been told, however, the final decision as to what punishment shall be imposed is the responsibility of the judge. It is your duty to follow the law that will now be given you by the court and render to the court an advisory sentence based upon your determination as to whether sufficient aggravating circumstances exist to justify the imposition of the death penalty and whether sufficient mitigating circumstances exist to outweigh any aggravating circumstances found to exist.

Your advisory sentence should be based upon the evidence that has been presented to you in these proceedings.

FILED

FEB 14 1992

KARLEEN F. De BLAKER
CLERK, CIRCUIT COURT
Deputy Clerk

Omara