SOTOMAYOR, J., dissenting

SUPREME COURT OF THE UNITED STATES

LEO LOUIS KACZMAR, III v. FLORIDA

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA

No. 17–8148. Decided June 18, 2018

The petition for a writ of certiorari is denied.

JUSTICE SOTOMAYOR, dissenting from the denial of certiorari.

Like a number of other capital defendants in Florida, petitioner Leo Louis Kaczmar has raised an important Eighth Amendment challenge to his death sentence that went unaddressed by the Florida Supreme Court. Specifically, he argues that the jury instructions in his case impermissibly diminished the jurors' sense of responsibility as to the ultimate determination of death, in violation of 


The resulting opinion, however, gathered the support only of a plurality, so the issue remains without definitive resolution by the Florida Supreme Court. Thus, for the reasons previously stated in _Truehill_, _Middleton_, and _Guardado_, I again respectfully dissent from the denial of certiorari.