

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-4451

MARY BARBARA CRAIG RICE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Escambia County.
J. Scott Duncan, Judge.

November 13, 2019

ROWE, J.

Mary Barbara Craig Rice appeals her judgment and sentence for first-degree murder and accessory after the fact to first-degree murder. Rice's ill-fated love affair with a former inmate led to an eight-day, multi-state crime spree that caused the death of four women and Rice's conviction of these crimes. We agree with appointed counsel that the record contains no reversible error and affirm. *See Anders v. California*, 386 U.S. 738 (1967).

Facts

In the early morning hours of January 31, 2017, a guest of the Emerald Sands Inn heard six gunshots and called security. Security investigated and found two women—J.M. and A.G.—dead from gunshot wounds. The police officers investigating the

murders suspected William Boyette was involved. Boyette and A.G. were involved in a tumultuous on-again, off-again relationship. A week before her murder, Boyette allegedly attacked A.G. and held her against her will because he believed that she stole drugs and money from him. The officers' suspicion that Boyette was involved in the shooting was confirmed after a witness reported that she saw Boyette outside J.M.'s and A.G.'s room right before hearing gunshots. Police also learned that Boyette's mother rented a dark-colored SUV seen at Emerald Sands on the night of the murder.

While investigating the Emerald Sands murders, the police discovered a connection between Rice and Boyette. The two became pen pals while Boyette was in jail. After his release, witnesses saw Boyette at Rice's home and said the two were romantically involved. The day after the Emerald Sands murders, Rice told a family member that she had left town and was okay. The police obtained surveillance video of Rice at a Wal-Mart in Crestview, Florida two days after the murders. Rice bought two boxes of ammunition, hand warmers, and a sleeping bag. While Rice was inside the Wal-Mart, the police believed Boyette was waiting for her in a car outside.

Three days after the Emerald Sands murders, Boyette and Rice traveled to Lillian, Alabama, where a third woman, P.B., was murdered. Surveillance video from that day shows Boyette and Rice driving around town, first in a dark-covered SUV and later in a white Concorde. Boyette and Rice were observed driving those same vehicles near the home of P.B. Neighbors testified that they heard a loud pop before they saw the Concorde and the SUV drive away from the area near P.B.'s home. P.B.'s father-in-law found her lifeless body outside on the ground near where she parked her car. P.B. died from a gunshot wound to her face. The police learned that the Concorde observed on the surveillance video and by the witnesses belonged to P.B. Police found the dark-colored SUV abandoned about three miles from P.B.'s home.

Two days after P.B.'s murder, Boyette and Rice were spotted in Pensacola, Florida, where the fourth woman, K.C., was murdered. A witness saw Boyette and Rice in the woods about a mile from Beulah Road where K.C.'s house was located. The day

after Boyette and Rice were seen near K.C.'s house, K.C. did not report to work. And she did not drop her eighteen-month-old son off at daycare as scheduled. K.C.'s mother was worried and went to K.C.'s house to check on her daughter. She found K.C. leaning against a dresser in her son's nursery, facing the crib where the child was still sleeping. K.C.'s hands were bound with shoelaces and a white rope encircled her waist and hands to prevent her from moving her hands. K.C. suffered a gunshot wound to her head. Although she was still breathing when her mother found her, K.C. died the next day as a result of her injuries. Officers investigating K.C.'s murder found the Concorde owned by the third victim, P.B., abandoned three miles from K.C.'s home. And they discovered that K.C.'s car, a white Chevy Cobalt, was missing. Later that morning, witnesses saw Rice driving the Chevy Cobalt.

The day after K.C.'s murder, police found the Chevy Cobalt parked at the West Point Motel in West Point, Georgia. The police found Rice and Boyette at the motel. Rice surrendered. Boyette did not. Moments after Rice surrendered, the police heard a gunshot from the motel room. They entered the room and found Boyette dead from a self-inflicted gunshot wound to the head.

Rice was arrested and interviewed by police. She stated that after the Emerald Sands murders, Boyette showed up at her home covered in blood and carrying a small gun. Rice claimed that Boyette then forced her to leave with him in a dark-colored SUV. Rice alleged that Boyette forced her to comply with his demands by hitting her, holding her at gun point, and threatening to kill her. She denied any involvement in P.B.'s death or that she was at the scene of the murder. Instead, she claimed that Boyette duct-taped her to a tree in a wooded area on the outskirts of town. Some time later, Boyette returned driving P.B.'s car. Rice admitted that she was present when Boyette shot K.C. Rice entered K.C.'s home and at Boyette's direction, tied up K.C. with rope. But she maintained that she did not shoot K.C. Rice insisted that she was outside the house when she heard a gunshot.

Analysis

Anders review requires this Court to conduct "a full and independent review of the record to discover any arguable issues

apparent on the face of the record.” *In re Anders Briefs*, 581 So. 2d 149, 151 (Fla. 1991). This heightened review ensures a fair result despite the lack of a merits brief by appointed counsel. *Towbridge v. State*, 45 So. 3d 484, 487 (Fla. 1st DCA 2010). Our independent review of Rice’s trial and sentencing revealed no reversible errors.

First, no errors occurred before trial. The trial court granted defense counsel’s motion to appoint experts, but no experts testified at trial. No motions in limine were filed. Defense counsel did not object to the single trial for the four murders. The State’s position that evidence of P.B.’s murder and the theft of her car in Alabama were inextricably intertwined with the Florida murders was uncontested.

Second, there were no procedural errors during the trial. A twelve-person jury was selected with Rice’s input, and her agreement with counsel’s jury selection was noted on the record. Opening and closing statements were conducted without objection, and no fundamental error occurred during these portions of the trial. The parties agreed on the jury charge, the verdict form, and the jury instructions. The trial court conducted a thorough colloquy to ensure that Rice voluntarily decided not to testify.

Third, no substantive errors occurred during the trial. All the State’s evidence was admitted without objection. And the trial court properly denied defense counsel’s motion for directed verdict, which was treated as a motion for judgment of acquittal. Rice’s counsel asserted that the State failed to present a prima facie case. That argument was facially insufficient because it failed to inform the court about which element or elements lacked sufficient proof. *Newsome v. State*, 199 So. 3d 510, 513 (Fla. 1st DCA 2016). This type of boilerplate motion cannot preserve for appellate review the court’s ruling on the motion for judgment of acquittal. *See Hudson v. State*, 44 Fla. L. Weekly D2068 (Fla. 1st DCA Aug. 14, 2019). Even so, the evidence presented at trial was sufficient for the jury to find Rice guilty of both charges.

On the charge of accessory after the fact to first-degree murder, the State had to show that (1) Boyette committed first-degree murder, (2) Rice knew Boyette committed the crime, (3)

Rice “maintained, assisted or gave any other aid” to Boyette, (4) Rice gave the aid with the intent that Boyette avoid or escape arrest; and (5) Rice was not related to Boyette by blood or marriage. *See Bowen v. State*, 868 So. 2d 541, 544 (Fla. 2d DCA 2003). Circumstantial evidence may be used to prove the defendant’s intent to aid another in avoiding punishment. *Id.* at 545. The testimony and forensic evidence presented by the State establish each element.

As to the first element, there is direct and circumstantial evidence to show that Boyette murdered A.G. and J.M. A witness saw Boyette at the scene of the Emerald Sands murders, and police found Boyette’s DNA inside the motel room. As for the second element, Rice had reason to believe that Boyette was involved in the first two murders because he showed up at her home covered in blood and carrying a gun. Surveillance video and witnesses placed Rice at the scene of the third murder. And Rice admitted that she was with Boyette when he murdered the fourth victim.

As to the third and fourth elements, Rice provided maintenance, assistance, and aid to Boyette after the murders. Her intent to aid Boyette in evading arrest and avoiding punishment is apparent from the circumstantial evidence presented at trial. Rice bought ammunition and outdoor gear so she and Boyette could hide in the woods after the first two murders. While the couple was on the run from the police, Rice made several stops at convenience stores. She refueled the vehicles and bought a road map. These actions directly aided Boyette’s efforts to evade the police. Finally, there is no dispute as to the fifth element. Rice is unrelated to Boyette by blood or marriage. Because the State presented a prima facie case to establish each of the elements of accessory after the fact to first-degree murder, the motion for judgment was acquittal was properly denied.

On the charge of the first-degree felony murder of K.C., based on the underlying felony of robbery, the State presented sufficient evidence to show that Rice was guilty. “As perpetrators of an underlying felony, co-felons are principals in any homicide committed to further . . . the initial common criminal design.” *Jackson v. State*, 18 So. 3d 1016, 1026 (Fla. 2009) (quoting *Lovette v. State*, 636 So. 2d 1304, 1306 (Fla. 1994)). Rice admitted that she

and Boyette watched K.C. leave her house to start her car before K.C. reentered her home. Rice and Boyette followed K.C. back into her home. After holding her at gunpoint, Boyette bound K.C.'s hands with shoelaces while Rice tied a rope around K.C. to restrict K.C.'s ability to move her hands. Boyette shot K.C. in the head. The couple then fled in K.C.'s vehicle with Rice driving. Because the State presented prima facie evidence permitting a jury to conclude that Rice participated in the robbery and was a principal to the homicide committed in furtherance of the robbery, the motion for judgment of acquittal was properly denied.

Finally, the sentence imposed by the trial court was lawful. The charge of accessory after the fact to first-degree murder is a first-degree felony punishable by up to thirty years' imprisonment. §§ 775.082(b), 777.03, Fla. Stat. (2016). Felony first-degree murder is a capital felony punishable by up to life imprisonment. §§ 775.082(1)(b)2., 782.04(1)(a)2., Fla. Stat. (2016). The trial court legally imposed the statutory maximum for each offense.

Finding no error by the trial court, Rice's judgment and sentence are AFFIRMED.

BILBREY and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Barbara J. Busharis, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.