

Supreme Court of Florida

No. SC17-1268

MANUEL ANTONIO RODRIGUEZ,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[January 31, 2018]

PER CURIAM.

We have for review Manuel Antonio Rodriguez's appeal of the circuit court's order denying Rodriguez's motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. See art. V, § 3(b)(1), Fla. Const.

Rodriguez's motion sought relief pursuant to the United States Supreme Court's decision in Hurst v. Florida, 136 S. Ct. 616 (2016), and our decision on remand in Hurst v. State (Hurst), 202 So. 3d 40 (Fla. 2016), cert. denied, 137 S. Ct. 2161 (2017). This Court stayed Rodriguez's appeal pending the disposition of

Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017).

After this Court decided Hitchcock, Rodriguez responded to this Court's order to show cause arguing why Hitchcock should not be dispositive in this case.

After reviewing Rodriguez's response to the order to show cause, as well as the State's arguments in reply, we conclude that Rodriguez is not entitled to relief.

A jury convicted Rodriguez of three counts of first-degree murder, and the trial court sentenced Rodriguez to death on each count after the jury unanimously recommended a sentence of death for each count. Rodriguez v. State, 753 So. 2d 29, 35 (Fla. 2000). Rodriguez's sentences of death became final in 2000.

Rodriguez v. Florida, 531 U.S. 859 (2000). Thus, Hurst does not apply retroactively to Rodriguez's sentences of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Rodriguez's motion.

The Court having carefully considered all arguments raised by Rodriguez, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

LABARGA, C.J., and QUINCE, POLSTON, and LAWSON, JJ., concur.
PARIENTE, J., concurs in result with an opinion.
LEWIS and CANADY, JJ., concur in result.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017), is now

final. However, I continue to adhere to the views expressed in my dissenting opinion in Hitchcock.

An Appeal from the Circuit Court in and for Dade County,
Nushin G. Sayfie, Judge - Case No. 131993CF025817B000XX

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