

Supreme Court of Florida

No. SC17-552

CARL PUIATTI,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[January 23, 2018]

PER CURIAM.

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

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

After reviewing Puiatti's response to the order to show cause, as well as the State's arguments in reply, we conclude that Puiatti is not entitled to relief. Puiatti was sentenced to death following a jury's recommendation for death by a vote of eleven to one. Puiatti v. State, 495 So. 2d 128, 130 (Fla. 1986). Puiatti's sentence of death became final in 1988. Puiatti v. Florida, 488 U.S. 871 (1988). Thus, Hurst does not apply retroactively to Puiatti's sentence of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Puiatti's motion.

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

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

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 Pasco County,

Pat Edward Siracusa, Jr., Judge - Case No. 511983CF001383CFBXWS

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