

# Supreme Court of Florida

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No. SC18-1495

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**CHARLES WILLIAM FINNEY,**  
Appellant,

vs.

**STATE OF FLORIDA,**  
Appellee.

December 28, 2018

PER CURIAM.

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

Finney'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). Finney responded to this Court's order to show cause arguing why *Hitchcock v. State*, 226 So. 3d 216 (Fla.), *cert. denied*, 138 S. Ct. 513 (2017), and

*Finney v. State*, 235 So. 3d 279 (Fla.), *cert. denied*, 139 S. Ct. 197 (2018), should not be dispositive in this case.

After reviewing Finney’s response to the order to show cause, as well as the State’s arguments in reply, we conclude that our prior denial of Finney’s postconviction appeal raising similar claims is a procedural bar to the claim at issue in this appeal, which in any event, does not entitle him to *Hurst* relief. *See Finney*, 235 So. 3d at 279-80; *Hitchcock*, 226 So. 3d at 217; *see also Foster v. State*, No. SC18-860, 2018 WL 6379348, at \*2-4 (Fla. Dec. 6, 2018) (explaining why the “elements of ‘capital first-degree murder’ ” argument derived from *Hurst* and the legislation implementing *Hurst* “has no merit”). Accordingly, we affirm the denial of Finney’s motion.

It is so ordered.

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

**NO MOTION FOR REHEARING WILL BE ALLOWED.**

An Appeal from the Circuit Court in and for Hillsborough County,  
Michelle Sisco, Judge - Case No. 291991CF001611000AHC

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