

Supreme Court of Florida

No. SC18-1102

TERANCE VALENTINE,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

June 4, 2020

PER CURIAM.

This case is before the Court on appeal from an order denying a successive motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.851.¹ We affirm the denial of relief.

First, Valentine’s claim relating to the legal name of one of his victims, to whom he had been married, is untimely and procedurally barred. *See Fla. R. Crim. P. 3.851(d)(1)* (“Any motion to vacate judgment of conviction and sentence of death shall be filed by the defendant within 1 year after the judgment and sentence

1. We have jurisdiction. *See* art. V, § 3(b)(1), Fla. Const.

become final.”); *Hendrix v. State*, 136 So. 3d 1122, 1125 (Fla. 2014) (“Claims raised and rejected in prior postconviction proceedings are procedurally barred from being litigated in a successive motion.”). This information was known to Valentine and raised during his initial postconviction proceedings. *See Valentine v. State*, 98 So. 3d 44, 50 n.8, 51 (Fla. 2012).

Second, the trial court properly denied Valentine *Hurst*² relief because he waived his right to a penalty phase jury. *See Twilegar v. State*, 228 So. 3d 550, 551 (Fla. 2017) (“[T]he *Hurst* decisions do not apply to defendants like Twilegar who waived a penalty phase jury.”).

Accordingly, we affirm the denial of Valentine’s successive motion for postconviction relief.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, and MUÑIZ, JJ.,
concur.
COURIEL, J., did not participate.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND,
IF FILED, DETERMINED.

An Appeal from the Circuit Court in and for Hillsborough County,
Michelle Sisco, Judge - Case No. 291988CF012996000AHC

Marie-Louise Samuels Parmer and Maria DeLiberato of Parmer DeLiberato. P.A.,
Tampa, Florida,

2. *Hurst v. Florida*, 136 S. Ct. 616 (2016); *Hurst v. State*, 202 So. 3d 40 (Fla. 2016).

for Appellant

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for Appellee