Supreme Court of Florida

No. SC17-506

RODRICK D. WILLIAMS,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[February 22, 2018]

LABARGA, C.J.

This case is before the Court for review of the decision of the Fifth District Court of Appeal in *Williams v. State* (*Williams II*), 211 So. 3d 1070 (Fla. 5th DCA 2017). In its decision, the Fifth District ruled upon the following question certified to be of great public importance:

> DOES *ALLEYNE V. UNITED STATES*, 570 U.S. 99, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013), REQUIRE THE JURY AND NOT THE TRIAL COURT TO MAKE THE FACTUAL FINDING UNDER SECTION 775.082(1)(b), FLORIDA STATUTES (2016), AS TO WHETHER A JUVENILE OFFENDER ACTUALLY KILLED, INTENDED TO KILL, OR ATTEMPTED TO KILL THE VICTIM?

Id. at 1073. We have jurisdiction. *See* art. V, § 3(b)(4), Fla. Const. For the reasons explained below, we hold that *Alleyne* requires a jury to make the factual

finding, but conclude that *Alleyne* violations are subject to harmless error review. Where the error cannot be deemed harmless, the proper remedy is to resentence the juvenile offender pursuant to section 775.082(1)(b)2., Florida Statutes (2016).

FACTS AND PROCEDURAL BACKGROUND

On December 19, 2013, a jury found Petitioner Rodrick D. Williams guilty of first-degree murder and kidnapping. During the evening hours of April 26, 2010, and through the early morning hours of April 27, 2010, victim James Vincent Brookins was beaten and bound with duct tape at a "trap house"[1] in Jacksonville, then transported in the trunk of a vehicle to a rural road in St. Johns County, where he was shot twice. Two other individuals, Harry Henderson and Sharina Parker, were also involved in the death of Brookins. Williams and Parker were involved in a sexual relationship. Although Henderson and Parker were adults at the time of the murder, Williams was sixteen years old. The firearm used to commit the murder was never located.

The predominant evidence offered during trial to connect Williams to the offenses included: (1) the police interrogation of Williams, during which his

1. During trial, a St. Johns County Sheriff's Office detective explained that the term "trap house" is "a slang term for a house, an apartment, a whatever, residence where folks don't actually live. They just go there to either sell drugs or use drugs. It's kind of just a vacant residence."

mother was present and Williams signed a *Miranda*[2] waiver; (2) a text message purportedly sent by Williams to Parker at 6:24 p.m. on April 26, in which Williams stated, "Bae thx killah[3] i cant talk cuz im round 2 many people but jus chill bae ima take care of yo problems jus give me the greenlight"; and (3) the testimony of a jailhouse informant.

During the interrogation, Williams contended it was Henderson who shot Brookins. According to Williams, Parker called him between 2 and 3 p.m. on April 26—less than five hours before the text message was sent—and told him she had been robbed of marijuana by a relative of Brookins during a drug transaction, and Parker believed Brookins had "set her up." Williams asserted that Parker and Henderson brought Brookins to the trap house later that day in an attempt to force him to give them money or disclose the location of his safe, where Parker believed the stolen marijuana was stored. Parker subsequently picked up Williams and drove him to the trap house, where, upon entering the house, Williams saw "blood all over" and Brookins begging for his life. According to Williams, Henderson beat Brookins with a gun, and Henderson and Parker bound his arms and legs and covered his mouth with duct tape as Brookins screamed. Williams stated that

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2. *Miranda v. Arizona*, 384 U.S. 436 (1966).

3. Williams's mother gave him the nickname "Killer."

while at the trap house, Parker told him she and Henderson planned to leave Brookins alive in the trunk of the vehicle.[4] Williams admitted he drove the vehicle with Brookins in the trunk to the rural road while Henderson and Parker rode in a separate vehicle. He stated that upon arriving, Henderson wiped down the vehicle used to transport Brookins, opened the trunk, and shot Brookins. Williams asserted that he only participated in the offenses because he feared he would be harmed if he refused.

In contrast, during trial, the informant testified that while they were housed together at the St. Johns County jail, Williams admitted that he brought a gun to the trap house and shot Brookins. According to the informant, Williams stated he was involved in the plan to lure Brookins to the trap house on the pretense of having gold teeth created[5] and then force him to disclose the location of his safe. Coincidentally, prior to his interactions with Williams, the informant was housed

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4. However, Williams also contradicted himself by implying he knew Henderson and Parker planned to kill Brookins:

> I was telling them, I'm, like, "I'm not going to be driving this man around. Is y'all crazy? What if we get stopped? *I'm gonna catch this murder charge, not y'all.*" You know what I'm saying? . . . ["]And I'm not going to jail for y'all."

(Emphasis added.)

5. According to the informant, Brookins possessed portable equipment for creating gold teeth.

with codefendant Henderson at the St. Johns County jail. The informant testified on cross-examination that Henderson assisted him by filing a motion on his behalf with respect to a drug-related charge and, as a result of Henderson's assistance, the charge was dropped. However, the informant testified that Henderson never spoke with him about the Brookins homicide.

The jury was instructed on both first-degree premeditated murder and first-degree felony murder with robbery, attempted robbery, kidnapping, and attempted kidnapping as the underlying felonies; however, the verdict form did not require the jury to specify the theory upon which it found Williams guilty of first-degree murder. Upon conviction, the trial court sentenced Williams to life imprisonment with the possibility of parole in twenty-five years for the murder. The court relied upon *Horsley v. State* (*Horsley I*), 121 So. 3d 1130 (Fla. 5th DCA 2013), *quashed*, 160 So. 3d 393 (Fla. 2015), in which the Fifth District Court of Appeal addressed the implications of *Miller v. Alabama*, 567 U.S. 460 (2012), for Florida sentencing law. *See Williams v. State* (*Williams I*), 171 So. 3d 143, 144-45 (Fla. 5th DCA 2015). Because *Miller* determined "the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile offenders," 567 U.S. at 479, the Fifth District in *Horsley I* held that in Florida, the only sentence available for a juvenile offender convicted of capital murder was life

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