

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CF11-1604  
DIVISION: 56

STATE OF FLORIDA

vs.

SEAN ALONZO BUSH,  
Defendant.

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**SENTENCING ORDER**

The Defendant Sean Alonzo Bush is before this Court for imposition of sentence pursuant to the jury's findings of guilt for First Degree Murder and Burglary of a Dwelling with an Assault or Battery while Armed with a Firearm, as charged in the Indictment. After considering the evidence adduced at trial during the guilt and penalty phases, the jury's verdicts, the memoranda submitted by the parties, the evidence and arguments of counsel before the Court at the *Spencer* hearing<sup>1</sup>, and the applicable law, the Court finds as follows:

**I. PROCEDURAL HISTORY**

Sean Bush was indicted by a St. Johns County Grand Jury on September 8, 2011, for the First Degree Premeditated and Felony Murder of Nicole Bush (Count

<sup>1</sup> *Spencer v. State*, 615 So.2d 688 (Fla. 1993).

I) and Burglary to a Dwelling with an Assault or Battery while Armed with a Firearm (Count II). Trial in this case commenced with voir dire on July 17, 2017. A St. Johns County jury returned a verdict on August 2, 2017, unanimously finding the Defendant guilty of both counts charged in the Indictment.

Pursuant to the jury's verdict in the guilt phase of the trial, the same jury returned for the penalty phase of the trial on August 14, 2017, to determine the appropriate sentence for Count I of the Indictment (First Degree Murder). The penalty phase was conducted in accordance with Fla. Stat. §921.141(2017). On August 17, 2017, the jury returned its penalty phase verdict unanimously finding the Defendant should be sentenced to death for the First Degree Murder of Nicole Bush.

A *Spencer* hearing took place on November 3, 2017, and sentencing was scheduled for today.

## **II. FACTS**

The facts adduced at trial revealed the following:

The victim Nicole Bush was the Defendant's third wife. During the course of their marriage, Nicole and Sean Bush became the parents of Malik and Jalen Bush. Nicole and the Defendant eventually separated. In May 2011, Nicole resided in a townhome in the Julington Creek Plantation neighborhood located in northwest St. Johns County, Florida. The Defendant resided in a home located on the west side of Jacksonville, Duval County, Florida.

Malik and Jalen Bush, who primarily resided with their mother, spent Memorial Day weekend in 2011 with the Defendant. The Defendant arranged to keep the two boys until the day after Memorial Day. During the early morning hours of Tuesday, May 31, 2011—the day after Memorial Day, the Defendant left his residence in Jacksonville while his two sons were asleep at that residence. The Defendant drove to Nicole’s residence in St. Johns County. The Defendant surreptitiously entered Nicole’s townhome, disarmed the alarm system at 5:47 a.m., proceeded upstairs to where Nicole was asleep, and shot her six times at close range with a .22 caliber firearm. Three of the gunshots were fired through a pillow in order to muffle the sound of the gunshots. The six gunshots did not kill or render Nicole unconscious. The Defendant then retrieved an aluminum baseball bat that Nicole kept in her bedroom and repeatedly beat her with the bat. The Defendant then stabbed Nicole multiple times.

Dr. Jesse Giles, the medical examiner who performed the autopsy on Nicole, could not determine from his autopsy whether the victim was initially shot or beaten with the bat; however, he did opine the stab wounds followed the shooting and beating. Although the autopsy could not determine the order in which victim was shot and beaten, forensic evidence at the crime scene made it apparent the gunshots were fired while Nicole was in her bed, and she was beaten and then stabbed following the gunshots.

The Defendant left the scene after his attack on Nicole. Nicole remained conscious throughout the attack. Following the attack, Nicole managed to place a phone call to her friend Tracie Walker. During the initial call, Nicole was unable to say anything. Ms. Walker called her back and Nicole managed to ask for help. Not sure of what she heard, Ms. Walker called another friend of Nicole's, Lenora Jerry, and asked Ms. Jerry to call Nicole. Ms. Jerry then called Nicole who was able to whisper a request for help. The police were called and first to respond was St. Johns County Deputy Graham Harris, who found Nicole conscious but severely wounded. Moments later St. Johns County Fire Rescue responded to Nicole's residence and likewise found her conscious. Nicole was transported to the hospital where she died later that morning. Dr. Giles opined Nicole died as a result of severe blood loss following the shooting, beating and stabbing.

In the days following the murder, police processed the crime scene and eventually discovered the bat used to beat Nicole hidden in a sofa downstairs in the townhome, as well as the victim's laptop and jewelry hidden behind a dresser in the upstairs bedroom where Nicole was found. Once police completed processing the crime scene, they released the townhome to only the Defendant. Prior to releasing Nicole's townhome to the Defendant, police hid cameras to see if the Defendant would return to the areas where the bat, laptop and jewelry were found. Once the scene was released to the Defendant, he returned to the townhome, shut off all the

lights and could be seen using a flashlight in the area where the victim's jewelry and laptop were discovered hidden behind the dresser. In addition, the cameras were able to detect displacement of the sofa cushion in the immediate area where the Defendant had hidden the bat.

Subsequent forensic analysis of the bat determined the presence of the Defendant's DNA on the handle. The Defendant denied any knowledge of the existence of the bat.

Additionally, while processing Nicole's townhome, police discovered bloody shoeprints. The police subsequently obtained several pairs of shoes from the Defendant. The Defendant's shoes were compared to the bloody shoeprints found at the crime scene. Florida Department of Law Enforcement (FDLE) analyst Lynn Ernst opined that five pairs of the Defendant's Timberland boots matched in class characteristics (sole design and size) to the bloody shoeprints found at the crime scene.

Following the murder, detectives met and spoke with the Defendant on a number of occasions. Some of those discussions were video recorded in an interview room at the St. Johns County Sheriff's Office. During one recorded interview, after the detective left the room but the video recording continued, the Defendant is overheard stating to himself that he would be going to prison. During another interview in which a detective discussed with the Defendant the forensic analysis

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