

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA,

Plaintiff,

vs.

WILLIAM MELVIN WHITE,

Defendant.

CASE NO.: 48-1978-CF-1840-C-O

DIVISION NO.: 99

RESENTENCING HEARING

BEFORE

THE HONORABLE FREDERICK J. LAUTEN

In the Orange County Courthouse
425 North Orange Avenue
Courtroom 19D
Orlando, Florida 32801
September 19, 2017
Stenographically reported by:
Susan McGee, RMR, CRR

A P P E A R A N C E S:

BRAD KING, ESQUIRE

State Attorney, Fifth Judicial Circuit
Marion County Judicial Center
110 NW 1 Avenue, Suite 5000
Ocala, Florida 34475
On behalf of the State

KEVIN T. BECK, ESQUIRE

The Law Office of Kevin T. Beck, P.A.
615 27th Street S
Suite E
St. Petersburg, Florida 33712
On behalf of the Defendant

Appearances continued on next page

1 **A P P E A R A N C E S: (CONT'D)**

2 Emily Curington, Esquire

3 Kenneth Nunnelley, Esquire

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September 19, 2017

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STATEMENT BY TRACY JOHNS

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SENTENCE

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CERTIFICATE OF REPORTER

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P R O C E E D I N G S

(The following proceedings commenced on September 19, 2017, at 11:11 a.m.)

THE COURT: All right. We're on the record in CF-1978-1840, State of Florida versus William Melvin Wright -- White, excuse me. And I believe we're here today for resentencing.

Would the attorneys announce their appearances on the record.

MR. KING: Brad King, the State Attorney of the Fifth Circuit serving by executive order of the governor.

THE COURT: Thank you, Mr. King.

MR. BECK: Good morning. Kevin Beck on behalf of Mr. White.

THE COURT: All right. Who's going to start? State.

MR. KING: Yes, sir. I would like the Court to know that we have talked to the victim's family. The one daughter is here present in the courtroom, Ms. Johns.

We have determined that, because of Mr. White's age, realistically he would not live, in my estimation, to see a death penalty imposed upon him if

1 we proceeded to resentencing.

2 So, at this time, Your Honor, we just -- the
3 State of Florida asks the Court just to sentence him
4 to life in prison with the possibility of parole after
5 25 years, which is the only alternative sentence for
6 the crime of first degree murder. Or it was in 1978.

7 **THE COURT:** All right. Mr. Beck.

8 **MR. BECK:** I don't disagree with the
9 representations by Mr. King, Your Honor.

10 **THE COURT:** Do we need a scoresheet?

11 **MR. KING:** No, sir, because it's just a capital
12 murder, so a scoresheet -- and I don't believe the
13 scoresheets became effective until 1980.

14 **THE COURT:** That's true, there wasn't a
15 scoresheet in effect at the time.

16 So my review of the court file -- feel free to
17 correct me if I'm wrong -- demonstrated that on
18 November 30th of 1978 the jury returned a verdict of
19 guilty as charged as to the one count of first degree
20 murder. Judge Pfeiffer, on December 20th, 1978,
21 sentenced Mr. White to death. That was set aside.

22 Judge Waller, on April 20th, 2000, after a
23 resentencing hearing, sentenced Mr. White to death.

24 Then there were a series of post-conviction
25 actions. And the latest -- I'm not going to cover

1 them all -- but the latest was really a *Hurst*
2 challenge. Because I think in Judge Waller's
3 imposition of death, the jury recommendation was 10 to
4 2, not unanimous, which led to the possibility of a
5 new resentencing.

6 Now the State's determination that, given
7 Mr. White's age, that life in prison is the
8 appropriate sentence.

9 Under that factor -- I read both sentencing
10 orders. Really, Judge Waller's sentencing order about
11 the aggravators and mitigators, so I'm familiar with
12 the circumstances. And the victim was Gracie Mae
13 Crawford.

14 Before I impose sentence, is there anything the
15 victim would like to state to the Court?

16 **MR. KING:** Yes, sir. Ms. Johns had indicated she
17 would like to speak briefly to the Court.

18 **THE COURT:** Yes, sir.

19 Ms. Johns, good morning. If you would raise your
20 right hand, I'll have the clerk place you under oath.

21 **TRACY JOHNS**

22 was called as a witness and, having first been duly sworn,
23 testified as follows:

24 **THE WITNESS:** Yes, ma'am.

25 **THE COURT:** For my help, would you just start by

1 saying your name, and then I'm going to listen to
2 anything you want me to hear.

3 **THE WITNESS:** Tracy Johns, daughter of the
4 victim.

5 **THE COURT:** Daughter of the victim.
6 Go ahead, Ms. Johns.

7 **THE WITNESS:** I have dealt with this for a long
8 time.

9 **THE COURT:** Yes, you have. You really have.

10 **THE WITNESS:** Every time it comes up, I have not
11 yet seen any remorse, any sympathy. And I have to
12 live with it. And it's like -- it's hard. It's
13 haunting for me. Not one time has anybody said,
14 "Sorry," you know, for what they done. And I don't
15 think it's right.

16 My mama don't get a second chance. I don't get
17 to spend Mother's Day with my mama.

18 **THE COURT:** Ms. Johns, as you may have heard me
19 say, I reviewed -- I didn't try the case, as I'm sure
20 you know, but I did review the file. The murder was
21 atrocious, and the Court found that, and horrific.

22 I'm sorry for your pain, as the Judge who's now
23 presiding.

24 I don't know what Mr. White's going to say.

25 There are times when a defendant is advised by

1 his attorneys not to say anything. And we will see in
2 a few moments.

3 But I know your pain is real. And I'm sorry that
4 you've had to live through this. Year after year
5 after year it continues to come up.

6 So I appreciate your being here today, and I
7 appreciate the comments to me. Thank you.

8 Anything further from the State?

9 **MR. KING:** No, sir.

10 **THE COURT:** All right. Anything from the
11 defense?

12 **MR. BECK:** Nothing from defense, Your Honor.

13 **THE COURT:** Mr. White, anything you wish to say
14 before I impose sentence?

15 **THE DEFENDANT:** No, sir.

16 **THE COURT:** All right. Mr. White, the jury
17 having convicted you on November 30th, 1978 of murder
18 in the first degree, I've outlined the successive
19 procedural actions, at this time I sentence you to
20 life in prison in the Department of Corrections in the
21 State of Florida.

22 My understanding is that the sentence of life,
23 based on a crime committed in 1977 or '78, carried
24 with it the possibility of parole after 25 years.

25 Today someone sentenced to life would not have

1 parole as a possibility. There's no parole board for
2 current sentences. I think there is still a parole
3 board for crimes that were committed when parole was a
4 possibility. I don't know whether you'll ever be
5 paroled or not.

6 **THE DEFENDANT:** Yeah. Well, I don't neither.

7 **THE COURT:** Go ahead. I'm sorry.

8 **THE DEFENDANT:** I said, I don't neither. But I
9 know there's, you know, the possibility.

10 **THE COURT:** So I'm noting the law at the time
11 gives you the possibility of parole after 25 years,
12 and I know you've served that time and more. So you
13 may be eligible for parole. I don't know.

14 But I do sentence you to life in prison in the
15 State of Florida, with credit for all the time that
16 you've actually served and any gain time that may have
17 been awarded to you by the Department of Corrections.
18 I don't know if there is any gain time against a life
19 sentence. It's somewhat immaterial.

20 You do have the right to appeal the judgment and
21 sentence of the Court. If you could not afford an
22 attorney for your appeal, then one would be appointed
23 to represent you.

24 Any questions, sir?

25 **THE DEFENDANT:** The wording in the sentencing is

1 "I'm eligible for parole," correct?

2 **THE COURT:** Yes. Under the law there is a
3 possibility of parole. There's no guarantee of
4 parole.

5 **THE DEFENDANT:** No, no, no. But eligibility.
6 Then I'm good to go then.

7 **THE COURT:** Yes, sir.

8 All right. Anything further in this matter?

9 **MR. KING:** Your Honor, just we would like the
10 defendant re-fingerprinted just for the Department of
11 Corrections purposes.

12 **THE COURT:** Very good.

13 **MR. KING:** And if they need it for the packet to
14 go back to D.O.C., his credit time served would be
15 14,344 days, not counting today.

16 **THE COURT:** All right.

17 **MR. KING:** Or 39 years, 3 months and 7 days. I
18 don't know if that has to be in the packet.

19 **THE CLERK:** We usually don't put the time served.
20 They do that, they calculate that.

21 **THE COURT:** All right. Thank you.

22 Mr. King, thank you. Mr. Beck.

23 **THE DEFENDANT:** Your Honor?

24 **THE COURT:** Yes, sir.

25 **THE DEFENDANT:** Would you put in for a transfer

1 order for me?

2 **THE COURT:** Right. There is no reason for Orange
3 County to continue to hold you because these
4 proceedings are concluded. But I'll make it clear
5 that Orange County and the Department of Corrections
6 now should transfer you back.

7 **THE DEFENDANT:** All right. Thank you, sir.

8 **MR. BECK:** Judge, if we may just briefly just to
9 advise Mr. White. Under a life sentence, I'm not sure
10 that he will be returned to Union Correctional
11 Institute. He needs to be aware of that then.

12 **THE DEFENDANT:** I didn't know that.

13 **THE COURT:** I don't know if they will send you to
14 the original correctional center. It's going to be up
15 to the Department where they house you now.

16 **MR. BECK:** You won't be on death row.

17 **THE DEFENDANT:** Oh, I know that. But, I mean,
18 I'll be going back to UCI?

19 **MR. BECK:** I don't know.

20 **THE COURT:** That's a Department of Corrections
21 decision.

22 **THE DEFENDANT:** Okay.

23 **MR. BECK:** Thank you, Your Honor. Thank you for
24 your patience.

25 (The foregoing proceedings concluded at 11:21

1 a.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, Susan McGee, RMR, CRR, Official Court
Reporter of the Ninth Judicial Circuit of Florida,
do hereby certify, pursuant to Florida Rules of Judicial
Administration 2.535(h)(3), that I was authorized to and did
report in stenographic shorthand the foregoing proceedings,
and that thereafter my stenographic shorthand notes were
transcribed to typewritten form by the process of
computer-aided transcription, and that the foregoing pages
contain a true and correct
transcription of my shorthand notes taken therein.

WITNESS my hand this 22nd day of September,
2017, in the City of Orlando, County of Orange,
State of Florida.

s/Susan McGee, RMR, CRR

Susan McGee, RMR, CRR