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**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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**I N D E X**

**September 19, 2017**

STATEMENT BY TRACY JOHNS	6
SENTENCE	8
CERTIFICATE OF REPORTER	13

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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

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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