

# Supreme Court of Florida

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No. SC17-1142

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**ANTON J. KRAWCZUK,**  
Appellant,

vs.

**STATE OF FLORIDA,**  
Appellee.

[January 31, 2018]

PER CURIAM.

We have for review Anton J. Krawczuk's appeal of the circuit court's order denying Krawczuk's motion filed pursuant to Florida Rule of Criminal Procedure 3.851. This Court has jurisdiction. See art. V, § 3(b)(1), Fla. Const.

Krawczuk's motion sought relief pursuant to the United States Supreme Court's decision in Hurst v. Florida, 136 S. Ct. 616 (2016), and our decision on remand in Hurst v. State (Hurst), 202 So. 3d 40 (Fla. 2016), cert. denied, 137 S. Ct. 2161 (2017). This Court stayed Krawczuk's appeal pending the disposition of Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017).

After this Court decided Hitchcock, Krawczuk responded to this Court's order to show cause arguing why Hitchcock should not be dispositive in this case.

After reviewing Krawczuk's response to the order to show cause, as well as the State's arguments in reply, we conclude that Krawczuk is not entitled to relief. Krawczuk was sentenced to death following a jury's unanimous recommendation for death. Krawczuk v. State, 634 So. 2d 1070, 1072 (Fla. 1994). Krawczuk's sentence of death became final in 1994. Krawczuk v. Florida, 513 U.S. 881 (1994). Thus, Hurst does not apply retroactively to Krawczuk's sentence of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Krawczuk's motion.

The Court having carefully considered all arguments raised by Krawczuk, we caution that any rehearing motion containing reargument will be stricken. It is so ordered.

LABARGA, C.J., and POLSTON, and LAWSON, JJ., concur.  
PARIENTE, J., concurs in result with an opinion.  
LEWIS and CANADY, JJ., concur in result.  
QUINCE, J., recused.

PARIENTE, J., concurring in result.

I concur in result because I recognize that this Court's opinion in Hitchcock v. State, 226 So. 3d 216 (Fla. 2017), cert. denied, 138 S. Ct. 513 (2017), is now final. However, I continue to adhere to the views expressed in my dissenting opinion in Hitchcock.

An Appeal from the Circuit Court in and for Lee County,  
Ramiro Mañalich, Judge - Case No. 361990CF002007000BCH

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