

Supreme Court of Florida

No. SC17-1693

BOBBY ALLEN RALEIGH,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

[February 28, 2018]

CORRECTED OPINION

PER CURIAM.

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

Raleigh'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). After this Court decided *Hitchcock v. State*, 226 So. 3d 216 (Fla.), *cert. denied*, 138 S. Ct. 513 (2017), Raleigh responded to this Court's order to show cause arguing why *Hitchcock* should not be dispositive in this case.

After reviewing Raleigh's response to the order to show cause, as well as the State's arguments in reply, we conclude that Raleigh is not entitled to relief.

Raleigh was sentenced to death on two counts of first-degree murder following a jury's unanimous recommendation for death on both counts. *Raleigh v. State*, 705 So. 2d 1324, 1326 (Fla. 1997). Raleigh's sentences of death became final in 1998. *Raleigh v. Florida*, 525 U.S. 841 (1998). Thus, *Hurst* does not apply retroactively to Raleigh's sentences of death. *See Hitchcock*, 226 So. 3d at 217. Accordingly, we affirm the denial of Raleigh's motion.

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

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

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 Volusia County,
Leah R. Case, Judge - Case No. 641994CF000723XXXAWS

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