

# Supreme Court of Florida

---

No. SC17-902

---

**CURTIS WINDOM,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[January 23, 2018]

PER CURIAM.

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

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

After reviewing Windom's response to the order to show cause, as well as the State's arguments in reply, we conclude that Windom is not entitled to relief. Windom was convicted of three counts of first-degree murder and sentenced to death on each count following a jury's unanimous recommendation for death. Windom v. State, 656 So. 2d 432, 435 (Fla. 1995). Windom's sentences of death became final in 1995. Windom v. Florida, 516 U.S. 1012 (1995). Thus, Hurst does not apply retroactively to Windom's sentences of death. See Hitchcock, 226 So. 3d at 217. Accordingly, we affirm the denial of Windom's motion.

The Court having carefully considered all arguments raised by Windom, 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 Orange County,  
Renee A. Roche, Judge - Case No. 481992CF001305000AOX

James Vigianno, Capital Collateral Regional Counsel, Ali Andrew Shakoor, and  
Ann Marie Mirialakis, Assistant Capital Collateral Regional Counsel, Middle  
Region, Temple Terrace, Florida,

for Appellant

Pamela Jo Bondi, Attorney General, and Scott A. Browne, Assistant Attorney  
General, Tampa, Florida,

for Appellee