

Supreme Court of Florida

THURSDAY, MAY 28, 2009

CASE NO.: SC08-943

Lower Tribunal No(s): 85-23640B

HENRY GARCIA

vs. STATE OF FLORIDA

Appellant(s)

Appellee(s)

Henry Garcia, a prisoner under sentence of death, appeals from the circuit court's summary denial of his successive motion for postconviction relief, raising two issues. See Fla. R. Crim. P. 3.851. We previously affirmed appellant's convictions and sentences of death. Garcia v. State, 644 So. 2d 59 (Fla. 1994), cert. denied, 514 U.S. 1085 (1995). We also affirmed denial of his first motion for postconviction relief and denied his petition for writ of habeas corpus. Garcia v. State, 949 So. 2d 980 (Fla. 2006).

In this appeal, Garcia first contends that Florida's lethal injection procedures violate the constitutional prohibitions against cruel and unusual punishment. See U.S. Const. amend. VIII; art. I, § 17, Fla. Const. As appellant admits, however, we have repeatedly upheld these procedures against such constitutional challenges. See Tompkins v. State, 994 So. 2d 1072, 1081 (Fla. 2008), cert. denied, 129 S. Ct. 1305 (2009); Schwab v. State, 969 So. 2d 318, 321-25 (Fla. 2007), cert. denied, 128 S. Ct. 2486 (2008); Lightbourne v. McCollum, 969 So. 2d 326, 349-53 (Fla. 2007), cert. denied, 128 S. Ct. 2485 (2008). We also have held the procedures constitutional under Baze v. Rees, 128 S. Ct. 1520 (2008). See Ventura v. State, 2 So. 3d 194, 200 (Fla. 2009) ("Florida's current lethal-injection protocol passes muster under any of the risk-based standards considered by the Baze Court

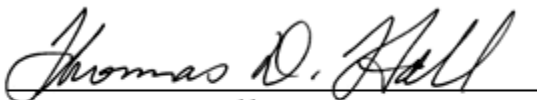
(and would easily satisfy the intent-based standard advocated by Justices Thomas and Scalia."); Henyard v. State, 992 So. 2d 120, 130 (Fla.), cert. denied, 129 S. Ct. 28 (2008). In his second claim, appellant contends that the circuit court erred in denying his request for public records. See Fla. R. Crim. P. 3.852. We find that the court did not abuse its discretion. See Diaz v. State, 945 So. 2d 1136, 1149 (Fla. 2006) ("In reviewing the trial court's denial of... public records requests, this Court applies the abuse of discretion standard.").

Accordingly, we affirm the circuit court's orders denying relief on appellant's successive postconviction motion and denying his request for additional public records.

QUINCE, C.J., and PARIENTE, LEWIS, CANADY, POLSTON, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



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Served:

PENNY H. BRILL
ROSEANNE ECKERT
WILLIAM M. HENNIS, III
SANDRA S. JAGGARD
HON. HARVEY RUVIN, CLERK
HON. DIANE VALENTINA WARD, JUDGE