

# Supreme Court of Florida

THURSDAY, FEBRUARY 24, 1994

PAUL WILLIAM SCOTT,  
Petitioner/Appellant,

vs.

CASE NOS. 76,831 & 77,756  
Cir.Crt. Case No. 79-167 CF

RICHARD L. DUGGER, et al.,  
Respondent/Appellee.

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**ORIGINAL**

The Motion for Rehearing filed by Petitioner/Appellant, having been considered in light of the revised opinion, is hereby denied.

A True Copy

JB

TEST:

cc: Dorothy H. Wilken, Clerk  
Hon. Jack H. Cook, Chief  
Judge  
Mr. Michael J. Minerva  
Mr. Martin J. McClain  
Ms. Celia A. Terenzio

Sid J. White  
Clerk Supreme Court.

# Supreme Court of Florida

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No. 76,831 & 77,756

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PAUL WILLIAM SCOTT, Petitioner,

vs.

RICHARD L. DUGGER, Respondent.

PAUL WILLIAM SCOTT, Appellant,

vs.

STATE OF FLORIDA, Appellee.

[November 4, 1993]

REVISED

PER CURIAM.

Paul William Scott appeals the trial court's denial of his motion under Florida Rule of Criminal Procedure 3.850. Scott has also filed a petition for writ of habeas corpus directly with this Court that asserts the same claims. We affirm the trial

court's denial of Scott's rule 3.850 motion and deny his motion for writ of habeas corpus.<sup>1</sup>

Scott was sentenced to death for the bludgeoning murder of James Alessi. The facts of the murder are set out in Scott v. State, 411 So. 2d 866 (Fla. 1982), in which we affirmed Scott's conviction and sentence of death. Pertinent to these proceedings are the following facts taken from that opinion:

Alessi picked up Scott and Kondian. At approximately 11 p.m. they arrived at Alessi's father's home where the victim borrowed his father's station wagon and obtained a patio umbrella from his father. They then drove off in the victim's car and in his father's car. The patio umbrella was later found in the victim's backyard.

The next morning the victim's nude body, which was covered with blood, was discovered in his home. His hands and feet were tightly bound with electrical cord and telephone wire. He had been brutally beaten about his head, chest, and arms. He had sustained six blows to the head with a blunt instrument, one of which was so severe that it had caused a compressed fracture of the skull. The head injuries were the cause of his death. There were many signs of a violent struggle by the victim in his attempt to get away from his assailants. Throughout the house were broken articles and bloodstains on the walls, furniture, curtains, and floors. Scott's fingerprints were found on various items throughout the victim's home, including the neck of a broken vase and the bloodstained knife on the sofa which apparently had been used to cut the electrical cords used to tie the victim.

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<sup>1</sup> We have jurisdiction. Art. V, 3(b)(1), (9), Fla. Const.

Id. at 867. That opinion also articulated the following findings of the trial judge that justified the imposition of the death penalty:

The trial court found four aggravating circumstances: (1) Defendant was under sentence of imprisonment--parole--when he committed the murder. (2) He was previously convicted of a felony involving violence to the person--second-degree murder. (3) The murder was committed while he was engaged or was an accomplice in the commission of, or the attempt to commit, a robbery and/or burglary and was committed for pecuniary gain. This was counted as one aggravating circumstance. (4) The murder was cruel. As to the cruelty of the offense, the court stated:

"(h) The capital felony was cruel. A picture is worth a thousand words and all one must do to justify this aggravating circumstance is to view the color photographs of the interior of the house where the homicide occurred and conclude with the body of the victim with his hands and feet tied. This is not one or two blows which resulted in instantaneous or near instantaneous death. The struggle between the assailants and the victim moved from room to room; blood is everywhere. The doctor testified the victim was still alive when his hands and feet were bound. There remained no reason to pursue the beating to accomplish the thefts. The subsequent blows to the head were fatal and the entire episode can only reflect there being imposed upon the victim a high degree of pain with little indifference to, or even the enjoyment of the suffering of the victim. It was pitiless and totally unnecessary to achieve the theft of the property."

Id. at 869.

Subsequently, Scott sought a stay of execution, a writ of habeas corpus, and a writ of error coram nobis, which this Court denied as reflected in our opinion in Scott v. Wainwright, 433 So. 2d 974 (Fla. 1983). Scott subsequently filed a Florida Rule of Criminal Procedure 3.850 motion in the circuit court. The











