Supreme Court of Florida

MONDAY, APRIL 21, 2025

Jeffrey Glenn Hutchinson,
Appellant
v.

State of Florida,
Appellee

SC2025-0497
Lower Tribunal No.:
461998CF001382XXXACX

Jeffrey Glenn Hutchinson, now subject to an active death warrant, appeals an order of the circuit court summarily denying his third successive motion seeking postconviction relief in state court. We affirm.[1]

In 1998, Hutchinson lived with his girlfriend Renee Flaherty and her three children: four-year-old Logan, seven-year-old Amanda, and nine-year-old Geoffrey. One day, after drinking and getting into an argument with Renee, Hutchinson left the house and drove to a nearby bar. After consuming more alcohol, Hutchinson returned to the house where he proceeded to shoot and kill Renee and all three children with his 12-gauge, pump-action shotgun.

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1. We have jurisdiction under article V, section 3(b)(1) of the Florida Constitution.

Moments after the shooting, law enforcement responded to a 911 call originating from Renee's house. Deputies found Hutchinson on the garage floor near a phone, which was still connected to the 911 dispatcher. Deputies detained Hutchinson and secured physical evidence from the home, including Hutchinson's shotgun on the kitchen counter. At the time of his arrest, Hutchinson had gunshot residue on his hands.

The State charged Hutchinson with four counts of first-degree murder and sought the death penalty. At trial, the State presented "overwhelming" evidence of guilt. And consistent with that evidence, the jury found Hutchinson guilty as charged on all counts.

After discussions with his family and counsel, Hutchinson waived a penalty phase jury. During the ensuing bench penalty phase, the State introduced evidence to prove multiple aggravators for the murder of each child, including that all three were under the age of twelve. In contrast, to support his case for a life sentence, Hutchinson presented evidence that he served admirably in the Gulf War as an army ranger, that he contracted Gulf War Illness

based on that military service, and that he had been diagnosed with bipolar disorder. The trial court credited the mitigating evidence regarding Hutchinson's military service and Gulf War Illness. Nevertheless, as to the murders of the three children, the trial court found that the aggravating circumstances outweighed the totality of the mitigating evidence. Accordingly, the court imposed three death sentences.[2]

Hutchinson appealed, but we affirmed the convictions and sentences. *Hutchinson v. State*, 882 So. 2d 943, 961 (Fla. 2004). In the twenty-plus years that have followed, Hutchinson has unsuccessfully sought collateral relief in both state court and federal court. *Hutchinson v. State*, 17 So. 3d 696 (Fla. 2009) (initial state postconviction proceeding); *Hutchinson v. State*, 243 So. 3d 880 (Fla. 2018) (successive state proceeding); *Hutchinson v. State*, 343 So. 3d 50 (Fla. 2022) (successive state proceeding); *Hutchinson v. Florida*, No. 5:09-cv-261-RS, 2010 WL 3833921 (N.D. Fla. Sept. 28, 2010) (federal habeas proceeding), *aff'd*, 677 F.3d 1097 (11th

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2. The trial court imposed a life sentence for the murder of Renee.

Cir. 2012);[3] *Hutchinson v. Crews*, No. 3:13-cv-128-MW, 2013 WL 1765201 (N.D. Fla. Apr. 24, 2013) (successive federal habeas proceeding).

In early 2025, Hutchinson filed the motion at issue in this appeal. He alleged newly discovered evidence of brain damage and cognitive impairment that he claims would likely produce an acquittal of first-degree murder or, at the very least, a mitigated sentence. *See Jones v. State*, 709 So. 2d 512 (Fla. 1998) (establishing the standard for claims seeking entitlement to relief based on the probable effect of evidence that was unknown and not ascertainable through due diligence at the time of trial). Hutchinson relied on two evidentiary sources in support of his *Jones* claim—blast overpressure and Gulf War Illness. The State filed a response urging the circuit court to summarily deny the motion in its entirety. The court held a case management hearing

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3. Hutchinson later sought relief from the judgment dismissing his first federal habeas petition, but the federal district court declined to grant relief. *Hutchinson v. Inch*, No. 3:13-cv-128-MW, 2021 WL 6335753, at *10 (N.D. Fla. Jan. 15, 2021), *certificate of appealability denied*, No. 21-10508-P, 2021 WL 6340256, at *1 (11th Cir. Mar. 24, 2021); *Hutchinson v. Sec'y, Fla. Dep't of Corr.*, No. 3:13-cv-128-MW, at *15-18 (N.D. Fla. Apr. 17, 2025).

but deferred a ruling on whether the claim could be decided on the preexisting record. After the warrant was signed, the case was transferred to a different judge who denied the motion on timeliness grounds without receiving any additional evidence.

On appeal, Hutchinson argues that the circuit court erred in summarily denying his third successive postconviction motion. We disagree.

First, the court correctly determined that the motion and the *Jones* claim raised in it were untimely. Under the rules of criminal procedure, a postconviction motion must be filed within one year of the judgment and sentence becoming final. *See* Fla. R. Crim. P. 3.851(d)(1). Hutchinson's convictions and death sentences became final in 2004, 90 days after issuance of our judgment affirming his convictions and death sentences. *See* Fla. R. Crim. P. 3.851(d)(1)(A). His claim, then, is decades late unless a timeliness exception applies. *See* Fla. R. Crim. P. 3.851(d)(2).

Here, the only potentially applicable exception is for claims "predicated" on facts which "were unknown to the movant or the movant's attorney and could not have been ascertained by the

exercise of due diligence." Fla. R. Crim. P. 3.851(d)(2)(A). In Hutchinson's motion, though, he alleged facts that were known at or before his trial—that he was exposed to sarin gas and numerous explosions while serving in the Middle East as well as his various post-war symptoms. As for the diagnoses or conditions on which Hutchinson relies, we acknowledge that the scientific understanding of Gulf War Illness has evolved over time. However, the illness was a well-known diagnosable condition at the time of Hutchinson's trial. Indeed, even at that time, experts recognized that the illness encompassed mental-health and cognitive effects.[4]

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4. Notably, if Hutchinson is right, any expansion of scientific knowledge regarding a particular diagnosable condition or subject would give rise to a new period to file postconviction claims. That, however, would be inconsistent with our case law. *Sliney v. State*, 362 So. 3d 186, 189 (Fla. 2023) ("If we were to accept Sliney's timeliness argument, every new study or publication related to brain development in young adults could be invoked to restart the clock for filing a successive rule 3.851 motion. That would be at odds with the finality interests served by the rule."); *Zack v. State*, 371 So. 3d 335, 345 (Fla. 2023) (new scientific consensus and new opinions based on "previously existing and scientific information" are not new facts for purposes of rule 3.851(d)(2)(A)'s timeliness exception).

Additionally, traumatic brain damage, neurocognitive impairment, and PTSD, regardless of their specific causation, are not new diagnosable conditions either.

Second, although not a basis for the circuit court's ruling, Hutchinson's claim also fails on the merits. That is, he satisfied neither prong of the *Jones* test. He cannot meet the requirements of the knowledge-or-diligence prong for the reasons explained in the preceding paragraph. As for the probable-effect prong, he cannot show that the evidence would likely lead to an acquittal or a reduced sentence at a subsequent proceeding.

For the acquittal factor, Hutchinson claims that the new evidence would have bolstered his voluntary-intoxication defense. Based on Hutchinson's conduct in firing the murder weapon, witness observations of him following the crimes, and other evidence demonstrating premeditation, we do not believe that the new evidence would have likely led the jury to accept the voluntary-intoxication defense.

In addition, we disagree with Hutchinson's assertion that this evidence would be "powerful" in its mitigating effect. We say this for two reasons.

First, Hutchinson downplays the nature of the aggravating evidence in his case. Hutchinson murdered four people, including three defenseless children. These murders served as prior violent felonies—that is, for each child's murder, the other two murder convictions provided aggravation. In addition, the youth aggravator applied with significant force here. Each child victim was under the age of 10, with the youngest being only four years old. What's more, with regard to Geoffrey, he was aware of the shootings in the adjacent room and came face to face with his killer. Perceiving the grave danger posed by Hutchinson, Geoffrey put his arm up in an attempt to shield his body from the gunfire. But predictably, his defensive efforts were not successful. The bullet, after hitting Geoffrey's arm, struck the child squarely in the chest. Hutchinson pumped the shotgun again and shot Geoffrey a second time—this time in the head. At the time of this gunshot, Geoffrey was in a kneeling position and still conscious.

Second, as to mitigation, the trial court heard evidence regarding (1) Hutchinson's admirable military service, (2) Gulf War Illness and how that illness potentially affected Hutchinson (and others like him), and (3) cognitive and mental-health issues that affected Hutchinson. In light of this, the additional mitigation concerning brain injury and cognitive issues would only have a marginal effect at a new penalty phase. Put differently, it is highly unlikely that the new evidence would lead to a life sentence for any of the three children's murders.

As his last issue, Hutchinson faults the circuit court for "fail[ing] to make any findings of fact or conclusions of law regarding Appellant's Eighth Amendment claim." We agree with the State that the claim was not properly presented below. Indeed, the paragraph discussing the Eighth Amendment is conclusory. *See Cole v. State*, 392 So. 3d 1054, 1061 (Fla. 2024).[5]

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5. Even if Hutchinson had properly presented this claim, we think it is meritless under our case law. *See Ford v. State*, 50 Fla. L. Weekly S22, S23-24 (Fla. Feb. 7, 2025); *James v. State*, No. SC2025-0280, 2025 WL 798376, at *5-7 (Fla. Mar. 13, 2025); *Cole*, 392 So. 3d at 1063-64.

For the reasons given above, we affirm the denial of Hutchinson's third successive motion for postconviction relief. Additionally, we deny Hutchinson's requests for a stay and oral argument in this case. No motion for rehearing will be considered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

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John A. Tomasino
Clerk, Supreme Court

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