



RON DeSANTIS
GOVERNOR

March 10, 2025

Warden David Allen
Florida State Prison
7819 N.W. 228th Street
Raiford, Florida 32036-1000

Re: Execution Date for Michael Tanzi, DC# K04389

Dear Warden Allen:

Enclosed is the death warrant that I signed to carry out the sentence for Michael Tanzi as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on Tuesday, April 8, 2025, through 12:00 noon on Tuesday, April 15, 2025, for the execution. I have been advised that you have set the date and time of execution for Tuesday, April 8 at 6:00 p.m.

This letter is incorporated into and made a part of the death warrant identified above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

Enclosures

2025 MAR 10 PM 4:29
THE GOVERNOR OF FLORIDA
TALLAHASSEE, FL
FILED

Warden David Allen
March 10, 2025
Page 2

cc:

Honorable Carlos G. Muñiz
Chief Justice
Supreme Court of Florida
500 S. Duval Street
Tallahassee, Florida 32399

Honorable Bonnie J. Helms
Chief Judge, 16th Judicial Circuit
302 Fleming Street
Key West, Florida 33040

Secretary Ricky Dixon
Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500

C. Suzanne Bechard
Associate Deputy Attorney General
Office of the Attorney General
The Capitol, FL-01
Tallahassee, Florida 32300-0001

Eric Pinkard
Capital Collateral Regional Counsel
12973 N Telecom Parkway
Temple Terrace, Florida 33637

Ali Shakoor
Capital Collateral Regional Counsel
12973 N Telecom Parkway
Temple Terrace, Florida 33637

Office of Executive Clemency
4070 Esplanade Way
Building C, Rm. 229
Tallahassee, Florida 32399-2450

Michael Tanzi, DC# K04389
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32026-4000



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

March 10, 2025

The Honorable Ron DeSantis
Governor
The Capitol
Tallahassee, Florida 32399—0001

RE: Michael A. Tanzi

Dear Governor DeSantis:

Michael A. Tanzi pled guilty on January 31, 2003, to carjacking with a deadly weapon, kidnapping to facilitate a felony with a deadly weapon, armed robbery with a deadly weapon, and first-degree murder after he assaulted, abducted, robbed, sexually battered, and strangled Janet Acosta to death on April 25, 2000, in Cudjoe Key, Monroe County, Florida.

The penalty phase of the trial was conducted before a jury beginning on February 3, 2003, and Tanzi presented evidence related to twenty-three mitigators. The jury recommended death by a unanimous vote. The court held a sentencing hearing on March 14, 2003, and on April 11, 2003, the court sentenced Tanzi to death.

The Florida Supreme Court affirmed Tanzi's conviction and death sentence on direct appeal. *Tanzi v. State*, 964 So. 2d 106 (Fla. 2007). The United States Supreme Court denied certiorari review on February 19, 2008. *Tanzi v. Florida*, 552 U.S. 1195 (2008).

Tanzi filed an initial motion for postconviction relief on February 12, 2009. The postconviction court held an evidentiary hearing January 25-28, 2010. The court denied relief in its order dated March 24, 2010. The Florida Supreme Court affirmed the postconviction court's denial of relief and denied Tanzi's state habeas petition in an opinion issued on April 19, 2012. *Tanzi v. State*, 94 So. 3d 482 (Fla. 2012).

Tanzi filed a Petition for Writ of Habeas Corpus in the United States District Court, Southern District of Florida, on July 27, 2012. The Petition was denied by the district court on February 27, 2013. *Tanzi v. Tucker*, 4:12-cv-10066. The district court granted a certificate of appealability as to the ineffective assistance of counsel and alleged *Brady*¹ violation claims. *Tanzi v. Sec'y, Fla. Dept. of Corrections*, 772 F.3d 644, 650 (11th Cir. 2014).

Tanzi appealed the denial of his federal habeas petition to the United States Eleventh Circuit Court of Appeals, which affirmed the district court's denial of habeas relief on November 19, 2014. *Tanzi v. Sec'y, Fla. Dept. of Corrections*, 772 F.3d 644 (11th Cir. 2014). Tanzi sought certiorari in the United States Supreme Court, which denied review on October 5, 2015. *Tanzi v. Jones*, 577 U.S. 865 (2015).

On January 12, 2017, Tanzi filed a successive postconviction motion seeking relief pursuant to *Hurst v. Florida*, 577 U.S. 92 (2016), and *Hurst v. State*, 202 So. 3d 40 (Fla. 2016). After the postconviction court denied relief on April 24, 2017, the Florida Supreme Court affirmed the lower court's denial of relief on April 5, 2018. *Tanzi v. State*, 251 So. 3d 805 (Fla. 2018). Tanzi's petition for writ of certiorari to the United States Supreme Court was filed on August 8, 2018, and denied on November 13, 2018. *Tanzi v. Florida*, 586 U.S. 1004 (2018).

The record has been reviewed and there are no stays of execution issued by any court of competent jurisdiction in this cause. Based upon the above-referenced summary of litigation affirming the judgments and sentences of death imposed for first-degree murder, the record is legally sufficient to support the issuance of a death warrant.

Sincerely,

A handwritten signature in blue ink that reads "James Uthmeier". The signature is fluid and cursive, with the first name "James" being particularly prominent.

James Uthmeier
Attorney General

¹ *Brady v. Maryland*, 373 U.S. 83 (1963).

Probation Violator

Community Control Violator

Retrial

Resentence

In the Circuit Court, Sixteenth Judicial Circuit

in and for Monroe County, Florida

Case Number CFK-00-573
MONROE COUNTY
OFFICIAL RECORDS

03 APR 11 01:59

FILE # 1364039
BK# 1878 PG# 1574

RCD Apr 22 2003 10:23AM
DANNY L KOLHAGE, CLERK

STATE OF FLORIDA -v-

Michael Janzi

Defendant

DOB: 2/27/77



JUDGMENT

The defendant, Michael Janzi, being personally before this court represented by William Keepers & Nancy Rossell, the attorney of record, and the state represented by Manuel Madruga & Catherine Vogel, and having

been tried and found guilty by jury/by court of the following crime(s)

entered a plea of guilty to the following crime(s)

entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Number(s)	Degree of Crime	OBTS Case Number	Number
<u>ct 1 of indictment</u>	<u>Murder</u>	<u>782.04(a) @ Capitol</u>		<u>00-573</u>	
<u>ct 1 of information</u>	<u>Carjacking with a deadly weapon</u>	<u>812.133</u>	<u>1° PBL</u>	<u>00-573</u>	
<u>ct 2 of information</u>	<u>Kidnapping to facilitate a felony with a deadly weapon</u>	<u>787.01 & 775.087</u>	<u>life</u>	<u>00-573</u>	
<u>ct 3 of information</u>	<u>Armed Robbery with a deadly weapon</u>	<u>812.13</u>	<u>1° PBL</u>	<u>00-573</u>	

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s).

and pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) the defendant shall be required to submit blood specimens.

and good cause being shown; **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.**

S

Defendant Michael Janzic Case Number CFK-00-573 OBTS Number _____

SENTENCE

(As to Count 1) of Indictment

The defendant, being personally before this court, accompanied by the defendant's attorney of record, William Huypers & Nancy Russell, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

_____ and the Court having on _____ deferred imposition of sentence until this date
(date)

_____ and the Court having previously entered a judgment in this case on _____ now resentsences the defendant
(date)

_____ and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

FILE # 1364039
BK# 1878 PG# 1576

It Is The Sentence Of The Court that:

_____ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of _____ County, Florida.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable.):

_____ For a term of natural life.

For a term of Death.

_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

_____ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

1838

Defendant Michael Sanzi

Case Number CFK-00-573

SPECIAL PROVISIONS

(As to Count 1) of Indictment

By appropriate notation, the following provisions apply to the sentence imposed:

FILE # 1364039
BK# 1878 PG# 1577

Mandatory/Minimum Provisions:

- Firearm** _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking** _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance Within 1,000 Feet of School** _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender** _____ The defendant is adjudicated a habitual felon offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender** _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Law Enforcement Protection Act** _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.
- Capital Offense** _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.
- Short-Barreled Rifle, Shotgun, Machine Gun** _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Continuing Criminal Enterprise** _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.
- Felony Re-Offender** _____ It is further ordered that defendant is sentenced as a felony re-offender pursuant to Florida Statutes 775.082.
- Retention of Jurisdiction** _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).
- Jail Credit** It is further ordered that the defendant shall be allowed a total of 1078 days as credit for time incarcerated before imposition of this sentence.
4-28-00 4-11-03
- Consecutive/Concurrent As To Other Counts** _____ It is further ordered that the sentence imposed for this count shall run (check one) _____ consecutive to _____ concurrent with the sentence set forth in count _____ of this case.
- Prison Credit** _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Defendant Michael Janzic Case Number CFK-00-573 OBTS Number _____

SENTENCE

(As to Count 1) of Information

The defendant, being personally before this court, accompanied by the defendant's attorney of record, William Kuypers & Nancy Roscell, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

_____ and the Court having on _____ deferred imposition of sentence until this date
(date)

_____ and the Court having previously entered a judgment in this case on _____ now resentsences the defendant
(date)

_____ and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

FILE # 1364039
BK# 1878 PG# 1578

It Is The Sentence Of The Court that:

_____ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of _____ County, Florida.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable.):

_____ For a term of natural life.

For a term of Life

_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

_____ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

1840

Defendant Michael Ganzi

Case Number CFK-00-573

SPECIAL PROVISIONS

(As to Count 1) of Information

By appropriate notation, the following provisions apply to the sentence imposed:

FILE # 1364039
BK# 1878 PG# 1579

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felon offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Felony Re-Offender _____ It is further ordered that defendant is sentenced as a felony re-offender pursuant to Florida Statutes 775.082.

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit It is further ordered that the defendant shall be allowed a total of 1078 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent As To Other Counts It is further ordered that the sentence imposed for this count shall run (check one) consecutive to 4/28/00 4/11/03 concurrent with the sentence set forth in count ct 2 & 3 of Information of this case.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Defendant Michael Janzi Case Number CFK-00-573 OBTS Number _____

SENTENCE

(As to Count 2) of Information

The defendant, being personally before this court, accompanied by the defendant's attorney of record William Kuypers & Nancy Rossell and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

_____ and the Court having on _____ deferred imposition of sentence until this date
(date)

_____ and the Court having previously entered a judgment in this case on _____ now resentsences the defendant
(date)

_____ and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

FILE # 1364039
BK# 1878 PG# 1580

It Is The Sentence Of The Court that:

_____ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of _____ County, Florida.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable.):

_____ For a term of natural life.

For a term of Life.

_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

_____ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

1842

Defendant Michael Tanzi

Case Number CFK-00-573

SPECIAL PROVISIONS

(As to Count 2) of Information

By appropriate notation, the following provisions apply to the sentence imposed:

FILE # 1364039
BK# 1878 PG# 1581

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felon offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Felony Re-Offender _____ It is further ordered that defendant is sentenced as a felony re-offender pursuant to Florida Statutes 775.082.

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit It is further ordered that the defendant shall be allowed a total of 1078 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent As To Other Counts It is further ordered that the sentence imposed for this count shall run (check one) consecutive to concurrent with the sentence set forth in count 1 & 3 of this case. cf 1 & 3 of Informati

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Defendant Michael Janzi Case Number CFK-00-573 OBTS Number _____

SENTENCE

(As to Count 3) of Information William

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Keypers and Nancy Russell and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

_____ and the Court having on _____ deferred imposition of sentence until this date
(date)

_____ and the Court having previously entered a judgment in this case on _____ now resentsences the defendant
(date)

_____ and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

FILE # 1364039
BK# 1878 PG# 1582

It Is The Sentence Of The Court that:

_____ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes, plus \$ _____ as the 5% surcharge required by section 960.25, Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

_____ The defendant is hereby committed to the custody of the Sheriff of _____ County, Florida.

_____ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable.):

_____ For a term of natural life.

For a term of Life.

_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

_____ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

18477

Defendant Michael Yanzi Case Number CFK-00-573

SPECIAL PROVISIONS

(As to Count 3) of Information

By appropriate notation, the following provisions apply to the sentence imposed:

FILE # 1364039
BK# 1878 PG# 1583

Mandatory/Minimum Provisions:

Firearm _____ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking _____ It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School _____ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender _____ The defendant is adjudicated a habitual felon offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender _____ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act _____ It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.

Capital Offense _____ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

Short-Barreled Rifle, Shotgun, Machine Gun _____ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

Continuing Criminal Enterprise _____ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Felony Re-Offender _____ It is further ordered that defendant is sentenced as a felony re-offender pursuant to Florida Statutes 775.082.

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit _____ It is further ordered that the defendant shall be allowed a total of 1078 days as credit for time incarcerated before imposition of this sentence.

Consecutive/Concurrent As To Other Counts It is further ordered that the sentence imposed for this count shall run (check one) consecutive to 4/28/00 4/11/03 concurrent with the sentence set forth in count 2 & 3 of Information of this case.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Defendant Michael Janzi Case Number CFK-00-57

Prison Credit (cont.)

_____ It is further ordered that the defendant be allowed _____ days served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count _____ (offenses committed between October 1, 1989, and December 31, 1993).

_____ The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under Section 948.06(6).

_____ The Court allows unforfeited gain time previously awarded on the above case/count. [Gain time may be subject to forfeiture by the Department of Corrections under Section 944.28(1).]

_____ It is further ordered that the defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to Section 921.0017, Florida Statutes, on case/count _____. (Offenses committed on or after January 1, 1994.)

Consecutive/Concurrent As To Other Convictions

_____ It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one) _____ consecutive to / _____ concurrent with the following: (check one)

_____ any active sentence being served.

_____ specific sentences: _____
FILE # 1364039
BK# 1878 PG# 1584

DNA Testing

_____ In the event the above sentence is to the Department of Corrections, the Sheriff of Monroe County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends _____

DONE AND ORDERED in open court in Monroe County, Florida

this 11 day of April, 2003.

Richard D Payne
Judge

Page 2 of 10

MONROE COUNTY
OFFICIAL RECORDS

1844

State of Florida

v.











TANZI Michael

Defendant

Case Number CFK 00573

FILE #1364039
BK#1878 PG#1575

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
1. Left Thumb	2. Left Index	3. Left Middle	4. Left Ring	5. Left Little
				

Fingerprints taken by: Elizabeth Hester Name Deputy Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, Michael TANZI, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Monroe County Florida, this 11th day of April, 2003.

Richard S. Payne
Judge

03 APR 11 AM 9:59
MONROE COUNTY FLA.

IN THE CIRCUIT COURT OF THE
16TH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA IN AND FOR
MONROE COUNTY

CASE NO.: CF-K-00-573

STATE OF FLORIDA,

Plaintiff,

Vs.

MICHAEL A. TANZI,

Defendant.

_____ /

SENTENCING ORDER

On January 31, 2003, the Defendant entered a plea of guilty to the offenses of first-degree murder, carjacking with a deadly weapon, kidnapping to facilitate a felony with a deadly weapon, and armed robbery with a deadly weapon. The Defendant was adjudicated guilty of those offenses.

With respect to the two remaining counts of sexual battery with a deadly weapon, the Defendant announced his election to be tried for those offenses in the venue of Dade County, where the offenses are alleged to have been committed. Accordingly, counts 4 and 5 of the second amended information were severed for transfer to that venue.

FILED IN OPEN COURT
THIS 14TH DAY OF Apr 2003
DANNY L. KOLHAGE
CLERK CIRCUIT COURT
BY: [Signature] D.C.

1804

Thereafter, on February 10, 2003 a jury was selected and the penalty phase for the first-degree murder of Janet Acosta commenced. On February 19, 2003, after seven days of trial, the jury retired. After deliberating for slightly more than two hours, the jury returned a unanimous recommendation that the death penalty be imposed.

On March 14, 2003 the court conducted a *Spencer* hearing and received additional testimony from the Defendant concerning the penalty to be imposed. The Defendant read a statement and presented letters in support of a life sentence. The State offered no additional testimony. Both the State and the Defendant submitted sentencing memorandums.

Sentencing was scheduled for April 11, 2003.

After careful consideration, the court makes and enters the following findings of fact and conclusions of law:

AGGRAVATING FACTORS

Proven Beyond A Reasonable Doubt

- 1. The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or on community control or on felony probation.**

On August 13, 1998, the Defendant was arrested at the age of 20 for burglary in Brockton, Massachusetts. On the night of July 30 – 31, 1998, the Defendant broke into the home of Alan Papolia. When he left the home, he took

the keys to the victim's van and drove off in the vehicle. The arrest affidavit stated that the Defendant was seen driving the stolen van in Brockton by a relative of the victim. The Defendant was charged with breaking and entering in the nighttime with intent to commit a felony, Chapter 266, Section 15, larceny of a motor vehicle, Chapter 266, Section 28 of the Massachusetts Criminal Code. The case was brought in the District Court of Wareham Docket No.: 981896.

On February 1, 1999, the Defendant, who was represented by counsel, entered a plea of guilty to the felony offense of breaking and entering in the nighttime with intent to commit a felony. He was sentenced to an 18-month term of imprisonment to be followed by two years of probation. Six months of the incarcerative portion of his sentence were suspended.

The Defendant's probation was to commence within 72 hours of his release from prison. It was to run until February 15, 2001. The probation included a condition that he be evaluated for appropriate substance abuse treatment. The Defendant was released on August 4, 1999 and promptly absconded. On September 14, 1999, a warrant was issued by the District Court for the arrest of Michael Tanzi on a charge of violating his probation.

There is no doubt that the Defendant's decision to abscond put in motion the tragic chain of events. If he had reported to probation when he was released from prison and complied with the conditions, Janet Acosta would be alive today and

the Defendant would be a young, 26 year-old man with his entire life ahead of him.

On April 25, 2000, the Defendant should have been halfway through his felony probation. Instead, this convicted felon, who was still under a sentence of felony probation, kidnapped and murdered Janet Acosta on that date.

This aggravating circumstance has been proven beyond a reasonable doubt and will be given great weight.

2. and 3. The capital felony was committed while the Defendant was engaged or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit a sexual battery and a kidnapping.

The Defendant pled guilty to the kidnapping and murder of Janet Acosta. The evidence presented during the penalty phase established that the victim had been employed in the make-up department of the Miami Herald for more than 20 years. The victim customarily left work in the early afternoon to have a quiet lunch. Her favorite place was an area adjacent to the Japanese Rock Gardens, a city park located on Watson Island just off the MacArthur Causeway. The causeway is a heavily traveled connecting road between Miami Beach and downtown Miami. Her co-workers at the Herald as well as park employees testified that it was her routine to park her van under a shade tree to eat her lunch, read a book, or, on occasion, nap until it was time to return to work.

The Defendant's statements to Key West police officers after his arrest revealed what occurred in the early afternoon of April 25, 2000.

Around 1:30 p.m., the victim was in her favorite place sitting alone in her van with the window down. The Defendant approached her vehicle on foot and asked her for a cigarette. The victim told him that she did not smoke and started up her van. The Defendant then asked the victim for the time. Then, when she was momentarily distracted, the Defendant attacked the victim viciously with his fist through the open window. He punched the victim in the face and head numerous times. The Defendant then pushed his way into the van and subdued the victim further. He promised not to hurt her if she cooperated with him. But he also threatened that he "would cut her from ear to ear" with his razor if she resisted him.

The Defendant then drove the victim through Miami to Florida City, south of Miami. He parked the van in the rear of a Texaco station. There he forced the injured victim to perform oral sex on him. He threatened to use his razor on her if she bit him. Afterwards, the Defendant gagged the victim and bound her with ropes that were in the vehicle. She was tied to the rear seat of the van in a prone position. The Defendant repeated his promise to release the victim unharmed when he reached his destination, Key West.

The Defendant continued to drive south into Monroe County on U.S.1., until he reached Tavernier. There he stopped to use the victim's ATM card, having previously forced the victim to reveal her pin number. He used some of the money

1808⁵

at an Ace Hardware store to buy a roll of duct tape and a box of razor blades..

The Defendant then drove 40 miles to Marathon. There he obtained additional funds using the victim's ATM card. He then continued south until he reached Sugarloaf Key. On Sugarloaf the Defendant began to search for a remote area where he could kill the victim. Not finding a suitable site on Sugarloaf, the Defendant strangled Janet Acosta on Cudjoe Key approximately four hours after the kidnapping.

The Monroe County Medical Examiner testified that the victim had suffered a vaginal tear before her death. He testified that this tear was consistent with the victim having had a nonconsensual sexual assault before her death. He also testified that the DNA of blood found on the inside surface of the victim's pants pocket matched the Defendant's. The location of the blood stain leaves no other explanation other than the victim's jeans had been partially removed at some point and that the Defendant had bled inside of his victim's pants. The subject blood splatter was not found on the outer surface of the victim's jeans.

The Defendant's DNA also matched semen found on a towel in the rear of the van. The State had established that over one and one-half hours were unaccounted for on the time line between the victim's abduction and her murder, enough time for the second sexual battery to have occurred. Thus, in addition to the admitted sexual battery of the forced oral sex in Florida City, a second sexual

battery was committed when the Defendant united an object with the victim's vagina against her will.

The court emphasizes that the facts set out above constitute two separate aggravators: kidnapping and sexual battery. The two are discussed together and treated as one aggravating circumstance simply because the two are factually so intertwined. The Defendant committed two separate sexual batteries on the victim during the course of her four-hour ordeal which the court is counting as one aggravator even though the two sexual batteries could have been separated in time and place. The kidnapping is treated as a separate aggravator hereunder. Neither the kidnapping nor the sexual batteries was a necessary feature of the other.

This is not an improper doubling of a single aggravating circumstance. Doubling occurs when two aggravators are based on the same essential feature or aspect of a crime. *See analysis in Banks v. State*, 700 So.2d 363, 367 (Fla. 1997). For example, if a person is killed during the course of a burglary, it would be improper use both the burglary and pecuniary gain aggravators. The two aggravators rely on the same aspect of the crime: burglary is ordinarily committed for pecuniary gain. *Cherry v. State*, 544 So.2d 184 (Fla. 1989).

The kidnapping and the two sexual batteries were proven beyond a reasonable doubt. Both aggravating circumstances will be given great weight as aggravating circumstances 2 and 3.

4. The capital felony was committed for the purpose of avoiding or preventing a lawful arrest.

The Defendant was apprehended by police officers two days after the victim's disappearance when he reentered her van. The van was parked in downtown Key West. In response to questions about his reasons for killing the victim, the Defendant stated, "If I had let her go I was gonna get caught quicker. I didn't want to get caught. I was having too much fun." The answers also revealed that he made the victim aware of his intention to kill her: "I told her, I says I can't let you go. If I let you go then I'm gonna be in a lot of trouble."

The Defendant answered to the same effect when Detective Casanovas asked what would have happened if the victim had been freed. He said, "I would have probably gotten caught quicker than I had." And, again, when the detective questioned, "And the motive for that was so you wouldn't get caught, correct?" He responded, "Right, no witnesses."

These statements alone are sufficient to establish this fourth aggravator. *See Kokal v. State*, 492 So.2d 1317 (Fla. 1986). Moreover, the Defendant told police officers that if he had not been caught that day he had intended to alter the appearance of the vehicle. He said that to avoid detection he would have tinted the van's windows and changed the license plate to Texas tags.

Janet Acosta was kidnapped and driven over 130 miles prior to her murder. Her body was hidden in underbrush in a secluded place. The Defendant felt he had

concealed her body so well that, as he put it in his video taped confession, "someone could walk right up and piss on her and not even know she was there."

In *Hall v. State*, 614 So.2d 473 (Fla. 1993) the victim was forced into a car in a parking lot, driven to a wooded area, beaten, raped, and murdered. The Supreme Court agreed that the dominant motive for murder was to avoid or prevent arrest.

The dominant motive for the Defendant's murder of Janet Acosta was to avoid arrest. This aggravator was proven beyond a reasonable doubt and will be given great weight.

5. The capital felony was committed for pecuniary gain.

The Defendant used physical force to take the victim's automobile. He also took \$53 from her purse as well as credit cards. After carjacking her van, the Defendant threatened to slit the victim's throat from "ear to ear" with his razor if she did not reveal her ATM pin number to him. After gaining access to the victim's account, the Defendant used the card to withdraw money daily up to the \$300 limit.

After he dragged the victim's body into the mangroves, the Defendant went on a shopping spree. Already that night, he bought a new wardrobe at Champs. He bought shirts, shorts, and hats. He spent \$130 on a pair of tennis shoes. Later, he purchased marijuana and dined at the Waffle House.

At 9:00 a.m. the next morning, the Defendant drew another \$300 from the victim's account. Then he went shopping at K-Mart, Sam Goody, J.C. Penney, and to Champs again. On the following morning, he withdrew another \$300 from the account. Ironically, it was the trail of these ATM withdrawals that led the authorities to the Defendant.

The Defendant had carjacked the victim's van. He had stolen hundreds of dollars from her credit union account. Doubtless, it was these items of pecuniary gain that made possible "the fun" the Defendant did not want to give up.

This aggravating circumstance was proven beyond a reasonable doubt and will be given great weight.

6. The capital felony was especially heinous, atrocious, or cruel.

The murder of Janet Acosta can only be described as horrific. The medical examiner testified that the victim had been dealt seven severe blows to her face. There were also at least five more severe blows to the victim's head, all of which caused swelling of the brain. All of the blows to the victim's face and head caused painful injuries. Her front incisor was loosened.

There were ligature marks on the victim's wrist and neck showing that she was bound during her ordeal. The Defendant admitted to the police that he repeatedly beat her about the head and face and tied her up. He gagged her with towels over her head, which made it difficult for her to breathe. The medical

examiner testified that he found no defensive wounds on her and her fingernails were intact. These demonstrate that the victim was defenseless against her captor and offered little or no resistance to him.

The Defendant confessed that on three or four occasions he threatened to cut the victim from ear to ear with his razor if she did not cooperate with him. One of those occasions was when he warned her of his intention to cut her throat if she bit him during the forced oral sex.

The Defendant promised the victim that he would free her if she cooperated with him. But after finding the secluded spot on Cudjoe Key, he approached her with a large rope and said, "It's time for you to go." The Defendant said that the victim asked him, "Why?" His reply was, "I just can't have you around me. I couldn't." The victim was injured from her beatings and sexual assaults. She was tied to her seat and powerless to resist him.

With the van's radio playing loudly, the Defendant put the rope around the victim's neck and began to choke her. When the victim screamed, the Defendant stopped just long enough to place duct tape over her eyes, nose, and mouth. Then the Defendant returned to his gruesome task that continued for 25 minutes until the victim ceased to shake.

The Defendant stated to the police, "I was just waiting for her to get over." He carefully checked her neck for a pulse to make sure that he had accomplished

the victim's murder. He said he was relieved to be finally "rid" of her. The evidence showed through a second set of ligature marks on her neck that the victim was alive at the start of the second strangulation.

The medical examiner concluded that the cause of death was strangulation compounded by blunt force trauma to the head.

Under the circumstances set forth, it is obvious that in the moments before her death, the victim must have suffered great terror as well as pain. Proof of death by strangulation creates a prima facie case for finding this aggravator. *Orme v. State*, 677 So.2d 258 (Fla. 1996).

The sixth aggravator was proven beyond a reasonable doubt and will be given the utmost great weight.

7. The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense or moral or legal justification.

Ms. Acosta's murder was the product of cool and calm reflection and was not prompted by emotional frenzy, rage or uncontrollable impulse.

Photographs of the abduction site showed the victim's quiet place. The area was adjacent to the Japanese Gardens Park located just off the MacArthur Causeway. The Defendant could have just taken the victim's van and fled. By the time the victim could have gotten help, the Defendant and the vehicle would have been long gone. Therefore, the decision to kidnap the victim as well as steal her

van showed a deliberate act prompted by the Defendant's desire to possess more than the van. The motive for kidnapping the victim became apparent very soon thereafter.

Rather than expelling his bound the victim along the way, 40 miles later in Florida City, the Defendant forced the victim to perform oral sex on him. He told her that he needed a sexual favor and she was the only person there; she was the perfect person. Significantly, he also said, "No one is going to find out." Obviously, this statement showed very early in the crime that the Defendant had already decided to kill the victim.

The Defendant's full intentions were made manifest after he drove an additional 30 miles to Tavernier. In an Ace Hardware store there, he purchased a package of razor blades and a roll of duct tape. The purchases were for the sole purpose of facilitating the murder of the victim.

The razor blades were needed to cut the ropes from the victim's body rather than taking the time to untie her. The Defendant could then dispose of the body more quickly. The duct tape was not needed to restrain the victim since she was already effectively restrained by the ropes and tied to the back seat. In fact, the Defendant was able to leave the van three times without being concerned about her. He got out to use the ATM and make the purchases in Tavernier and to use the ATM in Marathon. The sole purpose of the duct tape was to muffle the

victim's screams.

The Defendant drove south another 50 miles to carry out his true intentions. He turned off U.S. Highway 1 onto Crane Boulevard on Sugarloaf Key and looked for a remote thickly wooded area. When he did not find a site that provided enough cover, he returned to U.S.1 and drove back to the north a few miles to Blimp Road on Cudjoe Key. The Defendant drove west 1.9 miles until he came to a secluded boat ramp. There he found a place where the mangroves grew thickly enough to enable him to carry out the murder of the victim without being seen or heard.

The Defendant told police officers that he had been curious about Blimp Road and what it looked like down the road. In the past, he had seen a blimp there. Now, on his way to kill the victim, the Defendant was wondering about the appearance of things further out on Blimp Road. Clearly, the Defendant was unconcerned about the life of another human being that he was about to end.

The cold and calculated nature of the murder is shown by the Defendant's purchase in Tavernier of the specific tools needed to carry out his already formed intention. And it is further demonstrated by the Defendant's time-consuming search for the right place to put his plan into action. He rejected Sugarloaf Key because he could not find a place that provided enough cover and was distant enough from residential areas and people who might interfere with his plans. And,

obviously, it is made clear by the act itself. The Defendant had to continue to strangle the victim for 25 minutes before she quit shaking.

From the Japanese Gardens Park up to and including the doing of the murder itself, the Defendant had a great deal of time to reflect upon the act he was contemplating. He could have changed his course of conduct at any time, yet he continued until Janet Acosta was dead.

The court finds that the seventh aggravating circumstance has been proven beyond a reasonable doubt. The court will give it great weight.

MITIGATING FACTORS

Statutory and Non-Statutory

- 1. The capital felony was committed while the Defendant was under the influence of extreme mental or emotional disturbance.**
- 2. The capacity of the Defendant to appreciate the criminality of his conduct or to conform his conduct to the requirement of law was substantially impaired.**
- 3. The Defendant's age at the time of the crime.**
- 4. MICHAEL TANZI had a history of drug abuse and/or dependency.**
- 5. MICHAEL TANZI suffered a mental illness, mental illnesses, and/or personality disorder or disorders.**
- 6. MICHAEL TANZI had been committed to several mental health facilities as a child and adolescent.**
- 7. MICHAEL TANZI was treated for a mental illness or personality**

disorder as a child and adolescent.

8. MICHAEL TANZI'S behavior is positively affected by the administration of psychotropic drugs, most notably Prozac.

The court was presented with the testimony of four mental health experts. They offered an array of diagnoses concerning the Defendant's mental health status at the time of the offenses. Additionally, the court was presented with reports of various mental health professionals who treated the Defendant in his adolescent and teenage years in Massachusetts.

Defense expert witness, Dr. William Vicary, M.D., J.D., examined the Defendant on three separate occasions since his incarceration in this case. Dr. Vicary came to the conclusion that the Defendant suffers from a bipolar mental disorder that has undiagnosed since the Defendant's childhood. In this diagnosis, Dr. Vicary's opinion stands alone among the experts. Dr. Vicary also diagnosed the Defendant as suffering from substance abuse disorder, sexual disorder, and an anti-social personality disorder.

Expert testimony established that a person suffering from bipolar disorder experiences great extremes of high and low mood swings. Such a person may go days without sleep, be euphoric, engage in sprees of activity, such as gambling, drinking, or traveling when manic. The person's speech is often very rapid. After the high period, the person travels to the other extreme. Here a person may suffer periods of deep depression and may even attempt suicide.

There is simply no evidence that the Defendant has suffered from a bipolar disorder in the past or when he committed the capital felony. Significantly, a witness for the State, Ben Fauquenaut, testified that he had known the Defendant in Key West for more than four months before the murder. He said that he had the chance to interact with the Defendant 50 to 60 times for periods of time up to 2 hours.

Fauquenaut also testified that the Defendant was always calm and collected and he had not known the Defendant to experience manic or depressed behavior or exhibit any of the symptoms described by Dr. Vicary. Although Fauquenaut and the Defendant smoked marijuana and drank beer together, the witness testified that the Defendant never spoke of hallucinogenic drugs. He stated that he had never known the Defendant to be intoxicated or under the influence of drugs. He also said that the Defendant was reasonably well groomed for a person living in a van with two other people.

Dr. Vicary found the Defendant to have normal intelligence and did not appear to have any organic brain damage.

The Court does not find the bipolar diagnosis to be proven by a preponderance of the evidence.

Dr. Alan Raphael, Ph.D., a licensed psychologist also evaluated the Defendant. He diagnosed the Defendant as suffering from dependence on several

drugs including crack cocaine, marijuana, alcohol, and ecstasy. The doctor found the condition, polysubstance dependence, to be in remission. Dr. Raphael also found that the Defendant suffered from posttraumatic stress disorder, exhibitionism, sexual sadism, attention deficit hyperactivity disorder, and learning disability. He also stated that the Defendant suffered from bereavement in that he still grieved over the loss of his father to cancer when the Defendant was eight years old. Dr. Raphael also found the Defendant to have an antisocial personality disorder and to suffer from a psychotic disorder of an undisclosed nature.

Dr. Raphael testified that in his opinion none of these disorders or conditions compelled the Defendant to kill the victim or played any role in this murder.

A witness for the State, Dr. Jane Ansley, a clinical and neuro-psychologist, testified that she did not find the Defendant to suffer from any organic brain damage. Her tests revealed that the Defendant was of average intelligence and that he read and scored at a high school level. She did not find the Defendant to suffer from any deficits in his cognitive abilities. The Defendant scored in a superior range on some memory tests.

Dr. Ansley diagnosed the Defendant as having an antisocial personality disorder, polysubstance abuse that is in remission, and paraphilia.

Dr. Ansley concluded that the Defendant did not suffer from any Axis 1 disorders, i.e., bipolar, schizophrenia, and psychosis, major mental disorders. She

found the Defendant to have three Axis 2 disorders that she described as personality disorders. Basically, Axis 2 disorders describe how a person relates to the rest of the world in a dysfunctional way. Axis 2 individuals are said not to suffer from an acute, sudden onset disorder.

The doctor concluded that the Defendant's mental health problems did not substantially impair his ability to know that his conduct was wrong. Further, the Defendant's personality disorders did not operate to prevent him from knowing the nature and consequences of his acts.

Dr. Edward Sczechowicz, Ph.D., also a State witness, testified that his tests found that the Defendant suffers from an antisocial personality disorder, a non-specific sexual deviation disorder, a learning disability, and, perhaps, attention deficit hyperactivity disorder. He also said that the Defendant suffers from depression due to his present incarceration.

With respect to the issue of the influence of drugs and/or alcohol on the crimes, Dr. Sczechowicz stated that in his opinion the Defendant could not have been under the influence at the time he encountered the victim. The evidence had established that the Defendant had only been able to spend approximately \$30 on drugs or alcohol the night before the crimes. The doctor also opined that a pedestrian would not be able to walk from Miami Beach to the Japanese Gardens Park along the MacArthur Causeway without attracting attention if he was so

under the influence as to impair his ability to judge his conduct or judgment about his acts. He doubted very much if the Defendant was under the influence at the time of the offense.

Many other factors also militate against the possibility of the Defendant being seriously under the influence of drugs or alcohol at the time he committed the crimes.

Detective Casanovas testified that he is familiar with narcotics dealing in Miami. He stated that \$30 would not buy much in the way of illicit drugs in Miami Beach. Moreover, as seen above, many of the Defendant's statements to the police were received into evidence in the penalty phase. He did not make mention in any of them of being under the influence of drugs at the time he encountered the victim.

After he abducted the victim, the Defendant drove 130 miles to carry out his crime. On the way, he was able to obtain cash from ATM's using the victim's pin number. He was aware enough to succeed in partially hiding his face from the ATM cameras. He transacted business at the Ace Hardware store. After his crime, the Defendant looked up old acquaintances and arranged to party.

The court is of the opinion that drugs and/or alcohol were not a factor in the commission of these crimes. The Defendant was fully aware of his actions even to the point of distracting the victim by asking for the time. This enabled him to get

close enough to strike her and gain entry to her vehicle before she could drive off.

The Defendant's mind was sufficiently clear for him to be able to take the police back to the scene of the crime two days later. He could recount in detail all of the various acts he inflicted on the victim. He remembered that he had cut his finger and bled onto the victim's jeans. Matters having a biological component were confirmed by DNA evidence. All of these suggest that he was not under the influence at the time of the crime.

In the past, various medical and mental health experts in Massachusetts have evaluated the Defendant. None of the evaluations performed on the Defendant ever found any Axis 1 disorders. All found Axis 2 personality disorders. In 1991, Dr. Golden concluded that the Defendant suffered from a narcissistic personality disorder together with a conduct disorder. The latter was characterized as consistent repetitive conduct of violating the rights of others. If not corrected, this disorder will ultimately develop into the Axis 2 antisocial personality disorder. Virtually all of the mental health experts who evaluated the Defendant have diagnosed this disorder in him.

It is said that narcissistic personalities have an exaggerated sense of self importance. They tend to think of themselves as being the center of the universe. They feel what is good for them is the way to go. In their quest for self-fulfillment they are not concerned with or sympathetic to the plight of others affected by their

actions.

Dr. Tanju Mishara is a psychologist who was appointed to evaluate the Defendant after his arrest. She concluded that the Defendant's unchallenged narcissism had steered him toward his antisocial personality disorder in order to achieve a sense of power.

In summary, the court finds that the Defendant's mental health problems did not substantially impair his ability to know that his conduct was wrong. Further, the Defendant's personality disorders did not operate to prevent him from appreciating the nature and consequences of his acts. Nevertheless, the court recognizes that the Defendant did suffer from some or all of the Axis 2 personality disorders referred to above. To some degree, these disorders doubtlessly contributed in some way to the Defendant's actions. The Court will give this mitigator some small weight.

The Defendant was 23 years old at the time of the offense. His mental and emotional age is consistent with his chronological age and, therefore, his age is not a ground for mitigation.

The court finds that the Defendant has a history of drug abuse and dependence, but that this problem was in remission at the time. This is borne out by the fact that after he robbed the victim of the \$53 that was in her purse, he used the money to purchase a soda and several packs of cigarettes. He did not buy

alcohol or attempt to buy drugs in Florida City. As it was in remission, this problem did not contribute to the commission of this capital crime.

The Defendant had been committed to several mental health facilities as a troubled youth. He was taught techniques that, if applied, could have prevented the harm to others brought about by the Defendant's acting out. As Dr. Sczechowicz testified, the Defendant "could talk the talk, but would not walk the walk." His mental health counselors at Brightside Academy had taught the Defendant covert sensitivity training. This technique taught him to think about the negative consequences and negative repercussions of his acts if he were to be caught.

The Defendant had all the long while that he traveled the 130-plus miles in the victim's van on his way into the Keys to consider his actions. With his helpless victim bound and gagged tied in the back of the van, he could have used his training to consider the dire consequences that would be the likely result if he killed Janet Acosta. Obviously, he did not.

However, the court will give some weight to the mitigator of the Defendant's institutionalization as a youth. The court will also give some weight to the fact that the Defendant's behavior is somewhat ameliorated by the administration of psychotropic drugs.

9. MICHAEL TANZI lost his father to cancer at age 8.

The Defendant mourned over the death of his father blaming his mother for not doing enough for him in his illness. The court finds this mitigator to be established by the evidence and the court will give it some weight.

10. **MICHAEL TANZI was repeatedly sexually abused by older males as a child and adolescent.**

The court finds that this mitigator was established by the evidence. The court has no doubt this circumstance contributed to the permanent psychological scarring of the Defendant. The court will give this mitigator some weight.

11. **MICHAEL TANZI attempted to join the military twice.**

The court finds this mitigator has been established by the evidence and the court will give it some weight.

12. **MICHAEL TANZI did not plan or intend to kill Janet Acosta at the time he began his criminal episode.**

This mitigator has not been established. Rather, the evidence supports a contrary conclusion. (Pages 11 – 14, discussion regarding cold, calculated and premeditated aggravator).

13. **MICHAEL TANZI did not flee from Monroe County after the offense was committed.**

14. **MICHAEL TANZI did not attempt to flee from the police escape from custody after his initial detention.**

The evidence established that the Defendant's travels after the abduction was not a flight to avoid being apprehended. Rather, the Defendant continued on

to his intended goal of returning to Key West. He had said he would do anything to get back to Key West. The Defendant's attempts to avoid detection were inept. The police converged on him when he tried to re-enter the victim's van parked in downtown Key West on April 27, 2000. The Defendant did not attempt to escape from the police at that time. Of course, the opportunity to do so was negligible if it existed at all as police had surrounded the vehicle which had been staked out.

The Defendant told the police that if they had not caught him when they did, he did not think they would catch him at all. He had intended to exchange the license plate from the victim's car for a Texas tag and change the appearance of the van by tinting the windows.

This mitigator has not been proven and will be given no weight.

15. **MICHAEL TANZI did not resist the police and, after waiving his constitutional rights, gave several voluntary statements.**
16. **MICHAEL TANZI greatly assisted in the resolution of this crime.**
17. **MICHAEL TANZI voluntarily showed the police the location of Janet Acosta's body foreclosing additional pain and suffering for her family and friends.**
18. **MICHAEL TANZI voluntarily showed the police the location of discarded evidence.**

For the most part, the foregoing are accurate statements with respect to the Defendant's cooperation with the police. He did not resist the police. He at first attempted to mislead them, but his deception was immediately apparent. He soon

confessed to the killing. He led the police to the victim's body and to where he had discarded some of the victim's property and described one place where he had bled on the victim's jeans.

The court will give the Defendant's acts of cooperation some weight.

19. MICHAEL TANZI did not use a gun or a knife in the commission of the offense.

The Defendant used a razor blade to threaten the victim if she failed to cooperate. He brutally beat Janet Acosta with his fists and repeatedly threatened her with death. When it came, her death was gruesome and painful. It is hard to imagine that death by way of a gun or knife would have been a worse fate for the victim than the one she suffered.

This suggested mitigator will not be given any weight.

20. MICHAEL TANZI assisted illiterate inmates in the Monroe County Detention Center by writing letters for them.

21. MICHAEL TANZI is an avid reader and enjoys discussing what he learns from books.

These are good deeds and the court will accordingly give each some weight in mitigation.

22. The victim did not believe in the death penalty nor did her boyfriend.

This has been held not to constitute a mitigating factor and, therefore, the court will give it no weight.

Robinson v. Maryland, 829 F.2d 1501 (10th Cir. 1987); *Floyd v. State*, 569 So.2d 1255 (Fla. 1990); *Campbell v. State*, 679 So.2d 720 (Fla. 1996).

23. Society can be protected by a sentence of life imprisonment without the possibility of parole.

This is not a mitigating circumstance. Arguably, it would be true for all capital cases.

Protection of society is a proper consideration as one of the goals to be achieved through incarceration of a criminal. However, imprisonment will not guarantee that a prisoner will not commit any further criminal acts. Incarcerated prisoners commit crimes. And a life sentence without the possibility of parole does not guarantee that a prisoner will not escape at some time in the future.

This court is of the opinion that the legislature did not intend to create an automatic mitigator when enacting the law providing for the sentence of life without the possibility of parole in capital cases. The court will give this alternative sentence no weight as a mitigator.

24. MICHAEL TANZI has a loving relationship with his mother and his aunts, uncles, cousins, and grandparents.

The warmth of the Defendant's relationships with his extended family may be real. However, the court notes that he has not seen his mother in the two years since absconding from his Massachusetts's felony probation. While there is no doubt that his mother loves him, there is no evidence that the Defendant shares this

feeling. On August 4, 1990, he chose to leave his home and his relatives to escape the responsibility of completing his sentence in Massachusetts. Nevertheless, the Defendant's mother and several of his relatives appear to have great affection for him.

The court will give the Defendant the benefit of the doubt. Some weight will be given to the mitigator of the loving relationship that his family has for him.

CONCLUSION

There were four days of testimony in the penalty phase. Over 100 exhibits were introduced into evidence by the State. Each juror was required by the law to carefully consider all of the evidence presented. Yet, after deliberating slightly more than two hours, the jury returned with the unanimous recommendation that the Defendant pay for the murder of Janet Acosta with his life.

The seven aggravators were appalling: 1) the Defendant was supposed to be on felony probation; 2) the murder was committed during the commission of the offense of kidnapping; 3) the murder was committed during the commission of two sexual batteries; 4) the murder was committed for the sole purpose of avoiding arrest. 5) the murder was committed for pecuniary gain; 6) the murder was committed in an especially heinous, atrocious and cruel manner; 7) the murder was committed in a cold, calculated, and premeditated manner.

The foregoing aggravating circumstances greatly outweigh the relatively

insignificant mitigators established in the record. Consequently, the court must concur with the jury's recommendation.

**SENTENCE AS TO COUNTS 1, 2 AND 3
OF THE SECOND AMENDED INFORMATION**

MICHAEL TANZI, as to Count 1 of the Second Amended information, carjacking with a deadly weapon, this court sentences you to life imprisonment.

As to Count 2 of the Second Amended Information, kidnapping to facilitate a felony with a deadly weapon, this court sentences you to life imprisonment.

As to Count 3 of the Second Amended Information, armed robbery with a deadly weapon, this court sentences you to life imprisonment, each count to run consecutive to each other.

SENTENCE AS TO FIRST DEGREE MURDER

MICHAEL A. TANZI, under the law of Florida, you have not only forfeited your right to live among us, you have forfeited your right to live at all.

Accordingly, it is hereby

ORDERED AND ADJUDGED that for the murder of JANET ACOSTA, you are hereby sentenced to death. It is further

ORDERED AND ADJUDGED that you, MICHAEL A. TANZI shall be transported to the Department of Corrections to be securely held on death row until this sentence can be carried out as provided by law.

MAY GOD HAVE MERCY ON YOUR SOUL.

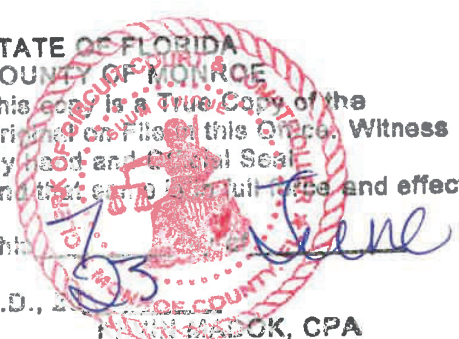
DONE AND ORDERED at Key West, Monroe County, Florida, this 11th
day of April 2003.


RICHARD G. PAYNE, Circuit Judge

Copies furnished to:

Manuel Madruga, Assistant State Attorney
Katherine Vogel, Chief Assistant State Attorney
William Kuypers, Assistant Public Defender
Nancy Rossell, Chief Assistant Public Defender

STATE OF FLORIDA
COUNTY OF MONROE
This copy is a True Copy of the
Original on File in this Office. Witness
My Hand and Official Seal
And that same be full force and effect


A.D., 2003
PATRICK MACK, CPA
Clerk Circuit Court

30

1832

By: 
Deputy Clerk

DEATH WARRANT

STATE OF FLORIDA

WHEREAS, MICHAEL TANZI, on or about the 25th day of April, 2000, murdered Janet Acosta; and

WHEREAS, MICHAEL TANZI, on the 11th day of April, 2003, was convicted of first degree murder, carjacking with a deadly weapon, kidnapping to facilitate a felony with a deadly weapon, and armed robbery with a deadly weapon, and was sentenced to death for the murder of Janet Acosta; and

WHEREAS, on the 10th day of May, 2007, the Supreme Court of Florida affirmed the convictions and death sentence of MICHAEL TANZI; and

WHEREAS, on the 19th day of April, 2012, the Supreme Court of Florida affirmed the trial court order denying MICHAEL TANZI's initial motion for postconviction relief and his petition for writ of habeas corpus; and

WHEREAS, on the 27th day of February, 2013, the United States District Court for the Southern District of Florida denied MICHAEL TANZI's federal Petition for Writ of Habeas Corpus; and

WHEREAS, on the 19th day of November, 2014, the United States Court of Appeals for the Eleventh Circuit affirmed the district court's denial of MICHAEL TANZI's federal Petition for Writ of Habeas Corpus; and

WHEREAS, further postconviction motions and petitions filed by MICHAEL TANZI have been denied and the denials affirmed on appeal; and

WHEREAS, executive clemency for MICHAEL TANZI, as authorized by Article IV, Section 8(a), of the Florida Constitution, was considered pursuant to the Rules of Executive Clemency, and it has been determined that executive clemency is not appropriate; and

WHEREAS, attached hereto is a certified copy of the record of the conviction and sentence pursuant to section 922.052, Florida Statutes.

NOW, THEREFORE, I, RON DESANTIS, as Governor of the State of Florida and pursuant to the authority and responsibility vested in me by the Constitution and Laws of

Florida, do hereby issue this warrant, directing the Warden of the Florida State Prison to cause the sentence of death to be executed upon MICHAEL TANZI, in accordance with the provisions of the Laws of the State of Florida.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 10th day of March, 2025.


GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
10:10 AM 10 PM 11-23
DEPT. OF STATE
TALLAHASSEE, FL