

Supreme Court of Florida

TUESDAY, MAY 4, 2005

CASE NO.: SC03-1903

WILLIAM H. KELLEY

vs. JAMES V. CROSBY, JR., ETC.

Petitioner(s)

Respondent(s)

William H. Kelley has filed a successive petition for writ of habeas corpus wherein he challenges the validity of his death sentence under Ring v. Arizona, 536 U.S. 584 (2002). This Court has rejected similar claims in Bottoson v. Moore, 833 So. 2d 693 (Fla.), cert. denied, 537 U.S. 1070 (2002), and King v. Moore, 831 So. 2d 143 (Fla.), cert. denied, 537 U.S. 1067 (2002), and subsequent cases. Furthermore, one of the aggravating circumstances found by the trial court in this case was prior conviction of a violent felony, "a factor which under Apprendi and Ring need not be found by the jury." Jones v. State, 855 So. 2d 611, 619 (Fla. 2003). The petition is denied.

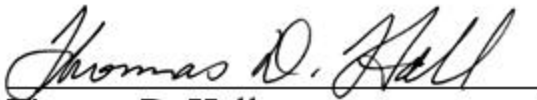
WELLS, PARIENTE, LEWIS, CANTERO, and BELL, JJ., concur.

ANSTEAD, C.J., dissents.

QUINCE, J., recused.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



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Served:

JAMES CHARLES LOHMAN

CAROL M. DITTMAR