


# Inmate Details

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## Inmate

Last Name	First Name	Picture	DC Number	Agency	Case Summary
Lucas	Harold		<u>058279</u>	CCRC-M	<u>Case Summary.</u>

## Last Action

Date	Court	Case Number	Last Action
04/13/04	USDC	04-222	State's Response filed
04/13/04	USDC	04-222	Habeas Corpus petition filed
06/21/04	USDC	04-222	Reply filed
09/05/08	USDC	04-222	Habeas Petition denied
10/03/08	USCA	08-15761	Habeas Petition Appeal filed
09/16/10	USCA	08-15761	Reply brief filed

## Current Attorney

Attorney	Case Number	Judge	County	CCRC	Appt. Order	Contract Sign
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Last Updated

## Case Summary

[Direct Link](#)

***The Commission on Capital Cases updates this information regularly. This information, however, is subject to change and may not reflect the latest status of an inmate's case and should not be relied upon for statistical or legal purposes.***

### **LUCAS, Harold Gene (W/M)**

DC# 058279

DOB: 10/31/51

Twentieth Judicial Circuit, Lee County, Case# 76-588 CF

Sentencing Judge, Trial: The Honorable Thomas Sands

Sentencing Judge, Resentencing I: The Honorable Thomas Sands

Sentencing Judge, Resentencing II: The Honorable Thomas S. Reese

Sentencing Judge, Resentencing III: The Honorable Thomas S. Reese

Sentencing Judge, Resentencing IV: The Honorable Thomas S. Reese

Attorney, Trial: Gene S. Taylor – Assistant Public Defender

Attorney, Resentencing I: Dennis Erdley – Assistant Public Defender

Attorney, Resentencing II: Kinley Engralson – Assistant Public Defender

Attorney, Resentencing III: Robert Jacobs – Assistant Public Defender

Attorney Resentencing IV: Robert Jacobs – Assistant Public Defender

Attorneys, Direct Appeal I: David S. Bergdoll & W.C. McLain – Assistant Public Defenders

Attorneys, Direct Appeal II: Douglas A. Lockwood & Douglas M. Midgley – Assistant Public Defenders

Attorney, Direct Appeal III: W.C. McLain – Assistant Public Defender

Attorney, Direct Appeal IV: Robert F. Moeller – Assistant Public Defender

Attorneys, Collateral Appeals: David Hendry & Mark Gruber – CCRC-Middle

Date of Offense: 08/14/76

Date of Sentence: 01/14/77

Date of First Resentence: 03/03/80

Date of Second Resentence: 05/08/85

Date of Third Resentence: 05/07/87

Date of Fourth Resentence: 05/14/91

### **Circumstances of the Offense:**

Harold Lucas knew the victim, 16-year-old Jill Piper, for four years and they also used to date. One witness testified that Lucas stated they were going to get married. A week prior to the murder, Lucas was arrested for criminal trespassing at the Piper residence. After the arrest, Lucas, who worked at the Piper family business, stopped going to work.

On 08/13/76, Lucas was in a park with his friend, Harold Saunders, at 2:00 or 3:00 p.m. Lucas asked Saunders to go and ask Ms. Piper if she called the Sheriff's Department. When Saunders questioned Ms. Piper, she indicated that she did not call the police. During this time, witnesses testified that Lucas threatened Jill Piper. Other witnesses stated they did not hear Lucas threaten Ms. Piper. Sometime around 3:00 p.m., Lucas left the park with friends. They drove around and were characterized as "pretty buzzed." Throughout the day, Lucas drank a total of two six-packs of 24-ounce beers, smoked 10 to 20 marijuana cigarettes, and consumed five dollars worth of THC. They returned to the park around 6:00 p.m.

They left the park again around 10:00 p.m. and drove to a gas station. Ms. Piper and Eddie Kent, a man who Lucas had been in fights with before, were at the gas station. Mr. Kent insulted Lucas by saying "Hello, Turkey" and Lucas responded by starting a fight. Ms. Piper ran across the street to a pay phone and called the Sheriff's Department. The argument ended, and Lucas got in the car to leave. As the car was pulling away, Mr. Kent threw a beer bottle at the car, shattering the bottle. The glass from the bottle entered the car and cut Lucas' ear. Ms. Piper threw rocks and yelled profanities at the car. Mr. Kent and Terri Rice testified that Lucas threatened to kill both of them.

Ms. Rice and Ms. Piper left the gas station and met Ricky Bird at the park around 11:00 p.m. They asked if he would spend the night at Ms. Piper's house for additional protection and he agreed. The three proceeded to Ms. Piper's house. They parked the car across the street. Once in the house, Ms. Piper took a 20-gauge shotgun and a .38 revolver, both loaded, out of a gun cabinet in the house. She took the shotgun and gave the handgun to Mr. Bird. As the three talked, Ms. Piper decided that they should move the car into her driveway. The three walked across the street and drove the car back.

Mr. Bird entered the house to make sure that no one had gone inside while they were moving the car. While the two women stayed outside of the house, Ms. Rice saw someone at the side of the house with a gun. She assumed that it was Mr. Bird, but upon

closer inspection she realized that it was Lucas. She testified that he raised a rifle and shot Ms. Piper, who was standing in front of Ms. Rice. Ms. Rice ran into the house and told Mr. Bird what had just occurred and the two ran into a back bedroom. Ms. Rice testified that she never saw Ms. Piper inside the house after she was shot.

Mr. Bird testified that he had heard three shots outside, and then saw Ms. Rice enter the house. After Ms. Rice entered, Ms. Piper stumbled into the house. She had two wounds in her back and stated, "That son of a bitch shot me." He stated that he and Ms. Rice then ran into a back bedroom and locked the door. Both testified that they heard Ms. Piper screaming and begging and then heard three more shots. Lucas then shot the bedroom door open and shot Mr. Bird in the stomach and then physically attacked Ms. Rice in the bathroom. As Lucas was leaving, he fired a shot through the bathroom door that hit Ms. Rice in the hip. Ms. Piper's body was found outside of the house.

Lucas testified that he remembers getting high on the night of 08/13/76, and that he lost consciousness and woke up in the woods. He stated that he did not have gun with him when he woke up. When he began walking home, a friend picked him up and told him that there was a newspaper article about the incident and that Lucas was named as the primary suspect. Lucas went back to the woods and, when law enforcement attempted to arrest him, he ran, but was eventually arrested.

#### **Trial Summary:**

08/30/76 Indicted as follows:

Count I: First-Degree Murder

Count II: Attempted First-Degree Murder

Count III: Attempted First-Degree Murder

10/08/76 Motion for a change of venue

10/26/76 Motion denied

01/14/77 Jury returned guilty verdicts on all counts of the indictment

01/14/77 Jury recommended death by a vote of 12-0

02/09/77 Sentenced as follows:

Count I: First-Degree Murder – Death

Count II: Attempted First-Degree Murder – 30 years

Count III: Attempted First-Degree Murder – 30 years to be served consecutive to Count II

06/14/79 Case remanded to circuit court for resentencing by the Florida Supreme Court

03/03/80 Sentenced as follows:

Count I: First-Degree Murder – Death

Count II: Attempted First-Degree Murder – 30 years

Count III: Attempted First-Degree Murder – 30 years to be served consecutive to Count II

07/01/82 Case remanded to circuit court for a new sentencing hearing by the Florida Supreme Court

08/24/84 Tenth Circuit Public Defenders' Office withdrew as counsel

03/15/85 Twentieth Circuit Public Defenders' Office was appointed to represent Lucas

05/08/85 Sentenced as follows:

Count I: First-Degree Murder – Death

Count II: Attempted First-Degree Murder – 30 years

Count III: Attempted First-Degree Murder – 30 years to be served consecutive to Count II

07/03/86 Case remanded to the circuit court by the Florida Supreme Court for new sentencing proceedings before a new jury

05/03/87 Jury recommended death by a vote of 11-1

05/07/87 Sentenced as follows:

Count I: First-Degree Murder – Death

Count II: Attempted First-Degree Murder – 30 years to be served concurrent with Count I

Count III: Attempted First-Degree Murder – 30 years to be served consecutive to Count I and II

09/20/90 Case remanded by the Florida Supreme Court to the Circuit Court for resentencing on Count I.

05/14/91 Defendant was resentenced to death

**Appeal Summary:**

**Florida State Supreme Court – Direct Appeal**

FSC# 51135

376 So. 2d 1149

02/22/77      Appeal filed

06/14/79      FSC affirmed the conviction but remanded for resentencing

12/05/79      Rehearing denied

01/02/80      Mandate issued

**Florida State Supreme Court – Direct Appeal**

FSC# 51135

417 So. 2d 250

03/11/80      Appeal filed

07/01/82      FSC remanded for resentencing

08/03/82      Mandate issued

**Florida State Supreme Court – Direct Appeal**

FSC# 67,094

490 So. 2d 1986

05/30/85      Appeal filed

07/03/86      FSC remanded for new sentencing

02/12/86      Rehearing denied

08/18/86      Mandate issued

**Florida State Supreme Court – Direct Appeal**

FSC# 70,653

568 So. 2d 18

06/05/87      Appeal filed

09/20/90      FSC remanded for resentencing

12/22/90      Mandate issued

**Florida State Supreme Court – Direct Appeal**

FSC# 78,118

613 So. 2d 408

06/17/91      Appeal filed

12/24/92      FSC affirmed the sentence

03/05/93      Rehearing denied

04/05/93      Mandate issued

**United States Supreme Court – Petition for Writ of Certiorari**

USSC#92-9003

510 U.S. 845

06/03/93      Petition filed

10/04/93      Petition denied

**State Circuit Court – 3.850 Motion**

CC# 76-588 CF

10/04/94      Motion filed

06/22/01      Motion denied

**Florida Supreme Court – 3.850 Appeal**

FSC# 01-1633

841 So. 2d 380 (2003)

07/30/01      Appeal filed

01/09/03      FSC affirmed denial of 3.850 Motion

01/09/03      Mandate issued

**Florida Supreme Court – Petition for Writ of Habeas Corpus**

FSC# 02-314

841 So. 2d 380 (2003)

02/11/02      Petition filed

01/09/03      Petition denied  
01/09/03      Mandate issued  
03/14/03      Rehearing denied

**United States District Court, Middle District – Petition for Writ of Habeas Corpus**

USDC# 04-CV-222

04/13/04      Petition filed  
09/05/08      Petition denied

**United States Court of Appeals, 11th Circuit – Habeas Petition Appeal**

USCA# 08-15761

(Pending)

10/03/08      Appeal filed

**Factors Contributing to the Delay in the Imposition of the Sentence:**

The main delay has been that the Lucas was resentenced four times, which lead to five Direct Appeal procedures. In addition, the 3.850 Motion was pending in the Circuit Court for seven years.

**Case Information:**

Lucas filed a direct appeal to the Florida Supreme Court on 02/22/77. He raised two issues in the appeal: the trial court committed reversible error by allowing an unrevealed rebuttal witness to testify without conducting an evidentiary hearing as to why the state was not complying with the rules of discovery and the trial court erred in considering non-statutorial aggravating factors. The Court found that, because the defense did not object to the rebuttal witness, the trial judge made no error. The Florida Supreme Court found that the trial court erred in considering the heinousness of the attempted murders as a non-statutory aggravating factor. The Court affirmed the conviction, but remanded the case for resentencing “without the benefit of a new sentence recommendation by a jury” Lucas v. Florida (376 So. 2d 1149) on 06/14/79. The rehearing was denied on 12/05/79, and the mandate was issued on 01/02/80.

On 03/03/80, the Circuit Court judge sentenced Lucas to death for the murder of Ms. Piper and to two thirty-year sentences for the attempted murders of Ms. Rice and Mr. Bird.



Lucas filed a direct appeal to the Florida Supreme Court on 03/11/80. He asserted that the trial judge abused his discretion by not properly reweighing and re-evaluating the valid aggravating and mitigating circumstances. The Court found that the judge erred by not impaneling an advisory jury during the resentencing, but did not fault the judge because he was following the previous mandate issued by the Court. The Court remanded the case to the trial court for a new sentencing proceeding on 07/01/82. The mandate was issued on 08/03/82.

Judge Shands passed away prior to the second resentencing; Judge Reese reviewed the trial transcript and the transcript of the previous penalty proceedings. He again sentenced Lucas to death for the murder of Ms. Piper and to two 30 year terms for the attempted murder for both Ms. Rice and Mr. Bird on 05/08/85.

On 05/30/85, Lucas filed another direct appeal to the Florida Supreme Court. Lucas claimed that the trial court erred by not allowing the presentation of additional evidence and not impaneling a new jury. The Court found that the trial judge did not error by not impaneling a new jury but that both sides should have been able to present additional evidence. The Court remanded the case to the trial court for a complete new sentencing proceeding before a newly impaneled jury on 07/03/86. The rehearing was denied on 02/12/86, and mandate was issued on 08/18/86.

Lucas was given a new sentencing hearing in front of a new jury and, on 05/03/87, the jury recommended the sentence of death for the murder of Ms. Piper. On 05/07/87, Lucas was again sentenced to death for the murder of Ms. Piper and to 30 years for the attempted murders of Ms. Rice and Mr. Bird.

On 06/05/87, Lucas filed a direct appeal to the Florida Supreme Court. The Court stated that the trial court's finding as to aggravating and mitigating factors must be unmistakably clear, and found that the sentencing order did not meet this requirement. The Court vacated the Lucas' sentence and remanded the case to the trial court for resentencing with a newly impaneled a jury on 09/20/90. The mandate was issued on 10/22/90.

On 05/14/90, Judge Reese again sentenced Lucas to death for the murder of Ms. Piper. Lucas filled a direct appeal to the Florida Supreme Court on 06/17/91. The main issues raised by Lucas surrounded the aggravating and mitigating factors used by the judge to render a sentence of death, but the Court found these to be meritless, a harmless error. The Florida Supreme Court affirmed the sentence on 12/24/92. The rehearing was denied on 03/05/93, and the mandate was issued on 04/05/93.

Lucas filed a Petition for Writ of Certiorari to the United States Supreme Court on 06/03/93. The petition was denied on 10/04/93.

Lucas filed a 3.850 Motion with the Circuit Court on 10/04/94. The motion was denied on 06/22/01.

Lucas filed a 3.850 appeal to the Florida Supreme Court on 07/30/01. In this appeal his main issue raised was receiving ineffective counsel. The Court found no merit in his claims and affirmed the denial of his 3.850 Motion on 01/09/03.

Lucas also filed a Petition for Writ of Habeas Corpus to the Florida Supreme Court on 02/11/02, which was denied on 01/09/03. The Motion for Rehearing was denied on 03/14/03.

Lucas filed a Petition for Habeas Corpus to the United States Middle District Court on 04/13/04. This petition was denied on 09/05/08.

On 10/03/08, Lucas filed a Habeas Petition Appeal in the United States Court of Appeals, 11th Circuit. This appeal is currently pending.

**Institutional Adjustment:**

DATE	DAYS	VIOLATION	LOCATION
07/20/78 PRISON	60	DISOBEYING ORDER	FLORIDA STATE
02/08/83	0	DISORDERLY CONDUCT	CENTRAL OFFICE
01/06/99	0	FIGHTING	UNION C. I.

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Report Date: 06/11/02 NMP

Approved: 07/17/02 WS

Updated: 03/09/09 AEH