

Supreme Court tosses death sentence in St. Lucie murder

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The Florida Supreme Court has thrown out the death sentence imposed on a man who strangled a 40-year-old woman to death in St. Lucie County only a month after finishing a prison sentence for killing an infant.

The state's highest court today ruled that there was not enough evidence to prove Eddie Bigham, 50, acted with premeditation during the May 2003 killing. The court overturned his first-degree murder conviction and death sentence and, instead, instructed the trial court to impose a second-degree murder conviction.

That takes the death sentence off the table when Bigham is re-sentenced.

Defense attorney Rusty Akins, who represented Bigham during the trial's penalty phase, said he was happy with the supreme court's ruling.

"Absolutely, this is good news," Akins said this morning.

The maximum sentence that Bigham will face under this ruling is a life in prison - but, Akins pointed out that under a second-degree murder conviction, life is not mandatory.

"He now has a chance for a sentence of less than life," Akins said.

Bigham was sentenced to death in 2005 after the jury that decided he was guilty of first-degree murder in the death of Lourdes "LuLu" Cavazos also unanimously agreed he deserved to die for the crime.

"Neither the court nor the jury is inclined to give this defendant a third strike at committing murder," Senior Circuit Judge C. Pfeiffer Trowbridge said when he sentenced Bigham to death. "The unanimous decision of the jury was the only appropriate one under the circumstances."

Prosecutors argued that Bigham dragged Cavazos into a wooded lot at 26th Street and Avenue E, where he raped and strangled her. His DNA was found on her body and clothes.

During the trial, Trowbridge threw out the rape and kidnapping charges, saying there wasn't enough evidence to support either. It took the jury 1 1/2 days of deliberations to convict him of first-degree murder.

It took only 25 minutes of deliberations before the jury issued a recommendation for the death penalty instead of life in prison. That was after jurors heard testimony that Bigham had a previous conviction of second-degree murder in the 1988 death of his former girlfriend's 5-month-old baby in Broward County.

The baby died of blunt trauma to the head. Bigham also was accused of dipping the infant in water so hot it burned her skin.

He served 14 years for the child's death, and he was out of prison for only one month and living with a relative in Fort Pierce when he killed Cavazos.

During his trial in Cavazos death, Bigham's attorneys argued there was little evidence pointing exclusively at Bigham. They said the mostly circumstantial evidence presented also could point elsewhere, and they attempted to shift the focus onto Cavazos' husband.

Prosecutors argued that Bigham dragged Cavazos into the wooded lot, where he raped and strangled her.

In a police interview, Bigham admitted to having sex with Cavazos in the woods, but said she was still alive when he left her there.

"Where the physical evidence is considered together with the numerous conflicts that a reasonable jury could find that he was responsible for her death," the high court's ruling states. "Hence, we conclude the proof was sufficient to demonstrate Bigham's involvement in her death. However, even viewing the facts in the light most favorable to the state, we conclude the state's evidence was not sufficient to prove that LuLu's death was caused by premeditated murder."