

Brevard killer goes from death to life today

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A man who spent 17 years on Florida's death row will be sentenced to life in prison on Monday.

Late last year, the Florida Supreme Court ruled that a jury that convicted murderer Crosley Green and sentenced him to death shouldn't have heard details of a juvenile crime Green committed in New York. The court vacated his death sentence and ordered a new sentencing.

Assistant State Attorney Wayne Holmes said the state would no longer pursue the death penalty for Green, 51, who was convicted in 1990 of kidnapping and killing Chip Flynn, 22, of Titusville.

"There is no lingering or residual doubt about the defendant's guilt," Holmes wrote in a motion regarding the re-sentencing. "The Florida Supreme Court went on to state that, 'the dubious recantations . . . do not weaken the case against Green, so as to give rise to a reasonable doubt as to his culpability.' "

Attorney Mark Gruber of the state's Capital Collateral Regional Counsel argued successfully that, in New York, Green was not considered a convicted felon for a gas station robbery committed when he was 18 because it was classified as a youthful-offender case.

That information should not have been used against him during his murder trial, the court ruled.

Because the crime did not meet the criteria of being "heinous, atrocious and cruel," a death sentence could not be sustained without the inclusion of Green's criminal history, Holmes said.

The jury, in 1990, voted 7-5 in favor of the death penalty.