

Fla. Justices reject appeal of Jimmy Ryce's killer

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TALLAHASSEE, Fla. -- The Florida Supreme Court rejected another appeal Thursday from a Cuban immigrant sentenced to death for murdering 9-year-old Jimmy Ryce, namesake of a state law that keeps dangerous sexual predators in custody after they finish their prison terms.

The justices ruled 6-0 against Juan Carlos Chavez, 42, on eight separate claims in his appeal.

Jimmy was kidnapped at gunpoint in rural Miami-Dade County after getting off a school bus and then raped and fatally shot 14 years ago.

Under Florida's Jimmy Ryce Act, sexual predators still deemed a danger to the community can be confined at a civil commitment facility in Arcadia upon completing their sentences.

The state's high court previously upheld Chavez's murder conviction and death sentence on direct appeal.

Chavez claimed in his appeal that defense lawyers had been ineffective during his trial because they failed to present expert testimony on differences between the U.S. and Cuban legal systems.

That testimony would have supported a motion to suppress his confession, which he later recanted, his appellate lawyer, Andrea Norgard, told the justices during oral arguments in February.

She said Chavez didn't realize he had a right to remain silent when questioned by police because he was unfamiliar with the U.S. legal system.

The Supreme Court's unsigned opinion affirmed Circuit Judge Marc Schumacher's denial of Norgard's claim and his ruling that Michael Amezaga, a Cuban-born lawyer who has studied both legal systems, was unqualified to testify on the issue at an appeal hearing.

"The court did not abuse its discretion in determining that the witness lacked sufficient knowledge, training, or education to render an expert opinion," the justices wrote.

They noted Amezaga's understanding of the Cuban legal system was based mainly on simply reading its laws and constitution.

Norgard also unsuccessfully argued Chavez's confession was inconsistent with other evidence and that he was not involved in his own defense.

Chavez also claimed in his appeal that his trial lawyers advised him to give false testimony, failed to locate a key witness, did not consult with him for the trial's penalty phase, bowed to interference from a public defender and never obtained expert testimony on his mental health.

Neither Norgard nor Jimmy's father, Don Ryce, immediately returned calls seeking comment.