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Jury recommends death penalty in guard's murder

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DAYTONA BEACH -- The fact that Enoch Hall was a good athlete and a good brother could not convince a 12-member jury Thursday to spare his life for the murder of a female corrections officer Hall beat and stabbed 22 times.

After two hours of deliberations Thursday at the end of Hall's penalty phase hearing, the panel decided unanimously the 40-year-old convicted murderer should die by lethal injection.

Hall -- who was already serving two life sentences for kidnapping and rape -- was convicted last week of acting with premeditation when he stabbed Donna Fitzgerald in a work area of Tomoka Correctional Institution. Fitzgerald, 50, was a 14-year veteran of the Department of Corrections who lived in Port Orange.

Thursday afternoon, the jury listened as Assistant State Attorney Leah Case and Assistant Public Defender Matt Phillips presented the panel with the facts surrounding Fitzgerald's murder and the positive highlights of Hall's life -- both of which weighed in the jury's decision.

As she spoke in an impassioned tone, Case held up a poster adorned with several ribbons and medals that Hall had won playing sports as a teenager in Milton in North Florida. Behind the ribbon-laden poster were several poster-sized photographs of a dead Fitzgerald's beaten, swollen face and body.

Case positioned the ribbons against one of the more graphic pictures of Fitzgerald. Jurors looked sullenly at the contrast between the two exhibits and Fitzgerald's mother and sister lowered their heads and cried.

"Does this outweigh this?" Case asked the jury.

Then, glaring at Hall in his oversized blazer and red tie, Case reminded the jury that the last face Fitzgerald saw before she died was the killer's as he wielded a makeshift knife.

The ribbons were later returned to Phillips; he said Hall's mother wanted them back as a keepsake.

Earlier in the hearing, State Attorney R.J. Larizza had argued that signs of attempted sexual battery also should be considered by the jury. When Fitzgerald was found, her body was draped over a work cart; her pants and underwear rolled to her knees. Though there was no physical evidence of a sexual battery, Larizza said Hall told investigators "he couldn't remember if he sexually battered Ms. Fitzgerald."

But Assistant Public Defender Jim Valerino countered the theory was "speculation on the part of the state."

After hearing from both sides, Circuit Judge J. David Walsh agreed, and did not allow the sexual battery argument to be considered.

Family members of the victim also testified earlier in the day. But during the afternoon session when Walsh asked Hall whether he wanted to testify, the defendant quietly declined.

The penalty phase of the case, which was supposed to begin at 1:30 p.m., was delayed when prosecutors, defense attorneys and the judge went line by line over new jury instructions issued by the Florida Supreme Court on Thursday in hopes of clearing up juror confusion in death penalty cases. The justices made the changes partly in response to an American Bar Association survey that showed large percentages of jurors misunderstood the law and their role in death penalty cases.

The next step in the case is a Dec. 7 hearing before Walsh, where the defense will make another effort to save Hall's life with more mitigating circumstances, Assistant Public Defender Phillips said.

But on Thursday, Fitzgerald's mother Joanne Dunn and her sister, Dana Shure, said the correct decision was already made.

"A 12-0 verdict is what she (Donna) deserved," Shure said, clutching two roses. "That is the right verdict."

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