

Florida High Court Denies Death Penalty Appeal

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The Florida Supreme Court denied a death-sentence appeal Thursday in the case of a Fort Myers man who refused to let lawyers show mitigating facts that might have kept him off of Death Row.

After being found guilty of murder, the court said, Mark Twilegar waived a jury in the penalty phase of his trial. The ruling said he stated, "I would rather do the death penalty and just get it over with." He filed an affidavit saying presentation of mitigating factors would violate his right to privacy, amount to an admission of guilt and violate his religious rights.

Twilegar was convicted of fatally shooting David Thomas in Fort Myers on Aug. 7, 2002.

On appeal, the high court also rejected claims that evidence was not sufficient to convict Twilegar or to show premeditation.

Capital cases in Florida are tried in separate guilt and penalty phases. Aggravating and mitigating circumstances are argued in the second part and juries recommend life or death penalties.

But the Supreme Court said Twilegar refused to meet with a psychiatrist or mitigation specialist and forbade his lawyers to interview family and friends about his background. The court cited evidence indicating he was intelligent, no history of mental illness and that his lawyers were ready with written arguments for a life sentence if he had allowed them to proceed.

"We conclude that Twilegar's waiver of a penalty-phase jury, waiver of investigation into mitigation and waiver of the presentation of mitigation were knowing, intelligent and voluntary," said the unanimous court.