

Florida justices uphold death for triggerman in The Villages murder

By Stephen Hudak, Orlando Sentinel

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The state Supreme Court today upheld the conviction and death sentence for the killer in the first-ever murder in The Villages.

Renaldo "Pooney" McGirth, then 20, became the youngest person on Florida's death row in May 2008 when he was sentenced for the first-degree murder of Diana Miller on July 21, 2006. He and two friends had tried to rob Miller, 63, and her husband, James, at the retired couple's home on Wesley Street in The Villages.

James Miller, now 72, also was shot in the back of the head but miraculously survived.

The trio had entered the couple's home by pretending they had come with gifts to visit the Miller's 40-year-old daughter, Sheila, who was in a wheelchair, recovering from injuries she suffered in a drunk-driving accident.

McGirth knew Sheila Miller through drug dealing, according to trial testimony.

State records show that McGirth, now 22, was the youngest person on death row until June 11, 2010, when Randall Deviney, 20, was ordered to die for the murder of Dolores Futrell, 65, whose throat was slit at her home in Jacksonville.

Lawyers for McGirth challenged Circuit Judge Brian Lambert's decision which allowed jurors to hear evidence of McGirth's drug-dealing relationship with Diana Miller's daughter, saying it prejudiced the panel.

But the justices pointed out that the drug-based friendship was "inextricably intertwined" with the crime.

McGirth's lawyers also insisted that a comment made by prosecutors during the penalty phase should have resulted in a mistrial. Prosecutors had argued that even if jurors believed Sheila Miller had helped plan her mother's murder – an allegation which was not supported by evidence – they should not excuse McGirth.

They argued that such reasoning would be "like giving the pilots of the two planes that crashed into the World Trade Center a pass...because it was Osama's idea." A majority of the justices concluded the remark was harmless error.

But Justice Barbara Pariente issued a caution about the analogy, urging prosecutors to avoid references to notorious cases, especially one evoking the memory of the "most brutal attack ever committed in this country."

McGirth's accomplices in the robbery and murder, Jarrord Roberts and Theodore Houston Jr., received lengthy prison sentences for their roles in the crime. All three were caught after a 100-mph chase with police.

They had Sheila Miller with them. She insisted she was a kidnap victim and was not charged.

McGirth shot Diana Miller in the chest after she told him she had only had \$70 in the house. He insisted that he knew they were wealthy because they were retired accountants and lived in the affluent retirement community.

Diana Miller then turned to her daughter and said, "What have you told them?"

Diana Miller survived the first shot and McGirth then forced her to sit at a computer and order mobile phones and sneakers online. She tried, but bleeding profusely, could not complete the Internet transactions.

The Millers often clashed over their daughter, a "binge" user of drugs and alcohol who used her mother's identity to obtain a credit card and racked up a \$7,000 balance that her mother paid over her father's objections. After the murder, James Miller obtained a protection order to block his daughter from contacting him.

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