

Prosecutors won't seek death penalty for 'Dee Dee' Moore, accused of killing lottery winner

By [Alexandra Zayas](#), Times Staff Writer
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TAMPA — A killer can chop up a body and stick it in a freezer. Or hide it under a home as the victim's family lives above. Or bury it and cook up an elaborate scheme to cover up the murder.

None of these things alone is a statutory reason to get the death penalty.

So when prosecutors said Wednesday that they would not pursue death for Dorice Donegan "Dee Dee" Moore, accused of killing lottery winner Abraham Shakespeare, legal experts were not surprised.

Limited by Florida statute, prosecutors could look at the killing itself, a man shot twice in the chest, allegedly by a con woman in control of his cash. But they couldn't use the bizarre, even cruel measures police said Moore used to cover up the murder, including putting an imposter on the phone with Shakespeare's mother to make her think her son was still alive.

A killer's behavior after a murder isn't a reason to give the death penalty. The reasons, apart from a killer's past, stop at the murder itself.

Called "aggravators," some apply if the victim is a child or an on-duty police officer, if the murder risked the lives of many people, and if the act was especially atrocious.

Killing for money can bring about the penalty, but not likely on its own. The same can be said for premeditated murder. If that alone was enough, then many killers would be put to death.

If a case is to be given the highest penalty available, something about it must be more egregious than others.

"This murder case, although highly publicized because the guy won the Lotto, just isn't different from any other murder case where somebody is killing somebody for financial gain," said lawyer and former homicide prosecutor Lyann Goudie.

"The fact of the matter is the murder itself doesn't appear to be especially heinous, atrocious and cruel."

In 2008, Moore told Shakespeare she wanted to write a book about him, a Polk County day laborer who won millions with a lucky lottery ticket. But what Moore really wanted, authorities say, was his money.

By the time they met, Shakespeare had given away or loaned most of it. Moore told police she offered to help him manage his finances out of the "goodness of her heart."

By April 2009, authorities say, Moore had virtually complete control of his cash. That's the month they say she killed him. But it wasn't until the following January that detectives found his body under a concrete slab.

Prosecutors did not comment Wednesday on why they made their decision to not seek the death penalty. State Attorney's Office spokesman Mark Cox said experienced prosecutors made it after examining the facts and how they would apply to statute.

Former prosecutor Michael Benito is not on the case, but he once had those discussions about Hillsborough murders as high-profile as this one.

He sought death for James Bailey, who murdered a Nebraska Avenue prostitute and kept her dismembered body frozen for years on his back porch. The jury recommended death. But a judge decided to give him life.

The reason, Benito said: The judge thought the jury gave too much weight to what the murderer did after the crime, which fell outside statutory reasons for the death penalty.

He also prosecuted the case against Wayne Tompkins, who killed his girlfriend's teenage daughter with a bathrobe sash. He told the mother she'd run away, though for 15 months the girl had been buried under the house. Tompkins was executed, but when pursuing the penalty, Benito could not use what happened afterward as a reason.

He thinks lawmakers should broaden the statute.

"I think that what is done with the body afterward and the defendant's behavior afterward should come into play," he said. "It shows a depraved mind."

But a criminal law professor at Stetson University College of Law disagrees.

A killer's behavior after a crime certainly can convince a jury of his or her guilt, said Susan Rozelle. In that way, it does come into play. But if a person is convicted of murder, he or she should be sentenced for the murder itself. If that person commits crimes after the murder, prosecutors can file charges for those.

"The first thing to remember is that the prosecutor's job is not to seek the highest, harshest punishment for every crime out there," Rozelle said. "The prosecutor's job is to seek justice."

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