

[UPDATE] Man on Trial for Kidnapping, Murder in Monticello- Jury Recommends Death Penalty

Miguel Oyola found guilty of first degree murder for stabbing death of Michael "Lee" Gerrard.

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[UPDATE] 5:50 PM

"He was a person who had a heart of gold."

Brandy Gerrard stood in tears reading a personal statement about her husband, Michael Lee Gerrard. She urged the jury to give his killer life in prison instead of the death penalty.

But by a vote of 9 to 3, the jury voted to give Miguel Oyola the death penalty, something that surprised Gerrard's family.

"I was actually very shocked I personally, and I said this earlier, I don't personally believe in the death penalty but whatever they decide is whatever they decide and I'm fine with that, so I did not think they would, I honestly didn't, I honestly didn't think they'd come back with the death sentence," says Brandy.

The jury heard a testimony from Oyola's brother, who says Miguel's violent temperament is due to his abusive upbringing. He read a statement from their parents.

"Ask that they will find forgiveness and mercy as both families deal with this tragedy," says Manuel Oyola.

Brandy Gerrard turned down a plea deal on Thursday to try Oyola for second degree murder. She says she took the risk to wait for first degree murder charges because that's what her husband would have wanted.

The judge still has to accept the recommendation from the jury before proceeding forward with the case.

[UPDATE] 3:45PM

By a vote of 9 to 3, the jury has recommended that Miguel Oyola get the death penalty.

Oyola had been convicted of first degree murder for the stabbing death of Michael Lee Gerrard.

Gerrard's wife had urged the jury to give Oyola life in prison.

We'll bring you more details as they become available.

[UPDATE] 6:00PM

After nearly two hours of deliberation, a jury found 40 year old Miguel Oyola guilty of first degree murder of Michael Lee Gerrard.

Oyola was indicted and charged with Gerrard's murder on October 2nd, 2008. Gerrard was stabbed to death and his body was found in a wooded area near the Jefferson County, Leon County line.

Closing arguments got underway Monday morning and prosecutors say Oyola didn't just premeditate the murder, but that it was done with extreme violence.

"He is guilty of nothing less than first degree murder, nothing less than first degree murder. He deliberately killed Michael Lee Gerrard, deliberately, not one but two ways. Repeated blows, repeated stabbing, a murder that transpired over a period of time. You know he meant to accomplish what he had done," says Neill Wade.

Oyola's defense attorney claims that much of the prosecutor's case was speculation, and that it was a crime committed in the heat of passion.

"There was an unlawful killing of Michael Lee Gerrard, by an act imminently dangerous to another and demonstrating a depraved mind, without the regard to human life. That's the perfect definition of someone with a depraved mind, not first degree murder," says Gregory Cummings.

Oyola was also found guilty of armed robbery, and grand theft.

At this point prosecutors say robbery was the motive behind the murder. Gerrard withdrew 900 dollars from his account before he was killed and when his body was found, the money was not on him.

Witnesses say Oyola claims Gerrard tried to put between 600 and 800 dollars in his mailbox as a Christmas bonus.

The penalty phase of the trial gets underway Friday morning. Prosecutors are seeking the death penalty.

[UPDATE] 2:00PM by Stephanie Salvatore

After nearly two hours of deliberation, the jury finds Miguel Oyola guilty of first degree murder in the death of Michael Lee Gerrard.

[UPDATE] 5:40 PM by Stephanie Salvatore

Several witnesses took the stand describing the time surrounding Michael Lee Gerrard's death back in December 2007. One of his employees Miguel Oyola is charged with Gerrard's murder, along with robbery, kidnapping and grand theft auto.

Witnesses say Oyola called in sick from work the day Gerrard was killed. Gerrard's wife says Oyola days later, after she was notified of her husband's death, and says his demeanor was calm.

"He was dressed up nice, and he just said he was sorry," says Brandy Gerrard.

One of the witnesses called was a fellow inmate of Oyola's at the Lake Butler Correctional Institution, he says Gerrard described in detail the crime he had just committed.

"He told me that Gerrard was a guy he killed," says James Hendrith.

(Prosecutor: Did he say how he killed him?)

"He stabbed him."

(Did he say whether or not he hit him with something?)

"Yes sir, he said he hit him a couple times with a shovel," replies Hendrith.

Deputies say the shovel, along with pieces of Gerrard's cell phone and a bloody floor mat belonging to Gerrard's truck were found in the vicinity of Oyola's home near Tram Road. DNA found on the items was examined.

"Assuming two donors to the mixture, a major contributor matches the DNA of Michael Gerrard and Oyola is included as a minor contributor to the profile," says Felicia Hickman, a DNA analyst.

The state and defense have both rested. Oyola was expected to take the stand but has decided he will not. Closing arguments begin Monday.

A man is now on trial for the murder of a Tallahassee business owner.

35 year old Michael Lee Gerard was stabbed to death back in December 2007. A logger discovered his body deep in the woods off Tram Road in Jefferson County.

Thursday, his accused killer went on trial in Monticello. The jury began hearing evidence in the case against Miguel Oyola this morning.

He's facing robbery, kidnapping and murder charges and could face the death penalty if convicted.

The trial is expected to last into next week.