

MARTINEZ, Joaquin (W/M)
DC# 124396

Thirteenth Judicial Circuit, Hillsborough County, Case # 96-1465
Sentencing Judge: The Honorable J. Rogers Padgett
Trial Attorneys: Robert Fraser and Thomas Fox, Esq.
Direct Appeal Attorney: Peter Raben, Esq.

Date of Offense: 10/27 – 10/31/95
Date of Sentence: 05/27/97

Circumstances of Offense:

The bodies of Douglas Lawson and Sherrie McCoy-Ward were found in their home on 10/31/95, but their time of death was determined to be sometime between 10/27/95 and 10/30/95. Lawson died from gunshot wounds, while McCoy-Ward died from multiple stab wounds.

The police did not find any weapons or any forensic evidence at the scene that would link the crime to a suspect. A list of names and telephone numbers was found in the kitchen, including a pager number for a person named “Joe.” After the police left several numeric messages on the pager, Sloane Martinez, the ex-wife of Joaquin Martinez (“Joe”), made a telephone call to the police and told them that she had suspicions that her ex-husband was involved in the murders of Lawson and McCoy-Ward. Sloane agreed to have her house wired for audio and video recording, in an effort to get information from Martinez that would implicate him in the murders. In conversations between Sloane and Martinez, Martinez made several comments that could be interpreted as incriminating. The police also made a transcript of the audio tape conversation.

Further circumstantial evidence implicating Martinez in the murders was given by Laura Babcock, the ex-fiancé of Martinez, who testified that on 10/27/95, Martinez told her that he planned to get in touch with a friend named “Michael,” who owed him money. When Martinez returned later that night, he was wearing clothing that did not fit him properly and he had a swollen lip and scraped knuckles.

Additional evidence implicating Martinez came from several jail inmates who testified against Martinez, alleging that he admitted to committing the murders, attempted to implicate another individual for the crimes, and paid one of the inmates \$400 for assistance with the case.

Trial Summary:

02/14/96 Indicted on the following charges:
Count I First-Degree Murder (Lawson)
Count II First-Degree Murder (McCoy-Ward)
Count III Armed Burglary
04/15/97 Jury returned guilty verdicts on all counts of the indictment
04/16/97 Jury recommended death for Count II of the indictment by a vote of 9-3
05/27/97 Sentenced as follows:
Count I Life imprisonment
Count II Death
Count III Life imprisonment

Retrial Summary:

06/06/01 Acquitted at retrial

Appeal Summary:

Florida Supreme Court – Direct Appeal

FSC# 90,952
761 So.2d 1074

07/09/97 Appeal filed
06/15/00 FSC vacated convictions and sentences and remanded for a new trial
07/19/00 Mandate issued

Case Information:

Martinez filed a Direct Appeal with the Florida Supreme Court on 07/09/97, citing ten trial court errors; however, the FSC chose to comment on only one of the alleged errors. On 06/15/00, the FSC reversed the convictions, vacated the death sentence, and remanded the case for a new trial. The FSC ruled that comments by a State witness, Detective Conigliaro, were improperly admitted by the trial court. During his testimony, Conigliaro improperly gave his opinion about the guilt of Martinez, saying, “[T] here was no doubt that he [Martinez] did it.”

On 06/06/01, Martinez was acquitted at the retrial.

Law Enforcement/Prosecution Statements:

Candace Sabella, who was the Assistant Attorney General in the Direct Appeal, had the following statement regarding the Martinez case:

Sabella observed that Martinez' conviction and sentence were overturned on Direct Appeal, so the only issue that was considered by the FSC was the issue of a potential trial court error (improper testimony of a State witness), not claims of innocence due to newly discovered evidence, which would have arisen in a collateral proceeding and not in a Direct Appeal.

Sabella noted that at the retrial, a different prosecution team was brought in than was used at trial, witnesses [fellow inmates and ex-wife] recanted their testimony, and evidence was lost (i.e. audio tape and transcript of conversation between Martinez and his ex-wife that were ruled inadmissible at retrial), all of which resulted in an acquittal for Martinez.

To Sabella, Martinez' acquittal was a matter of timing (i.e. witness recantation and lost evidence), not a matter of innocence.

Defense Statements:

Peter Raben, who served as Martinez' counsel in the Direct Appeal to the Florida Supreme Court, had the following statement regarding the Martinez case:

According to Raben, Martinez did not have a fair trial, but the Florida Supreme Court was "reasoned and judicious" in its reversal of Martinez' convictions and sentences, sending the case back to the trial court where Martinez was acquitted.

Raben also noted that Martinez was able to obtain private counsel and received effective assistance of counsel, thus, the system worked for him. To Raben, Martinez was "lucky" in the sense that he was able to afford competent counsel who could work for him, something that Raben feels is not true of most inmates on death row.

Raben noted that many people on death row do not have effective assistance of counsel and the current system of CCRC representation is unable to effectively handle the cases on death row.

In a subsequent telephone conversation with Raben, he noted that some State evidence presented at the original trial was not presented at the retrial. This evidence included the audio tape and transcript of the conversation between Martinez and his ex-wife, both of which were ruled inadmissible by the trial judge due to inaudible sections of the audio tape, and the testimony of both Martinez' ex-wife and inmates who alleged that Martinez implicated himself while in jail.

Current Status:

There is no information available as to Martinez' criminal history subsequent to his release.

Report Date: 05/17/02 JFL
Approved: 05/23/02 WS
Updated: 10/05/06 JFL