

Proskauer Prevails in Florida Death Penalty Case

Proskauer For Good on **April 12, 2023**

Proskauer's 35-year pro bono representation of a death row inmate, J.B. Parker, came to a successful conclusion last week when the 19th Judicial Circuit Court of Florida sentenced him to life in prison with the possibility of parole following the State of Florida's decision to stop pursuing the death penalty.

It is estimated that more than 100 Proskauer lawyers have worked on Mr. Parker's case over the years. Now-retired Senior Counsel Francis Landrey and paralegal Joan Hoffman have tirelessly represented Mr. Parker for more than three decades. The current defense team also includes partner John Roberts and associates Lucas Kowalczyk, Hena Vora, Jim Anderson, Omabolaji Oluwasola, Henrique Carneiro, Jeremiah Evans, and Dakshina Chetti.

Mr. Parker was convicted of first-degree murder in 1983. He had participated in the robbery of a convenience store with three friends. During the course of the robbery, one of the men killed the store clerk. The State sought the death penalty for all four men. Three were convicted of murder and sentenced to death, including Mr. Parker. One of the men has been executed and another remains on death row. The fourth, who received a life sentence, became a witness for the State against Mr. Parker in subsequent proceedings.

In 1987, with six months remaining on the statute of limitations for the commencement of collateral-review proceedings, the NAACP Legal Defense Fund asked Proskauer to take on the pro bono representation of Mr. Parker, who, by then, had been on death row for a few years.

After all relief was denied in the Florida courts, a death warrant was issued with the execution scheduled for October 1987. Hours before the execution, Francis and the Proskauer team obtained a stay of execution to permit the filing of a federal habeas petition. Nine years later, Proskauer convinced the Florida Supreme Court to vacate Mr. Parker's death sentence on account of a Brady violation committed by the State. Mr. Parker's conviction was nevertheless upheld on the ground that the evidence was sufficient to establish his guilt for felony murder.

In 2000, the State held a re-sentencing trial in an effort to re-impose the death penalty. The jury voted 11-1 for death. While Proskauer was pursuing post-trial relief, the Florida Supreme Court held in a different case that a jury's recommendation of death must be unanimous. *Hurst v. State*, 20 So. 3d 40, 44 (Fla. 2016). Proskauer relied on that decision to vacate Mr. Parker's death sentence a second time. The State then decided to pursue another trial in the hopes of imposing the death penalty a third time.

Proskauer has been preparing for Mr. Parker's re-sentencing trial since 2016. The team won several important pre-trial rulings and obtained crucial testimony from the State's key witness. The trial was expected to begin later this year. Last month, however, the State contacted the defense team and stated that it did not intend to continue pursuing the death penalty. Last Friday, the Court sentenced Mr. Parker to life in prison with the possibility of parole. Since Mr. Parker has already spent several decades in jail, he is immediately eligible to seek parole.

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