IN THE CIRCUIT COURT OF
THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR UNION COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 63-2018-CF-000141-A

vs.

RICHARD EUGENE BISHOP,

Defendant.

SENTENCING ORDER

This Order is entered pursuant to section 921.141(3) and (4), Florida Statutes.

On September 14, 2018, the Defendant, Richard Eugene Bishop, was indicted for two counts of First-Degree Murder by the Union County Grand Jury for the deaths of Jose Pepin (count I) and Richard Mehrtens (count II). The State filed its Notice of Intent to Seek the Death Penalty on October 18, 2018.

On February 21, 2024, the Defendant entered a plea of guilty to the two counts of First-Degree Murder as alleged in the Indictment. On that same date, Defendant waived a jury trial for the penalty phase.

On April 1, 2024, the penalty phase trial began. A *Spencer*[1] hearing was conducted during the penalty phase hearing with the Court. Both the State and Defendant had an opportunity to present additional evidence to the Court. The Court has heard and considered the evidence presented in both the guilt phase and the penalty phase of the trial as well as the evidence presented

[1] *Spencer v. State*, 691 So.2d 1062 (Fla. 1996).

at the *Spencer* hearing. The Court has also considered and reviewed the sentencing memoranda filed by both sides, and the case-law cited therein.

The Court has fully examined the evidence, testimony, and all other matters in this case regarding the presence of or lack of aggravating factors and mitigating circumstances as directed by Florida Statute 921.141. The Court has also examined any other aspect of Defendant's character, record, or any of the circumstances of the offense in compliance with *Lockett v. Ohio*, 438 U.S. 586, 98 S.Ct. 2945, 57 L.Ed.2d 1973 (1978). The Court carefully considered the arguments both in favor of and in opposition to the death penalty as well as all the facts and evidence presented in the guilt and penalty phases of the trial and at the *Spencer* hearing. Lastly, the Court has viewed and considered the credibility of every witness who testified in this matter.

Florida Statute 921.141 requires this Court to independently weigh the aggravating factors and mitigating circumstances presented in Defendant's case and make written findings regarding the existence of those factors and circumstances, the sufficiency thereof and to assign them legal weight. If aggravating factors are proven beyond and to the exclusion of any reasonable doubt, the Court must then examine any mitigating circumstances that have been proven by the greater weight of the evidence. If mitigating circumstances have been proven by the greater weight of the evidence, then the Court must determine if the aggravating factors outweigh the mitigating circumstances. The Court's findings must be in writing and be filed with the Clerk of the Court.

The Court has heard and considered the testimony and evidence presented during the penalty phase proceeding and finds as follows:

FACTS

On February 3, 2018, the defendant, Richard Eugene Bishop, murdered Richard Mehrtens and Jose Pepin while the three of them were inmates in the same dorm at Union Correctional Institution in Raiford, Union County, Florida.

In the months prior to the victims' deaths, Bishop began planning the murders. In preparation, Bishop fashioned a shank out of a metal rod collected from a wheelchair basket and sharpened it. He also collected another piece of metal from a shelf to use as a "bludgeoning instrument" as a "backup," although it remained unused during the murders.

On the day of the murders, Bishop intended to go cell by cell to kill as many sexual offenders against children as he could. Bishop knew that both Pepin and Mehrtens were both incarcerated pursuant to sexual offenses against children. Furthermore, Bishop knew Mehrtens was scheduled to be released on February 4, 2018, and suspected upon his release, Mehrtens would continue to exploit children. Bishop began with Pepin and Mehrtens because they did not have cellmates to slow him down, which would allow him to quickly move on to his next intended victims.

At approximately 10:00 p.m., armed with the shank, Bishop entered Mehrtens' cell and closed the door. He approached Mehrtens, who was sitting alone on his bed, telling him he would not be going home; and then began his assault. Bishop first hit him on the side of his head, stunning him, and then began repeatedly stabbing him in the eyes, neck, and chest.

After killing Mehrtens, Bishop entered Pepin's cell and closed the door. Bishop approached Pepin, who was alone and asleep in his bed, woke him up, said "I'm killing you," and punched

him on the side of his head. Unlike Mehrtens, Pepins was unfazed and began fighting back and calling for help. Bishop later explained that he hit both victims in the head to render them unconscious so that he could kill them quietly and easily move on his next targets. Using the same shank, Bishop stabbed him in the ear, eyes, and chest.

During Bishop's attack on Pepin, two other inmates heard Pepin's pleas for help, looked through the window of Pepin's cell, and called to Officer Ebony Kelly, the dorm officer, for help. Officer Kelly then requested backup. Shortly thereafter, Lieutenant David Braden, then sergeant, arrived to find Bishop standing over Pepin on the floor and a shank on the bed. Lt. Braden ordered Bishop to exit the cell. In response, Bishop ripped his overshirt off in pieces until the white shirt beneath was visible with the words "Save a Child, Kill a CHOMO" written on it. Bishop later explained that "CHOMO" is slang for "child molester." Bishop then complied with Lt. Braden's order and officers detained him. Despite receiving medical care, Pepin died shortly after the attack due to his extensive injuries.

Shortly after officers detained Bishop, he made several unsolicited statements indicating that there was another victim. Based on these statements, Sergeant Brian Cliffin, Jr., arrived to Mehrtens cell and found him lying on his back and covered in blood. His eyes were black, blue, and purple, and he appeared deceased. Despite receiving medical care, Mehrtens was pronounced dead.

While in the holding cell, Bishop stated, unsolicited, to Sgt. Cliffin that he "did what he had to do" and indicated that he overheard Mehrtens on the phone speaking to a child and "snapped."

In the very early hours of the following day, Florida Department of Law Enforcement ("FDLE") special agents conducted a recorded interview with Bishop. After the agents advised Bishop of his *Miranda*[2] rights, Bishop readily cooperated with law enforcement and made several incriminating statements—recalling the murders from start to finish, outlining the reasons he selected the victims, and disclosing his plans and preparations for the murders.

AGGRAVATING CIRCUMSTANCES

1. **THE CAPITAL FELONY WAS COMMITTED BY A PERSON PREVIOUSLY CONVICTED OF A FELONY AND UNDER SENTENCE OF IMPRISONMENT. § 921.141(6)(a), FLA. STAT. (2023).**

The Court finds that this aggravating circumstance has been proven beyond a reasonable doubt and it is given very great weight. The unrefuted testimony and evidence presented during the penalty phase proceeding established that the Defendant was under a sentence of imprisonment in the Florida Department of Corrections at the time of the murders. It is undisputed that, at the time of the murders in this case, the Defendant was serving a 20-year prison sentence for Second-Degree Murder.

2. **THE DEFENDANT WAS PREVIOUSLY CONVICTED OF ANOTHER CAPITAL FELONY OR OF A FELONY INVOLVING THE USE OR THREAT OF VIOLENCE TO THE PERSON. § 921.141(6)(b), FLA. STAT. (2023).**

The Court finds that this aggravating circumstance has been proven beyond a reasonable doubt and it is given very great weight. "Qualitatively, [the] prior violent felony [aggravator is one of] the weightiest aggravators set out in the statutory sentencing scheme." *Hodges v. State*, 55 So.

[2] *Miranda v. Arizona*, 384 U.S. 436 (1966).

3d 515, 542 (Fla. 2010). As mentioned under the previous aggravator, the unrefuted testimony and evidence presented during the penalty phase trial established that the Defendant was serving a sentence of 20 years for Second-Degree Murder at the time of the murders in this case. The offense of murder involves violence *per se*. *Johnson v. State*, 442 So. 2d 193, 197 (Fla. 1983). Thus, Defendant's prior conviction for Second-Degree Murder inherently involved the use of violence. *Id.* This Court further notes that Defendant has additional prior convictions for Robbery and Aggravated Assault.

3. THE CAPITAL FELONY WAS ESPECIALLY HEINOUS, ATROCIOUS, OR CRUEL. § 921.141(6)(h), FLA. STAT. (2023).

The Court finds that this aggravating circumstance has been proven beyond a reasonable doubt and it is given very great weight. The heinous, atrocious, or cruel (HAC) aggravating factor applies in physically and mentally torturous murders which can be exemplified by the desire to inflict a high degree of pain or utter indifference to or enjoyment of the suffering of another. *Barnhill v. State*, 834 So. 2d 836, 849–50 (Fla. 2002) (citing *Williams v. State,* 574 So.2d 136 (Fla.1991)). HAC focuses on the means and manner in which the death is inflicted and the immediate circumstances surrounding the death, rather than the intent and motivation of a defendant, where a victim experiences the torturous anxiety and fear of impending death. *Id.* (citing *Brown v. State,* 721 So.2d 274, 277 (Fla.1998); *see also Francis v. State*, 808 So. 2d 110, 134 (Fla. 2001) ("For HAC to apply, the crime must be conscienceless or pitiless and unnecessarily torturous to the victim.").

The State introduced evidence of the murders, and testimony from the medical examiner,

establishing that the primary mechanism of death was multiple stabbings by a metal shank and blunt force trauma. The medical examiner testified that Mehrtens had multiple traumas to his head, neck, ears, eyes, face, and body, including stab wound/cuts/contusions on his eyes, face, neck, and body; hemorrhaging around the eyes (the eyes themselves were intact); and multiple torso injuries (both internal and external) caused by penetrating injuries due to sharp force trauma. Mehrtens was sitting on his bunk when the Defendant entered and told him, "Man, you ain't going home." After which, the Defendant hit him in the head, then started stabbing him with the shank. Mehrtens would have seen the attack coming and felt torturous anxiety and fear about what was occurring, even if it were only for seconds or for a few minutes.

The medical examiner testified that Pepin had multiple traumas to his head, neck, ears, eyes, and face, including stab wound/cuts/contusions on his eyes, ears, face, neck, and body; hemorrhaging around the eyes (the eyes themselves were intact); and multiple torso injuries (both internal and external) caused by penetrating injuries due to sharp force trauma. Based on the interview statements of the Defendant, Pepin was alive and fighting back during the attack ("I stuck him in the ear. And he started hollering and he came out of the bed and fucking started fighting. … He was fighting for his life. He needed to be. … Hollering and screaming, 'Help me, Help me.'"). Further, it was the struggle between the Defendant and Pepin during the attack that elicited the response from other inmates and the correctional officers. It is clear from the evidence and testimony that Pepin was conscious and in fear for his life during his murder. The HAC aggravator has been repeatedly upheld where, as here, the victim was repeatedly stabbed and remained conscious during and after the attack. *Davis v. State*, 859 So. 2d 465, 478 (Fla. 2003)

(citing *Francis,* 808 So.2d at 134–35). The fear and emotional strain preceding the death may also be considered as contributing to the heinous nature of the crime. *Id.*

4. THE CAPITAL FELONY WAS A HOMICIDE AND WAS COMMITTED IN A COLD, CALCULATED, AND PREMEDITATED MANNER WITHOUT ANY PRETENSE OF MORAL OR LEGAL JUSTIFICATION. § 921.141(6)(i), FLA. STAT. (2023).

The Court finds that this aggravating circumstance has been proven beyond a reasonable doubt and it is given very great weight. For a cold, calculated, and premeditated (CCP) aggravator to be justified, it must meet a four-part test: (1) the killing must have been the product of cool and calm reflection and not an act prompted by emotional frenzy, panic, or a fit of rage (cold); (2) the defendant must have had a careful plan or prearranged design to commit murder before the fatal incident (calculated); (3) the defendant must have exhibited heightened premeditation (premeditated); and, (4) there must have been no pretense of moral or legal justification. *Lynch v. State*, 841 So. 2d 362, 371 (Fla. 2003) (citing *Evans v. State,* 800 So.2d 182, 192 (Fla.2001)).

This aggravating circumstance pertains specifically to the state of mind, intent, and motivation of the defendant, and involves a much higher degree of premeditation than that required to prove first-degree murder. *Brown v. State*, 143 So. 3d 392, 402 (Fla. 2014) (citing *Wright v. State,* 19 So.3d 277, 298 (Fla.2009); *Deparvine v. State,* 995 So.2d 351, 381–82 (Fla.2008)). To support a finding of CCP, the evidence must establish beyond a reasonable doubt that the defendant planned or prearranged to commit murder before the crime began. *Id.* (citing *Williams v. State,* 37 So.3d 187, 195 (Fla.2010)). The aggravating factor can be established by circumstances demonstrating advance procurement of a weapon, lack of resistance or provocation by the victim,

and the appearance of a killing carried out as a matter of course. *Id.* (citing *Franklin v. State,* 965 So.2d 79, 98 (Fla.2007)).

The manner and circumstances of the murders demonstrate careful planning to ensure the desired result (the death of the victims) which is supported by the Defendant's own admissions to the FDLE special agents, as well as the stipulated testimony of inmates Barry Crowe and Daniel Davis. While in Union Correctional Institution, the Defendant was able to obtain the shank used during the murders, prior to the date of the murders; the Defendant was able to hide the shank; the Defendant chose the intended victims prior to the murder; and the Defendant planned the murder of the victims in advance. The murders were not the product of fear or threat. They were the product of anger generated by the Defendant's hatred towards inmates who had committed sexual offenses against children.

This Court notes that even though the shank was the only weapon used by the Defendant during the murders, according to the Defendant, he had been accumulating a series of weapons to use for months prior to the murders.

During his interview with the FDLE special agents, the Defendant stated to them that sex offenders against children "should receive the death sentence"; that he had been thinking about killing inmates who were sexual abusers of children since he arrived at Union Correctional Institution ("months"); and that once he knew Mehrtens was being released the following morning, he decided "I'm going to get them." It was the Defendant's intent to kill as many inmates who were sexual offenders as possible before being stopped.

The Defendant's planning and intent is further exemplified by the t-shirt that he was

wearing during the murders. The t-shirt had a handwritten message: "SAVE A CHILD[.] KILL A CHOMO[.]"

When the Defendant entered Mehrtens' cell, before attacking him, the Defendant told Mehrtens, "Man, you ain't going home." The Defendant then used his shank, which had previously procured, without provocation by the victim, to kill Mehrtens as a matter of course. This Court further notes that the Defendant closed the door to the cell after entering it. During his interview with the FLDE special agents, the Defendant indicated that he did this so that he could have privacy during the murder.

When the Defendant entered Pepin's cell, before attacking him, the Defendant woke him up and told him, "I'm killing you." Although Pepin resisted during the attack, the Defendant used his shank, and blunt force, to Pepin's face, eyes, ears, and chest to overcome his resistance. Even when facing resistance, the Defendant acted in a manner consistent with his intent to ensure Pepin's death. This Court further notes that the Defendant closed the door to the cell after entering it. During his interview with the FLDE special agents, the Defendant indicated that he did this so that he could have privacy during the murder.

Further, there is no credible evidence of a moral or legal justification for the murder. "[A] pretense of legal or moral justification is defined as 'any colorable claim based at least partly on uncontroverted and believable factual evidence or testimony that, but for its incompleteness, would constitute an excuse, justification, or defense as to the homicide.'" *Jackson v. State*, 25 So. 3d 518, 534 (Fla. 2009) (quoting *Salazar v. State*, 991 So. 2d 364, 376–77 (Fla. 2008)). Here, even if the Court were to believe that the Defendant felt he needed to protect an alleged child from Mehrtens

imminent release the following morning, there is no credible evidence that the victim had either the intent or the ability to harm a child. Further, Pepin was not in the process of being imminently released. The Defendant had no reason to believe that any child was in danger from either victim. And the fact that the two victims were sexual offenders against children did not legally justify the Defendant murdering them.

MITIGATING CIRCUMSTANCES

1. **THE CAPITAL FELONY WAS COMMITTED WHILE THE DEFENDANT WAS UNDER THE INFLUENCE OF EXTREME MENTAL OR EMOTIONAL DISTURBANCE. § 921.141(7)(B), FLA. STAT. (2023).**

This mitigator was not established by the evidence. This mitigating circumstance applies to defendants whose mental condition at the time of the murder was less than insanity but more than the emotions of an average man, which may have interfered with, but not obviated, his knowledge of right and wrong. *Perri v. State*, 441 So. 2d 606, 609 (Fla. 1983). A defendant may be legally answerable for his actions and legally sane, and even though he may be capable of assisting his counsel at trial, he may still deserve some mitigation of sentence because of his mental state. *Id.*

It is undisputed that the Defendant was raised in an environment of physical, sexual, and psychological abuse, as well as neglect, both at home and at the Dozier School. And that the Defendant has been diagnosed with several mental disorders, including Schizoaffective Disorder, Major Depressive Disorder, Complex Trauma, and Posttraumatic Stress Disorder. It is undisputed that the Defendant's experiences as a child, in conjunction with his mental illness, have severely impacted him in his life, particularly as it relates to his demonstrated history of animosity towards

sexual abusers of children. And it is clear that the Defendant's decision to kill the victims in this case was a product of his hatred of their convicted acts; their open discussion of their attraction to children, which is supported by the stipulated testimony of inmate Barry Crowe; and the news story about Donald Smith, a convicted child molester and child murderer. The Defendant's obsessive concern about the Donald Smith case is supported by his own statements to the FDLE special agents and the stipulated testimony of inmate Daniel Davis.

Yet, despite these experiences, and the opinion of the experts who testified in mitigation, there is no credible evidence that the Defendant was under the influence of extreme mental or emotional disturbance at the time of the murders. The Defendant did not just "snap." The evidence in this case speaks to the contrary. The evidence shows a calculated, well-planned, coordinated attack on the victims, whom the Defendant specifically targeted as child abusers. Further, the Defendant intentionally started with Mehrtens, who was scheduled to be released the next morning. The Defendant did not attack Mehrtens when he first heard him on the phone talking in a child-like voice to a person whom the Defendant believed to be a child. He waited until he was prepared and able to murder Mehrtens, and as many other sex offenders as he could, successfully. There is no credible evidence that the Defendant was unaware of his actions; or that he was caught up in the moment of an emotional reaction. In fact, the Defendant engaged with the correctional officers and FDLE special agents calmly, coolly, and collectedly after the murder. And during the murders, he was acutely aware of the need to close the victims' cell doors to prevent anyone from seeing what he was doing. The Defendant was clear-headed and goal-oriented in the days and minutes leading up to the murder, as well as during it.

2. THE CAPACITY OF THE DEFENDANT TO APPRECIATE THE CRIMINALITY OF HIS CONDUCT OR TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF LAW WAS SUBSTANTIALLY IMPAIRED. § 921.141(7)(F), FLA. STAT. (2023).

This mitigator was not established by the evidence. There is no credible evidence in this case that the Defendant's ability to conform his conduct was impaired or that he did not know that killing the victim was wrong. *Pardo v. State*, 563 So. 2d 77, 80 (Fla. 1990). Although the Defendant has an extensive mental health history, there is no evidence that was not thinking clearly before, during, or immediately after his offense.

3. THE AGE OF THE DEFENDANT AT THE TIME OF THE CRIME. § 921.141(7)(G), FLA. STAT. (2023).

This mitigator was not established by the evidence. "In Florida, numerical age alone may not be mitigating if not linked to some other material characteristic (e.g., immaturity)." *Gonzalez v. State*, 136 So. 3d 1125, 1164 (Fla. 2014) (quoting *Lebron v. State,* 982 So.2d 649, 660 (Fla. 2008)). "Where a defendant is not a minor, no per se rule exists which pinpoints a particular age as an automatic factor in mitigation." *Id.* (quoting *Kearse v. State,* 770 So.2d 1119, 1133 (Fla. 2000)). "Instead, the trial judge must evaluate this mitigator based on the evidence adduced at trial and at the sentencing hearing." *Id.*

Here, the Defendant was 56 years old at the time of the murder. And the sophistication and intelligence required for the Defendant to plan, coordinate, and execute the murder of the victim reflects that the Defendant's age is not a mitigating factor in this case. The Defendant's actions

and justifications reflect those of a person exhibiting age-appropriate behavior; and knowledge acquired over years of incarceration. The Defendant's planning and execution of the murder were sophisticated and rational.

3. THE EXISTENCE OF ANY OTHER FACTORS IN THE DEFENDANT'S BACKGROUND THAT WOULD MITIGATE AGAINST IMPOSITION OF THE DEATH PENALTY. § 921.141(7)(H), FLA. STAT. (2023).

NON-STATUTORY MITIGATING CIRCUMSTANCES

A. GENERATIONAL TRAUMA

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it some weight. The undisputed testimony and evidence presented by the Defendant's family and friends reflects the existence of generational trauma in his family and the environment that he grew up in as a child. The Defendant grew up in an environment of physical, sexual, psychological, and substance abuse, as well as neglect. An environment that not only impacted the Defendant, but his entire family through addiction, incarceration, learned abuse, and death. It is clear that the Defendant did not become the person he is today in a vacuum. He was the product of profound generational dysfunction and abuse.

B. NEGLECTED AS A CHILD

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it little weight. The undisputed testimony and evidence presented to the Court establishes that the Defendant experienced extreme neglect as a child. Although his circumstances as a child were severe, the Defendant's neglect as a child does not mitigate his murder of the victim in this case.

C. PHYSICALLY ABUSED AS A CHILD

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it little weight. The undisputed testimony and evidence presented to the Court establishes that the Defendant experienced extreme physical abuse as a child. Although his circumstances as a child were severe, the Defendant's physical as a child does not mitigate his murder of the victim in this case.

D. SEXUALLY ABUSED AS A CHILD

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it great weight. The undisputed testimony and evidence presented in this case reflects that the Defendant was repeatedly and extensively sexually abused by numerous individuals throughout his childhood and adolescence. Further, the Defendant witnessed his siblings be sexually abused as well; and felt helpless and powerless in his inability to stop their victimization. It is undisputed that the Defendant felt substantial guilt regarding the victimization of his siblings; and that he had a clearly articulated desire to protect children from being sexually abused. The Defendant's history of sexual abuse is integral to why he has a history of violence against child abusers; and integral to why he not only murdered the victims in this case, but additionally why he purposely sent a message with the shirt that he was wearing during the murders: "SAVE A CHILD[.] KILL A CHOMO[.]" This message was consistent with what other inmates and correctional officers in the dorm already knew, which was that the Defendant had a deep-seated hatred for child molesters, even beyond the revulsion that they themselves felt for these abusers.

In that regard, the Defendant was in a prison dorm surrounded by convicted child molesters

who, as the testimony and evidence reflected, were openly covetous towards children and regularly talked about children in a sexualized way, including creating a handmade book with pictures of children that they liked. According to inmate Barry Crowe, this book of children belonged to Pepin, one of the Defendant's victims. The Defendant was also incensed by the news story about convicted child sexual batterer and child murderer Donald Smith. And, when the Defendant heard Mehrtens on the phone speaking in a child-like voice to a person whom he believed to be a child, it only added to the hatred and revulsion he was feeling towards these men; and, particularly, Mehrtens, whom he knew was being released the following morning. In essence, the Defendant was faced with a perfect storm of circumstances that amplified his lifelong feelings of helplessness and revulsion related to the sexual abuse he experienced, and witnessed, as a child.

E. ADVERSE CHILDHOOD EXPERIENCES (ACE'S)

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it some weight. The undisputed testimony and evidence presented in this case reflects that the Defendant has 10 out of 10 ACE's. It is unusual and extreme for an individual to have all 10. The Defendant's exposure to these ACE's certainly profoundly impacted his physical, emotional, and social development; and undermined any chance that he had to succeed in life in a non-incarcerative environment. Further, there is credible evidence that the Defendant's ACE's exacerbated his mental illness; and his hatred and revulsion towards child abusers. However, the Defendant's ACE's and other mitigators addressed in this order overlap. This Court has considered the Defendant's ACE's throughout. And although this Court gives them some weight, both individually and cumulatively, they must be considered in light of the Defendant's actions before

and during the murders, as well as the circumstances of the murders.

F. CARE FOR THE COMMUNITY AND FAMILY

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it some weight. The undisputed testimony and evidence presented shows that did not want his family to have to relive the trauma of the childhood and their generational dysfunction by testifying for him at his trial. The Defendant clearly cares about his family and wanted to protect them from being retraumatized. Further, the Defendant acted to protect correctional officer Ebony Kelly from having to witness what he had done. When she came back into the dorm after the murders, he blocked her from seeing inside Pepin's cell, stating to her, "Don't look[.] Please don't look at this, I'm sorry."

Additionally, despite being a victim of child sexual abuse, the Defendant consciously chose not to victimize others sexually; and wanted to protect others, particularly children, whom he saw as potential victims from sexual abuse. Instead, the Defendant internalized his pain and addressed it through alcohol and substance abuse, and prostituting himself, before he went to prison.

G. WAIVED JURY

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it little weight. The fact that the Defendant waived the jury during the penalty phase is indicative of his trust in the judicial system and his respect for the Court. Further, the Defendant has expressed his belief that a jury should not be burdened with witnessing the graphic evidence of his crimes or the decision of whether to sentence him to life or death. This explanation by the

Defendant reflects his maturity and his understanding of the seriousness of this proceeding. Throughout the penalty phase of his trial, the Defendant has shown an appreciation of the jury system and the role of the Court in determining the appropriate sentence. The Defendant's sincere interest in protecting the jury from having to make a difficult decision is mitigating; however, when weighed against the facts and evidence of this case it deserves only limited weight.

H. COURTROOM BEHAVIOR

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it little weight. The Defendant has consistently exhibited absolute respect for the process and for everyone involved in this case: the Court, the State Attorney's office, the court personnel, the Clerk of Court's staff, the correctional officers who transported him, and his defense team. He has always been polite and courteous, even when under the tremendous, and undeniable, stress of a trial and a penalty phase proceeding. However, when weighed against the facts and evidence of this case it deserves little weight.

I. MERCY

The Court finds that this mitigator was proven by the greater weight of the evidence and gives it little weight. Regardless of the results of the weighing process, even if the Courts finds that the sufficient aggravators outweigh the mitigators, the law neither compels nor requires it to determine that the Defendant should be sentenced to death. *See* Fla. Std. Jury Instr. (Crim.) 7.11. Throughout the Court's weighing process, it has considered the notion of mercy in determining the appropriate sentence in this case.

CONCLUSION

The Court understands that the process of weighing the aggravating and mitigating circumstances is not simply a mathematical process. It is more qualitative than quantitative. In that regard, the Court finds that the aggravating circumstances in this case far outweigh the mitigating circumstances. And, in considering the mitigating circumstances presented by the Defendant, this Court has considered them within their respective categories. Although specific mitigating circumstances addressed in the Defendant's sentencing memorandum may not have been particularly articulated above, this Court has considered them contextually within the categories listed above; and given them the appropriate weight as part of those substantive categories.

The Defendant has an extensive history of violent felony offenses; and, at the time of the murder in this case, was serving a 20-year sentence in the Florida Department of Corrections for Second-Degree Murder.

In this case, the Defendant planned, in a cold, calculated, and premeditated manner, the murder of the victims for months before he committed it. The Defendant obtained a metal shank, as well as other unused weapons, prior to the murders. Further, without any pretense of legal or moral justification, the Defendant brutally stabbed and battered the victims multiple times, during which at least one of the victims (Pepin) pled for his life knowing that death was imminent. The murders in this case were carried out as a matter of course, without any threat from the victims. And while carrying the murders out, the Defendant took actions (e.g., closing the cell doors) to ensure that no one would intervene until the murders were completed to his satisfaction.

These aggravating circumstances far outweigh the mitigating circumstances which the

Court has heard and considered.

JUDGMENT AND SENTENCE

As to the Charge of First-Degree Murder of Jose Pepin in the Indictment, the Court adjudicates you, **RICHARD EUGENE BISHOP**, guilty of that offense and sentences you to death.

As to the Charge of First-Degree Murder of Richard Mehrtens in the Indictment, the Court adjudicates you, **RICHARD EUGENE BISHOP**, guilty of that offense and sentences you to death.

IT IS ORDERED that you, **RICHARD EUGENE BISHOP**, be taken by the proper authority to the Florida Department of Corrections, to be housed there until the date of your execution.

IT IS FURTHER ORDERED that on such scheduled date, you, **RICHARD EUGENE BISHOP**, be put to death.

You are hereby notified that these Sentences are subject to automatic review by the Florida Supreme Court.

DONE AND ORDERED in Chambers at Lake Butler, Union County, Florida, on this 16th day of September 2024.

DAVID P. KREIDER,
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was furnished by ~~e-mail~~ hand delivery on this 16 day of September 2024 to:

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Circuit Judge