

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 17-89

WHEREAS, Derrick McLean has been convicted of First-Degree Murder, a capital felony, and other criminal charges in the Ninth Judicial Circuit Court, in and for Orange County, Florida, in case number 2004-CF-015923, and the trial court imposed the death penalty; and

WHEREAS, following the decisions of the Florida Supreme Court in *Hurst v. State of Florida* and subsequent cases retroactively applying the holdings in *Hurst*, Derrick McLean's case has been remanded for a new capital sentencing proceeding in the trial court; and

WHEREAS, on March 16, 2017, newly-elected State Attorney ARAMIS D. AYALA publicly announced her blanket opposition to seeking the imposition of the death penalty in all pending and future capital felonies without consideration of the circumstances of the offenses and without regard for the presence of applicable statutory aggravators warranting the death penalty; and

WHEREAS, the unequivocal statements of State Attorney ARAMIS D. AYALA raise grave concerns regarding her willingness to abide by and uphold the uniform application of the laws of the State of Florida, and the ends of justice will be best served by the assignment of another state attorney to discharge the duties of State Attorney ARAMIS D. AYALA with respect to the investigation, prosecution, and all matters related to Derrick McLean; and

WHEREAS, BRAD KING, State Attorney for the Fifth Judicial Circuit of Florida, has agreed to accept an executive assignment in this matter; and

WHEREAS, it is in the best interests of the State of Florida and of the ends of justice that State Attorney BRAD KING discharge the duties of State Attorney ARAMIS D. AYALA, pursuant to section 27.14, Florida Statutes.

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, in obedience to my solemn constitutional duty to “take care that the laws be faithfully executed,” and pursuant to the Constitution and laws of the State of Florida, issue the following Executive Order, effective immediately:

Section 1.

BRAD KING, State Attorney for the Fifth Judicial Circuit of Florida, referred to as the “Assigned State Attorney,” is assigned to discharge the duties of ARAMIS D. AYALA, State Attorney for the Ninth Judicial Circuit of Florida, as they relate to the investigation, prosecution, and all matters related to Derrick McLean.

Section 2.

The Assigned State Attorney or one or more Assistant State Attorneys and Investigators, who have been designated by the Assigned State Attorney, shall proceed immediately to the Ninth Judicial Circuit of Florida, and are vested with the authority to perform the duties prescribed herein.

Section 3.

All residents of the Ninth Judicial Circuit are requested, and all public officials are directed, to cooperate and render whatever assistance is necessary to the Assigned State Attorney, so that justice may be served.

Section 4.

The period of this Executive Assignment shall be for one (1) year, to and including April 3, 2018.

Section 5.

The Assigned State Attorney shall notify the Governor on or before March 3, 2018, if additional time is required.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 3rd day of April, 2017.

  
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RICK SCOTT, GOVERNOR

ATTEST:

  
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SECRETARY OF STATE

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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