

# Mother of slaying victim fails to sway prosecutors

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VIERA - A Titusville man facing first-degree murder charges in connection with a triple homicide and the mother of one of the victims urged prosecutors Friday not to pursue the death penalty.

But prosecutors again rejected the requests, saying other relatives of the victims want the state to seek the death penalty against Justin Heyne, charged in a March 30, 2006, shooting rampage that left a 5-year-old girl and her parents dead.

According to police, Heyne, 26, shot Benjamin Hamilton, Hamilton's girlfriend Sarah Buckoski and their daughter, Ivory Hamilton, in a dispute over alleged insults the family made to him while he was sharing their Titusville home.

Heyne is charged with three counts of first-degree premeditated murder. A trial date has not been set.

"We always take the family's wishes into account," Assistant State Attorney Tom Brown said. But "the family members of all the deceased are split on the death penalty. . . My opinion is that when one shoots and kills three people, including shooting a young child in the head, that persons deserves" to die.

Hamilton's mother, Juanita Perez, has been pushing prosecutors for months to accept a plea deal that would mean life in prison for Heyne, if he is convicted. She said that would mean her family would not have to suffer through years of appeals.

During a pretrial conference hearing Friday, Heyne announced he was willing to plead guilty, if the state would accept the three life terms without parole offered by his attorney. He said he wanted to provide closure for himself and the victims' family.

"I want to get this behind me, and I'm sure the family wants to get it over with," Heyne said.

Perez and members of several state and national anti-death penalty groups protested outside the Moore Justice Center before Friday's hearing.

The money spent on executions, Perez said, is better spent on funding community programs that prevent violence.

"I don't understand how the courts can ignore (his willingness to plea), I just don't understand why they're continuing it," Perez said. "Killing him doesn't bring back our family, it just creates more victims -- his family has to suffer."

(Note) After convicting Heyne, The jury recommended life in prison for Hamilton's murder, then voted 8-4 for the death penalty in Buckoski's death and 10-2 in favor of execution for the child's killing.