No. _____

IN THE

SUPREME COURT of the UNITED STATES

THOMAS LEE GUDINAS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Florida

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
TUESDAY, JUNE 24, 2025 AT 6:00 P.M.

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APPENDIX A

Gudinas v. State SC2025-0794 (Fla., June, 17, 2025)

Supreme Court of Florida

No. SC2025-0794

THOMAS LEE GUDINAS,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

June 17, 2025

PER CURIAM.

Thomas Lee Gudinas, a prisoner under sentence of death for whom a warrant has been signed and an execution set for June 24, 2025, appeals the circuit court's orders summarily denying his third successive motion for postconviction relief, which was filed under Florida Rule of Criminal Procedure 3.851, and denying his demand for public records, which was made under rule 3.852. We have jurisdiction. *See* art. V, § 3(b)(1), Fla. Const. For the reasons that follow, we affirm the denials of postconviction relief and the

demand for public records. Additionally, we deny Gudinas's motion for a stay of execution, filed on June 8, 2025.

I. BACKGROUND

After leaving an Orlando bar in the early morning hours of May 24, 1994, Gudinas sexually battered and murdered M.M.[1] The victim's body was found in a nearby alley, naked, except for a bra that was pushed up above her breasts. There were sticks inserted into her genitalia, and it was also determined that she had been vaginally and anally penetrated by something other than the sticks. Gudinas admitted to his roommates that he killed the victim and then had sex with her body. The medical examiner determined that the victim's cause of death was a brain hemorrhage resulting from blunt force injuries to her head, probably inflicted by a stomping-type blow from a boot. Gudinas was convicted of the victim's murder and two counts of sexual battery. He was also convicted of attempted burglary with an assault and attempted sexual battery against a second woman, whom he had attempted to attack after

1. A more complete recitation of the facts can be found in this Court's opinion on direct appeal. *See Gudinas v. State*, 693 So. 2d 953 (Fla. 1997).

leaving the bar and before murdering M.M. *Gudinas v. State*, 693 So. 2d 953, 956-57 (Fla. 1997).

At the penalty phase, the State introduced evidence of Gudinas's prior felony convictions from Massachusetts, including burglary of an automobile; assault; theft; assault with intent to rape; indecent assault and battery; and assault and battery. Gudinas's mother testified about his behavioral and substance abuse problems in his youth and his "low IQ." Gudinas's sister testified about the abuse he suffered at the hands of his father. Dr. James Upson, a clinical neuropsychologist, testified that Gudinas was seriously emotionally disturbed at the time of the murder and that he was "quite pathological in his psychological dysfunction." Dr. Upson testified that Gudinas has an IQ of 85, and that the murder was consistent with the behavior of a person with his psychological makeup. Dr. James O'Brian, a physician and pharmacologist, testified that Gudinas is unable to control his impulses in an unstructured environment and was unable to control them at the time of the murder due to his marijuana and alcohol consumption. The jury recommended and the trial court ultimately imposed a sentence of death for the murder based on

three aggravating circumstances,[2] one statutory mitigating circumstance,[3] and twelve "nonstatutory" mitigating circumstances.[4] *Id.* at 958-59.

This Court affirmed Gudinas's convictions and sentences on direct appeal, *id.* at 968, which became final when the United States Supreme Court denied certiorari review in 1997, *Gudinas v.*

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2. The court found that the following aggravating circumstances had been proven beyond a reasonable doubt: (1) the defendant was previously convicted of a felony involving the use or threat of violence to the person; (2) the capital felony was committed while the defendant was engaged in the commission of a sexual battery; and (3) the capital felony was especially heinous, atrocious, or cruel.

3. The court found one statutory mitigating circumstance established: the capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.

4. The court found the following "nonstatutory" mitigating circumstances established: (1) the defendant had consumed cannabis and alcohol the evening of the homicide; (2) the defendant has capacity to be rehabilitated; (3) the defendant's behavior at trial was acceptable; (4) the defendant has an IQ of 85; (5) the defendant is religious and believes in God; (6) the defendant's father dressed as a transvestite; (7) the defendant suffers from personality disorders; (8) the defendant was developmentally impaired as a child; (9) the defendant was a caring son to his mother; (10) the defendant was an abused child; (11) the defendant suffered from attention deficit disorder as a child; and (12) the defendant was diagnosed as sexually disturbed as a child.

Florida, 522 U.S. 936 (1997); *see* Fla. R. Crim. P. 3.851(d)(1)(B) ("For the purposes of this rule, a judgment is final . . . on the disposition of the petition for writ of certiorari by the United States Supreme Court, if filed."). In the decades since, Gudinas has unsuccessfully challenged his convictions and sentences in state and federal courts. *See Gudinas v. State*, 816 So. 2d 1095, 1099-1100 (Fla. 2002) (affirming denial of Gudinas's initial motion for postconviction relief and denying his state petition for a writ of habeas corpus); *Gudinas v. State*, 879 So. 2d 616, 617 (Fla. 2004) (affirming the denial of Gudinas's first successive motion for postconviction relief); *Gudinas v. State*, 982 So. 2d 684 (Fla. 2008) (denying Gudinas's pro se Petition Seeking Review of Non-Final Order in Death Penalty Postconviction Proceeding Pursuant to Rule 9.142(b)); *Gudinas v. McNeil*, No. 2:06-cv-357-FtM-36DNF, 2010 WL 3835776, at *65 (M.D. Fla. Sept. 30, 2010) (denying Gudinas's federal petition for a writ of habeas corpus), *aff'd sub nom. Gudinas v. Sec'y, Dep't of Corr.*, 436 Fed. App'x 895 (11th Cir. 2011); *Gudinas v. Tucker*, 565 U.S. 1247 (2012) (denying certiorari review of the denial of federal habeas relief); *Gudinas v. State*, 235 So. 3d

303, 304 (Fla. 2018) (affirming denial of Gudinas's second successive motion for postconviction relief).

Governor Ron DeSantis signed Gudinas's death warrant on May 23, 2025. Gudinas then filed a third successive motion for postconviction relief under rule 3.851, raising three claims: (1) Gudinas's lifelong mental illnesses place him outside the class of individuals who should be put to death, and executing him will be violative of the Eighth Amendment to the United States Constitution and the corresponding provisions of the Florida Constitution; (2) Florida's use of its unique and obstructive "conformity clause" is unconstitutional and violates Gudinas's Fourteenth Amendment due process rights and his Eighth Amendment right to a true merits-based evaluation of his claims, premised on the evolving standards of decency that mark the progress of a maturing society; and (3) applying the procedural bar in Florida Rule of Criminal Procedure 3.851(d)(2) to Gudinas's Claim One would violate his Fourteenth Amendment due process rights, his Eighth Amendment right to a true merits-based evaluation of his claims, premised on the evolving standards of decency that mark the progress of a maturing society, and his Sixth Amendment right to counsel. The

circuit court summarily denied all three claims, as well as Gudinas's demand for public records from the Executive Office of the Governor. This appeal followed.

II. ANALYSIS

A. Newly Discovered Evidence/Extension of *Roper*/Extension of *Atkins*

In his first issue on appeal, Gudinas argues that the circuit court erred in summarily denying his claim that his unspecified lifelong mental illnesses place him outside the class of individuals who should be put to death. Gudinas claims that an evaluation conducted by Dr. Hyman Eisenstein, a neuropsychologist, on May 29, 2025, provides newly discovered evidence of "brain impairment."[5] He also contends that "Dr. Eisenstein finds that Gudinas's age at the time of crime, a little over twenty [years], is

5. In the appendix to the initial brief, Gudinas includes writings that were apparently composed by him before the instant proceedings, and presumably intended to support statements contained in Dr. Eisenstein's report, but which were not submitted to the circuit court. We decline to consider materials that were not presented to and considered by the circuit court. *See, e.g.*, *Altchiler v. State*, 442 So. 2d 349, 350 (Fla. 1st DCA 1983) (stating it is elemental that an appellate court may not consider material matters outside the record).

similar to [United States Supreme Court] precedent barring juveniles from execution," although he does not categorize this as newly discovered evidence, and Dr. Eisenstein, in fact, made no such "finding."[6] Gudinas argues that he is entitled to an evidentiary hearing to prove that due to "evolving standards of decency that mark the progress of a maturing society," he should be deemed outside the class of individuals subject to capital punishment.

Similar to a number of other recent post-warrant arguments, Gudinas's argument is essentially that because of his mental illnesses and "brain impairment" and the fact that he was twenty years old when he committed the murder, the protections of *Atkins*

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6. Dr. Eisenstein made no mention of any Supreme Court precedent, nor did he compare Gudinas's case or circumstances to that of any other defendant. The only mention in Dr. Eisenstein's evaluation report of Gudinas's age was made in the "Summary & Conclusions" section and states:

> Gudinas was twenty years old at the time of the commission of the offense. Developmental literature and neuroscience research states that there was a lack of maturity, an undeveloped sense of responsibility, increased vulnerability and susceptibility to outside negative influences in a person that was not fully formed at this age.

v. Virginia, 536 U.S. 304 (2002)—which held that the Eighth Amendment prohibits execution of the intellectually disabled—and *Roper v. Simmons*, 543 U.S. 551, 578 (2005)—which held that "[t]he Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed"—should be extended to him, and that these claims should be entertained at this late stage because Dr. Eisenstein's May 30, 2025, evaluation report constitutes newly discovered evidence. The circuit court summarily denied this claim as untimely, procedurally barred, and without merit.

Rule 3.851 requires that "[a]ny motion to vacate judgment of conviction and sentence of death shall be filed by the defendant within 1 year after the judgment and sentence become final." Fla. R. Crim. P. 3.851(d)(1). But there is an exception to this rule for claims involving newly discovered evidence—i.e., claims predicated on facts that "were unknown to the movant or the movant's attorney and could not have been ascertained by the exercise of due diligence." Fla. R. Crim. P. 3.851(d)(2)(A). "[A]ny claim of newly discovered evidence in a death penalty case must be brought within one year of the date such evidence was discovered or could have

been discovered through the exercise of due diligence." *Glock v. Moore*, 776 So. 2d 243, 251 (Fla. 2001). In order to obtain relief based on a claim of newly discovered evidence, a defendant has the burden to establish:

> (1) that the newly discovered evidence was unknown by the trial court, by the party, or by counsel at the time of trial and it could not have been discovered through due diligence, and (2) that the evidence is of such a nature that it would probably produce an acquittal or yield a less severe sentence on retrial.

Dailey v. State, 329 So. 3d 1280, 1285 (Fla. 2021).

Although his convictions and sentences became final nearly thirty years ago, Gudinas asserts that his claim is based on newly discovered evidence and is therefore timely under the exception in rule 3.851(d)(2)(A) to the one-year time limit for postconviction claims. Gudinas summarily states that "[t]he newly discovered evidence is an evaluation conducted by Dr. Hyman Eisenstein, a neuropsychologist who evaluated Gudinas at Florida State Prison on May 29, 2025." He alternately states that the evaluation is newly discovered evidence of "brain impairment" and "mental impairments." It appears that Gudinas is using "brain" and "mental" interchangeably rather than arguing that there are two

different claims of newly discovered evidence, but he does not elaborate as to what kind of brain or mental impairment he believes has recently been discovered.

Dr. Eisenstein's report does not use the term "mental impairments," and the only reference to "brain impairment" in the report is a single conclusory statement in the section titled "Summary & Conclusions" that Gudinas "presented with significant brain impairment and frontal lobe dysfunction." But Gudinas admits in his briefing that evidence of his "mental impairment" was presented during the penalty phase of his trial and "more" evidence was presented during the evidentiary hearing on his initial motion for postconviction relief. He describes his "impairments" in his initial brief here as "life-long" and "in place at the time of the crimes." With regard to the specific possibility of "frontal lobe dysfunction," Dr. Joseph Lipman, a neuropharmacologist retained by Gudinas during the initial postconviction proceedings, reported in 1999 that Gudinas may have "deficits of frontal or temporal lobe function in his brain." That Gudinas may have "brain impairment" or "frontal lobe dysfunction" has been known to him for at least twenty-five or thirty years, if not longer, and has been raised

previously. We therefore cannot determine what exactly it is that Gudinas believes is newly discovered.

Moreover, even if we were to assume that Dr. Eisenstein's finding of "brain impairment" is newly discovered, to raise a facially sufficient claim based on newly discovered evidence, it is necessary to assert not only that there is evidence that was not and could not have been known at the time of trial by the use of due diligence but also that the evidence is of such a nature that it would probably produce a life sentence on retrial. *Damren v. State*, 397 So. 3d 607, 610 (Fla. 2023), *cert. denied*, 144 S. Ct. 1398 (2024). Gudinas has not done this. His failure to identify any evidence that was not previously presented and his failure to plead that whatever it is that he believes is newly discovered would probably produce an acquittal at retrial are fatal to any argument that this claim may be timely under rule 3.851(d)(2)(A).

Gudinas's contention that this claim is timely because he had "no reason to have a new mental health evaluation until the commencement of his clemency proceedings, and most specifically, the signing of the death warrant" is also without support. Neither clemency proceedings nor the signing of his death warrant has

anything to do with the timeliness of Gudinas's claim that he is exempt from execution under the Eighth Amendment due to "brain impairment."

The circuit court was also correct in concluding that this claim is procedurally barred. Gudinas first introduced the possibility of "brain impairment" at the penalty phase in 1995 through his expert, Dr. Upson. Dr. Upson testified that despite extensive evaluation and testing, he found no evidence of neuropsychological impairment on either side or the frontal portion of Gudinas's brain and "ruled out" neuropsychological impairment. Dr. Upson also testified that Gudinas's mental health records indicated that he had been evaluated by neuropsychologists on several prior occasions, none of whom found any indication of "brain impairment" or organic brain damage, although the records did indicate that Gudinas has "significant emotional disturbances." The trial court considered Dr. Upson's testimony credible and relied on it to find mitigating circumstances in the sentencing order, including the statutory mitigating circumstance of extreme mental or emotional disturbance.

Dr. Upson testified again at the evidentiary hearing on Gudinas's initial motion for postconviction relief in 1999, at which time he maintained his opinion that Gudinas had no significant cognitive dysfunction. Despite contrary testimony at that hearing from Dr. Lipman "that Gudinas has neuronal damage and a developmental brain problem," the postconviction court concluded—a conclusion that this Court affirmed on appeal—that there was no reasonable probability that Gudinas would have received a life sentence had Dr. Lipman presented that opinion at trial due to the conflicting and more credible evidence presented by Dr. Upson. *Gudinas*, 816 So. 2d at 1107-08.

Because the current claim of "brain impairment" is a variation of his prior claim that trial counsel was ineffective for failing to present a neuropharmacologist who would have testified that Gudinas has "neuronal damage and a developmental brain problem," it is procedurally barred. Moreover, even if it were not a variation of a prior claim, because Gudinas's alleged "brain impairment" in the form of "neuronal damage and a developmental brain problem" was known at the time of his postconviction proceedings, more than a quarter of a century ago, this claim would

still be procedurally barred because it should have been raised previously. *See Rogers v. State*, No. SC2025-0585, 2025 WL 1341642, at *4 (Fla. May 8) ("[I]n an active warrant case, a postconviction claim that could have been raised in a prior proceeding is procedurally barred."), *cert. denied*, No. 24-7169, 2025 WL 1387828 (U.S. May 14, 2025).

Gudinas's argument that his age of twenty years at the time of the murder should bar his execution based on "developmental literature and neuroscience research which states that there was a lack of maturity, an undeveloped sense of responsibility, increased vulnerability and susceptibility to outside negative influences in a person that was not fully formed at this age" is also procedurally barred, because it too could have been raised in a prior proceeding. Gudinas does not identify any specific "literature" or "research" that he believes would apply here, but literature, research, studies, reports, and cases discussing maturity, age, and the fact that the brain is not fully developed or matured by the age of eighteen or twenty or even twenty-five have been well known in the public domain for decades, and even before *Roper* was decided. *See, e.g.*, *Barwick v. State*, 361 So. 3d 785, 793 (Fla. 2023) (noting that a

2022 “resolution” from the American Psychological Association taking the position that the death penalty should be banned when the offender was under twenty-one years old at the time of the capital offense was “based on a compilation of studies, research, data, and reports, published between 1992 and 2022 and relying on data from as early as 1977”); *Morton v. State*, 995 So. 2d 233, 245-46 (Fla. 2008) (mentioning a 2004 brain mapping study, which establishes that sections of the human brain are not fully developed until age twenty-five; a 2007 article stating that in the past few decades, neuroscientists have discovered that two key developmental processes, myelination and pruning of neural connections, continue to take place during adolescence and well into adulthood; and a 1967 article stating that brain regions responsible for basic life processes and sensory perception tend to mature fastest, whereas the regions responsible for behavioral inhibition and control, risk assessment, decision making, and emotion maturing take longer). Thus, any claim that *Roper* should be extended to him based on his age at the time of the murder could have been raised in one of Gudinas’s many prior proceedings. The same is true for any claim that *Atkins* should be extended to

him based on his "lifelong mental illnesses" or his "impairments," which he concedes "were in place at the time of the crime[s]." Thus, Gudinas's claim is procedurally barred because it could have been raised previously. *E.g.*, *Barwick*, 361 So. 3d at 795 (concluding that extension-of-*Atkins* claim was procedurally barred in an active warrant case because it could have been raised previously); *Branch v. State*, 236 So. 3d 981, 986 (Fla. 2018) (holding that an extension-of-*Roper* claim was procedurally barred in an active warrant case because it could have been raised previously); *Simmons v. State*, 105 So. 3d 475, 511 (Fla. 2012) (rejecting as procedurally barred a claim, based on *Roper* and *Atkins*, that the defendant was exempt from execution based on mental illness and neuropsychological deficits because it could have been raised in prior proceedings). The circuit court therefore properly concluded that Gudinas's claim of newly discovered "brain impairment" that he argues should subject him to protections similar to those afforded by *Atkins* and *Roper* is untimely and procedurally barred.

Finally, this claim lacks merit. Even if Gudinas's claim of newly discovered evidence were facially sufficient and Dr. Eisenstein's finding of "brain impairment" could be deemed newly

discovered, it cannot be said that such general and conclusory evidence would be of such a nature that it would probably produce a life sentence at retrial. This is especially true given the extensive testing and evaluation that Dr. Upson performed on Gudinas, and the credibility findings made with regard to Dr. Upson by both the trial and postconviction courts.

Further, we have repeatedly held that "the categorical bar of *Atkins* that shields the intellectually disabled from execution does not apply to individuals with other forms of mental illness or brain damage." *Barwick*, 361 So. 3d at 795 (quoting *Dillbeck v. State*, 357 So. 3d 94, 100 (Fla. 2023)); *see also Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, at *6 (Fla. Apr. 25) (rejecting claim that *Atkins* should be extended to individuals with certain neurocognitive disorders), *cert. denied*, No. 24-7087, 2025 WL 1261217 (U.S. May 1, 2025); *Dillbeck*, 357 So. 3d at 100 (rejecting claim *Atkins* should be extended to individual with mental illness and neurological impairments); *Carroll v. State*, 114 So. 3d 883, 887 (Fla. 2013) (rejecting claim that the protections of *Atkins* and *Roper* should be extended to defendant who is less culpable as a result of mental illness as untimely, procedurally barred, and meritless);

Simmons, 105 So. 3d at 511 (rejecting as meritless claim that persons with mental illness must be treated similarly to those with intellectual disability due to reduced culpability); *Lawrence v. State*, 969 So. 2d 294, 300 n.9 (Fla. 2007) (rejecting assertion that the Equal Protection Clause requires extension of *Atkins* to the mentally ill due to their reduced culpability).

We have also repeatedly rejected the argument that *Roper*'s categorial ban on the execution of individuals who were under eighteen years old at the time they committed their capital offense(s) should be extended to defendants whose chronological age was over eighteen at the time of their offense(s). *See Ford v. State*, 402 So. 3d 973, 979 (Fla.) (rejecting claim that the protections of *Roper* should be extended to Ford, who was thirty-six at the time of his capital crimes, because he has a mental and developmental age below eighteen years), *cert. denied*, 145 S. Ct. 1161 (2025); *Barwick v. State*, 88 So. 3d 85, 106 (Fla. 2011) (rejecting claim that *Roper* should extend to Barwick, who was nineteen when he committed the capital crime, because his mental age was less than eighteen); *Stephens v. State*, 975 So. 2d 405, 427 (Fla. 2007) (rejecting claim that *Roper* and the Eighth Amendment barred execution of

defendant who had a mental and emotional age of less than eighteen years because his chronological age at the time of his crimes was twenty-three); *Hill v. State*, 921 So. 2d 579, 584 (Fla. 2006) (rejecting an extension-of-*Roper* claim and holding "*Roper* only prohibits the execution of those defendants whose *chronological* age is below eighteen"). Unlike many of the defendants in the cases cited by Gudinas, Gudinas does not allege that his mental or developmental age was under eighteen at the time of the murder; he simply argues that *Roper*'s protections should be extended to him based on his chronological age of twenty at the time of the murder in this case. But because Gudinas was indeed twenty years old "at the time of the murder[], it is impossible for him to demonstrate that he falls within the ages of exemption, rendering his claim facially insufficient and therefore properly summarily denied." *Ford*, 402 So. 3d at 979 (citing *Morton*, 995 So. 2d at 245) ("Because it is impossible for Morton to demonstrate that he falls within the ages of exemption, his claim is facially insufficient and it was proper for the court to deny Morton a hearing on this claim.")).

This claim also lacks merit because, as we have explained, this Court lacks the authority to extend *Atkins* or *Roper*.

> The conformity clause of article I, section 17 of the Florida Constitution provides that "[t]he prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution." This means that the Supreme Court's interpretation of the Eighth Amendment is both the floor and the ceiling for protection from cruel and unusual punishment in Florida, and this Court cannot interpret Florida's prohibition against cruel and unusual punishment to provide protection that the Supreme Court has decided is not afforded by the Eighth Amendment.

Id. at 979 (alteration in original) (quoting *Barwick*, 361 So. 3d at 794).

Because the Supreme Court has interpreted the Eighth Amendment to limit the exemption from execution based on mental functioning to those who are intellectually disabled or insane and the exemption from execution based on age to those whose chronological age was less than eighteen years at the time of their capital crime(s), this Court is bound by those interpretations and is precluded from interpreting Florida's prohibition against cruel and unusual punishment to exempt individuals from execution whose

mental or cognitive issues do not rise to the level of intellectual disability or those whose chronological age was over eighteen years at the time of their capital crime(s). This claim was therefore properly denied as meritless.

B. Florida's Eighth Amendment Conformity Clause

Gudinas next contends that the circuit court erred in denying his claim that Florida's Eighth Amendment conformity clause in article I, section 17 of the Florida Constitution is unconstitutional. Gudinas claims that by applying the conformity clause and foreclosing the possibility of courts interpreting the Florida prohibition against cruel and unusual punishment to provide more protections than the Eighth Amendment as interpreted by the United States Supreme Court, Florida is foreclosing Gudinas's access to the courts, violating his Fourteenth Amendment due process rights, and violating his Eighth Amendment right to a true merits-based evaluation of his claims, premised on the evolving standards of decency that mark the progress of a maturing society. The circuit court properly determined this claim to be procedurally barred and meritless.

Post-warrant claims that could have been raised in a prior proceeding are procedurally barred. *Rogers*, 2025 WL 1341642, at *4. Gudinas's reason for not raising this claim earlier is that it is a "purely legal claim[] in support of Claim One," which was his newly discovered evidence/extension-of-*Atkins*/extension-of-*Roper* claim. As we have already explained, Gudinas's "Claim One" could have and should have been raised in a prior proceeding, and this "supporting" claim likewise could have been raised in a prior proceeding.

Gudinas has also failed to show how the conformity clause in article I, section 17 violates his federal constitutional rights. While the states are required to adhere to the Supreme Court's Eighth Amendment jurisprudence, neither the Eighth nor Fourteenth Amendments require states to expand the protections afforded by the Eighth Amendment or to interpret their own corresponding state constitutional prohibitions against cruel and unusual punishment in a more expansive manner than the Supreme Court has interpreted the federal prohibition.

Gudinas's assertion that Florida's adherence to the conformity clause in article I, section 17 has denied him access to the courts is

baseless. Even the fact that this claim is now procedurally barred does not violate his access to the courts or his right to be heard at the appropriate time and in accordance with the laws and procedural rules of this state.

C. Applicability of Rule 3.851(d)(2)

Gudinas next posits that the circuit court erred in denying his claim that application of rule 3.851(d)(2)—which sets forth the three exceptions to the one-year time limit for filing motions for postconviction relief[7]—is unconstitutional when applied to successive motions filed after the signing of a death warrant. We recently addressed and rejected this argument in *Ford*, 402 So. 3d

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7. Rule 3.851 limits the filing of a motion for postconviction relief to within one year of the date the defendant's conviction and sentence become final, unless it alleges one of the following exceptions set forth in subdivision (d)(2):

> (A) the facts on which the claim is predicated were unknown to the movant or the movant's attorney and could not have been ascertained by the exercise of due diligence, or
>
> (B) the fundamental constitutional right asserted was not established within the period provided for in subdivision (d)(1) and has been held to apply retroactively, or
>
> (C) postconviction counsel, through neglect, failed to file the motion.

at 977-78, which was another post-death warrant proceeding. Gudinas concedes that our decision in *Ford* is directly adverse to the arguments he presents here, but nonetheless "raises these arguments with the good faith belief that the application of Rule 3.851(d)(2) to active warrant cases continues to raise serious constitutional concerns."

Gudinas, who is represented by the same attorneys who argued *Ford*, presents essentially the same arguments made in *Ford*. In rejecting these arguments in *Ford*, we explained that finding rule 3.851(d)(2) inapplicable to defendants under an active death warrant would allow defendants, upon the scheduling of an execution date, to be permitted to litigate anew any claim that was (and likely those that should have been) raised previously and entitled to a ruling on the merits of those claims. We found this position lacking any legal support and contrary to the intent of the Legislature. We explained that

> [i]n crafting the terms and conditions that govern criminal appeals and collateral review, the Legislature provided "that all terms and conditions of direct appeal and collateral review be strictly enforced, including the application of procedural bars, to ensure that all claims of error are raised and resolved at the first opportunity." § 924.051(8), Fla. Stat. The litigation of a successive

> motion for postconviction relief filed by a defendant under an active death warrant is collateral review. If the Legislature intended to suspend procedural bars for claims raised by defendants under active death warrants, it could have done so. *See Cason v. Fla. Dep't of Mgmt. Servs.*, 944 So. 2d 306, 315 (Fla. 2006) ("[T]he Legislature 'knows how to' accomplish what it has omitted in the statute in question.").

Id. (second alteration in original). Gudinas has provided neither a basis on which we could rely to violate the intent of the Legislature regarding procedural bars as applied to collateral review nor a compelling reason to depart from our recent precedent on the matter.

We also rejected Ford's claims that application of rule 3.852(d) resulted in a denial of due process and his right to access to courts. *Id.* at 978. Like Ford, Gudinas has not been denied an opportunity to bring his claims before the courts and to be heard at the appropriate time(s) and through the appropriate channel(s).

D. Demand for Public Records

After the death warrant was signed on May 23, 2025, Gudinas filed a demand for the production of public records from the

Executive Office of the Governor[8] under Florida Rule of Criminal

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8. The circuit court summarized the records demanded as follows:

> a) All communications between the Governor or any current or former employee of his office with the Florida Parole Commission and/or the Office or Executive Clemency related "in any way whatsoever" to Defendant;
>
> b) All communications between the Governor or any current or former employee of his office with any other current or former employee of the Office of the Attorney General related "in any way whatsoever" to Defendant;
>
> c) Any document outlining the criteria for obtaining executive clemency and/or the process for selecting suitable candidates;
>
> d) Any document outlining the criteria for determining how to grant executive clemency and the factors considered;
>
> e) The number of death row inmates selected for clemency review and the number for whom review has been completed;
>
> f) All documents outlining the selection criteria and processes for inmates subject to the entry of a death warrant, including the factors considered in issuing a warrant;
>
> g) Names of everyone on Florida's Death Row who have had complete or partial clemency investigations or whose case resulted in clemency[;]
>
> h) Names and dates of those whom clemency was denied; and

Procedure 3.852(h)[9] and (i)[10]. The circuit court found that the records Gudinas requested generally related to the Governor's processes for granting clemency, which it concluded renders them

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> i) All correspondence/written communications between the Governor's office and the Florida Supreme Court identifying individuals eligible for a death warrant from January 1, 2023 to present.

9. Rule 3.852(h)(3) provides that within ten days after the signing of a death warrant, a records request may be made to "a person or agency from which collateral counsel has previously requested public records." The rule provides that upon such request, "[a] person or agency shall copy, index, and deliver to the [records] repository any public record: (A) that was not previously the subject of an objection; (B) that was received or produced since the previous request; or (C) that was, for any reason, not produced previously."

10. Rule 3.852(i)(1) provides that collateral counsel may obtain public records "in addition to those provided under subdivisions (e), (f), (g), and (h) of this rule" if counsel files an affidavit in the trial court which:

> (A) attests that collateral counsel has made a timely and diligent search of the records repository; and
>
> (B) identifies with specificity those public records not at the records repository; and
>
> (C) establishes that the additional public records are either relevant to the subject matter of the postconviction proceeding or are reasonably calculated to lead to the discovery of admissible evidence; and
>
> (D) shall be served in accord with subdivision (c)(l) of this rule.

"clearly confidential and exempt from public records requests under section 14.28, Florida Statutes (2024)[,] and the Florida Rules of Executive Clemency." The court also found the demands overly broad, unduly burdensome, and not reasonably calculated to lead to a colorable claim for relief. The court further concluded that Gudinas's failure to previously request documents from the Executive Office of the Governor foreclosed any current effort to obtain those records under rule 3.852(h)(3). We review the denial of Gudinas's demand for public records for abuse of discretion, *Muhammad v. State*, 132 So. 3d 176, 200 (Fla. 2013), and find none.

The requested records relating to the clemency process are exempt from disclosure. *Id.* at 203. Section 14.28, Florida Statutes (2024), provides that "[a]ll records developed or received by any state entity pursuant to a Board of Executive Clemency investigation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution." In other words, they are exempt from disclosure as public records. Additionally, rule 16 of the Florida Rules of Executive Clemency provides:

> Due to the nature of the information presented to the Clemency Board, all records and documents generated and gathered in the clemency process as set forth in the Rules of Executive Clemency are confidential and shall not be made available for inspection to any person except members of the Clemency Board and their staff.

This Court has held that "to the extent section 14.28 could be read to exclude certain clemency materials from confidentiality [i.e., non-investigatory documents], Rule of Executive Clemency 16, which provides that *all* records in the clemency process are confidential, controls . . . ." *Chavez v. State*, 132 So. 3d 826, 831 (Fla. 2014). And under section 14.28 and rule 16, only the Governor can authorize the release or inspection of such records. *See* § 14.28, Fla. Stat. (2024) ("[S]uch records may be released upon the approval of the Governor."); Rule 16, Rules of Executive Clemency ("Only the Governor . . . has the discretion to allow such records and documents to be inspected or copied."). Thus, the circuit court was without the authority to grant Gudinas's demands related to the clemency process. *See Parole Comm'n v. Lockett*, 620 So. 2d 153, 157-58 (Fla. 1993) (holding that a trial judge's order to disclose clemency records "would effectively overrule the rules of

executive clemency, resulting in a violation of the separation of powers doctrine").

The circuit court also concluded that the demands were not reasonably calculated to lead to a colorable claim for relief. The procedures of rule 3.852(h) and (i) are "not intended to be a procedure authorizing a fishing expedition for records unrelated to a colorable claim for postconviction relief." *Cole v. State*, 392 So. 3d 1054, 1065-66 (Fla.) (quoting *Asay v. State*, 224 So. 3d 695, 700 (Fla. 2017)), *cert. denied*, 145 S. Ct. 109 (2024); *see also Dailey v. State*, 283 So. 3d 782, 792 (Fla. 2019) (stating that under rule 3.852(i), requests must show how the records relate to a colorable claim for postconviction relief); *Rutherford v. State*, 926 So. 2d 1100, 1117 (Fla. 2006) (affirming denial of records request under rule 3.852(h)(3) because the records were not related to a colorable claim for postconviction relief).

Gudinas expressly stated in his demand that the records were sought in hopes of discovering evidence that "Florida's clemency process, and the manner in which the Governor determined that Gudinas should receive a death warrant on May 23, 2025," are unconstitutional. But this Court has repeatedly denied similar

claims and consistently held that Florida's established clemency proceedings and the Governor's absolute discretion to issue death warrants do not violate the Florida or United States Constitutions. *E.g.*, *Bolin v. State*, 184 So. 3d 492, 503 (Fla. 2015) (rejecting claim that Governor's discretion to select an inmate for execution is unconstitutional); *Muhammad*, 132 So. 3d at 203-04 (concluding that "records would not relate to a colorable claim because we have held many times that claims challenging clemency proceedings are meritless"); *Wheeler v. State*, 124 So. 3d 865, 890 (Fla. 2013) (rejecting claim that because there are no meaningful standards that constrain the Governor's absolute discretion in determining which death warrant to sign, Florida's capital sentencing scheme violates the Eighth Amendment); *Carroll*, 114 So. 3d at 887 (rejecting argument that the Governor's power to select which death row prisoner for whom he will sign a death warrant is arbitrary, without standards, and without any process for review, thus rendering the death penalty unconstitutional); *Mann v. State*, 112 So. 3d 1158, 1163 (Fla. 2013) (holding that records sought in the hopes of supporting allegation that the Governor's selection of Mann for a death warrant was somehow tainted by public input

were not relevant to any colorable claim, and that such a claim is not cognizable); *Gore v. State*, 91 So. 3d 769, 780 (Fla. 2012) (rejecting constitutional challenge to clemency process and warrant selection because of Governor's absolute discretion to sign death warrants); *Valle v. State*, 70 So. 3d 530, 551-52 (Fla. 2011) (rejecting a claim that the Governor's absolute discretion to sign death warrants renders Florida's death penalty structure unconstitutional). Thus, Gudinas's demands seeking records to challenge the constitutionality of Florida's clemency process and the Governor's absolute discretion to sign a death warrant cannot relate to a colorable claim for postconviction relief.

We also find no abuse of discretion in the circuit court's determination that Gudinas's demands were overly broad and unduly burdensome, and that Gudinas's failure to previously request documents from the Executive Office of the Governor foreclosed any current effort to obtain those records under rule 3.852(h)(3).

III. CONCLUSION

For the reasons stated above, we affirm the circuit court's orders summarily denying Gudinas's third successive motion for

postconviction relief and denying his demand for public records. We also deny his motion for a stay of execution.

No motion for rehearing will be entertained by this Court. The mandate shall issue immediately.

It is so ordered.

MUÑIZ, C.J., and CANADY, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.
LABARGA, J., concurs in result.

An Appeal from the Circuit Court in and for Orange County,
John E. Jordan, III, Judge
Case No. 481994CF007132000AOX

Eric Pinkard, Capital Collateral Regional Counsel, Ali Shakoor, Assistant Capital Collateral Regional Counsel, and Adrienne Joy Shepherd, Assistant Capital Collateral Regional Counsel, Middle Region, Temple Terrace, Florida,

for Appellant

James Uthmeier, Attorney General, Tallahassee, Florida, Leslie T. Campbell, Senior Assistant Attorney General, West Palm Beach, Florida, and Lisa-Marie Lerner, Senior Assistant Attorney General, West Palm Beach, Florida,

for Appellee

No. _____

IN THE

SUPREME COURT of the UNITED STATES

THOMAS LEE GUDINAS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Florida

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
TUESDAY, JUNE 24, 2025 AT 6:00 P.M.

APPENDIX B

Order Denying Public Records Demand

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 1994-CF-007132-A-O
UCN: 24-1994-CF-000150-CF-BM
Supreme Court: SC1960-86070

STATE OF FLORIDA

Plaintiff,

vs. ACTIVE DEATH WARRANT

THOMAS LEE GUDINAS

Defendant.
_____/

ORDER DENYING PUBLIC RECORDS DEMAND

THIS CAUSE came before the Court on the "Defendant's Demand for Public Records [Executive Office of the Governor]" filed on May 28, 2025. Pursuant to the Florida Supreme Court's May 23, 2025 directive to expedite postconviction matters following the issuance of a death warrant, and this Court's Scheduling Order, issued on May 27, 2025, the Court held a hearing on May 29, 2025 at 3:00 p.m. on the Demand as well as the Executive Office of the Governor's response and objections filed on May 29, 2025 at 9:59 a.m. After considering the

briefs and argument of counsel, the Court finds that Defendant is not entitled to the records he requests.

Defendant's demands can be summarized as follows:

a) All communications between the Governor or any current or former employee of his office with the Florida Parole Commission and/or the Office or Executive Clemency related "in any way whatsoever" to Defendant;
b) All communications between the Governor or any current or former employee of his office with any other current or former employee of the Office of the Attorney General related "in any way whatsoever" to Defendant;
c) Any document outlining the criteria for obtaining executive clemency and/or the process for selecting suitable candidates;
d) Any document outlining the criteria for determining how to grant executive clemency and the factors considered;
e) The number of death row inmates selected for clemency review and the number for whom review has been completed;

f) All documents outlining the selection criteria and processes for inmates subject to the entry of a death warrant, including the factors considered in issuing a warrant;

g) Names of everyone on Florida's Death Row who have had complete or partial clemency investigations or whose case resulted in clemency.

h) Names and dates of those whom clemency was denied; and

i) All correspondence/written communications between the Governor's office and the Florida Supreme Court identifying individuals eligible for a death warrant from January 1, 2023 to present.

The Executive Office of the Governor raises the following objections:

1. The records demanded are exempt from disclosure under Florida Law and the Florida Rules of Executive Clemency.
2. The demands are overly broad, unduly burdensome and not related to a colorable claim for postconviction relief.
3. Defendant has not previously requested records from the Executive Officer of the Governor and has not demonstrated good cause for not making these requests before.

ANALYSIS AND RULING

Defendant requests records pursuant to Florida Rule of Criminal Procedure 3.852(h)(3) and (i). Subsection (h)(3), is limited to persons under sentence of death whose sentence finalized before October 1, 1998 (Defendant's sentence finalized in 1997). Rule 3.852(h) requests are limited to recipients of public records requests made at the initiation of postconviction proceedings but are not intended to promote "fishing expeditions" into entities not previously subject to requests. *Sims v. State*, 753 So. 2d 66, 69-70 (Fla. 2000); *Dailey v. State*, 283 So. 3d 782, 792 (Fla. 2019); *Cole v. State*, 392 So. 3d 1054, 1065-66 (Fla. 2024). Under subsection (i), Defendant bears the burden of demonstrating that requests are not overly broad or unduly burdensome, are timely and not due to lack of diligence as well as that *any* requests are relevant to the proceeding or reasonably calculated to lead to additional admissible evidence. Fla. R. Crim. P. 3.852(i)(1) (A)-(C). Regardless of the vehicle for requesting records, if the Defendant's request neither "relates to a colorable claim for relief" and is "foreclosed by precedent" denial of the request is appropriate. *Tanzi v. State*, No. SC2025-0371, 2025 WL 971568, *3 (Fla. April 1, 2025), *cert. denied sub nom. Tanzi v. Dixon*, No. 24-6932, 2025 WL 1037494 (U.S. April 8, 2025) (quoting *Cole* at 1066); *See also Muhammad v. State*, 132 So. 3d 176, 201 (Fla. 2013) ("…requests for records under rule 3.852(h)(3) may be denied

as far exceeding the scope of subsection (h)(3) if they are overbroad, of questionable relevance, and unlikely to lead to discoverable evidence.").

Defendant's motion admits that the executive's clemency powers are not "generally" subject to second-guessing from the judicial branch. *Lambrix v. State*, 217 So. 3d 977, 990 (Fla. 2017). However, after considering argument and case law, the Court agrees with the Governor's Office that these demands, which generally relate to the Governor's processes for granting clemency, are clearly confidential and exempt from public records requests under section 14.28, Florida Statutes (2024) and the Florida Rules of Executive Clemency. *Chavez v. State*, 132 So. 3d 826, 830-31 (Fla. 2014) ("…[clemency] proceedings are within the exclusive purview of the executive branch and *will not* be second-guessed by the judicial branch.") (emphasis added); *Carroll v. State*, 114 So. 3d 883, 888 (Fla. 2013) (the Florida Constitution vests the clemency power solely in the discretion of the executive; "…it is not this Court's prerogative to second-guess the executive branch on matters of clemency in capital cases."); *Gore v. State*, 91 So. 3d 769, 779 (Fla. 2012) (the Governor has "unfettered discretion" in exercising the clemency power).

With regard to the clemency process, Defendant does not identify any specific violation of the law or his constitutional rights. He merely speculates that

the Governor is acting improperly in denying clemency and issuing a death warrant both generally and specifically in Defendant's case. But Defendant does not provide, and the Court is unaware of, any case law consistent with this argument. This Court is bound by the cases previously cited and must deny Defendant's records demands.

Additionally, the Court finds that the demands are overly broad, unduly burdensome and not reasonably calculated to lead to a colorable claim for relief. While Defendant's counsel clarified at the hearing that all demands are limited in time from January 1, 2023 onward, Defendant nevertheless still requests records from multiple agencies and individuals but has failed to establish good cause why his records demands for clemency information were not made until after the death warrant was signed and these expedited postconviction proceedings commenced. Even if the Court were to order Defendant to narrowly tailor his demands, it is not reasonable to suspect that this avenue of discovery will lead to a colorable postconviction claim given its speculative nature, issues regarding separation of powers and the likely confidential nature of the documents.

Finally, the Court agrees that Defendant's failure to request documents from the Executive Office of the Governor previously forecloses any effort now to obtain those records under Rule 3.852(h)(3). *Jimenez v. State*, 265 So. 3d 462, 472

(Fla. 2018) (the plain language of Rule 3.852(h)(3) requires that the Defendant seek documents from entities previously subject to records requests). Additionally, the failure to inquire of the executive's clemency procedures until after the signing of a death warrant fails to satisfy the due diligence requirement for requests under 3.852(i).

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. The Executive Office of the Governor's objections to "Defendant's Demand for Public Records [Executive Office of the Governor]" filed on May 28, 2025 are **SUSTAINED**.

DONE AND ORDERED at Orlando, Orange County, Florida, on May 29, 2025.

05/29/2025 16:18:36

eSigned by John Jordan 05/29/2025 16:18:36 MQ9z16n2

Honorable John E Jordan
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System to include the following:

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and via US Mail for the following:
Thomas Lee Gudinas, Defendant
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Florida State Prison
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Cathy Stephens, Judicial Assistant

No. _____

IN THE

SUPREME COURT of the UNITED STATES

THOMAS LEE GUDINAS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Florida

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
TUESDAY, JUNE 24, 2025 AT 6:00 P.M.

APPENDIX C

Transcript of May 29, 2025 Public Records Hearing

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 48-1994-CF-7132-A-O

vs.

DIVISION NO.: 16

THOMAS LEE GUDINAS,

Defendant.

PUBLIC RECORDS HEARING

BEFORE

THE HONORABLE JOHN E. JORDAN

Orange County Courthouse
425 North Orange Avenue
Orlando, Florida 32801
Courtroom 9D
May 29, 2025
Stenographically reported

(Appearances on next page.)

A P P E A R A N C E S:

LESLIE CAMPBELL, ESQUIRE (Via VTC)
Office of the Attorney General
1515 North Flagler Drive, Suite 900
West Palm Beach, Florida 33401
On behalf of the State

ZACHARY LOYED, ESQUIRE (Via VTC)
Executive Office of the Governor
The Capitol, PL-5
400 South Monroe Street
Tallahassee, Florida 32399
On behalf of Governor Ron DeSantis and
the Executive Office of the Governor

ALI SHAKOOR, ESQUIRE (Via VTC)
ADRIENNE SHEPHERD, ESQUIRE (Via VTC)
Capital Collateral Regional Counsel
12973 North Telecom Parkway
Temple Terrace, Florida 33637
On behalf of the Defendant

ALSO PRESENT:

ANNA DIXON, CCRC Investigator (Via VTC)

- - -

I N D E X

May 29, 2025

- - -

P R O C E E D I N G S

(May 29, 2025; 3:02 p.m.)

THE CLERK: Case No. 1994-CF-7132, State of Florida vs. Thomas Lee Gudinas.

State?

THE COURT: Can you guys hear us?

MS. CAMPBELL: Yes, Your Honor.

THE COURT: All right. So, Mr. Loyed, you're the Assistant General Counsel, correct?

MR. LOYED: Yes, Your Honor.

THE COURT: All right. You want to go ahead and state your presence?

MR. LOYED: Yes, Your Honor. Zachary Loyed for Governor DeSantis.

THE COURT: Go ahead, Ms. Campbell.

MS. CAMPBELL: Good afternoon, Your Honor. Leslie Campbell with the Attorney General's Office on behalf of the State.

THE COURT: Mr. Shakoor, you're up.

MR. SHAKOOR: My name is Ali Shakoor on behalf of CCRC Middle Region. I'm representing Thomas Gudinas. I will be speaking today.

THE COURT: All right. Everybody else is just watching?

Okay. So we're here today -- as you recall, we did a scheduling order and Mr. Shakoor had made a request for records as to the Executive Office of the Governor seeking, you know, records of the clemency process, death warrant procedures, and so forth. The governor's office filed an objection and response this morning, and I believe it was Mr. Loyed that authored that response. I've had an opportunity to review the request for records, the response, and the cases that you-all cited.

So it's your objection, State. Go ahead. Or Mr. Loyed.

MR. LOYED: Excuse me, Your Honor.

THE COURT: I'm sorry. Assistant General Counsel, go ahead.

MR. LOYED: Yes, Your Honor.

And I'll primarily stand on our written response, but the records requested in this case are requested under Rule 3.852(h) and (i). There's some differences, but most of the standards are similar under both rules; that as a threshold matter, all of the records requested by Mr. Gudinas in this case are clemency process records, which are shielded by both statute rule and a wide body of Florida Supreme Court precedent.

So the statute I would turn Your Honor to is Section 14.28 Florida Statute. I'd also turn Your Honor to Rule 16 of the Rules of Executive Clemency, and a Supreme Court case, such as *Chavez vs. State*, which reasons that both investigatory and non-investigatory clemency process records are not public records and are shielded from disclosure, and a Court compelling the disclosure of those records would be a separation of powers violation. So as a threshold matter, that shields all of the records requested here from public disclosure, because if they were to exist, it would only exist as part of the governor's determination of whether or not to grant clemency to Mr. Gudinas or whether or not to sign a death warrant and, therefore, to deny him clemency.

But as to the merits of the claims, both (h) and (i) have several substantive requirements. The first is that the request must be related to a colorable claim for post-conviction relief. Here, it is clear based on the request that the claim for relief that's being alleged would be a constitutional challenge to Florida's clemency process. However, the Florida Supreme Court has held time and time again that constitutional challenges to clemency proceedings are not a colorable claim for post-conviction relief.

There are multiple Florida Supreme Court cases on that point. One I would point the Court to is *Muhammad vs. State*.

Also, requests under (h) or (i) cannot be overly broad or unduly burdensome, and this is a very broad, very burdensome request. It has, I believe, nine different categories, multiple different forms of communication or records. It has no limitation on time frame, no limitation on the gubernatorial administration or anything of the sort. So for that reason, this request would be overly broad and unduly burdensome.

I would also point the Court to recent records request cases, such as this one. There are multiple that are cited in my response. Three that I'll point the Court to would be *State vs. Owen*, *State vs. Gaskin*, and most recently, *State vs. Hutchinson*, with merely identical records requests where the Court agreed that these sorts of records are not subject to disclosure.

And the final reason that these records would not be subject to disclosure is because, for records sought under (h), there has to have been a prior request to the agency for records before from collateral counsel. Nowhere in the records request does it allege that collateral counsel or Mr. Gudinas has previously

requested records from the Executive Office of the Governor, and I'm certainly not aware of such request. So based on the plain language of (h), that would not be applicable here.

As for (i), there has to be good reason shown as to why the records have not been requested before, other than just the fact that now a death warrant has been signed, and there's no good reason shown here as to why these records were not previously requested and are just being requested here now in the eleventh hour, Your Honor.

So for all of those reasons, we request that you would deny the demand.

THE COURT: All right. Mr. Shakoor, go ahead.

MR. SHAKOOR: Thank you, Judge.

First thing is first, our record did define a finite -- or, excuse me, our records request did define a finite time period. We're requesting records from January 1st, 2023, so it's just not a broad fishing expedition. It's not going against -- or going across multiple administrations. We're just asking for records since January 1st, 2023.

And, also, Judge, we raised these demands under (h) and (i). So under (h), we understand that no previous request has been made on the governor's

office, but this is also a very, very unique case based on the facts alleged in our demand and also the facts we're going to be speaking about today. So it's a very, very unique case where the facts do not align with the other case law where such demands were denied, but we are proper under (i) under any interpretation, because under 3.852(i), it's irrelevant whether or not a previous request was made upon the governor's office. This request was made timely. As soon as the governor's office signed the death warrant, we started preparing and researching this issue.

Now, again, it's not broad and it's not an unfair, overly broad request because we're asking for records particularly regarding Thomas Gudinas. Your Honor has the discretion of limiting our request and parsing it out based on your own review of this record and review of today's testimony, but we're asking for everything. But if Your Honor wanted to restrict what we're asking for, we're absolutely asking for anything related to Tommy Gudinas, any relevant conversations, e-mails, text messages, everything that we outlined in our demand related to Thomas Gudinas.

And, specifically, we're asking for a list of the people who are clemency eligible, because this is a very, very unique fact pattern. We understand the

nature of the case law, but the case law is not absolute regarding what discretion the governor's office has.

I would like to cite first *Valle v. State*, that's So.3d -- or, excuse me, 70 So.3d 530, Florida, 2011. It's page 552 of that case. This Court has always proceeded very carefully in addressing claims regarding separation of powers. So I'm asking this Court, yes, please proceed carefully. Definitely, take a cautious approach, as it says in *Sullivan v. Askew*, 848 So.2d 312.

As we cited in our demand, *Lambrix v. State*, generally based on separations of powers, courts do not second-guess the clemency considerations of the executive branch. So, generally, we understand that. We're not asking for a broad-based ruling. We're saying, specific to the facts of this case, inquiry is required, further scrutiny is required. Because this case is not like the other cases cited by the State. It's not -- it's very unique compared to the cases of precedent that the State is trying to use against us.

In this particular case, Judge -- well, first of all, we want to know how many people are clemency eligible. This should be available information. How many people are eligible for the clemency process?

Because that helps us determine and investigate whether or not there any due process violations.

We know right now there are about 271 inmates on death row. That's as of May 1st -- excuse me, May 21st, 2025. Looking at research, it indicates there's 271 inmates on death row. How many of those people are death eligible? We don't know. How many of these people are truly death eligible because they've gone through the clemency process? We don't know because we're being shielded from that information. And shielding us from that information totally contradicts and goes against the rights of our clients, particularly the rights of Mr. Gudinas, because he has to have that information in order to determine to what extent he's being treated unfairly as far as his due process rights. We do know how many -- again, we don't know how many people have gone for clemency in the last five years, the last ten years. It's a secretive process that we believe we're entitled to.

Based on some research and talking to the other attorneys in the field, we see some records that 34 inmates have gone through clemency since 2012, but, respectively, we need records from the governor's office to tell us how many inmates have gone through clemency, because there's no basis for that secret,

particularly under the unique facts of this case.

How many attorneys are practicing post-conviction in Florida? As of August 14, 2024, there are 35 registered capital registry attorneys. CCRC Middle, the agency I work for, Attorney Shakoor -- and I'll be using my name in the third person, not for some Rickey Williams -- or Rickey Henderson-type, but I need to make a record, because Attorney Shakoor is relevant to these proceedings as it affects my client, Thomas Gudinas.

So CCRC Middle has 14 attorneys, including myself, Ali Shakoor. So we're talking about 35 attorneys on the registry. CCRC Middle has 14 attorneys.

CCRC North, four attorneys as lead counsel, three second chairs. That's based on my research and based on me inquiring with these other offices.

CCRC South has five lead qualified attorneys. That doesn't count second chairs for CCRC.

So 35 plus 14 plus 7, just doing some quick math, we're looking at, I don't know, 50 to 60-some-odd capital post-conviction attorneys practicing in Florida. And don't hold me to that. I'm trying to do math off the top of my head on the record, but the record speaks for itself as far as how many attorneys are available to practice post-conviction law.

Now, despite all these different practicing attorneys doing post-conviction and despite all these different death-eligible attorneys -- I'm sorry, death-eligible defendants on death row, one attorney, Ali Shakoor, Attorney Shakoor, has received four death warrants since July 29th, 2024, so that's just -- it's just curious. It's just -- it requires more inquiry. It requires more scrutiny, because this is different from the cases cited by the State when we're talking about one particular attorney being selected for four death warrants in less than one year's time, despite all of the available clemency -- post-clemency defendants and all of the other attorneys practicing post-conviction. It's just curious.

Not just that, Attorney Ali Shakoor has been copied and served on three death cases that aren't even his case, that aren't even my case, and I cited it in the demand itself. And I was actually served by Mr. Loyed's office, so I'm sure he has a record of this information, that I was served on *State v. Tanzi* on March 10th, 2025. I was served on *State v. Hutchinson*, March 31st, 2025. Most recently, I was served on *State v. Wainwright*, May 5th, 2025. And on that day when I was -- I don't represent any of these people. Attorney Shakoor does not represent any of those three

people, but on that same day I was served on the Defendant Wainwright case, I also got notice from the Court for Wainwright to appear at a hearing on Monday, of which a client I do not -- I don't even represent. So that's just curious. It was concerning. And luckily I got that e-mail and notified the judge that I will not be there because I do not represent that defendant.

So these issues are relevant because it's relevant to the clients of Attorney Shakoor, particularly Thomas Gudinas, because if Thomas Gudinas is just living his life on death row -- and we understand the governor has unfettered discretion to sign on whoever he wants to, but, again, there's also qualifying language, as I mentioned before, regarding, generally, we don't question that, we have to take a cautious approach, so it's not absolute.

So we are entitled to -- particularly, Mr. Gudinas is entitled to more records to find out -- well, records from the governor's office to find out how his case got selected, why his case got selected, and to what extent his attorney had anything to do with that. We don't know, but this is very, very suspicious, so we need to make a record.

It would be irresponsible and naive not to make a

record at this point, because a little bit inside -- a little inside baseball regarding how this works in the legal community, the legal defense bar, capital defense bar is really curious, just talking to people, talking to me, and people talking about the process of these death warrants just coming over and over and over in the last couple years. Why is Attorney Shakoor getting so many death warrants? It's just curious. It's prejudicial to the rights of Shakoor's clients. Because even though the governor might have so-called unfettered discretion, they are still -- the discretion still has to be used under the basis of the United States Constitution.

Hypothetically, a governor cannot just sign death warrants on people based on where they're from or their religion or hair color. I'm just giving hypotheticals. So it's not unfettered discretion. I would say that a governor similarly could not sign death warrants based on any characteristics of who that -- who represented the defendant. We're just speculating. We don't know, but we know that there's very, very strange and irregular practices going on in this case.

So, again, this is our fourth -- this is my fourth, my team's fourth, death warrant since last July, but we have not filed any prior record demands

for the governor's office. We didn't file one in *Rogers*. We didn't file one in *Ford*. We did not file one in *Cole*. But at this point, it's very, very curious and it would be irresponsible not to ask more information to get further inquiry regarding why Thomas Gudinas had a clemency on April 2nd, 2025, at a clemency review, and less than two months later, he gets a death warrant signed on him and he happens to be represented by Attorney Shakoor, the same person who received his fourth death warrant since last July 29th, 2025 [sic].

So based on the unique facts of this case, Mr. Gudinas is entitled to more records to figure out what's going on in his case to see how his rights may or may not be violated. Yes, the government might have unfettered discretion, but Mr. Gudinas is entitled to basic fundamental fairness to be treated like any other person on death row; not based on who represents him, but based on the facts of this case and the crime and any other factors that are constitutional.

So this case is very, very, very unique. It's very peculiar. And at this point, Mr. Gudinas is just simply asking for additional records who has laid his case as far as, he's asking only for records at this point. He's not asking for an evidentiary hearing yet.

We might need an evidentiary hearing to find out more information regarding why he was selected after just having clemency on April 2nd, 2025, but we need to make a record at this point. It's important to make a record for Mr. Gudinas and future defendants.

Because, again, like, when I'm served on these cases that I don't represent the defendant on, like the example I just gave for Mr. Wainwright, if I didn't get that e-mail, then Mr. Wainwright's attorney would not have known that there was a court date on Monday, and this slows down the process for people trying to litigate their cases in a very expedited period of time. Serving me when it's not my case inhibits the process for the people who should be served. It slows everything down. And this is publicly available information as far as who represents who. It's easy to find out on the internet who is representing somebody after a death warrant is signed or, particularly, before a death warrant is signed. It's easy to access that information.

So under the very, very unique and troubling factors of this case, it's important to make a record. So this case is not like past cases cited by the State. This case would be -- if we are granted relief in this case, State v. Gudinas would create a high bar. It

would create -- it would be very difficult to replicate the fact pattern of State v. Gudinas, so this might open the flood gates of people, future defendants, reaching out to the governor's office seeking a review, unless there was some type of irregular, strange fact pattern that would necessitate such -- the granting of such records, such as the strange, abnormal fact pattern of this case.

That's all I have right now. Thank you.

THE COURT: Mr. Loyed?

MR. LOYED: Yes, Your Honor.

I would just disagree with what Mr. Shakoor said. First and foremost, I don't think this would set a high bar. I think the bar this would set would just be, if an attorney says that the case is curious and needs more inquiry, then the Court would disregard the separation of powers and would disregard Florida Supreme Court precedent and open up the hood to allow an unlimited fishing inquiry for records. So I do not think Your Honor would be irresponsible to deny this request.

And directly quoting from the Florida Supreme Court, the Florida Supreme Court has said that the clemency process in Florida go absolute in our constitution. The people of Florida have vested sole,

unlimited, unrestricted discretion exclusively in the executive in exercising this act of grace, and those are the process records the defendant is seeking in this case, are solely clemency records.

As to the time frame that Mr. Shakoor mentioned, I do see on the final portion of his request, Section I, a January 1st, 2023 to present time frame, but -- I could be missing that, but I don't see it on any other portion of the request. So I would disagree that this is a discrete time period being requested. This is a very broad and burdensome request, like I mentioned in the opening of my argument, and nothing has changed with that. And it's also simply just not related to a colorable claim for post-conviction relief.

So I'll rest with that and on my written response, Your Honor.

THE COURT: Okay. Mr. Shakoor, I'll give you one final word, if you'd like.

MR. SHAKOOR: Yes. Thank you very much, Judge.

We're asking for everything since January 23rd, so if it's not clear --

THE COURT: Well, can I interrupt you on that one?

MR. SHAKOOR: Yes.

THE COURT: Because, likewise, I noticed only request (i) was limited between January 1st, '23 to the

present. The rest talked either about Mr. Gudinas or policies in general and had no time limitation on them. So if I read your request wrong, let me know.

MR. SHAKOOR: Then I apologize for that. So let me clarify. We want everything only since January 1st, 2023, the current term we're discovering, and we don't want anything beyond the rules. We're going to make it as simple as possible. This is really about Mr. Gudinas' rights and this is about what Mr. Gudinas is going through and him getting a death warrant less than two months after his clemency review under the unique, strange factors of this case based on who his attorney is -- or, perhaps, based on who his attorney is. So just since January 23rd of 2021 -- sorry, January 1st of 2023 is all we're asking for.

And, again, like we -- I appreciate Mr. Loyed's response, but it's ignoring the fact pattern of this case. This is not any attorney in a future dispute. You can't just say it, you've got to prove it. And I think we've proven it here how strange it is that Mr. Gudinas got a death warrant under these circumstances.

THE COURT: All right. Thank you.

And, Mr. Shakoor, just for the record, you represent Mr. Gudinas, correct?

MR. SHAKOOR: Yes, I did -- yes, I do, Judge.

THE COURT: Okay. All right. So thank you for the oral argument and all the materials and cases you provided. I'm going to give you my verbal ruling now and then I will file the order this afternoon.

So the Court finds that the defendant seeks numerous records and communications concerning the clemency process and the issuance of a death warrant. And although at the hearing today, you limit it to January 1st, 2023 to the present, the Court finds that still it would be overly broad, unduly burdensome, and not reasonably calculated to lead to a colorable claim for post-conviction relief.

The Court finds that clemency decisions are within the purview of the governor's discretion and, likewise, are exempt from disclosure. The defendant has not identified any specific violation of the law or his constitutional rights. Defendant is speculating the governor acted improperly.

The Court finds the defendant's request is untimely and thereby fails to meet the due diligence requirement of (h), and no good reason shown why the records were not requested before.

So the Court is sustaining the objections of the Executive Office of the Governor and I will have a

written order for you this afternoon.

All right. Is there anything else we want to talk about? You have your expert going tomorrow?

MR. SHAKOOR: He's there today, Judge. My motion will be filed -- the motion will be filed timely.

THE COURT: Saturday?

MR. SHAKOOR: Yes, Saturday; will be filed timely. Our motion will be filed timely, Judge.

THE COURT: Okay. And then Sunday at 3 p.m., State, Ms. Campbell?

MS. CAMPBELL: Yes, Your Honor, we'll be filing it.

THE COURT: Filing your response to that motion that's going to be filed by 2 p.m. on Saturday.

And then we have our *Huff* hearing at 9 a.m. on Monday, June 2nd, and we have an evidentiary hearing scheduled for Tuesday, June 3rd, at 9 a.m. Everybody agree?

MS. CAMPBELL: Yes, Your Honor.

THE COURT: And note, you know, I originally prepared a scheduling order and then you-all -- we kind of went back and forth during that first hearing about adjusting some times and I adjusted them. Well, I adjusted the end times for me for filing my final order. I'm going to use the deadline the Supreme Court

used, which is Thursday, June 5th, at 2 p.m. So you'll see that at the end of my scheduling order.

All right. Is there anything else we can discuss before I let you go?

MR. SHAKOOR: No, Judge.

MS. CAMPBELL: Nothing from the State.

THE COURT: All right. That'll conclude the hearing then.

(The proceedings were concluded at 3:26 p.m.)

C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, Breean Crisp, RMR, CRR, Official Court Reporter of the Ninth Judicial Circuit of Florida, do hereby certify, pursuant to Florida Rules of Judicial Administration 2.535(h)(3), that I was authorized to and did report in stenographic shorthand the foregoing proceedings, and that thereafter my stenographic shorthand notes were transcribed to typewritten form by the process of computer-aided transcription, and that the foregoing pages contain a true and correct transcription of my shorthand notes taken therein.

WITNESS my hand this 30th day of May, 2025, in the City of Orlando, County of Orange, State of Florida.

s/Breean Crisp, RMR, CRR
Breean Crisp, RMR, CRR

No. _____

IN THE

SUPREME COURT of the UNITED STATES

THOMAS LEE GUDINAS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Florida

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
TUESDAY, JUNE 24, 2025 AT 6:00 P.M.

APPENDIX D

Writings Showing Severe Mental Illness

"LEGAL MAIL"

NEWLY DISCOVERED EVIDENCE

Dear mR. president Donald TRump, 2/27/25

Sir, what im about to reveal to you the united states government, should be top secret info. Ive shared some of this info. with my Appeal attorney's, my name is THOMAS GUDINAS, I reside on florida's — Death-Row. Im a true believer in GOD, Im catholic and feel God pointed me in this direction to reveal what Ive un-covered recently, a secret system running under the nose of the Government and the reason why I was put on Death-Row. Alot of what I found deals with intelligence and I believe terrorist could be involved in this system as well, on the fraud side of it. I asked my attorney out of Tampa-florida "ALI SHAKOOR" to file a motion for a full investigation, and to file this as newly discovered evidence - as it is and to file for a new-trial and my out-right release from Custody of D.O.C. into public life, as Im being held here on a secret system of fraud, conspiracy, all my rights have been violated because of this newly discovered evidence. I really cant explain much on paper, of what I found, I need experts in the field of decoding, which I asked my attorney to provide as well. my case was Circumstancial and no eye witness to any Crime, I Knew Something was wrong when I first was arrested and the new evidence proves infact, that the system was pre-planned to put me in the area, where these Crimes were committed, so I could take the fall for others actions involved with this fraud. I wasn't even born yet while this info exsisted "But wearing my name I ended up being a "vehicle" in this fraud. on top of that there is info. in this system I dont know how to read, but experts could - it could take years of investigation, to try to figure out a small portion of what I already un-covered. I also believe our government is at "risk" of being bugged - through "words, letters and names and numbers - system. →

"LEGAL MAIL"

NEWLY DISCOVERED EVIDENCE

I believe most of us are forced to live in it or with it in many ways - Some are good ways and Some are terrible and ILLegal!
Enclosed: Yaill find what I have already gave and tried to explain to my current attorney - A Letter and Exibits 1-20 showing Some of the things I found and tried to formulate for my attorney to the best of my ability. I DID Let my attorney Know, this information I gave him is "Dangerous" and he agreed, because Knowing this - could alert terrorists to take action under a disguise ect...., All this info. I uncovered, I realize goes deeper than what Im explaining and what Im explaining ought to Scare people. This is of "great public importance" but may need to be kept Secret until a full investigation.
The importance of this info, has far reaching effects, I believe it's a world-wide system, with secret passages within the info..
This system could be the reason, why Someone tried to shoot you and you should Know everything about this system - Its not right at all mr. president, that decent people can get railroaded by this Secret system. Isn't strange that I found my name in the victims name, for the crimes I was charged with, you won't believe all the other things I un-covered. This is all an invasion of privacy and much more. A violation of all my rights as a natural-born U.S. citizen. The florida Governer is a catholic, and no true catholic would ever Kill or execute Someone in the name of Jesus or any other name" with the info. of this Secret System of fraud and device work - without a full investigation and where the public has the right to see the full investigation "report" because average citizen's lifes are at risk under this Secret system.
Sir, please give the florida governor a call on these matters. once A full investigation is done by attorneys and the government, I feel its the governments duty "to pardon me of all charges"
And I hope you agree mr. president in light of the evidence.
This is a very serious matter, Thankyou for your time and help.

Sincerely, Thomas L. Gudinas Jr.

CC: orange county of lands States attorney,
All FL. Governor Ron Desantis,
FL. united States Supreme clerk of court,
Thomas L. Gudinas JR. and [redacted], FL, clemency Board,

LEGAL (1 of 1 Letter) I Allege: DATE: 12/2/24

NEWLY DISCOVERED EVIDENCE

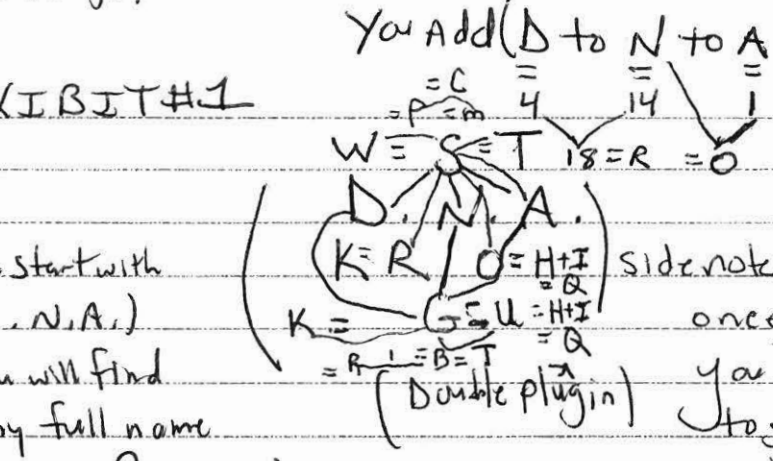
Im Sending a Copy to All parties involved and All major media And Front-line on P.B.S. who study Conspiracies. Seperately

RECENTLY, I Came to Study words, AND Found a Secret system, Connected with why I was persued and charged with false Crimes. Iim going to LAY DOWN, step by step several patterns to show you real facts of newly discovered evidence - Id like for everything I write about these facts to be viewed by all major media and to be public record. I cared about my life and well so much, something inside me my spirit, told me to Study these words the way I did. I started out studying the calendar and symbols on the clock - using numbers and letters and numbers dont lie - unless you change the position of them. — (FIRST) Iim to Let you know I found my name in several buisnesses and others places around the world - hidden in many diffrent words and names - each letter has a number - I also found my name "last" which is very rare in the word "D.N.A" I want to show you — EXibit #1 to show you how I do every word or name to get the information of All these facts under this secret system. I allege I didnt Know any of these facts until recently nor do I believe that my trial, judges or prosecutor or Attorneys - were aware of all these facts of newly discovered evidence - because I dont believe they are the ones who actually set this system up - its much bigger than that. There is a — Conspiracy and the true facts Ive un-covered "prove their is a bigger Conspiracy not only to my case, but a way of life for Some people. Iim Send a copy to my Appeal attorney and other parties in the near future, so I can have them file a motion for my release, either at the trial Court level or straight to the united States Supreme Court — this could raise a Conflict In filing - where Some of this ongoing discovery puts these, organizations of LAW in the middle of the evidence discovered so, there may have to be a Special hearing to ensure fairness and due-process of my rights in presented all the facts that have now been gathered and any other future facts gathered In this discovery". This is of great public importance" and the courts should take great interest, in releasing me to my family, with my fact findings Sincerely Thomas [illegible]

LEGAL

I Allege:

EXIBIT#1



You start with (D.N.A.) You will find my full name (THOMAS GUDINAS)

sidenote RO=G once you get to the end you add all the top letters together. Then you connect all other letter to get a complete reading of the complete word. Every word comes to a complete end in my study.

The ALPHABET A B C D E all the way to Z
= = = = =
1 2 3 4 5
f G H I J
= = = = =
6 7 8+9 9 10

(numbers DON'T LIE)

You Turn H its an (I)

You have other letter like Y where if you turn it there is also A T) and Z has a double L in it, turn it to the right and upside down to the right. Q has an Electrical Connection - which I call the curve line in the Q(A plug in)

LEGAL

I Allege:

EXIBIT#2 THE VICtim From MAY 24th 1994
MICHELLE MCGRATH

I found my name inside the victims ("Hidden")

(THIS is How I found it)

The victims LAST name

MCGRATH
GUDINAS → = R = J = Y = S = U = B + C
= B = I = D = RL = N = W = E

side note:
AS you notice the word Jury has already appeared in my study + you could add the S (Jury S)

I Don't HAVE to Complete the process on the victims name because I already found the newly discovered facts of evidence. Before I even finished it.

note AS you See I already found my LAST nam Gudinas in her LAST name and Im not even finished with the study at this point ~ found it very Quickly.

I Allege:
(I uncovered a Conspiracy to Execute an innocent person TO The charges of 1st degree murder)

"LEGAL* QUOTE – * They SAY The (PEN) IS mightier Than The Sword *

I Allege →

EXIBIT#3 The TRIAL Judge in my case out of orange County FL.
(BELVIN PERRY)

This IS what I found in Trial Judge
BELVIN PERRY'S name
wether he realizes this or not

I Allege: Facts of Evidence

Defendant (T)HOMAS (G)EDINAS

A Jew Cop under the disguise of the word dYE where you change the color of someones skin through drugs + devices perry is a Jew out of the bible in this way.

I Allege: As you notice which I find very often in words

BELVIN
= RQ = H = F + D = W.V
= IC
= P

Theres an O in Q
So RO = G
RQ = I = P
X

PERRY Y = T on the turn T to t = N
UWJ
RG
Y — T = NS
G = GUNS

As you notice T.G is my name initial's

X = mark the spot AN X LIST)

LEQ which is A Cop and this cop looks like he is from Berlin-Germany or IRE short for IRELAND – You Also HAVE DIE VEIN in the Trial Judges name AND PIG = COP

(plugin)

(Electrical Device Source)

CVS is the link and hospitals using needle drugs to A device hooked into the Computer systems to Control peoples minds + actions in electrical circuits

Jury in his name

N = GUN
BI – J
K
U
S

14 = N I Y
(A)DN(P)(C) = O
ER M
W

J O (E)
LA(W)
MX U
K (F)

T = t means To The T Get The job done

As you can see I Also found the word "HIRE" I Allege to be a fit in in something bigger The juge was Hired to have me executed "BLindlY" under conspiracy. —

united Kingdom
FEW
BIBLE LEO
Q = plugin

* NOT All cops Know or are aware they are in a systamatic system only the few Know. *

The Letter Y is a symbol of money – the word money Came from a two part Source no money is transacted with-out both Sources which includes electrical devices – and letters to a two part Dna Source

note: Theres a Truth Source to money + a lie Source to money transactions throughout the world for specific Buisness.

LEGAL

NEWLY DISCOVERED Evidence of fraud and cover-up

This is what You find IN MY name:

79 = PIG - 77 = Y = money

Y = 25 = money

DON = 33

I Allege:

EXIBIT #4

I Allege

I = Q when you add the two Letters in I which is H on the turn - Q being A plugin for a detective which (I)

Everything circled spells out LEQ'S and THOMAS LEE GUDINAS JR, AS You'll find JESUS in there too, AND LORD.

("I" or "H" is always going to be) A HAWAIIAN Detective

= 76/77 - THOMAS
= X - Y

money and D.N.A.

V W = [redacted]
74 / 75

(W) 23

GUDINAS = 75 = W
= B = Y = m = W = O = T
A = L = J = L = I
= m = V = V = T
= (I) (R) (P)
= A H = ACE HIQ
(I)
HAWAII FIVE O

C U J

V = C
G

PRISON is in my name:

note: The circled Letters INAR, spells IRA, AND IRAN Look at (EXIBIT #19) prints are above too

I found my name in the BIBLE In the name: APPOSTLES = LEQS

QFEHMFQX
WKMUSWO
HXHNPL
FFVTB
LBPV
NRL
ED
J

I U N G

Sex meaning Penis or Vagina = FQX Plugin media

which is the station I watched as a child most of my childhood And HAWAII FIVE O and others.

This SYSTEM [redacted] LIED me

IF You Go From first to LAST Letter you GeT (Z) = 26 = Lie = GOD

= 26

The WASP is in my name:

"

AS you notice you find both DON and PIG in my name AND PART of The Device being used Electrically "BUG"

LADY BUG CODE name for the Electrical Source The word "JAIL" is Just after that uncle Sam Name is there too, Also the OWL, thats on electrical / Fox med plugins circuits outlets / inlets You can actually See the design of the OWLS face on these outlets - inlets, that you plug your T.V. into or computer OR Bug Devices. And SAINT is in my name

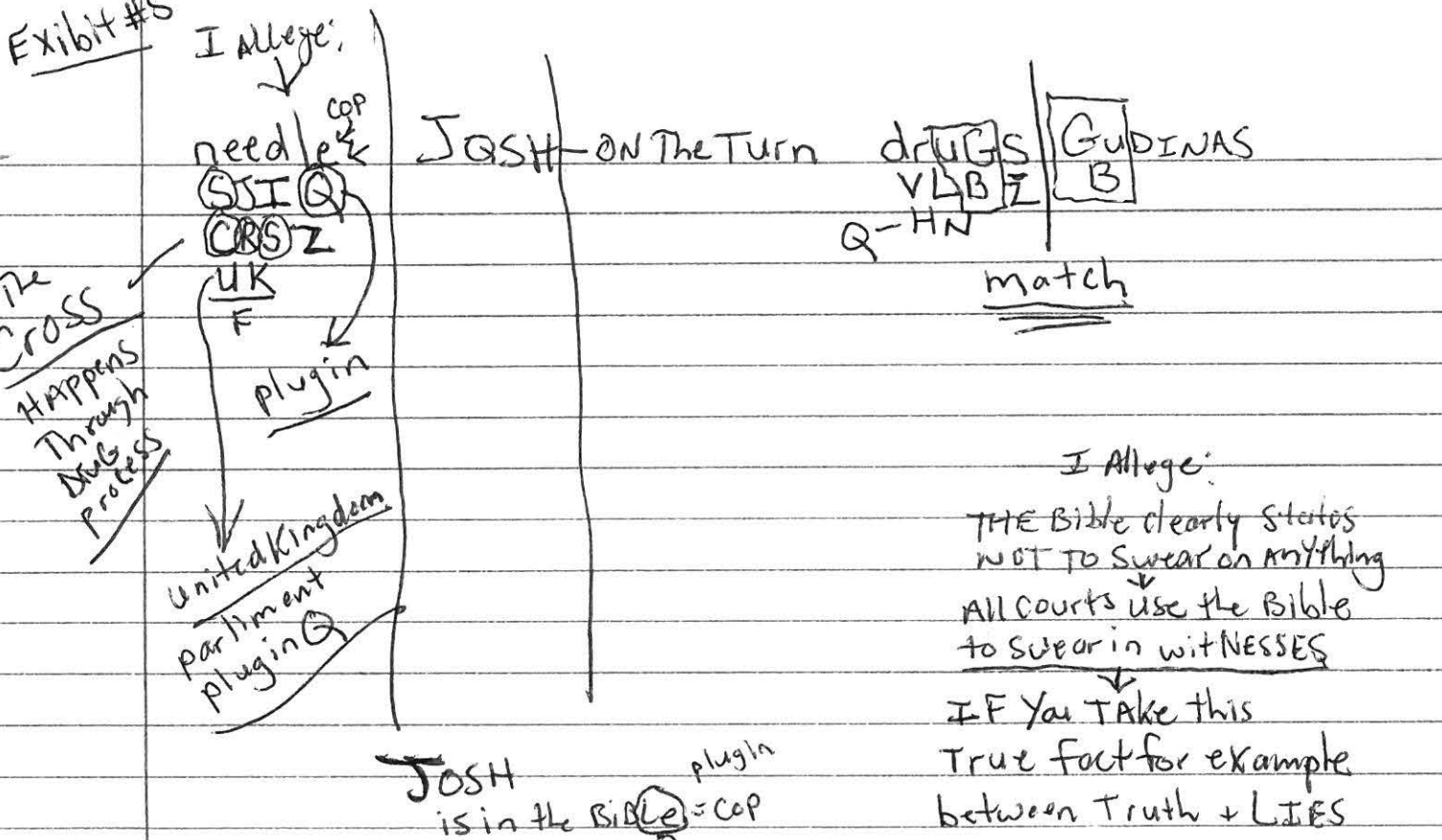
I Allege.

I believe there is A SYSTEM of D.N.A. markers in each individual - for example "m" is the marker which is 13 for rape and so on for other letters + numbers and words in D.N.A. Science - so this system has already marked people by there names through science with specific markers Letters or numbers " AS rapist or murder's or robbers ect ....

Some injected with Drugs to force a D.N.A reaction that wasn't present to begin with - I [illegible] charts.

LEGAL

Exibit #5



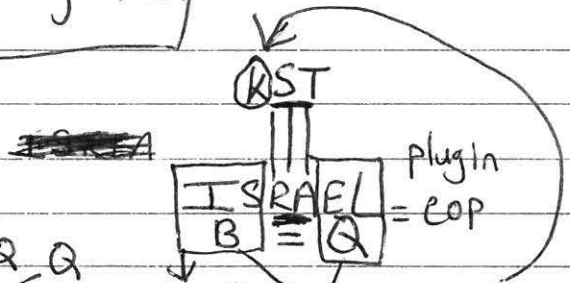
JOSH is in the BIBLE = COP (plugin Q) AND their are people here on the Row with That name and others with that name

Spain + England Are Connected AS Friends Through The word WASP and WASHINGTON DC

I Allege:
THE Bible clearly States NOT TO Swear on ANYthing
↓
All courts use the Bible to swear in witNESSES
↓
IF You TAKE this True fact for example between Truth + LIES

THE words
↓ ↓
LIE GOD
= = = = =
1295 7184 ← ADD Together
E26 =26
ADD together →

EXACT MATCH
numbers DONT LIE when in correct position.



SBQ
US
Q
N
= BUNS
= ASS
= SEX
money

= short for Buisness

SQ = BQQS
Double plugin
= BOOKS
= BQQKIES

THERE IS A TruTH GOD AND A LIE GOD
The Covenant made in the bible I Allege was with the LIARS LIE GOD (Abraham) which is Also the name of a dead president on money

LEGAL

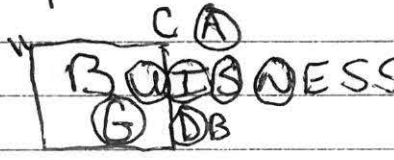
I Allege:

Exibit #6

I ALLege:

Due to this new discovered Evidence

THE WORD BUISNESS
plays an important roll
For my ILLegal Arrest and Confinement
AS you will see what I find Hidden
in this particular word:



← The circled letters spell GUDINAS AND

BUG = DEVICE
Electrical

CA = California

in electrical → ELECT = politicians

(Q = plugin)

I didn't even finish the word And found my name immediately

LEGAL

* accumulated * TO All Exibits + motion *

LAW

* Fruit of the poison Tree *

I Allege

Exibit #7

Newly discovered Evidence

True FACTS

That no public servant of

The LAW can ignore and

Everyday CITIZEN'S

DEVICES

Clocks

Every name you put on a clock reads a SYmbol

IT Tells You where the scientific LABS are Located too.

Computers

= R

INTERNET = W

TECHNologies = X

underlined Letters spell lies

most people who work for these media SYstems are not aware of the few who use Devices in these medias - for criminal acts + cons.

Electrical outlets / inlets

(SIN)

C media ABC (F) O

I = C = E

H (N) = (H)

A Z A R V

(S) G NBC

(N) P = E

= (U)

I

(X) CBS

(X) = E = U

(X) = (Z)

= (K) I P. B. S.

(X) = R = U

= (m)

= K

THOMAS

= S B

FOX T = C

= U = m A U J E

= (H) I T.

FIN on the turn Is SHARK FIN

on the turn IRAN FT.

ON The Turn of H = I, You get the Q plugin for the police organisation "ICE = HI - HAWII FIVE O meaning Cop.

plugin (PIN) Brittish Columbia PEN - united cup / cube Like an "ICE" cube cub U.N.

Tripple XXX SEX

cubes cubs

= PIG = Rum = Bums meaning ASS money.

(HIT SET = "HUM"

HAWII Five They HAVE the Hum Commercial on T.V.

Then you got SUM = X money (BIS

LEGAL
Affidavit
Exibit #8

NEWLY discovered controlling facts accumulated.

ON Every U.S. dollar → 1's, 5's, 10's, 20's, 50's, 100's

You HAVE The words
IN GOD WE TRUST

HAVING Someone else PAY for their sins
G.O.P.
The U.S. Government Grand old party DID not originate From America wether politicians know it or not and work under the disguise - The few, A money LIE

ASIA
STUDY The Kings name *SHIVA* over a thousand Years ago and You will find G.O.P. in order

= 26 LIE = 26
match

peoples LIVES ARE FOR BUISNESS
Under A (LIE)
numbers DON'T LIE

I Found my name THOMAS GUDINAS in the Letter O And number 0/ZERO

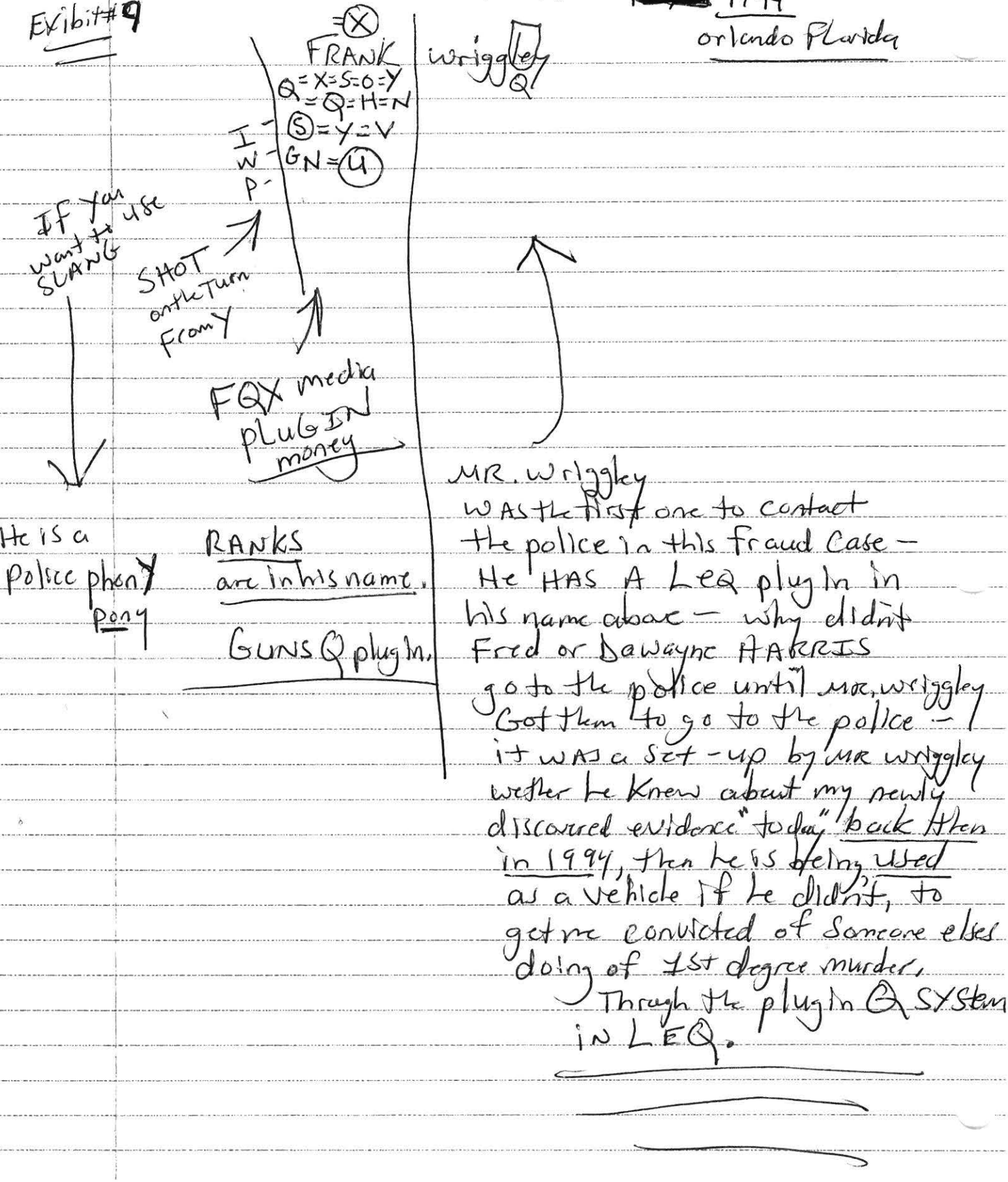
my name is connected in digits = money/time And a few other things.

DOCtors - ARE connected TO D.O.C. workers Department of Corrections AND HOSPITAL'S
where a needle Can be administered

THIS Also proves Their were SLAVES for sale + buisness over a 1,000 year ago SLAVES did not originate in AFRICA or AMERICA

I Allege: * newly discovered evidence * prosecution witness * [redacted] 1994 orlando Florida

Exibit#9



LEGAL

I Allege:
Exibit #10

True FACTS True Statement of facts

The clemency Attorney appointed by the Florida Governor
First name JASON (K) / Last name

in All Exibits This can't All be a Quincidence where real facts exsist.

my first Longtime childhood friend
His name was (Jason) Bowers

His First name is Actually on The Calendar we All or Some Live by STARTING with

(J)uly / (A)ugusT / (S)eptember / (O)ctober / (N)ovember

THEN Dec

short for Decision

SIN

IN The bible The LAW [redacted] it equals "SIN" it SAYS That.

I owned A Bible once That had A Symbol hidden on the cover in which I discovered it was A *RADIO*

Jan / (F)eb / (M)ar / (A)pril / (M)ay / June

= RADIO in the positive ENERGY Electrical BAR

= RADIO in the negative

JJ = TO The T number 20 on the alphabet = T

4th month

The number 4 = LIARS The month of April

DN MAY waive ANY who is found in DOC out of newyork.

IF you Look At ANY Electrical outlet closely enough you can see [owl EYES + HEAD]

P: on the clock goes back to the number 4

P = police
D Department

and Scientific RATS
Litterally humans were made for Sacrafices in the system

There is a Scientific RAT made for every police force

LEGAL

I Allege;

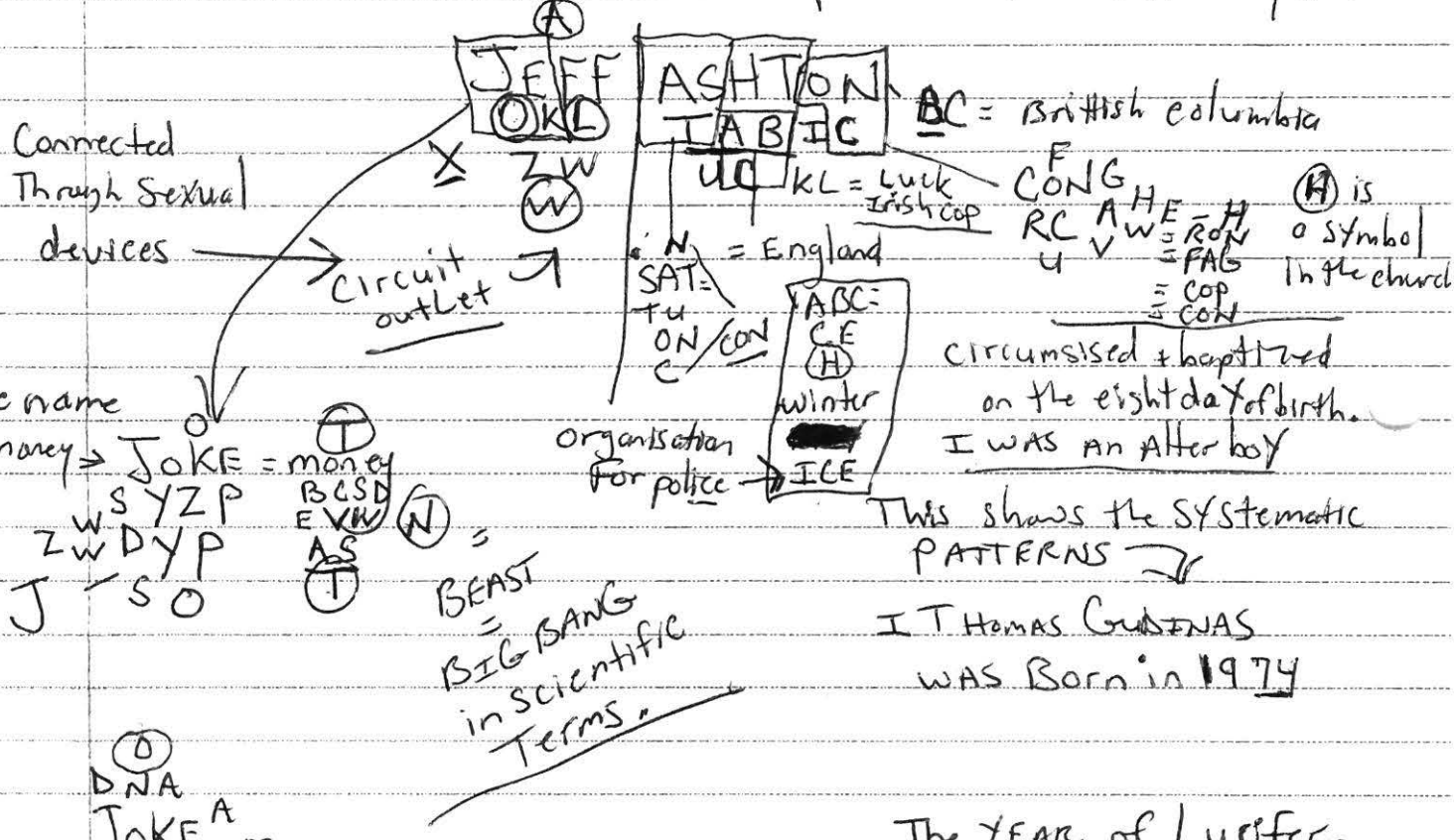
All these exibits An motions Are of Great public intrest True And valid claims.

Exibit #11 I Allege; → *TRUE FACTS of newly discovered evidence*

Anything found in any parties name working for the STATE of florida under the LAWS against the defendant creates a SIerious conflict and a prejudice to dueprocess and fair hearings on trials with the Evidence + facts found in all these exibits An motions.

(IN God we TRUST
money pyramid
Comes from EGYPT
A DYE | HIDE)

This is what I found in THE prosecutors name From my TRIAL



O
DNA
JOKE A m
L NCLP L T G
OOB I
DQ
W
S
UB

AS you notice Tom/G. is there

USing the D.N.A TOOL

The YEAR of Lucifer
IN THE YEAR of THE LORD
Jesus
Jesus = (74) Lucifer = (74)
MATCH

How did I find this wisdom

HAWAII FIVE O = I → 666 in the Bible

666 is 18 1+8 = 9 = I

LEGAL

I Allege:

EXhibit#12

* where the victim worked *

NASA

I FOUND THIS IN

A Scientific organisation + Technologies → (That use Devices As well)

NASA

OIT

IN

L W

= WIN on the Electrical Circuit

= LION

UXC

= United X COP

United Kingdom

— which you find in exibit #11 in the prosecutors name. SAT

AND N to the O

= CON

Leaving BH

= JK

Fand in the prosecutors name.

AND TAT

fand in the prosecutors name

exact match

This was facts WAY before the crimes charged and convicted of At trial "Exsisted" in the prosecutors name.

LEGAL

I Allege: which I believe is A buisneSS DEAL

I Allege:

Exibit #13

(I HAVE Found THE COUNTRY → Cuba
InSide The AMERICAN Constitution)

CONSTITUTION

=R=C=G=m=C=C=O=O=C=X=C
=U=J=T=P=F=R=D=R=A=A
=E=D=J=V=X=V=V=S=B
=I=N=F=T=T=P=O=U
=W=T=Z=N=J=E=J
=Q=T=N=X=O=O
=K=H=L=m=D
=S=T=Y=Q
=m=S=P
=F=I

mD=Doctor by bullet or needle

(plug in SHQT)

HQLE KITS Toms/plug

notice, hawflakes All WIRE Q plug in Down the left Side.

U.S. citizens That reside Secretly in Cuba

Connected to the American Constitution

The BAY of PIGS most Likely, where this stemmed From.

TQm = TA = Touch down.

LAMB | PQD

LAmp | QIL MAP

LA police HI FIVE O PLUG IN.

my Full name IS above THOMAS Lee Gudinas JR.

COP | PROOF READ

JED I | con | GUN

Their are IN/lets and outlets

TWIN | WIN

TOILET, Q-plugin ZN

TNT ZONE

Double Gun NN

CON | CAN

Joe/Joe mode

INLET CubA JOB

outlet ? Question

"ABove newly discovered Evidence"

LEGAL

I Allege #14

Newly Discovered Information

ATTorneyS on the case

michael Q IRWIN

BOB LE Q BLANC

Amy Settlemire Q

LOOK ↓ IN Exibit #20 you find michael Irwin in Detective Griffin The arresting officer

As you notice my first chair trial attorney also has a LeQ plugin in his name

As you notice Above there is a LeQ plugin in my trial attorneys name And he was the only one that tried to get me to confess on a tape-recorder he brought up to the orange county Jail

LeQ/= cop plugin in the above name

we will file a motion to dismiss All charges against me on time with the proper procedures.

→ me + my appeal attorney will finish the above names In the near future to uncover the rest of facts connected to the case and other sources what we have already In all these exibits is extremely damaging to the States stand against me for false Imprisonment and fraud and Predidical (injury" prejudice" and Conspiracy.

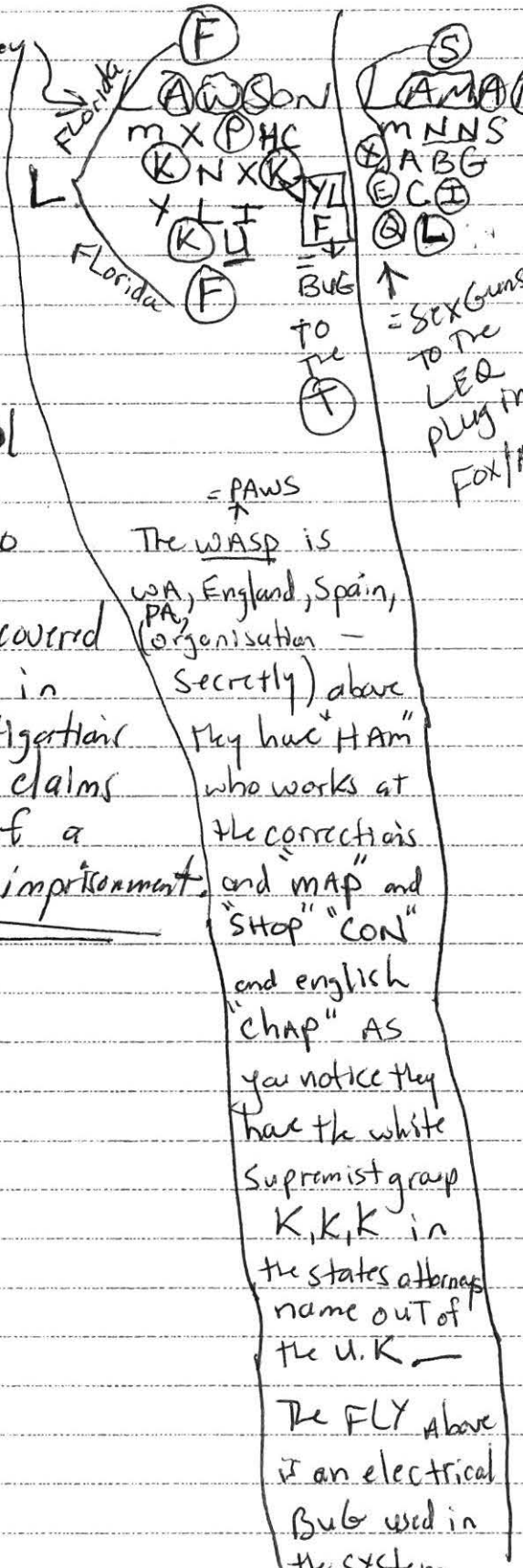
* LEGAL *

Exhibit #15 I Allege,

newly discovered facts and evidence of a conspiracy to commit fraud on an innocent person of 1ST Degree murder.

STATES ATTorney

I Allege: The MR LAMAR might of not been aware of this conspiracy and was used as a tool of the court, through the actual people who Know how to run the SYStem IVE un-covered That would be Know in an immediate investigation into these facts And claims that shaw proof of a conspiracy and false imprisonment.



LEGAL
Illegal
Exhibit #16

I *Thomas Gudinas* Have newly discovered evidence below. This was taking off my case This Judge and replaced by Kelvin Perry:

1ST, original Judge handling case in Question: MR DAWSON

RISKY = R — K — (S) DANIEL

=C
O
I
E
V
m
B = E=O=W=N=Q
T=L=K=E
(I) = F=W=P
=C=m
Y (P) circled

I Come → MOVIE

Towel means the Throw Towel in is there.

SPAIN I SHIP

CAP is there ↓ ELK TOWN is there INK/wink = BYE, there.

As you notice DAN is above — that can also be DNA same letters Gudinas is in DNA, and the word LIE is right next to DAN — with IEL — LION is there ION, being an electrical device present and Leo/LEQ plugin.

P. = 16th Letter of the Alphabet

16 on the clock 4 which is April 4th month = LIAR

P/D police dept.

(X) DAWSON
= E=X=P=H
=C=N=X
=Q=L
=(C)

uY
L=A
EE D
J

→ (WASP EXP.)
-Y
-A UZ4 ENGLISH/ENG. CHAP

JULY
CODE NAME
FOR JASON on the calendar

↑

(AL, COX and Cole is in his name there two were on the ROW)

CQN plugin is there
WA, DC. is there
DECQY is there with A plugin.
DA = District Attorney is there.

LEGAL

NEWLY Discovered Evidence

I Allege: →

Exibit #17

note: After sharing this newly discovered information with the clemency Commission I feel they may want to sign my warrant to have me executed because of these facts secretly hidden & uncovered recommended to the Governor. This information I've uncovered is so dangerous, having the information could put anyones life in Jeapordy. This info. shows they would be executing an innocent person under a conspiracy plot by a system of individuals that knows how to work this un-lawful system, ie either way a recommendation would be Illegal unless they gave me a full pardon - and a warrant would be Illegal due to the nature and fraud I've been un-lawfully arrested under. A full investigation needs to ensue into these facts I've uncovered. Thankyou!

CLEMENCY (B)

O=Q=R=R=S=Q=B W

A = F=I=J=K=J=S D/G N/R H/Q W

=O=S=U=U=C

=H=N=P=X

V

P (T) =V=D=N

F =Z=R

(V) L =(R)

Commission (O)

=R=B=Z=V=B=L=B=X=C

=T=B=V=X=N=N=Z=A

=V=X=T=L=B=N=A

=T=R=F=N=P=O

S =L=X=T=D=E

=J=R=X=I

W D =B=P=G F

Z W S =R=W

=(O)

private Florida T.V. BriT, LEQ plugin money jobs. BRAVO

up above in Clemency The words COLE LEO, LEQ, money, Con. Are there! underlined Cole is connected to A plugin LeQ / Cop who they took out of U.C.I. and executed at F.S.P. recently, I feel like the push for clemency, is sending me down that same road "Cole" unfortunately had to go down, as I Now believe he was an innocent person too. In Question: If he were Guilty, it would be due to Electrical Devices T.C. clearly un-covered in my studies,

AS You notice Above: Cole Loran is there PIG, DIE, DON Baltimore, where they DID D.N.A Testing, TEXAS LED out of London ENG Coon, Brit — woods, is where the Devices place you in a scene Undetected of the actions taken. They have the word *ROW* not suprisingly At the end of Commission

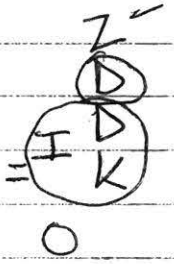
LEGAL

I Allege!
Exhibit #18

Newly Discovered Evidence
From Japan to America
where I first found out I
was LIED in the country

JAPAN
= K=Q=Q=O
= B=H=F
= J=N
= X

(pA.) is there too!
(AK) is there too
Two, plug ins
From Japan to
these States of
America



TX. FED
DC. Police Department
present

~~JAPAN~~
JOHN → (BAP)tism
8 DAYS old

(A TX. John
penis plugin)

I was Baptised
At 8 days old

(Ice is present
FOX plugin.

BQQK
possibly BIBLE
or BQQKie
THE HQQK

HBQ
T.V. Station

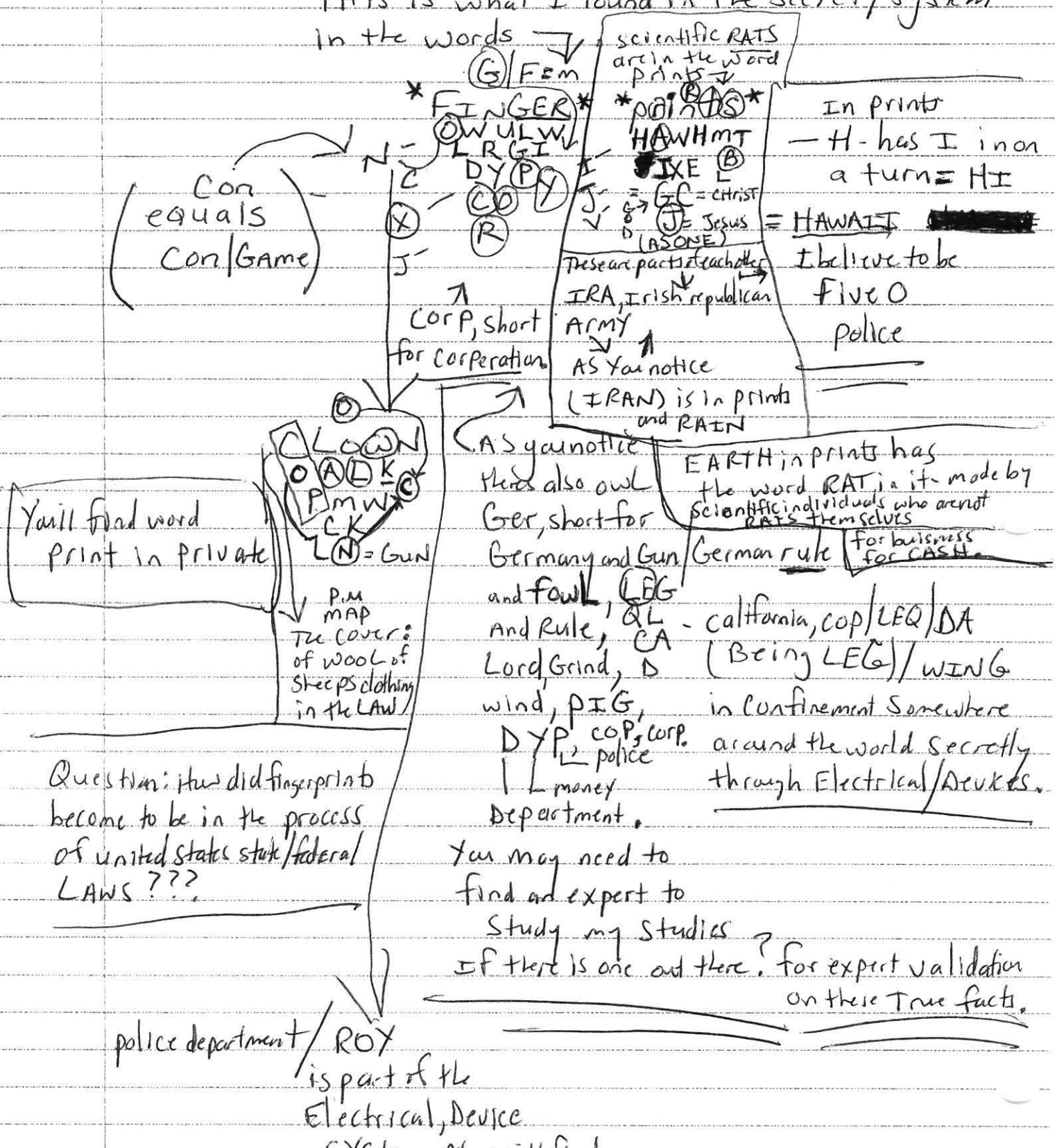
JQB

LEGAL

I Allege:
Exibit #19

Newly Discovered Evidence with Collaberation and Truefacts

THis is what I found in the Secret/System in the words



* LEGAL*

I Allege
Exibit #20

* STATEment of True facts*

* NEwly Discovered Evidence
on the Arresting Detective while confined in northcarolina, *
HAVE uncovered, A Scheme to bring me to the State of frorida.

DETECTIVE DAVID GRIFFIN

This is what I found in his name:

DAVID / *michael / Q	(P) (N) = D GRIFFIN Y A = O L = O = W S = N Z = P = A = A = L U = P Q B = m = phnx ARZ. money G S = O Q = Z = H = H The LAMBS hole in O in the mob	EXACT matches. LOOK At exibits #4, #19 Already I have found IRA, and IRAN in Griffin And FF = FLorida = L
	underling letters (G)rand, old (P)arty (You have "LIAR" in Griffin) (GrIP) ↑ ↑	RAY, Turn the Y creates A T = RAT, money
	AS you notice you'll find my original Trial Attorney's name in Detective Griffins name circled.	GARY = GA, ROY PLUG IN to the Q To the LION

→ The word "BLY" = (GUN money)
will become a very important
word in the scheme of electronics and devices.
which I can explain on court record in the
court of LAW along with All my other Studies.

ION, Deals with electrical current-Devices to Animals and humans alike.

AS You notice on the united States MAP
If You Look AT FLorida very closely
At the very TOP" There's a Symbol of
A GUN! *HAND GUN* which
will play an important role in my testimony.