*** CAPITAL CASE ***

No. _____

IN THE

Supreme Court of the United States

RONALD PALMER HEATH,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

EXECUTION SCHEDULED FOR FEBRUARY 10, 2026, AT 6:00 P.M.

Sonya Rudenstine
Counsel of Record
531 NE Blvd
Gainesville, FL 32601
(352) 359-3972
srudenstine@yahoo.com

Counsel for Petitioner

INDEX TO APPENDIX

Supreme Court of Florida Opinion Affirming Denial of Successive Motion for Postconviction Relief, February 3, 2026 ..... A1

Eighth Judicial Circuit Court for Alachua County Order Denying Successive Motion for Postconviction Relief, January 21, 2026 ..... A2

FDOC Lethal Injection Protocol, February 18, 2025 ..... A3

FDOC Execution Drug Logs, November 26, 2025 ..... A4

Declaration of Dr. Joel Zivot, M.D., January 17, 2026 ..... A5

A1

Supreme Court of Florida Opinion

Affirming Denial of Successive Motion for Postconviction Relief

February 3, 2026

Supreme Court of Florida

No. SC2026-0112

RONALD PALMER HEATH,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

No. SC2026-0113

RONALD PALMER HEATH,
Petitioner,

vs.

SECRETARY, DEPARTMENT OF CORRECTIONS,
Respondent.

February 3, 2026

PER CURIAM.

Ronald Palmer Heath, a prisoner under sentence of death for whom a death warrant has been signed and an execution set for February 10, 2026, appeals the circuit court's orders summarily

denying his second successive motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.851 and his several post-warrant public records requests made under Florida Rule of Criminal Procedure 3.852. Heath also petitions this Court for a writ of habeas corpus and moves for a stay of execution. We have jurisdiction. *See* art. V, § 3(b)(1), (9), Fla. Const. For the reasons explained below, we affirm the denial of postconviction relief and public records requests and deny the habeas petition and motion for a stay of execution.

I. BACKGROUND

Heath was sentenced to death for the first-degree murder of Michael Sheridan in Gainesville in 1989. On direct appeal, this Court summarized the facts as follows:

> Heath and his younger brother, Kenneth, drove to Gainesville to visit some of Heath's friends. On May 24, 1989, the brothers went to the Purple Porpoise Lounge in Gainesville where two of Heath's friends worked as waitresses. Sometime during the evening the brothers struck up a conversation with Sheridan, a traveling salesman who had come to the lounge for drinks and dinner. Sheridan bought the brothers a drink and inquired if they ever got high or had any marijuana. Heath suggested to Kenneth that they take Sheridan somewhere and rob him; Kenneth agreed. The trio left the bar in Kenneth's vehicle, which Heath drove to an isolated area of Alachua County. After parking on a dirt

road, all three got out of the car and smoked marijuana. Heath made the hand motion of a pistol and asked Kenneth, "Did you get it?" Kenneth retrieved a small-caliber handgun from under the car seat, pointed it at Sheridan, and told him that he was being robbed. Sheridan balked at giving the brothers anything. Heath told Kenneth to shoot Sheridan. When Sheridan lunged at Kenneth, Kenneth shot him in the chest. Sheridan sat down, saying "it hurt." As Sheridan began to remove his possessions, Heath kicked him and stabbed him in the neck with a hunting knife. Heath attempted to slit Sheridan's throat, but was unable to complete the task with the dull knife and could only saw at Sheridan's neck. Heath then instructed Kenneth to kill Sheridan with the gun, and Kenneth shot him twice in the head. The brothers moved the body further into the woods. After returning to the Purple Porpoise, the brothers took Sheridan's rental car to a remote area, removed some items, and burned the car.

The next day the brothers used Sheridan's credit cards to purchase clothes, shoes, and other items at a Gainesville mall. Although Kenneth signed all of the credit card slips, clerks from the various stores testified about the purchases made by the brothers and identified Heath in a photo lineup. . . .

. . . .

Several weeks after the murder, Heath was arrested at his trailer for using the stolen credit cards. [Heath's girlfriend] granted the officers permission to search the trailer and her car. The officers discovered some of the clothes purchased in Gainesville and Sheridan's watch.

. . . .

Heath's trial commenced on November 5, 1990. The primary evidence linking Heath to the crime was the testimony of Kenneth, Heath's possession of a watch which could be traced to Sheridan through its serial number, and Heath's possession of certain merchandise acquired in Gainesville with Sheridan's stolen credit cards. The jury found Heath guilty of the first-degree

> murder and armed robbery of Sheridan, as well as conspiracy to commit uttering a forgery, conspiracy to commit forgery, seven counts of forgery, and seven counts of uttering a forgery. In the penalty phase, the jury recommended the death penalty by a vote of ten to two. In its sentencing order, the trial court found two aggravating circumstances: Heath was previously convicted of second-degree murder; and the murder was committed during the course of an armed robbery. The trial court found three mitigating circumstances: that Heath was under the influence of extreme mental or emotional disturbance, based upon his consumption of alcohol and marijuana; that Heath demonstrated good character in prison; and that codefendant Kenneth Heath received a life sentence. The court found that the aggravating circumstances outweighed the mitigating factors and sentenced Heath to death for the first-degree murder conviction.

Heath v. State, 648 So. 2d 660, 662-63 (Fla. 1994) (footnotes omitted).

On appeal, this Court affirmed Heath's first-degree murder conviction and death sentence, *id.* at 666, which became final when the United States Supreme Court denied certiorari review in 1995, *Heath v. Florida*, 515 U.S. 1162 (1995); *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, Heath has unsuccessfully challenged his convictions and sentences in state and federal courts. *See Heath v. State*, 3 So. 3d 1017, 1021, 1035 (Fla. 2009) (affirming denial of initial motion for postconviction relief); *Heath v. State*, 237 So. 3d 931, 932 (Fla. 2018) (affirming denial of first successive motion for postconviction relief); *Heath v. Tucker*, No. 1:09-cv-00148-MCR, at *62 (N.D. Fla. Aug. 20, 2012) (denying federal habeas petition); *Heath v. Sec'y, Fla. Dep't of Corr.*, 717 F.3d 1202, 1205 (11th Cir. 2013) (affirming denial of federal habeas relief).

Governor Ron DeSantis signed Heath's death warrant on January 9, 2026. Heath then filed a second successive motion for postconviction relief under rule 3.851 raising four claims: (1) Florida's alleged reckless maladministration of its lethal injection protocol violates the Florida Constitution and the Eighth Amendment, and the circuit court's decision to block any further investigation violates the Fourteenth Amendment; (2) Florida's secrecy rules regarding executive clemency impermissibly block Heath from investigating whether a federally recognized due process claim is available; (3) Heath's death sentence violates the Eighth Amendment because his traumatic juvenile incarceration stunted

his brain development; and (4) Heath's execution would violate the Eighth Amendment because the jury's vote for the death penalty was not unanimous. The circuit court summarily denied all four claims as well as Heath's post-warrant public records requests. This appeal followed.

II. ANALYSIS

A. Second Successive Motion for Postconviction Relief

1. Claims That Florida's Administration of Its Lethal Injection Protocol and the Circuit Court's Decision to Block Further Investigation Are Unconstitutional

Heath first argues that the circuit court erred in summarily denying his claim that (a) Florida's alleged reckless or negligent maladministration of its lethal injection protocol violates the Florida Constitution and the Eighth Amendment and (b) the circuit court's decision to block any further investigation violates the Fourteenth Amendment.

a. Method of Execution

Heath contended that the method of execution used by the Florida Department of Corrections (FDC) is unconstitutional because the lethal injection protocol was allegedly maladministered in prior executions, which raises concerns about its administration

generally and places Heath in imminent danger of needless pain and suffering.

Heath alleged that inventory logs tracking lethal injection drugs—which came to light in a federal lawsuit filed by Frank Walls, who was executed in December 2025—indicate that FDC has deviated from its protocol in recent executions and is unable to competently carry it out. Heath made several allegations concerning the administration of the protocol in 2025, including that: (1) on three occasions, the logs suggest that FDC did not document the removal from inventory of drugs used in the executions until one or two days after the executions; (2) in one execution, there is no corresponding log entry indicating that etomidate was removed from inventory, despite postmortem testing showing the presence of the drug in the decedent's blood; (3) on two occasions, drugs were removed from inventory one or two days after executions in amounts allegedly less than required by the protocol, suggesting incorrect dosing; (4) on two occasions, lidocaine—a drug not called for in the protocol—was administered; (5) the logs indicated that an expired drug was used during four executions; and (6) one execution took twenty minutes, with movement

occurring after the paralytic would have purportedly been administered.

These allegations of maladministration in 2025 stem from documents attached to Heath's motion, which included pages listing fields such as "drug name," "package size," and "date," among others. Also attached to Heath's motion was a declaration from Joel Zivot, M.D., a physician practicing anesthesiology and critical care, supporting this claim and describing the risks posed by FDC's alleged recklessness in administering the protocol. The circuit court denied the claim and concluded Heath's proposed alternative method of execution was insufficiently pleaded.

To successfully challenge a method of execution, a defendant must "(1) establish that the method of execution presents a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering and (2) identify a known and available alternative method of execution that entails a significantly less severe risk of pain." *Asay v. State*, 224 So. 3d 695, 701 (Fla. 2017) (citing *Glossip v. Gross*, 576 U.S. 863, 877 (2015)). But speculative and conclusory allegations that lethal injection protocols present a substantial risk of serious harm are insufficient

to warrant an evidentiary hearing. *Cole v. State*, 392 So. 3d 1054, 1065 n.18 (Fla.) (citing *Jimenez v. State*, 265 So. 3d 462, 475 (Fla. 2018)), *cert. denied*, 145 S. Ct. 109 (2024).

The question is not whether protocol deviations occurred but whether the defendant's allegations would demonstrate a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering. Heath's allegations would not demonstrate such a risk. The alleged failure to document the removal of drugs from inventory until one or two days after an execution would not, without more, show a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering during an execution. Nor would the alleged failure to log the removal of etomidate from inventory establish such a risk where the autopsy indicates the drug was, in fact, administered. The allegation that lidocaine was administered on two occasions certainly would not establish a risk of needless suffering. Heath's suggestion that inventory removals on dates that "seemingly correspond[]" to executions and reflect amounts less than required by the protocol show that incorrect doses were used is speculative and Heath does not allege that such incorrect doses

would create a demonstrated risk of severe pain. The same is true of the alleged use of expired drugs and the execution that took twenty minutes and allegedly involved movement. None of Heath's allegations would establish that the method of execution presents a substantial and imminent risk that is sure or very likely—in other words, a virtual certainty—to cause serious illness and needless suffering.

The circuit court also concluded, and we agree, that Heath failed to identify a sufficient alternative method of execution. A proposed alternative method must be "feasible, readily implemented, and in fact significantly reduce[] a substantial risk of severe pain." *Tanzi v. State*, 407 So. 3d 385, 393 (Fla.) (alteration in original) (quoting *Glossip*, 576 U.S. at 877), *cert. denied*, 145 S. Ct. 1914 (2025).

Heath first proposed pausing executions, conducting an independent review of FDC's lethal injection practices, documenting and explaining any alleged errors that have occurred in recent applications of the lethal injection protocol, and providing additional training and reform as necessary before resuming executions using lethal injection. But to show that an alternative

method is feasible and readily implemented, "the inmate's proposal must be sufficiently detailed to permit a finding that the State could carry it out 'relatively easily and reasonably quickly.' " *Bucklew v. Precythe*, 587 U.S. 119, 120 (2019) (quoting *McGehee v. Hutchinson*, 854 F.3d 488, 493 (8th Cir. 2017); *Arthur v. Comm'r, Ala. Dep't of Corr.*, 840 F.3d 1268, 1300 (11th Cir. 2016)). Heath's proposal lacked such detail. Nor would pausing executions to conduct an investigation, identify problems, reform practices, and conduct training permit Heath's execution to be carried out "reasonably quickly."

The Supreme Court has further said that the inmate proposing an alternative method of execution "must make the case that the State really can put him to death, though in a different way than it plans." *Nance v. Ward*, 597 U.S. 159, 169 (2022). But there is no suggestion that FDC does not "plan" to follow protocol during Heath's execution. Thus, to the extent that this proposal is an alternative method of execution, it was insufficiently pleaded.

As a second alternative, Heath proposed execution by firing squad. But he failed to make even a bare allegation that this method would be feasible or readily implemented, and he offered

only a single unelaborated assertion that a firing squad "would entail less risk of error and severe pain."

This failure to plead sufficient facts showing that a firing squad is feasible, readily implemented, and would significantly reduce a substantial risk of severe pain renders his claim insufficiently pleaded. *See Rogers v. State*, 409 So. 3d 1257, 1268 (Fla.) (rejecting firing squad as an alternative method of execution because defendant failed to show how it could be readily implemented or significantly reduce the substantial risk of severe pain), *cert. denied*, 145 S. Ct. 2695 (2025); *Tanzi*, 407 So. 3d at 393 (same); *Boyd v. Warden, Holman Corr. Facility*, 856 F.3d 853, 859 (11th Cir. 2017) (rejecting method-of-execution claim where Boyd did "not come close to pleading sufficient facts to render it *plausible* that [his proposed alternative methods of execution were] feasible, readily implemented methods" that would "significantly reduce a substantial risk of severe pain"); *Valle v. State*, 70 So. 3d 530, 549-50 (Fla. 2011) (affirming denial of relief where claim was speculative and insufficiently pleaded).

For these reasons, we find no error in the summary denial of this claim.

b. Denial of Public Records Requests Relating to Lethal Injection Protocol

Heath next claims that the circuit court erred in denying his post-warrant public records requests under rule 3.852(i) to FDC, the Florida Department of Law Enforcement (FDLE), and the Office of the Medical Examiner for District Eight.[1] Heath sought records relating to more than ten executions that occurred in 2025, with which he alleged there were errors in the drug logs, problems with the preparation of the drugs, or problems with the drugs themselves. Heath asserted that he sought the records because of his "interest in fully investigating, before his scheduled execution, the maladministration of the protocol . . . in 2025." He further claimed that the records were relevant because "they have something to do with the subject matter of lethal injection." The circuit court sustained the agencies' objections—that the requests were untimely, overly broad, unduly burdensome, and did not relate

1. Contrary to the title Heath gave this issue, it contains no specific argument that the circuit court's decision to block any further investigation into the alleged maladministration of the protocol violates the Fourteenth Amendment or due process. Thus, we treat this sub-issue as a claim that the relevant records requests were erroneously denied under rule 3.852(i).

to a colorable claim for postconviction relief—and denied the requests.

We review the denial of requests for public records for abuse of discretion, *Muhammad v. State*, 132 So. 3d 176, 200 (Fla. 2013), and find none here. Heath has not shown that the circuit court abused its discretion in denying his requests. His argument that the records related to a colorable claim for postconviction relief—i.e., that the reckless or negligent administration of the lethal injection protocol by FDC places Heath in imminent danger of needless pain and suffering in violation of the Eighth Amendment—lacks merit. As explained above, to prevail on a method-of-execution claim, Heath must not only establish that the method presents a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering, but he must also identify a known and available alternative method of execution that entails a significantly less severe risk of pain. This he has not done. Further, it cannot credibly be disputed that the requests made to FDC and the Office of the Medical Examiner were overly broad or unduly burdensome. Under these circumstances, we cannot conclude that the circuit court erred in denying the requests for

public records from FDC, FDLE, or the Office of the Medical Examiner at issue here.

2. Claim That Florida's Extreme Clemency Secrecy Rules Impermissibly Block Heath from Investigating Whether a Federally Recognized Due Process Claim Is Available

Heath next argues that the circuit court erred in summarily denying his claim that his inability to obtain records from his own clemency proceeding impermissibly impedes him from investigating whether the denial of executive clemency in his case violated federal due process. After his death warrant was signed on January 9, 2026, Heath filed, under rule 3.852(i), requests for the production of public records relating to Florida's clemency process and his own clemency proceeding from various entities, including the Executive Office of the Governor, the Florida Commission on Offender Review, and the Attorney General of Florida. The circuit court denied each request, concluding that the requests were based on nothing more than speculation and conjecture.

As an initial matter, records relating to the clemency process are exempt from disclosure. *See Muhammad*, 132 So. 3d at 203 ("[C]lemency files and records are not subject to chapter 119 disclosure and are exempt from production in a records request

filed in a postconviction proceeding."); § 14.28, Fla. Stat. (2025) ("All 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."). Additionally, Heath failed to establish, as required by rule 3.852(i)(1)(C), that the records "are either relevant to the subject matter of the postconviction proceeding or are reasonably calculated to lead to the discovery of admissible evidence." "[R]ecords requests under Rule 3.852(i) must 'show how the requested records relate to a colorable claim for postconviction relief . . . .' " *Jones v. State*, 419 So. 3d 619, 628 (Fla.) (quoting *Dailey v. State*, 283 So. 3d 782, 792 (Fla. 2019)), *cert. denied*, 146 S. Ct. 79 (2025). And "[w]here a defendant cannot demonstrate that he or she is entitled to relief on a claim or that records are relevant or may reasonably lead to the discovery of admissible evidence, the trial court may properly deny a records request." *Id.* (quoting *Asay*, 224 So. 3d at 700).

Heath's requests generically attested that the records he sought "are relevant to the subject matter of a proceeding under Florida Rule of Criminal Procedure 3.851" or they "appear

reasonably calculated to lead to the discovery of admissible evidence that Florida's clemency process and the manner in which the Governor determined that [Heath] should receive a death warrant on January 9, 2026, was arbitrary and capricious." He further alleged, without elaboration, that there are "indications" that his "clemency denial may not have comported with due process, including the speed at which clemency was denied, simultaneously with the issuance of a warrant, as well as influence from politicians and family members of victims other than the victim in this case."

But challenges to the Governor's absolute discretion to issue death warrants and allegations that the Governor's decision to sign a warrant was influenced by public input do not present colorable claims for postconviction relief. *See, 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 the requested clemency "records would not relate to a colorable claim because we have held many times that claims challenging clemency proceedings are meritless"); *Carroll v. State*, 114 So. 3d 883, 887-88 (Fla. 2013)

(rejecting argument that the Governor's selection of a death row prisoner for execution is arbitrary and unconstitutional); *Mann v. State*, 112 So. 3d 1158, 1163 (Fla. 2013) (holding that records sought in the hope of supporting an allegation that the Governor's selection of Mann for a death warrant was tainted by public input were not relevant to any colorable claim, and that such claim is not cognizable); *Valle*, 70 So. 3d at 551-52 (rejecting argument that the Governor's discretion in signing a death warrant results in an arbitrary and capricious selection process).

Accordingly, Heath has not met his burden to show how the requested records relate to a colorable claim for postconviction relief. Instead, he was "seeking to discover if possible claims exist, rather than records to support a colorable claim for postconviction relief," an objective unsupported by law. *Damas v. State*, 423 So. 3d 811, 823 (Fla. 2025). And the denial of such requests does not violate a defendant's rights to due process or access to the courts. *Id.*; *see Randolph v. State*, 422 So. 3d 166, 172 (Fla. 2025) (observing that constitutional challenges to rule 3.852 are not new but that all have been rejected by this Court under state and federal law, including claims that the denial of public records violated due

process and access to courts), *cert. denied*, No. 25-6133, 2025 WL 3236523 (U.S. Nov. 20, 2025); *Bates v. State*, 416 So. 3d 312, 320-21 (Fla.) (rejecting claim that defendants have a right to review and rebut evidence pertaining to their clemency proceeding), *cert. denied*, 146 S. Ct. 66 (2025); *Hutchinson v. State*, 416 So. 3d 273, 279 (Fla.) (rejecting claim that operation of rule 3.852 violates due process), *cert. denied*, 145 S. Ct. 1980 (2025). Heath offers no basis to depart from this precedent. The summary denial of the claim was proper.

3. Claim That Heath's Death Sentence Violates the Eighth Amendment Because His Traumatic Prior Incarceration Stunted His Brain Development

In his third issue on appeal, Heath claims that the circuit court erred in summarily denying his claim that the Eighth Amendment categorically excludes him from execution because, although he was twenty-seven years old at the time of Sheridan's murder, his alleged stunted brain development rendered his "psychological age" no more than twenty-five. Heath asserted that "[f]or the same reasons that drove the Supreme Court to find juvenile offenders less culpable in *Roper* [*v. Simmons*, 543 U.S. 551, 578 (2005)], Heath was less culpable at the time of the offense

because of his still-developing brain, which was stunted beginning at the age of 16 . . . ." Heath brought "this claim as a matter of newly discovered evidence based on Dr. Akinsulure-Smith's findings and recent research."

Dr. Akinsulure-Smith evaluated Heath in November 2025 and concluded that the several instances of sexual violence to which he was subjected while in prison for his prior murder conviction—from ages sixteen to twenty-seven—"resulted in severe, lifelong developmental and health consequences," and that Heath's psychological age at the time of Sheridan's murder was no more than twenty-five. On January 13, 2026, Dr. Akinsulure-Smith wrote a letter intended as an addendum to her evaluation report in which she identified six publications she described as "key resources" supporting her conclusions. Because this claim was untimely, procedurally barred, meritless, and legally insufficient, summary denial was proper.

Heath's argument, like many other recent post-warrant claims, was essentially that because his psychological age was allegedly no more than twenty-five when he committed the murder in this case, the protections recognized in *Roper*—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. He further contended that the claim is timely because Dr. Akinsulure-Smith's November 2025 evaluation report and the publications on which she relied constitute newly discovered evidence.

Rule 3.851 requires that "[a]ny motion to vacate judgment of conviction and sentence of death must be filed by the defendant within 1 year after the judgment and sentence become final." Fla. R. Crim. P. 3.851(d)(1). Although there is an exception to this rule for claims involving newly discovered evidence, Fla. R. Crim. P. 3.851(d)(2)(A), "any 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). 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).

Contrary to Heath's assertion, neither Dr. Akinsulure-Smith's report nor the publications on which she relied constitute newly discovered evidence so as to render this claim timely. Purported *Roper* claims based on a defendant's psychological, mental, or emotional "age" have been brought in this Court since *Roper* was decided in 2005. Although Heath contended that he could not have raised the claim earlier because the psychological community did not then understand that his immaturity, impulsiveness, and lack of insight were indicators of stunted brain development attributable to his prior incarceration, he does not identify when this information became discoverable. To be timely, the claim had to be brought within one year of the date the underlying information became discoverable through due diligence. *See Glock*, 776 So. 2d at 251.

Dr. Akinsulure-Smith's January 2026 letter identified as "key resources" six publications from 2023-2025 on which she relied in her evaluation of Heath. But even assuming that no relevant

publication or expert knowledge could have supported the claim before 2023, Heath did not explain why the claim could not have been raised in 2023, 2024, or early 2025. Indeed, Dr. Akinsulure-Smith's evaluation report cited more than fifty publications dating back to the 1980s, many of which addressed subjects similar to those discussed in the articles identified in her January 2026 letter concerning the effects of incarceration and sexual assault on adolescents. It is the defendant's burden to establish the timeliness of a successive postconviction claim, *Mungin v. State*, 320 So. 3d 624, 626 (Fla. 2020), and without credibly identifying when the factual basis for the claim became discoverable, Heath cannot establish timeliness. *Damren v. State*, 397 So. 3d 607, 613 (Fla. 2023).

Even if this claim were timely and even if Dr. Akinsulure-Smith's report and addendum—and the publications on which she relied—constituted newly discovered evidence, Heath would still not be entitled to relief. This Court has repeatedly rejected the argument that *Roper*'s categorical bar on executing individuals who were under eighteen at the time of their capital offense should be extended to defendants whose chronological age was over eighteen

at the time of the offense. *See, e.g.*, *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 had a mental and developmental age below eighteen), *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").

Here, Heath does not even allege that his psychological age was below eighteen at the time of Sheridan's murder. He instead argues that the same "underlying Eighth Amendment principles" that supported the categorical exemption for juvenile offenders in *Roper* should apply to him because his psychological age was

younger than his chronological age and therefore he was "categorically less culpable than the average criminal." But neither *Roper* nor its underlying Eighth Amendment rationale extends to offenders whose chronological age was over eighteen at the time of their capital offense.

Nor are we persuaded by Heath's attempt to reframe this claim as invoking *Roper*'s "underlying Eighth Amendment principles" rather than seeking an extension of *Roper* itself. Thus, this claim also lacks merit because, as we have repeatedly explained, this Court lacks the authority to extend *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.

Gudinas v. State, 412 So. 3d 701, 713 (Fla.) (alteration in original) (quoting *Ford*, 402 So. 3d at 979), *cert. denied*, 145 S. Ct. 2833

(2025); *Barwick v. State*, 361 So. 3d 785, 794 (Fla. 2023).

For these reasons, summary denial of this claim was proper.

4. Claim That Heath's Execution Would Violate the Eighth Amendment Because the Jury's Death Penalty Recommendation Was Not Unanimous

The circuit court denied this claim as procedurally barred and meritless. The court found the claim procedurally barred because Heath raised it in both prior postconviction proceedings. In his initial postconviction proceeding, Heath argued "that Florida's sentencing structure is unconstitutional in violation of *Ring* [*v. Arizona*, 536 U.S. 584 (2002)] because it does not require a unanimous jury to recommend a sentence of death." *Heath*, 3 So. 3d at 1035. This Court rejected the argument and affirmed the denial of relief. *Id.*

In his first successive motion for postconviction relief, Heath argued that he was entitled to relief from his death sentence under *Hurst v. Florida*, 577 U.S. 92 (2016), and *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), *receded from in part by State v. Poole*, 297 So. 3d 487, 507 (Fla. 2020).[2] Heath specifically asserted that his death

2. In *Hurst*, the United States Supreme Court held that Florida's capital sentencing scheme was unconstitutional because it

sentence based on a nonunanimous jury recommendation was unconstitutional because the Eighth Amendment requires that a "jury must unanimously recommend the death penalty before a death sentence may be imposed." This claim was also summarily denied and affirmed on appeal. *See Heath*, 237 So. 3d at 931-32 (holding that "*Hurst* does not apply retroactively to Heath's sentence of death," and citing *Hitchcock v. State*, 226 So. 3d 216, 217 (Fla. 2017), for the proposition that *Hurst v. State* also does not apply retroactively to Heath's death sentence).

Heath contends that the circuit court erred in finding this claim procedurally barred because, he says, it is distinct from his

---

"required the judge alone to find the existence of an aggravating circumstance." 577 U.S. at 103. On remand from *Hurst*, this Court held in *Hurst v. State* that "before a sentence of death may be considered by the trial court in Florida, the jury must find the existence of the aggravating factors proven beyond a reasonable doubt, that the aggravating factors are sufficient to impose death, and that the aggravating factors outweigh the mitigating circumstances." 202 So. 3d at 53. This Court then determined that *Hurst* does not apply retroactively to cases in which the death sentence became final before the issuance of *Ring*, *Asay*, 210 So. 3d at 22, nor does *Hurst v. State*, *Hitchcock v. State*, 226 So. 3d 216, 217 (Fla. 2017). Four years after deciding *Hurst v. State*, this Court "recede[d] from *Hurst v. State* except to the extent it requires a jury unanimously to find the existence of a statutory aggravating circumstance." *Poole*, 297 So. 3d at 507.

prior claims in that it alleged that a nonunanimous death recommendation violates the Eighth Amendment under "evolving standards of decency." But rebranding the argument as one based on evolving standards of decency does not change the substance: Heath again argues that his death sentence violates the Eighth Amendment because it was imposed based on a nonunanimous jury recommendation. *See Zack v. State*, 371 So. 3d 335, 350 (Fla. 2023) (explaining that an "evolving standards of decency" challenge to a nonunanimous jury recommendation is "precisely the same" as arguing "that the Eighth Amendment requires a unanimous jury recommendation of death" (quoting *Poole*, 297 So. 3d at 504)). The circuit court therefore properly denied this claim as procedurally barred.

The circuit court also properly denied this claim on the merits. "[T]he Supreme Court's precedent establishes that the Eighth Amendment does not require a unanimous jury recommendation of death." *Dillbeck v. State*, 357 So. 3d 94, 104 (Fla. 2023). And this Court has previously rejected claims that nonunanimous death recommendations offend evolving standards of decency and thereby violate the Eighth Amendment. *See James v. State*, 404 So. 3d 317,

327 (Fla.), *cert. denied*, 145 S. Ct. 1351 (2025); *Zack*, 371 So. 3d at 350. Heath is not entitled to relief on this claim.

B. Habeas Petition

In his habeas petition, Heath argues that his death sentence is disproportionate relative to his brother Kenneth's life sentence in light of new information regarding their relative culpability, and executing Heath without reconsidering proportionality would violate the Eighth and Fourteenth Amendments. The claim is without merit.

Heath urges this Court to recede from its decision in *Cruz v. State*, 372 So. 3d 1237, 1245 (Fla. 2023), *cert. denied*, 144 S. Ct. 1016 (2024), in which we held that "[a]s an integrated part of comparative proportionality review, relative culpability review was rendered obsolete by the *Lawrence* [*v. State*, 308 So. 3d 544 (Fla. 2020)] decision." 372 So. 3d at 1245. Heath offers no support for this request beyond his assertion that *Lawrence* and *Cruz* were "misguided," and we decline to adopt his view. Moreover, as *Cruz* explained, "relative culpability review is neither constitutionally required nor consistent with ensuring that a constitutional capital sentence was rendered." *Id.* Accordingly, we deny the petition.

III. CONCLUSION

For the reasons stated above, we affirm the circuit court's orders that summarily denied Heath's second successive motion for postconviction relief and his post-warrant public records requests raised herein. We deny Heath's petition for a writ of habeas corpus and 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 COURIEL, GROSSHANS, FRANCIS, SASSO, and TANENBAUM, JJ., concur.
LABARGA, J., concurs in result.

An Appeal from the Circuit Court in and for Alachua County,
James M. Colaw, Judge – Case No. 011989CF003026AXXXXX
And an Original Proceeding – Habeas Corpus

Sonya Rudenstine, Gainesville, Florida,

for Appellant/Petitioner

James Uthmeier, Attorney General, Jason W. Rodriguez, Senior Assistant Attorney General, Benjamin L. Hoffman, Senior Assistant Attorney General, and Nicole Rochelle Smith, Senior Assistant Attorney General, Tallahassee, Florida,

for Appellee/Respondent

A2

Eighth Judicial Circuit Court for Alachua County, Florida Order

Denying Successive Motion for Postconviction Relief

January 21, 2026

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

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 01-1989-CF-003026-A

DIVISION: II

vs.

RONALD HEATH,

Defendant.

ORDER DENYING SUCCESSIVE MOTION FOR POSTCONVICTION RELIEF

THIS CAUSE comes before the Court upon Defendant's "Successive Rule 3.851 Motion to Vacate Death Sentence," filed January 18, 2026, pursuant to Florida Rule of Criminal Procedure 3.851. The State filed an answer to the motion. On January 21, 2026, a *Huff*[1] hearing was held on the motion at which the Court heard legal argument. Upon consideration of the motion, the State's answer, the legal argument of the parties, and the record, this Court finds and concludes as follows:

I. FACTUAL HISTORY

The relevant factual history was summarized in *Heath v. State*, 3 So. 3d 1017, 1019–20 (Fla. 2009) (*Heath* II):

> Heath and his younger brother, Kenneth, drove to Gainesville to visit some of Heath's friends. On May 24, 1989, the brothers went to the Purple Porpoise Lounge in Gainesville where two of Heath's friends worked as waitresses. Sometime during the evening the brothers struck up a conversation with Sheridan, a traveling salesman who had come to the lounge for drinks and dinner. Sheridan bought the brothers a drink and inquired if they ever got high or had any marijuana. Heath suggested to Kenneth that they take Sheridan somewhere and rob him; Kenneth agreed. The trio left the bar in Kenneth's vehicle, which Heath drove to an isolated area of Alachua County. After parking on a dirt road, all

[1] *Huff v. State*, 622 So. 2d 982, 983 (Fla. 1993).

three got out of the car and smoked marijuana. Heath made the hand motion of a pistol and asked Kenneth, "Did you get it?" Kenneth retrieved a small-caliber handgun from under the car seat, pointed it at Sheridan, and told him that he was being robbed. Sheridan balked at giving the brothers anything. Heath told Kenneth to shoot Sheridan. When Sheridan lunged at Kenneth, Kenneth shot him in the chest. Sheridan sat down, saying "it hurt." As Sheridan began to remove his possessions, Heath kicked him and stabbed him in the neck with a hunting knife. Heath attempted to slit Sheridan's throat, but was unable to complete the task with the dull knife and could only saw at Sheridan's neck. Heath then instructed Kenneth to kill Sheridan with the gun, and Kenneth shot him twice in the head. The brothers moved the body further into the woods. After returning to the Purple Porpoise, the brothers took Sheridan's rental car to a remote area, removed some items, and burned the car.

The next day the brothers used Sheridan's credit cards to purchase clothes, shoes, and other items at a Gainesville mall.... The brothers returned to Jacksonville and tossed the handgun into the St. John's River. The handgun was never recovered. Heath eventually returned to the trailer which he shared with Powell [his girlfriend] in Georgia.

A medical examiner was dispatched to the scene of the murder on May 30, 1989, to examine the body, which was in a moderately advanced state of decomposition. The examiner estimated that death had occurred three to ten days earlier and that death was caused by multiple gunshot wounds and a sharp force injury to the neck.

Several weeks after the murder, Heath was arrested at his trailer for using the stolen credit cards. Powell granted the officers permission to search the trailer and her car. The officers discovered some of the clothes purchased in Gainesville and Sheridan's watch.

Both brothers were indicted for the first-degree murder and armed robbery of Sheridan.... Kenneth entered into a plea agreement wherein he pled guilty to the charges and agreed to testify about Sheridan's murder. Kenneth was sentenced to life imprisonment without eligibility for parole for twenty-five years for the murder conviction.

Heath's trial commenced on November 5, 1990. The primary evidence linking Heath to the crime was the testimony of Kenneth, Heath's possession of a watch which could be traced to Sheridan through its serial number, and Heath's

> possession of certain merchandise acquired in Gainesville with Sheridan's stolen credit cards.

Heath v. State, 3 So. 3d 1017, 1019–20 (Fla. 2009) (*Heath II*) (quoting *Heath v. State*, 648 So. 2d 660, 662 (Fla. 1994) (*Heath I*).

II. PROCEDURAL HISTORY

On November 15, 1990, Defendant was found guilty, after a jury trial, of the first-degree murder of Michael Sheridan, armed robbery, conspiracy to commit uttering a forgery, conspiracy to commit forgery, forgery (seven counts), and uttering a forgery (seven counts). *Heath v. State*, 648 So.2d 660, 662-63 (Fla.1994), *cert. denied*, *Heath v. Florida*, 515 U.S. 1162 (1995). For the murder of Sheridan, the jury recommended the death penalty by a vote of ten to two. *Id.* at 663.Following that recommendation, the trial court sentenced Heath to death for the murder. The death sentence was affirmed on appeal. *Id.* at 661.

On August 2, 2004, Defendant filed his first rule 3.851 motion, which was subsequently denied. Defendant filed an appeal. On January 29, 2009, the Florida Supreme Court affirmed the denial order. *Heath v. State*, 3 So. 3d 1017, 1019 (Fla. 2009).

On May 22, 2017, Defendant filed a successive rule 3.851, which was subsequently denied. Defendant filed an appeal On February 28, 2018, the Florida Supreme Court affirmed the denial order. *Heath v. State*, 237 So. 3d 931 (Fla. 2018).

III. GROUNDS FOR RELIEF

CLAIM I

FLORIDA'S RECKLESS MALADMINISTRATION OF ITS OWN LETHAL INJECTION PROTOCOL VIOLATES THE FLORIDA CONSTITUTION AND THE EIGHTH AMENDMENT, AND THIS COURT'S DECISION TO BLOCK ANY FURTHER INVESTIGATION VIOLATES THE FOURTEENTH AMENDMENT

"To challenge a method of execution under the Eighth Amendment's prohibition of cruel and unusual punishment, [the defendant] must '(1) establish that the method of execution presents a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering and (2) identify a known and available alternative method of execution that entails a significantly less severe risk of pain.'" *Cole v. State*, 392 So. 3d 1054, 1064–65 (Fla. 2024) (quoting *Asay v. State*, 224 So. 3d 695, 701 (Fla. 2017). Further, "the Department of Corrections is entitled to the presumption that it will comply with the lethal injection protocol." *Id.* at 1065. Here, Defendant's claim "that the method of execution presents a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering" is both speculative and conclusory. As for Defendant's proposed alternative execution method, the firing squad, Defendant has failed to sufficiently allege that this alternative method is "feasible, readily implemented, and in fact significantly reduce[s] a substantial risk of severe pain." *Tanzi v. State*, 407 So. 3d 385, 393 (Fla. 2025) (quoting *Glossip v. Gross*, 576 U.S. 863, 877 (2015)). For the foregoing reasons, the claim raised is without merit.

CLAIM II

FLORIDA'S EXTREME CLEMENCY SECRECY RULES IMPERMISSIBLY BLOCK HEATH FROM INVESTIGATING WHETHER A FEDERALLY RECOGNIZED DUE PROCESS CLAIM IS AVAILABLE

The Florida Supreme Court has "repeatedly held that the Governor's broad discretion in selecting which death warrants to sign and when does not violate the United States Constitution or the Florida Constitution." *Zakrzewski v. State*, 415 So. 3d 203, 210 (Fla. 2025) (citing *Hutchinson v. State*, 416 So. 3d 273, 280 (Fla. 2025) ("We have repeatedly held that the Governor's broad discretion does not contravene constitutional norms. In doing so, we have emphasized not only the executive's authority to exercise discretion, but also the *breadth* of that discretion. For instance, in *Gore v. State*, 91 So. 3d 769, 780 (Fla. 2012), we said that the "absolute discretion" reposed in the Governor did not violate the constitution. ... [W]e are aware of no constitutional principle that demands a fixed formula, thereby limiting the decisionmaker in determining the order of execution."); *Gore v. State*, 91 So. 3d 769, 780 (Fla. 2012) (rejecting claims that the Governor's absolute discretion to sign death warrants violates the United States Constitution); *Dailey v. State*, 283 So. 3d 782, 787-88 (Fla. 2019) ("We have consistently rejected the assertion that the warrant selection process is arbitrary because there are no standards that constrain the Governor's discretion in determining which warrant to sign." (collecting cases)).

As the Florida Supreme Court explained in *Zakrzewski*,

> [t]his Court has previously rejected similar challenges to Florida's clemency process. We reiterated that, due to important considerations about the separation of powers, we do not second-guess the executive branch in matters of clemency in capital cases. "The clemency process in Florida derives solely from the Florida Constitution and we have recognized that the people of the State of Florida have vested 'sole, unrestricted, unlimited discretion exclusively in the executive in exercising this act of grace.' " *Carroll v. State*, 114 So. 3d 883, 888 (Fla. 2013) (quoting *Sullivan v. Askew*, 348 So. 2d 312, 315 (Fla. 1977)); *see also Bundy v. State*, 497 So. 2d 1209, 1211 (Fla. 1986) ("[T]his Court has always viewed the pardon powers expressed in the Constitution as being peculiarly within the domain of the executive branch of government." (quoting *In re Advisory Op. of the Governor*, 334 So. 2d 561, 562-63 (Fla. 1976))).

Zakrzewski v. State, 415 So. 3d 203, 211 (Fla. 2025).

As for Defendant's claim that "[t]here are already indications in currently available information that [his] clemency denial may not have comported with due process, including the speed at which clemency was denied, simultaneously with the issuance of a warrant, as well as influence from politicians and family members of victims other than the victim in this case[,]" the Florida Supreme Court has 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." *Gudinas v. State*, 412 So. 3d 701, 717 (Fla. 2025) (citing *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)). Defendant's claim is based on nothing more than speculation and conjecture. Accordingly, the claim raised is without merit.

CLAIM III

HEATH'S DEATH SENTENCE VIOLATES THE EIGHTH AMENDMENT BECAUSE HIS TRAUMATIC CHILDHOOD INCARCERATION STUNTED HIS BRAIN DEVELOPMENT

The Florida Supreme Court "has routinely held that resolutions, consensus opinions, articles, research, and the like, do not constitute newly discovered evidence." *Barwick v. State*, 361 So. 3d 785, 793 (Fla. 2023) (citing *Foster v. State*, 258 So. 3d 1248, 1253 (Fla. 2018) (rejecting as untimely an extension-of-*Roper* claim relying on scientific research and a 2018

American Bar Association (ABA) resolution recommending individuals under twenty-two be exempt from execution, because they do not qualify as newly discovered evidence); *Branch v. State*, 236 So. 3d 981, 984-87 (Fla. 2018) (rejecting as untimely an extension-of-*Roper* claim that relied on new scientific research, scientific consensus, international consensus, and the 2018 ABA resolution, because they do not qualify as newly discovered evidence); *Schwab v. State*, 969 So. 2d 318, 325 (Fla. 2007) (holding that "new opinions" and "research studies" are not newly discovered evidence); *Rutherford v. State*, 940 So. 2d 1112, 1117 (Fla. 2006) (holding that a 2006 ABA report was not newly discovered evidence because it was "a compilation of previously available information")).

This Court additionally notes that "[t]he 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.'" *Barwick v. State*, 361 So. 3d 785, 794 (Fla. 2023). "This means that the {U.S.] 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.* "Because the [U.S.] Supreme Court has interpreted the Eighth Amendment to limit the exemption from execution to those whose

chronological age was less than eighteen years at the time of their crimes, this Court is bound by that interpretation and is precluded from interpreting Florida's prohibition against cruel and unusual punishment to exempt individuals eighteen or more years old from execution on the basis of their age at the time of their crimes." *Id.* Additionally, the claim raised could have been raised previously. *See 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)). "Evolving standards of decency" arguments in the Eighth Amendment context have long been recognized. *Zack v. State*, 371 So. 3d 335, 347 (Fla. 2023) (citing *Trop v. Dulles*, 356 U.S. 86, 100–01, 78 S.Ct. 590, 2 L.Ed.2d 630 (1958) ("The basic concept underlying the Eighth Amendment is nothing less than the dignity of man. ... The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.")). Regardless, the Florida Supreme Court has rejected similar "extension-of-*Atkins*" claims because this Court has long held that the categorical bar of *Atkins* that shields the intellectually disabled from execution does not apply to individuals with other forms of m mental illness or brain damage. *Zack v. State*, 371 So. 3d 335, 347–48 (Fla. 2023) (quotations omitted) (citing *Gordon v. State*, 350 So. 3d 25, 37 (Fla. 2022) ("For the purposes of the Eighth Amendment, the existence of a traumatic brain injury does not reduce an individual's

culpability to the extent they become immune from capital punishment.")); *Barwick*, 361 So. 3d at 795 (rejecting as untimely, procedurally barred, and meritless a claim that the protections of *Atkins* as well as *Roper* should be extended)); *see also Carroll*, 114 So. 3d at 887 (rejecting as untimely, procedurally barred, and meritless a claim that the protections of *Atkins* and *Roper* should be extended to a defendant who is less culpable as a result of mental illness); *Simmons*, 105 So. 3d at 511 (rejecting a 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 a claim that the Equal Protection Clause requires an extension of *Atkins* to the mentally ill due to their reduced culpability).

CLAIM IV

HEATH'S EXECUTION WOULD VIOLATE THE EIGHTH AMENDMENT BECAUSE THE JURY'S VOTE FOR THE DEATH PENALTY WAS NOT UNANIMOUS

"Claims raised and rejected in prior postconviction proceedings are procedurally barred from being relitigated in a successive motion." *Hendrix v. State*, 136 So. 3d 1122, 1125 (Fla. 2014). The claim raised has been raised before in both of Defendant's prior postconviction proceedings. *See Heath v. State*, 3 So. 3d 1017, 1035 (Fla. 2009) ("Heath next contends that Florida's sentencing structure is unconstitutional in violation of *Ring* because it does not require a unanimous jury to recommend a sentence of death. However, this Court has repeatedly held that Florida's capital sentencing scheme does not violate the United States Constitution under *Ring*. Further, as previously noted, *Ring* does not apply retroactively.") (citations omitted);

Heath v. State, 237 So. 3d 931, 932 (Fla. 2018) ("After reviewing Heath's response to the order to show cause, as well as the State's arguments in reply, we conclude that Heath is not entitled to relief. Heath was sentenced to death following a jury's recommendation for death by a vote of ten to twoHeath's sentence of death became final in 1995. Thus, *Hurst* does not apply retroactively to Heath's sentence of death. Accordingly, we affirm the denial of Heath's motion.") (citations omitted).

This Court further notes that "[h]aving previously challenged his nonunanimous death sentence on *Hurst* grounds, James seeks to avoid a procedural bar by arguing... an Eighth Amendment 'evolving standards of decency' claim. However, [the Florida Supreme Court has] rejected similar claims." *James v. State*, 404 So. 3d 317, 327 (Fla. 2025) (citing *Zack v. State*, 371 So. 3d 335 (Fla. 2023) ("Even if timely and not barred, to the extent Zack frames this issue as one of 'evolving standards of decency' under the Eighth Amendment, this Court rejected precisely the same argument in *Dillbeck*."). "[T]here is no support for the argument that the Eighth Amendment requires a unanimous jury recommendation." *Hunt v. State*, No. SC2024-0096, 2025 WL 3673695, at *8 (Fla. Dec. 18, 2025). When Defendant was sentenced in 1990, a unanimous jury recommendation for death was not required. And *Hurst v. State*, 202 So. 3d 40, 59 (Fla. 2016) was held by the Florida Supreme Court not to retroactively apply to Defendant. *Heath v. State*, 237 So. 3d 931, 932 (Fla. 2018) ("Heath was sentenced to death following a jury's recommendation for death by a vote of ten to two. *Heath v. State*, 648 So.2d 660, 663 (Fla. 1994). Heath's sentence of death became final in 1995. *Heath v. Florida*, 515 U.S. 1162,

115 S.Ct. 2618, 132 L.Ed.2d 860 (1995). Thus, *Hurst* does not apply retroactively to Heath's sentence of death."). For the foregoing reasons, the claim raised is without merit.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that:

I. Defendant's motion is hereby **DENIED**. Defendant shall file the notice of appeal by 1:00 p.m. on Friday, January 23, 2026.

II. The Alachua County Clerk of Court shall file the record on appeal by 4:30 p.m. on Friday, January 23, 2026.

DONE AND ORDERED on Wednesday, January 21, 2026

01-1989-CF-003026-A 01/21/2026 12:16:11 PM

James M. Colaw, Circuit Judge
01-1989-CF-003026-A 01/21/2026 12:16:11 PM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Wednesday, January 21, 2026.

SONYA RUDENSTINE, ESQ
srudenstine@yahoo.com

LUCY GODDARD
PO BOX 390 MAIL SORT 3
GAINESVILLE, FL 326020390

JOHN MALCOLME JACKSON, ESQ
1533-B SOUTH MONROE ST
TALLAHASSEE, FL 32301

JENNIFER A DONAHUE, ESQ
ASSISTANT ATTORNEY GENERAL
PL-01, THE CAPITOL
TALLAHASSEE, FL 32399

SHEENA M KELLY, ESQ
PL-01, THE CAPITOL
ATTORNEY GENERAL OFFICE
TALLAHASSEE, FL 32399

Benjamin L Hoffman
Benjamin.Hoffman@myfloridalegal.com
capapp@myfloridalegal.com
Amahjah.Wallace@myfloridalegal.com

Carolyn M Snurkowski
Carolyn.Snurkowski@myfloridalegal.com
Jennifer.Lee@myfloridalegal.com
capapp@myfloridalegal.com

Charmaine M Millsaps
charmaine.millsaps@myfloridalegal.com
capapp@myfloridalegal.com

Jason William Rodriguez
jason.rodriguez@myfloridalegal.com
capapp@myfloridalegal.com
arianna.balda@myfloridalegal.com

Jeanne Singer
singerj@sao8.org
eservice@sao8.org

Florida Supreme Court Clerk
warrant@flcourts.org

Office of the Attorney General
Marilyn.Muir@myfloridalegal.com
Scott.Browne@myfloridalegal.com
Stephen.Ake@myfloridalegal.com

Nicole Rochelle Smith
Nicole.Smith@myfloridalegal.com
Capapp@myfloridalegal.com
Brianna.Cook@myfloridalegal.com

Benjamin Hoffman
Benjamin.Hoffman@myfloridalegal.com
Capapp@myfloridalegal.com
Amahjah.Wallace@myfloridalegal.com

Danielle Kelley
danielle.kelley@fdc.myflorida.com
co-gccaplit@fdc.myflorida.com

Kristen Jennifer Lonergan
kristen.lonergan@fdc.myflorida.com
klonerganesq@gmail.com
CourtFilings@fdc.myflorida.com

Lee C Libby
libbylc@cityofgainesville.org
allenla@cityofgainesville.org
whitecg@cityofgainesville.org

Lindsey Brigham
LindseyBrigham@fdle.state.fl.us
LindseyBrigham@fdle.state.fl.us

Michael Kennett
michael.kennett@myfloridalegal.com
capapp@myfloridalegal.com

Michael Lee Becker
MBecker@alachuasheriff.org
78mbecker@gmail.com

Brian Kramer
kramerb@sao8.org
eservice@sao8.org

Rana M Wallace
RanaWallace@fcor.state.fl.us
FCORLegal@fcor.state.fl.us
FCORLegal@fcor.state.fl.us

FL Supreme Court
canovak@flcourts.org

Sheena Kelly
Sheena.Kelly@myfloridalegal.com
capapp@myfloridalegal.com
sheenamariekelly@gmail.com

SAO8
publicrecords@sao8.org

MEO8
medistrict8@alachuacounty.us

Governor Office
Meredith.Pardo@eog.myflorida.com
Gov.Legal@eog.myforida.com

Gainesville PD
clerks@gainesvillefl.gov

FDOC
philip.fowler@fdc.myflorida.com
christina.porrello@fdc.myflorida.com

FDLE
LindseyBrigham@fdle.state.fl.us
publicrecords@fdle.state.fl.us

FCOR
fcorlegal@fcor.state.fl.us

Alachua CSO
clerk@alachuaclerk.org
osr@alachuaclerk.org

Attorney General Records
PublicRecordsRequest@myfloridalegal.com

State Attorney 8
eservice@sao8.org

Zachary Scott Loyed
zachary.loyed@eog.myflorida.com

01-1989-CF-003026-A 01/21/2026 12:31:43 PM

Wendy Laudicina, Judicial Assistant
01-1989-CF-003026-A 01/21/2026 12:31:43 PM

A3

FDOC Lethal Injection Protocol

February 18, 2025

FLORIDA DEPARTMENT OF CORRECTIONS

GOVERNOR
RON DESANTIS

SECRETARY
RICKY DIXON

February 18, 2025

The Honorable Ron DeSantis
Executive Office of Governor Ron DeSantis
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Dear Governor DeSantis:

I have carefully reviewed the Execution by Lethal Injection Procedures issued by my Department. Pursuant to these procedures, I represent the following:

As Secretary of the Florida Department of Corrections, I have reviewed the Department's Execution by Lethal Injection Procedures to ensure proper implementation of the Department's statutory duties under Chapter 922, Florida Statutes. The procedure has been reviewed and is compatible with evolving standards of decency that mark the progress of a maturing society, the concepts of the dignity of man, and advances in science, research, pharmacology, and technology. The process will not involve unnecessary lingering or the unnecessary or wanton infliction of pain and suffering. The foremost objective of the lethal injection process is a humane and dignified death. Additional guiding principles of the lethal injection process are that it should not be of long duration, and that while the entire process of execution should be transparent, the concerns and emotions of all those involved must be addressed.

I hereby certify that the Department is prepared to administer an execution by lethal injection and has the necessary procedures, equipment, facilities, and personnel in place to do so. The Department has available the appropriate persons who meet the minimum qualifications under Florida Statutes and in addition have the education, training, or experience, including the necessary licensure or certification, required to perform the responsibilities or duties specified and to anticipate contingencies that might arise during the execution procedure.

Sincerely,

Ricky D. Dixon
Secretary

EXECUTION BY LETHAL INJECTION PROCEDURES

PURPOSE: To establish the procedures for the execution by lethal injection of inmates sentenced to death, pursuant to the dictates of Chapter 922, Florida Statutes and adhering to the requirements imposed under the Constitution of the State of Florida and the United States Constitution. The foremost objective of the lethal injection process is a humane and dignified death.

APPLICATION: This procedure applies to any execution by lethal injection conducted pursuant to Chapter 922, Florida Statutes. This procedure supersedes the Florida Department of Corrections *Execution by Lethal Injection Procedures* dated March 10, 2023.

DEFINITIONS:

(1) **Execution team**, where used herein, refers to correctional staff and other persons who are selected by the team warden designated by the Secretary to assist in the administration of an execution by lethal injection, and who have the training and qualifications, including the necessary licensure or certification, required to perform the responsibilities or duties specified. Individuals on the execution team will be referred to as "execution team member" or "team member" in these procedures.

(2) **Executioner**, where used herein, refers to an individual selected by the team warden to initiate the flow of lethal chemicals into the inmate. The executioner's sole function is to inject the chemicals into the IV access port by physically pushing the chemicals from the syringe. The executioner is only authorized to carry out this specific function under the direction of the team warden. An executioner shall be an adult, undergo a criminal background check and be sufficiently trained to administer the flow of lethal chemicals. The executioner must demonstrate to the satisfaction of the team warden that s/he is competent, trained, and of sufficient character to carry out the required function under the team warden's direction.

(3) **Institutional warden**, where used herein, refers to the warden of Florida State Prison, who shall be responsible for handling support functions necessary to carry out the lethal injection process.

(4) **Minister of religion**, where used herein, refers to a spiritual advisor requested by an inmate to attend an execution as permitted by section 922.11, Florida Statutes. The name of the requested minister of religion must be provided by the inmate to the institutional warden in writing on FDC Form DC6-236 within five days of the issuance of the Governor's Warrant of Execution. A minister of religion shall be an adult and shall undergo a criminal background check. The institutional warden shall also conduct a review process of the individual as described in Florida Department of Corrections rules and policies applicable to visitor approvals and to spiritual advisor visits. Such a

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

review will be performed even if the requested minister of religion has been previously approved for regular visitation purposes. Prior to final approval, the institutional warden may also conduct interviews of the requested minister of religion or their associates. The institutional warden may undertake any investigation necessary to verify that the minister of religion is recognized by their organized religious body as qualified to perform religious functions as a representative of the religious organization or group. The institutional warden may waive any component of the review process if the requested minister of religion is a chaplain currently employed by the Florida Department of Corrections. Candidates not employed by the Florida Department of Corrections must also execute a Spiritual Advisor Execution Agreement. The agreement is attached hereto as Appendix A.

(5) **Team warden**, where used herein, refers to the warden designated by the Secretary. The team warden shall be a person who has demonstrated through experience, training, and good moral character the ability to perform an execution by lethal injection. The team warden has the final and ultimate decision making authority in every aspect of the lethal injection process. No deviation from any part of this procedure is authorized unless approved and directed by the team warden.

SPECIFIC PROCEDURES:

(1) **Receipt of Warrant:** These execution procedures will commence upon receipt of the Governor's Warrant of Execution. The institutional warden will schedule the execution for a date and time certain that is within the period of time designated in the warrant. The institutional warden will provide a copy of the Warrant of Execution to the Department's Secretary and General Counsel, deliver a copy to the named inmate and the team warden, and notify the Florida Department of Law Enforcement (FDLE), any state correctional institutions, and any local agencies that may be affected by the issuance of the warrant and of the date and time selected for the execution.

(2) **Selection of the Executioners:**

(a) The team warden will select two (2) executioners who are fully capable of performing the designated functions to carry out the execution. The team warden will provide each executioner with a copy of this procedure and will explain fully their respective duties and responsibilities and assure that each executioner is trained for the function assigned. The identities of the executioners will be kept strictly confidential as provided by statute.

(b) The team warden will designate one (1) of the selected executioners as the primary executioner and the other as the secondary executioner. The primary executioner will be solely responsible for administering the flow of lethal chemicals into the inmate during the execution. The secondary executioner will be present and available during the execution to assume the role of the primary executioner if the primary executioner becomes unable for any reason, as determined by the team warden, to carry out his/her functions.

(3) **Selection of the Execution Team:** The team warden will designate the execution team members and verify that each team member has the training and qualifications, and possesses current, necessary licensure or certification, required to perform the responsibilities or duties specified. The team warden will ensure that all execution team members and other involved

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

staff have been adequately trained to perform their requisite functions in the execution process. The team warden shall select personnel with sufficient training and experience to perform the technical procedures needed to carry out an execution by lethal injection, including the mixing of the chemicals and placement of the venous access lines. The identities of any team members with medical qualifications shall be strictly confidential.

(a) The team warden shall select the team member(s) responsible for achieving and monitoring peripheral venous access from the following classes of trained professionals: a phlebotomist currently certified by the American Society for Clinical Pathology (ASCP), American Society of Phlebotomy Technicians (ASPT) or American Medical Technologists (AMT); a paramedic or emergency medical technician, certified under Chapter 401, Florida Statutes; a licensed practical nurse, a registered nurse, or an advanced practice registered nurse licensed under Chapter 464, Florida Statutes; or, a physician or physician's assistant licensed under Chapter 458 or Chapter 459, Florida Statutes.

(b) The team warden shall select the team member(s) responsible for achieving and monitoring central venous access, if necessary, from the following classes of trained professionals: an advanced practice registered nurse licensed under Chapter 464, Florida Statutes; or, a physician or physician's assistant licensed under Chapter 458 or Chapter 459, Florida Statutes.

(c) The team warden shall select the team member(s) responsible for examining the inmate prior to execution to determine health issues from the following classes of trained professionals: a paramedic or emergency medical technician, certified under Chapter 401, Florida Statutes; a licensed practical nurse, a registered nurse, or an advanced practice registered nurse licensed under Chapter 464, Florida Statutes; or, a physician or physician's assistant licensed under Chapter 458 or Chapter 459, Florida Statutes.

(d) The team warden shall select the team member(s) responsible for attaching the leads to the heart monitors and observing the monitors during the administration of execution from the following classes of trained professionals: a paramedic or emergency medical technician, certified under Chapter 401, Florida Statutes; a licensed practical nurse, a registered nurse, or an advanced practice registered nurse licensed under Chapter 464, Florida Statutes; or, a physician or physician's assistant licensed under Chapter 458 or Chapter 459, Florida Statutes.

(e) The team warden shall select the team member(s) responsible for purchasing, maintaining and mixing the lethal chemicals from the following classes of trained professionals: a physician, licensed under Chapter 458 or Chapter 459, Florida Statutes; or, a pharmacist licensed under Chapter 465, Florida Statutes.

(f) The team warden shall select other execution team members to carry out the following tasks:

1. Showering and preparation of the inmate.
2. Ensuring that the equipment necessary for an execution is in proper working order.
3. Escorting the inmate from his/her cell to the execution chamber.
4. Applying restraints to the inmate prior to applying the heart monitor leads and acquiring venous access.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

5. Maintaining the open telephone line with the Office of the Governor.
6. Reporting the actions inside the executioner's room to the team warden.
7. Maintaining the checklists that detail the events surrounding the execution.
8. Escorting the minster of religion.
9. Opening and closing the window covering to the witness gallery and turning on and off the public address (PA) system.

This list is not intended to be exhaustive. There may be other necessary tasks to carry out an execution and such tasks will be assigned by the team warden.

Each execution team member is responsible and authorized to raise concerns that become apparent during the execution and bring them to the attention of the team warden.

(4) **Training of the Execution Team and Executioners:** There shall be sufficient training to ensure that all personnel involved in the execution process are prepared to carry out their distinct roles for an execution. All team members shall be instructed on the effects of each lethal chemical. All simulations or reviews of the process shall be considered training exercises. The team warden, or his/her designee, will conduct simulations of the execution process on a quarterly basis at a minimum or more often as needed as determined by the team warden. Additionally, a simulation shall be conducted prior to the scheduled execution. All persons involved with the execution should participate in the simulations. If a person cannot attend the simulation, the team warden shall provide for an additional training opportunity or otherwise ensure that the person is adequately trained to complete his or her assigned task. There shall be a written record of any training activities. The simulations should anticipate various contingencies. Examples of possible contingencies shall include:

(a) Issues related to problems with equipment needed to carry out an execution.

(b) Problems related to venous access of the inmate, including the necessity to obtain an alternate venous access site during the execution process.

(c) The inmate is not rendered unconscious after the administration of the etomidate injection.

(d) Combative inmate.

(e) Incapacity of any execution team member or executioner.

(f) Unanticipated medical emergency concerning the inmate, an execution team member or executioner.

(g) Problems related to the order and security at the Florida State Prison, including but not limited to disturbances, unrest or resistance.

(h) Power failure or other facility problems.

This list is not meant to be exhaustive and only provides examples of the types of contingencies that could arise during the course of an execution. The team warden is responsible for ensuring that training addresses, at a minimum, the above situations.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(5) **Use of Checklists:** Compliance with this procedure will be documented on appropriate checklists. Upon completion of each step in the process, an execution team member will indicate when the step has been completed. Prior to the administration of the lethal chemicals, the team warden will consult with the designated team member and verify that all steps in the process have been performed properly. At the conclusion of the process, the team warden will again consult with the designated team member and verify that the remaining steps in the process were performed properly. The team warden will then sign the forms, attesting that all steps were performed properly.

(6) **Purchase and Maintenance of Lethal Chemicals:** A designated execution team member will purchase, and at all times ensure a sufficient supply of, the chemicals to be used in the lethal injection process. The designated team member will ensure that the lethal chemicals have not reached or surpassed their expiration dates. The lethal chemicals will be stored securely at all times as required by state and federal law. The FDLE agent in charge of monitoring the preparation of the chemicals shall confirm that all lethal chemicals are correct and current.

(7) **FDLE Monitors:**

(a) Two (2) FDLE agents shall serve as monitors and shall be responsible for observing the actions of the execution team and the condition of the condemned inmate at all times during the execution process.

(b) The first FDLE agent shall be located in the executioner's room and is responsible for observing the preparation of the lethal chemicals and documenting and keeping a detailed log as to what occurs in the executioner's room at a minimum of two (2) minute intervals. A copy of the log shall be provided to the team warden and shall be available at the post execution debriefings.

(c) The second FDLE agent shall be located in the execution chamber and will be responsible for keeping a detailed log of what is occurring in the execution chamber at a minimum of two (2) minute intervals. A copy of the log shall be provided the team warden and shall be available for the post execution debriefings.

(8) **Approximately One (1) Week Prior to Execution:**

(a) The team warden will designate one or more execution team members to review the inmate's medical file and to make a limited physical examination of the inmate to determine whether there are any medical issues that could potentially interfere with the proper administration of the lethal injection process. The team member(s) will verbally report his/her findings to the team warden as soon as is practicable following the file review and physical examination. The results of this examination shall be documented in the inmate's file. After reviewing the results of the examination which should include a determination of the best access site and conferring with the team member(s) that performed the examination, the team warden shall conclude what is the more suitable method of venous access (peripheral or femoral) for the lethal injection process given the individual circumstances of the condemned inmate based on all information provided.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(b) If a team member reports any issue that could potentially interfere with the proper administration of the lethal injection process, the team warden will consult with any or all of the members of the execution team and resolve the issue.

(9) **On the Day of Execution:**

(a) A food service director, or his/her designee, will personally prepare and serve the inmate's last meal. The inmate will be allowed to request specific food and non-alcoholic drink to the extent such food and drink costs forty dollars ($40) or less, is available at the institution, and is approved by the food service director.

(b) The inmate will be escorted by one (1) or more team members to the shower area where a team member of the same sex will supervise the showering of the inmate. Immediately thereafter, the inmate will be returned to his/her assigned cell and issued appropriate clothing. A designated member of the execution team will obtain and deliver the clothing to the inmate.

(c) A designated execution team member will ensure that the telephone in the execution chamber is fully functional and that there is a fully-charged, fully-functional cellular telephone in the execution chamber. Telephone calls will be placed from the telephone to ensure proper operation. Additionally, a member of the team shall ensure that the two-way audio communication system and the visual monitoring equipment are fully functional.

(d) A designated execution team member will ensure that the PA system is fully functional.

(e) The only staff authorized to be in the execution chamber area are members of the execution team and others as approved by the team warden, including two monitors from FDLE.

(f) A designated execution team member, in the presence of one or more additional team members and an independent observer from FDLE, will prepare the lethal injection chemicals as follows, ensuring that each syringe used in the lethal injection process is appropriately labeled, including the name of the chemical contained therein:

(1) Etomidate injection: A sterile, disposable sixty cubic centimeter (60cc) syringe and needle will be used to draw fifty milliliters (50mls) of etomidate injection 2mg/ml from one or more vials containing same, for a total of one hundred milligrams (100mg) of etomidate injection. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube), clearly labeled with the number one (1), and placed in the first slot on a stand designed to hold eight (8) such syringes in separate slots. The stand will be clearly labeled with the letter "A." This process will be repeated with a second syringe, which will be clearly labeled with a number two (2) and placed in the second slot on stand "A." Two additional syringes will be drawn in the same manner, fitted with the blunt cannula, and clearly labeled with the numbers one (1) and two (2), respectively. These two syringes will be placed in the first two slots on a second stand that has been clearly labeled with the letter "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(2) Rocuronium bromide injection: A sterile, disposable sixty cubic centimeter (60cc) syringe will be used to draw five hundred milligrams (500mg) of rocuronium bromide injection from one or more vials containing same. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube). This procedure will be repeated until there are four (4) syringes, each containing five hundred milligrams (500mg) of rocuronium bromide injection, for a total of two thousand milligrams (2000mg). Two syringes will be clearly labeled with the numbers four (4) and five (5), respectively, and placed into slots four (4) and five (5) on stand "A." This procedure will be repeated with the other two syringes, each of which will be fitted with a blunt cannula, labeled appropriately and placed in slots four (4) and five (5), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

(3) Potassium acetate injection: A sterile, disposable sixty cubic centimeter (60cc) syringe will be used to draw one hundred twenty milliequivalents (120mEq) of potassium acetate injection from one or more vials containing same. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch blunt cannula (tube). This procedure will be repeated until there are four (4) syringes, each containing one hundred twenty milliequivalents (120mEq) of potassium acetate injection, for a total of four hundred eighty (480) milliequivalents. Two syringes will be clearly labeled with the numbers seven (7) and eight (8), respectively, and placed into slots seven (7) and eight (8) on stand "A." This procedure will be repeated with the other two syringes, each of which will be fitted with a blunt cannula, labeled appropriately, and placed in slots seven (7) and eight (8), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

(4) Saline solution: A sterile, disposable twenty cubic centimeter (20cc) syringe will be used to draw twenty milliliters (20ml) of sterile saline solution from one or more vials containing same. This procedure will be repeated until there are four (4) syringes, each containing twenty milliliters (20ml) of sterile saline solution, for a total of eighty (80) milliliters. Each syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube). Two syringes will be clearly labeled with the numbers three (3) and six (6), respectively, and placed into slots three (3) and six (6) on stand "A." This procedure will be repeated with the other two syringes, each of which will be placed in slots three (3) and six (6), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

(g) The execution team member who has prepared the lethal chemicals will transport them personally, in the presence of one or more additional members of the execution team, to the executioner's room. Stand "A" will be placed on the worktop for use by the primary executioner, to be used during the execution by lethal injection. Stand "B" will be placed on a shelf underneath the worktop within easy reach of the executioners should they be needed during the execution. Stand "B" will not be used unless expressly ordered to be used by the team warden. The lethal chemicals will remain secure until the executioners arrive. No one other than the executioners will have access to the lethal chemicals, unless a stay is granted, in which case the execution team member who

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

prepared the lethal chemicals will retrieve them from the locked room and dispose of them according to state and federal law.

(h) A designated execution team member will prepare, using an aseptic technique, two (2) standard intravenous (IV) infusion sets, each consisting of a pre-filled, sterile plastic bag of normal saline for IV use (a solution of sodium chloride at 0.9% concentration) with an attached drip chamber, a long sterile tube fitted with a back check valve and a clamp to regulate the flow, a connector to attach to the access device, and an extension set fitted with a luer lock tip for a blood cannula to allow for the infusion of the lethal chemicals into the line. The extension set that will be used to infuse the lethal chemicals into the primary injection line will be clearly marked with a "1," and the additional extension set that will be attached to the secondary injection line will be clearly marked with a "2."

(i) The team warden will explain the lethal injection preparation procedure to the inmate and ensure the provision of any medical assistance or care deemed appropriate. The inmate will be offered and, if accepted, will be administered intramuscular injections of hydroxyzine, in appropriate dosages relative to weight, to ease anxiety.

(j) Authorized media witnesses will be picked up at the designated media on-looker area located at New River Correctional Institution by two (2) designated Department of Corrections escort staff, transported to the main entrance of Florida State Prison as a group, cleared by security, and escorted to the population visiting park, where they will remain until being escorted to the witness room of the execution chamber by the designated escort staff.

(k) The team warden will administer both a presumptive drug test (oral swab method) and a presumptive alcohol test (breath analyzer) to each execution team member. A positive indication for the presence of alcohol or any chemical substance that may impair their normal faculties will disqualify that person from participating in the execution process. Upon the arrival of the executioners to perform their duties, the team warden will administer both a presumptive drug test (oral swab method) and a presumptive alcohol test (breath analyzer) to each executioner. A positive indication for the presence of alcohol or any chemical substance that may impair their normal faculties will disqualify that person from participating in the execution process. If one or both of the executioners is disqualified, the team warden will continue to select and test as many additional executioners as is necessary to ensure the presence of two qualified executioners at the execution.

(10) **Approximately Thirty (30) Minutes Prior to Execution:**

(a) A designated execution team member will establish telephone communication with the Office of the Governor on behalf of the team warden. The team warden will communicate with the Office of the Governor to determine whether any cause for delay exists. The phone line will remain open to the Office of the Governor during the entire execution procedure. The team member will use this open line to report the ongoing activities of the execution team and other personnel to the Office of the Governor.

(b) When the team warden determines that no cause for delay remains, a designated member of the execution team will escort the two (2) executioners into the executioner's room, where they will remain until the execution process is complete.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(c) The team warden will read the Warrant of Execution to the inmate. The inmate may waive the reading of the warrant.

(d) Designated members of the execution team will apply wrist restraints to the inmate and escort him/her from his cell to the execution chamber.

(e) Designated members of the execution team will assist the inmate, if necessary, in positioning himself/herself onto the execution gurney in the execution chamber.

(f) Designated members of the execution team will secure the restraining straps.

(g) One or more designated members of the execution team will attach the leads to two (2) heart monitors to the inmate's chest, ensuring that the monitors are operational both before and after the chest restraints are secured.

(h) Unless the team warden has previously determined to gain venous access through a central line, a designated team member will insert one intravenous (IV) line into each arm at the medial aspect of the antecubital fossa of the inmate and ensure that the saline drip is flowing freely. The team member will designate one IV line as the primary line and clearly identify it with the number "1." The team member will designate the other line as the secondary line and clearly identify it with the number "2." If venous access cannot be achieved in either or both of the arms, access will be secured at other appropriate sites until peripheral venous access is achieved at two separate locations, one identified as the primary injection site and the other identified as the secondary injection site.

(i) If peripheral venous access cannot be achieved, a designated team member will perform a central venous line placement, with or without a venous cut-down (wherein a vein is exposed surgically and a cannula is inserted), at one or more sites deemed appropriate by that team member. If two sites are accessed, each line will be identified with a "1" or a "2," depending on their identification as the primary and secondary lines.

(j) One or more designated members of the execution team will remove, one at a time, from the pole attached to the gurney, the two (2) saline bags and pass the bags, along with the extension sets attached to lines labeled "1" and "2," through a small opening into the executioner's room, where a team member will hang the bags on separate hooks inside the room. The designated team member(s) will ensure that the tubing from the IV insertion points to the bags has not been compromised and that the saline drip is flowing freely. The team member will be responsible for continuously monitoring the viability of the IV lines prior to and during the administration of the execution.

(11) **Approximately Fifteen (15) Minutes Prior to Execution:**

(a) Official witnesses will be secured in the witness room of the execution chamber by two designated Department of Corrections escort staff.

(b) Authorized media witnesses will be secured in the witness room of the execution chamber.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(c) The only persons authorized in the witness room are: twelve (12) official witnesses, including family members of the victim, four (4) alternate official witnesses, one (1) nurse or medical technician, twelve (12) authorized media representatives, one (1) representative from the Department's public affairs office, one (1) designated staff escort, and one (1) designated team member. Counsel for the convicted person and a minister of religion requested by the convicted person may also be present. Any exception must be approved by the institutional warden.

(d) The institutional warden may deny access to the institution to any visitor, official witness or other person he or she deems a risk to the security of the institution. In the event there is reasonable suspicion that an individual may initiate or attempt to initiate a violent or disruptive act prior to, during, or following an execution, that person will not be permitted to witness the execution and will be escorted off the prison grounds immediately.

(e) The execution chamber will be secured. Only the team warden, one (1) additional execution team member and one (1) FDLE monitor shall be allowed in the chamber during the administration of the execution. Any exceptions or contingencies must be approved by the team warden.

(f) The executioner's room will be secured. Only the executioners, the team member reporting actions in the executioner's room to the warden, the team member reporting actions to the Office of the Governor, the team member observing the heart monitors, the team member maintaining the checklists, and the FDLE agent assigned to the executioner's room shall be allowed in the executioner's room. Any exception must be approved by the team warden.

(12) **Administration of Execution:**

(a) An execution team member will open the covering to the witness gallery window. The team warden will use the open telephone line to determine from the Governor whether there has been a stay of execution. If the team warden receives a negative response, s/he will then proceed with the execution.

(b) An execution team member will turn on the PA system. The team warden will permit the inmate to make an oral statement, which will be broadcast into the witness gallery over the PA system. At the conclusion of the inmate's statement, or if the inmate declines to make a statement, the team warden will announce that the execution process has begun. A designated member of the execution team will turn off the PA system.

(c) In the presence of the secondary executioner and within sight of one (1) or more execution team members and one (1) of the FDLE monitors, the primary executioner will administer the lethal chemicals in the following manner:

(1) The executioner will remove from the stand on the worktop the syringe labeled number one (1), which contains one hundred milligrams (100mg) of etomidate injection, place the blunt cannula into the open port of the IV extension set connected to the primary line and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(2) The executioner will remove from the stand on the worktop the syringe labeled number two (2), which contains one hundred milligrams (100mg) of etomidate injection, place the blunt cannula into the open port of the IV extension set connected to the primary line and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(3) The executioner will remove from the stand on the worktop the syringe labeled number three (3), which contains twenty milliliters (20ml) of saline solution, place the blunt cannula into the open port of the IV extension set connected to the primary line, and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(4) At this point, the team warden will assess whether the inmate is unconscious. The team warden must determine, after consultation, that the inmate is indeed unconscious. If the inmate is unconscious and the team warden orders the executioners to continue, the executioners shall proceed to step (12)(c)(6).

(5) In the event that the inmate is not unconscious, the team warden shall signal that the execution process is suspended and note the time and order the window covering to the witness gallery to be closed. The execution team shall assess the viability of the secondary access site. If the secondary access site is deemed viable, then the team member shall designate this site as the new primary access site. If the secondary access site is compromised, a designated execution team member will secure peripheral venous access at another appropriate site or will perform a central venous line placement, with or without a venous cut-down, at one or more sites deemed appropriate by that team member. Once the team warden is assured that the team has secured a viable access site, the team warden shall order the drapes to be opened and signal that the execution process will resume. The executioners will then be directed to initiate the administration of lethal chemicals from stand "B" into the newly established primary line, starting with the syringes of etomidate injection, labeled one (1) and two (2) and the first syringe of saline. The executioners will continue to use the remaining chemicals from stand "B" throughout the execution at the direction of team warden. The team warden will then again proceed to step (12)(c)(4) and assess whether the inmate is unconscious.

(6) The executioner will remove from the stand on the worktop the syringe labeled number four (4), which contains five hundred milligrams (500mg) of rocuronium bromide injection, place the blunt cannula into the open port of the IV extension set connected to the primary line, and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(7) The executioner will remove from the stand on the worktop the syringe labeled number five (5), which contains five hundred milligrams (500mg) of rocuronium bromide injection, place the blunt cannula into the open port of the IV extension

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

set connected to the primary line, and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(8) The executioner will remove from the stand on the worktop the syringe labeled number six (6), which contains twenty milliliters (20ml) of saline solution, place the blunt cannula into the open port of the IV extension set connected to the primary line, and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(9) The executioner will remove from the stand on the worktop the syringe labeled number seven (7), which contains one hundred twenty milliequivalents (120mEq) of potassium acetate injection, place the blunt cannula into the open port of the IV extension set connected to the primary line, and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(10) The executioner will remove from the stand on the worktop the syringe labeled number eight (8), which contains one hundred twenty milliequivalents (120mEq) of potassium acetate injection, place the blunt cannula into the open port of the IV extension set connected to the primary line, and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

(11) The primary executioner shall at all times administer the lethal injection chemicals. Only if the primary executioner becomes incapacitated shall the secondary executioner administer the lethal chemicals. At no time shall more than one (1) executioner inject any lethal chemicals to complete the execution.

(d) If at any time during the administration of the lethal chemicals the primary venous access becomes compromised, the team warden shall order the execution process stopped and order the window covering to the witness gallery to be closed. The execution team shall assess the primary access site and assess the viability of the secondary access site and take appropriate remedial action at the access site, if necessary. If neither access site is viable, a designated execution team member will secure peripheral venous access at another appropriate site or will perform a central venous line placement, with or without a venous cut-down, at one or more sites deemed appropriate by that team member. Once the team warden is assured that the execution team has secured a viable access site, the warden shall order the drapes to be opened and direct that the execution process will resume using the newly established primary line. The executioners will be directed to initiate the administration of lethal chemicals from stand "B" into the IV set attached to the newly established primary line, starting with the syringes of etomidate injection, labeled one (1) and two (2) and the first syringe of saline, labeled number three (3). The team warden will then proceed to step (12)(c)(4), as described above.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(e) Throughout the execution process, one (1) or more designated execution team members will observe the heart monitors. If the heart monitors reflect a flat line reading during or following the complete administration of the lethal chemicals, a physician will examine the inmate to determine whether there is complete cessation of respiration and heartbeat.

(f) Once the inmate is pronounced dead by the physician, a designated member of the execution team will record the time of death on the appropriate lethal injection procedures checklist.

(g) The team warden will notify the Governor via the open phone line that the sentence has been carried out and the time of death.

(h) A designated execution team member will turn on the PA system. The team warden shall make the following announcement to the witnesses in the gallery: "The sentence of the State of Florida vs. [Inmate Name] has been carried out at [time of day]."

(i) The designated team member will close the window covering to the witness gallery.

(j) The designated Department of Corrections escort staff will escort all witnesses, all of the media pool and any other individuals who are not members of the execution team from the witness room and the execution chamber.

(13) **Immediate Post-Execution Procedures:**

(a) Designated execution team members will dispose of the equipment and any remaining chemicals as required by state and federal law.

(b) The institutional warden will coordinate the entry of hearse attendants for recovery of the inmate's body.

(c) The inmate's body will be removed from the execution table by hearse attendants under the supervision of the designated team member.

(d) The institutional warden, or his/her designee, will obtain a certification of death from the physician and will deliver the certification to the hearse attendants prior to their departure.

(e) The inmate's body will be transported by the hearse attendants to the medical examiner's office in Alachua County for an autopsy.

(f) The team warden shall conduct a brief debriefing interview with every execution team member and the executioners, documenting any exceptional circumstances that arose during the execution. Subsequent debriefings will take place, as appropriate.

(14) **Follow-Up Procedures:**

(a) The institutional warden will forward the Warrant of Execution and a signed statement of the execution to the Secretary of State.

(b) The institutional warden will file an attested copy of the Warrant of Execution and a signed statement of the execution with the clerk of the court that imposed the sentence.

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

(c) The institutional warden, or his/her designee, will advise central office records by e-mail of the inmate's name and the date and time of death by execution.

(15) **Periodic Review and Certificate from Secretary:** There will be a review of the lethal injection procedure by the Secretary of the Florida Department of Corrections, at a minimum of once every two years, or more frequently as needed. The review will take into consideration the available medical literature, legal jurisprudence, and the protocols and experience from other jurisdictions. The Secretary of the Department of Corrections shall, upon completion of this review, certify to the Governor of the State of Florida confirming that the Department is adequately prepared to carry out executions by lethal injection. The Secretary will confirm with the team warden that the execution team satisfies current licensure and certification and all team members and executioners meet all training and qualifications requirements as detailed in these procedures. A copy of the certification shall be provided to the Attorney General and the institutional warden shall provide a copy to a condemned inmate and counsel for the inmate after a warrant is signed.

The certification shall read:

As Secretary of the Florida Department of Corrections, I have reviewed the Department's Execution by Lethal Injection Procedures to ensure proper implementation of the Department's statutory duties under Chapter 922, Florida Statutes. The procedure has been reviewed and is compatible with evolving standards of decency that mark the progress of a maturing society, the concepts of the dignity of man, and advances in science, research, pharmacology, and technology. The process will not involve unnecessary lingering or the unnecessary or wanton infliction of pain and suffering. The foremost objective of the lethal injection process is a humane and dignified death. Additional guiding principles of the lethal injection process are that it should not be of long duration, and that while the entire process of execution should be transparent, the concerns and emotions of all those involved must be addressed.

I hereby certify that the Department is prepared to administer an execution by lethal injection and has the necessary procedures, equipment, facilities, and personnel in place to do so. The Department has available the appropriate persons who meet the minimum qualifications under Florida Statutes and in addition have the education, training, or experience, including the necessary licensure or certification, required to perform the responsibilities or duties specified and to anticipate contingencies that might arise during the execution procedure.

Ricky D. Dixon

RICKY D. DIXON
SECRETARY

2/18/2025

DATE

501 SOUTH CALHOUN STREET
TALLAHASSEE, FLORIDA 32399-2500
FDC.MYFLORIDA.COM

A4

FDOC Execution Drug Logs

November 26, 2025

DRUG NAME: Etomidate 2mg/mL (20mg/10mL) **PACKAGE SIZE:** 10 x 10mL

NDC# [redacted]

DATE	INVOICE NAME/#	LOT#	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
6/24/25	[redacted]		3/2027	[redacted]	+100	100

DRUG NAME Etomidate 2mg/10ml PACKAGE SIZE 10x10ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
9-30-19	[redacted]		06-2021	[redacted]	+ 100	100
6-14-19			June 202		+ 100	200
8-27-20			06-2021		+ 160	
8-27-20			01-2022		+ 40	400
9-11-20			06-2021		+ 60	460
12-14-20			06-2021		+ 30	490
12-14-20			01-2022		+ 110	600
6-28-21					- 450	150
8-06-21			07-2022		+ 120	270
2-3-22			01-2022		- 150	120
12-08-22			07-2022		- 120	-0-
2-20-23			11-2024		+ 40	40
3-02-23			12-2024		+ 50	90
3-06-23			12/2024		+ 50	140
1-3-25			11-2024		-40	100
1-3-25			12-2024		-50	50
1-3-25			12-2024		-50	0
4/21/25			01-2027		+100	100

DRUG NAME: Etomidate 2mg/mL (40mg/20mL) **PACKAGE SIZE:** 10 x 20mL

NDC# [redacted]

DATE	INVOICE NAME/#	LOT#	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
6/24/25	[redacted]		3/2027	[redacted]	+100	100

DRUG NAME Etomidate 40mg/20mL PACKAGE SIZE 10x20mL

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
4-23-25	Balance From Previous Page			[redacted]		330
4-8-25	[redacted]		5-25		-10	320
5-1-25			5-25		-10	310
5-15-25			5-25		-10	300
5-23-25			1-27		+100	400
5-29-25			5-25		-10	390
6/12/25			6-25		-10	380
6/25/25			6-25		-50	330

DRUG NAME Potassium Acetate 2mEq/mL 20mL PACKAGE SIZE 25x20mL

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
6/14/23	Balance					361
6/15/23	[redacted]		6/2023	[redacted]	-12	349
7/19/23			06/2023		-2	347
9/3/23			12/2024		-12	335
10/3/23			10/2025		-47	288
10-3-23			12/2024		-12	276
8-29-24			12/2024		-12	264
1-3-2025			12-2024		-64	200
2-13-25			10-2025		-12	188
3/20/25			10-2025		-12	176
3/18/25			11/30/26		+25	201
3/18/25			9/30/26		+50	251
4/7/25			9/30/26		+25	276
4/7/25			4/30/27		+50	326
4/8/25			10-2025		-12	314
4/16/25			9/30/26		-25	289
5/1/25			10-2025		-12	277
5/15/25			10-2025		-12	265
6/12/25			10-2025		-7	258
6/25/25			10-2025		-17	241
7/16/25			10-2025		-12	229

DRUG NAME: Potassium Acet 2mEq/mL **PACKAGE SIZE:** 25 x 20mL vials

NDC# [redacted]

1 vial = #1

DATE	INVOICE NAME/#	LOT#	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
5/23/25	[redacted]	[redacted]	12/2026	[redacted]	+ 100	100

DRUG NAME Rocuronium 100mg/10ml PACKAGE SIZE 10 X 10 ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
3-07-24	[redacted]	[redacted]	JAN 2025	[redacted]	+ 10	10
3/11/24			JUN 2025		+ 80	90
1-3-2025			03/2026		+ 30	120
3-6-2025			03/2026		+ 100	220
3/20/25			JUN 2025		- 20	200
4-2-25			Mar 2026		+ 200	400
4-8-25			JUN 2025		- 20	380
4-16-25			JUN 2025		- 10	370
5/1/25			JUN 2025		- 20	350
4/23/25			10/2026		+ 30	380
4/23/25			3/2026		+70	450
5/23/25			10/2026		+ 100	550
6/9/25			JUN 2025		- 10	540
6/12/25			JUN 2025		- 10	530
6/12/25			3/2026		-10	520
6/25/25			3/2026		-10	510
7/16/25			3/2026		-20	490

DRUG NAME Rocuronium 50 mg / 5 ml PACKAGE SIZE 10 x 5 ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
3-07-24	[redacted]		JUN 2025	[redacted]	+ 40	40
1-3-2025			Sep 2025		+90	130
4-2-2025			APR 2026		+80	210
4-2-2025			AUG 2026		+40	250
5-15-2025			JUN 2025		-40	210

DRUG NAME ROCURONIUM 50mg/5ml PACKAGE SIZE 10 vial of 5ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
8-15-23	[redacted]		01-2026	[redacted]	+ 100	100

DRUG NAME: Sodium CL 0.9% (BAG) **PACKAGE SIZE:** 10 x 1000 mL

NDC# [redacted]

(1 bag = #1)

DATE	INVOICE NAME/#	LOT#	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
5/23/25	[redacted]		2/2026	[redacted]	+20	20

DRUG NAME: Sodium CL 0.9% (BAG) **PACKAGE SIZE:** 12 x 1000mL

NDC# [redacted]

DATE	INVOICE NAME/#	LOT#	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
5/7/25	[redacted]		01/2027	[redacted]	+ 12	12

DRUG NAME Sodium Cl 0.9% PACKAGE SIZE 12 x 1000 ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
5-20-2021	[redacted]		9-2023	[redacted]	+ 24	24
3-15-2022			4-2025		+ 12	36
5/3/23			9/2023		-4	32
10-2-23			9-2023		- 20	12
02-01-24			01-2026		+ 12	24
8-29-24			4-2025		-2	22
2-13-25			4-2025		-2	20
3-17-25			2-2027		+24	44
3-17-25			2-2027		+24	44
3/20/25			1-2026		-2	42
4/8/25			4-2025		-8	34
4/8/25			1-2026		-4	30
5/1/25			1-2026		-2	28
5/15/25			1-2026		-2	26
5/29/25			7-2027		+12	38
6/2/25			8-2027		+24	62
6/12/25			1-2026		-2	60

DRUG NAME Sodium Chloride 0.9% PACKAGE SIZE 25 x 20mL

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
8/14/24	[redacted]		Oct-01-2025	[redacted]	+50	+50
7-13-25			Oct-01-2025		-6	44
~~3-6-25~~			~~Jul-31-202~~		~~+25~~	~~69~~ Incorrect Invoice # -ML
3-6-25			Jul-31-202		+25	69
3/20/25			10-01-202		-6	63
4/2/25			07-31-202		+50	113
4/8/25			10-01-2025		-6	107
5/1/25			10-01-2025		-6	101
5/15/25			10-01-2025		-6	95
5/23/25			7-31-202		+50	145 ✓
6/12/25			Jul-31-202		-6	139
6/25/25			10-01-2025		-6	133
7/16/25			10-01-2025		-7	126

DRUG NAME HYDROXYZINE HCl 25mg/ml PACKAGE SIZE 25 x 1 ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
02-01-2024	[redacted]		MAR 2025	[redacted]	+ 25	25
8-29-2024			Mar 2025		- 2	23
1-3-2025			08-2026		+25	48
2-13-25			Mar 2025		-3	~~45~~ 45
3/20/25			Mar 2025		-3	42
4-2-25			Aug 2026		+25	67
4/8/25			Aug 2026		-4	63
4/16/25			MAR 2025		-17	46
5/1/25			Aug 2026		-4	42
5/15/25			Aug 2026		-3	39
5/23/25			Aug 2026		+25	64
6/12/25			Aug 2026		-3	61
6/25/25			Aug 2026		-2	59
7/16/25			Aug 2026		-2	57

DRUG NAME Lidocaine Hcl 1% 10ml PACKAGE SIZE 25 x 10ml

NDC# [redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
1-3-2025	[redacted]	[redacted]	Sep 2026	[redacted]	+25	25
3/20/25			Sep 2026		-2	23
4-08-25			Sep 2026		-2	21
5/1/25			Sep 2026		0	21

[redacted]

INVOICE DATE 05/07/2025
PO
ORDER DATE 03/05/2025
SHIP DATE 05/07/2025 **PIECES INVOICED** 1

LINE	ITEM	NDC/UPC	ORIG ORDER QTY	ORDER QTY	INVOICED QTY	OMIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
[redacted]			1	1			[redacted]	SODIUM CL IS 0.9% 12X1000ML LF ✓	12X10 IS			[redacted]	EXP: 1/27 [redacted]	62.83	62.83	[redacted]

SUMMARY

TOTAL RX	62.83
TOTAL OTC	0.00
NET AMOUNT	62.83

[redacted]

[redacted]

[redacted]

SUB TOTAL	62.83
GRAND TOTAL	**62.83**
TOTAL DUE BY	**06/06/2025**

[redacted]

INVOICE DATE 05/23/2025
PO
ORDER DATE 05/22/2025
SHIP DATE 05/23/2025 PIECES INVOICED 29

LINE	ITEM	NDC/UPC	ORIG ORDER QTY	ORDER QTY	INVOICED QTY	OMIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
[redacted]																
			2	2	2 ✓			SODIUM CL IS 0.9% 10X1000ML	10X10	IS		EXP: 2/26		26.82	53.64	
			4	4	4 ✓			POTASS ACET SD 2MEQ/ML25X20ML FTV	25X20	SD		EXP: 12/26		123.34	493.36	
			10	10	10 ✓			ROCURONIUM MD 10MG/ML 10X10ML	10X10	MD		EXP: 10/26		41.29	412.90	
			10	10	10 ✓			ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD		EXP: 1/27		39.35	393.50	
			1	1	1 ✓			HYDROXYZ HCL SD 25MG/ML 25X1ML	25X1M	SD		EXP: 8/26		441.59	441.59	
			2	2	2 ✓			SODIUM CL SF 0.9% 25X20ML	25X20	SF		EXP: 7/31/26		22.24	44.48	

----------SUMMARY----------

TOTAL RX	1,839.47
TOTAL OTC	0.00
NET AMOUNT	1,839.47

[redacted]

[redacted]

[redacted]

SUB TOTAL	1,839.47
GRAND TOTAL	1,839.47
TOTAL DUE BY	06/22/2025

[redacted]

INVOICE DATE 05/29/2025
PO
ORDER DATE 03/05/2025
SHIP DATE 05/29/2025 PIECES INVOICED 1

LINE	ITEM	NDC/UPC	ORIG ORDER QTY	ORDER QTY	INVOICED QTY	OMIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
[redacted]			1	1	1	[redacted]		SODIUM CL IS 0.9% 12X1000ML EXC	12X10	IS		✓	[redacted] EXP: 7/27	29.99	29.99	[redacted]

----------SUMMARY----------

TOTAL RX	29.99
TOTAL OTC	0.00
NET AMOUNT	29.99

[redacted]

[redacted]

SUB TOTAL	29.99
GRAND TOTAL	29.99
TOTAL DUE BY	06/28/2025

[redacted]

INVOICE DATE 06/24/2025
PO
ORDER DATE 04/01/2025
SHIP DATE 06/24/2025 **PIECES INVOICED** 20

LINE	ITEM	NDC/UPC	ORIG ORDER QTY	ORDER QTY	INVOICED QTY	OMIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
[redacted]			[redacted]					[redacted]								
			10	10	8	X	[redacted]	ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD			EXP: 3/27	41.96	335.68	
			[redacted]													
			10	10	8	X		ETOMIDATE SD 2MG/ML 10X10ML	10X10	SD			[redacted]	30.03	240.24	
			[redacted]										> EXP: 3/27			
			10	10	2	X		ETOMIDATE SD 2MG/ML 10X10ML	10X10	SD				30.03	60.06	
			10	10	2	X		ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD			[redacted]	41.96	83.92	

SUMMARY

TOTAL RX	719.90
TOTAL OTC	0.00
NET AMOUNT	719.90

EXP: 3/27

[redacted]

[redacted]

SUB TOTAL	719.90
GRAND TOTAL	**719.90**
TOTAL DUE BY	**07/24/2025**

[redacted]

INVOICE DATE 06/02/2025
PO
ORDER DATE 04/01/2025
SHIP DATE 06/02/2025 PIECES INVOICED 2

LINE	ITEM	NDC/UPC	ORIG ORDER QTY	ORDER QTY	INVOICED QTY	OMIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
[redacted]			2	2	2	[redacted]		SODIUM CL IS 0.9% 12X1000ML EXC	12X10	IS		[redacted]	EXP 8/27 [redacted]	29.99	59.98	[redacted]

----------SUMMARY----------

TOTAL RX	59.98
TOTAL OTC	0.00
NET AMOUNT	59.98

[redacted]

[redacted]

SUB TOTAL	59.98
GRAND TOTAL	59.98
TOTAL DUE BY	07/02/2025

DRUG NAME: Etomidate 2mg/mL **Package Size:** 10 x 10 mL **Page:** 1

[redacted]

PREVIOUS BALANCE: Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
6/24/25	[redacted]			3/31/2027	+ 100	100

DRUG NAME: Etomidate 20mg/10mL *Package Size:* 10 x 10mL **Page:** 2

[redacted]

PREVIOUS BALANCE: Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
4/21/25	[redacted]			1/31/2027	+ 100	100

DRUG NAME: Etomidate 2mg/mL (20mg) *Package Size:* 10 x 10mL

Page: 1

[redacted]

PREVIOUS BALANCE: Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
9/22/2025	[redacted]			04/30/2027	+48	48
9/22/2025				04/30/2027	+2	50

DRUG NAME: Etomidate 2mg/mL (40mg/20mL) *Package Size:* 10 x 20 mL

Page: 1

[redacted]

PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
6/24/25	[redacted]			3/31/2027	+ 100	100
7/28/25	[redacted]			3/31/2027	+ 50	150

DRUG NAME: Etomidate 40mg/20mL Package Size: 10 x 20mL (10 vials) Page: 2

[redacted] PREVIOUS BALANCE: 330

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
4/8/25	[redacted]			5/31/2025	-10	320
5/1/25				5/31/2025	-10	310
5/15/25				5/31/25	-10	300
5/23/25				1/31/2027	+100	400
5/29/25				5/31/2025	-10	390
6/12/25				6/30/2025	-10	380
6/25/25				6/30/2025	-50	330
7/28/25				7/31/2025	-10	320
8/1/25				7/31/2025	-20	300
8/19/25				1/31/2025	-10	290
8/29/25				1/31/2025	-10	280
9/17/25				1/31/2025	-10	270
9/30/25				1/31/2025	-10	260

DRUG NAME: Hydroxyzine HCL 25mg/mL Package Size: 25 x 1 mL

[redacted]

Page: 1

PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
2/1/2024	[redacted]			03/31/2025	+ 25	25
8/29/2024				3/31/2025	- 2	23
1/3/2025				8/31/2026	+ 25	48
2/13/2025				3/31/2025	- 3	45
3/20/2025				3/31/2025	- 3	42
4/2/2025				8/31/2026	+ 25	67
4/8/2025				8/31/2026	- 4	63
4/16/2025				3/31/2025	- 17	46
5/1/2025				8/31/2026	- 4	42
5/15/2025				8/31/2026	- 3	39
5/23/2025				8/31/2026	+ 25	64
6/12/25				8/31/2026	- 3	61
6/25/25				8/31/2026	- 2	59
7/16/25				8/31/2026	- 2	57
7/28/25				8/31/2026	+ 25	82
7/28/25				8/31/2026	- 2	80
8/19/25				8/31/2026	- 2	78
8/29/25				8/31/2026	- 2	76
9/17/25				8/31/2026	- 2	74
9/30/25				8/31/2026	- 2	72

DRUG NAME: Lidocaine HCL 1% (10mL) Package Size: 25 x 10mL

[redacted]

Page: 1

PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
1/3/25	[redacted]			09/30/2026	+25	25
3/20/25				9/30/2026	-2	23
4/8/25				9/30/2026	-2	21
7/28/25				9/30/2027	+50	71

DRUG NAME: Potassium Acetate 2mEq/ml *Package Size:* 25 x 20mL **Page:** 4

[redacted]

PREVIOUS BALANCE: 193

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
9/17/25	[redacted]			10/31/2025	-12	181
9/30/25				10/31/2025	-12	169

DRUG NAME Potassium Acetate 2mEq/mL 20mL PACKAGE SIZE 25x20mL

[redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
6/14/23	Balance	[redacted]		[redacted]		361
6/15/23			6/2023		-12	349
7/19/23			06/2023		-2	347
9/3/23			12/2024		-12	335
10/3/23			10/2025		-47	288
10-3-23			12/2024		-12	276
8-29-24			12/2024		-12	264
1-3-2025			12-2024		-64	200
2-13-25			10-2025		-12	188
3/20/25			10-2025		-12	176
3/18/25			11/30/26		+25	201
3/18/25			9/30/26		+50	251
4/7/25			9/30/26		+25	276
4/7/25			4/30/27		+50	326
4/8/25			10-2025		-12	314
4/16/25			9/30/26		-25	289
5/1/25			10-2025		-12	277
5/15/25			10-2025		-12	265
6/12/25			10-2025		-7	258
6/25/25			10-2025		-17	241
7/16/25			10-2025		-12	229
7/28/25			10-2025		-12	217
8/19/25			10-2025		-12	205
8/29/25			10-2025		-12	193

DRUG NAME: Potassium Acet. 2mEq/mL **Package Size:** 25 x 20mL **Page:** 1

[redacted]

PREVIOUS BALANCE: Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
5/23/25	[redacted]	[redacted]	[redacted]	12/31/2026	+ 100	100
7/28/25	[redacted]	[redacted]	[redacted]	12/31/2026	+125	225

DRUG NAME: Potassium Act. 2 mEq/mL **Package Size:** 25 x 50mL **Page:** 1

[redacted] **PREVIOUS BALANCE:** Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
7/28/25	[redacted]			10/31/2026	+ 50	50

DRUG NAME Sodium chloride 0.9% PACKAGE SIZE 25 x 20mL

[redacted]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
8/14/24	[redacted]		Oct-01-2025	[redacted]	+50	+50
7-13-25			Oct-01-2025		-6	44
~~3-6-25~~			~~Jul-31-202~~		~~+25~~	~~69~~ Incorrect Invoice # [redacted]
3-6-25			Jul-31-202		+25	69
3/20/25			10-01-202		-6	63
4/2/25			07-31-2026		+50	113
4/8/25			10-01-2025		-6	107
5/1/25			10-01-2025		-6	101
5/15/25			10-01-2025		-6	95
5/23/25			7-31-2026		+50	145
6/12/25			Jul-31-2026		-6	139
6/25/25			10-01-2025		-6	133
7/16/25			10-01-2025		-7	126
7/28/25			10-31-2026		+50	176
7/28/25			10-01-2025		-6	170
8/19/25			10-01-2025		-1	169
8/19/25			7-31-2026		-5	164
8/28/25			7-31-2026		-6	158
9/17/25			7-31-2026		-6	152
9/30/25			7-31-2026		-6	146

DRUG NAME: Sodium CL 0.9% (BAG) *Package Size:* 10 x 1000mL

Page: 1

[redacted]

PREVIOUS BALANCE: Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
5/23/25	[redacted]			2/28/2026	+ 20	20

DRUG NAME: Sodium CL 0.9% (BAG) *Package Size:* 12 x 1000mL **Page:** 1

[redacted]

PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
5/1/2025	[redacted]			01/31/2027	+ 12	12

DRUG NAME Sodium Cl 0.9% [redacted] PACKAGE SIZE 12 x 1000 ml

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
5-20-2021	[redacted]	[redacted]	9-2023	[redacted]	+ 24	24
3-15-2022			4-2025		+ 12	36
5/3/23			9/2023		-4	32
10-2-23			9-2023		- 20	12
02-01-24			01-2026		+ 12	24
8-29-24			4-2025		-2	22
2-13-25			4-2025		-2	20
3-17-25			2-2027		+24	44
3-17-25			2-2027		+24	44
3/20/25			1-2026		-2	42
4/8/25			4-2025		-8	34
4/8/25			1-2026		-4	30
5/1/25			1-2026		-2	28
5/15/25			1-2026		-2	26
5/29/25			7-2027		+12	38
6/2/25			8-2027		+24	62
6/12/25			1-2026		-2	60

DRUG NAME: Rocuronium 50mg/5mL Package Size: 10 x 5mL

[redacted]

Page: 1

PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
3/7/2024	[redacted]			06/31/2025	+ 40	40
1/3/2025				9/30/2025	+ 90	130
4/2/25				4/30/2026	+ 80	210
4/2/25				8/30/2026	+ 40	250
5/15/25				6/31/2025	− 40	210
7/28/25				10/31/2026	+360	570
8/19/25				9/30/2025	−40	530
8/29/25				9/30/2025	−40	490
9/17/25				9/30/2025	−10	480

DRUG NAME: Rocuronium 50mg/5mL *Package Size:* 10 x 5mL

Page: 1

[redacted]

PREVIOUS BALANCE: Ø

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
8/15/2023	[redacted]			01/31/2026	+100	100

DRUG NAME: Rocuronium 100mg/10mL Package Size: 10 x 10mL (10 per box) Page: 1

[redacted] PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
3/7/24	[redacted]			06/31/2025	+ 10	10
3/11/24				06/31/2025	+ 80	90
1/3/2025				3/31/2026	+ 30	120
3/6/25				3/31/2026	+ 100	220
3/20/25				6/31/2025	- 20	200
4/2/25				3/31/2025	+ 200	400
4/8/25				6/31/2025	- 20	380
4/16/25				6/31/2025	- 10	370
4/23/25				10/31/2026	+ 30	400
4/23/25				3/31/2026	+ 70	470
5/1/25				6/31/2025	- 20	450
5/23/25				10/31/2026	+ 100	550
6/9/25				6/31/2025	-10	540
6/12/25				6/31/2025	-10	530
6/12/25				3/31/2026	-10	520
6/25/25				3/31/2026	-10	510
7/16/25				3/31/2026	-20	490
7/28/25				10/31/2026	+240	730
7/28/25				3/31/2026	- 20	710
7/28/25				10/31/2026	-10	700
9/17/25				3/31/2026	-15	685
9/30/25				3/31/2026	-20	665

[redacted]

[redacted]

INVOICE DATE 07/28/2025 [redacted]
PO
ORDER DATE 07/25/2025 [redacted]
SHIP DATE 07/28/2025 **PIECES INVOICED** 77

LINE	ITEM	NDC/UPC	ORIG ORDER QTY	ORDER QTY	INVOICED QTY	OMIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
[redacted]			5	5	4			POTASS ACET SD 2MEQ/ML25X20ML FTV	25X20	SD			EXP: 12/26	77.38	309.52	
			24	24	21			ROCURONIUM MD 10MG/ML 10X10ML	10X10	MD			10/26	21.66	454.86	
			24	24	3			ROCURONIUM MD 10MG/ML 10X10ML	10X10	MD			10/26	21.66	64.98	
			36	36	22			ROCURONIUM MD 10MG/ML 10X5ML	10X5M	MD			10/26	20.48	450.56	
			36	36	14			ROCURONIUM MD 10MG/ML 10X5ML	10X5M	MD			10/26	20.48	286.72	
			5	5	5			ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD			3/27	41.73	208.65	
			1	1	1			HYDROXYZ HCL SD 25MG/ML 25X1ML	25X1M	SD			8/26	459.02	459.02	
			2	2	2			LIDOCAINE HCL MD 1% 25X10ML	25X10	MD			4/27	18.93	37.86	
			5	5	1			POTASS ACET SD 2MEQ/ML25X20ML FTV	25X20	SD			12/26	77.38	77.38	
			2	2	2			POTASS ACET SD 2MEQ/ML25X50ML FTV	25X50	SD			10/26	254.65	509.30	
			2	2	2			SODIUM CL SF 0.9% 25X20ML	25X20	SF			10-31-26	54.38	108.76	

SUMMARY

TOTAL RX	2,967.61
TOTAL OTC	0.00
NET AMOUNT	2,967.61

[redacted]

SUB TOTAL	2,967.61
GRAND TOTAL	**2,967.61**
TOTAL DUE BY	**08/27/2025**

Invoice

[redacted]

Invoice Date: 9/18/2025

Order Date 9/15/2025

Customer P.O.	Terms: Due Date	Account Manager:	Ship VIA	Customer Number:
[redacted]	Net 30: 10/18/2025	[redacted]	GROUND	[redacted]

NDC#	Ordered	Shipped	Remaining	Price Each	Amount
[redacted]	50.00	50.00	0.00	69.00	3,450.00

ETOMIDATE 20MG SDV 10X10ML

[redacted]

Expiration date: 4/30/2027 Lot Qty: 48.00

Expiration date: 4/30/2027 Lot Qty: 2.00

[redacted]

[redacted]

Net Invoice:	3,450.00
Less Discount:	0.00
Freight:	36.49
Sales Tax:	0.00
Invoice Total:	3,486.49

A5

Declaration of Dr. Joel Zivot, M.D.

January 17, 2026

DECLARATION OF JOEL ZIVOT, M.D.

COMES NOW the declarant, Joel Zivot, M.D., and declares under the penalty of perjury all as follows:

1. I am an associate professor and senior member of the Departments of Anesthesiology and Surgery, Emory University School of Medicine, in Atlanta, Georgia. I am the former Medical Director of the Cardiothoracic Intensive Care Unit at Emory University Hospital. I am also the former fellowship director for training in Critical Care Medicine. I hold board certification in Anesthesiology from the Royal College of Physicians and Surgeons of Canada and the American Board of Anesthesiology. I am board-certified in Critical Care Medicine from the American Board of Anesthesiology. I have an MA in bioethics and a Master of Law (JM).

2. I have been in continuous practice of anesthesiology and critical care medicine for the last 31 years, during which time I have personally performed or supervised the care of over 50,000 patients. I have been retained as a medical expert in death penalty cases. In this capacity, I have been to death row to examine prisoners in 8 states, including Tennessee, Georgia, Florida, Ohio, Arkansas, Missouri, Nevada, and Arizona. I have also consulted on death penalty cases in South Carolina, Texas, California, and executions carried out by the Federal Government. I have extensively studied autopsies in the aftermath of death by use of lethal injection, including death resulting from the specific protocol used by the Florida Department of Corrections ("FDOC").

3. I hold a medical license in Georgia and have held unrestricted medical licenses in Ohio, the District of Columbia, Michigan, and the Canadian provinces of Ontario and Manitoba. I also have a license to prescribe narcotics and other controlled substances from the US Drug Enforcement Administration (DEA). I know from my extensive practice in medicine that when storing and dispensing pharmaceuticals, proper and accurate record keeping is absolutely necessary. It is critical to properly monitor the storage of drugs, where they are being dispensed, and in what quantity.

4. I became involved in Mr. Heath's case at the request of his attorney. I agreed to review the Florida Department of Corrections drug logs that became publicly available via a federal lethal injection challenge initiated in November 2025 in the Northern District of Florida, as well as the § 1983

complaint from the same. *Walls v. Dixon*, No. 4:25-cv-0488, ECF 1 (N.D. Fla. Nov. 26, 2025), and media accounts of prior executions carried out in 2025.

5. I have also reviewed Florida's lethal injection protocol. The current lethal injection protocol involves the sequential intravenous delivery of three drugs: 200 mg of etomidate, followed by 1000 mg of rocuronium bromide, and then 240 mEq of potassium acetate. The purpose of this protocol is to cause death, despite its highly flawed design.

6. Lethal injection is not a medical act but seeks to impersonate one. Florida's lethal injection protocol is not subject to scientific refinement, yet even considering its highly flawed design, it refuses to adapt to known pharmacological principles and rejects the lessons drawn from its own successive failures. What is currently concerning me is that FDOC is clearly approaching its execution method in a negligent manner. Like other states, FDOC suffers from a culture of secrecy. Secret systems always fail. From my experience working as an expert in other states, I believe that better DOC systems are the product of more self-reflective circumspection. A well-functioning DOC would have intervened with corrections if similar errors in the administration of an execution protocol surfaced.

7. The November 13, 2025, execution of Bryan Jennings was highly unusual and raises serious questions about the FDOC's ability to carry out executions in compliance with their own protocol. Mr. Jennings' execution took over 20 minutes, with documented movements well into the execution. The media's description of the movement suggests, at a minimum, a problem with the protocol's administration. This movement could be explained by an issue with the drug potency, dosage, or another unexplained issue. Regardless, it is an indicator of distress, and it is my conclusion that Mr. Jennings suffered a drawn-out, torturous execution that resulted in needless suffering.

8. When administering drugs to any person, regardless of the purpose, it is critical to understand the chemical properties of the drug and understand how the drug will work. It is clear to me, upon review of how Florida has approached its lethal injection protocol during the recent 2025 executions, that FDOC does not have this understanding.

9. A further examination of drug logs shows that FDOC is, on random occasions, implementing a four-drug protocol. Lidocaine HCl 1% (10 ml) is

identified as being drawn on 2 occasions. The documentation seems to suggest a varying amount of drug usage. The FDOC protocol does not allow for ad hoc substitutions, and the lack of transparency creates unreasonable and serious risks. Therefore, the purpose of this drug can only be surmised. Lidocaine 1% might be used as a subcutaneous injection as a local anesthetic in advance of the placement of an IV. It may also be injected intravenously to reduce the subsequent pain from etomidate and potassium acetate injections. We have no way of knowing how this drug was used. Regardless, lidocaine is a drug with associated adverse effects, including allergy and toxicity, and there is a substantial likelihood that, through mistakes and delays, its usage could contribute to a torturous execution.

10. The drug logs also show multiple deviations and questionable practices related to the protocol. On multiple occasions, the quantity of drugs removed from the inventory was less than that required by the protocol. The logs indicate that the drugs were removed from the inventory *after* the executions. In at least one instance, there is no reference to etomidate being removed from the inventory. Whenever pharmaceuticals are being administered, timing, quantity, and quality of the drug matter. These errors are significant and also contribute to the substantial likelihood of a drawn-out, torturous death.

11. Likewise, the drug logs indicate expired drugs were used in a few executions. In the pharmaceutical world, the expiration date guarantees that a drug will retain its full potency and safety when stored as directed. Expiration date is not a concept easily exported to the use of drugs, repurposed as poisons, as is the practice in lethal injection. Does an expired drug work in the same poisonous fashion as intended by FDOC? This is unknown. Administering expired drugs to a prisoner during a lethal injection execution could also result in a drawn-out, torturous execution. At the very least, this sloppy practice identifies serious gaps in the lethal injection protocol.

12. FDOC has access to valuable information, such as EKG rhythm strips, drug and monitor logs, and other internal records. If evaluated seriously and openly, this information could reduce errors. When FDOC has made changes, it is not in response to a concern for torturous and prolonged killing, but when equipment or a drug becomes unavailable. Until FDOC reforms its sloppy and careless execution practices, it will continue to torture prisoners to death.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of January 2026, in Atlanta, Georgia:

Joel Zivot, M.D.