

No. \_\_\_\_\_

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IN THE  
SUPREME COURT of the UNITED STATES

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MICHAEL L. KING,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
WITH AN EXECUTION SCHEDULED FOR  
TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX A**

March 10, 2026 Florida Supreme Court Opinion

# Supreme Court of Florida

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No. SC2026-0336

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**MICHAEL L. KING,**  
Appellant,

vs.

**STATE OF FLORIDA,**  
Appellee.

March 10, 2026

PER CURIAM.

Michael L. King was convicted and sentenced to death for the 2008 murder of Denise Amber Lee. On February 13, 2026, Governor DeSantis issued a death warrant scheduling King's execution for March 17, 2026. King unsuccessfully sought successive postconviction relief in the circuit court and now appeals. We have jurisdiction. *See* art. V, § 3(b)(1), (9), Fla. Const.; *see also State v. Fourth Dist. Ct. of Appeal*, 697 So. 2d 70, 71 (Fla. 1997) (holding "that in addition to our appellate jurisdiction over sentences of death, we have exclusive jurisdiction to review all types

of collateral proceedings in death penalty cases”). For the reasons set forth below, we affirm. We also deny King’s motion for a stay of execution.

## I

In the early afternoon of January 17, 2008, King kidnapped Denise Amber Lee from her home where she was watching her two children, an infant and a toddler. King took Mrs. Lee to his house, bound her with duct tape, and raped and sodomized her. The ordeal lasted over four hours.

Next, King forced Mrs. Lee back into his car. He took her with him to secure supplies to dispose of her body. At some point during the drive, Mrs. Lee, still alive and bound in the backseat of King’s car, obtained King’s phone and called 911. On the 911 recording, Mrs. Lee is heard crying, begging King to free her so that she could see her husband and children again. Jane Kowalski, who would later identify King at trial, heard screaming coming from a green Camaro that was in the traffic lane beside her, and called 911. King drove Mrs. Lee to an abandoned construction site, shot her in the head, and buried her.

With a description of the green Camaro from Kowalski, officers

pulled King over later that evening and took him into custody. Mrs. Lee's blood, hair, fingerprints, and ring were all recovered from the Camaro. Inside King's home, officers found duct tape with Mrs. Lee's hair attached to it. Two days after the crime, Mrs. Lee's body was recovered. At trial, the medical examiner would testify that she died from a single gunshot wound to the head. The shorts Mrs. Lee was wearing tested positive for sperm, which matched King's DNA profile to the exclusion of 3.5 trillion other individuals.

Following a jury trial, King was convicted of first-degree murder, involuntary sexual battery, and kidnapping. *King v. State*, 89 So. 3d 209, 219 (Fla. 2012). After the penalty phase, the jury recommended by a vote of 12-0 that he be sentenced to death. The trial court agreed and sentenced King to death.

In pronouncing King's sentence, the trial court determined that the State had proven beyond a reasonable doubt the existence of four statutory aggravating circumstances: (1) the murder was especially heinous, atrocious, or cruel; (2) the murder was cold, calculated, and premeditated; (3) the murder was committed for the purpose of avoiding lawful arrest; and (4) the murder was committed while King was engaged in the commission of a sexual

battery or kidnapping. *Id.* at 221. The trial court further determined that King had established the existence of two statutory mitigating circumstances: (1) King's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired; and (2) his age at the time of the offense (thirty-six years old). *Id.* The trial court also found thirteen nonstatutory mitigating circumstances. *Id.*<sup>1</sup>

On direct appeal, this Court affirmed King's conviction and death sentence. *Id.* at 232.<sup>2</sup> In addition to rejecting King's specific

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1. The thirteen nonstatutory mitigating circumstances were: (1) a head injury in 1978; (2) a PET scan with abnormal findings in the frontal lobe, demonstrating a brain injury; (3) an IQ in the borderline range between low-average and mentally retarded; (4) King had repeated grades in school and had been placed in special education classes; (5) despondency and depression in attempting to address King's bankruptcy, unemployment, a failed marriage, an impending foreclosure on his home, and breaking up with his girlfriend; (6) a history of nonviolence; (7) King was a cooperative inmate; (8) he never abused drugs or alcohol; (9) he had a thirteen-year-old son whom he helped raise and for whom he cares; (10) he was a good father; (11) he was a devoted boyfriend; (12) he was a good worker; and (13) he had a close relationship with family and friends. *Id.* at 221-22.

2. King raised the following claims on direct appeal: (1) the trial court improperly limited the cross-examination of State witness Robert Salvador, who went to a firing range with King before the abduction; (2) during guilt-phase closing statements, the prosecution improperly shifted the burden of proof to King to

claims of error, we also concluded that the record clearly supported the convictions for the kidnapping, sexual battery, and first-degree murder of Mrs. Lee. *Id.* The convictions and sentences became final on October 15, 2012, when the United States Supreme Court denied King's petition for writ of certiorari. *King v. Florida*, 568 U.S. 964 (2012).

King then unsuccessfully sought postconviction relief in both state and federal court. In September 2013, King filed a motion to vacate judgment and sentence pursuant to Florida Rule of Criminal Procedure 3.851. Following an evidentiary hearing, the circuit court denied relief on all claims. We affirmed. *King v. State*, 211 So. 3d 866, 870 (Fla. 2017).<sup>3</sup> King was also one of the death row

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demonstrate that he had not shot Mrs. Lee; (3) nine-millimeter shell casings recovered from the firing range should not have been admitted into evidence; (4) the trial court erred in declining to conduct a hearing on the admissibility of tool-mark identification of fired shell casings, where the weapon that fired the casings was not available; and (5) the trial court erroneously accepted the State's explanation for exercising a peremptory strike to remove a juror. *Id.* at 222-31.

3. This Court denied relief on the following claims from King's postconviction motion: (1) counsel rendered ineffective assistance during the penalty phase because counsel failed to investigate King's possible exposure to toxic substances during his childhood and when he worked as a plumber as an adult; (2) trial counsel

petitioners in *Abdool v. Bondi*, 141 So. 3d 529 (Fla. 2014), who sought to have portions of the Timely Justice Act of 2013 declared unconstitutional. This Court denied relief. *Id.* at 555. In April 2017, King sought habeas relief in federal court. *See King v. Sec’y, Dep’t of Corr.*, 793 F. App’x 834, 837 (11th Cir. 2019). The district court denied habeas relief, and following oral argument, the United States Court of Appeals for the Eleventh Circuit affirmed. *Id.* at 836.<sup>4</sup> The United States Supreme Court denied certiorari review. *King v. Inch*, 141 S. Ct. 303 (2020).

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rendered ineffective assistance because counsel failed to preserve an alleged error under *Batson v. Kentucky*, 476 U.S. 79 (1986), during jury selection; (3) the lethal injection protocol employed by Florida is unconstitutional; (4) section 945.10, Florida Statutes (2014), which exempts from disclosure the identity of those individuals who participate in the lethal injection procedure, is unconstitutional; (5) King may be incompetent by the time he is scheduled for execution. *King*, 211 So. 3d at 880-89.

Finally, during the pendency of King’s postconviction appeal, the United States Supreme Court issued *Hurst v. Florida*, 577 U.S. 92 (2016). While agreeing that *Hurst* was applicable, in light of the unanimous jury recommendation as well as the overwhelming and uncontroverted evidence of the four aggravating circumstances and the comparatively weaker mitigating evidence, we concluded that “[i]f any case were to present us with a harmless *Hurst* error, this is it.” *King*, 211 So. 3d at 893.

4. King raised, and the Eleventh Circuit rejected, the following three claims: (1) ineffective assistance of counsel for failing to preserve a challenge to a peremptory strike under *Batson* and *J.E.B.*

Governor DeSantis signed King's death warrant on February 13, 2026, scheduling the execution for March 17, 2026. On February 17, 2026, the Circuit Court for the Twelfth Judicial Circuit held a case management conference, where King was represented by counsel. The same day, King directed a records demand to the Florida Department of Corrections (FDOC) under Florida Rule of Criminal Procedure 3.852(h) and (i). FDOC filed a response and objections, and following a hearing, the circuit court denied King's demand.

On February 22, 2026, King filed a successive postconviction motion, as well as a separate motion seeking to stay the execution. He raised two claims: (1) FDOC's failure to follow the published execution by lethal injection procedures is a violation of King's Fourteenth Amendment rights under the United States Constitution

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*v. Alabama ex rel. T.B.*, 511 U.S. 127 (1994); (2) ineffective assistance of counsel for failing to investigate King's exposure to toxic substances; and (3) the district court violated due process or otherwise abused its discretion by adopting portions of the State's response brief in its order denying King's habeas petition.

as well as his rights under the Florida Constitution;<sup>5</sup> and (2) his execution will violate his Eighth Amendment rights because newly discovered evidence shows “King is a man with humanity,” “his life has great value,” and “his case is not among the most aggravated and least mitigated.” Following a *Huff*<sup>6</sup> hearing, the circuit court issued a written order finding that King was not entitled to any relief on February 27, 2026.

King appealed to this Court. He raises two claims: (1) the trial court abused its discretion in denying King’s demand for additional records, resulting in violations of his equal protection and due process rights under the Fourteenth Amendment; and (2) newly discovered evidence shows that carrying out King’s death sentence would violate his Eighth Amendment rights. King asks us to vacate his death sentence, or alternatively, to stay his execution and remand to the circuit court for an evidentiary hearing.

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5. In this claim, King also asked the circuit court to reconsider its decision denying his records demand.

6. *Huff v. State*, 622 So. 2d 982, 983 (Fla. 1993) (requiring the circuit court to conduct a hearing to determine whether an evidentiary hearing is necessary to resolve a death penalty defendant’s postconviction claims).

## II

We have consistently said:

Summary denial of a successive postconviction motion is appropriate if the motion, files, and records in the case conclusively show that the movant is entitled to no relief. We review the circuit court’s decision to summarily deny a successive rule 3.851 motion de novo, accepting the movant’s factual allegations as true to the extent they are not refuted by the record, and affirming the ruling if the record conclusively shows that the movant is entitled to no relief.

*Zakrzewski v. State*, 415 So. 3d 203, 208 (Fla.) (quoting *Tanzi v. State*, 407 So. 3d 385, 390 (Fla. 2025)), *cert. denied*, 146 S. Ct. 57 (2025). Applying this standard, we affirm the circuit court’s summary denial of King’s successive postconviction motion.

## A

King challenges the circuit court’s denial of his demand for additional records from FDOC. He sought these records to support his claims “for violation of his equal protection rights based on the maladministration of the lethal injection protocol[.]”<sup>7</sup> In advancing these claims, King directs us to evidence submitted in a federal

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7. See generally Fla. Dep’t of Corr., *Execution by Lethal Injection Procedures and Certification Letter* (2025), <https://fdcm-media.ccplatform.net/content/download/1561/file/Execution%20by%20Lethal%20Injection%20with%20Certification%20Letter.pdf>.

lawsuit brought by Frank Walls, who was executed on December 18, 2025, after this Court and the United States Supreme Court denied relief. These are the same documents this Court recently addressed in the postconviction appeals of since-executed inmates Ronald Heath and Melvin Trotter.<sup>8</sup> They include logs listing fields such as “drug name,” “package size,” “date,” “expiration date,” “received/used,” and “balance,” among others. Citing section 945.10, Florida Statutes, the State redacted the fields for “invoice name/#,” “lot,” and “MFR.”

Like Heath and Trotter, King says these records “raise substantial questions regarding FDOC’s compliance with [its] protocol[] and ability to carry out future executions by lethal injection.” Specifically, King contends these records show that, in the executions of two other inmates, “lower amounts of the required drugs were used.” Relying on these records and assertions, King submits that he has made out viable due process and equal protection claims. He argues that the circuit court abused its

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8. *See Heath v. State*, No. SC2026-0112, 2026 WL 320522, at \*3 (Fla. Feb. 3), *cert. denied*, 2026 WL 363902 (U.S. Feb. 10, 2026); *Trotter v. State*, No. SC2026-0214, 2026 WL 444544, at \*2-3 (Fla. Feb. 17), *cert. denied*, 2026 WL 504237 (U.S. Feb. 24, 2026).

discretion in denying his demand for additional public records, purportedly made in furtherance of this Fourteenth Amendment claim.

Upon careful review, we find no error, *see Muhammad v. State*, 132 So. 3d 176, 200 (Fla. 2013), and conclude that King is not entitled to relief on this claim.

**1**

King's public records demand was made under Florida Rule of Criminal Procedure 3.852(h) and (i), which permit counsel for a defendant subject to a death warrant to request the production of certain public records. Fla. R. Crim. P. 3.852(h)(3). "[T]his discovery tool is not intended to be a procedure authorizing a fishing expedition for records unrelated to a colorable claim for postconviction relief." *Sims v. State*, 753 So. 2d 66, 70 (Fla. 2000). So the rule prescribes meaningful limitations to records requests:

[R]ecords requests under Rule 3.852(h) are limited to "persons and agencies who were the recipients of a public records request at the time the defendant began his or her postconviction odyssey," whereas, records requests under Rule 3.852(i) must "show how the requested records relate to a colorable claim for postconviction relief and good cause as to why the public records request was not made until after the death warrant was signed."

*Dailey v. State*, 283 So. 3d 782, 792 (Fla. 2019) (citations omitted) (quoting *Bowles v. State*, 276 So. 3d 791, 795 (Fla. 2019)).

King's argument that he is entitled to additional records begins with his assertion that the Walls documents reveal "numerous apparent errors" and "maladministration by FDOC of [its] protocol[]." And based on the Walls documents, King submits that his demand for additional records is necessary to pursue his own claims for postconviction relief, targeting the alleged maladministration of the protocol. King sought various records, checklists, and logs relating to the procedures for the use and maintenance of the chemicals used in the lethal injection protocol. These included requests relating to drug expiration dates, storage temperatures, protocol in the event of power loss, information as to the training of individuals carrying out the execution, and information regarding how the State assesses and monitors the inmate's consciousness during the execution. Importantly, given King's suggestion that the State has engaged in "disparate treatment of individuals facing execution for first[-]degree murder as well as sex offenses," his assertions about maladministration are not limited to individuals in that category, and nothing in the record

before us reflects separate record-keeping for such individuals.

It would require speculative inferences to conclude from these logs that the State will fail to administer the capital punishment protocol in King's case. The relevant log lists "drug name," "package size," "date," "expiration date," "received/used," and "balance." Information about the expiration date of the drugs and amount of drugs in inventory is shown unredacted. King conjectures that because some of the dates on these logs are "around the date" of previous executions, the balance entries for those dates correspond to the doses actually administered at the contemporaneous executions. Yet that information reflects only the quantity of drugs withdrawn from or deposited in inventory; those amounts need not and likely do not match the amounts administered. *See Heath*, 2026 WL 320522, at \*3 (addressing the same logs and explaining that the "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" (citation modified)). The circuit court did not err in denying relief.

More fundamentally, because King has not asserted a colorable claim for relief regarding any constitutionally redressable disparate treatment, we find no error in the circuit court's decision to deny his demand for records or his motion to vacate his judgment and sentence.

As to the records claim specifically, it is King's burden to demonstrate that the records sought relate to a colorable claim for postconviction relief. *Branch v. State*, 236 So. 3d 981, 984 (Fla. 2018). In *Heath*, admittedly in assessing an Eighth Amendment claim, we explained that an "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." 2026 WL 320522, at \*3. Here, in assessing King's Fourteenth Amendment claim, our reasoning is similar: alleged failures in documenting the movement of drugs into and out of inventory does not give rise to a cognizable equal protection or due process injury.

That is because, first, as the circuit court correctly found, even an allegation that there was a difference in the quantity of the specific drugs administered would not constitute disparate treatment for Fourteenth Amendment purposes. *See DeYoung v. Owens*, 646 F.3d 1319, 1327-28 (11th Cir. 2011) (holding equal protection does not “require[] a written execution protocol sufficiently detailed to ensure that every execution is performed in a precisely identical manner”).<sup>9</sup> King is right that “we have a constitutional responsibility to ensure the death penalty is

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9. Even positing King’s speculation that the records support the inference that other inmates received varying doses of rocuronium and potassium acetate, those drugs are administered after the inmate has been rendered unconscious by etomidate. *See Rogers v. State*, 409 So. 3d 1257, 1268 (Fla.) (noting the “well-established fact that the administration of etomidate will render [the defendant] unconscious likely within one minute”), *cert. denied*, 145 S. Ct. 2695 (2025); *Cole v. State*, 392 So. 3d 1054, 1065 (Fla.) (noting that the “etomidate protocol . . . includes safeguards to ensure the condemned is unconscious throughout the execution”), *cert. denied*, 145 S. Ct. 109 (2024); *Baze v. Rees*, 553 U.S. 35, 64 (2008) (Alito, J., concurring) (“The first step in the lethal injection protocols currently in use is the anesthetization of the prisoner. If this step is carried out properly, it is agreed, the prisoner will not experience pain during the remainder of the procedure.”); *Valle v. Singer*, 655 F.3d 1223, 1233 (11th Cir. 2011) (noting that under Florida’s protocol, a consciousness check is required and “the execution cannot proceed until the individual is rendered unconscious”).

administered in a fair, consistent and reliable manner . . . .”

*Arbelaez v. Butterworth*, 738 So. 2d 326, 326-27 (Fla. 1999).<sup>10</sup> But he has not asserted a divergence from protocol that would result in a manner of execution that would raise equal protection concerns.

*See Ferguson v. Warden*, 493 F. App’x 22, 26 (11th Cir. 2012)

(“Under Florida’s . . . protocol, all death row inmates facing execution will be subject to the same sequence of drugs, the same procedures, and the same safeguards in the execution process.”).

And second, King has not alleged that the State will treat him disparately from other similarly situated persons in the sense that is relevant to the Fourteenth Amendment. “The Equal Protection Clause requires the government to treat similarly situated persons in a similar manner.” *Leib v. Hillsborough Cnty. Pub. Transp.*

*Comm’n*, 558 F.3d 1301, 1305 (11th Cir. 2009). King has made no substantive allegation that administration of the protocol will amount to disparate treatment from other similarly situated persons. *See Amnesty Int’l, USA v. Battle*, 559 F.3d 1170, 1180

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10. The rest of that sentence reads, “as well as having an administrative responsibility to work to minimize the delays inherent in the postconviction process.” *Id.*

(11th Cir. 2009). Nor can he allege that his execution burdens his fundamental rights or is based on his membership in a suspect class. For these reasons, the circuit court properly concluded that King failed to establish even the first requirement of a viable equal protection claim.

King's due process challenge fares no better. He claims that "[b]ecause [he] has been denied access to the records he demanded," he has been hindered in his ability to pursue his equal protection claim; therefore, "his due process rights have been violated." This Court has previously rejected efforts to morph a challenge to the denial of a public records demand into a constitutional challenge. *Randolph v. State*, 422 So. 3d 166, 172 (Fla.) (collecting cases), *cert. denied*, 2025 WL 3236523 (U.S. Nov. 20, 2025). King does not allege that he was not afforded notice and an opportunity to be heard. To the contrary, the circuit court held a hearing on the demand, and King's counsel presented argument on the issue. And in denying King's successive motion for postconviction relief, the circuit court gave written reasons for not reconsidering its denial of the demand.

The circuit court was correct to summarily deny this claim.<sup>11</sup>

## **B**

King next argues that newly discovered evidence shows that carrying out his death sentence would violate his Eighth Amendment rights because he is “a man with humanity,” “his life has great value,” and “his case is not among the most aggravated and least mitigated.” In support of this claim, King submits correspondence with spiritual advisors and friends, while generally making policy arguments against capital punishment. He further argues that his “life is tragic and mitigating.” On this claim, King contends that the circuit court erred in not conducting an evidentiary hearing and asks us to remand for that purpose. We agree with the circuit court that this claim is untimely, procedurally barred, and meritless.

King’s claim is untimely because the allegedly “newly discovered evidence” was ascertainable long ago by the exercise of

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11. We take King at his word that, regarding this matter, he “has not raised an Eighth Amendment claim.” So we do not analyze the merits of such a claim here. We note only that the circuit court correctly observed that King’s allegations are substantively identical to the Eighth Amendment challenges we rejected in *Trotter* and *Heath*.

due diligence. *See Dailey v. State*, 279 So. 3d 1208, 1212-13, 1215 (Fla. 2019); Fla. R. Crim. P. 3.851(d)(2)(A). King makes no attempt to even argue that he has submitted “new” evidence that could not have been obtained long ago. Nor does he take issue with the circuit court’s analysis correctly observing as much. And in fact, the evidence that he has submitted in support of this claim, correspondence from friends and spiritual advisors, reveals that he has had relationships with these individuals for years. So to the extent these individuals could speak about King, nothing has stopped him or his counsel from mounting this evidence long before the signing of his death warrant.

King’s claim is procedurally barred because, to the extent it asks that we “reassess King’s life with the mitigation already found by the trial court,” it seeks relief that we considered and rejected when we affirmed King’s conviction and death sentence. *King*, 89 So. 3d at 231-32; *see also Turner v. Dugger*, 614 So. 2d 1075, 1078 (Fla. 1992) (barring postconviction claims, or variations thereof, that have been raised on direct appeal).

In any case, the claim is meritless. On direct appeal, we recounted the facts supporting the trial court’s decision that this

presented an especially aggravated case. *King*, 89 So. 3d at 231. We have no reason to revisit that conclusion. The circuit court correctly denied relief on this claim.

### III

We affirm the summary denial of King's motion for postconviction relief. We deny his concurrent motion to vacate his death sentence or stay the execution for an evidentiary hearing.

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

It is so ordered.

MUÑIZ, C.J., and LABARGA, COURIEL, GROSSHANS, FRANCIS, SASSO, and TANENBAUM, JJ., concur.

An Appeal from the Circuit Court in and for Sarasota County,  
Thomas W. Krug, Judge – Case No. 582008CF001087XXXANC

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for Appellee

No. \_\_\_\_\_

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
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TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX B**

Florida Supreme Court Initial Brief on the Merits

**IN THE SUPREME COURT OF FLORIDA  
CASE NO: SC2026-0336  
EXECUTION SCHEDULED FOR MARCH 17, 2026 at 6:00 PM**

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**MICHAEL KING,**  
Appellant,  
**v.**  
**STATE OF FLORIDA,**  
Appellee.

**ON APPEAL FROM THE CIRCUIT COURT OF THE TWELFTH  
JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA  
Lower Tribunal No. 08-CF-001087**

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**INITIAL BRIEF OF THE APPELLANT**

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Counsel for the Appellant**

## **REQUEST FOR ORAL ARGUMENT**

Undersigned counsels for the Appellant respectfully requests the opportunity to present oral argument pursuant to Fla. R. App. P. 9.320. This is a capital case, which presents novel issues of constitutional significance and the resolution of the issues presented will determine whether Michael King (King) will live or die, and a complete understanding of the complex factual, legal and procedural history and the arguments presented are critical to the proper disposition of this appeal.

## **JURISDICTIONAL STATEMENT**

This is a timely appeal from the trial court's final order denying a successive motion for postconviction relief from a sentence of death. This Court has plenary jurisdiction over death penalty cases. Fla. Const. art. V, § 3(b)(1); *Orange County v. Williams*, 702 So.2d 1245 (Fla. 1997).

## **PRELIMINARY STATEMENT ABOUT THE RECORD**

The postconviction record on appeal for the current successive 3.851 motion consists of one volume and is referenced to as "PCROA" followed by the page number.

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## Other Authorities

Alarming trends in executions in 2025 raise serious human rights concerns – UN Human Rights, United Nations Human Rights, Office of the High Commissioner. <a href="https://www.ohchr.org/en/press-releases/2026/01/alarming-trends-executions-2025-raise-serious-human-rights-concerns-un-human">https://www.ohchr.org/en/press-releases/2026/01/alarming-trends-executions-2025-raise-serious-human-rights-concerns-un-human</a> .....	42
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NPR: How working on prison executions harms people and changes their views : NPR, November 16, 2022, 4:01PM ET by Chiara Eisner .....	53
Official Release – U.S. Department of State. <a href="https://www.state.gov/releases/office-of-the-spokesperson/2026/02/secretary-of-state-marco-rubio-at-the-munich-security-conference">https://www.state.gov/releases/office-of-the-spokesperson/2026/02/secretary-of-state-marco-rubio-at-the-munich-security-conference</a> .....	41
U.N. Office of the High Comm’r for Human Rights, Moving Away from the Death Penalty: Arguments, Trends, and Perspectives, U.N. Sales No. E.15.XIV.6 (2015).....	41

The Guardian - Britain's last executions: hanging of two jobless criminals a 'low key' affair | Capital punishment | The Guardian, August 13, 2014, Caroline Davis. .... 41

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## **JUDGEMENT AND SENTENCE UNDER APPEAL**

King was charged by consolidated indictment and information in Sarasota County with the first-degree murder, kidnapping, and sexual battery of Denise Amber Lee. The case was tried before the Honorable Deno G. Economou. King was represented by Assistant Public Defenders Carolyn Schlemmer, John Scotese, and Jerry Meisner. Assistant State Attorneys Lon Arend, Suzanne O'Donnell, and Karen Frauwillig represented the State of Florida. Jury selection took place on August 17-21, 2009. The guilt/innocence phase of the trial took place on August 24-28, 2009. On August 28, 2009, the jury returned guilty verdicts for all three counts. The penalty phase trial took place on May 23-24, 2006. On September 4, 2009, the jury unanimously recommended death. A *Spencer*<sup>1</sup> hearing was held on October 28, 2009. The Court imposed a death sentence on December 4, 2009. The judgment and sentence are attached. App. A.

The Court found the following statutory aggravating circumstances:

1. The murder was especially heinous, atrocious, or cruel. (HAC) (great weight)
2. The murder was especially cold, calculated, and premeditated (CCP). (great weight)

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<sup>1</sup> *Spencer v. State*, 615 So. 2d 688 (Fla. 1993).

3. The murder was committed for the purpose of avoiding an unlawful arrest. (great weight)
4. The murder was committed while King was engaged in the commission of a sexual battery or kidnapping. (moderate weight)
5. The judge found the following mitigating factors:

#### Statutory Mitigating Circumstances

1. King's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired. (moderate weight)
2. His age at the time of the offense (36 years old) (little weight)

#### Non-Statutory Mitigating Circumstances

1. A head injury in 1978 (moderate weight)
2. A PET scan with abnormal findings in the frontal lobe demonstrating a brain injury (moderate weight)
3. An IQ in the borderline range between low average and mentally retarded (moderate weight)
4. Repeating grades in school and being placed in special education classes (little weight)
5. Being despondent and depressed and attempting to address his bankruptcy, unemployment, a failed marriage, an impending foreclosure on his home, and breaking up with his girlfriend (little weight)
6. A history of nonviolence (moderate weight)
7. Being a cooperative inmate (some weight)
8. Never abusing drugs or alcohol (some weight)
9. Having a 13-year-old son whom he helped raise and for whom he cares (little weight)
10. Being a good father (little weight)
11. Being a devoted boyfriend (little weight)
12. Being a good worker (little weight)
13. Having a close relationship with family and friends (little weight)

## ISSUES RAISED IN STATE COURT AND THEIR DISPOSITION

The following issues were raised on direct appeal:

1. Whether King's State and Federal Constitutional Rights to present his defense and to fully cross-examine a key prosecution witness were violated by a series of trial court rulings regarding Robert Salvador.
2. Whether the trial court erred in allowing the State to introduce into evidence 47 fired cartridge cases from the gun range, none of which were shown to be connected to Michael King; and whether the trial court further erred in allowing the introduction of the FDLE firearms examiner's opinion three of those shell casings were fired from the same unknown firearm as the single fired cartridge case found in the grass near the crime scene.
3. Whether the trial court erred in allowing the State to introduce FDLE firearms examiner Romeo's opinion he was 100 percent certain three of the 47 cartridge cases from the gun range were fired from the same unknown nine-millimeter firearm as the cartridge case found near the crime scene; where (1) Romeo did not examine or test-fire any specific firearm; (2) Romeo's method were too subjective and insufficiently reliable to enable him to claim 100 percent certainty before the jury; and (3) the judge refused to hold a *Frye* hearing before allowing the State to introduce Romeo's opinion.
4. Whether the trial court erred in accepting as genuine the prosecutor's proffered reason for his peremptory strike of a minority juror (111) based on her questionnaire response, where the claimed reason was equally applicable or more applicable to other jurors whom the prosecutor did not challenge, and who served on the jury.
5. Whether King's death sentence should be reduced to life imprisonment without possibility of parole on proportionality grounds, based on the mitigation prong of the applicable test.

The Florida Supreme Court ("FSC") denied each of the above claims. *King v. State*, 89 So. 3d 209, 212-18 (Fla. 2012). The FSC

denied rehearing on May 21, 2012. *King v. State*, 2012 Fla. LEXIS 1193 (Fla. 2012). The United States Supreme Court denied certiorari on October 15, 2012. *King v. Florida*, 133 S.Ct. 478 (2012). The initial Motion to Vacate Judgment and Sentence was timely filed on October 15, 2013. This court denied all relief. After supplemental briefing based on the holding of *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), the FSC affirmed the denial of relief as follows:

1. trial counsel's performance during penalty phase was not deficient;
2. trial counsel's purported failures to preserve *Batson* challenge and to conduct comparative juror analysis did not amount to deficient performance;
3. defendant did not demonstrate prejudice arising from trial counsel's alleged failure to preserve *Batson* challenge;
4. defendant's challenge to the use of midazolam as a sedative in lethal injection protocol was meritless; and
5. defendant's death sentence was contrary to rule of *Hurst v. Florida*, 202 So.3d 40; but
6. imposition of death sentence in violation of requirements of *Hurst v. State*, 202 So.3d 40, was harmless beyond a reasonable doubt.

*King v. State*, 211 So. 3d 866 (Fla. 2017). King's 28 U.S.C. §2254 petition for writ of habeas corpus was denied by the District Court on February 5, 2018. Judgment was entered on February 6, 2018. Following oral argument, the United States Court of Appeals for the 11th Circuit affirmed the denial of relief as follows:

1. Florida Supreme Court's determination that trial counsel made strategic decision to allow State to strike juror was not unreasonable application of clearly established law or unreasonable determination of the facts;
2. trial counsel's failure to present evidence showing petitioner was exposed to harmful toxins throughout his life during penalty phase of capital murder trial was not deficient performance, and thus was not ineffective assistance; and
3. District Court's adoption of portions of State's response brief in its order denying petition for writ of habeas corpus did not deprive petitioner of fair and impartial tribunal and thus did not violate petitioner's due process rights.

*King v. Sec'y, Dep't of Corr.*, 793 Fed. App'x 834 (11<sup>th</sup> Cir. 2019). The United States Supreme Court ("USSC") denied King's petition of certiorari. *King v. Inch*, 141 S. Ct. 303 (2020). On February 13, 2026, the Governor signed King's death warrant scheduling his execution

#### WARRANT PROCEEDINGS

King timely filed a demand for additional public records pursuant Rule 3.852(i) to FDOC. PCROA 104-171. FDOC filed an objection. PCROA 196-279. The lower court conducted a public records hearing on February 19, 2026 at 10:00 a.m. PCROA 273-91 and shortly afterward issued an order denying King's demand. PCROA 271-72. King filed his Successive Motion to Vacate Judgment and Sentence, PCROA 297-320 on February 22, 2026 raising two claims and simultaneously filed a Motion for Stay of Execution.

PCROA 292-96. The State filed its responses to King's motions, PCROA 436-61. The State asserted both claims he raised should be summarily denied as untimely, procedurally barred, and/or meritless.

The circuit court conducted a case management conference on February 25, 2026, and heard argument on King's Successive Motion to Vacate Judgment and Sentence and his Motion for a Stay of Execution, PCROA 485-514. Shortly after the hearing the circuit court issued an Order Denying an Evidentiary Hearing PCROA482-483 and on February 27 issued an Order (1) Denying Defendant's 'Successive Motion to Vacate Judgment and Sentence' after a signed Death Warrant and (2) Denying 'Defendant's Motion for a Stay of Execution.' PCROA 516-542. King timely filed a Notice of Appeal. PCROA 543-45.

### **STANDARD OF REVIEW**

This is an appeal from a Successive Motion under Fla. R. Crim. P. 3.851. The Court reviews the summary denial of a successive Rule 3.851 motion *de novo*. See *Davis v. State*, 417 So. 3d 242, 247 (Fla. 2025). A summary denial will be upheld only "if the motion is legally insufficient or procedurally barred, or if its allegations are

conclusively refuted by the record.” *Sparre v. State*, 391 So. 3d 404, 405 (Fla. 2024). If a court determines that a claim is conclusively refuted by the record, it must attach the portion(s) of the record, or at least reference those parts of the record, that justify summary disposition. *See Fla. R. Crim. P. 3.851(f)(5)(F)*.

Because the circuit court denied postconviction relief without an evidentiary hearing, this Court must accept the factual allegations presented in King’s motion and in this appeal as true to the extent they are not conclusively refuted by the record. *Ventura v. State*, 2 So. 3d 194, 197-98 (Fla. 2009). Further, this Court “review[s] the trial court’s application of the law to the facts *de novo*.” *Green v. State*, 975 So. 2d 1090, 1100 (Fla. 2008). A postconviction court’s decision whether to grant an evidentiary hearing is likewise subject to *de novo* review. *Rose v. State*, 985 So. 2d 500, 505 (Fla. 2008).

### **SUMMARY OF ARGUMENTS**

Arguments IA and IB are based on the circuit court abusing its discretion in denying King’s demand for additional records from the Florida Department of Corrections (“FDOC”). In denying King’s narrowly tailored demand for additional records based on FDOC’s failure to properly and consistently follow its lethal injection

protocol, the lower court violated King's due process rights pursuant to the Fourteenth Amendment of the United States Constitution. The demand was based on King's colorable claim for relief concerning equal protection violations in the implementation of the protocol, particularly as it relates to King's similarly situated qualities with condemned inmates Thomas Gudinas ("Gudinas") and Anthony Wainwright ("Wainwright"). This issue is based on King's due process and equal protection rights under the United States Constitution, and the corresponding provisions of Florida's constitution. King does not raise this issue for Eighth Amendment considerations.

Argument II involves newly discovered evidence regarding King's humanity and the value of his life to others. King is entitled to an individualized sentencing determination that considers the newly discovered information, along with the mitigation previously considered by the jury and courts. King's case is not among the most aggravated and least mitigated, considering the evolving standards of decency that mark a civilized society based on western values.

## ARGUMENT I

### **THE TRIAL COURT VIOLATED KING'S RIGHTS TO EQUAL PROTECTION AND DUE PROCESS IN VIOLATION OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND CORRESPONDING PROVISIONS OF THE FLORIDA CONSTITUTION**

King filed his Successive Motion to Vacate Judgment and Sentence raising violations of his Fourteenth Amendment rights in Claim 1. The State and lower court continue to frame their responses as if King raised Eighth Amendment claims, which he did not. King's claim is for violation of his equal protection rights based on the maladministration of the lethal injection protocols specifically related to the executions of Gudinas on June 10, 2025 and Wainwright on June 24, 2025<sup>2</sup>. The FDOC records surrounding these dates indicate lower amounts of the required drugs were used. Based on this Court's prior rulings, King has not raised an Eighth Amendment claim regarding cruel and unusual punishment.

The State of Florida embarked on an unprecedented spree of executions in 2025. Based on the rate the governor has signed death warrants and scheduled executions in early 2026, the state is on pace

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<sup>2</sup><https://deathpenaltyinfo.org/executions/2025>

to vastly exceed the record number of executions which occurred in 2025. In November 2025, records obtained from FDOC regarding their compliance with their own lethal injection protocols<sup>3</sup> as set forth in their Execution by Lethal Injection Procedures were presented in federal legal proceedings. *Walls v. Dixon*, No. 4:25-cv-0488, ECF 1 (N.D. Fla. Nov. 26, 2025). Regardless of the outcome of Walls' claims, these records raise substantial questions regarding FDOC's compliance with their protocols and ability to carry out future executions by lethal injection. Although the state has been on notice of this serious maladministration of the lethal injection protocols, neither FDOC, the Attorney General, nor the governor have shown any indication there has been any action taken to correct these errors or to implement new procedures to avoid the continuation of these errors in future executions.

In the lower court proceedings, the court and state consistently refer to the redacted nature of the *Walls* records and King's failure to respond to the state's speculated rationales for the errors and concerns raised by King. These redactions, although some of which

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<sup>3</sup> Hereafter referred to as the procedure(s) or protocol(s) interchangeably.

are required by Section 945.10(j)(1), Florida Statutes, are the very reason King filed his demand for additional records. Because King is the individual being faced with the loss of his life, he is the one guaranteed due process and equal protection rights, which are being foreclosed by the state's objections and denials by the court to receiving the additional limited records he demanded. King's demand was narrowly tailored to avoid asking for any identifying information regarding any individual or entity who is, has been, or will participate in any execution.

**1A -THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING KING'S DEMAND FOR PUBLIC RECORDS FROM THE FLORIDA DEPARTMENT OF CORRECTIONS PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.852**

This Court reviews rulings based on public record requests pursuant to Florida Rule of Criminal Procedure 3.852 for abuse of discretion. *Hannon v. State*, 228 So. 3d 505, 511 (Fla. 2017). Due to the numerous apparent errors showing maladministration by FDOC of their protocols, King filed a demand for public records pursuant to Fla.R.Crim.P. 3.852(h)&(i) for the following records from FDOC:

**The public records from February 18, 2025, to present, are requested are as follows:**

- a. Written records/checklists, logs, and/or memorandums documenting “completion of each step in the process,” specifically including any references to the removal and disposal of any of the drugs used during the lethal injection process, as required in subsection (5) of FDOC’s procedure, “Use of Checklists;”
- b. Written records/checklists, logs, and/or memorandums documenting and tracking whether the “pharmaceutical agents (lethal injection chemicals)” are within their “date range” for use, have reached, or surpassed their expiration dates” and documenting the maintenance and proper storage of the “pharmaceutical agents (lethal injection chemicals)” as required in subsection (6) of FDOC’s procedure, “Purchase and Maintenance of Lethal Chemicals;”
- c. Written records/checklists, logs, and/or memorandums documenting the need for refrigeration, proper temperature range for storage, and/or monitoring for compliance of temperature and handling of the lethal chemicals, as required in subsection (6) of FDOC’s procedure, “Purchase and Maintenance of Lethal Chemicals;”
- d. Internal policies and procedures for the handling and maintenance of the “pharmaceutical agents (lethal injection chemicals)” should there be power loss or other circumstances (such as water, temperature, humidity, etc.) which may compromise the “pharmaceutical agents (lethal injection chemicals),” as required in subsection (6) of FDOC’s procedure, “Purchase and Maintenance of Lethal Chemicals;”

- e. Policies/procedures, written logs, and/or memorandums documenting the disposal of expired and otherwise compromised “pharmaceutical agents (lethal injection chemicals),” as required in subsection (6) of FDOC’s procedure, “Purchase and Maintenance of Lethal Chemicals;”
- f. Copies of the “logs provided to the team warden and available at the post execution debriefings” documenting the first FDLE agent charged with monitoring and who is responsible for observing the preparation of the “pharmaceutical agents (lethal injection chemicals),” as required in subsection (7)(b) of FDOC’s procedure, “FDLE Monitors;”
- g. Memorandums, records, checklists, and/or logs from the execution team member and independent observer from FDLE documenting their observations and compliance with the preparation of each “pharmaceutical agent (lethal injection chemical)” used in the lethal injection process as found in subsection (9)(f) of FDOC’s procedure, “On the Day of Execution;”
- h. Forms and documentation of the methodologies and medical instrumentation utilized by Execution Team Members to assess and monitor the inmate’s depth and sustained level of consciousness (“consciousness checks”) including the training, level of competency, and proficiency;
- i. Documentation, checklists, and memorandum of the team warden’s “debriefing interview with every execution team member and the executioners, documenting any exceptional circumstances that arose during the execution, as required by as

required in subsection (13)(f) of FDOC’s procedure, “Immediate Post-Execution Procedures;”

- j. Protocols, procedures, directives, and checklists regarding:
  - i. Mixing of the “pharmaceutical agents (lethal injection chemicals)” and their respective sterile IV solutions (“diluent fluids”);
  - ii. flushing the syringe if same syringe is used;
  - iii. when and how syringes are organized, staged, and labeled; and
  - iv. insertion of venous access and how the site is secured.

PCROA 104-171. Additionally, King indicated he was open to negotiating a fair process of access to the FDOC records in a manner that protects his Fourteenth Amendments rights, and corresponding rights under the Florida Constitution, as well as maintaining the statutorily established confidentiality of the members of the execution team and manufacturer of the pharmaceutical agents (lethal injection chemicals). For the reasons below, King asserts the lower court’s denial was error and an abuse of discretion.

A capital post-conviction defendant “bears the burden of demonstrating the records sought [pursuant to Fla. R. Crim. P. 3.852] relate to a colorable claim for postconviction relief.” *Branch v. State*, 236 So. 3d 981, 984 (Fla. 2018) (citing *Chavez v. State*, 132

So.3d 826, 829 (Fla. 2014) and *Mann v. State*, 112 So.3d 1158, 1163 (Fla. 2013)). A court may order the production of records if “the additional public records sought are either relevant to the subject matter of a proceeding under rule 3.851 or appear reasonably calculated to lead to the discovery of admissible evidence; and ... the additional records request is not overly broad or unduly burdensome.” Fla. R. Crim. P. 3.852(i). The records undersigned counsel requested from FDOC relate to colorable claims for postconviction relief undersigned counsel was investigating at the time and is now currently litigating. Additionally, the records request is not overly broad or unduly burdensome, as undersigned counsel specified exactly what records were needed to properly investigate and litigate King’s equal protection claims.

The requested records relate to a colorable claim for relief regarding the State’s disparate treatment of individuals facing execution for first degree murder as well as sex offenses being a violation of King’s equal protection rights guaranteed by the Fourteenth Amendment to the Constitution of the United States and applicable provisions of the Florida Constitution. They are related as they are reasonably calculated to lead to the discovery of admissible

evidence because they may contain, or, through further investigation may lead to the discovery of, additional evidence FDOC is not complying with their protocols, specifically the indicated dosage of the chemicals used during lethal injection. These protocols have been held to be constitutional by this Court based in part on evidence provided by Dr. Daniel Buffington, who previously testified on behalf of the State regarding the efficacy of the lethal injection protocols. *Asay v. State*, 224 So.3d 695 (Fla. 2017) Now faced with the evidence of maladministration of those protocols, Dr. Buffington has expressed the need for additional records to confirm those protocols are being properly followed to avoid any unnecessary risks of complications during an execution. App. D

In *Ventura v. State*, 673 So. 2d 479 (Fla. 1996), this Court held when a capital postconviction litigant's inability to fully plead claims for relief is due to the State's failure to disclose public records, the State is estopped from claiming the postconviction motion should be denied or dismissed. *Id.* at 481 ("The State cannot fail to furnish relevant information and then argue that the claim need not be heard on its merits because of an asserted procedural default that was caused by the State's failure to act."). Because FDOC is a state

agency, King argues the rationale used by this Court in *Ventura* is applicable to the State's argument, and therefore the lower court's findings, King failed to state a colorable claim for relief.

Undersigned counsel acknowledges this Court's current precedent finding that lethal injection records requests do not relate to a colorable claim for postconviction relief because this Court has upheld the constitutionality of Florida's "etomidate protocol" in *Asay v. State*, 224 So. 3d 695 (Fla. 2017) and subsequent opinions. However, undersigned counsel respectfully submits that this Court has not had a full and fair opportunity to judge the constitutionality of Florida's lethal injection procedures, because previous capital defendants, including defendants under an active death warrant, have never been given access to records related to Florida's lethal injection procedures or the executions of individuals under these procedures. Capital defendants in Florida have never been able to thoroughly investigate and present claims challenging the constitutionality of lethal injection because Florida courts have consistently and pervasively denied them access to agency records related to lethal injection. Recently Justice Sotomayer issued a statement connected to the United States' Supreme Court's denial of

certiorari in *Trotter v. Florida*, 607 U.S. \_\_\_, Case No. 25-6853 (25A926) (Feb. 24, 2026) (Sotomayor, J., respecting the denial of the application for stay of execution and denial of certiorari), regarding the concerns raised by the limited records by Walls, saying:

The record reflects at least the possibility that recent Florida executions have involved—in addition to expired drugs—incorrect drug doses, the use of nonprotocol drugs, and recordkeeping lapses that could mask yet additional failings. The Florida Supreme Court, moreover, has thus far not allowed further inquiry into these potential problems and has recently denied requests for records that would prove or disprove claims like Trotter’s. See, e.g. *Heath* \_\_\_ S.3d. at \_\_\_. It has affirmed the denial of requests for records on these issues, at least in part, because the prisoners do not yet have enough information to raise a “colorable” Eighth Amendment claim. *Ibid.* the very reason the prisoners are seeking the records, however, is to gather enough information to raise a colorable Eighth Amendment claim. (footnote excluded).

When other states have experienced similar documented errors in their administration of lethal injection protocols with a substantial difference – they paused further lethal injection executions until the errors were investigated and resolved.<sup>4</sup>

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<sup>4</sup> In 2022 Tennessee Governor Bill Lee and in 2023 Arizona Governor Katheen Hobbs each suspended executions pending independent review after concerns were raised about compliance with lethal injection protocols. Governor Bill Lee, Statement on Oscar Smith Temporary Reprieve, Governor of Tennessee (April 21,

This Court has long recognized the Department of Corrections is entitled to a rebuttable presumption it will comply with the lethal injection protocol. *Long v. State*, 271 So. 3d 938 (Fla. 2019). However, in the February 18, 2025 letter transmitting the FDOC protocols to the governor, Ricky D. Dixon, the Secretary of FDOC, says “the entire process of execution should be transparent, the concerns and emotions of all those involved must be addressed.” App. C. Their purpose as set forth in those procedures is:

“[t]o 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.”

App. C. Because this is a rebuttable presumption, King is entitled to be given the opportunity to rebut the presumption by a preponderance of the evidence. This Court has previously held in criminal cases only permissive presumptions are allowable, not

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2022), Statement on Oscar Smith Temporary Reprieve; Arizona Exec. Order No. 5 (January 30, 2023). In Missouri and California courts stepped in either suspending executions or encouraging the governor to take action over similar concerns. *Taylor v. Crawford*, No. 05-4173-CV-C-FJG, 2006 WL 1779035, at \*4 (W.D. Mo. June 26, 2006); *Morales v. Tilton*, 465 F. Supp. 2d 972, 973 (N.D. Cal. 2006).

mandatory or conclusive presumptions. *Fitzgerald v. State*, 339 So.2d 209 (Fla. 1976). An example of how a defendant can overcome a rebuttable presumption can be found in *Lawson v. State*, 231 So.2d 205 (Fla. 1970) where this Court was faced with a defendant trying to overcome the presumption of the validity of a judgment and sentence found the defendant had to prove it was not by a preponderance of the evidence. Additionally, in Section 907.041(6)(c), Florida Statutes, dealing with pre-trial detention regarding an unauthorized alien charged with committing a forcible felony facing a presumption for pre-trial detention, the Legislature mandated a defendant can “rebut the presumption by demonstrating, by a preponderance of the evidence” there are conditions of release which would guarantee appearance at future court dates.

This Court has repeatedly found Florida’s lethal injection protocol to be constitutional. (See *Asay v. State*, 224 So. 3d 695, 699 (Fla. 2017), *Chavez v. State*, 132 So. 3d 826, 830 (Fla. 2014), and *Muhammad v. State*, 132 So. 3d 176, 207 (Fla. 2013)). The records obtained in *Walls v. Dixon* No. 4:25-cv-0488, ECF 1 (N.D. Fla. Nov 26, 2025) show multiple deviations from that constitutionally protected protocol. App. B. These errors and deviation show FDOC has violated the

constitutionally accepted means of execution and is no longer entitled to their presumption of correctness. The State continues to rely on a history of “successfully implent[ing]” of their protocols, (State’s Answer to King’s Successive Motion for Postconviction Relief, PCROA at 436-461), however they appear to be claiming success based only on the death of the individual and not whether the protocols were specifically followed. Undersigned counsel acknowledges this Court’s recent opinions in *Heath*, *Trotter*, and *Kearse*, are adverse to the arguments now raised by King regarding the denial of his Demand for Public Records. Undersigned counsel raises these arguments with the good faith belief the continued reliance on the presumption of corrections afforded to FDOC creates serious constitutional concerns.

Again, the lethal injection records requests are not overly broad or unduly burdensome. The records requests have been specifically tailored to support a constitutional challenge to Florida’s lethal injection procedures, as those procedures are specifically applied to King. Denying King access to these records violates his right to due process and access to the courts under the Fourteenth Amendments to the United States Constitution and the corresponding provisions

of the Florida Constitution. Based the inaccuracies in the logs showing repeatedly maladministration of the procedures by FDOC, especially the ones related to Gudinas and Wainwright giving rise to an equal protection violation, the lower court should have determined King rebutted the presumption of correctness relied on by FDOC and should have at a minimum granted his demand for additional records, if not have vacated his sentence of death.

**1B – SUMMARY DENIAL OF KING’S SUCCESSIVE MOTION TO VACATE JUDGMENT AND SENTENCE VIOLATED HIS DUE PROCESS AND EQUAL PROTECTION RIGHTS PURSUANT TO THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE CORRESPONDING PROVISIONS OF THE FLORIDA CONSTITUTION**

King is entitled to due process of law, as established by the Fourteenth Amendment to the United States Constitution. “Due process requires that a defendant be given notice and an opportunity to be heard on a matter before it is decided.” *Barwick v. State*, 361 So. 3d 785, 790 (Fla. 2023) (quoting *Asay v. State*, 210 So. 3d 1, 27 (Fla. 2016)). “The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)(quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

Because King has been denied access to the records he demanded, his ability to present additional evidence of the State's violation of equal protection, based on the variations of dosages shown in the Walls' records regarding Gudinas and Wainwright, his due process rights have been violated.

King is not merely speculating about the maladministration of the lethal injection procedures by DOC he has met his pleading requirement for the records that are the subject of his demand, based on the specific factual basis argued on February 19, 2026. PCROA 273-291.

As it relates to Gudinas, the following portions of the FDOC records show the logs regarding Rocuronium 100mg/10m vials.

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DRUG NAME: Rocuronium 100mg/10ml Package Size: 10 x 10mL (10 per box) Page: 1  
 PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
3/7/24				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

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

NDC#

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
3-07-24			JAN 2025		+ 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

App. B. The protocols require 4 syringes, each containing 500mg to be used during a single execution by lethal injection for a total of 2,000mg. Based on these records none was “received/used” on June 10, 2025. Assuming FDOC simply employs sloppy record keeping

and factoring in the amounts “received/used” on June 9, 2025 and June 12, 2025, there was a total of 600mg “received/used” around the date of Gudinas’ execution, well below the proscribed amounts in the protocols.

As it relates to Wainwright the following portions of the FDOC records show the logs regarding Potassium Acetate 2mEq/20mL vials.

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

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
6/14/23	Balance					361
6/15/23			6/20/23		-12	349
7/19/23			06/2023		-2	347
8/3/23			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

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]	[REDACTED]	6/20/23	[REDACTED]	-12	349
7/19/23	[REDACTED]	[REDACTED]	06/2023	[REDACTED]	-2	347
9/3/23	[REDACTED]	[REDACTED]	12/2024	[REDACTED]	-12	335
10/3/23	[REDACTED]	[REDACTED]	10/2025	[REDACTED]	-47	288
10-3-23	[REDACTED]	[REDACTED]	12/2024	[REDACTED]	-12	276
8-29-24	[REDACTED]	[REDACTED]	12/2024	[REDACTED]	-12	264
1-3-2025	[REDACTED]	[REDACTED]	12-2024	[REDACTED]	-64	200
2-13-25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-12	188
3/20/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-12	176
3/18/25	[REDACTED]	[REDACTED]	11/30/26	[REDACTED]	+25	201
3/18/25	[REDACTED]	[REDACTED]	9/30/26	[REDACTED]	+50	251
4/7/25	[REDACTED]	[REDACTED]	9/30/26	[REDACTED]	+25	276
4/7/25	[REDACTED]	[REDACTED]	4/30/27	[REDACTED]	+50	326
4/8/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-12	314
4/16/25	[REDACTED]	[REDACTED]	9/30/26	[REDACTED]	-25	289
5/1/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-12	277
5/15/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-12	265
6/12/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-7	258
6/25/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-17	241
7/11/25	[REDACTED]	[REDACTED]	10-2025	[REDACTED]	-12	229

App. B. The protocols require 4 syringes, each containing 120mEq to be used during a single execution by lethal injection for a total of 4800mEq. Based on these records none was “received/used” on June 24, 2025. Assuming FDOC simply employs sloppy record keeping and factoring in the amounts “received/used” on June 25, 2025, there was a total of 34mEq around the date of Wainwright’s execution, well below the proscribed amounts in the protocols.

These logs show Gudinas and Wainwright did not receive the proscribed amounts of the drugs mandated by FDOC’s procedures giving rise to this claim regarding King’s equal protection rights.

Though the names of Gudinas and Wainwright are redacted in the logs. The dates of their executions are a matter of public record.

King has a right to substantive and procedural due process related to the death penalty being administered in a fair, consistent, and reliable manner. *Arbelaez v. Butterworth*, 738 So. 2d 326 (Fla. 1999). King's constitutional rights are being violated by virtue of being treated differently from similarly situated capital litigants subject to Florida's lethal injection protocol. The unequal treatment King would receive if he were executed would further violate his rights to equal protection and fundamental fairness, specifically since he was denied the right to full and fair evidentiary hearing on these claims. This Court has held when there is "any question" whether a claim is sufficient for an evidentiary hearing, "the Court will presume" one is required. *Jackson v. State*, 147 So.3d 469, 485 (2014)(Quoting *Walker v. State*, 88 So.3d 128, 135 (Fla. 2012).

Regarding the status of a class of one, this Court has stated:

The Equal Protection Clause of the Fourteenth Amendment commands that no State shall "deny to any person within its jurisdiction the equal protection of the laws," which is essentially a direction that all persons similarly situated should be treated alike. *Plyler v. Doe*, 457 U.S. 202, 216, 102 S. Ct. 2382, 2394, 72 L.Ed.2d 786 (1982)."

*City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). And also:

Our cases have recognized successful equal protection claims brought by a “class of one,” where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment. See *Sioux City Bridge Co. v. Dakota County*, 260 U.S. 441, 43 S. Ct. 190, 67 L. Ed. 340 (1923); *Allegheny Pittsburgh Coal Co. v. Commission of Webster Cty.*, 488 U.S. 336, 109 S. Ct. 633, 102 L.Ed.2d 688 (1989). In so doing, we have explained that “[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.” *Sioux City Bridge Co.*, *supra*, at 445, 43 S. Ct. 190 (quoting *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U.S. 350, 352, 38 S. Ct. 495, 62 L. Ed. 1154 (1918)).

*Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). See also *Clubsides, Inc. v. Valentin*, 468 F.3d 144, 159 (2d Cir. 2006) (requiring an “extremely high degree of similarity” between the plaintiff and those similarly situated).

In denying relief on equal protection grounds, the lower court relied on *DeYoung v. Owens*, 646 F.3d 1319, 1327 (11th Cir. 2011). PCROA 516-582. *DeYoung* is distinguishable in many aspects.

DeYoung's equal protection claim asserts, essentially, that Georgia's written lethal injection protocol is insufficiently specific and thus the GDOC deviates from it on an *ad hoc* basis, leading to disparate treatment for different inmates. DeYoung has not shown a substantial likelihood of success on the merits of this claim.

First, as the district court correctly noted, there is no support for DeYoung's "novel proposition" that the Equal Protection Clause requires a written execution protocol sufficiently detailed to ensure that every execution is performed in a precisely identical manner. Moreover, our review of the Georgia lethal injection protocol reveals it to be highly detailed as to nearly every aspect of the execution process.

Second, the "deviations" DeYoung cites that lead to the disparate treatment of which he complains are all ways by which the GDOC provides *more* protection for an inmate and the execution process than the written protocol provides.<sup>7</sup> The State has a legitimate interest in ensuring that its executions occur in a thorough manner with maximum inmate safeguards, and the alleged deviations from the written protocol are rationally related to that interest. DeYoung has not shown a substantial likelihood of success on his equal protection claim.

*Id.* at 1328. Unlike in *Deyoung*, King is making his equal protection claim based on deviations in the protocol that have already taken place, based on a reading of the records provided by the FDOC. King is not challenging the protocol as written. Also, in *Deyoung*, the

deviations found by the court proved to be helpful to the petitioner. However, the issues at bar relating to improper dosages, particularly, an insufficient amount of drugs used for lethal injection, would clearly be *less*, rather than *more* protection. The lower court further erred in its application of *DeYoung*, by missing the fact King has a fundamental right to his life and liberty, which necessitates strict scrutiny analysis for King. That said, Florida does not have even a “rational basis” for giving different drugs to different inmates or for giving improper dosages of lethal injection drugs to Gudinas, Wainwright, or any death row inmate. Similarly, as detailed in the *Walls/Trotter/Heath* litigation, and in the attached FDOC logs, App. B, Florida does not have a “rational basis” for using expired Etomidate, nor adding a drug such as Lidocaine, which otherwise has no place in the protocol. Even under a rational basis analysis, Florida has no legitimate interest in improperly administering the lethal injection protocol. Moreover, the court in *DeYoung* had the benefit of an evidentiary record; which is all King is asking for at this juncture, the right to an evidentiary hearing and public records.

In *Arthur v. Thomas*, 674 F.3d 1257 (11<sup>th</sup> Cir. 2012), the Eleventh Circuit Court addressed an equal protection claim by an

Alabama death row inmate, following its decision in *DeYoung*, and found the petitioner only had to show enough facts to constitute a plausible equal protection claim and had done so by alleging “Alabama has substantially deviated from its execution protocol.” *Id.* at 1263. *Arthur* alleged significant deviations from the established execution protocol and that court found as follows:

In light of Arthur’s other allegations regarding the veil of secrecy that surrounds Alabama’s execution protocol, it is certainly not speculative and indeed plausible that Alabama will disparately treat Arthur because the protocol is not certain and could be unexpectedly changed for his execution. (Footnote omitted.)

*Id.* The Court then remanded the case for further factual development. That is what needs to happen in this case, which is on point with *Arthur*. Summarily denying King’s claims violates his right to due process and access to the courts under the Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Florida Constitution.

## **ARGUMENT II**

**NEWLY DISCOVERED EVIDENCE SHOWS EXECUTION WOULD VIOLATE KING’S EIGHTH AMENDMENT RIGHTS BECAUSE KING IS A MAN WITH HUMANITY AND HIS LIFE HAS GREAT VALUE. HIS CASE IS NOT**

**AMONG THE MOST AGGRAVATED AND LEAST  
MITIGATED**

**Lower Court's Order**

The appellant understands the circuit court is bound by precedent from this Court and the USSC, when it comes to granting King a life sentence. That said, the circuit court erred in denying an evidentiary hearing for King to establish evidentiary support for this claim. King simply requests an evidentiary hearing at this juncture. *See Booker v. State*, 969 So. 2d 186, 195 (Fla. 2007).

**A. King is Man of Faith**

Executing King would be a tragedy. His life has value to others. His close relationships include family and friends, friends as far away as Europe. Not every death row inmate has regular contact with family and friends who cherish their humanity. Unlike some other death row inmates, who may have struggled to strive towards redemption, and perhaps extensively used drugs or became chronic disciplinary problem, none of that applies to King. King is a model inmate. Because of King's unique circumstances of having people in his life who care about him and who value his humanity and their relationships, his case is not among the most aggravated and least

mitigated. King's case does not warrant a death sentence, considering what King has accomplished while incarcerated and the value and support he provides to others.

King is a man of deep faith. Among the witnesses offering support for King's humanity include his spiritual advisor, Sr. Deacon Lowell "Corky" Hecht. Deacon Hecht opined in part via an email dated Wednesday, February 18, 2026 3:41 PM:

One of my primary duties and responsibilities was carrying for our incarcerated brothers in Christ on Death Row. I visited Michael almost every week until August 2021 due to retirement. Since then I have continued to meet with him less regularly but each time he continued to profess a strong faith and as a Catholic went regularly to confession, as often as it has been available, and has received the Eucharist faithfully. Back between 2017 & 2021 he always told me to wake him if he was sleeping so I could Minister the Eucharist to him and so we could pray together and just visit.

Michael was always "other centered" in his prayer requests including prayers for the team of volunteers that have made regular weekly rounds to bring spiritual reading materials, subscriptions and news about our Catholic Diocese of St. Augustine and most importantly the Eucharist for any Catholic Inmate who wished to receive Holy Communion. He also included prayers for his brothers on death row, and some specifically due to concerns about their health and well being.

Mr. Hecht, "Deacon Corky," is also willing to be a witness on King's behalf at an evidentiary hearing following a remand back to the

circuit court. King is a devout Catholic, and his faith has gotten more profound during his incarceration. Faith leaders in Florida are concerned about the rate of executions in this state over the past year. See A Joint Letter from Florida Faith Leaders on the Expansion of Florida’s Death Penalty and Pace of Executions, addressed to the Governor dated July 8, 2025, and correspondence titled RE: Request to Pause Signing of Death Warrants and Engage in Further Dialogue, from the Florida Conference of Catholic Bishops, also dated July 8, 2025. The letter from the Bishops concludes with a reference to “*the teachings of our Church on the sanctity of human life and the common good.*” See App. F.

Considering King’s devout Catholic faith, the words of Pope Leo IV, who on September 30, 2025 stated: “Someone who says, ‘I’m against abortion’ but says, ‘I’m in favor of the death penalty,’ is not really pro-life,” should carry great weight.<sup>5</sup> Preserving King from execution promotes the sanctity of all human life. As argued at the

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<sup>5</sup> Pope Leo XIV Calls Support for the Death Penalty ‘Not Really Pro-Life’, Death Penalty Information Center, <https://deathpenaltyinfo.org/pope-leo-xiv-calls-support-for-the-death-penalty-not-really-pro-life>

case management conference, PCROA 484-525, King’s religious faith forbids him from “choosing” any method of execution, on top of the fact that no choice is necessary for King’s pleaded claims. King respects the sanctity of his own life. King is a living, breathing, deeply spiritual human being, whose faith teaches him Christ died for his sins so he could be redeemed. King’s religious convictions are valid mitigation for this Court to consider. *See, generally, Farina v. Secretary, Florida Department of Corrections*, 536 Fed. Appx. 966, 982 (11<sup>th</sup> Cir. 2013); and *Franklin v. Lynaugh*, 487 U.S. 164, 186 (1988).

**B. King Has Support from Friends in Europe**

King has supportive friends all the way in the United Kingdom, with whom he regularly corresponds via email. For brevity’s sake, King will focus on two women whose lives he has touched in a positive way: Dilys Chapman and Fae Krakowski. These two women have Internet access to be aware of King’s convictions and death sentence. These women are not mere “pen pals.” They are remarkably close friends, who have been positively impacted by the value King brings to their lives. They have the ability to evaluate the horrific details of the crimes King was convicted of and they still regularly correspond with him. These beloved friends of King understand he is more than

his worse actions; he is a man worthy of redemption. The communications between King and his overseas friends are completely positive and supportive. Despite the crimes, King is seen as worthy of love and care for his wellbeing.

Dilys Chapman is an older woman residing in the UK who loves nature. She and King have developed a special friendship over Jpay messaging:

**Date: 2/11/2025 9:40:33 AM to Dilys Chapman**

Just wanted to say Hi and see how your doing all on and Bible group too all on it too as well on you all on that too as well !

All going OK as can be here on and Bible group too as well on it !

I have not been up to , To much just taking it day by day on and in Bible on reading God word so much blessing to me for sure and us on it for sure ! Well I was thinking about you and like hear back from you when you can and when can I'd like you to read this on I was reading too on in my Bible on and when I was thinking of you I could not wait to write you on not only to hear from you on and all you been up to on and on your Bible group on but on what I was reading on in Bible on this too on that I like you to read too on as well only when you can that I know you like it too as well , Anyways its : 1 Corinthians 13 , " The Way Of Love " .

Anyways love to hear back from you when you can on ! You take care Dilys and God bless you always and all you at/on at Bible group too on as well ! God bless you all always ! Michael Lee King !

**Date: 4/19/2025 7:02:29 PM to Dilys Chapman**

A Happy Easter Dilys !!  
Yes indeed Jesus Christ has risen !!!  
What a blessing to us all , He is for sure !!! Blessing to you too Dilys :-)) !  
Easter Sunday , What a blessing to us all , He is and forever life on that He died for us on the cross and risen so we could have forever life when its our time as well the only way so one's can from God to us on our Lord and Saviour Jesus Christ wow that He is the only way it could ever be done on from our Lord and Saviour Jesus Christ , wow , what a true blessing indeed Jesus Christ is for sure Dilys !!  
\* I like writing and saying this on New Testament on/in Bible to ones and on together and I'm reading with you too on now when you read this on as well , I'm with you as well my sister Dilys !!

That if thou shalt confess with thy mouth the Lord Jesus , and shalt believe in thine heart that God hath raised Him from the dead , thou shalt be saved .

Romans 10:9

If you wish to accept Him as Saviour and Lord of your life , you can pray the following prayer , believing He will come into your life .

Dear Lord Jesus , I need you to come into my life and change me . I know that I am a sinner . I need your forgiveness. I believe you died on Calvary for my sins . I now invite you to come into my heart and life . Help me to accept your forgiveness and to follow you as Lord of my life . Help me to give every area of my life to you . In Jesus name I pray , Amen.

Christ has now forgiven you !

But as many as received Him , to them gave He power to become the sons of God , ever to them that believe on His name :

John 1:12

These things have I written unto you that believe on the name of the Son of God that ye may know that ye have eternal life , and that ye may believe on the name of the Son of God .

1 John 5:13

\*Anyways , My dear sister Dilys , A Happy Easter Sunday to you !!!

Love ya and blessing to you on always , from your brother Michael always !!

\*PS : Thank you for the email and email card and too on the email stamp back on with the blessing on too from you to me !!!

King's giving nature is established by his friendship with Ms. Chapman.

**Date: 9/25/2025 2:27:18 PM From Dilys Chapman**

Thank you!

Hi Mike,

The postman has been! Thank you so much for the vase of flowers. They are really lovely & I will treasure them. I've put them on the window sill so that I can see them. They have travelled well & were very well packed.

I've attached a photo for you to see.

Bless



youDilys x

Ms. Chapman is deeply saddened by King's death warrant and provided a separate letter of support on his behalf. App. E/See Letter from Dilys Chapman.

Fae Krakowski is another friend of King's who resides in the UK. She provided two letters of support on his behalf. App. E/Letters from Fae Krakowski. King and Ms. Krakowski have developed a close friendship online:

**Date: 10/18/2025 7:16:05 AM To Fae Krakowska**

All is going OK as can be here too on as well and is cooler weather on now here too on as well and being I'm in Florida

the sun shine state that makes it nice as ever being how hot it most time all year it is and gets on all year long most time and no snow because of it like that here on most time on all year long !

Anyways I been going outside on as much as I can and still working out on too , To keep fit on as much as can too on that as well but I'm at like 185 to like 195 or so on that I'm just not going down any more on then that but I think because I'm putting on little more muscle ?

Anyways all going OK and I thank God always on and for that and always keeping positive on and always trying to be like Jesus on and to ones too as much as can on and passing on Gods word / Bible on too as much as can and keep peace on and to ones too always on !!

I'm so happy to get your email on like all them on you send me on too as well !!

You truly are and gift / blessing Fae and I always keep and think about you on keeping you in my prayers on too always and that you'll get feeling better too on and move up on good things on too for sure and you and your boyfriend on too always for sure !!!

Well Fae you keep well and always know I do think about you and always know you really are a true friend and that I care and love you always !!

I'll write back soon , your friend always Michael from USA , in Florida.

Residing in the UK, the idea of the government executing one of its own citizens, for any reason, is a remarkably “foreign” concept. For Ms. Chapman and Ms. Krakowski, they have to look back to the 1960s to find evidence of government sanctioned execution of a criminal defendant. In the UK, irrespective of the heinous crimes which have occurred over the past decades, the last execution in

Britain occurred on August 13, 1964.<sup>6</sup> Executing King would be out of step with global sentiment among allies of the United States. Ban Ki-moon, Secretary-General, United Nations, has said “The death penalty has no place in the 21<sup>st</sup> century. Leaders across the globe must boldly step forward in favour of abolition.”<sup>7</sup> The 2024 U.N. Vote to Abolish the Death Penalty had 130 votes in favor of the abolishment, 22 abstention votes, and only 32 against.<sup>8</sup> On February 14, 2026, Secretary of State, Marco Rubio, stated the following at the Munich Security Conference<sup>9</sup>:

For the United States and Europe, we belong together. America was founded 250 years ago, but the roots began here on this continent long before. The man who settled and built the nation of my birth arrived on our shores carrying the memories and the traditions and the Christian faith of their ancestors as a sacred inheritance, an unbreakable link between the old world and the new. We are part of one civilization – Western civilization. We

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<sup>6</sup> The Guardian - [Britain's last executions: hanging of two jobless criminals a 'low key' affair | Capital punishment | The Guardian](#), August 13, 2014, Caroline Davis.

<sup>7</sup> U.N. Office of the High Comm’r for Human Rights, *Moving Away from the Death Penalty: Arguments, Trends, and Perspectives*, U.N. Sales No. E.15.XIV.6 (2015).

<sup>8</sup> G.A. Res. 79/179, *Moratorium on the use of the death penalty*, U.N. Doc. A/RES/79/179 (Dec. 17, 2024).

<sup>9</sup> Official Release – U.S. Department of State. <https://www.state.gov/releases/office-of-the-spokesperson/2026/02/secretary-of-state-marco-rubio-at-the-munich-security-conference>.

are bound to one another by the deepest bonds that nations could share, forged by centuries of shared history, Christian faith, culture, heritage, language, ancestry, and the sacrifices our forefathers made together for the common civilization to which we have fallen heir.

The movement towards abolishment of the death penalty has been shown throughout Europe. As of August 7, 2020, the European Union statement of the death penalty shows all European Union and Council of Europe Member States had abolished the death penalty. The United Nations has expressed concern about the recent increase of execution in certain countries, as the increase of executions in American last year is mentioned behind Iran and Saudia Arabia.<sup>10</sup> Capital punishment is out of step with western values on a global scale. King's deep personal friendships with friends in Europe should be considered as to why this case is not among the most aggravated and least mitigated. The United States Supreme Court has indeed looked to European law for persuasive authority regarding application to America's death penalty jurisprudence:

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<sup>10</sup> Alarming trends in executions in 2025 raise serious human rights concerns – UN Human Rights, United Nations Human Rights, Office of the High Commissioner. <https://www.ohchr.org/en/press-releases/2026/01/alarming-trends-executions-2025-raise-serious-human-rights-concerns-un-human>

In *Thompson v. Oklahoma*, 487 U.S. 815, 108 S.Ct. 2687, 101 L.Ed.2d 702 (1988), a plurality of the Court determined that our standards of decency do not permit the execution of any offender under the age of 16 at the time of the crime. *Id.*, at 818–838, 108 S.Ct. 2687 (opinion of STEVENS, J., joined by Brennan, Marshall, and Blackmun, JJ.). The plurality opinion explained that no death penalty State that had given express consideration to a minimum age for the death penalty had set the age lower than 16. *Id.*, at 826–829, 108 S.Ct. 2687. The plurality also observed that “[t]he conclusion that it would offend civilized standards of decency to execute a person who was less than 16 years old at the time of his or her offense is consistent with the views that have been expressed by respected professional organizations, **by other nations that share our Anglo–American heritage, and by the leading members of the Western European community.**” *Id.*, at 830, 108 S.Ct. 2687. The opinion further noted that juries imposed the death penalty on offenders under 16 with exceeding rarity; the last execution of an offender for a crime committed under the age of 16 had been carried out in 1948, 40 years prior. *Id.*, at 832–833, 108 S.Ct. 2687.

*Roper v. Simmons*, 543 U.S. 551, 561 (2005). (emphasis added).

King’s case is not among the most aggravated and least mitigated and executing him would be contrary to shared “Anglo-American heritage” around the world. *Id.* Despite the tragic nature of King’s charged crimes, his humanity spread across the sea. His life has great value.

### **C. Eighth Amendment and Individualized Sentencing**

Execution violates King’s Eighth Amendment right to narrowly

tailored individualized sentencing. King's case is not among the most aggravated and least mitigated. *State v. Dixon*, 283 So. 2d 1, 7 (Fla. 1973). The newly discovered evidence of King's religious convictions and deep personal friendships warrant an evidentiary hearing.

The USSC has made it clear the consideration of mitigation by the sentencer is at the heart of the constitutionality of the death penalty. In *Proffitt v. Florida*, 428 U.S. 242 (1976), the USSC considered whether the imposition of the sentence of death for the crime of murder under Florida law violated the Eighth and Fourteenth Amendments. *Id.* at 244. The USSC found Florida's new death penalty law passed constitutional scrutiny because "the sentencing judge must focus on the individual circumstances of each homicide and each defendant. *Id.* at 252. King's redemptive progress on death row was not heard and considered by the jury and trial court.

The USSC developed even more principles to ensure the death penalty was not exacted on those who did not meet the requirements of the Constitution. *Woodson v. North Carolina*, 428 U.S. 280 (1976), required a death penalty scheme "allow the particularized consideration of relevant aspects of the character and record of each

convicted defendant before the imposition upon him of a sentence of death.” *Id.* at 303. This did not occur in King’s case, as he currently has weighty mitigation, but the time limitations of warrant litigation, along with the procedural bar, are preventing the final factfinder from evaluating King’s mitigation before lethal injection is “imposed upon him.” Following *Woodson* there came a litany of cases which required consideration of mitigation. In *Lockett v. Ohio*, 438 U.S. 586 (1978) the USSC “conclude[d] that the Eighth and Fourteenth Amendments require that the sentencer ... not be precluded from considering, as a mitigating factor, any aspect of a defendant's character or record and any of the circumstances of the offense that the defendant proffers as a basis for a sentence less than death.” *Id.* at 604. In *Eddings v. Oklahoma*, 455 U.S. 104 (1982) the USSC applied *Lockett*, stating:

the rule in *Lockett* followed from the earlier decisions of the Court and from the Court's insistence that capital punishment be imposed fairly, and with reasonable consistency, or not at all. By requiring that the sentencer be permitted to focus “on the characteristics of the person who committed the crime,” *Gregg v. Georgia, supra*, at 197, 96 S.Ct., at 2936, the rule in *Lockett* recognizes that “justice ... requires ... that there be taken into account the circumstances of the offense together with the character and propensities of the offender.” *Pennsylvania v. Ashe*, 302 U.S. 51, 55, 58 S.Ct. 59, 60, 82 L.Ed. 43 (1937). By

holding that the sentencer in capital cases must be permitted to consider any relevant mitigating factor, the rule in *Lockett* recognizes that a consistency produced by ignoring individual differences is a false consistency.

*Id.* at 112. A clear understanding of these cases demonstrates the USSC has long recognized the need for individualized sentencing which carefully considers *all* mitigation. King should not be denied his one last opportunity to provide the state court a complete understanding of all the mitigation that informs us why King should live the rest of his life in prison.

#### **D. King's Mental Illnesses and Disorders are Mitigating**

King was an innocent midwestern American boy with an unlimited future until a tragic sledding accident negatively impacted his life. The accident resulted in brain damage and drastically changed King's personality. King's mental health mitigation is part of his case history. On direct appeal, this Court described some of the mitigation presented on King's behalf at trial:

Dr. Joseph Chong Sang Wu, who conducted a PET scan on King. According to Wu, the PET scan demonstrated abnormal activity within his frontal lobe. Wu concluded that this abnormal activity was consistent with a traumatic brain injury. The PET scan also revealed an abnormal notch or divot in King's frontal lobe at the top of his head. Wu testified that when King was six years old, he suffered a head injury in a sledding accident, and his

siblings reported that his behavior changed significantly after that incident. Wu testified that individuals who suffer frontal lobe injuries are more likely to have poor judgment, exhibit blunted affect, take excessive risks, have difficulty regulating impulses such as aggression, and have difficulty separating fantasy from reality. With regard to the latter, Wu was provided with statements from family members reporting that when King was seventeen, after watching the movie *The Texas Chainsaw Massacre*, he obtained a chainsaw and started chasing family members with it, while exhibiting no expression on his face. At the age of thirteen, while acting out a cartoon, King nearly killed his brother with a bow and arrow. After the sledding injury, King required special education services. According to Wu, King's most recent verbal IQ score placed him in the borderline retarded range.

*King v. State*, 89 So. 3d 209, 219 (Fla. 2012). King was a sick child who never received the help he deserved. A horribly tragic accident had a severe, detrimental effect on King's life. Considering the newly discovered information about King's personal redemption through religious transformation, this Court should also reassess King's life with the mitigation already found by the trial court:

(1) King's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired, *see* § 921.141(6)(f), Fla. Stat. (2008) (moderate weight)<sup>7</sup>; and (2) his age at the time of the offense (thirty-six years old), *see* § 921.141(6)(g), Fla. Stat. (little weight).<sup>8</sup> The trial court found thirteen nonstatutory mitigating circumstances, which included: (1) a head injury in 1978 (moderate weight); (2) a PET scan with abnormal findings in the frontal lobe demonstrating a brain injury (moderate

weight); (3) an IQ in the borderline range between low average and mentally retarded (moderate weight); (4) repeating grades in school and being placed in special education classes (little weight); (5) being despondent and depressed and attempting to address his bankruptcy, unemployment, a failed marriage, an impending foreclosure on his home, and breaking up with his girlfriend (little weight); (6) a history of nonviolence (moderate weight); (7) being a cooperative inmate (some weight); (8) never abusing drugs or alcohol (some weight); (9) having a thirteen-year-old son whom he helped raise and for whom he cares (little weight); (10) being a good father (little weight); (11) being a devoted boyfriend (little weight); (12) being a good worker (little weight); and (13) having a close relationship with family and friends (little weight).

*Id.* at 221-22. This Court should also reconsider King’s low IQ scores and the toxic chemicals he was exposed to growing up, and during his time as a plumber. *King v. Secretary, Department of Corrections*, 793 Fed. Appx 834, 840 (11<sup>th</sup> Cir. 2019). Most of King’s life is tragic and mitigating, but his transformation into a devout human in prison is truly inspiring.

King should not be executed, because his case is not among the most aggravated and least mitigated after considering the old and newly discovered information together. This Court is not being asked to create a whole new class of exemptions to capital punishment. Art. I, §17 of the Florida State Constitution, otherwise known as “the

conformity clause,” states:

The 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 Section shall apply retroactively.

To be clear, King is not asking this Court to create a class based on any type of extension of established Eighth Amendment precedent. *Ford v. State*, 402 So. 3d 973, 979 (Fla. 2025). Rather, King is asking this Court to decide King’s fate based on his unique, individualized, qualities which point toward life.

**E. This Court May Change the Law**

To the extent there are any barriers to relief based on any interpretation of precedent, King urges reconsideration of such caselaw. Indeed, this Court has not been reluctant to reconsider prior opinions when necessary. Stare decisis does not prevent this Court from granting King relief. In recent years, this Court has been more than willing to set aside long-standing precedent to apply what this Court found to be a correct standard of law. To the extent there is case law that would seem to prevent relief, including King’s own case, this Court should overrule such precedent. Reaching the correct

application of the law has been of paramount importance for this Court. It is no less important here based on the life King has led. This Court has been more than willing to set aside precedent, to instead apply what this Court found was a correct standard of law. Reaching the correct application of the law has been of paramount importance for this Court. It is no less important here based on the injustice King has suffered.

In *State v. Maisonet-Maldonado*, 308 So. 3d 63 (Fla. 2020), this Court receded from cases which had held that double jeopardy principles preclude more than one conviction that is predicated on a victim's death per victim. In *Roughton v. State*, 185 So. 3d 1207 (Fla. 2016), this Court receded from precedent which had set out principles for double jeopardy analysis.

In *State v. Poole*, 297 So. 3d 487 (Fla. 2020), this Court receded from *Hurst v. State*, 220 So. 3d 304 (Fla. 2016), except to the extent it held that a jury must unanimously find the existence of a statutory aggravating circumstance beyond a reasonable doubt and reversed the portion of the trial court's order setting aside Poole's sentence. *Id.* at 491.

In *Bush v. State*, 295 So. 3d 179 (Fla. 2020) this Court abandoned the “circumstantial evidence rule” *Id.* at 201. “For more than one hundred years, this Court . . . applied a more stringent standard of review in reviewing convictions supported only by circumstantial evidence.” *Id.* at 216, (Labarga, J concurring in part and dissenting in part). In *Phillips v. State*, 299 So. 3d 1013 (Fla. 2020) this Court receded from *Walls v. State*, 213 So. 3d 340 (Fla. 2016). *Id.* at 1022. This Court relied on the language from *Poole. Id.* 1023–24.

In *Lawrence v. State*, 308 So. 3d 544 (Fla. 2020), this Court overruled years of precedent and its own Rule of Appellate Procedure 9.142(a)(5) to hold that comparative proportionality is no longer required to be conducted by this Court. *Id.* at 549. This Court explained that “[the] precedent is erroneous and must yield to our constitution.” *Id.* at 548. If overcoming stare decisis was correct in those cases to reach a just outcome, it should be no less available to King.

Particularly in *Phillips*, by receding from *Walls*, this Court rejected the finding of *Hall v. Florida*, 572 U.S. 701 (2014) retroactive to Florida’s capital litigants. This Court can be unbound by precedent

and achieve justice in King's case. Precedent has been no hinderance to this Court receding from controlling authority. This Court has the power and authority to interpret the law in a way that protects King's humanity. If overcoming stare decisis was correct in these cases to reach a just outcome, it should be no less available to King.

Any decision regarding whether King, or any capital defendant, shall live or die, comes down to constitutional and factual determinations of individual officials (judges, justices, and politicians). But what informs those determinations are individual feelings about capital punishment as applied to vulnerable citizens. Officials who have reconsidered their prior feelings in favor of capital punishment, include the following: Former Supreme Court Justices Harry A. Blackmun and Lewis F. Powell Jr; Former Head of the California Department of Corrections and Rehabilitation, Jeanine Woodford; Former Governors of Alabama, Don Siegelman and Robert Bentley. [NEW VOICES: Former Death Row Warden Changes His Views | Death Penalty Information Center](#)<sup>11</sup>; former Senior Justice of

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<sup>11</sup> [Death Penalty Information Center NEW VOICES: Former Death Row Warden Changes His Views | Death Penalty Information Center.](#) *Posted on Nov 27, 2006 | Updated on Mar 14, 2025*

the Ohio Supreme Court, Paul E. Pfeifer, former Ohio Attorney General, Jim Petro, and retired Texas Court of Criminal Appeals Justice Elsa Alcala.

A compelling NPR article provides the powerful testimony of former wardens: *“It does no more than increase the number of victims while producing no positive outcomes.”* Says Frank Thompson, Former superintendent, Oregon State Penitentiary. Catarino Escobar, a former correctional officer on the execution team at the Nevada State Prison, asks, “But what happens to your spirit? What happens when your spirit connects with him that you just executed?”<sup>12</sup> A telling quote to the Equal Justice Initiative states: *After serving as the warden of Parchman Farm, where he oversaw six executions, Don Cabana became an outspoken critic of the death penalty. “There is a part of the warden that dies with his prisoner,” he said. Mr. Cabana spent the rest of his life campaigning for abolition.*<sup>13</sup> King prays for the victims his execution may leave behind at the Florida State Prison. His prayers and humanity go out to the

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<sup>12</sup> NPR: How working on prison executions harms people and changes their views : NPR, November 16, 2022, 4:01PM ET by Chiara Eisner

<sup>13</sup> Equal Justice Initiative: The Death Penalty and Regret, May 30, 2023.

entire staff that is caring for him on death watch, and those who may take part in his execution. He raises this important issue as a component of his Eighth Amendment rights, because he has standing as a fellow citizen, sharing in the human condition with people taking part in his tragic execution. Florida executed nineteen men in 2025 and is on pace to shatter that record this year. There are collateral effects beyond King.

#### **F. All the Victims**

King grieves for the family of Mrs. Lee. The crime was horrific. King's family are also victims. They tragically witnessed several decades of erratic behavior following the tragic sledding accident, so they lost the loved one that "could have been." When King was arrested, convicted, and sentenced to death, they lost him, as he lost his freedom. King's beloved brother, Gary King can be called to testify on remand, regarding King's importance to the current family dynamic, as one of three brothers for an aging and grieving mother. App. E/14-page Letter from Gary King. King has carried on a relationship with his mother via weekly phone calls during his time on death row. He is close with his brothers and cousin, Darlene, who are able to testify on his behalf. King is the proud of father of a

teacher residing in California. He has a legacy; King has more to offer this world. King is more than what he has been convicted of and executing him would have ripple effects, creating more victims and despair. Looking at his life in totality, his case is not among the most aggravated and least mitigated. He is a good and loving man of deep faith. He is a proud and talented plumber who can serve the FDOC. King will also lead men to Christ. Relief is proper.

### **APPELLANT'S REQUEST FOR STAY OF EXECUTION**

King respectfully asks this Court to enter a stay of proceedings regarding his scheduled execution, currently set for March 17, 2026. This case presents important constitutional issues which deserve to be fully addressed by this Court free from the constraints of the expediated warrant schedule, considering the rate of death warrants signed and litigated in Florida.

King's case presents important constitutional issues which deserve to be fully addressed by this Court free from the constraints of an accelerated schedule under a death warrant. King is requesting certain records from the FDOC which relate to the uniformity and fairness of the lethal injection protocol King is being subjected to. Far from being a "fishing expedition," based on "speculative" or

“conclusory” concerns, King is merely requesting records to indicate that the lethal injection protocol is being administered pursuant to its own policy, and pursuant to King’s 14<sup>th</sup> Amendment rights.

Daniel Buffington, PharmD, MBA, President and CEO of the American Institute of Pharmaceutical Sciences, can testify about his affidavit (App. D) on remand regarding how maladministration of lethal injection protocols affects King’s ability to be treated equally under the law. King’s right to due process under a non-expedited merits-based litigation is of the most importance. The Court may also enter a stay, so that further compromise can be negotiated regarding King’s right to certain FDOC records and the agency’s concerns of secrecy regarding certain records. King is being reasonable and seeking basic fairness under the law. This Court should enter a stay to facilitate a negotiated compromise on remand, for King’s records demand to FDOC. A stay is particularly warranted considering a Justice from the United State Supreme Court’s concerns regarding the secrecy of Florida’s lethal injection process. *Trotter v. Florida*, 607 U.S. \_\_\_, Case No. 25-6853 (25A926) (Feb. 24, 2026) (Sotomayor, J., respecting the denial of the application for stay of execution and denial of certiorari).

King's Argument II necessitates a stay of these proceedings so witnesses can be coordinated for the evidentiary hearing. Some witnesses will need to be called overseas. Deacon Corky is an order gentleman and has health-related concerns that need to be considered. Arrangements will need to be made for the out-of-state testimony of King's brother, Gary. If King elects to testify, counsel needs time to meet with him for preparation, considering his mental health issues and low IQ.

There are two other men on death watch besides King, Billy Leon Kearse and James Aren Duckett. Based on the rate of death warrants signed, a third inmate will likely soon join those two condemned men. The rapid rate of executions in Florida is likely what led to the problems in maladministration of Florida's lethal injection protocol. Pausing, and issuing a stay, may make maladministration of the FDOC protocol less likely as FDOC officials are under less acute duress. But most relevant to King, a stay is necessary so that his issues are properly litigated.

A stay of execution is appropriate "when there are 'substantial grounds upon which relief might be granted.'" *Chavez v. State*, 132 So. 3d 826, 832 (Fla. 2014) (quoting *Buenoano v. State*, 708 So. 2d

941, 951 (Fla. 1998)). This Court may enter a limited stay to meaningfully consider complex legal claims even if, on first appearance, the possibility of relief appears remote. *See King v. Moore*, 824 So. 2d 127, 128 (Fla. 2002) (Harding, J., concurring) (agreeing with the issuance of a stay due to the “possibility” of merit, despite prior actions by the United States Supreme Court “seemingly send[ing] a clear message” that no relief was due). A stay of execution is particularly appropriate where, as in King’s case, a warrant is set on a short timeframe. *See Jimenez v. State*, 265 So. 3d 462, 471 (Fla. 2018) (granting stay of execution on a 27-day warrant and modifying *nunc pro tunc* the expedited post-warrant scheduling order, without making any findings of substantiality on any issue); *see also id.* at 493 (Pariante, J., concurring) (explaining that the “extremely short warrant period” meant that “[t]he postconviction court and Jimenez’s attorneys were forced to race against the clock in reviewing and presenting all of Jimenez’s claims, respectively” and that without a stay there would be “inadequate time to thoroughly review his claims.”).

This Court has expressed concern about the impossibly fast pace imposed on active warrant litigation by the timeframes that are

being set in warrants. Justice Labarga recently expressed his concerns in his concurrence during the active death warrant litigation of Darryl Barwick:

As the majority observes, “post-warrant litigation is arduous,” *see* majority op. at 7, and a death warrant by its very nature requires expedited proceedings. However, these solemn proceedings ultimately involve carrying out a sentence of death for the most aggravated and least mitigated of murders and must still ensure due process of law. I am extremely concerned by the recent pace of death warrants and the speed with which the parties and involved entities must carry out their respective duties ...

***I nonetheless caution that even in this final stage of capital proceedings, a meaningful process must be ensured.***

*Barwick v. State*, 361 So. 3d 785, 796 (Fla. 2023) (Labarga, J., concurring) (emphasis added). The only way to ensure that King’s active warrant litigation is a meaningful process that comports with his Fourteenth Amendment right to due process, is to grant a stay of execution so that a full and fair evidentiary hearing can be held. “Due process requires that a defendant be given notice and an opportunity to be heard on a matter before it is decided.” *Barwick v. State*, at 790 (quoting *Asay v. State*, 210 So. 3d 1, 27 (Fla. 2016)). “The fundamental requirement of due process is the opportunity to be

heard ‘at a meaningful time and in a meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)(quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

King’s meritorious issues cannot possibly be heard in a meaningful manner with only **fifteen days** left until his execution. The issues in this case require litigation and review that is not truncated by the exigencies of an imminent execution. A stay of execution should be granted in this case.

### **CONCLUSION AND RELIEF SOUGHT**

In light of the facts and legal arguments presented above, King contends his constitutional rights for equal protection and due process under the Fourteenth Amendment of the Constitution of the United States, and corresponding provisions of the Florida Constitution, has been violated. King respectfully requests his death sentence be vacated, alternatively for this case to be remanded to the circuit court to conduct an evidentiary hearing, as well as for the entry of a stay of his execution so these issues can be fully litigated.

**CERTIFICATE OF COMPLIANCE**

Pursuant to Fla. R. App. P. 9.045, we hereby certify that the Initial Brief of the Appellant has been produced in Bookman Old Style 14-point font. This brief complies with the requirements of Fla. R. App. P. 9.210(a)(2)(D), as it has less than 75 pages.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY on this 2<sup>nd</sup> day of March, 2026, the foregoing document has been electronically filed with the Clerk of the Circuit Court using the Florida Courts e-portal filing system which will send a notice of electronic filing to the following: the Honorable Thomas Krug, 2002 Ringling Boulevard, Sarasota, Florida 34237, through Judicial Assistant Jenn Peters, [jpeters@jud12.flcourts.org](mailto:jpeters@jud12.flcourts.org), General Counsel Mary Ann Floyd, [mfloyd@jud12.flcourts.org](mailto:mfloyd@jud12.flcourts.org); State Attorney's Office, Twelfth Judicial Circuit, 1112 Manatee Avenue West, Bradenton, Florida 34205, State Attorney Ed Brodsky, [ebrodsky@sao12.org](mailto:ebrodsky@sao12.org), and Assistant State Attorney Suzanne O'Donnell, [sodonnell@sao12.org](mailto:sodonnell@sao12.org); the Office of the Attorney General, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607-7013, Scott Brown, [scott.browne@myfloridalegal.com](mailto:scott.browne@myfloridalegal.com), Timothy A. Freeland,

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amy.matlock@fdc.myflorida.com and CO-  
GCCapLit@fdc.myflorida.com; and the Florida Supreme Court,  
warrant@flcourts.org, and canovak@flcourts.gov.

WE HEREBY FURTHER CERTIFY that a copy has also been furnished via U.S. mail, this 2<sup>nd</sup> day of March 2026, to Michael King, DOC #132245, at Florida State Prison, P.O. Box 800, Raiford, Florida 32083.

/s/ Ali A. Shakoor  
ALI A. SHAKOOR  
Florida Bar No. 0669830  
Assistant CCRC

/s/ Debra Roganne Bell  
DEBRA ROGANNE BELL  
Florida Bar No. 0973068

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MIDDLE REGION  
12973 N. Telecom Parkway  
Temple Terrace, Florida 33637  
813-558-1643

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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MICHAEL L. KING,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
WITH AN EXECUTION SCHEDULED FOR  
TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX C**

Circuit Court Order Denying Relief

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

MICHAEL L. KING,

Defendant.

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CASE NO.: 2008-CF-001087 NC

FSC NO.: SC2009-2421

DEATH WARRANT SIGNED  
EXECUTION SCHEDULED FOR  
MARCH 17, 2026, at 6:00 P.M.

**ORDER (1) DENYING DEFENDANT'S "SUCCESSIVE MOTION TO VACATE  
JUDGMENT AND SENTENCE" AFTER A SIGNED DEATH WARRANT  
AND (2) DENYING "DEFENDANT'S MOTION FOR STAY OF EXECUTION"**

THIS CAUSE came before the Court on Defendant Michael King's "Successive Motion to Vacate Judgment and Sentence" and "Defendant's Motion for Stay of Execution," both filed February 22, 2026. The State filed Responses to both on February 24, 2026, and the Court held a case management (*Huff*<sup>1</sup>) hearing on February 25, 2026, after which the Court entered an order determining that all of Defendant's claims for relief could be resolved by a review of the record and as a matter of prevailing law without an evidentiary hearing. After carefully considering Defendant's Motions, the State's Responses, the court file and record, as well as applicable law and arguments of counsel, and being otherwise fully advised of the premises, for the reasons stated below, the Court finds that Defendant is not entitled to any relief.

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<sup>1</sup> *Huff v. State*, 622 So. 2d 982 (Fla. 1993).

## I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On December 4, 2009, after a unanimous jury recommendation, King was sentenced to death for the first-degree murder of Denise Amber Lee on January 17, 2008.<sup>2</sup> In its opinion affirming King's conviction and death sentence, the Florida Supreme Court summarized the tragic facts of this case:

King abducted a young mother from her home, leaving her two children—an infant and a toddler—unattended. He transported her to his house where she was bound with duct tape, raped, and sodomized. He then acquired a shovel, drove her to an abandoned construction [site], and shot her in the head. Given the angle of the entrance wound, and the fact that a substance appearing to be ocular fluid was found on the car, it is logical to conclude that Lee was not blindfolded at the time of her shooting, and she saw the gun as it was placed against her head. Furthermore, because Lee was abducted from her home between 1 and 2 p.m. on the 17th, and her 911 call was made at 6:14 p.m., it can be deduced that Lee was held captive by King *for over four hours*. As noted in the sentencing order, rarely is a court able to experience first-hand what a deceased victim encountered. In this case, anyone who listens to the 911 call placed by Denise Lee will hear the abject terror she was experiencing plus her panicked, frantic pleas to the 911 dispatcher (for help) and King (to be returned home). This murder was unquestionably cold and cruel.

*King v. State*, 89 So. 3d 209, 232 (Fla. 2012). In total, upon sentencing, this Court found four statutory aggravators,<sup>3</sup> two statutory mitigators,<sup>4</sup> and thirteen non-

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<sup>2</sup> See Sentencing Order, filed December 4, 2009 (attached to "State's Answer to King's Successive Motion for Postconviction Relief" as "Exhibit A").

<sup>3</sup> *King*, 89 So. 3d at 221 ("In pronouncing King's sentence, the trial court determined that the State had proven beyond a reasonable doubt the existence of four statutory aggravating circumstances: (1) the murder was especially heinous, atrocious, or cruel (HAC), see § 921.141(5)(h), Fla. Stat. (2007) (great weight); (2) the murder was cold, calculated, and premeditated (CCP), see § 921.141(5)(i), Fla. Stat. (2007) (great weight); (3) the murder was committed for the purpose of avoiding lawful arrest, see § 921.141(5)(e), Fla. Stat. (2007) (great weight); and (4) the murder was committed while King was engaged in the commission of a sexual battery or kidnapping, see § 921.141(5)(d), Fla. Stat. (2007) (moderate weight).").

<sup>4</sup> *Id.* ("The trial court concluded that King established the existence of two statutory mitigating circumstances: (1) King's capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired, see § 921.141(6)(f), Fla. Stat.

statutory mitigating circumstances,<sup>5</sup> and ultimately concluded that the aggravating circumstances substantially outweighed the mitigating circumstances before sentencing King to death. *Id.* at 222. On direct appeal, the Florida Supreme Court affirmed King’s conviction and sentence of death by Mandate issued June 6, 2012, and unequivocally announced its “complete agreement with the trial court that *the death sentence is proportionate in this case.*”<sup>6</sup> The United States Supreme Court subsequently denied discretionary certiorari review on October 15, 2012. *King v. Florida*, 568 U.S. 964 (2012).

King filed his initial “Motion to Vacate Judgment and Sentence,” pursuant to Fla. R. Crim. P. 3.851, on September 6, 2013, raising six enumerated claims for relief:

1. Ineffective assistance of counsel for failing to investigate and present evidence of toxic substances that Mr. King was exposed to throughout his life.
2. Ineffective assistance of counsel for failing to properly preserve the *Batson* issue regarding the State’s peremptory strike of Juror 111 for direct appeal.
3. Florida’s lethal injection method of execution is cruel and unusual punishment (challenging use of midazolam) and would deprive Mr. King of due process and equal protection of the law in violation of the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution and corresponding portions of the Florida Constitution.

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(2008) (moderate weight); and (2) his age at the time of the offense (thirty-six years old), *see* § 921.141(6)(g), Fla. Stat. (little weight).”).

<sup>5</sup> *Id.* at 221-222 (The trial court found thirteen non[-]statutory mitigating circumstances, which included: (1) a head injury in 1978 (moderate weight); (2) a PET scan with abnormal findings in the frontal lobe demonstrating a brain injury (moderate weight); (3) an IQ in the borderline range between low average and mentally retarded (moderate weight); (4) repeating grades in school and being placed in special education classes (little weight); (5) being despondent and depressed and attempting to address his bankruptcy, unemployment, a failed marriage, an impending foreclosure on his home, and breaking up with his girlfriend (little weight); (6) a history of nonviolence (moderate weight); (7) being a cooperative inmate (some weight); (8) never abusing drugs or alcohol (some weight); (9) having a thirteen-year-old son whom he helped raise and for whom he cares (little weight); (10) being a good father (little weight); (11) being a devoted boyfriend (little weight); (12) being a good worker (little weight); and (13) having a close relationship with family and friends (little weight).”).

<sup>6</sup> *Id.* at 232 (emphasis added).

4. Section 945.10(g) of the Florida Statutes prohibits Mr. King from knowing the identity of the execution team members, denying him constitutional rights under the Sixth, Eighth, and Fourteenth Amendments of the United States Constitution and corresponding provisions of the Florida Constitution.
5. Mr. King's Eighth Amendment right against cruel and unusual punishment will be violated as Mr. King may be incompetent at the time of execution.
6. Cumulative error deprived Mr. King of the fundamentally fair trial guaranteed under the Sixth, Eighth, and Fourteenth Amendments of the United States Constitution.

Following a limited evidentiary hearing on King's first two claims, by Order rendered August 21, 2014, the Court denied outright Claims One, Two, Three, Four, and Six of King's initial Rule 3.851 motion, and denied Claim Five without prejudice, finding that claim was "not ripe for review as Mr. King is currently competent and a death warrant ha[d] not been signed."<sup>7</sup> Defendant filed an appeal in Case No. SC14-1949.<sup>8</sup> During the pendency of that appeal, the United States Supreme Court issued its decision in *Hurst v. Florida*, 577 U.S. 92 (2016), and the Florida Supreme Court *sua sponte* directed the parties to file supplemental briefs regarding the effect, if any, of *Hurst* on King's death sentence.<sup>9</sup> Following briefing and oral argument, the Florida Supreme Court affirmed the denial of Defendant's initial postconviction motion and further held that "any *Hurst* error that occurred during [King's] sentencing is harmless beyond a reasonable doubt." *King*, 211 So. 3d at 893.

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<sup>7</sup> See "Order Denying Claims One, Two, Three, Four, and Six of 'Motion to Vacate Judgment and Sentence' and Denying Without Prejudice Claim Five of 'Motion to Vacate Judgment and Sentence,'" filed August 21, 2014.

<sup>8</sup> *King v. State*, 211 So. 3d 866 (Fla. 2017).

<sup>9</sup> *Id.* at 880.

Defendant filed a federal habeas petition on April 27, 2017, which the district court denied. *King v. Sec’y, Dep’t of Corr.*, 2018 WL 10715468 (M.D. Fla. Feb. 5, 2018). The Eleventh Circuit affirmed the district court’s decision, and the U.S. Supreme Court denied Defendant’s petition for writ of certiorari on December 15, 2019. *King v. Sec’y, Dep’t of Corr.*, 793 Fed. Appx. 834 (11th Cir. 2019), *cert. denied*, *King v. Inch*, 141 S. Ct. 303 (2020).

On February 13, 2026, Governor Ron DeSantis signed a death warrant to carry out the sentence of death imposed on King. As a result, on the same day, the Florida Supreme Court issued a scheduling order requiring all proceedings in this Court to be concluded by 11:00 a.m. on Friday, February 27, 2026. Defendant’s execution is scheduled for Tuesday, March 17, 2026, at 6:00 p.m.

As previously noted, along with his present “Successive Motion to Vacate Judgment and Sentence,” Defendant also filed a Motion for Stay of Execution. The State has filed responses to both Motions. After considering the general legal standards applicable to Rule 3.851 claims, the Court will address each of King’s motions in turn.

## **II. APPLICABLE RULE 3.851 PROCEDURAL LAW**

“Generally, postconviction claims in capital cases are untimely if filed more than a year after the judgment and sentence became final.” *Mungin v. State*, 320 So. 3d 624, 625 (Fla. 2020). A defendant sentenced to death is permitted to file a successive motion for collateral relief outside of the standard one-year time limitation only if:

(A) the facts on which the claim is predicated were unknown to the movant or the movant's attorney and could not have been ascertained by the exercise of due diligence, or

(B) the fundamental constitutional right asserted was not established within the period provided for in subdivision (d)(1) and has been held to apply retroactively, or

(C) postconviction counsel, through neglect, failed to file the motion.

Fla. R. Crim. P. 3.851(d)(2).

Claims that either were or could have been raised on appeal or in prior postconviction proceedings are not properly raised in a successive motion. *See King v. State*, 597 So. 2d 780, 782 (Fla. 1992) (holding that claims were barred because they could have been, should have been, or were raised in a prior proceeding). Even if an exception exists, successive postconviction claims may still be denied as untimely if there is a delay in raising those claims. *See Rodgers v. State*, 288 So. 3d 1038, 1039 (Fla. 2019) (to be considered timely filed as newly discovered evidence, the motion must be filed within one year of the date upon which the claim became discoverable through due diligence). Moreover, a viable claim of newly discovered evidence requires “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). The burden is on a capital defendant to establish the timeliness of a successive postconviction claim. *See, e.g., Mungin*, 320 So. 3d at 626.

Summary denial is appropriate where successive postconviction claims are refuted by the record. *See Fla. R. Crim. P. 3.851(f)(5)(B); see also Bogle v. State*, 322 So. 3d 44, 46 (Fla. 2021) (“Summary denial of a successive postconviction motion is

appropriate “[i]f the motion, files, and records in the case conclusively show that the movant is entitled to no relief.”). Likewise, summary denial of purely legal claims is appropriate where such claims are without merit under controlling precedent. See *Mann v. State*, 112 So. 3d 1158, 1162-63 (Fla. 2013) (because Mann raised purely legal claims that have been previously rejected, the circuit court properly summarily denied relief). Furthermore, mere conclusory or speculative allegations are not sufficient to warrant an evidentiary hearing. *Jimenez v. State*, 265 So. 3d 462, 474-75 (Fla. 2018) (holding Jimenez’s speculative and conclusory allegations regarding another inmate’s execution were “insufficient to require revisiting our holding in *Asay VI* approving the constitutionality of lethal injection as currently administered in Florida”). Rather, “the defendant bears the burden of ‘establishing a *prima facie* case based on a legally valid claim.” *Barnes v. State*, 124 So. 3d 904, 911 (Fla. 2013) (quoting *Valentine v. State*, 98 So. 3d 44, 54 (Fla. 2012)). If a defendant fails to set forth a facially sufficient Rule 3.851 claim, summary denial is appropriate. *Doty v. State*, 403 So. 3d 209 (Fla. 2025) (citing *Kocaker v. State*, 311 So. 3d 814, 821 (Fla. 2020)).

With this framework in mind, the Court has reviewed the claims raised in Defendant’s present successive motion and finds that his claims are untimely, legally insufficient, procedurally barred, and without merit, and can, therefore, be summarily denied as explained in more detail below.

### III. ANALYSIS OF DEFENDANT'S CLAIMS

#### A. CLAIM ONE – ALLEGED FAILURE TO FOLLOW LETHAL INJECTION PROTOCOLS

In his first claim for relief, Defendant alleges that the “Florida Department of Correction’s [FDOC] failure to follow the published execution by lethal injection procedures is a violation of King’s Fourteenth Amendment rights under the United States Constitution and the corresponding provisions of the Florida Constitution.”<sup>10</sup> Defendant further alleges the Court “should reconsider the denial of King’s demand for public records pursuant to Florida Rule of Criminal Procedure 3.852.”<sup>11</sup>

Pointing to heavily redacted FDOC logs presented in a federal lawsuit by recently executed inmate Frank Walls,<sup>12</sup> Defendant alleges such records “show a routine maladministration of critical phases of the execution process, specifically related to the maintenance and use of the drugs used in the lethal injection protocol.”<sup>13</sup> While acknowledging that “several other individuals facing imminent execution using these same protocols, have sought additional records”<sup>14</sup> (and raised Eighth Amendment challenges), King insists that his present claim is “an equal protection claim under the Fourteenth Amendment, which is different from an Eighth Amendment claim regarding cruel and unusual punishment.”<sup>15</sup>

To support his claim, King alleges that two of the nineteen individuals executed by the State of Florida in 2025, namely Thomas Gudinas and Anthony

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<sup>10</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 5.

<sup>11</sup> *Id.*

<sup>12</sup> *Walls v. Dixon*, No. 4:25-cv-0488, ECF 1 (N.D. Fla. Nov. 26, 2025).

<sup>13</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 5; *see also* Appendices B and C to Defendant’s Successive Motion to Vacate Sentence of Death, filed February 22, 2026.

<sup>14</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 5.

<sup>15</sup> *Id.* at 6.

Wainwright, were—like King—convicted of sex offenses in addition to first-degree murder.<sup>16</sup> King surmises, “The *Walls* records indicate improper dosages of the required medications were removed from storage, at or around the time of their executions”<sup>17</sup> and declares that, since he is “facing execution under the same procedures, he has a right to be guaranteed he will be treated the same as any other inmate facing execution by lethal injection in Florida, not to be treated differently by being given an inappropriate amount of the required medication due to his other convictions.”<sup>18</sup>

As did recently executed inmates *Heath*<sup>19</sup> and *Trotter*,<sup>20</sup> King further alleges the heavily redacted *Walls* records show that the FDOC has been “documenting the receipt/use of [certain] drugs in a sloppy and *ad hoc* manner,”<sup>21</sup> with “repeated instances of the execution drugs not being logged as received/used on the day of an execution, but a day or [two] after, if at all,”<sup>22</sup> and raising concerns “related to the use of expired drugs.”<sup>23</sup> King avers that, for him, “[t]he most concerning variations in the amount of drugs being logged . . . involve the ones applicable to the dates of execution for Anthony Wainwright and Thomas Gudinas.”<sup>24</sup> Notably, King did not specifically allege the execution dates for either Wainwright or Gudinas in his written motion (although defense counsel did mention them during the *Huff* hearing as June 10,

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Heath v. State*, No. SC2026-0112, --- So. 3d --- (Fla. Feb. 3, 2026).

<sup>20</sup> *Trotter v. State*, No. SC2026-0214, --- So. 3d --- (Fla. Feb. 17, 2026).

<sup>21</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 6.

<sup>22</sup> *Id.* at 6-7.

<sup>23</sup> *Id.* at 7.

<sup>24</sup> *Id.*

2025, and June 24, 2025, respectively), nor did King point directly to which portions or lines of the heavily redacted FDOC logs purportedly support his claimed disparate treatment of Wainwright and Gudinas. Nonetheless, like *Trotter*, Defendant relies on an affidavit of Daniel E. Buffington, PharmD, MBA, to support his claim that any deviation from the FDOC's lethal injection protocols "indicates King has legitimate concerns he will not be treated in the same manner as proscribed [sic] for all individuals facing execution in the State of Florida."<sup>25</sup>

After outlining his lethal injection concerns, King acknowledges that FDOC is entitled to a "long recognized" presumption that it will comply with lethal injection protocols, but then he argues that "FDOC has lost that presumption based on the multitude of errors apparent in the [*Walls*] records,"<sup>26</sup> which he alleges "show repeated maladministration of those constitutionally protected protocols thereby piercing the rebuttable presumption previously recognized by the courts."<sup>27</sup> Notably, in summarizing his equal protection claim, King states he "is specifically litigating *the manner in which he is going to be put to death* pursuant to established lethal injection protocols" and further alleges his "claim applies to the actions of a state agency and legitimately effects [sic] *the way he will be put to death*."<sup>28</sup> In addition to restating his equal protection argument, King concludes his Claim One allegations

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<sup>25</sup> *Id.*; see also Appendix D to Defendant's Successive Motion to Vacate Judgment and Sentence (Quoting Dr. Buffington, Defendant argues "it is important to confirm 'the Corrections staff has an organized, accurate, and effective tracking model to ensure that the correct substances, as approved within the FDOC, have been properly acquired and that product dating and aging are being tracked for substances that are awaiting future executions.'").

<sup>26</sup> Defendant's Successive Motion to Vacate Judgment and Sentence, at 7.

<sup>27</sup> *Id.* at 8.

<sup>28</sup> *Id.* at 10 (emphasis added).

by declaring that his Fourteenth Amendment due process rights and “an explicit right under the Florida constitution to access the courts” are also being violated by the denial of his access to the additional FDOC records he has demanded.<sup>29</sup>

In its responsive Answer, the State moves the Court to summarily deny Defendant’s successive postconviction motion on the basis that “[e]ach claim is untimely, procedurally barred, and/or legally insufficient.”<sup>30</sup> More specifically, the State insists that King has asserted an “Eighth Amendment method-of-execution challenge” based on “the same records that were soundly rejected” in *Heath* and *Trotter*, and argues “King’s method-of-execution claim that the FDOC has violated its lethal injection protocol is based entirely on speculation and conclusory allegations and is legally insufficient as a matter of law . . . . to either pierce the presumption that FDOC follows its protocol or to show a facially sufficient method-of-execution claim.”<sup>31</sup> The State contends King’s “slightly different, Equal Protection, spin based on the same speculative grounds does not make his claim any stronger.”<sup>32</sup>

In an abundance of caution, the Court considers Defendant’s Claim One allegations under both Eighth and Fourteenth Amendment analyses.

#### **1. EIGHTH AMENDMENT METHOD-OF-EXECUTION ANALYSIS**

“To challenge a method of execution under the Eighth Amendment’s prohibition of cruel and unusual punishment, [a defendant] must ‘(1) establish that the method of execution presents a substantial and imminent risk that is *sure* or *very*

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<sup>29</sup> *Id.* at 9.

<sup>30</sup> State’s Answer to King’s Successive Motion for Postconviction Relief, at 1.

<sup>31</sup> *Id.* at 4-5.

<sup>32</sup> *Id.* at 6.

*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)) (emphasis added). “*Speculative and conclusory* allegations that lethal injection protocols present a substantial risk of serious harm,” however, “are insufficient to warrant an evidentiary hearing.” *Heath v. State*, No. SC2026-0112, --- So. 3d ---, \*8-9 (Fla. Feb. 3, 2026) (emphasis added).

Defendant King’s present claim, essentially alleging maladministration of lethal injection protocols in several 2025 executions (including Wainwright and Gudinas), stems from the identical heavily redacted FDOC documents about which the Florida Supreme Court already adeptly opined in *Heath*,

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.*

*Heath*, at \*9-10 (emphasis added).

More recently, while reviewing similar claims in *Trotter*, which were based on the same *Walls* documents presented by King and a nearly identical affidavit by Dr. Buffington, the Florida Supreme Court rejected Trotter's contention that his "substantively similar" lethal injection challenge was not a traditional "method-of-execution claim" and opined that "the outcomes suggested in [Dr. Buffington's] affidavit are speculative and thus do not demonstrate 'a substantial and imminent risk that is sure or very likely—in other words a virtual certainty—to cause serious illness and needless suffering.'" *Trotter v. State*, No. SC2026-0214, --- So. 3d ---, \*3 (Fla. Feb. 17, 2026). In affirming the denial of Trotter's similar claims challenging FDOC's administration of its lethal injection protocols, the Florida Supreme Court further noted that "because Trotter incorrectly maintains that the *Glossip* requirements do not apply to his claim, he fails to identify an alternative method of execution." *Id.* (referring to *Glossip v. Gross*, 576 U.S. 863 (2015)). Interestingly, Trotter attempted to challenge FDOC's alleged failure to follow its published lethal injection procedures under both the Eighth and Fourteenth Amendments, but the Court focused solely on an Eighth Amendment analysis in rejecting his claims. *Id.* at \*2-3.

Like *Heath* and *Trotter*, in the instant action, none of the heavily redacted FDOC logs contain any executed defendant's name or indicate that any of the drugs listed were used during any execution. Even taking into account the dates of

execution for Gudinas (June 10, 2025) and Wainwright (June 24, 2025) and the particular drugs (Rocuronium and Potassium Acetate, respectively) referenced by defense counsel during the *Huff* hearing,<sup>33</sup> and comparing that information to the various amounts of drugs reflected in FDOC’s heavily redacted logs as having been “received/used” on adjacent dates *subsequent* to the executions of Gudinas and Wainwright—a great deal of speculation is required to conclude that FDOC is maladministering its lethal injection protocols. The speculation required to reach that conclusion is underscored by the fact that “FDOC has successfully implemented its etomidate protocol more than thirty times since its adoption in 2017. *See* <https://www.fdc.myflorida.com/institutions/death-row/executionlist-1976-present>.”<sup>34</sup> Moreover, as the State avers in its responsive Answer, “FDOC’s protocol does not require contemporaneous or exact record keeping for the pharmaceuticals used on condemned inmates.”<sup>35</sup> Further highlighting the conclusory and speculative nature of his claims is King’s failure to acknowledge, much less foreclose, reasonable alternative interpretations of the heavily redacted FDOC logs. For example, it is possible that the reason FDOC’s logs reflect varying amounts of drugs being “removed” was *for the purpose of discarding or destroying drugs* rather than using them for any particular execution.<sup>36</sup>

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<sup>33</sup> *See Huff* Hearing Transcript, dated February 25, 2026, at 16.

<sup>34</sup> State’s Answer to King’s Successive Motion for Postconviction Relief, at 14-15, n.6.

<sup>35</sup> *Id.* at 13; and *see generally* Execution by Lethal Injection Procedures with Certification Letter (“Appendix C” to “Defendant’s Successive Motion to Vacate Judgment and Sentence”).

<sup>36</sup> *See* Execution by Lethal Injection Procedures with Certification Letter (“Appendix C” to “Defendant’s Successive Motion to Vacate Judgment and Sentence”), at 5 (requiring in subsection (6) of the “Specific Procedures” section that a “designated team member will ensure that the lethal chemicals have not reached or surpassed their expiration dates”).

Based on the foregoing, and especially the binding precedent in *Heath* and *Trotter*, the Court first concludes that Defendant King’s allegations in Claim One regarding an alleged violation of the Eighth Amendment are conclusory and speculative.

Furthermore, the Court finds that this claim is legally insufficient because he has failed to establish the initial prong of the *Baze-Glossip* requirements, specifically that the method of execution at issue “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.” *Heath*, at \*3; *Trotter*, at \*3.

Additionally, King’s allegations of an Eighth Amendment violation are legally insufficient because he has failed to identify any alternative method of execution, let alone a sufficient one. Thus, King has also failed to satisfy the second prong of the *Baze-Glossip* test. *See Asay v. State*, 224 So. 3d 695, 701 (Fla. 2017) (citing *Glossip*, 576 U.S. at 877); *see also Bucklew v. Precythe*, 587 U.S. 119, 136 (2019) (“*Glossip* expressly held that identifying an available alternative is ‘a requirement of *all* Eighth Amendment method-of-execution claims.’”).

## 2. FOURTEENTH AMENDMENT ANALYSIS

Next, the Court considers King’s Claim One allegations within the context of his arguments that he “has a due process right and a right to be treated the same as any and all other individuals being subjected to execution by lethal injection.”<sup>37</sup>

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<sup>37</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 8.

**i. DUE PROCESS**

More specifically, King alleges he “is entitled to due process of law, as established by the Fourteenth Amendment to the United States Constitution and the corresponding provision of Florida’s Constitution.”<sup>38</sup> King further alleges that “[s]imilar to his due process right,” he “also has an explicit right under the Florida constitution to access the courts because ‘[t]he courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.’”<sup>39</sup> King concludes that this Court is denying him access to the courts “by not allowing King access to crucial records.”

The Due Process Clause of the Fourteenth Amendment to the United States Constitution provides that no state shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV. The Florida Constitution similarly provides, “No person shall be deprived of life, liberty or property without due process of law.” Art. I, § 9, Fla. Const. “Due process requires that a defendant be given notice and an opportunity to be heard on a matter before it is decided.” *Asay v. State*, 210 So. 3d 1, 27 (Fla. 2016) (citing *Huff v. State*, 622 So. 2d 982, 982 (Fla. 1993)).

The only due process violation alleged in Claim One is the denial of King’s demand for additional records from FDOC. King does not allege that he was not afforded notice and an opportunity to be heard on the demand. *See Barwick v. State*, 361 So. 3d 785, 790 (Fla. 2023) (rejecting a death warrant due process claim that

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<sup>38</sup> *Id.* at 9.

<sup>39</sup> *Id.*

failed to identify any matter on which the defendant was not afforded notice and an opportunity to be heard). Moreover, the Court held a properly noticed<sup>40</sup> hearing where both King and FDOC were given an opportunity to be heard on the demand for records and objections thereto before the Court ruled on the matter.<sup>41</sup> King's due process claim is facially insufficient and conclusively refuted by the record and, therefore, is denied.

**ii. EQUAL PROTECTION**

As previously noted, King also alleges he has a right to be treated the same as any and all other individuals being subjected to execution by lethal injection. In support of this claim, King alleges a "particular concern" that, since he was charged with a sex offense, similar to Gudinas and Wainwright, "who were *seemingly* provided insufficient dosages of particular drugs related to their execution," he "is at peril of *similar disparate treatment*."<sup>42</sup>

"To state an Equal Protection claim," King must first "show that the State *will* treat him disparately from other similarly situated persons," *DeYoung v. Owens*, 646 F.3d 1319, 1327 (11th Cir. 2011) (emphasis added). "If a law treats individuals differently on the basis of . . . [a] suspect classification, or if the law impinges on a fundamental right, it is subject to strict scrutiny." *Leib v. Hillsborough County Pub. Transp. Comm'n*, 558 F.3d 1301, 1306 (11th Cir. 2009). Otherwise, King "must show that the disparate treatment is not rationally related to a legitimate government

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<sup>40</sup> Scheduling Order filed February 17, 2026, at 2.

<sup>41</sup> See *generally* Hearing Transcript, dated February 17, 2026.

<sup>42</sup> Defendant's Successive Motion to Vacate Judgment and Sentence, at 10 (emphasis added).

interest.” *DeYoung*, 646 F.3d at 1327–28.

Here, King’s allegations are, once again, highly speculative, conclusory, and legally insufficient to warrant relief. Aside from his allegation that Gudinas and Wainwright “were *seemingly* provided insufficient dosages of particular drugs related to their execution,” King fails to assert that his anticipated execution “*will* result in disparate treatment from other death row inmates.” *See, e.g., Ferguson v. Warden*, 493 Fed. Appx. 22, 26 (11th Cir. 2012) (“Under Florida’s . . . protocol, all death row inmates facing execution will be subject to the same sequence of drugs, the same procedures, and the same safeguards in the execution process.”). Thus, King fails to establish even the first requirement of a viable equal protection claim.

Moreover, notwithstanding King’s reframing an Eighth Amendment challenge to the method-of-execution as a Fourteenth Amendment equal protection claim, the Court further finds that FDOC remains entitled to the presumption that it will comply with the lethal injection protocol, and King has failed to carry his burden to overcome that presumption. *See, e.g., Hannon v. State*, 228 So. 3d 505, 509 (Fla. 2017) (“The burden was on Hannon to overcome the presumption afforded to the DOC, and he failed to carry his burden.”), *abrogated on unrelated grounds by Cruz v. State*, 372 So. 3d 1237 (Fla. 2023). It is well-settled and undisputed that FDOC is entitled to a presumption that it will properly perform its duties while carrying out an execution. *Lightbourne v. McCollum*, 969 So. 2d 326, 343 (Fla. 2007); *Provenzano v. State*, 761 So. 2d 1097, 1099 (Fla. 2000); *see also Cole v. State*, 392 So. 3d 1054, 1065 (Fla. 2024) (“[T]he Department of Corrections is entitled to the presumption that it

will comply with the lethal injection protocol.”).

Based on the foregoing, King’s Fourteenth Amendment Equal Protection claim is also denied.

### **3. REQUEST FOR RECONSIDERATION OF DEMAND FOR RECORDS**

Finally, to the extent that King contends the Court should reconsider the denial of his demand for public records pursuant to Fla. R. Crim. P. 3.852, his allegations in Claim One are also legally insufficient because he fails to carry his burden to overcome the presumption afforded to FDOC. *See, e.g., Hannon*, 228 So. 3d at 509 (Fla. 2017) (“The burden was on Hannon to overcome the presumption afforded to the DOC, and he failed to carry his burden.”), *abrogated on unrelated grounds by Cruz v. State*, 372 So. 3d 1237 (Fla. 2023). It is well-settled and undisputed that FDOC is entitled to a presumption that it will properly perform its duties while carrying out an execution. *Lightbourne v. McCollum*, 969 So. 2d 326, 343 (Fla. 2007); *Provenzano v. State*, 761 So. 2d 1097, 1099 (Fla. 2000); *see also Cole v. State*, 392 So. 3d 1054, 1065 (Fla. 2024) (“[T]he Department of Corrections is entitled to the presumption that it will comply with the lethal injection protocol.”). Having already determined that King’s claims are wholly speculative and conclusory, the Court finds they are insufficient to overcome the strong presumption that FDOC will properly comply with their Execution by Lethal Injection Procedures.

For the foregoing reasons, Defendant’s Claim One, including the entirety of his Eighth and Fourteenth Amendment claims, and his request for reconsideration of the denial of his demand for public records are denied.

## **B. CLAIM TWO – EIGHTH AMENDMENT CLAIMS BASED ON NEWLY DISCOVERED EVIDENCE**

### **1. PROPORTIONALITY REVIEW**

In his second claim for relief, King alleges that his execution will violate his Eighth Amendment rights because newly discovered evidence shows “King is a man with humanity,” his life has great value, and “his case is not among the most aggravated and least mitigated.”<sup>43</sup> To support his claims, Defendant provides copies of letters and email correspondence from “his spiritual advisor, Sr. Deacon Lowell ‘Corky’ Hecht;” two female “pen pals” from the United Kingdom, Fae Krakowska and Dilys Chapman; and his older brother, Gary King.<sup>44</sup> Notably, Deacon Hecht’s email acknowledges having known and interacted with King since at least 2017,<sup>45</sup> and Ms. Krakowska’s letter to King references “three years of writing to each other,”<sup>46</sup> while Ms. Chapman’s correspondence indicates she has “known Michael since 2017.”<sup>47</sup> As for the 14-page correspondence from King’s brother, it merely rehashes details of Defendant’s life from his birth “with double pneumonia,”<sup>48</sup> his frail and sickly childhood,<sup>49</sup> including “a very serious major sledding accident” at the age of six which resulted in a frontal lobe injury,<sup>50</sup> and various other life challenges Defendant experienced up until his murder of Denise Lee.<sup>51</sup>

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<sup>43</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 11.

<sup>44</sup> See “Appendix E” to Defendant’s Successive Motion to Vacate Judgment and Sentence, at 77-93.

<sup>45</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 11.

<sup>46</sup> “Appendix E” to Defendant’s Successive Motion to Vacate Judgment and Sentence, at 77.

<sup>47</sup> *Id.* at 78.

<sup>48</sup> *Id.* at 80.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 80-81.

<sup>51</sup> *Id.* at 82-93.

In its responsive Answer, the State denotes King's Claim Two as a request for this Court "to conduct a proportionality review of his death sentence under the Eighth Amendment" and argues "[t]his claim is meritless, untimely, and procedurally barred."<sup>52</sup>

The Court agrees that this claim is untimely and procedurally barred. None of the correspondence compiled in Defendant's "Appendix E" constitutes true "newly" discovered evidence. King offers no explanation why neither he nor his attorney could have ascertained his "humanity" and collected the supporting correspondence from each of the above-referenced contributors at least two or three years ago and certainly prior to the signing of his death warrant. *See Windom v. State*, 416 So. 3d 1140, 1151 (Fla. 2025) (holding a claim "untimely because the allegedly 'new' information was ascertainable long ago by the exercise of due diligence").

In addition to being untimely, King's request for another proportionality review is also procedurally barred. As noted *supra* in the "Factual Background and Procedural History" section of this order, on direct appeal, the Florida Supreme Court unequivocally announced its "complete agreement . . . that the death sentence is proportionate in this case."<sup>53</sup> Like the defendant in *Covington v. State*, 348 So. 3d 456 (Fla. 2022), King's request for essentially a new proportionality analysis is procedurally barred because the proportionality of King's death sentence was already raised and decided on direct appeal, and "the Eighth Amendment does not require a comparative proportionality analysis." *Id.* at 480. In fact, "the conformity clause

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<sup>52</sup> State's Answer to King's Successive Motion for Postconviction Relief, at 21.

<sup>53</sup> *King*, 89 So. 3d at 232.

in article I, section 17 of the Florida Constitution prohibits [the Court] from undertaking comparative proportionality review.” *Id.* at 479 (citing *Lawrence v. State*, 308 So. 3d 544 (Fla. 2020)). *See also Lukehart v. State*, 70 So. 3d 503, 524–25 (Fla. 2011) (holding a petition for writ of habeas corpus challenge to the Supreme Court’s previous proportionality determination from the direct appeal was procedurally barred because it was raised and rejected on direct appeal); *and Allen v. State*, 854 So. 2d 1255, 1262 (Fla. 2003) (finding inmate was precluded from raising claim relating to proportionality review in habeas petition as claim had already been raised and rejected on direct appeal).

## 2. EVOLVING STANDARDS OF DECENCY

In further support of his allegations in Claim Two, King attached Letters from Faith Leaders in Florida,<sup>54</sup> “who are concerned about the rate of executions in this state over the past couple of years,”<sup>55</sup> and contends that “[p]reserving King from execution promotes the sanctity of all human life.”<sup>56</sup> While referencing his communiques with pen pals in the United Kingdom, King notes that “[r]esiding in the UK, the idea of the government executing one of its own citizens, for any reason, is a remarkably ‘foreign’ concept.”<sup>57</sup> King also declares that his execution “would be out of step with global sentiment among allies of the United States,” and further avers that “[c]apital punishment is out of step with western values on a global scale.”

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<sup>54</sup> *See* “Appendix F” to Defendant’s Successive Motion to Vacate Judgment and Sentence, at 94-107.

<sup>55</sup> Defendant’s Successive Motion to Vacate Judgment and Sentence, at 11.

<sup>56</sup> *Id.* at 12.

<sup>57</sup> *Id.* at 14.

Based on these averments, the Court construes this as an “evolving standards of decency” claim. “The [Eighth] Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.” *Trop v. Dulles*, 356 U.S. 86, 100-101 (1958). Nevertheless, all of the facts alleged in support of this “evolving standards of decency” claim occurred more than two years before the filing of the present motion, and King offers no state or federal authority adopting the new standard he now proposes. *See, e.g., Windom v. State*, 416 So. 3d 1140, 1147 (Fla. 2025) (noting one “cannot use the timeliness exception in rule 3.851(d)(2)(B) to affirmatively establish a new and retroactive constitutional right”); *see also Gudinas v. State*, 412 So. 3d 701, 714 (Fla. 2025) (“Post-warrant claims that could have been raised in a prior proceeding are procedurally barred.”).

For all of the foregoing reasons, King’s Claim Two is summarily denied.

#### **IV. MOTION FOR STAY OF DEFENDANT’S EXECUTION**

As with Claim One of his Successive Motion to Vacate Judgment and Sentence, King’s motion for stay of execution relies, in part, on heavily redacted FDOC records procured after executions carried out in 2025. King alleges he “is merely requesting records to indicate that the lethal injection protocol is being administered pursuant to [FDOC’s] own policy and pursuant to King’s 14<sup>th</sup> Amendment rights.”<sup>58</sup> King also alleges his “Claim Two necessitates a stay of these proceedings so witnesses can be coordinated for [an] evidentiary hearing.”<sup>59</sup> Citing a “rapid rate of executions in Florida,” King further alleges that “[p]ausing, and issuing a stay, may make

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<sup>58</sup> Defendant’s Motion for Stay of Execution, filed February 22, 2026, at 1.

<sup>59</sup> *Id.* at 2.

maladministration of the FDOC protocol less likely as FDOC and FDLE officials are under less acute duress.”<sup>60</sup> Finally, King avers that “[t]he period set by the instant warrant is inadequate for review of the meritorious issues presented” and contends “a stay of execution would ensure a meaningful process and make certain King is not denied due process.”<sup>61</sup>

In response, the State avers that the heavily redacted FDOC records on which King’s claims rely “do not prove that any protocol deviations have occurred” and “even if they did, King failed to establish they are likely to recur.”<sup>62</sup> Citing *Dillbeck v. State*, 357 So. 3d 94, 103 (Fla. 2023), the State further contends that “neither of the two claims King raised in his successive postconviction motion constitutes substantial grounds for granting a stay.”<sup>63</sup>

Section 922.06(1), Fla. Stat. (2025), provides that “[t]he execution of a death sentence may be stayed only by the Governor or incident to an appeal.” Otherwise, “[a] stay of execution pending the disposition of a successive motion for postconviction relief is warranted *only* when there are ‘substantial grounds upon which relief might be granted.’” *Chavez v. State*, 132 So. 3d 826, 832 (Fla. 2014) (citing *Buenoano v. State*, 708 So. 2d 941, 951 (Fla. 1998) (emphasis added)).

As set forth in detail hereinabove, this Court has found that King’s claims are untimely, legally insufficient, procedurally barred, and/or without merit. Accordingly, King has failed to establish any “substantial grounds upon which relief

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<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 3.

<sup>62</sup> State’s Response to King’s Motion for a Stay of Execution, filed February 24, 2026, at 2.

<sup>63</sup> State’s Response to King’s Motion for a Stay of Execution, filed February 24, 2026, at 1.

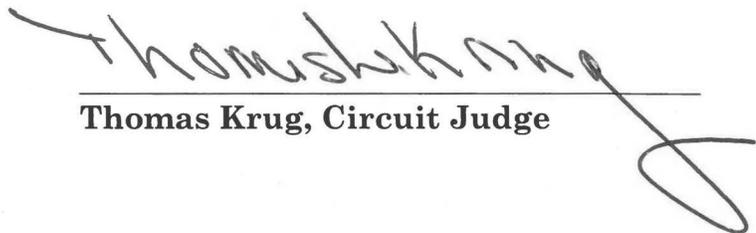
might be granted,” *Dillbeck v. State*, 357 So. 3d 94, 103 (Fla. 2023), and his Motion for Stay of Execution shall, therefore, be denied.

#### V. RULING

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

1. Defendant’s “Successive Motion to Vacate Judgment and Sentence” and “Defendant’s Motion for Stay of Execution,” both filed February 22, 2026, are **DENIED**. Pursuant to the Florida Supreme Court’s February 13, 2026, scheduling order, Defendant’s notice of appeal shall be filed by 1:00 p.m. on Friday, February 27, 2026.
2. The Sarasota County Clerk of Court shall file the record on appeal by 4:30 p.m. on Friday, February 27, 2026.

**DONE AND ORDERED** at Sarasota, Sarasota County, Florida on this 27th day of February 2026.

  
\_\_\_\_\_  
**Thomas Krug, Circuit Judge**

**CERTIFICATE OF SERVICE**

On February 27<sup>th</sup>, 2026, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via email where indicated and via First Class U.S. Mail on any individuals who do not have an email address on file with the Clerk of Court.

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c/o Florida State Prison  
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No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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MICHAEL L. KING,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
WITH AN EXECUTION SCHEDULED FOR  
TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX D**

FDOC-FOIA Logs



DRUG NAME Etomidate 2mg/10ml

PACKAGE SIZE 10x10ml

NDC#

DATE

INVOICE NAME/#

LOT #

EXP. DATE

MEAS

RECEIVED/USED (+/-)

BALANCE

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MEAS	RECEIVED/USED (+/-)	BALANCE
9-30-19			06-2021		+ 100 X	100
6-14-19			July 202		+ 100 X	200
8-27-20			06-2021		+ 160 X	
8-28-20			01-2022		+ 40 X	400
9-11-20			06-2021		+ 60 X	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 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			6/20/23		-12	349
7/19/23			06/2023		-2	347
8/3/23			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 ROCURONIUM 100mg/10ml PACKAGE SIZE 10 X 10 ml

NDC# [REDACTED]

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
3-07-24	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JAN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 10	10
3/11/24	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 80	90
1-3-2025	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	03/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 30	120
3-6-2024	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	03/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 100	220
3/20/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	- 20	200
4-2-25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	Mar 2026	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 200	400
4-8-25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	- 20	380
4-16-25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	- 10	370
5/1/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	- 20	350
4/23/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	10/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 30	380
4/23/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	3/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 70	450
5/23/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	10/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	+ 100	550
6/9/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	- 10	540
6/12/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	JUN 2025	<span style="background-color: black; color: black;">[REDACTED]</span>	- 10	530
6/12/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	3/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	- 10	520
6/25/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	3/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	- 10	510
7/16/25	<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	3/2026	<span style="background-color: black; color: black;">[REDACTED]</span>	- 20	490

✓









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			9-2023		+ 24	24
3-15-2025			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		<del>+ 24</del>	<del>44</del>
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			

✓  
✓







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	UNIT CODE	UOM	DESCRIPTION	SIZE	FORM	CLASS	MSG	DEPT/ACC/CC3	UNIT PRICE	EXTENDED PRICE	NOTE CODE
			1	1	1			SODIUM CHLORIDE 0.9% 12X1000ML LF ✓	12X10	IS			EXP: 1/27	62.83	62.83	
								<b>SUMMARY</b>								
								TOTAL RX	62.83							
								TOTAL OTC	0.00							
								NET AMOUNT	62.83							

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

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	ORDE R QTY	INVOICEZ QTY	DMIT :ODE	UOM	DESCRIPTION	SIZE	FOR V	CLASS	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE					
			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/ML 25X20ML FTV	25X20 SD			EXP: 12/26		123.34	493.36						
			10	10	10	✓		ROCURONIUM MD 10MG/ML 10X10ML	10X10 MC			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		41.59	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				

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

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
			1	1	1			SODIUM CL IS 0.9% 12X100ML EXC	12X10	IS			EXP: 7/27	29.99	29.99	
								-----SUMMARY-----								
								TOTAL RX		29.99						
								TOTAL OTC		0.00						
								NET AMOUNT		29.99						

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

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	
			10	10	8	X		ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD			EXP: 3/27	41.96	335.68		
			10	10	8	X		ETOMIDATE SD 2MG/ML 10X10ML	10X10	SD				30.03	240.24		
			10	10	2	X		ETOMIDATE SD 2MG/ML 10X10ML	10X10	SD			> EXP: 3/27	30.03	60.06		
			10	10	2	X		ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD				41.96	83.92		
								<b>SUMMARY</b>									
								TOTAL RX					719.90				
								TOTAL OTC					0.00				
								NET AMOUNT					719.90				

EXP: 3/27

EXP: 3/27

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

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	UO 4	DESCRIPTION	SIZE	FORM	CLAS:	MSG	DEPT/ACC/CC2	UNIT PRICE	EXTENDED PRICE	NOTE CODE
------	------	---------	----------------	-----------	--------------	-----------	------	-------------	------	------	-------	-----	--------------	------------	----------------	-----------

2 2 2

SODIUM CL IS 0.9% 12X1000ML EXC 12X10 IS

EXP 8/27

29.99 59.98

-----SUMMARY-----

TOTAL RX 59.98  
TOTAL OTC 0.00  
NET AMOUNT 59.98

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











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

Page: 1



PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
2/1/2024				03/31/2025	+ 25	25
8/29/2024				2/31/2025	- 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 Potassium Acetate 2mEq/mL 20mL PACKAGE SIZE 25x20mL

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
6/14/23	Balance					361
6/15/23			6/20/23		-12	349
7/19/23			06/2023		-2	347
8/3/23			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 Sodium chloride 0.9% PACKAGE SIZE 25 x 20ml

DATE	INVOICE NAME/#	LOT #	EXP. DATE	MFR	RECEIVED/USED (+/-)	BALANCE
8/14/24			Oct-01-2025		+50	+50
2-13-25			Oct-01-2025		-6	44
<del>3-6-25</del>			<del>Jul-31-2025</del>		<del>+25</del>	<del>69</del> Incorrect Invoice #
3-6-25			Jul-31-2025		+25	69
3/20/25			10-01-2025		-6	63
4/2/25			07-31-2025		+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			7-31-2025		+50	145
6/12/25			Jul-31-2025		-6	139
6/25/25			10-01-2025		-6	133
7/16/25			10-01-2025		-7	126
7/28/25			10-31-2025		+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			7-31-2025		-6	158
9/17/25			7-31-2026		-6	152
9/30/25			7-31-2026		-6	146





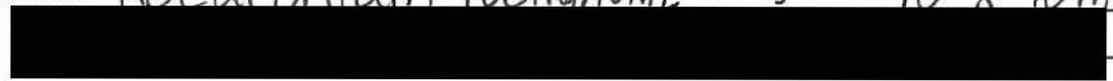






DRUG NAME: Rocuronium 100mg/10ml Package Size: 10 x 10mL (10 per box)

Page: 1



PREVIOUS BALANCE: 0

DATE	VENDOR NAME	INVOICE NUMBER	LOT#	EXP. DATE (MM/DD/YYYY)	RECEIVED/USED (+/-)	BALANCE
3/7/24				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
6/2/25				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

INVOICE DATE 07/28/2025

PO

ORDER DATE 07/25/2025

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
			5	5	4			POTASS ACET SD 2MEQ/ML25X20ML FTV	25X20	SD				77.38	309.52	
			24	24	21			ROCURONIUM MD 10MG/ML 10X10ML	10X10	MD				21.66	454.86	
			24	24	3			ROCURONIUM MD 10MG/ML 10X10ML	10X10	MD				21.66	64.98	
			36	36	22			ROCURONIUM MD 10MG/ML 10X5ML	10X5M	MD				20.48	450.56	
			36	36	14			ROCURONIUM MD 10MG/ML 10X5ML	10X5M	MD				20.48	286.72	
			5	5	5			ETOMIDATE SD 2MG/ML 10X20ML	10X20	SD				41.73	208.65	
			1	1	1			HYDROXYZ HCL SD 25MG/ML 25X1ML	25X1M	SD				459.02	459.02	
			2	2	2			LIDOCAINE HCL MD 1% 25X10ML	25X10	MD				18.93	37.86	
			5	5	1			POTASS ACET SD 2MEQ/ML25X20ML FTV	25X20	SD				77.38	77.38	
			2	2	2			POTASS ACET SD 2MEQ/ML25X50ML FTV	25X50	SD				254.85	509.30	
			2	2	2			SODIUM CL SF 0.9% 25X20ML	25X20	SF				54.38	108.76	

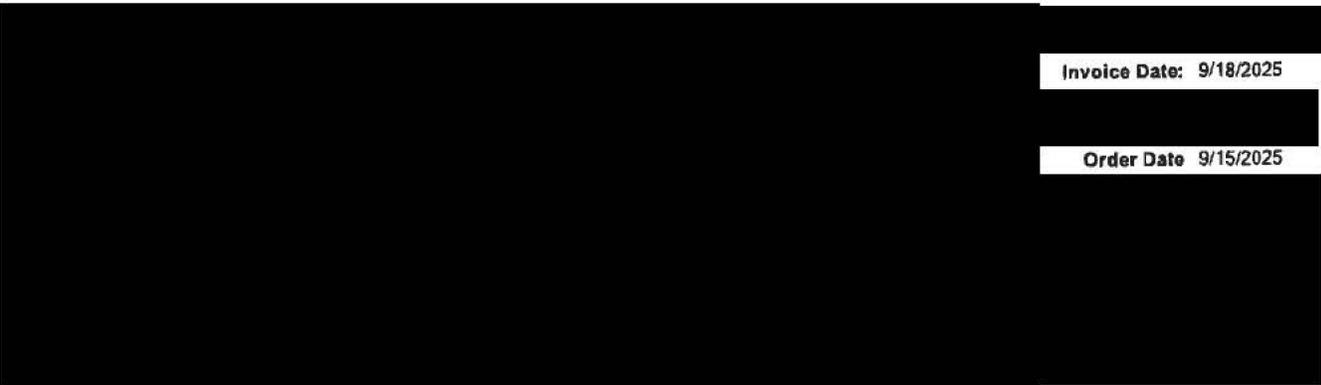
EXP:  
12/26  
10/26  
10/26  
10/26  
10/26  
3/27  
8/26  
4/27  
12/26  
10/26  
10-31-26

SUMMARY

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

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

# Invoice

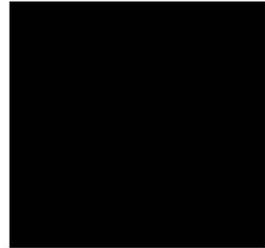


Invoice Date: 9/18/2025

Order Date: 9/15/2025

<b>Customer P.O.</b> [Redacted]	<b>Terms: Due Date</b> Net 30: 10/18/2025	<b>Account Manager:</b> [Redacted]	<b>Ship VIA</b> GROUND	<b>Customer Number:</b> [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 ✓	
[Redacted]		Expiration date: 4/30/2027		Lot Qty: 2.00 ✓	



Net Invoice:	3,450.00
Less Discount:	0.00
Freight:	36.49
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>3,486.49</b>

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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MICHAEL L. KING,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
WITH AN EXECUTION SCHEDULED FOR  
TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX E**

February 25, 2026 case management hearing transcript

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,	)	
	)	
Plaintiff,	)	
	)	Case No. 2008-CF-1087
vs	)	
	)	
MICHAEL L. KING,	)	
	)	
Defendant.	)	
_____	)	

Transcript of stenographically-reported proceedings held before the Honorable Thomas Krug, Circuit Judge, first at the Judge Lynn N. Silvertooth Judicial Center and then at the Manatee County Judicial Center, on **February 25, 2026.**

APPEARANCES:

SUZANNE O'DONNELL, Assistant State Attorney, via Zoom  
On behalf of the State

SCOTT ANDREW BROWNE, Assistant Attorney General, via Zoom  
TIM FREELAND, Assistant Attorney General, via Zoom  
On behalf of the State

ALI ANDREW SHAKOOR, Assistant Regional Counsel, via Zoom  
DEBRA BELL, Assistant Regional Counsel, via Zoom  
On behalf of the Defendant

DANIELLE J. KELLEY, Senior Attorney, via Zoom  
On behalf of Florida Department of Corrections

MARY ANN FLOYD, Attorney at Law  
General Counsel to the 12th Judicial Circuit

P R O C E E D I N G S

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(THE IN-CUSTODY DEFENDANT IS NOT PRESENT.)

THE COURT: All right, good morning, everyone.  
Let's let everybody jump in and connect. I see we still have  
some folks trying to connect.

(THERE WAS A PAUSE IN THE PROCEEDINGS.)

THE COURT: Good morning. Can I get a thumbs-up if  
you can hear me? Great. Okay, okay.

I just got a message that my internet is unstable.  
So at any time, if you can't hear me or see me, please jump in  
and let me know, folks. Okay? But it sounds like we're good  
so far.

All right, welcome back, everyone. We'll take roll  
call in just a moment. We're here for the Court to determine  
whether or not we're going to have an evidentiary hearing on  
the Defense motion. We're in Case Number 2008-CF-1087, is the  
Florida case number. And then we also have the Supreme Court  
Number SC2009-CF -- excuse me, SC2009-2421.

MS. FLOYD: Your Honor, I'm sorry to interrupt,  
could you try to let me in again?

THE COURT: Yes.

Hold on, folks, there's someone I'm trying to let  
in.

All right, you're not in my waiting room yet.

According to me, you're in. You're showing up on

1 our screen.

2 MS. FLOYD: I'm leaving and coming back in.

3 THE COURT: Okay.

4 MS. FLOYD: Don't wait for me, your Honor. Thank  
5 you.

6 THE COURT: And don't be fooled, folks. I think  
7 Heather Davidson is really Mr. Browne.

8 Mr. Browne, are you there? Can you folks hear me?

9 THE CLERK: I think you're frozen.

10 THE COURT: I'm frozen. Can you call I.T.?

11 (THERE WAS A PAUSE IN THE PROCEEDINGS.)

12 THE COURT: Welcome back. Can everybody hear me,  
13 see me? Yes? Okay. Sorry, folks, I think it was a me issue.  
14 My screen froze, disappeared, and came back on.

15 Mary Ann, are you in?

16 MS. FLOYD: I'm not. But please go ahead, your  
17 Honor. As long as I can hear, it's fine, thank you.

18 THE COURT: Why don't you try to join again.

19 MS. FLOYD: I'm trying.

20 THE COURT: And I'll keep an eye on the --

21 All right, folks, I'm going to start over. I did  
22 call I.T. here in our Sarasota courthouse to come down to find  
23 out if there might be a better courtroom for me to go to, but.

24 All right, we're here in Case Number 2008-CF-1087,  
25 and Florida Supreme Court Number SC2009-2421, our case

1 management conference, slash, Huff hearing. I've received the  
2 Defense motion, the State's response. Let's do a roll call.

3 And nobody decided to come in person today. If you  
4 look in the screen, you see our wonderful court reporter  
5 there, Sarah. And our courtroom is empty.

6 So let's do a roll call. If you don't mind, we'll  
7 just go -- I don't know if it's the same on your screens as it  
8 is on my screen. So I'll just kind of identify what the box  
9 says, and if you can put your name on the record.

10 This is Judge Krug here in Sarasota, assigned to  
11 handle the case. We'll start --

12 All right, it froze and disappeared again. Can I --  
13 is I.T. on their way?

14 THE BAILIFF: He's on his way, your Honor.  
15 (THERE WAS A PAUSE IN THE PROCEEDINGS.)

16 THE COURT: It looks like we reconnected. Folks,  
17 can you hear me?

18 UNIDENTIFIED VOICE FROM ZOOM: Yes, your Honor.

19 THE COURT: Okay, I have in the courtroom with me  
20 Kevin from our I.T. department.

21 Kevin, can you go over to the podium there, if you  
22 don't mind.

23 I.T.: Which lectern?

24 THE COURT: Behind Sarah there might be best. We're  
25 frozen again, hold on.

1 MS. O'DONNELL: You keep cutting out.

2 THE COURT: I know.

3 You're not even appearing on the video right now.

4 Okay. We've got to figure this out. We have the Supreme

5 Court needing this done now; we have a time constraint.

6 I.T.: Can you hear me?

7 THE COURT: Folks, can you hear me now? Yes? Okay.

8 Kevin, you're now appearing for the first time in  
9 the video.

10 If you take a look, folks, in the courtroom is  
11 Kevin.

12 Kevin, if you can tell us your name and what you do  
13 here?

14 I.T.: My name is Kevin Billingsley, and I'm one of  
15 the I.T. representatives for court administration.

16 THE COURT: All right, we're in the middle of a  
17 death-warrant hearing. We have due dates and time  
18 constraints. And so the internet is constantly going in and  
19 out, I'm losing them. It looks like it just happened again.

20 Ms. O'Donnell, thumbs-up, can you --

21 MS. O'DONNELL: We're only hearing bits and pieces.  
22 I can hear you -- you -- you -- now, but it comes and goes,  
23 bits and pieces.

24 THE COURT: All right, I'm trying to have I.T. -- we  
25 need to find a solution, of course. Perhaps I go to a

1 different county. Let's find out.

2 I.T., what are my options?

3 I.T.: All we know at this time, Judge --

4 MS. O'DONNELL: Like I can't hear --

5 I.T.: Want me to speak?

6 THE COURT: Yeah, just go ahead.

7 I.T.: All we know at this time is that the County  
8 is experiencing intermittent internet connection issues. So  
9 I -- we rely on --

10 THE COURT: Is it a County thing?

11 I.T.: Yes. We rely on Sarasota County to get to  
12 the internet, and they're experiencing issues. So there's  
13 nothing that I can do. I'm waiting on the County.

14 THE COURT: All right. What about if I drove down  
15 right now, we jumped in a car and went to Manatee County to do  
16 this. Can you call to see if Manatee County is having any  
17 issues, if I can do it there?

18 MS. FLOYD: Can we use my phone as a hot spot?

19 I.T.: You can use your phone as a hot spot, but you  
20 won't be able to connect all of the extra devices.

21 I can call Manatee.

22 THE COURT: Can you find out if we can do it in  
23 Manatee, and if we can do this in 30 minutes from now and do  
24 it in Manatee?

25 I.T.: Let me call.

1 THE COURT: Thank you.

2 (OFF-THE-RECORD DISCUSSION REGARDING ZOOM ON PERSONAL  
3 DEVICES.)

4 MR. BROWNE: You're -- yep, you -- number and just  
5 do the hearing by phone? I've done case management -- in the  
6 past by cellphone, if that would be acceptable to Mr. Shakoor?

7 THE COURT: Mr. Shakoor, how do you feel about  
8 making this a telephonic conference with no video?

9 MR. BROWNE: He can't hear.

10 THE COURT: Mr. Shakoor, are you okay on that? He  
11 can't hear.

12 We have everybody's email; right?

13 MS. FLOYD: We have everybody's email, but we need  
14 to be --

15 MR. SHAKOOR: Good morning, Judge. I did hear that.  
16 I did hear that. I would just have concerns about the  
17 accuracy of the transcript, with so many different people  
18 talking. And I think Mr. King is supposed to appear  
19 virtually -- this morning, to address this later this morning  
20 at a different hearing, or different courtroom perhaps.

21 THE COURT: Oh, do you have it set up for Mr. King  
22 to be present for this hearing?

23 MR. SHAKOOR: This is a case management  
24 conference -- I'm just concerned that the transcript is as  
25 accurate as possible. Yes, I did correspond with the FDOC

1 and -- there's -- I spoke to Mr. King yesterday, he expects to  
2 be present today as well.

3 MS. KELLEY: I'm checking on that right now, your  
4 Honor, to see why -- what's going on and why he's not on here  
5 yet.

6 THE COURT: Kevin?

7 I.T.: I spoke with Manatee County, they're not  
8 having any internet problems at this time.

9 THE COURT: Okay. What I want to do is we're going  
10 to drive over to Manatee. We'll start this hearing -- can  
11 everybody -- I'm going to drive to a different county, my  
12 next-door county. I am going to set -- I'm going to go to a  
13 courtroom there, and we'll do a Zoom conference.

14 Can I use my Zoom, same number that they all dialled  
15 in, in Manatee?

16 I.T.: Yes. Just log into Zoom from the Manatee  
17 County computer.

18 THE COURT: Okay.

19 Folks, can everybody be available -- it's 10:14.  
20 I'll go straight to my car. I don't know about traffic, I  
21 think I could be ready in about 30 minutes. That's cutting it  
22 close, though, 45 is probably more realistic. Can we do  
23 45 minutes, can we do 11:00, everybody? It's 10:14.  
24 Mr. Shakoor?

25 MR. SHAKOOR: Yes, sir, Judge.

1 Ms. Bell, thumbs-up?

2 MR. BROWNE: Yes, your Honor.

3 THE COURT: Ms. O'Donnell, Mr. Browne, thumbs-up.  
4 Sheriff Hoffman, thumbs-up?

5 SHERIFF HOFFMAN: Yes, I'm good. Judge, my only  
6 concern is we're all still going to be here in Sarasota on the  
7 internet here connecting to you. So are we all -- you're  
8 going to be broadcasting, but are we going to be able to get  
9 the signal here with our internet?

10 I.T.: The other option would be to dial in by  
11 phone, and participate by phone as opposed to internet.

12 THE COURT: But to answer his question. If the  
13 Sheriff chooses to do it by Zoom as he is now --

14 I.T.: Absolutely.

15 THE COURT: -- he might have those intermittent  
16 issues.

17 I.T.: Yes.

18 THE COURT: So Sheriff, if you're staying -- anybody  
19 that's staying in Sarasota, you may still have those same  
20 issues with your internet. That's why I'm leaving Sarasota.  
21 But you would be able to join the same Zoom call by phone, we  
22 just wouldn't be able to see you. You would be able to hear  
23 everything, and you would have no issues if you dial in just  
24 by your phone.

25 SHERIFF HOFFMAN: Yeah, that's fine, Judge. And

1 obviously that would affect the SAO, too; I see Ms. O'Donnell  
2 on here. So we can do that. I can.

3 THE COURT: Okay.

4 Ms. O'Donnell, that works for you?

5 MS. O'DONNELL: I'm in Manatee County, so I'm good.

6 Thank you.

7 THE COURT: Okay, so everybody else it doesn't  
8 matter, I think you're going to be fine. So if you could just  
9 log back in, let's try -- it's 10:16, log back in at 11:00.  
10 I'm going to go straight to my car and head over there, okay?

11 MR. SHAKOOR: Yes, sir.

12 THE COURT: Wait, before we all go. Ms. Kelley, if  
13 you can check with the DOC, and let's have Mr. King available  
14 as well, please.

15 MS. KELLEY: I'm working on that right now, your  
16 Honor, thank you.

17 THE COURT: Thank you, everyone. See you all at  
18 11:00.

19 (THERE WAS A RECESS, AFTER WHICH THE PROCEEDINGS RESUMED AT  
20 THE MANATEE COUNTY JUDICIAL CENTER AS FOLLOWS.)

21 (THE IN-CUSTODY DEFENDANT IS NOW PRESENT VIA ZOOM.)

22 THE COURT: All right, good morning, everyone.

23 Judge Krug here. Can you hear and see me? Yes, great.

24 Super. Thank you. I appreciate everybody being patient.

25 What we did, just so you know, is I was on the bench

1 in Sarasota. Sarasota County was having the intermittent  
2 internet problems, and so we jumped in the car and drove to  
3 the Manatee County courthouse, which is a couple miles away.  
4 The folks are amazing here, they set us up with a courtroom,  
5 I.T. is here and got me all logged in.

6 So let's -- we're here in Case Number -- Florida  
7 Case Number 2008 --

8 Forgive seeing the side of my head. I like to be  
9 able to see you folks. The camera is in front of me here, but  
10 my computer screen is to the left.

11 Let's see, this is Florida Case Number 2008-CF-1087,  
12 Florida Supreme Court Case Number SC2009-2421, State of  
13 Florida v. Michael King. It's our second case management to  
14 determine whether or not there will be an evidentiary hearing  
15 on the defendant's motion. I've received the defendant's  
16 motion, I have received the State's response.

17 And why don't we do a roll call and make sure  
18 everybody's here. We'll start on my screen, top right. It  
19 looks like we have the Sheriff?

20 SHERIFF HOFFMAN: I'm here, your Honor.

21 THE COURT: All right, we have Sheriff Kurt Hoffman.  
22 Next row, we'll start with Ms. O'Donnell?

23 MS. O'DONNELL: Suzanne O'Donnell on behalf of the  
24 State Attorney's Office.

25 THE COURT: Heather Davidson?

1 MR. BROWNE: Your Honor, it's Scott Browne with the  
2 Attorney General's Office. Heather is my assistant who logged  
3 me in.

4 THE COURT: Okay. You and I have something in  
5 common.

6 All right, let's see, and we have -- okay, J. Smith  
7 is court counsel, who's been present from the beginning.

8 And I see we have Mr. King. Is it okay if Mr. King  
9 announces himself, Mr. Shakoor? Are you okay with that?

10 MR. SHAKOOR: Yes, sir, Judge.

11 THE COURT: Okay. Mr. King, if you're able and  
12 willing, if -- I don't know if you have someone with you  
13 there, sir, that could unmute -- you're muted right now. And  
14 then you can at least just announce your presence, sir, by  
15 name?

16 THE DEFENDANT: -- I'm --

17 THE COURT: Can you say it again, sir, I just didn't  
18 hear you.

19 THE DEFENDANT: Yeah, Michael Lee King.

20 THE COURT: Okay, thank you, sir.

21 THE DEFENDANT: Thank you.

22 THE COURT: And thank you to the Department of  
23 Corrections for getting him here for us.

24 All right, let's go down to the last -- or  
25 second-to-the-last row. Mr. Shakoor, good morning.

1 MR. SHAKOOR: Yes, sir, Judge. This is Ali Shakoor,  
2 from Capital Collateral Regional Counsel. I'll be  
3 representing Mr. King, and I'll be speaking this morning. I  
4 can't see anyone, but I can hear everyone okay, and I can see  
5 the little yellow rectangles, so I'm okay.

6 THE COURT: Okay.

7 Ms. Kelley? Ms. Kelley?

8 MS. KELLEY: Oh, I'm sorry, your Honor, I didn't  
9 hear for just a second. This is Danielle Kelley on behalf of  
10 the Florida Department of Corrections.

11 THE COURT: Ms. Bell, good morning.

12 MS. BELL: Good morning, your Honor. Debra Bell on  
13 behalf of Capital Collateral Regional Counsel, along with  
14 Mr. Shakoor representing Mr. King.

15 THE COURT: Mr. Freeland?

16 MR. FREELAND: Good morning, your Honor. Tim  
17 Freeland here with Mr. Browne on behalf of the Office of the  
18 Attorney General, State of Florida.

19 THE COURT: All right, we have Ms. Floyd at the  
20 bottom, also court counsel for me. And then we have  
21 Investigator Dixon. There was a second investigator on this  
22 morning, I believe, Mr. Shakoor. Are you expecting someone  
23 else?

24 MR. SHAKOOR: May have been Clay Roger, our other  
25 investigator, but we don't need to wait. He may be with

1 Mr. Dixon, but we don't need to wait.

2 THE COURT: Okay. Mr. Browne, State ready to  
3 proceed? Are you waiting on anybody?

4 MR. BROWNE: No, your Honor, we are ready to  
5 proceed.

6 THE COURT: Okay. All right, State and Defense  
7 ready to proceed. Court having, again, received your motions  
8 and responses. I'll turn it over to Mr. Shakoor to present  
9 your oral argument.

10 MR. SHAKOOR: Thank you very much, Judge. I hope  
11 everybody can hear me okay. This is Ali Shakoor on behalf of  
12 Mr. King.

13 First things first, I just want to address the fact  
14 that we raised this as a 14th Amendment equal protection  
15 claim. Talking about Claim One; we raised two claims.  
16 Claim One is a 14th Amendment equal protection claim. Now, in  
17 the State's response they spent a lot of time talking about  
18 the 8th Amendment, they cite to Heath, they cite to Trotter.  
19 I would like just to distinguish, Trotter was raising an  
20 8th Amendment claim. They raised an 8th Amendment case in  
21 Circuit Court, it was appealed as an 8th Amendment claim to  
22 the Florida Supreme Court. Heath was a pure 8th Amendment  
23 claim. Trotter was a little bit different than Heath because  
24 in Trotter they were attacking the protocols under  
25 8th Amendment, the lethal injection protocols under the

1 8th Amendment, under the analysis -- under the theory that  
2 because of the recordkeeping, or the failure of proper  
3 recordkeeping, and because of the data that's been acquired  
4 under the Walls litigation, there have been concerns about  
5 whether or not the Florida Department of Corrections has been  
6 fairly and -- in a disparate type of way -- not in a disparate  
7 way execute individuals who are sentenced to death.

8           Now, we raised some concerns in our demand for  
9 additional records. We had the data, we cited the records,  
10 and we requested additional records from the Florida  
11 Department of Corrections. We didn't request any records from  
12 FDLE, we focused on Florida Department of Corrections. What  
13 we're asking for at this point regarding Claim One is for this  
14 Court to reconsider its order denying relief of  
15 those records -- denying the release of those records to  
16 Mr. King.

17           Now, again, this is a 14th Amendment claim to make  
18 sure that Mr. King is being treated fairly and equally  
19 compared to other similarly situated defendants. Now, we  
20 cited to Gudinas and Wainwright in the demand, and cited to  
21 Mr. Gudinas and Mr. Wainwright in our motion for  
22 postconviction relief. Now, in the response they mentioned  
23 that the records and the logs from Walls do not have any names  
24 of the individuals, but it doesn't take a lot to correspond to  
25 dates of the execution and the dates of the withdrawals of the

1 medication to when those executions happened. So just because  
2 things are redacted on the log itself doesn't mean that we  
3 don't have the know-how to look on the internet or have our  
4 own personal knowledge of when these executions take place.  
5 This is all public record. So the redactions did not redact  
6 the dates, they did not redact the medications.

7           Mr. Gudinas was executed on the 24th of June.  
8 Mr. Wainwright was executed on June 10th. Both of those  
9 gentlemen seemed to have improper dosages of the medication  
10 withdrawn by agents of the Florida Department of Corrections.  
11 When it comes to Mr. Gudinas, that drug is -- excuse my  
12 pronunciation -- vecuronium bromide, which is the drug that is  
13 supposed to put you -- be a paralytic. And when it comes to  
14 Mr. Wainwright, the improper dosage for potassium acetate,  
15 that's the drug that's supposed to stop the heart.

16           Now, what concerns us about those two cases, like we  
17 mentioned in the argument for the public records demand, is  
18 those are two sex cases. Mr. King has a right to be treated  
19 like everybody else who's being subjected to the lethal  
20 injection protocol, irrespective of the crimes charged.  
21 Irrespective of any other collateral crimes that are in  
22 conjunction with the actual murder itself, Mr. King should be  
23 treated fairly and equally.

24           And the State seems to be trying to turn this  
25 14th Amendment claim into an 8th Amendment -- I shouldn't even

1 say trying to, that's what they're doing. They're saying  
2 we're raising a 14th Amendment claim, and they're raising  
3 14th Amendment case law such as Baze and Glossip and such.  
4 We're raising this as equal protection. And absolutely we're  
5 still going to be litigating for these records, after they did  
6 it in Walls, in Heath, and Trotter. And yes, we're doing it  
7 now under a different theory because that's our duty as  
8 Defense Counsel, as members of the Defense Bar, to raise  
9 claims that can save a person's life under an active death  
10 warrant.

11           And we just had the execution last night of  
12 Mr. Trotter. And before the execution, the United States  
13 Supreme Court -- they did deny stay, but Justice Sotomayor did  
14 have a comment along with the denial, raising concerns  
15 specifically about the practice in Florida and how Florida is  
16 not doing proper recordkeeping, and how the veil of secrecy is  
17 keeping us from even investigating claims, let alone even  
18 raising a claim.

19           So we understand there's a two-part process for  
20 trying to get these records. First we filed a demand for  
21 additional records, this Court denied that demand. So now  
22 that makes it a due-process issue. We need the records in  
23 order to investigate the claim to see whether or not we can  
24 prove the colorable claim of relief. We're raising a  
25 colorable claim of relief under equal protection. And

1 Mr. King has a liberty interest in his own life. He doesn't  
2 have to be a member of a class or a race or religion to raise  
3 an equal protection claim. The State doesn't have a rational  
4 basis for treating people differently under a death warrant  
5 when it comes to execution and following its own protocols,  
6 not even a rational basis.

7 But let's say hypothetically if the State decided  
8 that -- not only when somebody has a sex charge, if somebody  
9 is a member of a certain race, a Black person kills a White  
10 person, we're going to give them different dosages, and  
11 there's nothing anybody can do about it. And if it's raised  
12 under equal protection, we're going to turn it into an  
13 8th Amendment claim. You can't do that. If somebody was  
14 Jewish or Catholic or any type of protected class, you cannot  
15 give somebody a different dosage or give somebody a different  
16 protocol based on who they are or what they did or where they  
17 come from. But Mr. King is not raising this based on the fact  
18 he's a White male or a Catholic, he's talking about the fact  
19 that he has a liberty interest in his life.

20 But it's concerning for the State to opine that a  
21 person can't even raise a 14th Amendment equal protection  
22 claim under an active death warrant, because that's, frankly,  
23 scary. That's frightening. And if there is not oversight  
24 then the State -- after this litigation is over, this Court  
25 rules against us, and if the higher courts rule against us,

1 then the State and FDOC will know, well, we can do what we  
2 want, there is no oversight. And that's concerning.

3 So we're raising colorable claims of relief based on  
4 the records that we have. We can't prove that it actually  
5 happened or he is being treated unfairly, what we are is  
6 raising a concern that he may be treated unfairly under equal  
7 protection, under the 14th Amendment.

8 The State spent a lot of time in its response,  
9 again, discussing 8th Amendment cases. We're not going to  
10 take that bait. But they do cite to DeYoung when it comes to  
11 an equal protection analysis, but DeYoung is a very  
12 distinguishable case. In DeYoung, it's an 11th Circuit case,  
13 the defendant is challenging the protocol as written, and  
14 having concerns based on how the protocol is written, whether  
15 or not there may be deviations from that protocol. We're not  
16 challenging the protocol itself and saying there might be  
17 deviations, we're saying that the records that we have from  
18 the Walls litigation indicate there may have been deviations.  
19 And based on those possible deviations and concerns and  
20 improper recordkeeping, that raises a colorable claim of  
21 relief.

22 And another way DeYoung is distinguishable, in  
23 DeYoung any deviations that the Court found -- because they  
24 did an analysis, the Court found any deviations were actually  
25 more protective of the defendant's interests. In our case the

1 deviations are less protective. They're concerningly less  
2 protective, particularly if we're talking about improper  
3 dosages, or talking about expired drugs, expired drugs such as  
4 etomidate.

5           So we have to keep raising this issue. Because if  
6 we don't, who will. Mr. King has the right to representation  
7 in this state. He has a Sixth Amendment right to  
8 postconviction counsel in this state. The State of Florida  
9 decided he has a right to counsel in postconviction, even  
10 under an active warrant. So that's our duty to raise claims,  
11 to try to save Mr. King's life.

12           And also to raise Claim Two, which is an  
13 8th Amendment claim. Under Claim Two, we're requesting an  
14 evidentiary hearing so that deeply held friends from Europe  
15 can testify, telephonically -- Ms. Fae, Ms. Dilys. We can  
16 make arrangements for that, but it can't be done tomorrow, we  
17 need time for that, so they can -- so we can coordinate their  
18 testimony, and Mr. King's brother Gary King can testify  
19 regarding how important Mr. King is to his life. And this is  
20 all information that's been gathered within the last year.  
21 Because these records, these emails, these letters, they're  
22 gathered within the last year. That's why we're calling it  
23 newly discovered evidence, that's why it is newly discovered  
24 evidence. So we filed this motion timely. The information  
25 that we have, even the Walls records back in Claim One, all

1 that is timely, all of that is within the last year.

2           So we have a duty under a warrant to try to save  
3 Mr. King's life. And oftentimes when we're under an active  
4 death warrant -- not oftentimes, every time. Because we're in  
5 uncharted territory, we had 19 executions last year, and this  
6 year we're at pace to exceed that. So that's probably one of  
7 the reasons why there's concerns with the recordkeeping.  
8 We're not even saying that DOC has necessarily been nefarious,  
9 but these records that they turned over, based on a legitimate  
10 records request -- they turned these records over, there's  
11 been no allegations these records were improper or forged.  
12 These are FDOC-produced records. They've been attached to  
13 litigation starting in Walls, then Heath, and in Trotter, and  
14 we're attaching them to our litigation now. And if we're  
15 unsuccessful, I'm sure another Defense Attorney will keep  
16 raising this issue. Because it's very, very important to make  
17 sure that agencies have accountability. If the Defense Bar,  
18 if the Courts do not hold State agencies to some type of  
19 legitimate oversight, then it's like a little mini kingdom  
20 where they can do what they want without any type of oversight  
21 at all. If the Defense Attorneys and if the Courts are not  
22 going to intervene to make sure that FDOC is following the  
23 law, who will.

24           So we're just asking at this point for records,  
25 regarding Claim One.

1           Regarding Claim Two, we're asking this Court to  
2 allow us to put on evidence that can show why Mr. King's life  
3 has value. These are not just pen pals, these are people that  
4 care about him and love him, and they need him in their life.

5           And regarding the motion to stay, we did address  
6 Claim Two in the motion to stay regarding why we need time to  
7 coordinate these witnesses. And we need time to talk to  
8 Mr. King, because Mr. King may want to testify. I'm glad  
9 Mr. King is here and listening, because Mr. King has concerns  
10 about this whole process.

11           Mr. King is severely mentally ill. A lot of that is  
12 already in the record. Because of the procedural bar, we  
13 can't relitigate the fact that but for that horrific sledding  
14 incident that happened to Mr. King as a little boy we wouldn't  
15 be here. He had a tragic accident that altered his brain  
16 forever, and that doesn't even account for all the other  
17 mitigation that's been part of the record that I can't  
18 relitigate now because of procedural bar. But a happy little  
19 boy, a midwestern little boy had a horrible tragic accident,  
20 and he's never been the same since.

21           Despite that he's bettered himself in prison,  
22 despite that he's shown his value and his love -- he's capable  
23 of love and being loved, and that's what these additional  
24 witnesses can testify to, that he has value in their life, and  
25 his life is worthy of saving.

1           And Mr. King also has concerns regarding the fact  
2 that, when he finished his clemency proceeding, he was under  
3 the understanding that they were going to recommend a life  
4 sentence to the Governor. That's how Mr. King's brain works.  
5 Mr. King is a kind-hearted soul like a child. He thought and  
6 he believes that they were going to go to the Governor, the  
7 clemency board -- and we can't have the information because  
8 it's secret, and we're not asking for it, but I'm raising this  
9 information because I know it's important to Mr. King -- he  
10 was under the impression that they were going to recommend a  
11 life sentence to the Governor. That's how his brain works.

12           Mr. King has mitigating circumstances. His life has  
13 value. And we're just asking at this point for an evidentiary  
14 hearing. We understand that this Court has limitations, and  
15 it has to follow the law. As far as any type of law that we  
16 need overturned, any precedent that might be against King, we  
17 understand this Court has limitations regarding that. But  
18 what this Court can do is give us an evidentiary hearing so  
19 that we can make our record for the Florida Supreme Court to  
20 evaluate, so we can make a record and have Dr. Buffington talk  
21 about -- not cruel and unusual pain and suffering, but the  
22 fact that this is what the protocol is supposed to be, these  
23 records indicate concerns that means Mr. King is not being  
24 treated -- possibly being treated like everybody else. We're  
25 not raising an 8th Amendment claim, we're raising a

1 14th Amendment claim. So we're asking for an evidentiary  
2 hearing for Dr. Buffington to testify and for us to actually  
3 have a back-and-forth, and the State can call any witnesses  
4 they want from FDOC, and they can opine why these records are  
5 redacted the way they are, why Mr. Gudinas got the drugs he  
6 did or did not, why Mr. Wainwright got the drugs he did or did  
7 not, and have that hashed out at an evidentiary hearing, so,  
8 as Justice Sotomayor talked about, we have a record for the  
9 higher courts to evaluate. We're just asking for an  
10 evidentiary hearing at this point. Thank you.

11 THE COURT: Thank you, Mr. Shakoor. Yes, I did see  
12 the Melvin Trotter v. Florida publication, February 24th,  
13 2026, and the statement of Justice Sotomayor and her concerns  
14 related to records.

15 All right, I'll turn it over now to the State.  
16 Mr. Browne?

17 MR. BROWNE: Your Honor, briefly. I understand this  
18 is extensive argument from both parties in the written  
19 pleadings. I will start with Heath and Trotter. Mr. King  
20 does not distinguish those two cases. And again, those two  
21 Florida Supreme Court cases addressed -- not some other  
22 records, but the exact records that Mr. King is relying on  
23 here. And they said that the 8th Amendment challenge, or  
24 however you characterize the challenge, was insufficient as  
25 matter of law.

1           Now, Mr. Shakoor reads Trotter differently than I  
2 do. And I suggest, your Honor, that a close reading of  
3 Trotter indicates that no matter how the defendant tries to  
4 characterize his claim -- and Trotter tried to say this isn't  
5 really an 8th Amendment claim, he didn't bother naming an  
6 alternative method of execution. But the Florida Supreme  
7 Court said ultimately what you're trying to show with these  
8 records is that you're subject to cruel and unusual  
9 punishment, and they rejected that unanimously.

10           So I'll point this out, your Honor. Mr. Shakoor  
11 seems to rely on Justice Sotomayor, but the only thing less  
12 persuasive as precedent than a single Justice dissent in the  
13 Supreme Court is a single Justice statement on the denial of  
14 certiori. Remember, Trotter's claim, even Justice Sotomayor  
15 said this isn't sufficient to require an evidentiary hearing  
16 to stay or to grant review. So to the extent that Mr. King  
17 relies on that statement, that reliance is misplaced.

18           And again, your Honor, we have Mr. King basically  
19 trying to re-argue public records. You made a decision, your  
20 Honor, on public records, with the benefit of argument from  
21 FDOC counsel and extensive written argument. So that  
22 representative from FDOC, both in writing and I believe in  
23 court, emphatically denied that they don't follow the  
24 protocol. And there is a section of the protocol that says  
25 you shall not use expired drugs. It requires FDOC members of

1 the execution team to make sure of that. So Mr. King relied  
2 on ambiguous records to support a claim that's simply not  
3 supportable by the records he asserts. And again, your Honor,  
4 this claim must travel under the 8th Amendment. And when it  
5 does, it's Baze and Glossip. Whatever he alleges the records  
6 show, and have to be sure are imminent and present a  
7 substantial risk of harm, he completely fails to do that.

8           What he wants is basically a board of inquiry. And  
9 so Baze and Glossip said no, you have to travel under the  
10 8th Amendment if you're challenging a method of execution.  
11 And in this case he failed to even plead an alternative. And  
12 that's fatal alone, your Honor, to his 8th Amendment  
13 challenge, because, again, it's a method of execution  
14 challenge. The Florida Supreme Court rejected the notion that  
15 you can just say, hey, it's a records challenge, it's not an  
16 actual method of execution claim. So his failure to propose  
17 an alternative is fatal to his lethal injection challenge.

18           Your Honor, as for Claim Two, I don't think I need  
19 to detain the Court, it seems like Mr. Shakoor is asking for a  
20 clemency review. And that's not the function of this Court.  
21 The State cited case law that says proportionality is a direct  
22 appeal issue. It's been raised in this case, and resolved  
23 against Mr. King. A unanimous Florida Supreme Court agreed  
24 with the trial judge in this case that the aggravations  
25 substantially outweighed the mitigation and that the sentence

1 was indeed proportional.

2 And again, your Honor, I know you are aware of the  
3 facts of this case. This is a horrendous, heavily aggravated  
4 case, where Denise Lee was kidnapped in broad daylight from  
5 her home where she was watching her two children. Despite her  
6 pleas for mercy, that were on a 911 call, Mr. King -- (Zoom  
7 froze) -- acknowledges it's not this Court's function to  
8 either delay or prevent his execution.

9 So at this point, your Honor, clemency is a matter  
10 for the executive branch, and Governor DeSantis has indicated  
11 that clemency is not appropriate for Mr. King. The State  
12 wholeheartedly agrees with that. And even if this Court were  
13 inclined and had the authority to do so, this is a  
14 particularly bad case for that plea from Mr. Shakoor.

15 Your Honor, unless you have any questions, I have  
16 nothing further.

17 THE COURT: Mr. Shakoor, any rebuttal, sir?

18 MR. SHAKOOR: Yes, briefly, Judge. Thank you very  
19 much. As part of the protocols or part of the records in  
20 Walls, lidocaine was used. Lidocaine is not part of the  
21 protocol, so that's a concern. We would like to have an  
22 evidentiary hearing for explanation from FDOC to why they're  
23 adding something like lidocaine to the protocol.

24 So again, Trotter was raised as an 8th Amendment  
25 claim. Heath was raised as an 8th Amendment claim. We're not

1 raising an 8th Amendment claim. That's a key difference.  
2 Trotter does not say, no matter how you raise a claim that has  
3 anything to do with lethal injection, it's got to be forced  
4 into an 8th Amendment claim concept. That's the State  
5 rewriting our claims, and that would be -- that would be  
6 against Mr. King's due process. We're raising it as a  
7 14th Amendment claim. I'd ask this Court to do a  
8 14th Amendment analysis. If the Court were to rule against  
9 us, we'd ask the Supreme Court to do a 14th Amendment  
10 analysis. Raising an 8th Amendment claim would be completely  
11 improper, we're not raising an 8th Amendment claim. And  
12 Mr. King is also a devout Catholic, so isn't offering an  
13 alternative method of execution because of his religion,  
14 faith.

15 We're asking just really for an evidentiary hearing.  
16 We know the facts of this crime are horrific. And we have  
17 witnesses from England who reside -- or witnesses from Europe  
18 who reside in the UK, who know that Mr. King has been charged  
19 with horrific facts, and they still see his life as value. I  
20 think I mentioned in the motion, the last execution in the UK  
21 was in 1964. And in the UK they have horrific crimes and  
22 horrific facts, and children get killed and horrific, horrific  
23 things happen, and they still decide that there's another way,  
24 and finality can also be life in prison.

25 We're not asking for another clemency review, we're

1 asking for this Court to take the new evidence that's been  
2 gathered within the last year, the new evidence of people in  
3 Mr. King's life, talking about his value and his religion,  
4 faith, the new evidence that we got from the Walls records,  
5 this new information, and we respectfully request an  
6 evidentiary hearing.

7           And again, we had 19 executions last year. We also  
8 cited in our motion some collateral effects of these  
9 executions. And when you talk about somebody being executed,  
10 it's not just the victim's family gets finality, you're also  
11 talking about the defendant's family. The defendant has a  
12 brother, he has three brothers -- Rodney, Gary -- and Jimmy,  
13 I think. Mr. King, correct me if I got the name wrong. But  
14 he has three brothers, a mother that loves his dearly, he has  
15 a cousin that loves him dearly, friends in Europe. So I don't  
16 have clients -- not every client on my roster who is death  
17 eligible have these people in their life. This is unique to  
18 Mr. King. There are people on death row who do not have any  
19 contact with their family, who do not have friends here or in  
20 Europe that can speak to their value, speak to their  
21 importance. Mr. King has that, that's unique to Mr. King. If  
22 these other clients were to get death warrants, I would have a  
23 more difficult challenge to try and save their life. I will  
24 passionately try to save their life, but it will be more of a  
25 challenge when they don't have people in their life that care

1 about them. So I would say this is additional evidence for  
2 this Court to consider regarding why Mr. King deserves to  
3 live, irrespective of these charged crimes, horrific charged  
4 crimes.

5           There's horrific charged crimes all over the world.  
6 I did some research preparing for this death warrant, looking  
7 at other European countries. Russia I believe has a  
8 moratorium since 2020 -- yes, Russia. The United States --

9           MR. BROWNE: Your Honor, I'm going to object. We're  
10 going far beyond even what Mr. Shakoor has alleged in his  
11 motion. I'm not sure we need to poll what other countries are  
12 doing. It's not relevant to the postconviction claims.

13           THE COURT: You're right. I think Mr. Shakoor is  
14 obviously passionate and wants to -- I think he's finishing up  
15 soon. So I'm going to allow him to finish his remarks.

16           MR. SHAKOOR: Thank you, Judge. I am finishing up.  
17 And we did cite to what other countries are doing in our  
18 motion, and I think it's relevant. And we also cited to how  
19 these executions affect people, not just in Mr. King's family  
20 but executioners. And that has collateral effects. When this  
21 year is done, after last year, there are people who are  
22 watching people die, and it's going to have long-term effects.  
23 And that's something else that we raise, and we might expound  
24 upon in the brief. What we're doing to people in Florida, it  
25 doesn't just affect Mr. King, it affects his family, it

1 affects the executioners. And we wrote about that, that's in  
2 our motion.

3 So with respect, thank you for allowing me to  
4 finish, Judge. And I'm advocating for Mr. King's life, and at  
5 this point we're just requesting an evidentiary hearing.  
6 Thank you for your time.

7 THE COURT: Thank you, Mr. Shakoor.

8 Yeah, I mean, it's -- you know, we're here on a  
9 death warrant signed by Governor DeSantis. We all know that  
10 it's a very serious and emotional presentation today from all  
11 parties.

12 Again, I have reviewed all of the documents  
13 presented, including, as Mr. Shakoor just mentioned, the  
14 recent ruling by the Supreme Court in the Trotter case.

15 I don't know if there was an oral motion for the  
16 Court to reconsider its original ruling on denying any  
17 additional records request. But if there was, the Court will  
18 this morning deny any reconsideration. The Court's previous  
19 ruling will remain.

20 I will deny the defendant's request for an  
21 evidentiary hearing today. I will, therefore, cancel the  
22 hearing that we tentatively scheduled for tomorrow,  
23 February 26th. That is now cancelled.

24 And I will issue a final order no later than the  
25 agreed upon time which is -- the required time, which is

1 Friday, February 27th, at 11 a.m., which was directed by the  
2 Supreme Court.

3 Thank you, everyone, for being present. Thank you  
4 for accommodating our internet issues in Sarasota, and taking  
5 the time to be here. Be well. That will end our hearing  
6 today.

7 (THE PROCEEDINGS WERE ADJOURNED AT 11:37 A.M.)

8

9

10 C E R T I F I C A T I O N

11

12 I, SARAH MARTIN, RMR, CRR, Official Court Reporter in  
13 and for the Twelfth Judicial Circuit of the State of Florida,  
14 do hereby certify that I reported, by shorthand machine, the  
15 proceedings had and testimony taken in the above-entitled  
16 cause, and that on February 25, 2026, the foregoing Pages 1-32  
17 were truly and accurately transcribed from my shorthand notes  
18 taken at the time and place herein set forth.

19

20

  
\_\_\_\_\_  
Sarah Martin, RMR, CRR  
Official Court Reporter

21

22

23

24

25

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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MICHAEL L. KING,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
WITH AN EXECUTION SCHEDULED FOR  
TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX F**

February 19, 2026 Rule 3.852 Records hearing transcript

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,	)	
	)	
Plaintiff,	)	
	)	Case No. 2008-CF-1087
vs	)	
	)	
MICHAEL L. KING,	)	
	)	
Defendant.	)	
_____	)	

Transcript of stenographically-reported  
proceedings held before the Honorable Thomas Krug,  
Circuit Judge, at the Judge Lynn N. Silvertooth Judicial  
Center, on **February 19, 2026**.

APPEARANCES:

KAREN FRAIVILLIG, Assistant State Attorney, 12th Circuit  
On behalf of the State

SCOTT ANDREW BROWNE, Assistant Attorney General, via Zoom  
TIM FREELAND, Assistant Attorney General, via Zoom  
On behalf of the State

ALI ANDREW SHAKOOR, Assistant Regional Counsel, via Zoom  
DEBRA BELL, Assistant Regional Counsel, via Zoom  
On behalf of the Defendant

DANIELLE J. KELLEY, Senior Attorney, via Zoom  
KRISTEN LONERGAN, Chief Legal Counsel, via Zoom  
On behalf of Florida Department of Corrections

MARY ANN FLOYD, Attorney at Law  
General Counsel to the 12th Judicial Circuit

P R O C E E D I N G S

1  
2 THE COURT: Welcome back, everyone. I see a lot of  
3 faces. We'll do a roll call in just a moment. I hope  
4 everybody can also see my courtroom. And you'll see Ms. Sarah  
5 Martin there, our stenographer, court reporter, front and  
6 center.

7 If you can just give me a thumbs-up, can everybody  
8 see and hear me, Judge Krug? Great, okay.

9 MS. FLOYD: Could you let me in the meeting, your  
10 Honor?

11 THE COURT: Oh, yes.

12 There are some other folks I just admitted as well.  
13 And I'll keep the waiting room in front of me, so as folks  
14 might trickle in I'll make sure I admit them.

15 All right, I see Mr. Shakoor and Mr. Browne. Where  
16 is my -- there is Ms. Kelley from Department of Corrections.  
17 All right. Let's do a roll call.

18 We're here for our scheduled hearing. The Defense  
19 filed their demand for additional public records in Case  
20 Number 2008-CF-1087. They did so in a timely manner, as we  
21 addressed in our case management conference. I think getting  
22 it in just three minutes shy, or in advance I should say, of  
23 the deadline. The Florida Department of Corrections filed  
24 their objections to the defendant's demand for additional  
25 public records. They are both within the court file, received

1 by this Court, reviewed by the Court in anticipation of our  
2 hearing that's been scheduled this morning, February 19th at  
3 10 a.m.

4 Let me also put -- I put our case number on the  
5 record, let me also put our Florida Supreme Court number,  
6 which is SC209-2421.

7 Looking out into the audience, I think we just have  
8 some spectators. I do recognize Ms. Fraivillig, who is the  
9 homicide prosecutor in Sarasota. Are you here for this  
10 hearing?

11 MS. FRAIVILLIG: Yes, your Honor.

12 THE COURT: Okay.

13 MS. FRAIVILLIG: I am.

14 THE COURT: We have court counsel, and of course  
15 clerk, bailiff, and our stenographer.

16 The other folks are just attorneys and participants.  
17 I have a docket that I'm handling when we conclude our hearing  
18 this morning. So you might see folks walk into the courtroom  
19 there. The bailiffs are ready and prepared to make sure folks  
20 are quiet and don't interfere with us in any way.

21 And again, this is State of Florida v. Michael L.  
22 King.

23 Let's take our roll call. I'll start again from  
24 left to right. So let's see, there is a -- if you can tell me  
25 who you are, who you represent. Let's see, I have a McFarland

1 in the top left corner.

2 MS. MCFARLAND: My name is Major Dawn McFarland. I  
3 am with the Salvation Army Adult Rehabilitation Center in  
4 St. Petersburg, Florida.

5 THE COURT: Okay.

6 Next I have Ms. Kelley?

7 MS. KELLEY: Good morning, your Honor. Danielle  
8 Kelley on behalf of the Florida Department of Corrections.

9 THE COURT: Mr. Browne?

10 MR. BROWNE: Good morning, your Honor. Scott Browne  
11 on behalf of the Attorney General's Office and the State of  
12 Florida.

13 THE COURT: The next box that you see, a camera is  
14 covered, that's Ms. Smith, one of the Court's counsel. We  
15 have the courtroom. And the next is Ms. Bell?

16 MS. BELL: Good morning, your Honor. Debra Bell  
17 from Capital Collateral Regional Counsel, representing  
18 Mr. King along with Mr. Shakoor.

19 THE COURT: Welcome.

20 All right, Mr. Shakoor?

21 MR. SHAKOOR: Good morning, Judge. My name is Ali  
22 Shakoor, representing Mr. King this morning, along with my  
23 cocounsel Debra Bell.

24 THE COURT: All right. Next is a box titled  
25 Investigator Clayton Roger.

1 MR. ROGER: Yes, sir. Investigator Clay Roger with  
2 CCRC Middle. I will not be speaking on the record today.

3 THE COURT: CCR Middle is what, can you give me more  
4 information?

5 MR. ROGER: The Defense.

6 THE COURT: Defense, okay.

7 MR. ROGER: Yes, sir.

8 THE COURT: Okay, Mr. Freeland?

9 MR. FREELAND: Yes, your Honor, I'm representing the  
10 Office of the Attorney General along with Mr. Browne.

11 THE COURT: Okay. Ruby, as she's identified, is my  
12 clerk. She's seated next to me, to the left here in the  
13 courtroom, counselors.

14 All right, next there is Kristen Lonergan?

15 MS. LONERGAN: Good morning, your Honor. Kristen  
16 Lonergan, also the Florida Department of Corrections. I'll  
17 just be observing today.

18 THE COURT: Okay. And then there is -- looks like  
19 we have another investigator, Dixon. Mr. Shakoor, Ms. Bell,  
20 they're with you?

21 MR. SHAKOOR: Yes, sir.

22 THE COURT: Okay. So we have an Investigator Dixon  
23 on behalf of the Defense here as well. Ms. Floyd is court  
24 counsel.

25 All right, I think we've gone through everybody

1 that's on Zoom. Let me first ask, let's see, Mr. Browne, are  
2 you expecting anyone else here?

3 MR. BROWNE: No, your Honor.

4 THE COURT: Ms. Kelley?

5 MS. KELLEY: (Shook head.)

6 THE COURT: No? I saw you say no, shake your head  
7 no.

8 Mr. Shakoor, Ms. Bell, are you expecting anyone  
9 else?

10 MR. SHAKOOR: No, sir, Judge.

11 THE COURT: Okay, so we're ready to proceed. I'll  
12 hear oral arguments related to the demand for additional  
13 documents. Mr. Shakoor and Ms. Bell, the floor is yours when  
14 you're ready.

15 MR. SHAKOOR: Okay, Judge. Thank you. I'll be  
16 handling the hearing today. I suspect that since it's our  
17 demand, we'll argue first, then the State will argue, then I  
18 would just request a brief rebuttal?

19 THE COURT: Sure, yes.

20 MR. SHAKOOR: Thank you. Thank you, Judge.

21 First things first. This is an equal protection  
22 colorable claim for relief claim. This is not an 8th  
23 Amendment claim. The State -- or sorry, the Florida  
24 Department of Corrections produced a lot of responses related  
25 to 8th Amendment argument, and our argument is premised on the

1 14th Amendment right to equal protection. If this Court were  
2 to deny our demands, we're going to have a due-process claim.  
3 But right now our concern is uniformly and fair treatment of  
4 how the protocols are being administered.

5 Mr. King has a liberty interest in his life. Like  
6 anybody else, in particular people on death row, he has a  
7 liberty interest to make sure that his life is being treated  
8 fairly compared to the other similarly situated inmates.

9 Now, what these records reveal is that we have  
10 concerns. Now, this is different than what was raised in  
11 Trotter, what was raised in Heath. We're not raising  
12 8th Amendment claims saying that our client's going to be  
13 subjected to cruel and unusual punishment. It's too premature  
14 for that. We're not raising that issue.

15 And also, the way we filed our demand and the way we  
16 wrote our demand is based on concerns. Because the records  
17 indicate that it appears -- not for sure, not conclusory  
18 statements saying this absolutely happened -- we're saying  
19 that it appears that the Florida Department of Corrections has  
20 not been following their protocol in a uniform manner. And in  
21 doing that, that could subject Mr. King to his constitutional  
22 rights being violated.

23 Now, it's important for these courts, and us as  
24 counsel, in particular us as defense counsel, to protect human  
25 beings, protect man against the power of the government.

1 Particularly against the power of government agencies. And  
2 the State's relying on -- or FDOC is relying on certain  
3 presumptions. But these presumptions are rebuttable. Yes, we  
4 can presume that they're going to follow the law, we would  
5 hope they're going to follow the law. But these limited  
6 records that we obtained from the Walls litigation, based on  
7 records I was supplied by FDOC, raises concerns that perhaps  
8 they are not following the law in a uniform manner. And that  
9 raises concerns about whether or not Mr. King is going to be  
10 treated properly and fairly in a uniform manner, because he  
11 has a 14th Amendment equal protection right to be treated like  
12 other similarly situated defendants.

13 Now, we also argue at the end of our demand that  
14 we're willing to be reasonable. Our tone does not match the  
15 tone of the State's objection, or even probably the tone of  
16 some of the other demands that have been filed. We're trying  
17 to be reasonable, we're just trying to protect our client's  
18 rights. As we said in number 12 at the end of our demand,  
19 we're willing to further negotiate with FDOC, with the  
20 moderation of this Court, to make sure that we're maintaining  
21 confidentiality of the team members, maintaining that --  
22 making sure that we're maintaining the confidentiality of  
23 manufacturer of the pharmaceutical agents.

24 But we have a duty to absolutely make sure Mr. King  
25 is being treated fairly compared to other similarly situated

1 defendants. There's a lot of 8th Amendment stuff in the  
2 State's objection, but we're not raising an 8th Amendment  
3 claim. If records were to be produced that could then raise  
4 8th Amendment concerns, based on further evidence of  
5 maladministration or such, that could be down the road. We  
6 can always amend or file something different, but right now we  
7 see this as a 14th Amendment issue under the guise of equal  
8 protection, based on similar defendants not being treated  
9 equally.

10 Now, as for equal protection, one of the things that  
11 we ask for -- or one of the things that we recognize from the  
12 Walls litigation is that Mr. Gudinas and Mr. Wainwright, two  
13 deceased Florida inmates, were not given proper dosage of  
14 drugs. We're not saying that absolutely happened. We're not  
15 saying that, oh, this happened for sure, and we got all the  
16 evidence. But the records produced by FDOC raise concerns  
17 that they were not administered the proper dosage. And  
18 Mr. King, like Mr. Wainwright and like Mr. Gudinas, has a sex  
19 charge. So if defendants with sex charges are not getting the  
20 same dosages as other people on death row, for whatever  
21 reason, then that's absolutely a concern. That would  
22 absolutely be a violation of equal protection rights. That  
23 would absolutely be against the law. But we don't know why  
24 this is happening. We don't know if it's an accident, we  
25 don't know if it's intentional. But we absolutely have raised

1 a colorable claim for relief, based on the records that we  
2 have.

3           So at this point I will defer -- or turn it over to  
4 the State -- or FDOC. As to not be repetitive, but, again,  
5 this is not an 8th Amendment claim. So cruel and unusual  
6 discussion about pain and suffering, like in the Trotter  
7 decision which is attached to the State's objection, we're not  
8 talking about pain and suffering right now. We're talking  
9 about being treated fairly under the law. And it's the duty  
10 of the courts to protect the individual under the Constitution  
11 against the power of the state agencies. State agencies are  
12 not infallible where they can't make mistakes or they can't do  
13 something wrong. We have the venue or the avenue to request  
14 these records.

15           Now, if the Legislature wanted to, they could have a  
16 law saying that, after a death warrant is signed, the only  
17 records that a defendant's entitled to would be psych records,  
18 medical records, and classification records, that's it.  
19 That's not the law. We have these avenues under (h) and (i)  
20 to request the records that we're asking for. And we're not  
21 making any specious allegations, we are raising concerns based  
22 on the records that were provided by FDOC. And these concerns  
23 require further review and further consultation regarding how  
24 to protect Mr. King's rights.

25           And again, we're willing to negotiate. We're going

1 to be filing a stay before we file a 3.851 motion. I'll do an  
2 ore tenus stay today, just based on this records issue,  
3 because we're willing to negotiate. This Court can sua sponte  
4 the issue of stay, to figure out exactly how to protect  
5 Mr. King's rights while protecting the concerns of FDOC.

6 I'll save the rest for rebuttal. Thank you.

7 THE COURT: Thank you, Mr. Shakoor.

8 Mr. Browne?

9 MR. BROWNE: Your Honor, thank you. I will -- since  
10 FDOC has the records request, and they filed response, I will  
11 rely on the FDOC to argue the motion. If there is something  
12 certainly that I see that needs to be addressed, I would ask  
13 for a brief moment to address it after FDOC. Thank you.

14 THE COURT: Ms. Kelley?

15 MS. KELLEY: Yes, your Honor. To quote Defense  
16 Counsel, we don't know. And that is at the heart of this  
17 case. That has been at the heart of the warrant cases we have  
18 dealt with since Walls that the Florida Supreme Court has had  
19 to address.

20 The reason why our objections contain so much  
21 8th Amendment cases in it is primarily because they're  
22 bringing this as 14th Amendment claim. But case law is clear,  
23 I believe it's in footnote 2 of our response, or footnote 1 --  
24 I think it's footnote 2, that this needs to be brought as an  
25 8th Amendment claim, not a 14th Amendment claim. This does

1 not fit in due process. Clearly they are alleging cruel and  
2 unusual.

3           Secondly, the State is entitled to a presumption  
4 that we are carrying out our duties properly. They have not  
5 rebutted that presumption. Since the Walls case -- now, we  
6 have had several warrants this year -- they have filed these  
7 records in every single case, in Heath, in Trotter, I believe  
8 in Kearse, and now this case. Each time the Florida Supreme  
9 Court has said the same thing, they are conclusory and  
10 speculation, they do not rebut the presumption that the  
11 Department of Corrections is carrying out protocol correctly,  
12 whatsoever.

13           What they did in between Heath and Trotter was they  
14 changed the argument a little bit. In Heath it was the  
15 8th Amendment is cruel and unusual, the lethal injection was  
16 cruel and unusual. And then they changed it in Trotter to,  
17 well, we're not saying it's cruel and unusual, we're saying  
18 the way FDOC carries it out is cruel and unusual. The Florida  
19 Supreme Court two days ago in an opinion in Trotter says  
20 they're making a different argument but the gist is the same.  
21 And that is exactly what's happening here with this 14th  
22 Amendment claim. It does not change. And it doesn't rebut  
23 the presumption, because each time the Florida Supreme Court  
24 has said the records they are citing, these heavily redacted  
25 records, as he even admitted -- as Defense Counsel admitted

1 "allegedly", referring to the two deceased inmates, "we don't  
2 know". He's admitting speculation over and over and over on  
3 these records, and that's what the Florida Supreme Court keeps  
4 running into. They have examined these records in each case  
5 and said no, it's not enough to rebut the State's presumption.

6 I understand that Defense Counsel in their demand  
7 said -- you know, cited Lightbourne and said it's a  
8 19-year-old case. Well, Mr. King in his own federal case, his  
9 own federal case, cites Lightbourne. We cited that in our  
10 objection. Cites Lightbourne, and it's affirmed by the 11th  
11 Supreme Court. So the courts are still using that to say,  
12 even in his own case, that the State has this presumption.

13 He has not rebutted the presumption. Even if he  
14 has, this is not a 14th Amendment claim, this would be an  
15 8th Amendment claim. And the Florida Supreme Court has  
16 routinely, already, from Walls to Heath to Trotter, said no,  
17 this is not enough. So the State stands on the rest of our  
18 pleading, your Honor.

19 THE COURT: Mr. Browne, anything that you wanted to  
20 add before Mr. Shakoor's rebuttal?

21 MR. BROWNE: No, your Honor, thank you.

22 THE COURT: Mr. Shakoor?

23 MR. SHAKOOR: Thank you, Judge. I just want to be  
24 100 percent crystal clear. This is not an 8th Amendment  
25 claim. We decide what our claims are, and we raised it as a

1 14th Amendment claim. It's a pure 14th Amendment claim, under  
2 14th Amendment -- based on a colorable claim for relief based  
3 on equal protection clause. That's what we're raising it as.  
4 We're going out of our way to be reasonable. It's the duty of  
5 us in the legal Bar and the courts to protect human beings,  
6 citizens, against the power of the state, particularly state  
7 government agencies. Particularly state government agencies.

8           And I would also just like to cite to a case, by  
9 analogy, a case that I'm sure State Counsel is familiar with,  
10 Loper Bright Enterprises versus Raimondo, 603 U.S. 369, 2024.  
11 Now, that's a different type of case, slightly, because we're  
12 talking about at the federal level, how much deference should  
13 be left to state agencies, but that energy should still be the  
14 same. The conservative originalist analysis should still be  
15 the same.

16           Courts have more power than agencies. And we have  
17 to take some of this power away from these small agencies to  
18 make sure that they are following the law. So it's not up for  
19 agencies to interpret themselves, or agencies to decide  
20 whether they're following their own laws or to have these  
21 seemingly un rebuttable presumptions of no wrongdoing. Courts  
22 have more power over these agencies, and particularly under  
23 the analysis of the United States Constitution.

24           So I'd ask this Court don't just defer to FDOC based  
25 on what they say. I'd ask this Court to follow the law based

1 on the concerns being raised, based on the records that have  
2 been provided to us. We're raising concerns based on the  
3 records.

4           We don't know for sure, that's why we have record  
5 demands. When we ask for medical records, we're not saying  
6 our client most definitely has this condition, but we still  
7 get these medical records because we have a right to find out  
8 whether certain constitutional rights are being violated. So  
9 the whole basis of record demands, there's going to be some  
10 in-the-darkness because we don't know what we don't know. But  
11 we certainly have enough right now to raise articulable  
12 concerns about FDOC not following the law in a uniform manner.  
13 So it's not an 8th Amendment claim, this is about fairness.

14           And specifically regarding Mr. Gudinas and  
15 Mr. Wainwright, I represented Mr. Gudinas, I remember the  
16 case. I had to look up Mr. Wainwright. Oh, it's a sex case.  
17 Both of those individuals, based on the records provided by  
18 FDOC, were not provided the sufficient -- the proper amount of  
19 drugs in their lethal injection cocktail. Mr. King has a sex  
20 case.

21           So I'm not making any spurious allegations, but we  
22 have to do our duty as counsel and raise these concerns based  
23 on the records that we have. And we're willing to be  
24 reasonable, and we're willing to further work with FDOC, under  
25 the Court's supervision, to protect Mr. King's rights while

1 protecting the privacy concerns of FDOC. This is a 14th  
2 Amendment case. Thank you.

3 THE COURT: Thank you, Mr. Shakoore.

4 MS. KELLEY: Your Honor, if I may just say one thing  
5 quickly. Until they rebut the presumption, which the Florida  
6 Supreme Court has said they have not done so far, using these  
7 very records, we don't even get to whether it's a  
8 14th Amendment or an 8th Amendment claim. We don't even get  
9 there until they rebut our presumption.

10 THE COURT: I think I heard you say that earlier,  
11 yes.

12 All right, counselors, again, having previously  
13 reviewed the Department of Corrections objections, the  
14 defendant's demands for additional records and documents, the  
15 Court is going to sustain the Florida Department of  
16 Corrections objections, and I will deny the Defense's demand  
17 for additional discovery and documents. I will have a written  
18 order with further explanation completed by the deadline,  
19 which is 4:00 today.

20 So I'm looking right now, folks -- if we can all get  
21 to our calendars on what we have and where we go next on the  
22 case management order that I set. The next obligation is  
23 going to be on Mr. King's counsel, any 3.851 motion will be  
24 filed, and the deadline is going to be -- we all agreed on  
25 Monday at 11:00.

1           Mr. Shakoor or Ms. Bell, is there any indication --  
2 are you able to give us any anticipation of issues or how many  
3 issues or anything we can anticipate and start preparing for?

4           MR. SHAKOOR: Not at this time, Judge. I did see  
5 your Court's order regarding if we pursue any mental-health  
6 related claims or medical related claims, we have to provide  
7 those records. So I don't anticipate doing that, but if we do  
8 we'll definitely follow that order.

9           THE COURT: Okay.

10           You have the emails for all of us, counselors. If  
11 you need to communicate, of course you can at any time. We  
12 have someone that will always be watching the email, if you  
13 need to communicate with us for any reason. If there's  
14 anything you want to share at any time, you can always  
15 communicate, of course with all parties involved being  
16 carbon-copied, okay?

17           MR. SHAKOOR: Thank you.

18           THE COURT: Okay, so my written order will be out by  
19 4:00 today. Let's see, anything else from the Defense that we  
20 need to address today before we adjourn? Mr. Shakoor,  
21 Ms. Bell?

22           MR. SHAKOOR: I don't think so, Judge. I think I  
23 emailed, after our last court date, that Mr. King does want to  
24 be transported if there's an evidentiary hearing. And I  
25 informed your JA about that, and I informed FDOC about that.

1 But that's all I can think of right now.

2 THE COURT: Thank you, Mr. Shakoor. We did get that  
3 notice, so I am aware. And thank you for reminding me of  
4 that, yes.

5 All right, Mr. Browne, anything else from the State  
6 to address before we adjourn?

7 MR. BROWNE: No, your Honor, thank you.

8 THE COURT: Ms. Kelley --

9 MR. FREELAND: Your Honor, I do have one request.  
10 This is Tim Freeland from the AG.

11 THE COURT: Okay, Mr. Freeland?

12 MR. FREELAND: Mr. Shakoor did make an ore tenus  
13 motion to stay. And I know he's probably intending to file a  
14 written one, but we would ask the Court to -- as of now, to  
15 deny the ore tenus motion.

16 THE COURT: Yes. At this point I will deny the  
17 ore tenus motion to stay the proceedings. Of course we'll  
18 wait for Mr. Shakoor, if he wishes to proceed in writing, to  
19 do so. Okay?

20 MR. FREELAND: Thank you.

21 THE COURT: All right, anything else from Florida  
22 Department of Corrections?

23 MS. KELLEY: No, your Honor, thank you.

24 THE COURT: Okay. All right, thank you, everybody,  
25 for being on time, prepared, following through with all our

1 obligations. I know it's a lot of work that everybody is  
2 involved in. So continue the hard work, and we'll await the  
3 deadline of Monday at 11:00 for the Defense motion. Okay?  
4 All right, have a good weekend, everyone.

5 (THE PROCEEDINGS WERE ADJOURNED AT 10:25 A.M.)

6

7

8

C E R T I F I C A T I O N

9 I, SARAH MARTIN, RMR, CRR, Official Court Reporter in  
10 and for the Twelfth Judicial Circuit of the State of Florida,  
11 do hereby certify that I reported, by shorthand machine, the  
12 proceedings had and testimony taken in the above-entitled  
13 cause, and that on February 19, 2026, the foregoing Pages 1-19  
14 were truly and accurately transcribed from my shorthand notes  
15 taken at the time and place herein set forth.

16

17

18

  
\_\_\_\_\_  
Sarah Martin, RMR, CRR  
Official Court Reporter

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No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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MICHAEL L. KING,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

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***THIS IS A CAPITAL CASE  
DEATH WARRANT SIGNED  
WITH AN EXECUTION SCHEDULED FOR  
TUESDAY, MARCH 17, 2026 AT 6:00 P.M.***

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**APPENDIX G**

February 18, 2025 FDOC Lethal Injection Protocols



# 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



# FLORIDA DEPARTMENT OF CORRECTIONS

GOVERNOR  
RON DESANTIS

SECRETARY  
RICKY DIXON

## 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

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

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.

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 minister 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.

- (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.

- (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.

- (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

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.

- (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.

- (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.

- (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

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.

- (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.

- (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.

  
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RICKY D. DIXON  
SECRETARY

2/18/2025  
\_\_\_\_\_  
DATE