No. ______

In the Supreme Court of the United States

CHADWICK WILLACY,
Petitioner,
v.
STATE OF FLORIDA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE FLORIDA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

CAPITAL CASE
DEATH WARRANT SIGNED
Execution Scheduled: April 21, 2026, at 6:00 PM ET

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CAPITAL CASE

QUESTION PRESENTED

Whether a capital postconviction defendant is entitled as a matter of due process and equal protection to records related to the state's lethal injection protocols when any other member of the general public would be able to obtain the records under the rights provided by the state to open access of the government and public records?

LIST OF PARTIES

Chadwick Willacy

State of Florida

RELATED CASES

Trial and Sentencing

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Indicted September 7, 1990, Convicted October 17, 1991, Sentenced to Death December 11, 1991.
Unreported

Direct Appeal

Florida Supreme Court
Docket Number: SC1960-79217
Case Caption: Chadwick Willacy v. State of Florida
Date of Entry of Judgement: Conviction Affirmed, Sentence of Death Vacated, Remanded for Resentencing May 12, 1994; Rehearing Denied August 15, 1994.
Willacy v. State, 640 So. 2d 1079 (Fla. 1994)

Resentencing

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Sentenced to Death November 20, 1995
Unreported

Appeal of Resentencing

The Supreme Court of Florida
Docket Number: No. 86994
Case Caption: Willacy v. State
Date of Entry of Judgement: Conviction Affirmed April 24, 1997; Rehearing Denied June 4, 1997.
Willacy v. State, 696 So. 2d 693 (Fla. 1997)

Petition for Writ of Certiorari

United States Supreme Court
Docket Number: 97-5893

Case Caption: Willacy v. Florida

Date of Entry of Judgement: Denied November 10, 1997.
Willacy v. Fla., 522 U.S. 970, 118 S. Ct. 419, 420, 139 L. Ed. 2d 321 (1997)

Rule 3.851 Motion & Amended Rule 3.851 Motion

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied November 19, 2004.
Unreported

Appeal From Denial of Amended Rule 3.851 Motion & Writ of Habeas Corpus

The Supreme Court of Florida
Docket Number: Nos. SC05–189, SC05–2021
Case Caption: Willacy v. State
Date of Entry of Judgement: Sentence Affirmed, Appeal Denied June 28, 2007; Rehearing Denied October 10, 2007.
Willacy v. State, 967 So. 2d 131 (Fla. 2007)

Petition for Writ of Certiorari

United States Supreme Court
Docket Number: No. 07–8747
Case Caption: Willacy v. Florida
Date of Entry of Judgement: Denied March 17, 2008.
Willacy v. Fla., 552 U.S. 1265, 128 S. Ct. 1665, 170 L. Ed. 2d 368 (2008)

Petition for Writ of Habeas Corpus

The Supreme Court of Florida
Docket Number: No. SC09–1859
Case Caption: Willacy v. McNeil
Date of Entry of Judgement: Denied March 19, 2010.
Willacy v. McNeil, Florida Supreme Court Case No. Sc09-1859 (Fla. 2010).

Successive Rule 3.851 Motion (Based on Porter v. McCollum)

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy

Date of Entry of Judgement: Denied November 1, 2010.
Unreported

Appeal from Denial of Successive Rule 3.851 Motion (Based on Porter v. McCollum)

The Supreme Court of Florida
Docket Number: No. SC11–99
Case Caption: Willacy v. State
Date of Entry of Judgement: Judgement Affirmed April 26, 2012; Rehearing Denied June 7, 2012.
Willacy v. State, 90 So. 3d 822 (Fla. 2012).

Petition for Writ of Certiorari

United States Supreme Court
Docket Number: No. 12–7494
Case Caption: Willacy v. Florida
Date of Entry of Judgement: Denied January 22, 2013.
Willacy v. Fla., 568 U.S. 1147, 133 S. Ct. 998, 184 L. Ed. 2d 768 (2013)

Federal Habeas Corpus Petition

United States District Court of Appeals, Middle District of Florida, Orlando Division
Docket Number: No. 6:08–cv–619–Orl–31LRS
Case Caption: Willacy v. Secretary, Department of Corrections, et. al.
Date of Entry of Judgement: Petition and Certificate of Appealability Denied July 18, 2014.
Willacy v. Sec'y, Dep't of Corr., No. 6:08-CV-619-ORL-31, 2014 WL 3594213, at *1 (M.D. Fla. July 18, 2014), *aff'd sub nom. Willacy v. Sec'y, Fla. Dep't of Corr.*, 703 F. App'x 744 (11th Cir. 2017)

Appeal from Denial of Petition of Federal Habeas Corpus

United State Court of Appeals, Eleventh Circuit
Docket Number: No. 14–13797
Case Caption: Willacy v. Secretary, Department of Corrections
Date of Entry of Judgement: Denial Affirmed March 30, 2017; Opinion Vacated, Rehearing Granted and Denial Affirmed July 12, 2017.
Willacy v. Sec'y, Fla. Dep't of Corr., 703 F. App'x 744 (11th Cir. 2017)

Petition for Writ of Habeas Corpus

The Supreme Court of Florida

Docket Number: SC16–497
Case Caption: Willacy v. Jones
Date of Entry of Judgement: Denied March 17, 2017.
Willacy v. Jones, No. SC16-497, 2017 WL 1033679, at *1 (Fla. Mar. 17, 2017)

Successive Motion to Vacate Death Sentence, And Alternatively Motion to Correct Illegal Sentence (Based on Hurst v. Florida)

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied August 4, 2017.
Unreported

Appeal from Denial of Successive Motion to Vacate Death Sentence, And Alternatively Motion to Correct Illegal Sentence (Based on Hurst v. Florida)

The Supreme Court of Florida
Docket Number: No. SC17–1605

Case Caption: Willacy v. State
Date of Entry of Judgement: Judgement Affirmed January 23, 2018, Rehearing Stricken February 22, 2018.
Willacy v. State, 238 So. 3d 100 (Fla. 2018)

Petition for Writ of Certiorari (Based on Hurst v. Florida)

United States Supreme Court
Docket Number: No. 17–7853
Case Caption: Willacy v. Jones
Date of Entry of Judgement: Denied April 30, 2018.
Willacy v. Jones, 584 U.S. 964, 138 S. Ct. 1700, 200 L. Ed. 2d 957 (2018)

Pro Se Motion to Alter or Amend Judgement

United States District Court of Appeals, Middle District of Florida, Orlando Division
Docket Number: No. 6:08-cv-619-Orl-31KRS
Case Caption: Willacy v. Secretary, Department of Corrections
Date of Entry of Judgement: Motion and Certificate of Appealability Denied June 27, 2018.

Willacy v. Sec'y, Dep't of Corr., No. 608CV619ORL31KRS, 2018 WL 11244847, at *1 (M.D. Fla. June 27, 2018)

<u>Motion to Dismiss Petition for Review</u>

The Supreme Court of Florida
Docket Number: SC20-361
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Date of Entry of Judgement: Granted April 3, 2020
Willacy v. State, No. SC20-361, 2020 WL 1673207, at *1 (Fla. Apr. 3, 2020)

<u>Successive Motion for Postconviction Relief (Based on Flowers v. Mississippi)</u>

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied August 12, 2020.
Unreported

<u>Appeal from Denial of Successive Motion for Postconviction Relief (Based on Flowers v. Mississippi)</u>

The Supreme Court of Florida
Docket Number: No. SC20-1261

Case Caption: Willacy v. State
Date of Entry of Judgement: Judgement Affirmed April 1, 2021.
Willacy v. State, 314 So. 3d 246, 247 (Fla. 2021)

<u>Pro Se All Writs Petition</u>

The Supreme Court of Florida
Docket Number: SC2023-0306
Case Caption: Willacy v. State
Date of Entry of Judgement: Stricken April 13, 2023.
Willacy v. State, No. SC2023-0306, 2023 WL 2943013, at *1 (Fla. Apr. 13, 2023)

<u>Pro Se All Writs Petition</u>

The Supreme Court of Florida

Docket Number: SC2022-1653
Case Caption: Willacy v. State
Date of Entry of Judgement: Denied April 13, 2023.
Willacy v. State, No. SC2022-1653, 2023 WL 2943017, at *1 (Fla. Apr. 13, 2023)

Defendant's Demand for Additional Public Records Florida Department of Corrections ("FDOC")

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
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Case Caption: State v. Willacy
Date of Entry of Judgement: Denied March 23, 2026.
Unreported

Defendant's Demand for Additional Public Records from the Office of the Attorney General

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied March 23, 2026.
Unreported

Defendant's Demand for Additional Public Records Florida Department of Corrections

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied March 23, 2026.
Unreported

Defendant's Demand for Additional Public Records from the Executive Office of Governor Ron DeSantis

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied March 23, 2026.
Unreported

Defendant's Demand for Additional Public Records from the Office of the State Attorney, Eighteenth Judicial Circuit

Circuit Court of the Eighteenth Judicial Circuit, Brevard County Florida
Docket Number: 05-1990-CF-016062-A
Case Caption: State v. Willacy
Date of Entry of Judgement: Denied March 23, 2026.
Unreported

Petition for Writ of Mandamus

The Supreme Court of Florida
Docket Number: SC2026-0483
Case Caption: Willacy v. State
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Unreported

Petition for Writ of Habeas Corpus

The Supreme Court of Florida
Docket Number: SC2026-0526
Case Caption: Willacy v. State
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Appeal of Denial of Public Records, Motion for In-Camera Inspection, Motion for Rehearing, and Motion for Extension of Time

The Supreme Court of Florida
Docket Number: SC2026-0519
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STATEMENT OF THE CASE

REASON PETITION SHOULD BE GRANTED

I. A STAY OF EXECUTION IS APPROPRIATE TO ALLOW THIS COURT TO REMEDY THE DUE PROCESS VIOLATIONS PRESENTED BY WILLACY FOR THIS COURT TO REVIEW BECAUSE THE QUESTIONS PRESENTED ARE TETHERED TO THE INTEGRITY OF WILLACY'S IMMINENT EXECUTION.

II. FLORIDA SYSTEMATICALLY PRECLUDES CAPITAL POSTCONVICTION DEFENDANTS FROM OBTAINING PUBLIC RECORDS KEPT IN ACCORDANCE WITH LETHAL INJECTION EXECUTION PROTOCOLS THUS MAKING PROCEEDINGS PURSUANT TO FLORIDA STATUTE § 27.7081 AND FLORIDA RULES OF CRIMINAL PROCEDURE 3.852(i) AN IMPOSTURE FOR DUE PROCESS AND EQUAL PROTECTION.

III. WILLACY IS BEING DENIED DUE PROCESS AND MEANINGFUL ACCESS TO THE JUDICIAL PROCESS BECAUSE HE IS BEING DENIED A MEANINGFUL AVENUE FOR APPELLATE REVIEW.

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PETITION FOR WRIT OF CERTIORARI

Chadwick Willacy respectfully petitions for a writ of certiorari to review a judgment of the Florida Supreme Court.

DECISIONS AND ORDERS BELOW

The opinion of the Florida Supreme Court is attached as Appendix A. The order of the Eighteenth Judicial Circuit of the State of Florida, Brevard County, (warrant court) is unpublished and attached as Appendix F and Appendix G.

JURISDICTION

The judgment of the Florida Supreme Court was entered on April 15, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES INVOLVED

The Fifth Amendment of the U.S. Constitution provides, in relevant part:

> No person shall… be deprived of life, liberty, or property, without due process of law…

The Eighth Amendment of the U.S. Constitution provides:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The Fourteenth Amendment of the U.S. Constitution provides, in relevant part:

> No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article I, § 24(a) of the Florida Constitution provides:

> Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically

> made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

Florida Statute § 27.708(3) provides that:

> Except as provided in s. 27.7081, the capital collateral regional counsel or contracted private counsel shall not make any public records request on behalf of his or her client.

Florida Statute § 27.7081(8)(c)3. provides that:

> The additional public records sought are relevant to the subject matter of a postconviction proceeding under Rule 3.851, Florida Rules of Criminal Procedure, or appear reasonably calculated to lead to the discovery of admissible evidence.

Florida Rules of Criminal Procedure, Rule 3.852(i) provides that:

> (1) In order to obtain public records in addition to those provided …, collateral counsel shall file an affidavit in the trial court which:
>
> > (A) attests that collateral counsel has made a timely and diligent search of the records repository; and
> >
> > (B) identifies with specificity those public records not at the records repository; and
> >
> > (C) establishes that the additional public records are either relevant to the subject matter of the postconviction proceeding or are reasonably calculated to lead to the discovery of admissible evidence; and
> >
> > (D) shall be served in accord with subdivision (c)(1) of this rule.

STATEMENT OF THE CASE

Chadwick Willay was sentenced to death in November of 1995, and the Florida Supreme Court affirmed his sentence in 1997. *Willacy v. State*, 696 So. 2d 693 (Fla. 1997), *cert. denied*, 522 U.S. 970 (1997). Subsequently, Chadwick Willacy sought postconviction relief and was denied relief. The question presented to this Court stems from Willacy's pre-warrant demand for public records on March 6, 2026, and the Florida Supreme Court's orders and opinions denying Mr. Willacy meaningful postconviction review and access to the courts.[1]

On Friday, March 6, 2026, Willacy filed a Demand for Public Records from the Florida Department of Corrections[2] seeking public records held by FDOC in accordance with its lethal injection protocol.[3] One week later, Friday, March 13, 2026, a warrant scheduling the execution of Mr. Chadwick Willacy's was signed. Neither FDOC nor the attorney general's office contacted Willacy regarding the public records demanded in the week between the demand being filed and the warrant being signed.

Willacy filed additional public record demands post-warrant seeking interagency and intra agency communications regarding the pre-warrant public

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[1] Apps. A; B, Opinion, *Willacy v. State*, --- So. 3d. ---, 2026 WL 1021168 (Fla. Apr. 15, 2026) (denying Writ of Habeas Corpus SC2026-0526, and Appellant's Initial Brief, SC2026-0519); Order, *Chadwick Willacy v. State of Fla.*, SC2026-0483 (Fla. Mar. 31, 2026) (order denying petition for writ of mandamus and notice of delay).

[2] Hereinafter, "FDOC"

[3] App. D, Def.'s Demand for Additional Public Records Fla. Dep't of Corr. ("FDOC"), State of Fla. v. Chadwick Willacy, 1990-CF-016062-A (Cir. Crt. 18th Jud. Cir., Brevard County, Fla., Mar. 6, 2026); App. Q, "Execution by Lethal Injection Procedures," Florida Department of Corrections, signed and certified by Sec'y Ricky Dixon, Feb. 18, 2025.

record demand. All demands were filed in the trial court for the Eighth Judicial Circuit in and for Brevard County.

The trial court entered a scheduling order directing the agencies to file responses and objections to both the pre-warrant and post-warrant public record demands. FDOC objected to Willacy's pre-warrant public record demand arguing three grounds: first, FDOC is "entitled to a presumption that it is carrying out executions in compliance with the lethal injection protocol," citing *Long v. State*, 271 So. 3d 938, 946 (Fla. 2019); second, Willacy failed to overcome FDOC's presumption and failed to relate to a "colorable claim" for relief; and lastly, FDOC is entitled to a statutory exemption pursuant to Florida Statute § 945.10.[4]

On March 23, the trial court held a hearing for oral argument from the agencies and Willacy.[5] Willacy argued that the pre-warrant records he sought did in fact relate to a colorable claim for relief, especially in light of recent FDOC logs filed in Frank Walls case in November 2025. The records sought would reasonably relate to further discovery of evidence in support of an Eighth Amendment violation. The records would be reviewed by a defense expert for consideration of FDOC's noncompliance with the accepted protocol would lead to Willacy being unnecessarily subjected to

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[4] App. D, Dep't of Corr. Objections to Def.'s Demands for Additional Public Records, State of Fla. v. Chadwick Willacy, 1990-CF-016062-A (Cir. Crt. 18th Jud. Cir., Brevard County, Fla., Mar. 19, 2026).

[5] App. E, Hr'g on Public Records Objections Tr., State of Fla. v. Chadwick Willacy, 1990-CF-016062-A, Mar. 23, 2026.

cruelty or suffering by the actions or inactions of FDOC.[6] Willacy also argued and explained that FDOC's reliance upon Florida Statute 945.10 is inapplicable because the statute narrowly and limitedly exempts specific information contained within the public records related to identities of individuals taking part in the execution and sources/suppliers of the lethal drugs used.[7] Willacy also argued that the records sought fall within the meaning of "public records" and would reasonably be obtained by the general public. In addition to FDOC's written objections, FDOC asserted and argued that Florida Statute § 945.10 exempted the lethal injection records sought in their entirety.

The trial court relied on FDOC's objections and assertions without reviewing the lethal injection records in an in-camera inspection. The trial court entered orders denying Willacy pre-warrant and post-warrant public record demands; sustained the agency objections; and denied Willacy's requests for rehearing and in-camera inspection of the records.[8]

Willacy sought intervention from the Florida Supreme Court on March 25, 2026, by filing a writ of mandamus seeking an order directing the trial court and

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[6] App. E, Hr'g on Public Records Objections Tr., State of Fla. v. Chadwick Willacy, 1990-CF-016062-A, Mar. 23, 2026.

[7] App. E, Hr'g on Public Records Objections Tr., State of Fla. v. Chadwick Willacy, 1990-CF-016062-A, Mar. 23, 2026.

[8] App. F,Order on Public Records Objections, State of Fla. v. Chadwick Willacy, 1990-CF-016062-A (Cir. Crt. 18th Jud. Cir., Brevard County, Fla., Mar. 23, 2026) (denying def.'s public records demands and sustaining objections); App. G, Order Denying Def.'s "Mot. For Reh'g of Public Records Demands/Motion for In-Camera Inspection," State of Fla. v. Chadwick Willacy, 1990-CF-016062-A (Cir. Crt. 18th Jud. Cir., Brevard County, Fla., Mar. 25, 2026).

agencies to release the records.[9] Willacy concurrently filed a motion for extension of time in the trial court to file a successive postconviction motion because the records he sought were critical and necessary to support a viable Eighth Amendment claim that would be contained within said motion.

The Attorney General's Office responded to Willacy's Writ of Mandamus and argued that Willacy was not entitled to mandamus relief and that "the lower court order at issue is reviewable on appeal from a final order, and [the Florida Supreme Court] can grant relief at that time…"[10] FDOC did not file a response to Willacy's petition for writ of mandamus. Willacy replied to the Attorney General's response and outlined for the Florida Supreme Court why mandamus relief was warranted and even outlined for the court the recent proceedings in *Melvin Trotter v. State*, SC2026-0168.[11] Five days later, on March 31, 2026, the Florida Supreme Court entered an order denying Willacy's petition for writ of mandamus, stating "[t]he petition for writ of mandamus is hereby denied" after the trial court had already entered an order concluding post-warrant proceedings on March 27, 2026. No further opinion or reasoning was offered.

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[9] App. H, Pet'r's Pet. for Writ of Mandamus, Order, Chadwick Willacy v. State of Fla., et. al., SC2026-0483 (Fla. Mar. 25, 2026).

[10] App. I, Resp't's Resp. to Pet. for Writ of Mandamus, Order, Chadwick Willacy v. State of Fla., et. al., SC2026-0483 (Fla. Mar. 26, 2026).

[11] App. J, Pet'r's Reply to Resp't's Resp. to Pet. for Writ of Mandamus, Order, Chadwick Willacy v. State of Fla., et. al., SC2026-0483 (Fla. Mar. 26, 2026).

Willacy continued to seek judicial review from the Florida Supreme Court by presenting the issue of the denial of the public records and arguing the denial violates both his due process and equal protection guarantees through a Petition for Writ of Habeas Corpus in SC2026-0526.[12] Willacy also appealed the trial court's orders denying Willacy's demands for public records, motion for in-camera inspection, and motion for rehearing in SC2026-0519.[13] Willacy petitioned the courts through every possible legal vehicle available to him.

The Florida Supreme Court denied Willacy relief, utilizing certiorari review, and held that "for the sake of argument that Willacy [had] satisfied a showing of irreparable harm…" but had "not demonstrated that the circuit court departed from the essential requirement of the law by denying his records requests." *Willacy v. State*, --- So. 3d. ---, 2026 WL 1021168 at * 12 (Fla. Apr. 15, 2026). The Florida Supreme Court reasoned that Willacy's pre-warrant public records demand "constituted a fishing expedition seeking records in the hope of uncovering a claim rather than supporting an existing one." *Willacy v. State*, --- So. 3d. ---, 2026 WL 1021168 at * 16 (Fla. Apr. 15, 2026).

The plurality opinion of the Florida Supreme Court contained lengthy discussion regarding the proper jurisdiction for review of the circuit court's order

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[12] App. K, Pet'r's Pet. for Writ of Habeas Corpus, Chadwick Willacy v. State of Fla., et. al., SC2026-0526 (Fla. Apr. 2, 2026).

[13] App. M, Initial Br. of the Appellant, Chadwick Willacy v. State of Fla., SC2026-0519 (Fla. Apr. 6, 2026).

denying him access to public records. Interestingly, the Florida Supreme Court determined that the appropriate vehicle was a motion seeking "review of nonfinal orders in death penalty postconviction proceedings" *Willacy v. State*, --- So. 3d. ---, 2026 WL 1021168 at * 7-9 (Fla. Apr. 15, 2026). This is inconsistent with the Florida Supreme Court's order in *Mevlin Trotter v. State*, SC2026-0168, in which the Florida Supreme Court denied Trotter's motion for review of a non-final order as "moot" upon entering an order and opinion denying Trotter's appeal of his successive post-conviction motion.

Willacy's case exemplifies that Florida's rules and statutes intended to allow capital postconviction defendants to obtain public records are impersonating due process. Without intervention from this Court, Florida, and states with similar patterns of conduct, will continue to violate due process; access to the courts; and equal protection rights of capital postconviction defendants. Additionally, FDOC will continue to execute defendants that have no way of determining whether FDOC is complying with its own protocols.

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REASON PETITION SHOULD BE GRANTED

I. A STAY OF EXECUTION IS APPROPRIATE TO ALLOW THIS COURT TO REMEDY THE DUE PROCESS VIOLATIONS PRESENTED BY WILLACY FOR THIS COURT TO REVIEW BECAUSE THE QUESTIONS PRESENTED ARE TETHERED TO THE INTEGRITY OF WILLACY'S IMMINENT EXECUTION.

It is the role of the judiciary to ensure challenges to lawfully issued sentences are resolved fairly and expeditiously. *Bucklew v. Precythe*, 587 U.S. 119, 150 (2019). Willacy presents a question of constitutional significance and could not have sought judicial review at an earlier time.

Willacy presents this Court with a single question which this Court and only this Court can resolve. Willacy has been denied due process and equal protection and has exhausted all remedies in state court to no avail. Florida's courts have continued to deny Willacy any relief and have failed to address the merits of Willacy's argument: the judicially imposed requirement deny capital postconviction defendant's meaningful access to the courts and deny appellate review. When determining whether this Court will grant Willacy's Petition for Certiorari, this Court should equally look to the four factors of a "traditional standard for a stay" which includes: (1) whether there is a strong showing of success on the merits; (2) whether there will be irreparable injury; (3) whether there will be substantial injury to other interested parties; and (4) public interest. See, *Bucklew v. Precythe*, 587 U.S. at 171-172 (Sotomayor, J. dissenting); *Nken v. Holder*, 556 U.S. 418, 425-426 (2009); *Hilton v. Braunskill*, 481 U.S. 770, 777 (1987).

Willacy is being denied the most basic of requests, access to public records. As seen in this Court in recent filings from Florida's capital postconviction defendants, records filed in Frank Walls' post-warrant proceedings provide reasonable evidence that Florida's Department of Corrections has very recently in 2025, failed to carry out the lethal injection executions within the accepted protocol. Willacy, and capital postconviction defendants similarly situated, are being denied records which would reasonably lead to an appropriate claim for relief or even providing for a focused investigation of an Eighth Amendment violation claim. In addition to Willacy's strong showing of success on the merits, as will be discussed below, the imminent execution of Mr. Willacy being carried out in violation of Florida's lethal injection protocol causing a substantial risk of needless pain and cruelty, presents harm that is irreparable. Other inmates who will be executed by the Florida Department of Corrections are also at risk of irreparable injury. Florida alone accounted for 40% of all executions in the United States in 2025. In 2026, Florida has accounted for four out of the seven executions that have occurred across the country. This year, Florida's governor has signed seven death warrants at the time of this writing.

There is no substantial injury to the state which can be credibly asserted regarding the disclosure of public records kept in compliance with the lethal injection protocol procedure. Florida's interests are not substantially injured through the disclosure of said records.

Lastly, the public has an interest in ensuring that the State is in fact carrying out executions in Florida in accordance with the Eighth Amendment. Florida's public

has an interest that Mr. Chadwick Willacy will be executed humanely and without needless pain and suffering. The public also has an interest in Florida Department of Corrections' transparency supporting whether they are constitutionally carrying out executions in the name of the State of Florida.

This Court's presumption against petitions in the eleventh hour before an inmate is executed is inapplicable to claims asserting the imminent execution will violate the Constitution when the Eighth Amendment violation is predicated upon current actions and failures demonstrating a pattern of behavior during executions by a state's department of corrections. It is also significant that Mr. Willacy proactively sought public records prior to his execution being scheduled. It was the actions of the State of Florida, through the signing of Willacy's warrant, which intervened and created expediated proceedings and review of the issues presented.

Petitioner anticipates the State of Florida will argue that Willacy seeks to evade justice and contort constitutional interpretation of constitutional principles. These arguments simply ignore the Florida Department of Corrections' pattern of significant protocol deviation by administering etomidate which appears to have reached or surpassed its expiration nor is the full extent of the protocol deviation fully known. There is no greater public interest than governmental transparency when the State exercises the ultimate power, taking a man's life.

II. FLORIDA SYSTEMATICALLY PRECLUDES CAPITAL POSTCONVICTION DEFENDANTS FROM OBTAINING PUBLIC RECORDS KEPT IN ACCORDANCE WITH LETHAL INJECTION EXECUTION PROTOCOLS THUS MAKING PROCEEDINGS PURSUANT TO FLORIDA STATUTE § 27.7081 AND FLORIDA RULES OF CRIMINAL PROCEDURE 3.852(i) AN IMPOSTURE FOR DUE PROCESS AND EQUAL PROTECTION.

The Fourteenth Amendment of the U.S. Constitution requires states implement standards to ensure fundamental fairness in judicial proceedings. *Lassiter v. Dep't of Soc. Servs. of Durham Cnty., N. C.*, 452 U.S. 18, 33 (1981). Due process and equal protection are the emphasis of our entire judicial system. It is well established that a "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) (citing, *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

Florida Rules of Criminal Procedure, Rule 3.852(i) governs postproduction requests for additional records such as those requested in this case. The intention of the Rule promulgated by the Florida Supreme Court and later enacted in Florida legislation was to improve efficiency and to expedite access to Chapter 119 information to be incorporated in capital postconviction defendants' pleadings. In 1996, the chief justice of the Florida Supreme Court requested what has become known at the "the Shevin Report" to address a backlog of capital postconviction cases. See, Appendix O. The Florida Supreme Court's intent and the legislative intent were clear in the promulgation and amendments, **neither was to limit a capital postconviction defendant's constitutional and statutory rights to production of public records**. *In re Amendment to Florida Rules of Criminal*

Procedure -Capital Postconviction Public Records Production, 683 So. 2d 475, 475-476 (Fla. 1996); *See also*, SB 898 (1998), Bill Analyses; SB 1330 (1998), Bill Analyses.

Rule 3.852 requires postconviction counsel for the defendant to "establish that the additional public records are *either* relevant to the subject matter of the postconviction proceeding *or* are reasonably calculated to lead to the discovery of admissible evidence" Fla. R. Crim. P. 3.852(i)(1)(C) (emphasis added). Despite satisfying this burden, Petitioner, Chadwick Willacy, a capital postconviction defendant, has been precluded from inspecting and copying specific public records in contravention with Florida Constitution Article I, § 24; Chapter 119, "Public Record Laws;" Fla. Stat. § 27.7081; and the Fla. R. Crim. P. 3.852.

a. *Fundamental principles of due process*

The Fourteenth Amendment of the U.S. Constitution mandates that states implement standards to ensure fundamental fairness in judicial proceedings. *Lassiter v. Dep't of Soc. Servs. of Durham Cnty., N. C.*, 452 U.S. 18, 33 (1981).

Postconviction proceedings are not immune from due process principles of fundamental fairness. This Court "has recognized that postconviction proceedings must comport with due process" and has found violations of due process when the defendant was deprived of the opportunity to present evidence or witnesses. *Roberts v. State*, 840 So. 2d 962, 971 (Fla. 2002) (citing, *Johnson v. Singletary*, 647 So. 2d 106 (Fla. 1994) and *Provenzano v. State*, 750 So. 2d 597 (Fla. 1999)).

Willacy is denied fundamental principles of fairness when being precluded access to public records regarding FDOC's compliance with its lethal injection protocol.

Due process mandates that postconviction capital defendants are given access to the evidence and information which are necessary for claims seeking postconviction relief and meaningful access to the courts. Precluding Willacy from access to information in the sole custody of FDOC prevents meaningful access to the courts and prevents Willacy from being heard in a meaningful manner. Not only did Willacy satisfy Florida's statutorily imposed burden of establishing the records sought were relevant to the postconviction proceeding, he also satisfied his burden that the records would lead to admissible evidence. Significantly, Willacy also satisfied the judicially imposed burden establishing that the public records sought were related to a colorable claim for relief.

Simply providing that Willacy may file a demand for public records held by FDOC regarding its administration of the lethal injection protocol, ignores an indisputable set of facts: the State is actively seeking and has continuously sought to block capital postconviction defendants from access to the very records that are relevant to postconviction claims regarding Florida's use of lethal injection in executions. Then when capital postconviction defendants seek relief on their lethal injection claims, despite the active preclusion, the Florida Supreme Court denies the

claims based on insufficient evidence.[14] Then when the next public records demand comes around, the State of Florida then argues that the defendant has not supported his demand with a colorable claim, citing to many of the cases in the above footnote, and the circular scenario starts all over. This continuous cycle chips away at due process little by little, resulting in an erosion of due process for Willacy. The State of Florida has an active interest in blocking access to records that would show they are not following the lethal injection protocols. Such a revelation would, understandably, shock the conscious of the public and undermine the integrity of Florida's lethal injection system.

The Florida Supreme Court held that Willacy's March 6th public record demand was a "fishing expedition" *Willacy v. State*, --- So. 3d. ---, 2026 WL 1021168 at * 5 (Fla. Apr. 15, 2026). However, Frank Walls was able to obtain public lethal injection logs[15] that spanned a brief period during 2025 and provided enough information to overcome FDOC's presumption that it follows protocols. The logs

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[14] *See*, *King v. State*, --- So. 3d ---, 2026 WL 672101 (Fla. Mar. 10, 2026); *Trotter v. State*, --- So. 3d ---, 2026 WL 444544 (Fla. Feb. 17, 2026); *Heath v. State*, 426 So. 3d 1253 (Fla. 2026); *Randolph v. State*, 422 So. 3d 166 (Fla. 2025); *Bates v. State*, 416 So. 3d 312 (Fla. 2025); *Zakrzewski v. State*, 415 So. 3d 203 (Fla. 2025); *Rogers v. State*, 409 So. 3d 1257 (Fla. 2025); *Tanzi v. State*, 407 So. 3d 385 (Fla. 2025); *Hutchinson v. State*, 416 So. 3d 273 (Fla. 2025); *Cole v. State*, 392 So. 3d 1054 (Fla. 2024); *Dailey v. State*, 383 So. 3d 782 (Fla. 2019); *Long v. State*, 271 So. 3d 938 (Fla. 2019); *Jimenez v. State*, 265 So. 3d 462 (Fla. 2018); *Branch v. State*, 236 So. 3d 981 (Fla. 2018); *Asay v. State*, 224 So. 3d 695 (Fla. 2017); *Braddy v. State*, 219 So. 3d 803 (Fla. 2017); *Chavez v. State*, 132 So. 3d 826 (Fla. 2014); *Muhammad v. State*, 132 So. 3d 176 (Fla. 2013); *Prado v. State*, 108 So. 3d 558 (Fla. 2012); *Valle v. State*, 70 So. 3d 530 (Fla. 2011); *Tompkins v. State*, 994 So. 2d 1072 (Fla. 2008); *Schwab v. State*, 969 So. 2d 318 (Fla. 2007).

[15] *Walls v. Dixon,* No. 4:25-cv-0488, ECF 1 (N.D. Fla. Nov. 26, 2025); and *Melvin Trotter v. State*, SC2026-0214, Initial Brief, filed February 9, 2026, Appendix D, FDOC Logs, Record on Appeal 283-303, Appendix E, FDOC Logs, 304-324.

obtained for Walls support that the public records sought are not a fishing expedition, but rather a *focused* investigation.

b. Due process requires meaningful access to the judicial process.

Postconviction proceedings are not immune to due process principles of fundamental fairness. A person's rights under the Due Process and Equal Protection Clauses do not end when the trial stage of a criminal proceeding has concluded. When appellate review is an integral part of a trial system, Due Process and Equal Protection Clauses are required at all stages. *Griffin v. IL*, 351 U.S. 12, 17 (1956). This requires that inmates and defendants are given and provided "…with the tools needed to attack sentences directly or collaterally." *Bounds v. Smith*, 430 U.S. 817 (1977). Meaningful access to the judicial process necessarily includes the disclosure of public records which are relevant to the postconviction proceedings or reasonably calculated to lead to the discovery of admissible evidence. One could not imagine a scenario where the records sought are more relevant to the postconviction proceedings than a condemned man's request for public records pertaining to his imminent execution.

Meaningful access to the judicial process necessarily includes the disclosure of public records which are relevant to the postconviction proceedings or reasonably calculated to lead to the discovery of admissible evidence. This requires the court to give access and provide "inmates with the tools needed to attack sentences directly or collaterally." *Bounds v. Smith,* 430 U.S. 817 (1977).

The Florida legislature and Florida Supreme Court recognized the significance of public records in postconviction capital proceedings. The right to public records is analogous to the rationale given by the State of Florida for the right to court appointed capital collateral counsel. "Florida, to ensure the credibility and constitutionality of its death penalty process, has provided postconviction representation only in cases where the defendant has been sentenced to death. This statutory right to representation acts to ensure meaningful access to the courts in a complex area of the law and to ensure that our death penalty process is constitutional." *State ex rel. Butterworth v. Kenny*, 714 So. 2d 404, 408 (Fla. 1998).

Confidence in the postconviction proceeding is undermined when postconviction capital defendants are precluded from access to evidence and information held exclusively by the State of Florida and more narrowly the Department of Corrections. "By continuing to shroud … executions in secrecy, Florida undermines both the integrity of its own execution process and, potentially, this Court's ability to ensure the State's compliance with its constitutional obligations." *Trotter v. Florida,* 607 U.S. ___ (2026) (Statement of Sotomayor, J. respecting denial of cert. petition).

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III. WILLACY IS BEING DENIED DUE PROCESS AND MEANINGFUL ACCESS TO THE JUDICIAL PROCESS BECAUSE HE IS BEING DENIED A MEANINGFUL AVENUE FOR APPELLATE REVIEW.

The process which has been afforded to Willacy by the State of Florida is nothing more than a mere *gesture* and performative at best. Willacy was foreclosed from proper review of his postconviction claim for relief because the state courts foreclosed any avenue for redress. Simply providing that Willacy may file public records demands or successive motions is meaningless when he is denied meaningful *access* to records to support such a motion. "…[P]rocess which is a mere gesture is not due process." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950). By simply providing a means for capital postconviction defendants to seek public records provides nothing more than a mere gesture when the Florida Supreme Court has yet to find public records should be disclosed.

Most recently, in *Trotter v. State of Florida*, SC2026-0168 (2026), Defendant attempted to appeal the review of a non-final order denying Trotter access to the same records requested in Willacy's case. The appeal was filed on January 30, 2026, and Trotter filed his successive 3.851 motion on February 2, 2026, without the benefit of the requested records. This Court denied the appeal of the denial of the 3.851 successive motion and *then* ruled the petition seeking review of the order denying public records "*moot*." Willacy petitioned this Court for a Writ of Mandamus seeking records which were sought *pre-warrant* and asked for an extension of time to file the successive postconviction motion, but his writ was denied without an opinion. The

circuit court also denied his motion for extension of time to file a postconviction motion and concluded the proceeding *before* this Court even ruled on the writ.

Willacy filed a writ of mandamus before the deadline for the successive motion but did not make the useless attempt to file a motion without the needed records. Willacy understood that the records were needed to support a maladministration claim which can clearly be deduced from the evidence that has been revealed in the Walls records. Likewise, appealing the denial *after* the time has lapsed and proceedings have concluded in circuit court in compliance with this Court's scheduling order, afforded Willacy *absolutely no* remedy to secure the performance of the Agencies' duties to provide public records.

In *Sims*, the Florida Supreme Court was confronted with the first case regarding public records and the newly implemented lethal injection execution protocol. *Sims v. State*, 753 So. 2d 66 (Fla. 2000). The Florida Supreme Court affirmed the trial court's denial of Sims' motion to compel public records filed during warrant litigation. *Sims v. State*, 753 So. 2d 66, 67 (Fla. 2000). The Florida Supreme Court reasoned that Rule 3.852 was "not intended for use by defendants as, in the words of the trial court, 'nothing more than an eleventh-hour attempt to delay the execution rather than a focused investigation into some legitimate area of inquiry.'" *Id*. at 70. The Florida Supreme Court eased "concerns" that Rule 3.852(h)(3) would "lead to harsh results in the nonwarrant situation should be ameliorated by rule 3.852(i) which is patterned

on section" § 27.7081 Florida Statute.[16] *Id.* The Florida Supreme Court went on to provide assurances that capital postconviction defendants could obtain additional public records "**at any time**" by a showing that collateral counsel has made a diligent search of the records repository and that "'the additional public records are either relevant to the subject matter of the postconviction proceeding or are reasonably calculated to lead to the discovery of admissible evidence.'" *Id.* (emphasis added) (citing, Fla. R. Crim. P. Rule 3.852(i)(2)).

However, as can be seen in Willacy's case, this is not how the rules have been implemented. Willacy specifically sought public records **before** his death warrant was signed. Willacy has no control over when Florida's governor will sign a death warrant. Willacy should not be prejudiced by Florida's governor signing his death warrant. Therefore, Willacy should have been provided and still should be provided with the lethal injection records in accordance with the rules of public record production pre-warrant as discussed in *Sims*.

It has been the intention of the Florida Department of Corrections and the State to actively preclude capital postconviction defendants from receiving the public records for which they are entitled. FDOC's pursuit of secrecy surrounding their lethal injection protocol is not novel. The Department of Corrections has sought to evade judicial review and scrutiny of the implementation of the lethal injection

[16] The exact quote found in *Sims* is "which is patterned on section 119.19(9), Florida Statutes (1999)" however, in 2005 Florida Statute 119.19 was renumbered as Florida Statute § 27.7081.

protocol dating back 26 years. Judicial review paved the way for the Department to achieve this goal.

Additionally, *Sims* provides historical context to FDOC's intention and desire for secrecy. In *Sims*, when his postconviction counsel sought information regarding the newly adopted execution method it was revealed that, FDOC, with the assistance of the State of Florida sought to shield themselves from judicial scrutiny.[17] Now more than 26 years later, FDOC, with the assistance of the State, continues to prevent judicial scrutiny and continues to argue that defendants are precluded from access to records kept in accordance with the lethal injection protocol.

The State of Florida's intention to keep capital defendants in the dark about the lethal injection protocol was expressed explicitly 26 years ago during postconviction proceedings. Sims' attorney sought public records over the newly adopted lethal injection execution protocol at a postconviction hearing one month after FDOC had adopted the new execution method.

> When the trial court expressed concern over DOC's refusal to provide any information and the need for judicial review, …, DOC counsel and the attorney general conferred. **At the end of that conference, the attorney general admitted the real reason for the concealment was that DOC was concerned if it gave doses "that we're gonna be fighting about that from now on." … He said the concern was they not get into "the same thing we got into with the electric chair as to when we got to talking about volts and amperage …."**
> …

[17] Initial Brief of Appellant, *Terry Melvin Sims v. State of Florida*, SC2000-295, 2000 WL 33998600.

Initial Brief of Appellant, *Terry Melvin Sims v. State of Florida*, SC2000-295, 2000 WL 33998600, at *69. The State of Florida "continued to [] refuse[] to provide any specific written guidelines for the participants who are to prepare and administer the lethal injection."[18] During the postconviction proceedings in *Sims*, it became clear that "DOC has chosen to provide only general written guidelines to those carrying out the lethal injection, **in an admitted effort to avoid judicial scrutiny of its methods**."[19]

CONCLUSION

This Court should grant this petition to resolve the questions presented.

Confidence in the postconviction proceeding is undermined when postconviction capital defendants are precluded from access to evidence and information held exclusively by the State of Florida and more narrowly the Department of Corrections. "By continuing to shroud … executions in secrecy, Florida undermines both the integrity of its own execution process and, potentially, this Court's ability to ensure the State's compliance with its constitutional obligations." *Trotter v. Florida*, 607 U.S. ___ (2026) (Statement of Sotomayor, J. respecting denial of cert. petition). Florida ignored this concern and continues to preclude access.

[18] Initial Brief of Appellant, *Terry Melvin Sims v. State of Florida*, SC2000-295, 2000 WL 33998600, at *74-75.

[19] Initial Brief of Appellant, *Terry Melvin Sims v. State of Florida*, SC2000-295, 2000 WL 33998600, at *74-75; FN 28 (citing, Remarks of Nunnelley, Huff Hrg T65-66).

Without this Court's intervention, Florida will continue to ignore this valid concern regarding transparency.

Capital postconviction defendants across the country are being precluded from access to various state department of corrections public records regarding the reality of how executions are being carried out. Executions by lethal injection differ from executions by electrocution. Much of the use of the electric chair was visible to witnesses unlike executions by lethal injection. Executions by lethal injection are done nearly entirely in secret and outside the presence of the those bearing witness.

In Florida, the only aspect of the execution that is "public" is the witnessing of person, strapped to a gurney lying under a sheet. As witnesses are shuffled in the witnessing room, a curtain is drawn behind a thick glass window. At 6:00 pm, the curtain is lifted. The gurney is positioned so the feet are closest to the viewers, and the head is generally not visible if the abdomen is too large. Witnesses are not allowed to stand in order to view the person's face as the drugs are administered. The execution warden can be seen standing near the condemned while a representative from FDLE is nearby in a corner. Nothing can be heard until the executing warden turns on the PA system. The PA system is turned on for last words and to announce the execution process has begun. It is immediately silenced. Those witnessing hear nothing but can see the execution warden dictating notes to the representative from FDLE throughout what appears to be the execution process. The executioner hidden behind a wall and curtain injects drugs into IV's which were inserted outside the presence of the public. The witnesses sit unaware if or what lethal drugs are being

administered, for the executioner is hidden behind a wall. Minutes go by, all while it is clear words are being spoken from within the chamber. Then the execution warden conducts the "consciousness check" for which witnesses hearing the muffled and distorted yelling of the condemned's name but not whether he has replied or responded. The execution warden can be seen, but not heard, dictating notes to the representative from FDLE. Several more minutes go by with silence. Then a person in a white coat appears from behind a curtain but cannot be heard. The PA system is unsilenced, and the execution warden announces the date and time in which the death sentence has been carried out.

Literally, Florida's executions are shrouded in secrecy.

This is constitutionally unacceptable.

The substance of what is actually occurring would reasonably be discovered through records kept in compliance with the state's protocol – not just through drug logs but also in the notes taken by the FDLE witness. See, Appendix, P.

The Founding Fathers would be astounded by the secrecy of governmental agencies taking the life of the condemned. In the State of Florida, executions were carried out as public hangings until 1924. Fla. Stat. Ch. 9169 § 6124 (1924). Even after executions were removed from general public viewing, the executions were "in the presence of a jury of twelve respectable citizens who shall be requested to be present." Fla. Stat. Ch. 9169 § 6125 (1924).

Florida's impenetrable veil of secrecy concerning the way executions are being conducted today, goes against the philosophies of originalism and exacerbates the conflict created by Florida's insistence of complete secrecy contrary to the theory of public executions.

Without this Court's intervention, Florida will feel emboldened and empowered to continue executing defendants without any fear of a constitutional challenge against their actions.

Respectfully submitted,

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