

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD KNIGHT,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF FLORIDA

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

DEATH WARRANT SIGNED
Execution Set: May 21, 2026, at 6:00 p.m.

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May 19, 2026

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APPENDIX A

Knight v. State, No. SC26-0718, 2026 WL 1361316 (Fla. May 15, 2026).

Decision Entered by Florida Supreme Court in Conjunction with the Judgement Sought to be Reviewed

Supreme Court of Florida

No. SC2026-0718

RICHARD KNIGHT,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

May 15, 2026

PER CURIAM.

Richard Knight is a prisoner under two sentences of death, for whom a death warrant has been signed and an execution date set for May 21, 2026. He appeals the circuit court’s order summarily denying his successive motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.851 and requests a stay of execution. We have jurisdiction. *See* art. V, § 3(b)(1), Fla. Const.; *see also State v. Fourth Dist. Ct. of App.*, 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”). As we explain below, we affirm the summary denial of postconviction relief. We also deny Knight’s request for a stay of execution.

I. FACTS AND PROCEDURAL BACKGROUND

Knight was convicted of the first-degree murders of Odessia Stephens and her four-year-old daughter, Hanessia Mullings. See *Knight v. State*, 76 So. 3d 879, 881 (Fla. 2011). This Court previously set forth the following facts:

The evidence presented at trial established that Knight lived in an apartment with his cousin, Hans Mullings, Mullings’ girlfriend, Odessia Stephens, and their daughter, Hanessia Mullings. Mullings and Odessia had asked Knight to move out numerous times.

On the night of the murder, June 27, 2000, Mullings was at work. At approximately 9 p.m., Mullings spoke to Odessia, who said she was going to bed, and then Mullings left his office to run errands. Knight was at the apartment with Odessia and Hanessia.

Around midnight, an upstairs neighbor heard multiple thumping sounds on the apartment walls and two female voices, one of which was a child crying. The neighbor called 911 at 12:21 a.m. on June 28, 2000. The cries continued after the police arrived.

Officer Vincent Sachs was the first to respond. He arrived at 12:29 a.m. and noted that the lights were on in the master bedroom and hall area, and that a second bedroom’s window was slightly ajar. After knocking and receiving no response, he walked around the unit and noticed that the lights had been turned off and that the previously ajar window was now completely open and blinds were hanging out of it. Sachs shined his flashlight

through the dining room window. He saw blood in the dining room and master bedroom. Further, he noticed Hanessia curled in the fetal position against the closet door. Once inside, he observed Odessia's body in the living room. All of the doors were locked and there had been no ransacking of the apartment.

Officer Natalie Mocny arrived next and walked around the unit. She also saw the open window and noticed Knight on the other side of some hedges approximately 100 yards from the building. She beckoned him over for questioning. Officer Sachs joined Mocny. According to the officers, Knight had a scratch on his chest, a scrape on his shoulder, and fresh cuts on his hands. Although it was not raining, Knight was visibly wet. Knight was wearing dress clothes and shoes, yet told Mocny that he had been jogging, and that he lived in the apartment, but did not have a key to get inside. There was blood on the shirt he was wearing and on a ten-dollar bill in his possession.

The crime scene investigation recovered two wet towels in Knight's bedroom, a shirt, boxers, and a pair of jean shorts under the sink in the bathroom near Knight's bedroom, all of which belonged to Knight and had numerous bloodstains. Two knife blades were also recovered, one from under the mattress in the master bedroom, and another from under Odessia's body.

Odessia's blood was found in the master bedroom between the bed and the wall, on the master bedroom blinds, on the living room carpet, on the knives' handles and blades, and on the knife holder in the kitchen. Odessia's blood was also discovered on Knight's boxers, shirt, jean shorts, the clothing Knight had been wearing when arrested, and his hand. Fingernail scrapings taken from Odessia contained Knight's DNA profile.

Hanessia's blood was found on one of the knives, on Knight's boxers, jean shorts, and on the shower curtain. The shower curtain also contained the blood of Knight's acquaintance, [V.M.]

Dr. Lance Davis, the medical examiner, observed the bodies at the scene. Odessia was found on the living room floor near the entrance with several broken knife pieces around her. She had twenty-one stab wounds: fourteen in the neck, one on the chin, and the rest on her back and chest. Additionally, she had twenty-four puncture or scratch wounds and bruising and ligature marks on her neck. The bruises appeared to have been made by a belt or similar object. She also had defensive wounds on both hands and wounds on her leg, chest, back and neck. Several of the knife wounds were fatal but none would have resulted in an instantaneous death. She had bruises from being punched on her scalp and mouth. Davis opined that Knight began his attack in the bedroom with Odessia fleeing to the living room. He estimated that Odessia was conscious for ten to fifteen minutes after the attack.

Davis discovered Hanessia on the floor next to the closet door. There were broken knife pieces around her. She had a total of four stab wounds in her upper chest and neck. Her hand had one additional stab wound and numerous defensive wounds. Hanessia's arms and upper body had numerous bruises and scratches. There were bruises on her neck that were consistent with manual strangulation and bruises on her arms consistent with being grabbed.

Stephen Whitsett and Knight were housed together from June 29, 2000, to July 22, 2000, at the Broward County Jail. Knight confessed to Whitsett about the murders as follows: The night of the murders Knight and Odessia argued. She told him that she did not want to support him and that he would have to move. He asked for some more time because he had just gotten a job, but Odessia refused and told him to leave in the morning. Knight left the house to go for a walk and he became increasingly angry. He returned that night, confronted Odessia in her room, and they argued.

Knight went to the kitchen and got a knife. When he went back to the master bedroom, Odessia was on one

side of the bed and Hanessia was on the other. He began by stabbing Odessia multiple times. Odessia eventually stopped defending herself and balled up into a fetal position. Knight then turned to four-year-old Hanessia. The knife broke while he was stabbing Hanessia, so he returned to the kitchen for another. Upon returning, Knight saw Hanessia had crawled to the closet door and was drowning in her own blood.

Again, Knight returned to the kitchen and accidentally cut his hand on one of the broken knives that he had used to stab Odessia and Hanessia. He grabbed another knife. Odessia had crawled from the master bedroom to the living room and was lying in her own blood. He rolled her over and continued his attack. Odessia's blood covered Knight's hands, so he wiped them on the carpet.

Knight further confessed that, after he finished with Odessia, he went to the bathroom, took off the blood soaked shorts and T-shirt, and tossed them under the sink. He showered and put on blue polo pants. He wiped down the knives in the living room. At that time, Knight heard a knock on the door and saw the police outside through the peep hole. He ran to his room and out the window. In an attempt to deflect suspicion away from himself, Knight returned to his bedroom window where he saw a female police officer.

Knight was charged by indictment on August 15, 2001, for the murders of Odessia Stephens and Hanessia Mullings. The jury found Knight guilty of both counts of first-degree murder.

Id. at 881-83 (footnote omitted).

The trial proceeded to the penalty phase, at the conclusion of which the jury unanimously recommended the death penalty for

each murder. The trial court conducted a *Spencer*¹ hearing, following which the trial court sentenced Knight to death for the murders.

The court found the following aggravating factors as to the murder of Stephens: (1) a previous conviction of another violent capital felony (the contemporaneous murder of Mullings), and (2) the murder was especially heinous, atrocious, or cruel (HAC). *Knight*, 76 So. 3d at 884. As to the murder of Mullings, the court found three aggravating factors: (1) a previous conviction of another violent capital felony (the contemporaneous murder of Stephens), (2) HAC, and (3) the victim was under twelve years of age. *Id.*

The trial court found no statutory mitigation. *Id.* As nonstatutory mitigation, the court found (1) Knight had a good upbringing (slight weight), (2) Knight loves his family (moderate weight), (3) Knight went to high school and excelled in art (little weight), (4) Knight was admired by the children in his neighborhood as a youth and was well regarded by the adults (little weight), (5) Knight was a valuable employee in Jamaica (little weight),

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

(6) Knight had part-time employment at the time of the crime (little weight), (7) Knight behaved well in court (little weight), and (8) Knight is capable of forming loving relationships (moderate weight). *Id.* at 890.

Knight raised five issues during the direct appeal of his convictions and sentences: (1) the trial court abused its discretion by denying Knight's motion for mistrial based on Hans Mullings' comment that he knew Knight to have a violent background; (2) the trial court abused its discretion in denying Knight's motion for mistrial based on the allegation that jurors saw him wearing shackles; (3) the trial court erred in ruling that no discovery violation occurred and in denying Knight's motion for mistrial based on the State's expert's testimony regarding DNA evidence; (4) the trial court erred in denying Knight's motion to seat a new jury based on Mullings' testimony; and (5) the Florida death sentencing statute violates the Sixth Amendment and ignores *Ring v. Arizona*, 536 U.S. 584 (2002). *Knight*, 76 So. 3d at 885 n.3. This Court denied relief. *Id.* at 881.

Knight's convictions and sentences became final on May 14, 2012, when the United States Supreme Court denied certiorari

review. *Knight v. Florida*, 566 U.S. 998 (2012); Fla. R. Crim. P. 3.851(d)(1)(B).

Since that time, Knight has unsuccessfully challenged his death sentences in state and federal courts. *See Knight v. State*, 225 So. 3d 661 (Fla. 2017) (affirming denial of rule 3.851 initial motion for postconviction relief and denying habeas petition); *Knight v. Sec’y, Dep’t of Corr.*, No. SC2025-0872, 2026 WL 1133632 (Fla. Apr. 27, 2026) (denying habeas relief); *Knight v. Jones*, 2018 WL 11656388, No. 17-61921-Civ-Scola (Apr. 30, 2018) (denying federal habeas petition); *Knight v. Jones*, 2018 WL 11656374, No. 17-61921-Civ-Scola (July 25, 2018) (denying rehearing of federal habeas petition and granting certificate of appealability on two issues); *Knight v. Fla. Dep’t of Corr.*, 936 F.3d 1322 (11th Cir. 2019), *cert. denied*, 141 S. Ct. 274 (2020) (affirming denial of federal habeas relief).

Governor Ron DeSantis signed Knight’s death warrant on April 22, 2026. On May 2, 2026, Knight filed in the circuit court a motion for stay of execution and a successive motion for postconviction relief under rule 3.851 raising three claims:

(1) Knight’s convictions and sentences are unreliable and violate the

Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and corresponding provisions of the Florida Constitution; (2) an unreasonably truncated death warrant process and the surprise nature of the process have unconstitutionally deprived Knight of a fair and meaningful postconviction process; and (3) under the “Specific Procedures” set forth in the Florida Department of Corrections’ Execution by Lethal Injection Procedures,² section 10(i) violates the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment by authorizing unqualified execution team members to perform venous cut-down surgery without the use of local anesthesia. Knight also filed a motion to compel the Broward County Sheriff’s Office (BCSO) to perform additional analysis of an unidentified print of value and a motion to accept as timely filed a doctor’s report in support of his lethal injection claim.

The circuit court held a *Huff*³ hearing on May 5, 2026,

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

3. *Huff v. State*, 622 So. 2d 982 (Fla. 1993).

following which the court entered its written order summarily denying all three claims and Knight's post-warrant motions. This appeal follows.

II. ANALYSIS

The “[s]ummary 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.’” *Owen v. State*, 364 So. 3d 1017, 1022 (Fla. 2023) (second alteration in original) (quoting *Bogle v. State*, 322 So. 3d 44, 46 (Fla. 2021)). We review the circuit court's decision 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.” *Id.* at 1022-23 (quoting *Walton v. State*, 3 So. 3d 1000, 1005 (Fla. 2009)).

Knight's successive postconviction appeal raises three issues. We address each issue in turn and explain why Knight is not entitled to relief.

A. Unidentified Print

Knight's first issue on appeal involves an unidentified print of value found on one of the knife blades used in the murders. In his

successive rule 3.851 motion, Knight provisionally asserted that if identified, the print would potentially constitute newly discovered evidence and would undermine his convictions and his sentences of death. At the same time, Knight pursued a motion to compel the BCSO to again run the print through the Automated Fingerprint Identification System (AFIS). The print was run through AFIS before Knight's murder trial and the system did not reveal a match. The circuit court denied this claim as untimely, procedurally barred, and without merit, and it also denied Knight's motion to compel. Knight maintains that the circuit court erred in denying both. We affirm the court's denial of relief.

Under Florida Rule of Criminal Procedure 3.851(d)(1), a motion for postconviction relief must be filed within one year of the date that a conviction and sentence become final. Knight, however, relying on an exception provided in rule 3.851(d)(2)(A), provisionally asserted that the print potentially constitutes newly discovered evidence warranting relief. *See Fla. R. Crim. P. 3.851(d)(2)(A)* ("No motion may be filed or considered under this rule if filed beyond the time limitation provided in subdivision (d)(1) unless it alleges: 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”).

To obtain relief on a claim of newly discovered evidence, Knight must demonstrate the following:

First, in order to be considered newly discovered, the evidence “must have been unknown by the trial court, by the party, or by counsel at the time of trial, and it must appear that defendant or his counsel could not have known [of it] by the use of diligence.”

Second, the newly discovered evidence must be of such nature that it would probably produce an acquittal on retrial.

Jones v. State, 709 So. 2d 512, 521 (Fla. 1998) (alteration in original) (citations omitted). Moreover, because Knight seeks to vacate his death sentences, to establish the second prong of *Jones*, he must also show “that the newly discovered evidence would probably yield a less severe sentence.” *Long v. State*, 271 So. 3d 938, 942 (Fla. 2019) (quoting *Walton v. State*, 246 So. 3d 246, 249 (Fla. 2018)).

As to the merits of this claim, the circuit court concluded:

Even if this Court determined this claim was not untimely and was not procedurally barred (which this Court does not find) the State argues and this Court agrees this claim is without merit. This Court notes testimony regarding the unidentified single readable print was considered by the jury who subsequently convicted

the Defendant of 2 counts of first degree murder based on the overwhelming evidence of the Defendant's guilt presented at trial. This Court finds even if this unidentified single readable print was now identified to some individual it would not probably produce an acquittal on retrial.

The circuit court did not err in denying Knight's newly discovered evidence claim nor in denying his motion to compel. The unidentified print was known to Knight at the time of his trial in 2006, was run through AFIS before trial, was addressed at trial, and was the subject of both direct and cross-examination. Thus, the jury was aware of the print when determining whether to convict Knight of the murders and whether to recommend that he be sentenced to death. The jury convicted Knight and recommended the death penalty, having been presented with substantial forensic evidence as well as evidence of (1) the circumstances leading up to the murders, (2) Knight's proximity to the crime scene after the murders, and (3) Knight's own confession.

When considering the alleged newly discovered evidence in the context of the other evidence on which the State relied to obtain the convictions, Knight has not established that he would probably be acquitted on retrial. The jury considered evidence that Knight lived

at the apartment where the murders took place and had been asked to move out. A shirt, boxers, and a pair of shorts found under the sink in the bathroom near Knight's bedroom belonged to Knight, and each item was stained with the blood of one or both of the victims. Stephens's blood was also found on Knight's hand and on the clothing that he was wearing when he was arrested. Law enforcement encountered Knight, who was visibly wet, near the apartment shortly after the murders occurred, and wet towels were found in Knight's bedroom. What is more, fingernail scrapings obtained from Stephens contained the DNA profile of Knight, who "had a scratch on his chest, a scrape on his shoulder, and fresh cuts on his hands" when law enforcement encountered him after the murders. Finally, Knight recounted detailed circumstances of the murders to a fellow inmate at the Broward County Jail.

Knight maintains that the alleged newly discovered evidence would lead to the striking of the HAC aggravating factor as to each murder and that as a result, he would receive lesser sentences. We disagree, and, given the facts of this case, are particularly unpersuaded by Knight's HAC argument. As aggravating factors in this case, the circuit court found that Knight was convicted of the

violent contemporaneous first-degree murders of the victims and, as to the murder of Mullings, the murder of a victim under 12 years of age. Knight is not entitled to relief.

B. Lethal Injection Procedure

Knight's second issue focuses on one possible aspect of an execution, the use of a cut-down procedure to achieve the placement of a venous central line. Knight argues that section 10(i) of the "Specific Procedures" set forth in the Execution by Lethal Injection Procedures violates the prohibition against cruel and unusual punishment, and he suggests that it permits unqualified execution team members to perform a venous cut-down procedure without the use of local anesthesia. Knight also argues that the circuit court erred by refusing to consider a report submitted by Dr. Joel Zivot. The circuit court denied relief, finding the lethal injection claim untimely, procedurally barred, and legally insufficient. We affirm the denial of relief.

Sections 10(h) and 10(i) address achieving the venous access necessary to carry out an execution. Generally, the medical team attempts to achieve peripheral venous access. If peripheral access is unattainable, if necessary, the medical team may attempt to

achieve central venous access. Sections 3(a) and 3(b) of the “Specific Procedures” specify the classes of medical professionals from whom the warden *shall* select to achieve and monitor peripheral and central venous access, and the classes of individuals eligible to achieve and monitor central venous access are more limited than those eligible to achieve and monitor peripheral venous access. Should central venous access be necessary, pursuant to section 3(b), the selected execution team member *shall* be selected “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.” “The warden shall select personnel with sufficient training and experience to perform the technical procedures necessary to carry out an execution, including the mixing of the chemicals and placement of the venous access lines.” § 3, *Execution by Lethal Injection Procedures and Certification Letter* (2025).

Moreover, approximately one week prior to the execution, one or more execution team members review the inmate’s medical file, conduct a limited medical evaluation of the inmate and, in

consultation with the warden, “shall conclude what is the more suitable method of venous access . . . given the individual circumstances of the condemned inmate based on all information provided.” § 8(a), *Execution by Lethal Injection Procedures and Certification Letter* (2025). As acknowledged in section 10(i), the process of achieving central venous access may or may not involve a more involved procedure commonly referred to as a venous cut-down procedure. Knight does not allege that he will be subject to this procedure.

The crux of Knight’s argument is that an execution requiring a venous cut-down procedure constitutes cruel and unusual punishment in the absence of an express requirement of the use of local anesthesia, and that the lethal injection procedures permit unqualified personnel to conduct the procedure. We affirm the denial of relief.

First, Knight’s claim is untimely. The current procedures for execution by lethal injection were adopted on February 18, 2025. Under rules 3.851(d)(1) and 3.851(d)(2)(A), Knight was required to raise this claim within one year after his judgments and sentences became final or “within one year of the date such evidence was

discovered or could have been discovered through the exercise of due diligence.” *Gudinas v. State*, 412 So. 3d 701, 709 (Fla.) (quoting *Glock v. Moore*, 776 So. 2d 243, 251 (Fla. 2001)), *cert. denied*, 145 S. Ct. 2833 (2025). However, Knight did not raise this claim until the filing of his post-warrant successive postconviction motion on May 2, 2026. And, we observe that the reference to the venous cut-down procedure long predates the February 18, 2025, adoption of the current procedures.

Second, the claim is procedurally barred, as it could have been raised in an earlier proceeding. Indeed, Knight challenged the constitutionality of Florida’s lethal injection procedures in his initial 3.851 proceedings. *See Knight*, 225 So. 3d at 680 (“Knight argues that Florida’s administration of the death penalty by lethal injection constitutes cruel and unusual punishment, in violation of the Eight[h] Amendment.”).

Third, Knight’s claim is meritless, as his allegations fail to “(1) establish that the method of execution presents a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering and (2) identify a known and available alternative method of execution that entails a significantly less

severe risk of pain.” *Asay v. State*, 224 So. 3d 695, 701 (Fla. 2017) (citing *Glossip v. Gross*, 576 U.S. 863, 877 (2015)). The circuit court did not err in denying an evidentiary hearing on nor in summarily denying this claim, as we have explained that “speculative and conclusory allegations that lethal injection protocols present a substantial risk of serious harm are insufficient to warrant an evidentiary hearing.” *Heath v. State*, 426 So. 3d 1253, 1261 (Fla.) (citing *Cole v. State*, 392 So. 3d 1054, 1065 n.18 (Fla. 2024)), *cert. denied*, No. 25-6746, 2026 WL 363902 (U.S. Feb. 10, 2026). Knight’s allegations do not rise to the level of an Eighth Amendment violation, as they 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.” *Id.* at 1262.

C. Due Process

In Knight’s third issue, he argues that the structure of Florida’s warrant process, both facially and as applied to him, is constitutionally deficient. He argues that the expedited process has deprived him of meaningful collateral proceedings to challenge his convictions and sentences of death. The circuit court denied

Knight's due process claim, concluding that he received both notice and an opportunity to be heard. We agree and affirm.

We have repeatedly considered and rejected claims challenging the time period set in recent death warrant cases. *See Zakrzewski v. State*, 415 So. 3d 203, 210-11 (Fla.) (rejecting claim that expedited warrant process constituted a deprivation of due process and meaningful access to the courts), *cert. denied*, 146 S. Ct. 57 (2025); *Bell v. State*, 415 So. 3d 85, 106-07 (Fla.) (rejecting due process argument challenging expedited warrant timeframe), *cert. denied*, 145 S. Ct. 2872 (2025); *Tanzi v. State*, 407 So. 3d 385, 390 (Fla.) (stating that “[t]he warrant litigation schedule does not violate Tanzi’s due process rights”), *cert. denied*, 145 S. Ct. 1914 (2025); *Barwick v. State*, 361 So. 3d 785, 789-90 (Fla. 2023) (rejecting appellant’s denial of due process argument and noting that while the occurrence of certain circumstances coincided with the death warrant period, “none of the obstacles identified . . . resulted in a denial of due process”).

III. CONCLUSION

For these reasons, we affirm the denial of Knight’s successive motion for postconviction relief and decline to order a stay of

execution.

No oral argument is required, no motion for rehearing will be considered, and 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 Broward County,
Martin S. Fein, Judge – Case No. 062001CF014055A88810

Suzanne Keffer, Capital Collateral Regional Counsel, Todd G. Scher, Assistant Capital Collateral Regional Counsel, and Michael T. Cookson, Staff Attorney, Southern Region, Fort Lauderdale, Florida,

for Appellant

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

for Appellee

APPENDIX B

Knight v. State, No. 01-014055CF10A (Fla. 17th Cir. Ct. May 5, 2026).

Decision of State Lower Court Affirmed by Florida Supreme Court in Judgement Sought to be Reviewed

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA
CASE NO.: 01-14055CF10A DIVISION: FT JUDGE: MARTIN S. FEIN

STATE OF FLORIDA,
Plaintiff

vs.

RICHARD KNIGHT,
Defendant

_____ /

ORDER DENYING DEFENDANT'S SUCCESSIVE MOTION TO VACATE JUDGMENT OF CONVICTION AND SENTENCES OF DEATH, ORDER DENYING DEFENDANT'S MOTION FOR STAY OF EXECUTION, ORDER DENYING DEFENDANT'S MOTION FOR COURT ORDER DIRECTING BROWARD SHERIFF'S OFFICE AND ITS BIOMETRIC IDENTIFICATION UNIT TO RUN UNIDENTIFIED FINGERPRINT THROUGH AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM and ORDER DENYING DEFENDANT'S MOTION FOR LEAVE TO FILE ACCOMPANYING AFFIDAVIT IN SUPPORT OF CLAIM III OF RULE 3.851 MOTION

The Court having heard Defendant's successive motion to vacate judgment of conviction and sentences of death pursuant to Rule 3.851, Defendant's motion for stay of execution, Defendant's motion for court order directing Broward Sheriff's Office and its biometric identification unit to run unidentified fingerprint through automated fingerprint identification system and Defendant's motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion makes the following findings of fact and conclusions of law:

1. On July 31, 2014, the previous trial Judge denied the Defendant's motion for postconviction relief filed pursuant to Rule 3.851.
2. On January 31, 2017, the Florida Supreme Court affirmed the denial of the Defendant's motion for postconviction relief filed pursuant to Rule 3.851.
3. On April 22, 2026, Governor Ron DeSantis signed a death warrant scheduling the execution of the Defendant on May 21, 2026.
4. On April 23, 2026, Chief Judge Carol-Lisa Phillips entered an order pursuant to Rule

- 3.851(h)(1) assigning the undersigned to preside over all death warrant proceedings in the 17th judicial circuit court in the present case.
5. On April 24, 2026, the Florida Supreme Court entered an order requiring that all death warrant proceedings in the 17th judicial circuit in the present case be concluded no later than May 7, 2026, at 3:00 PM. A copy of the Florida Supreme Court's order dated April 24, 2026, is attached to and incorporated as part of this order.
 6. On May 2, 2026, the Defendant filed a successive motion to vacate judgment of conviction and sentences of death pursuant to Rule 3.851.
 7. On May 2, 2026, the Defendant filed a motion for stay of execution.
 8. On May 2, 2026, the Defendant filed a motion for court order directing Broward Sheriff's Office and its biometric unit to run unidentified fingerprint through automated fingerprint identification system.
 9. On May 4, 2026, the State filed a written response to the Defendant's successive motion to vacate judgment of conviction and sentences of death.
 10. On May 4, 2026, the State filed a written response to the Defendant's motion for stay of execution.
 11. On May 4, 2026, the State filed a written response to the Defendant's motion for court order directing Broward Sheriff's Office and its biometric identification unit to run unidentified fingerprint through automated fingerprint identification system.
 12. On May 5, 2026, the Defendant filed a motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion.
 13. On May 5, 2026, this Court conducted a Huff hearing and Case Management Conference pursuant to Rule 3.851(h)(6).
 14. After considering the Defendant's motion to vacate judgment of conviction and sentences of death, the State's written response to the Defendant's motion to vacate judgment of conviction and sentences of death, the Defendant's motion for stay of execution, the State's written

response to the Defendant's motion for stay of execution, the Defendant's motion for court order directing Broward Sheriff's Office and its biometric identification unit to run unidentified fingerprint through automated fingerprint identification system, the State's written response to the Defendant's motion for court order directing Broward Sheriff's Office and its biometric unit to run unidentified fingerprint through automated fingerprint identification system, the Defendant's motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion, the entire court file and the entire record on appeal as well as the arguments from the State and the Defendant this Court makes the following findings of fact and conclusions of law:

- A. The Defendant seeks postconviction relief based on three grounds.
- B. As to ground one the Defendant claims his conviction and death sentences are unreliable and stand in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and corresponding provisions of the Florida Constitution. Specifically, this claim is based on an unidentified single readable print located on one of the knives used during the murders in the present case. Based on this claim the Defendant also filed a separate motion for court order directing Broward Sheriff's Office and its biometric identification unit to run unidentified fingerprint through automated fingerprint identification system. This Court finds the motion, files, and records in the present case conclusively show the Defendant is not entitled to relief on this claim. This Court finds this claim is untimely and procedurally barred. This Court notes Rule 3.851(d) and Rule 3.851(d)(2)(A) require the Defendant to raise this claim within 1 year after the judgment and sentence become final or within 1 year after the Defendant learned of the facts on which this claim is predicated. See Randolph vs. State, 422 So.3d 166 (Fla. 2025). This Court notes the Defendant was indicted for 2 counts of first degree murder in 2001 and the Defendant was convicted of 2 counts of first degree murder in 2006. This Court further notes the Defendant failed to raise this claim in his prior motion for postconviction relief. This Court further notes the Florida Supreme Court affirmed the denial

of the Defendant's prior motion for postconviction relief in 2017. See Knight vs. State, 225 So.3d 661 (Fla. 2017). This Court notes as reflected in the Defendant's motion to vacate judgment of conviction and sentences of death the unidentified single readable print located on one of the knives used during the murders was the subject of direct examination and cross examination of multiple witnesses during the jury trial in 2006. As such this Court finds the Defendant has known about the facts on which this claim is predicated for 20 years. Even if this Court determined this claim was not untimely and was not procedurally barred (which this Court does not find) the State argues and this Court agrees this claim is without merit. This Court notes testimony regarding the unidentified single readable print was considered by the jury who subsequently convicted the Defendant of 2 counts of first degree murder based on the overwhelming evidence of the Defendant's guilt presented at trial. This Court finds even if this unidentified single readable print was now identified to some individual it would not probably produce an acquittal on retrial. This Court adopts the reasoning contained in the State's response to Defendant's motion to vacate judgment of conviction and sentences of death a copy of which is attached to and incorporated as part of this order. Therefore, pursuant to Rule 3.851(h)(6) this claim is denied.

C. As to ground two the Defendant claims the unreasonable truncation and surprise nature of Florida's death warrant process has deprived the Defendant of a full, fair, and meaningful postconviction process in violation of the Eight Amendment and the Due Process Clause of the Fifth and Fourteenth Amendments. This Court finds the motion, files, and records in the present case conclusively show the Defendant is not entitled to relief on this claim. In Jones vs. State, 419 So.3d 619 (Fla. 2025), the Florida Supreme Court stated "a thirty-day warrant period does not, in and of itself, deprive a capital defendant of due process." The Florida Supreme Court in Jones also stated "in post warrant litigation, due process requires a defendant be given notice and an opportunity to be heard." See also Zakrzewski vs. State, 415 So.3d 203 (Fla. 2025) and Bates vs. State, 416 So.3d 312 (Fla. 2025) and Windom vs. State, 416 So.3d 1140

(Fla. 2025). This Court finds the Defendant has been given due process, notice and an opportunity to be heard. This Court adopts the reasoning contained in the State's response to Defendant's motion to vacate judgment of conviction and sentences of death a copy of which is attached to and incorporated as part of this order. Therefore, pursuant to Rule 3.851(h)(6) this claim is denied.

D. As to ground three the Defendant claims section 10(i) of the Florida Department of Corrections execution by lethal injection procedures, authorizing unqualified execution team members to perform venous cut-down surgery without the use of local anesthesia, violates the Eighth Amendment and Due Process Clause of the Fourteenth Amendment. This Court finds the motion, files, and records in the present case conclusively show the Defendant is not entitled to relief on this claim. First, this Court finds this claim (a method-of-execution claim) is untimely and procedurally barred. This Court notes Rule 3.851(d) and Rule 3.851(d)(2)(A) require the Defendant to raise this claim within 1 year after the judgment and sentence become final or within 1 year after the Defendant learned of the facts on which this claim is predicated. See Randolph vs. State, 422 So.3d 166, (Fla. 2025). The Florida Department of Corrections lethal injection procedures attached as an exhibit to the Defendant's motion to vacate judgment of conviction and sentences of death on which this claim is predicated are dated February 18, 2025. As such this Court finds the Defendant did not raise this claim within 1 year after the Defendant learned of the facts on which this claim is predicated. This Court also finds a venous cut-down protocol has been part of the Florida Department of Corrections lethal injection procedures for many years prior to 2025. Second, this Court finds this claim is legally insufficient. In Trotter vs. State, 428 So.3d 68 (Fla. 2026), the Florida Supreme Court stated to obtain relief on a method-of-execution claim the Defendant must "establish that the method of execution presents a substantial and imminent risk that is sure or very likely to cause serious illness and needless suffering and identify a known and available alternative method of execution that entails a significantly less severe risk of pain." See also Asay vs. State, 224

So.3d 695 (Fla. 2017). This Court finds the current lethal injection procedures do not present a substantial and imminent risk that is sure or very likely to cause serious illness or needless suffering. This Court further finds the Defendant has failed to identify a known and available alternative method of execution that entails a significantly less severe risk of pain. This Court adopts the reasoning contained in the State's response to Defendant's motion to vacate judgment of conviction and sentences of death a copy of which is attached to and incorporated as part of this order. Therefore, pursuant to Rule 3.851(h)(6) this claim is denied. This Court previously imposed a deadline for the Defendant to file any and all motions including a successive motion for postconviction relief by 8:00 PM on Saturday, May 2, 2026. A copy of this Court's amended Case Management Order is attached to and incorporated as part of this order. In support of this claim the Defendant filed a motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion on May 5, 2026 at approximately 8:00 AM. This Court finds the Defendant's motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion was not timely, was filed more than 2 days after this Court's deadline and was filed less than 45 minutes prior to the Huff hearing. As a result the Defendant's motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion is denied.

This Court finds no merit in claims one, two or three contained in the Defendant's successive motion to vacate judgment of conviction and sentences of death as previously stated in this order. As such it is hereby **ORDERED and ADJUDGED** that the Defendant's successive motion to vacate judgment of conviction and sentences of death is hereby **DENIED**.

This Court finds the Defendant is not entitled to a stay of execution for the same reasons this Court finds no merit in claims one, two or three of the Defendant's successive motion to vacate judgment of conviction and sentences of death as previously stated in this order. As such the Defendant's motion for stay of execution is **DENIED**.

This Court finds the Defendant is not entitled to a court order directing Broward Sheriff's Office and its

biometric identification unit to run unidentified fingerprint through automated fingerprint identification system for the same reasons this Court finds no merit in claim one of the Defendant's successive motion to vacate judgment of conviction and sentences of death as previously stated in this order. As such the Defendant's motion for court order directing Broward Sheriff's Office and its biometric identification unit to run unidentified fingerprint through automated fingerprint identification system is **DENIED**.

The Defendant's motion for leave to file accompanying affidavit in support of claim III of Rule 3.851 motion is **DENIED** for the same reasons as previously stated in this order.

Pursuant to the Florida Supreme Court's order dated April 24, 2026, the Defendant has the right to appeal this order and shall file a notice of appeal by 5:00 PM on Thursday, May 7, 2026.

DONE and ORDERED at Fort Lauderdale, Broward County, Florida this 5th day of May, 2026.

01014055CF10A 05-05-2026 4:23 PM

01014055CF10A 05-05-2026 4:23 PM 5th day of May, 2026

MARTIN S. FEIN
CIRCUIT COURT JUDGE
case #01-14055CF10A

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APPENDIX C

Florida Department of Corrections, Execution by Lethal Injection Procedures (Feb. 18, 2025).

Execution Protocol at Issue in Judgement Sought to be Reviewed



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

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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

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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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

- (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.

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- (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

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- 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.

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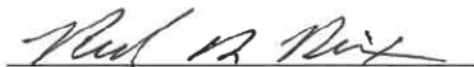
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- (c) The institutional warden, or his/her designee, will advise central office records by e-mail of the inmate's name and the date and time of death by execution.
- (15) **Periodic Review and Certificate from Secretary:** There will be a review of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

The certification shall read:

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

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


RICKY D. DIXON
SECRETARY

2/18/2025
DATE

APPENDIX D

Defendant's Motion for Leave to File Accompanying Affidavit in Support of Claim III of Rule 3.851 Motion. *Knight v. State*, No. 01-014055CF10A (Fla. 17th Cir. Ct. May 5, 2026).

Affidavit of Dr. Joel Zivot at Issue in Judgement Sought to be Reviewed

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

RICHARD KNIGHT,
Defendant.

CASE NO. 01-14055-CF-10A
EMERGENCY CAPITAL CASE,
DEATH WARRANT SIGNED;
EXECUTION SCHEDULED FOR
MAY 21, 2026 AT 6:00 PM

MOTION FOR LEAVE TO FILE ACCOMPANYING AFFIDAVIT IN SUPPORT OF
CLAIM III OF RULE 3.851 MOTION

COMES NOW THE DEFENDANT, RICHARD KNIGHT, by and through his undersigned counsel, and herein moves the Court for leave to file the attached Affidavit of Dr. Joel Zivot as evidence in support of Claim III of his Successive Rule 3.851 motion, which Mr. Knight filed on May 2, 2026, in compliance with the deadlines set forth in the Court's previous amended scheduling order. In support thereof, Mr. Knight states as follows:

Shortly before 8:00 p.m. on Saturday, May 2, 2026, Mr. Knight filed, *inter alia*, a successive Rule 3.851 motion raising three claims for relief. Claim 3 of the Rule 3.851 motion raises a facial constitutional challenge to Florida's Lethal Injection protocol, specifically Section 10(i) which authorizes unqualified execution team members to perform venous cutdown surgery without the use of local anesthesia. *See* Rule 3.851 Motion at 20 *et seq.* In his Rule 3.851 motion, Mr. Knight noted that he intended to file an affidavit of a qualified medical expert in support of this claim. *See* Rule 3.851 Motion at 23 n.18.

Mr. Knight has now obtained the affidavit to which he referred in his motion and moves the Court for leave to file it in support of Claim III. Mr. Knight is aware that the affidavit is being filed outside of the deadlines set forth in the Court's amended scheduling order, an order which issued on Tuesday, April 27, 2026, at 7:03 p.m. Mr. Knight's counsel have endeavored to do their

best to diligently investigate the issues and follow the Court’s scheduling order within the incredibly unforgiving deadlines occasioned by the death warrant and the Florida Supreme Court’s own scheduling order. However, the reality of the situation is that a scheduling order did not issue from the Court until five days into the 29-day warrant period, and it left a mere five days to investigate the grounds for any motions, including any Rule 3.851 motion. As a direct consequence to this “fire-drill” approach¹ to litigating this case under the exigencies of a death warrant, in combination with the other circumstances surrounding Mr. Knight’s lead counsel’s personal and professional responsibilities described in earlier pleadings, counsel was simply unable to secure the attached affidavit before the 8:00 p.m. deadline for the filing of the pleadings, and he is filing it as soon as humanly possible.

“[S]ome claims, such as those challenging the execution method, cannot be raised or evaluated until the signing of the death warrant,” and “defendants must have adequate time to investigate and raise and courts must have adequate time to properly review these warrant-based claims.” *Jimenez v. Bondi*, 259 So. 3d 722, 727 (Fla. 2018) (Pariente, J., concurring). This Court “has inherent powers to do all things that are reasonably necessary for the administration of justice within the scope of its jurisdiction, subject to, or not in conflict with, valid existing laws and constitutional provisions.” *State ex rel. Davis v. City of Avon Park*, 117 Fla. 565, 158 So. 159, 164 (1934).

WHEREFORE, based on the foregoing, Mr. Knight moves the Court for leave to file the accompanying affidavit of Dr. Zivot in connection with Claim 3 of his pending successive Rule 3.851 motion.

¹ See *Jimenez v. Bondi*, 259 So. 3d 722, 726-27 (Fla. 2018) (Pariente, J., concurring in result).

Respectfully submitted,

/s/ Todd G. Scher

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COUNSEL FOR KNIGHT

REPORT OF JOEL ZIVOT, M.D., FRCP(C), MA, JM

To: Todd Scher, Assistant CCRC – South

Date: May 4, 2026

RE: Richard Knight

1. I am an associate professor and senior member of the Departments of Anesthesiology and Surgery, Emory University School of Medicine, in Atlanta, Georgia. I am the former Medical Director of the Cardiothoracic Intensive Care Unit at Emory University Hospital. I am also the former fellowship director for the Critical Care Medicine training program. I hold board certification in Anesthesiology from the Royal College of Physicians and Surgeons of Canada and the American Board of Anesthesiology. I am board-certified in Critical Care Medicine from the American Board of Anesthesiology. I have an MA in bioethics and a Master of Law (JM).
2. I have practiced anesthesiology and critical care medicine for 31 years, during which time I have personally performed or supervised the care of over 50,000 patients.
3. I hold a medical license in Georgia and have held unrestricted medical licenses in Ohio, the District of Columbia, Michigan, and the Canadian provinces of Ontario and Manitoba. I also have a license to prescribe narcotics and other controlled substances from the US Drug Enforcement Administration.
4. I have been consulting with attorneys for Florida death row prisoner, Mr. Richard Knight, regarding the risks to Mr. Knight as he faces potential execution as outlined in the Florida Department of Corrections Execution by Lethal Injection Procedures document dated February 18, 2025. Within this document, I will focus particularly on Subsection 10(i) on page 9.

If peripheral venous access cannot be achieved, a designated team member will perform a central venous 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.

(Emphasis added).

5. At issue here is the prohibition against “objectionably intolerable risk.” Any attempt by the execution team to perform a venous cutdown to establish central venous access easily falls within this specific prohibition. I will address the following risks:
 - a. Intolerable and unnecessary torturous pain.
 - b. The risk of a severe allergic reaction, including anaphylaxis, leading to death.
 - c. Severe vascular injury causing life-threatening bleeding and potential death by exsanguination.
 - d. Improper and unverified line placement leading to possible death by paralysis while conscious.
 - e. Tension pneumothorax leading to death.
 - f. Air embolism leading to death.
 - g. Fatal irregular heartbeat leading to death.
6. Separate from the obvious technical challenges of establishing vascular access for the purposes of execution, we must unpack what it means to be qualified in the performance of pre-execution catheter placement.
7. A cutdown for the purposes of cannulating a vein is a surgical technique used to expose a vein under direct vision, allowing placement of a catheter when percutaneous access fails.
8. Except in a serious emergency, a cutdown must only be performed using sterile technique and after infiltration of local anesthesia.

9. The procedure requires a special cutdown tray that includes a #15 surgical scalpel, curved hemostats or mosquito clamps, Metzenbaum scissors, 3.0 or 4.0 silk sutures, retractors, light, and possible electrocautery.
10. To perform a venous cutdown, after sterile skin prep and surgical drapes are placed, a 2 to 3-centimeter transverse skin incision is performed in the area where the vein is believed to be. Central venous access cannot be accomplished by feeling a vein. Central venous access is never performed with a tourniquet and instead requires a well-hydrated, cooperative individual willing to assume certain body positions. After the initial transverse incision is performed, careful blunt dissection is needed to isolate and identify the vein.
11. A cutdown in the subclavian or internal jugular position is beyond the expertise of anyone on the execution team. Cutdowns in those locations often require a skilled vascular surgeon.
12. In the groin, the femoral artery and femoral vein are frequently abutting, and the accidental puncturing of the femoral artery would result in rapid and catastrophic bleeding, making vein identification impossible.
13. Once the vein is identified, a distal ligature is placed on the vein, and the catheter can then be inserted. The catheter itself should be long enough to avoid accidental removal and sutured in place to prevent dislodgment. This technique requires skill well beyond anyone not trained and practiced in surgical techniques.
14. In any surgical procedure, the person performing the task must be skilled in managing all common and serious complications. The FDOC protocol makes no mention of how it intends to perform venous cutdowns or what specific skills, training, and expertise will be required of those tasked with the job. To be qualified here, one assumes FDOC will seek a

person qualified to perform this task in a medical setting. However, the use of medical knowledge is in no way transferable to the execution chamber.

15. Prior to any skin incision, the use of local anesthesia is paramount. The lethal injection protocol makes no provision for the use of local anesthesia during a venous cutdown. The pain of the knife is not bearable without anesthesia. Local anesthetics are drugs either in the amide or ester class. These drugs have specific toxicity and can also cause severe allergic reactions. Anyone administering local anesthetics must be fully aware of such risks. In dire emergencies in a medical setting, local anesthesia may not be omitted, but execution is not an emergency. Using anesthesia is troubling because execution is in no way a medical act, but a deep slice into the skin of the groin without anesthesia is shocking in its needless cruelty. Anesthetic agents are available by prescription only and their use in a non-medical setting is prohibited.
16. In place of anesthesia, FDOC may try to inject hydroxyzine to reduce anxiety. Drugs of this class are in no way analgesic and function essentially as a placebo.
17. A central line can be placed under the collarbone or in the internal jugular vein on either side of the neck. In all three instances, even separate from the cutdown, the skill required to perform such tasks is well beyond that of an average physician, a skilled and experienced nurse, or an emergency medical technician. Such a task requires someone with the highest level of training and experience. Venous cutdowns performed in any of the three locations by anyone without this high degree of competency are sure or very likely to cause serious and life-threatening complications. The execution chamber is in no way equipped to manage even the simplest of these complications.

18. In July 2022, I performed a second autopsy on the body of the late Joe Nathan James after his execution by the State of Alabama. In the lead-up to his execution, a considerable amount of time elapsed after he was taken away for the placement of intravenous catheters. This delay raised serious concerns and I was tasked with attempting to determine what had occurred. At that autopsy, I discovered several slices into the skin—the telltale signs of attempted cutdowns—in an attempt to establish intravenous access. The autopsy did not reveal whether any of these various attempted cutdowns were successful, but the photos I took are a matter of public record and demonstrate the superaddition of terror and pain caused by the work of unskilled individuals.
19. I hold the opinions in this affidavit to a reasonable degree of medical certainty. Should additional information become available later, I reserve the opportunity to update or add to the opinions stated in this affidavit.
20. I am available to testify remotely on the morning of Wednesday, May 6, 2026.

Signed,



Joel B. Zivot, MD, FRCP(C), MA, JM

Date: May 4, 2026

Respectfully submitted,

/s/Todd Scher

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May 19, 2026