



RON DESANTIS
GOVERNOR

March 30, 2026

Warden Randall Polk
Florida State Prison
7819 N.W. 228th Street
Raiford, Florida 32036-1000

Re: Execution Date for James Ernest Hitchcock, DC# 058293

Dear Warden Polk:

Enclosed is the death warrant that I signed to carry out the sentence for James Ernest Hitchcock, as well as certified copies of his judgment and sentence. I have designated the week beginning at 12:00 noon on Thursday, April 30, 2026, through 12:00 noon on Thursday, May 7, 2026, for the execution. I have been advised that you have set the date and time of execution for Thursday, April 30 at 6:00 p.m.

This letter is incorporated into and made a part of the death warrant identified above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

Enclosures

2026 MAR 30 PM 4:07
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED

Warden Randall Polk
March 30, 2026
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cc:

Honorable Carlos G. Muñiz
Chief Justice
Supreme Court of Florida
500 S. Duval Street
Tallahassee, Florida 32399

Honorable Lisa T. Munyon
Chief Judge, 9th Judicial Circuit
425 N. Orange Avenue
Orlando, Florida 32801

Secretary Ricky Dixon
Department of Corrections
501 S. Calhoun Street
Tallahassee, Florida 32399-2500

Marilyn Muir
Associate Deputy Attorney General
Office of the Attorney General
The Capitol, FL-01
Tallahassee, Florida 32300-0001

Eric Pinkard
Capital Collateral Regional Counsel
12973 N. Telecom Parkway
Temple Terrace, Florida 33637

Office of Executive Clemency
4070 Esplanade Way
Building C, Room 229
Tallahassee, Florida 32399-2450

James Ernest Hitchcock, DC# 058293
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32083

James Lawrence Driscoll
Capital Collateral Regional Counsel
110 S.E. 6th Street Ste. 701
Fort Lauderdale, Florida 33301



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

March 30, 2026

The Honorable Ron DeSantis
Governor
The Capitol
Tallahassee, Florida 32399-0001

RE: James E. Hitchcock

Dear Governor DeSantis:

Nearly fifty years ago, in the summer of 1976, James Ernest Hitchcock raped his brother's thirteen-year-old stepdaughter in her bedroom. When the child yelled and threatened to tell her mother, Hitchcock carried her outside where he choked and beat her. Hitchcock then strangled the child to death then pushed her body into some bushes. He returned to the house, showered, and went to bed. Hitchcock was convicted of first-degree murder and sentenced to death.

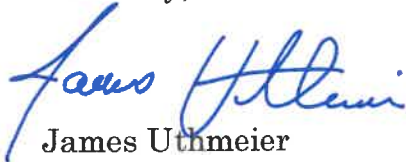
The Florida Supreme Court affirmed Hitchcock's conviction and death sentence, *Hitchcock v. State*, 413 So. 2d 741 (Fla.), *cert. denied*, 459 U.S. 960 (1982) and rejected his initial attempt to obtain postconviction relief, *Hitchcock v. State*, 432 So. 2d 42 (Fla. 1983).

For various procedural reasons, Hitchcock received numerous resentencing proceedings, with each one resulting in a death sentence. *See Hitchcock v. Dugger*, 481 U.S. 393 (1987) (vacating initial death sentence on procedural grounds); *Hitchcock v. State*, 578 So. 2d 685 (Fla. 1990) (affirming death sentence from first resentencing); *Hitchcock v. Florida*, 505 U.S. 1215 (1992) (granting rehearing, vacating judgment, and remanding to the Florida Supreme Court for further consideration); *Hitchcock v. State*, 673 So. 2d 859 (Fla. 1996) (vacating third death sentence); *Hitchcock v. State*, 755 So. 2d 638, 645 (Fla. 2000) (affirming fourth death sentence), *cert. denied*, *Hitchcock v. Florida*, 531 U.S. 1040 (2000).

In the decades that followed, Hitchcock engaged in extensive and unsuccessful litigation in state and federal courts. *Hitchcock v. State*, 866 So. 2d 23 (Fla. 2004) (affirming denial of DNA testing); *Hitchcock v. State*, 991 So. 2d 337 (Fla. 2008) (affirming denial of successive postconviction motion and denial of state habeas petition); *Hitchcock v. Sec'y for Dep't of Corr.*, 745 F.3d 476 (11th Cir. 2014) (affirming denial of federal habeas petition), *cert. denied*, 574 U.S. 939 (2014); *Hitchcock v. State*, 226 So. 3d 216 (Fla. 2017) (affirming denial of successive postconviction motion seeking *Hurst* relief), *cert. denied*, 583 U.S. 1019 (2017); *In re Hitchcock*, 143 S. Ct. 1047 (Mem) (2023) (denying petition for an extraordinary writ of habeas corpus).

The record has been reviewed, and there are no stays of execution issued by any court of competent jurisdiction in this cause. Based upon the above-referenced summary of litigation affirming the judgment and sentence of death imposed for first-degree murder, the record is legally sufficient to support the issuance of a death warrant.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Uthmeier". The signature is fluid and cursive, with the first name "James" being particularly prominent.

James Uthmeier
Attorney General

State of Florida, County of Orange
 I hereby certify that the above and foregoing is a true and correct copy of the instrument filed in this office.
 Confidential items have been removed, as necessary per Fla. R. Admin, 2.240
 Witness my hand and official seal this 02 day of March, 2026
 Tiffany M. Russell, Clerk of the Circuit Court
 By: [Signature] Deputy Clerk



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

CASE NUMBER: CR-O-76- 1942 / A
 DIVISION NO: 18

STATE OF FLORIDA,
 Plaintiff,

vs.

JAMES ERNEST HITCHCOCK,
 Defendant.

Court Minutes / Order (Sentencing)

Court opened on 10/10/96, with the following officers present:
 Honorable Michael F. Cymmanick, Judge Presiding.
 Asst. State Atty.: Division 18 Court Reporter: J. Dexter
 Court Deputy: Mary Lacienski

This case came on this day for Sentencing . The Defendant was present with counsel. Counsel's Name: Trish Cashman / Kelly Sims.

Count(s): Ct. 01) 78204

Sentence

Jail

The defendant is ordered to serve in the Department of Corrections. Court hereby sentences the Defendant to death.
 Defendant remanded to the custody of the Orange County Jail to be recommitted to the Department of Corrections for execution of this sentence.

Filed in Open Court this 10th day of October, 1996.

Done and Ordered at Orange County, Florida this 10th day of October, 1996.

Fran Carlton
 Clerk of the Circuit and County Courts

By: M. McCallum
 Deputy Clerk in Attendance

[Signature: Michael F. Cymmanick]
 Honorable Michael F. Cymmanick, Judge Presiding

ACS _____ Dockets ✓ 10/11/96 Defendant _____ Booking _____ Court Security _____
 CFSC _____ Court Deputy _____ P&P/Com Cont _____ Surety _____ S.O. on _____

Other: _____

STATE OF FLORIDA,

CASE NUMBER CR 76-1942

Plaintiff,

-vs-

JAMES ERNEST HITCHCOCK

Defendant.

FILED IN OPEN COURT
THIS 21 DAY OF Jan, 1977
By Anna Contempore
Clerk

JUDGMENT AND SENTENCE

You, JAMES ERNEST HITCHCOCK, being now before the Court,
attended by your attorney, CHARLES TABSCOTT, and you having

(1) been tried and found guilty of (2) pleaded guilty to (3) pleaded nolo contendere to
FIRST DEGREE MURDER

the Court Adjudges that you are guilty of said offense, and it is the Sentence of the Law and the Judg-
ment of the Court that you _____, be committed to the

custody of the (1) Florida Division of Corrections (2) Orange County Correctional Facility (3) Orange
County Jail, to be imprisoned at Hard Labor for a term of _____

and you are further Ordered to pay a fine and cost in the amount of \$ 2.00.

DONE and ADJUDGED in open Court at ORLANDO, Orange County, Florida
this the 21 day of JANUARY, 1977, pursuant to Rules 3.670 and 3.700 RCrP.

Maurice M. Raul
Judge

(Fingerprints, if required by Sec. 30.31 Florida Statutes)

4 FINGERS TAKEN SIMULTANEOUSLY LEFT HAND	LEFT THUMB	RIGHT THUMB	4 FINGERS TAKEN SIMULTANEOUSLY RIGHT HAND

I hereby certify that the above and foregoing fingerprints on this judgment are the fingerprints of the
defendant, JAMES ERNEST HITCHCOCK, and that they were placed thereon by said
defendant in my presence, in open court, this the 21 day of JANUARY, 1977
pursuant to Sec. 30.31.

Maurice M. Raul
Judge

State of Florida, County of Orange
I hereby certify that the above and foregoing is a true and correct copy of the instrument filed in this office
Confidential items have been removed, as necessary per Fla. R. Admin. 2.240
Witness my hand and official seal this 02 day of March, 2026
Triffany M. Russell, Clerk of the Circuit Court
By: [Signature] Deputy Clerk



State of Florida, County of Orange

I hereby certify that the above and foregoing is a true and correct copy of the instrument filed in this office.
Confidential items have been removed, as necessary per Fla. R. Admin, 2.240

Witness my hand and official seal this 02 day of March, 2026

Tiffany M. Russell, Clerk of the Circuit Court


Deputy Clerk



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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. CR 76-1942

JAMES ERNEST HITCHCOCK,

Defendant.

FILED IN OPEN COURT

THIS 10 DAY OF Oct, 1986

Fran Carlton, Clerk

BY  D.C.

SENTENCING ORDER

INTRODUCTION

A jury found the Defendant, James Ernest Hitchcock, guilty of First Degree Murder on January 21, 1977. The facts concerning the murder are recited in Hitchcock v. State, 413 So.2d 741 (Fla. 1982) (Hitchcock I), cert. denied, 459 U.S. 960, 103 S.Ct. 274, 74 L.Ed. 2d 213 (1982). The original penalty phase resulted in a jury recommendation of death on February 4, 1977. The judge concurred with that recommendation and sentenced the Defendant to death on February 11, 1977. The conviction and sentence were affirmed by the Florida Supreme Court on February 25, 1982. Hitchcock I, 413 So.2d at 748.

~~After various other post-trial challenges, the United States~~
Supreme Court found that the death sentence had not been properly imposed because the trial judge had barred the consideration of non-statutory mitigating factors. Hitchcock v. Dugger, 481 U.S. 393, 107 S.Ct. 1821, 95 L.Ed. 2d 347 (1987). The case was returned for a new sentencing hearing, and on February 20, 1988, the new jury returned a recommendation of death. The court agreed with the jury

recommendation and sentenced the Defendant to death on March 17, 1988.

While the Florida Supreme Court affirmed the new sentence of death¹, the United States Supreme Court later again remanded the case for reconsideration in light of the intervening decision of Espinosa v. Florida, 505 U.S. 1079, 112 S.Ct. 2926, 120 L.Ed. 2d 854 (1992). Hitchcock v. Florida, 505 U.S. 1215, 112 S.Ct. 3020, 120 L.Ed. 2d 892 (1992). The case was returned for a new sentencing hearing, and on August 27, 1993, the new jury recommended a sentence of death. The court agreed with the jury's recommendation and sentenced the Defendant to death on August 30, 1993.

On March 21, 1996, citing various errors in the proceedings below, the Florida Supreme Court reversed and remanded the case with directions to this court to empanel a jury and conduct a new penalty proceeding. Hitchcock v. State, 673 So.2d 859 (Fla. 1996). This court complied with the mandate and commenced a new penalty proceeding on September 9, 1996. The new jury heard testimony and evidence which led them to recommend a sentence of death by a vote of 10 to 2 on September 11, 1996.

FINDINGS OF THE FACT

Based upon the evidence, testimony and arguments presented, the court finds the following statutory aggravating circumstances proven beyond a reasonable doubt:

1. Hitchcock v. State, 578 So.2d 685 (Fla. 1990), cert. denied, 502 U.S. 912, 112 S.Ct. 311, 116 L.Ed. 2d 254 (1991).

I

THE CRIME FOR WHICH JAMES ERNEST HITCHCOCK IS TO BE SENTENCED WAS COMMITTED WHILE HE WAS UNDER A SENTENCE OF IMPRISONMENT.

It is uncontroverted that the murder in this case was committed while the Defendant was on parole from the State of Arkansas.

II

THE CRIME FOR WHICH JAMES ERNEST HITCHCOCK IS TO BE SENTENCED WAS COMMITTED WHILE HE WAS ENGAGED IN THE COMMISSION OF THE CRIME OF SEXUAL BATTERY.

There is no evidence to support any contention that the Defendant's sexual intercourse with Cynthia Driggers was consensual. The testimony of the medical examiner concerning the fresh tear of her hymen establishes that she was a virgin prior to sexual activity ~~before her death. The testimony of her sister, Deborah, establishes~~ that she was distressed over the Defendant's abuse of her to the point of wanting to tell her mother, but not doing so out of fear. Finally, the statement made by the Defendant following his arrest² is anything but consistent with a claim of consent. Indeed, under the circumstances presented, I find the contention to be completely unreasonable. See, Hitchcock I, 413 So.2d at 745.

III

THE CRIME FOR WHICH JAMES ERNEST HITCHCOCK IS TO BE SENTENCED WAS COMMITTED FOR THE PURPOSE OF AVOIDING OR PREVENTING LAWFUL ARREST.

2. The statement is reproduced in connection with my findings of statutory aggravating factors III and IV in this Order.

IV

THE CRIME FOR WHICH JAMES ERNEST HITCHCOCK IS TO BE SENTENCED WAS ESPECIALLY HEINOUS, ATROCIOUS, OR CRUEL.

Following the Defendant's arrest, he made the following statement:³

I came in about 2:30. I came in through the window in the dining room, went into my bedroom, then I went back out and I went to Cynthia's room, I went in and uh, me and her had sex and she said she was hurt, she was gone tell her mama. I said you can't. And she said I am. She started to get up and I wouldn't let her and she started to holler then. When she did that, I got up and grabbed her by the neck and made her quit hollerin' and I picked her up and I carried her outside and I had my hand over her mouth at the time and we got outside and we was layin' on the grass and I told her Cindy you can't tell your mama. She said I am, said I got to I'm hurt and you just hurt me again. She started to scream then and I got her by the throat and I was chokin' her and, she, I let up and she was screamin' and hit her again, hit her and I hit her twice, I think and she was still hollerin' so I choked her and I just kept chokin' and chokin' I don't know what happened I just choked her and choked then I started to pick her up and I pushed her over in the bushes and I got up and left an I went back in the house went in an took a shower, washed my shirt an I went in bedroom and I laid down, at's all I can tell you.

DISCUSSION AS TO AGGRAVATOR III

It is absolutely clear from the Defendant's statement, the testimony of Cynthia's sister and the medical examiner, Dr. Ruiz, that the murder was committed in order to "silence" her from reporting his sexual abuse of her and the consequences that would follow. I use the word "silence" because it sums up best why the Defendant was beating and "chokin'" (sic) her to stop her "screamin'" and "hollerin'" (sic). The "chokin' and

3. Page 2 of the Statement, State's Exhibit #6 attached to this Order.

chokin'" did, indeed, silence her from ever reporting his unlawful attacks to her mother. Additionally, pushing her into the bushes, going back into the house, showering, and washing his shirt conclusively demonstrates that the murder was definitely committed for purposes of avoiding or preventing lawful arrest.

DISCUSSION AS TO AGGRAVATOR IV

I have great difficulty in expressing the horror, suffering and physical and emotional trauma the child victim must have experienced in this case. The Defendant's statement, again, demonstrates best what she endured in the course of his painful sexual assault, removal from her home, beatings and chokings in order to secure her eventual silence. I cannot find words to say what she must have gone through. This child's murder fits every imaginable definition of these terms that have evolved even though it occurred over 20 years ago. It was heinous. It was cruel. It was atrocious.

MITIGATING CIRCUMSTANCES PRESENTED AND CONSIDERED BY THE COURT

I

STATUTORY MITIGATING CIRCUMSTANCE THE AGE OF THE DEFENDANT AT THE TIME OF THE CRIME

The Defendant's chronological age of twenty at the time of the murder has been taken into consideration in light of extensive evidence presented on the deprivations he experienced. They are outlined below as non-statutory mitigating circumstances.

II

NON-STATUTORY MITIGATING CIRCUMSTANCES

A. DEPRIVATIONS EXPERIENCED BY THE DEFENDANT:

The Court has given careful consideration to the testimony of relatives of the Defendant, Dr. Jethrow Toomer, and others which establishes that the Defendant:

1. came from a background of extreme poverty;
2. experienced the lingering death of his natural father who, because of the family's impoverishment, was unable to afford treatment for cancer;
3. was unable to pursue a formal education;
4. witnessed and experienced emotional and physical abuse his alcoholic stepfather visited upon himself, his mother and others;
5. developed borderline personality disorders characterized by insecurity, instability, rejection, abandonment and lack of the ability to trust others; and
6. left home at an early age, not with a clear plan or objective, but rather to escape or run away from the circumstances he was in.

B. POSITIVE CHARACTER TRAITS OF THE DEFENDANT:

The Court is also satisfied that since the murder in this case, the Defendant has:

1. learned to read and write, secured his G.E.D. on his own and has now assisted or taught others to do likewise;
2. acted as a mediator or peacemaker perhaps saving a corrections officer and another inmate from death or serious injury;
3. "remediated" or improved his character "deficits" that existed from childhood;
4. been thoughtful and caring to his mother and

relatives in his letters and cards to them; and,
5. has undertaken steps towards self improvement.

The Court finds these matters to be to the Defendant's credit, but not of such significance as to weigh heavily against the aggravators. The Court has also considered positive character traits the Defendant exhibited prior to the murder. He cared for his family, worked hard and saved an uncle from drowning. The Court does not find these aspects to be significant mitigating circumstances.

CONCLUSION

I have carefully considered all matters offered in mitigation, both statutory and non-statutory, and cannot find them to outweigh the aggravating circumstances in this case. At the Spencer⁴ Hearing conducted two days ago in this case, the Court was also presented with additional information through oral and written statements from family and others on behalf of the victim. This information has not been considered by the Court in reaching its decision.


I concur with the recommendation of the latest jury and find that facts in this case are sufficiently egregious to qualify it as a capital murder for which the ultimate punishment is called for.

It is, therefore, Ordered and Adjudged that the Defendant, James Ernest Hitchcock, is hereby sentenced to death

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

for the murder of Cynthia Driggers. He is hereby re-committed to the custody of the Florida Department of Corrections for execution of this sentence as provided for by law.

DONE and ORDERED in Chambers, at Orlando, Orange County, Florida, this 10th day of October, 1996.


Honorable Michael F. Cychmanick
Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by U.S. mail/hand delivery to Jeff Ashton, Office of the State Attorney for the Ninth Judicial Circuit, 250 N. Orange Ave., Suite 1414, P.O. Box 1673, Orlando, Florida 32802-1673, and to Patricia Cashman, Office of the Public Defender, 1 North Orange Ave., Ste. 500, Orlando, Florida 32801, on this 10th day of October, 1996.


Judicial Assistant

A: Yes, I do.

Q: Okay. I have here a card in my hand which I have just read to you would you indicate by question number five, uh, your answer, and, would you also initial it?

(Pause)

Q: Okay, James on the reverse side it says here, it says, "I hereby knowingly and voluntarily waiver my Constitutional Rights" as explained to you. And you are signing this card....

Q: Okay, today's date is 8-4-76, time is 1653.

Q: James, uh, do you go back to the evening of July 30 and relate to us or state to us what happened that night?

A: (sigh) I came in about 2:30, I came in through the window in the dining room, went into my bedroom, then I went back out and I went to Cynthia's room, I went in and uh, me and her had sex and she said she was hurt, she was gone tell her mama. I said you can't. And she said I am. She started to get up and I wouldn't let her and she started to holler then. When she did that, I got up and grabbed her by the neck and made her quit hollerin' and I picked her up and I carried her outside and I had my hand over her mouth at the time and we got outside and we was layin' on the grass and I told her Cindy you can't tell your mama. She said I am, said I got to I'm hurt and you just hurt me again. She started to scream then and I got her by the throat and I was chokin' her and, she, I let up and she was screamin' and hit her again, hit her and I hit her twice, I think and she was still hollerin' so I choked her and I just kept chokin' and chokin' I don't know what happened I just choked and choked then I started to pick her up and I pushed her over in the bushes and I got up and left and I went back in the house went in and took a shower, washed my shirt and I went in bedroom and I laid down, at's all I can tell you.

Q: Okay, Jim, (cleared throat) previously said, I reference you to the night of the 30th of July of this year, 1976. Now this is the night you went out about what, 11:00 o'clock. Is this correct?

A: Yes it is.

Q: And it wasn't until 2:30 the following morning which would be 31 July of 1976 when all this incident occurred?

A: Yes.

Q: When you went into uh Cynthia Ann's bedroom, uh, how was she dressed?

A: In red shorts and white pull over shirt.

James E. Hitchcock

DEATH WARRANT

STATE OF FLORIDA

WHEREAS, JAMES ERNEST HITCHCOCK, on or about the 31st day of July, 1976, murdered Cynthia Driggers; and

WHEREAS, JAMES ERNEST HITCHCOCK, on the 26th day of January, 1977, was convicted of first degree murder and, on the 10th day of October, 1996, was sentenced to death for the murder of Cynthia Driggers; and

WHEREAS, on the 25th day of February, 1982, the Supreme Court of Florida affirmed the conviction of JAMES ERNEST HITCHCOCK and, on the 23rd day of March, 2000, affirmed the death sentence of JAMES ERNEST HITCHCOCK; and

WHEREAS, on the 15th day of January, 2004, the Supreme Court of Florida affirmed the trial court order denying JAMES ERNEST HITCHCOCK's initial Motion for Postconviction Relief and, on the 22nd day of May, 2008, denied his Petition for Writ of Habeas Corpus; and

WHEREAS, on the 20th day of September, 2012, the United States District Court for the Middle District of Florida denied JAMES ERNEST HITCHCOCK's federal Petition for Writ of Habeas Corpus; and

WHEREAS, on the 12th day of March, 2014, the United States Court of Appeals for the Eleventh Circuit affirmed the denial of JAMES ERNEST HITCHCOCK's federal Petition for Writ of Habeas Corpus; and

WHEREAS, further postconviction motions and petitions filed by JAMES ERNEST HITCHCOCK have been denied and the denials affirmed on appeal; and

WHEREAS, executive clemency for JAMES ERNEST HITCHCOCK, as authorized by Article IV, Section 8(a), of the Florida Constitution, was considered pursuant to the Rules of Executive Clemency, and it has been determined that executive clemency is not appropriate; and

WHEREAS, attached hereto is a certified copy of the record of the conviction and sentence pursuant to section 922.052, Florida Statutes.

NOW, THEREFORE, I, RON DESANTIS, as Governor of the State of Florida and pursuant to the authority and responsibility vested in me by the Constitution and Laws of Florida, do hereby issue this warrant, directing the Warden of the Florida State Prison to cause the sentence of death to be executed upon JAMES ERNEST HITCHCOCK, in accordance with the provisions of the Laws of the State of Florida.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 30th day of March, 2026.




GOVERNOR

ATTEST:


SECRETARY OF STATE

2026 MAR 30 PM 4:07
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED