

No. SC2026-0519

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**In the Supreme Court of Florida**

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CHADWICK WILLACY,  
*Appellant,*

*v.*

STATE OF FLORIDA,  
*Appellee.*

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**ANSWER BRIEF ON THE MERITS**

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On Appeal from the Circuit Court of the Eighteenth  
Judicial Circuit in and for Brevard County, Florida  
L.T. No. 1990-CF-16062

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## **ORAL ARGUMENT OBJECTION**

The State opposes Willacy's request for oral argument. The issues on appeal are straightforward, and it is against this Court's policy to grant oral argument in successive capital appeal cases. See Fla. S. Ct. Internal Op. Proc. II.A.3(a) (Successive capital postconviction appeals are treated "in the same manner as" cases "in which review is granted without oral argument."). This Court has not held oral argument in any recent warrant case over the past three years and should not hold oral argument in this one either.

## **STATEMENT OF THE CASE AND FACTS**

On September 5, 1990, Marlys Sather returned home unexpectedly to find Willacy, her next-door neighbor, burglarizing her house. *Willacy v. State*, 967 So. 2d 131, 135 (Fla. 2007). Willacy bludgeoned Sather and bound her ankles with wire and duct tape. *Id.* He choked and strangled her with a cord with a force so intense that a portion of her skull was dislodged. *Id.* Willacy then obtained Sather's ATM pin number, her ATM card, and the keys to her car; drove to her bank; and withdrew money out of her account. Willacy returned to Sather's home where he disabled the smoke detectors, doused Sather with gasoline, placed a fan at her feet to provide more

oxygen for the fire, and struck several matches as he set her on fire. *Id.* Medical testimony established that her death was caused by inhalation of smoke from her burning body. *Id.*

Willacy's fingerprints were found on the fan at Sather's feet and on a gas can. *Id.* Witnesses reported seeing a man matching Willacy's description near Sather's house and driving her car on the day of the murder. *Id.* Further, Willacy's girlfriend discovered Sather's check register in Willacy's wastebasket. *Id.* A search of Willacy's home uncovered Sather's property, as well as several articles of clothing containing blood consistent with her blood type. *Id.*

The jury convicted Willacy of first-degree murder, burglary, robbery, and arson and recommended the death penalty by a 9-3 vote. *Id.* at 135. The trial court followed the jury's recommendation and sentenced Willacy to death. *Id.*

### **Direct Appeal**

Following his convictions and sentence of death, Willacy filed his direct appeal to this Court, and raised eight claims: (1) the court committed reversible error when it refused the defense an opportunity to rehabilitate a prospective juror; (2) a prospective juror was improperly challenged based on his race; (3) the jury foreman

was ineligible to serve; (4) the court improperly found that Willacy's statements were voluntarily made; (5) the killing was not committed to avoid arrest; (6) the killing was not heinous, atrocious or cruel; (7) the court improperly weighed the mitigating and aggravating factors; and (8) death is an inappropriate penalty. *Willacy v. State*, 640 So. 2d 1079, 1081 n.2 (Fla. 1994).

On May 12, 1994, this Court issued its opinion affirming Willacy's convictions but vacating his death sentence. *See id.* at 1081-84 (remanding for a new penalty phase because the trial court should have afforded defense counsel an opportunity to rehabilitate a venireperson who stated that she could not recommend the death penalty).

### **Resentencing and Appeal**

On remand, a jury again recommended the death penalty, this time by a vote of 11-1. The trial court followed the recommendation and sentenced Willacy to death. *Willacy v. State*, 696 So. 2d 693, 695 (Fla. 1997). The court found five aggravating circumstances.<sup>1</sup> Willacy

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<sup>1</sup> The murder was committed in the course of a robbery, arson, and burglary; the murder was committed to avoid lawful arrest; the murder was committed for pecuniary gain; the murder was especially

proposed thirty-seven mitigating factors. *Id.* at 695 n.2. This Court noted that most of the proposed factors were cumulative to others and were of a general nature. *Id.* The trial court rejected six factors and gave the others little weight. *Id.* This Court affirmed Willacy's death sentence, *id.* at 697, and on November 19, 1997, the United States Supreme Court denied certiorari review. *Willacy v. Florida*, 522 U.S. 970 (1997).

On May 11, 1998, Willacy filed an initial motion for postconviction relief under Florida Rule of Criminal Procedure 3.850 followed by a March 18, 2002, amended motion for postconviction relief, raising thirty-one issues. *Willacy*, 967 So. 2d at 137 nn.7-8. The postconviction court denied the motion. On appeal, this Court affirmed the lower court's denial of postconviction relief. *Id.* at 148. This Court also denied Willacy's petition for writ of habeas corpus, which alleged that appellate counsel had been ineffective for failing to raise seven issues. *Id.* at 145-48. Willacy then filed a certiorari petition in the United States Supreme Court, which denied review. *Willacy v. Florida*, 552 U.S. 1265 (2008).

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heinous, atrocious, or cruel (HAC); and the murder was committed in a cold, calculated, and premeditated manner (CCP). *Id.* at 694 n.1.

### **Initial Federal Habeas Proceeding**

In 2008, Willacy filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Middle District of Florida. He filed an amended petition in 2013. The federal district court denied the amended petition. *Willacy v. Sec'y, Dep't of Corr.*, No. 6:08-CV-619, 2014 WL 3594213 (M.D. Fla. July 18, 2014). The United States Court of Appeals for the Eleventh Circuit affirmed the denial of habeas relief. *Willacy v. Sec'y, Fla. Dep't of Corr.*, 703 Fed. Appx. 744 (11th Cir. 2017). The United States Supreme Court denied certiorari review on April 30, 2018. *Willacy v. Jones*, 584 U.S. 964 (2018).

### **Successive State Postconviction Proceedings**

Since the conclusion of his initial state postconviction proceedings, Willacy has filed three successive motions for postconviction relief and three petitions for writ of habeas corpus in this Court.

On March 19, 2010, this Court denied a successive petition for writ of habeas corpus, in which Willacy challenged the trial court's granting of a State preemptory strike. *Willacy v. McNeil*, 33 So. 3d 36 (Fla. 2010). Willacy then filed his first successive postconviction

motion on November 1, 2010. He argued that his sentence was unconstitutional under *Porter v. McCollum*, 558 U.S. 30 (2009). The circuit court summarily denied relief, and this Court affirmed that decision on appeal. *Willacy v. State*, 90 So. 3d 822 (Fla. 2012). The United States Supreme Court denied certiorari review on January 22, 2013. *Willacy v. Florida*, 568 U.S. 1147 (2013).

In 2016, Willacy filed a successive petition for writ of habeas corpus seeking relief under *Hurst v. Florida*, 577 U.S. 92 (2016). This Court denied the petition. *Willacy v. Jones*, No. SC16-497, 2017 WL 1033679, at \*1 (Fla. Mar. 17, 2017). In the meantime, he filed a second successive postconviction motion in the circuit court under Florida Rule of Appellate Procedure 3.851 on January 10, 2017, also seeking relief pursuant to *Hurst*. The circuit court summarily denied relief, and this Court affirmed that decision on appeal. *Willacy v. State*, 238 So. 3d 100, 101 (Fla. 2018). Willacy sought certiorari review, which the United States Supreme Court denied. *Willacy v. Florida*, 586 U.S. 866 (2018).

On January 30, 2020, Willacy filed his third successive rule 3.851 motion, in which he sought relief based on *Flowers v. Mississippi*, 588 U.S. 284 (2019). The circuit court denied relief, and

this Court affirmed, finding the claim was untimely and had been raised by Willacy on direct appeal and in earlier successive postconviction proceedings. *Willacy v. State*, 314 So. 3d 246 (Fla. 2021). Finally, on December 5, 2022, Willacy filed a pro se all writs petition in this Court, seeking the appointment of conflict-free counsel. The petition was denied on April 13, 2023. *Willacy v. State*, No. SC2022-1653, 2023 WL 2943017, at \*1 (Fla. Apr. 13, 2023).

### **Successive Federal Habeas Proceedings**

Willacy returned to federal district court in 2018, filing a motion to alter or amend judgment, which the district court denied. *Willacy v. Sec'y, Dep't of Corr.*, No. 6:08-CV-619, 2018 WL 11244847, at \*1 (M.D. Fla. June 27, 2018). The Eleventh Circuit subsequently denied a certificate of appealability, *Willacy v. Sec'y, Dep't of Corr.*, No. 18-13072 (11th Cir. Apr. 19, 2019), as well as a petition seeking leave to file a successive habeas corpus petition. *Willacy v. Sec'y, Dep't of Corr.*, No. 21-12460 (11th Cir. Aug. 10, 2021).

### **Death Warrant Proceedings**

On March 13, 2026, Governor Ron DeSantis signed a death warrant for the execution of Willacy, and his execution is scheduled

for April 21, 2026, at 6:00 p.m. (R. 79).<sup>2</sup> As a result, this Court issued a scheduling order requiring that all proceedings in the circuit court be concluded by Thursday, April 2, 2026, at 11:00 a.m. *Id.*

On March 6, 2026, one week before the warrant was signed, Willacy served a supplemental public records demand on the Florida Department of Corrections (FDOC) pursuant to Florida Rule of Criminal Procedure 3.852(h) and (i), seeking post-March 1, 2025, records relating to FDOC's implementation of its lethal injection protocol. (R. 54-61). The demand broadly sought operational materials, including training records, execution logs, checklists, internal memoranda, documentation regarding the sourcing, handling, and administration of execution drugs, monitoring records (including Florida Department of Law Enforcement (FDLE) observations), IV-line procedures, medical assessments of consciousness and death, and post-execution debriefings. *Id.* The demand asserted that these materials were necessary to evaluate compliance with the February 18, 2025, protocol and to develop a potential Eighth and Fourteenth Amendment challenge. (R. 54-55).

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<sup>2</sup> "R" citations are to the Supplemental Record on Appeal filed on April 2, 2026.

FDOC objected to the March 6 demand in its entirety. (R. 217-34). It observed at the outset that the demand was identical to requests made on it in recent warrant cases seeking records related to its lethal injection protocol, procedures, and process, and that this Court has consistently held that such records are not relevant to a colorable claim for postconviction relief. FDOC pointed out that it is entitled to a presumption that it is performing its duties correctly. Willacy's speculation to the contrary was insufficient to raise a colorable method-of-execution challenge, which requires more than a mere alleged deviation from protocol, but a substantial and imminent risk that the method used is sure or very likely to cause serious illness and needless suffering. (R. 218-21).

FDOC further argued that the demand sought lethal injection materials that were exempt from disclosure under section 945.10, Florida Statutes; failed to relate to a colorable due process claim under the Fourteenth Amendment (to the extent Willacy was raising such a claim); was untimely because Willacy had not explained why he did not seek the records earlier; and was a mere fishing expedition that failed to raise any potential as-applied constitutional challenge that had not been previously considered and rejected by this Court.

(R. 221-28). Finally, FDOC objected that individual requests within the demand improperly sought records relating to the lethal injection protocol, internal policies and procedures, protocol drugs, execution team members, and prior executions. (R. 228-34).

After the Governor signed the execution warrant, the circuit court entered a scheduling order on March 17, 2026. (R. 138-47). The order directed that defense counsel should file all demands for additional public records by March 18, 2026. (R. 141). On that date, Willacy filed four additional supplemental public records demands directed to the Office of the Attorney General (OAG), FDOC, the Executive Office of the Governor (EOG), and the Office of the State Attorney for the Eighteenth Judicial Circuit (SAO). (R. 149-76). These substantially similar demands sought all internal and interagency communications across all platforms during the one-week period encompassing the March 6 demand and the Governor's March 13 signing of the warrant. *Id.* The requests focused on communications concerning the March 6 additional public records demand and the warrant decision. They were premised on the theory that such materials might reveal the Governor's motivation for signing the execution warrant, coordination among agencies, strategic delay or

avoidance of public records obligations, or concealed noncompliance with the lethal injection protocol. *Id.*

On March 19, 2026, each responding agency filed written objections advancing overlapping grounds. (R. 208-42, 253-65). The agencies argued that the demands were facially overbroad and sought categories of records beyond the scope of Florida Rule of Criminal Procedure 3.852, including internal deliberative communications and interagency discussions that are not public records or are exempt from disclosure under Chapter 119 due to privilege, work-product protection, or statutory exemptions. *Id.* The objections further asserted that Willacy failed to identify any colorable postconviction claim and instead sought to use the public records process to conduct generalized discovery into executive decision-making. *Id.*

The circuit court conducted a hearing on the additional public records demands on March 23, 2026, (R. 551-616), and later that same day entered its written “Order on Public Records Objections.” (R. 366-73). In that order, the circuit court stated that it had reviewed the court file, the demands, the objections, the arguments presented, and the authorities submitted, and it sustained the agencies’

objections and denied all of Willacy's additional public records demands. (R. 368-69). The circuit court specified that FDOC's objections were sustained as to both the March 6 and March 18 requests. (R. 368). Willacy sought rehearing, (R. 376-80), which the circuit court denied on March 25, 2026. (R. 447-52).

Meanwhile, the circuit court's scheduling order required Willacy to file any successive postconviction motion by March 25, 2026, at 4:00 p.m. (R. 141). Rather than filing a Rule 3.851 motion, Willacy filed a petition for writ of mandamus in this Court shortly before the deadline. *See Willacy v. State*, No. SC2026-0483. Then, thirty-seven seconds before the deadline expired, Willacy filed a motion in the circuit court seeking an extension of time to file his postconviction motion until after this Court had ruled on his mandamus petition. (R. 453-57). The next morning, the State filed a response in opposition to the extension motion, and Willacy filed a reply. (R. 471-83). Soon after, the circuit court denied the motion for extension of time and ordered Willacy to file any successive postconviction motion by March 26, 2026, at 2:00 p.m. (R. 458-70). That extended deadline likewise passed without the filing of a successive postconviction motion. (R. 484-86).

On March 27, 2026, the circuit court conducted the scheduled case management/*Huff*<sup>3</sup> hearing, (R. 683-99), and afterward entered its “Order on Case Management/*Huff* Hearing and Concluding Post-Warrant Proceedings.” (R. 490, 518-24). In that order, the circuit court concluded that because Willacy had not filed a successive postconviction motion, there were no claims requiring factual development. Accordingly, it determined that no evidentiary hearing was warranted, denied any remaining pending relief, directed the clerk to prepare the record, and formally concluded all post-warrant proceedings in the trial court. (R. 518-24).

On March 31, 2026, this Court denied Willacy’s petition for writ of mandamus. The next day, Willacy filed a notice of appeal from the orders denying his public records demands, rehearing motion, and motion for extension of time, *see* Notice of Appeal, *Willacy v. State*, SC2026-0519 (Fla. Apr. 1, 2026), and on April 2, 2026, he filed a Petition for Writ of Habeas Corpus. *See* Petition for Writ of Habeas Corpus, *Willacy v. State*, SC2026-0526 (Fla. Apr. 2, 2026).

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

## **SUMMARY OF THE ARGUMENT**

Claims I and II fail because Willacy's challenge to the denial of his March 6 and March 18 public records demands rests on the flawed premise that he was entitled to expansive lethal-injection records and internal and interagency communications without first identifying a colorable postconviction claim. That premise is contrary to Florida Rule of Criminal Procedure 3.852, which requires a capital defendant to identify a legally sufficient, colorable postconviction claim and demonstrate that the requested records are specifically relevant to it. Instead, Willacy sought sweeping execution-related materials and broad communications across multiple agencies to determine whether a claim might exist, an impermissible fishing expedition under this Court's precedent. The demands were also speculative, facially overbroad, and unduly burdensome, independently justifying the agencies' objections and the circuit court's ruling. Because the requests were legally insufficient on their face, the circuit court was not required to conduct in camera review. Further, Willacy's constitutional arguments do not alter these conclusions, because this Court has repeatedly upheld Rule 3.852 and section 27.7081 as imposing reasonable and constitutional

limitations on access to public records in capital postconviction proceedings.

Claim III likewise fails. Willacy's motion for an extension of time was premised on the assertion that his pending mandamus petition prevented him from filing a successive postconviction motion. As Florida law makes clear, however, the filing of a mandamus petition neither stays proceedings nor tolls Rule 3.851 deadlines, and Willacy remained free to file a postconviction motion and challenge any adverse public records rulings on appeal. The circuit court also properly adhered to this Court's binding scheduling order requiring that warrant proceedings be completed expeditiously. In any event, Willacy cannot demonstrate prejudice, as his requested extension depended on a mandamus petition that was ultimately denied. Accordingly, the denial of the extension motion was a proper exercise of discretion and affords no basis for relief.

### **STANDARDS OF REVIEW**

This Court reviews the denial of public records requests for an abuse of discretion. *Tanzi v. State*, 407 So. 3d 385, 391 (Fla. 2025) (citing *Cole v. State*, 392 So. 3d 1054, 1065 (Fla. 2024)). A trial court abuses its discretion only when its action "is arbitrary, fanciful, or

unreasonable,” meaning no reasonable person “would take the view adopted by the trial court.” *Canakaris v. Canakaris*, 382 So. 2d 1197, 1203 (Fla. 1980). Similarly, a trial court’s denial of a motion for extension of time is reviewed for abuse of discretion. *See Fla. R. Crim. P. 3.050*. Further, this Court’s precedent makes clear that continuances, functionally indistinguishable from requests to extend deadlines, are reviewed under that same deferential standard. *See, e.g., Geraldts v. State*, 674 So. 2d 96, 99 (Fla. 1996); *Fennie v. State*, 648 So. 2d 95, 97 (Fla. 1994). Finally, the standard of review for a constitutional claim is de novo. *Correll v. State*, 184 So. 3d 478, 487 (Fla. 2015).

## **ARGUMENT**

### **I. & II. The Circuit Court Did Not Abuse Its Discretion In Denying The Public Records Demands Or In Declining To Conduct In Camera Review.**

Willacy contends in Claims I and II that the circuit court erred in denying his March 6 and March 18 public records demands by imposing extra-statutory requirements, accepting legally insufficient agency objections, and declining to conduct in camera review. He maintains that his requests were sufficiently specific, relevant to anticipated postconviction litigation, and not unduly burdensome; and further argues that Rule 3.852 does not require a capital defendant to identify a colorable postconviction claim before obtaining additional public records. In his view, the denial of those requests violated Chapter 119 as well as his state and federal constitutional rights, and the failure to conduct in camera review prevented meaningful judicial scrutiny of the agencies' objections.

These arguments fail because the demands did not satisfy the governing requirements of Rule 3.852. The requests were not tied to any legally sufficient, colorable postconviction claim, but instead sought expansive execution-related records and internal and interagency communications to determine whether a claim might

exist. They were also facially overbroad and unduly burdensome. For those reasons, the circuit court properly denied the demands.

Rule 3.852 establishes a claim-driven framework for post-warrant public records litigation, requiring a capital defendant to demonstrate that the requested records are specifically related to a colorable claim for postconviction relief. *King v. State*, No. SC2026-0336, 2026 WL 672101, at \*5 (Fla. Mar. 10, 2026), *cert. denied*, 2026 WL 730666 (U.S. Mar. 16, 2026) (citing *Branch v. State*, 236 So. 3d 981, 984 (Fla. 2018)); *see also Damas v. State*, 423 So. 3d 811, 823 (Fla. 2025) (“[W]here a defendant cannot demonstrate that he or she is entitled to relief on a claim or that records are relevant or may reasonably lead to the discovery of admissible evidence, the trial court may properly deny a records request.”) (original alteration) (quoting *Asay v. State*, 224 So. 3d 695, 700 (Fla. 2017)); *Allen v. State*, 416 So. 3d 291, 307 (Fla. 2025) (finding no abuse of discretion in denial of pre-warrant public records demand where the claim the defendant sought to establish would not have warranted any relief). Consistent with that framework, the rule does not authorize speculative discovery or “fishing expedition[s] for records unrelated to a colorable claim for postconviction relief.” *Sims v. State*, 753 So.

2d 66, 70 (Fla. 2000). Nor does it permit requests aimed at uncovering whether a claim might exist or demands that are overly broad or unduly burdensome. *Heath v. State*, 426 So. 3d 1253, 1263-65 (Fla.), *cert. denied*, 2026 WL 363902 (U.S. Feb. 10, 2026).

Measured against these principles, the March 6 demand filed a week before the warrant falls well short. Directed to FDOC, the request sought sweeping categories of records relating to virtually every aspect of the State's lethal injection process, including training materials, execution logs and checklists, internal communications, drug sourcing and testing documentation, chain-of-custody records, administration procedures, monitoring data, and post-execution reports. (R. 54-61). The demand was not confined to any specific execution, did not identify a protocol deviation, and did not provide a discrete factual predicate. Instead, it broadly sought to examine whether FDOC had complied with its protocol, asserting that the requested materials were necessary to determine whether potential Eighth Amendment and Fourteenth Amendment claims could be developed. (R. 54-55).

That defect is dispositive. As this Court explained in *Heath*, requests for execution-related records that are unrelated to a

specifically identified protocol violation and instead seek materials in the hope that irregularities might be uncovered do not satisfy Rule 3.852's threshold requirement. 426 So. 3d at 1263-64. The rule does not authorize discovery aimed at discovering whether possible claims exist, and a defendant must do more than speculate that records might reveal a defect. *Id.* Consistent with that principle, this Court reaffirmed that a defendant bears the burden of demonstrating a connection between the records sought and a colorable claim, not merely a generalized desire to explore potential issues. *King*, 2026 WL 672101, at \*5. Because the March 6 demand was premised on precisely that type of speculation, it failed as a matter of law. Its sweeping scope further rendered it unduly burdensome, independently justifying denial.

The March 18 demands fare no better. They sought expansive categories of internal and interagency communications during the period between the March 6 public records demand and the signing of the execution warrant. (R. 149-76). They were not limited to discrete records, but instead encompassed communications across multiple mediums. *Id.* The subject matter was equally broad, covering any communication relating to Willacy's prior records

request, the agencies' responses, the timing or issuance of the execution warrant, and any coordination among agencies. *Id.*

As framed by Willacy, these demands were not tied to any identified colorable claim for postconviction relief but instead sought to explore whether government actors may have communicated in a manner that could give rise to a claim. That type of inquiry, seeking wide-ranging communications to uncover a potential theory of relief, falls squarely within the speculative discovery prohibited by Rule 3.852 and foreclosed under *Heath* and *King*. The breadth of the requests, spanning multiple agencies, communication platforms, and categories of records, further underscores their undue burden. To the extent Willacy was attempting to inquire into the Governor's reasons for signing the warrant, such an inquiry is likewise foreclosed by this Court's precedent. *See Heath*, 426 So. 3d at 1264-65 (“[C]hallenges to the Governor's absolute discretion to issue death warrants and allegations that the Governor's decision to sign a warrant was influenced by public input do not present colorable claims for postconviction relief.”). The circuit court therefore correctly sustained the agencies' objections and denied the March 18 demands.

In sum, both the March 6 and March 18 demands suffer from the same fundamental defect: neither is anchored to a specifically identified, colorable postconviction claim, and both instead seek expansive categories of records in the hope of uncovering one. Rule 3.852 does not permit that approach. Because the requests were speculative, unrelated to any colorable postconviction claim, and facially overbroad and unduly burdensome, the circuit court correctly denied the additional public records demands.

These same deficiencies necessarily defeat Claim II. Willacy's assertion that the circuit court was required to conduct an in camera review is entirely derivative of his flawed premise that the demands were legally sufficient. But requiring in camera review in the absence of a colorable postconviction claim would invert Rule 3.852, forcing courts to comb through agency records in search of a claim rather than requiring the defendant to first present one. Because Willacy failed to satisfy that threshold requirement, the circuit court properly denied the demands without conducting in camera review.

Willacy's constitutional arguments do not alter these conclusions. Framed as violations of Chapter 119, the Florida Constitution, and the United States Constitution, his claims rest on

the premise that Rule 3.852 impermissibly restricts access to public records otherwise available to the general public. But that premise has been repeatedly rejected. Rule 3.852 and section 27.7081 do not deny access to public records; they regulate the manner in which such records may be obtained in the capital postconviction context by requiring a defendant to proceed in a claim-specific, non-speculative manner.

This Court's precedent squarely forecloses Willacy's position. See *Wyatt v. State*, 71 So. 3d 86, 111 (Fla. 2011); *Lambrix v. State*, 124 So. 3d 890, 895 n.2 (Fla. 2013); *Gudinas v. State*, 412 So. 3d 701, 715 (Fla.), *cert. denied*, 145 S. Ct. 2833 (2025); *Hutchinson v. State*, 416 So. 3d 273, 279 (Fla.), *cert. denied*, 145 S. Ct. 1980 (2025); *Randolph v. State*, 422 So. 3d 166, 172 (Fla. 2025), *cert. denied*, 146 S. Ct. 819 (2025); *King*, 2026 WL 672101, at \*6. These decisions confirm that Rule 3.852 imposes reasonable, constitutionally permissible limitations on the manner of access to public records in capital cases.

Finally, Justice Sotomayor's statement in *Trotter v. Florida*, No. 25-6853 (25A926), slip op. at 1 (U.S. February 24, 2026), does not alter the analysis. It does not constitute binding authority and does

not change this Court's settled interpretation of Rule 3.852 or Florida's public records framework. To the extent the statement discusses broader concerns regarding transparency, those considerations do not create a constitutional right to public records unrelated to a colorable postconviction claim.

Accordingly, because Rule 3.852 permissibly channels access to public records through a claim-specific framework and Willacy failed to satisfy the rule's threshold showing, his claims afford no basis for relief, and the circuit court's rulings should be affirmed.

### **III. The Circuit Court Did Not Abuse Its Discretion by Denying Willacy's Motion for Extension of Time.**

Finally, Willacy argues that the circuit court erred by denying his motion for an extension of time to file a successive motion for postconviction relief. Under the circuit court's scheduling order, any successive postconviction motion was due no later than 4:00 p.m. on March 25, 2026. (R. 141); *see* Fla. R. Crim. P. 3.851(h)(6) (providing that after a death warrant has been signed, "the [circuit] court shall set a time for filing a postconviction motion"). Mere seconds before that deadline, Willacy filed a motion for an extension of time to file his postconviction motion until after this Court had ruled on his

mandamus petition challenging the circuit court's public records rulings. (R. 453-55). Willacy claimed in the extension motion that he "c[ould ]not file a Successive Postconviction Motion while the Florida Supreme Court maintains jurisdiction." (R. 455).

The State filed a response in opposition at 8:56 a.m. the next morning (March 26, 2026), in which it observed that Willacy's last-minute filing of the extension motion appeared to be an intentional delay tactic, and further pointed out that the filing of a mandamus petition does not divest a trial court of jurisdiction or operate as an automatic stay. (R. 471-74); see *Byrd-Green v. State*, 40 So. 3d 848, 848-49 (Fla. 3d DCA 2010); Fla. R. App. P. 9.100(h). The State argued, as well, that Willacy's mandamus petition was meritless, since he could challenge the public records rulings on appeal upon the conclusion of the post-warrant proceedings. (R. 474-75). Willacy filed a reply shortly thereafter, asserting that the public records sought through the mandamus petition were necessary for him to file a postconviction claim. (R. 478-83). At 10:50 a.m., the circuit court denied the extension motion and directed Willacy to file his motion for postconviction relief no later than 2:00 p.m. on March 26, 2026. (R. 458-63). The 2:00 p.m. deadline came and went, and Willacy

again failed to file a postconviction motion. (R. 484-86). Consequently, the circuit court, after holding a case management hearing, entered an order on March 27, 2026, concluding the post-warrant proceedings. (R. 519-25, 683-99). On March 31, 2026, this Court denied Willacy's petition.

A trial court's decision on a motion for extension of time is discretionary. *See Fla. R. Crim. P. 3.050*. Here, there was no abuse of the circuit court's discretion. The filing of the mandamus petition did not, contrary to Willacy's assertions, deprive the circuit court of jurisdiction or prevent him from filing a motion for postconviction relief. *See Byrd-Green*, 40 So. 3d at 848-49; *see also* Philip J. Padovano, *Florida Appellate Practice* § 1:6 (2026 ed.) (explaining that, except in a prohibition proceeding where the appellate court has entered an order to show cause pursuant to rule 9.100(h), the filing of an extraordinary writ petition "does not restrict the exercise of jurisdiction by the lower tribunal," which "has continuing jurisdiction to enter all orders, including the final order disposing of the case, unless the appellate court has entered a stay or an order that otherwise prevents further action in the lower tribunal").

Nor did the mere denial of Willacy's requests for additional public records prevent him from filing a postconviction motion. Capital inmates under warrant can, and often do, file such motions after their public records requests have been denied. The proper procedure in such cases is to challenge the lower court's public records rulings on appeal following the entry of a final order denying postconviction relief. *See, e.g., Heath*, 426 So. 3d at 1263-64; *Tanzi*, 407 So. 3d at 391; *Cole v. State*, 392 So. 3d 1054, 1065 (Fla. 2024).

Importantly, the circuit court remained bound by this Court's scheduling order, which required that all proceedings in the circuit court be completed "as expeditiously as possible, but by no later than 11:00 a.m., Thursday, April 2, 2026." (R. 79). To that end, the circuit court entered its own scheduling order requiring Willacy to file any postconviction motion by 4:00 p.m. on Wednesday, March 25, 2026; requiring the State to file its response by 4:00 p.m. on Thursday, March 26, 2026; setting a *Huff* hearing for 10:00 a.m. on Friday, March 27, 2026; and setting an evidentiary hearing, if needed, for 9:30 a.m. on Monday, March 30, 2026. (R. 141-43).

When Willacy filed his extension motion, this Court had not entered any order staying the proceedings or altering its scheduling

order. And although Willacy, like all death-sentenced inmates after the signing of a death warrant, was given the *opportunity* to file a post-warrant postconviction motion, *see* Fla. R. Crim. P. 3.851(h)(6), nothing required him to do so. Based on their representations in the extension motion and reply, Willacy’s postconviction counsel appear to have assessed that—absent the fishing expedition they sought to conduct through the public records requests regarding FDOC’s lethal injection protocols and the Governor’s reasons for signing the death warrant—there were no viable postconviction claims that could be raised in good faith. The circuit court, however, remained obligated to conclude the proceedings “as expeditiously as possible,” and no later than 11:00 a.m. on April 2, 2026. (R. 79).

Under these circumstances, the circuit court properly gave Willacy one final opportunity—until 2:00 p.m. on March 26, 2026, or 22 hours after the circuit court’s original filing deadline—to file a postconviction motion. When he failed to do so, the circuit court then correctly determined that there was no further work to be done and entered a final order concluding the proceedings. The denial of the extension motion, which was wholly consistent with this Court’s binding scheduling order, was not an abuse of the circuit court’s

discretion. *See Williams v. State*, 415 So. 3d 168, 173 (Fla. 2025) (“Abuse of discretion is a ‘highly deferential’ standard of review, and ‘we will not find an abuse of discretion unless the trial court makes a ruling which no reasonable judge would agree with.’”) (*quoting Wells v. State*, 364 So. 3d 1005, 1013 (Fla. 2023)).

Further, even if the circuit court had abused its discretion, any error was harmless, since Willacy only requested an extension until this Court had ruled on his mandamus petition, and the mandamus petition was later denied on March 31, 2026. Accordingly, Willacy would still not have had any postconviction claims to raise before this Court’s deadline of 11:00 a.m. on April 2, 2026, and the outcome of the proceedings in the lower court would have been the same. *See* § 924.051(3), Fla. Stat. (stating that “[a]n appeal may not be taken from a judgment or order of a trial court unless a *prejudicial* error is alleged”) (emphasis added); § 924.051(1)(a), Fla. Stat. (“‘Prejudicial error’ means an error in the trial court that harmfully affected the judgment or sentence.”). Thus, the denial of Willacy’s extension motion entitles him to no relief in this Court.

## **CONCLUSION**

Based on the authorities and arguments presented herein, this Court should affirm the lower court's Order on Public Records Objections, Order Denying Defendant's "Motion for Rehearing of Public Records Demands/Motion for In Camera Inspection," and Amended Order Denying Defendant's Motion for Extension of Time.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of April 2026, I electronically filed the foregoing with the Clerk of Court by using the

Florida Courts E-Portal Filing System which will send a notice of electronic filing to the following: the Honorable Melanie Chase, Chief Judge, 101 Eslinger Way, Sanford, Florida, 32773, **jennifer.biron@flcourts18.org**; the Honorable Kathryn M. Speicher, Circuit Judge, Eighteenth Judicial Circuit, Brevard County, 2825 Judge Fran Jamieson Way Viera, Florida, 32940, **lisa.baumhover@flcourts18.org**; William J. Scheiner, State Attorney, Eighteenth Judicial Circuit, 2725 Judge Fran Jamieson Way, Building D Viera, Florida, 32940, **wscheiner@sa18.org**, **ledmiston@sa18.org**, **eservice@sa18.org**; Eric Pinkard, Chief Assistant, Melody Jacquay-Acosta, Joshua Chaykin, Ann Marie Mirialakis, Mahham Syed, Assistants CCRC-M, Capital Collateral Regional Counsel-Middle Region, 12973 North Telecom Parkway, Temple Terrace, Florida 33637, **pinkard@ccmr.state.fl.us**, **jacquay@ccmr.state.fl.us**, **mirialakis@ccmr.state.fl.us**, **syed@ccmr.state.fl.us**, **chaykin@ccmr.state.fl.us**, **support@ccmr.state.fl.us**; and the Florida Supreme Court, **warrant@flcourts.org**, **canovak@flcourts.org**.

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### **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that the size and style of type used in this brief is 14-point Bookman Old Style, in compliance with Florida Rule

of Appellate Procedure 9.045(b). This brief contains 5,625 words, in compliance with Florida Rule of Appellate Procedure 9.210(a)(2)(B).

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