

**IN THE SUPREME COURT OF FLORIDA
CASE NO:**

Melvin Trotter,
Appellant,
v.
**State of Florida; Ricky Dixon, Sec'y, Fla. Dept. of Corrections;
Mark Glass, Comm'r Fla. Dept. of Law Enforcement**
Appellee.

**ON APPEAL FROM THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT IN AND FOR MANATEE COUNTY, FLORIDA
Lower Tribunal No. 86-CF-001225-A**

**PETITION SEEKING REVIEW OF NON-FINAL ORDER
CAPITAL CASE - DEATH WARRANT SIGNED**

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INTRODUCTION

Pursuant to Fla. R. App. P. 9.142(c), Mr. Trotter, by and through his undersigned counsel, respectfully petitions this Court for Review of a Non-final Order from Judge Fredrick R. Mercurio, of the Circuit Court of the Twelfth Judicial Circuit, in and for Manatee County. Mr. Trotter seeks an order from this Court directing the lower court to order the release of certain confidential and/or exempt records as part of his postconviction warrant litigation, which counsel believes are reasonably calculated to lead to the discovery of admissible evidence for a colorable claim. Appendix A, “Defendant’s Demand for Additional Public Records Florida Department of Law Enforcement (“FDLE”)” and Appendix B, “Defendant’s Demand for Additional Public Records Florida Department of Corrections (“FDOC”).”

JURISDICTIONAL STATEMENT

This is an original action under Rule 9.142(c) of the Florida Rules of Appellate Procedure. This Court has original jurisdiction pursuant to 9.030(a)(3) of the Florida Rules of Appellate Procedure and Article V, Sec. 3(b)(1) of the Florida Constitution. *See Trepal v. State*, 754 So. 2d 702 (Fla. 2000).

DATE AND NATURE OF ORDERS SOUGHT TO BE REVIEWED

On January 29, 2026, the lower court issued a written order denying Defendant's Demand for Additional Public Records Florida Department of Law Enforcement ("FDLE") and Defendant's Demand for Additional Public Records Florida Department of Corrections ("FDOC") (heretofore referred to as Demands). Appendix C, "Order Denying Demand for Additional Records (Florida Department of Law Enforcement)" and Appendix D, "Order Denying Demand for Additional Records (Florida Department of Corrections)."

SUMMARY OF ARGUMENTS

The Circuit Court erred when it sustained both FDLE's and FDOC's objections to Defendant's Demands for Public Records because the court imposed a higher burden upon defendant than is required in Florida Rules of Criminal Procedure, Rule 3.852. The court also misapplied and expanded what information is protected pursuant to Florida Statute § 945.10 to apply to all records held by the Departments pertaining to FDOC's lethal injection protocol.

PROCEDURAL HISTORY

On June 20, 1986, a Grand Jury indicted Mr. Trotter of Robbery

with a Deadly Weapon (case number 86-1240-F) and First-Degree Murder (case number 86-1225-F).

The case proceeded to jury trial in the Twelfth Judicial Circuit, Manatee County Circuit Court, before Acting Circuit Court Judge Alan R. Dakan. The jury returned a verdict of guilt on both counts. The advisory panel recommended death 9-3. On May 18, 1987, Mr. Trotter was sentenced to death for the charge of First-Degree Murder and received a concurrent sentence of 12 years for the Robbery.

Mr. Trotter filed as direct appeal raising eight claims. In *Trotter v. State*, 576 So. 2d 691 (Fla. 1990), this Court affirmed the verdict and granted a new penalty phase on the basis that Mr. Trotter's status on Community Control was admitted in error and weighed as an aggravating circumstance. *Id* at 694. The lower court's ruling on the other seven issues was upheld.

On Remand, the advisory panel again returned a recommendation of death, this time by 11-1 and on July 23, 1993, the trial court imposed a sentence of death. On Direct Appeal following the Remand, Mr. Trotter raised 10 issues, yet the Florida Supreme Court affirmed the sentence. *Trotter v. State*, 690 So.2d 1235 (Fla. 1997). A timely motion for rehearing was denied on

December 19, 1996. The defendant filed a petition for writ of certiorari to the U.S. Supreme Court, which was denied on October 6, 1997. *Trotter v. Florida*, 522 U.S. 876, 118 S.Ct. 197(mem) (1997).

Mr. Trotter filed his initial Postconviction Motion to Vacate Judgment of Conviction and Sentence with Special Request for Leave to Amend on June 8, 1998. Subsequently, a First Amended Motion was filed on June 15, 2000, and a Second Amended Motion was filed on July 31, 2001 under the authority of Fla. R. Crim. P. 3.850. The motion was denied by the trial court on March 30, 2003. Mr. Trotter filed a timely appeal in Case No. SC03-735 and filed a State Habeas Petition in Case No. SC03-1967, on November 26, 2004.

While the case was pending before the Florida Supreme Court, Mr. Trotter filed a Motion to Relinquish Jurisdiction pursuant to Florida Rule of Criminal Procedure 3.203(d)(4)(E), Defendant's Mental Retardation as a Bar to Imposition of the Death Penalty on November 26, 2004. The Florida Supreme Court granted Mr. Trotter's motion on December 3, 2004 remanding this case to the Circuit Court for a determination of the mental retardation issue. A Successive 3.851 Motion for Post-Conviction Relief - Motion for Determination of Mental Retardation as a Bar to Execution - was filed

before the circuit court of the Twelfth Judicial Circuit, In and For Manatee County, Florida on November 30, 2004.

On July 7, 2005, the circuit court determined that Mr. Trotter failed to establish mental retardation. The trial court's decisions to deny the amended postconviction motions, as well as the amended successive motion, were affirmed and the State Habeas was denied by the Florida Supreme Court, SC-735, SC03-1967, *Trotter v. State*, 932 So. 2d 1045 (2006).

Mr. Trotter filed a petition for Federal Habeas Relief on October 11, 2006 and an Amended Petition on October 25, 2006, raising sixteen claims, in Case No. 8:06-cv-8172-T-17MSS. The U.S. District Court denied relief on November 6, 2007. *Trotter*, 2007 WL 33266712 (M.D. Fla.) Mr. Trotter appealed the denial to the U. S. Court of Appeals of the Eleventh Circuit, *Trotter v. Sec. Dept. Corr.*, No. 07-15755-P. The Eleventh Circuit denied relief, affirming the denial of his federal habeas petition. *Trotter v. Sec. Dept. Corr.*, 2008 WL (11th Cir. July 23, 2008). Mr. Trotter's Petition for Rehearing En Banc was denied on September 15, 2008. The Supreme Court denied a writ of certiorari on December 15, 2008, *Trotter v. Sec. Dept. Corr.*, No. 08-6797.

On October 15, 2007, Mr. Trotter filed a successive 3.851 Motion to Vacate Judgment of Conviction and Sentence, and then an Amended Successive Motion raising four claims that challenged lethal injection. The trial court denied the successive motion on June 13, 2008. On April 30, 2009, the Florida Supreme Court affirmed the trial court Order summarily denying relief, No. SC08-1254.

On January 23, 2026, Governor Ron DeSantis signed a Death Warrant for Mr. Trotter and Mr. Trotter's execution date was set for Tuesday, February 24, 2026 at 6:00 PM. On January 27, 2026, Mr., Trotter, through undersigned counsel, filed Defendant's Demand for Additional Public Records Florida Department of Law Enforcement ("FDLE") and Defendant's Demand for Additional Public Records Florida Department of Corrections ("FDOC"). On January 29, 2026, the circuit court entered its orders denying Mr. Trotter's demands for additional public records and this appeal follows.

STATEMENT OF FACTS

The following facts are relevant to this Court's review of this petition: Mr. Trotter is under a death warrant and set to be executed on February 24, 2026, at 6:00 PM.

On January 27, 2026, undersigned counsels filed two demands for additional public records in accordance with the circuit court's scheduling order. Counsel sought additional public records from FDLE and FDOC. See Appendix A, "Defendant's Demand for Additional Public Records Florida Department of Law Enforcement ("FDLE")" and Appendix B, "Defendant's Demand for Additional Public Records Florida Department of Corrections ("FDOC")." On January 28, 2026, general counsels for FDLE and FDOC filed their response and objections to defendant's demands. See, Appendix E, "Florida Department of Law Enforcement's Response and Objections to Defendant's Demand for Production of Public Records Related to Lethal Injection Protocol;" and Appendix F, "Department of Corrections' Objections to Defendant's Demands for Additional Public Records." That same day the Circuit Court held a hearing on Trotter's demands and entered an oral order denying both of Trotter's public records demands.

The following day, January 29, 2026, the Circuit Court entered its written orders denying the demands. See, Appendix C, "Order Denying Demand for Additional Records (Florida Department of Law

Enforcement)” and Appendix D, “Order Denying Demand for Additional Records (Florida Department of Corrections).”

Melvin Trotter files this timely appeal of the circuit court’s non-final order denying both public records demands to FDLE and FDOC.

ARGUMENT

1. The Circuit Court imposed a higher burden upon Trotter than what is required in Rule 3.852.

The lower court’s orders denying Mr. Trotter’s Demands are a departure from the essential requirements of law. Florida Rule of Criminal Procedure 3.852(i) governs postproduction requests for additional records such as those requested in this case. In order to obtain the records, Collateral Counsel must file an affidavit in the circuit court meeting the following requirements:

(A) attest that collateral counsel has made a timely and diligent search of the records repository; and

(B) identify with specificity those public records not at the records repository; and

(C) establish that the additional public records are either relevant to the subject matter of the postconviction proceeding or are reasonably calculated to lead to the discovery of admissible evidence; and

(D) shall be served in accord with subdivision (c)(1) of this rule.

Fla. R. Crim. P. 3.852(i)(1).

Counsel has done so in their Demands. See, Appendix A and Appendix B.

The circuit court may order the production of those records upon a finding that:

(A) collateral counsel has made a timely and diligent search of the records repository;

(B) collateral counsel's affidavit identifies with specificity those additional public records that are not at the records repository;

(C) the additional public records sought are either relevant to the subject matter of a proceeding under rule 3.851 or appear reasonably calculated to lead to the discovery of admissible evidence; and

(D) the additional records request is not overly broad or unduly burdensome.

Fla. R. Crim. P. 3.852(i)(2) (emphasis added).

In its orders, the circuit court fails to address each point with specificity. The Orders merely deny the record requests without including an opinion or analysis. See, Appendix C and Appendix D.

A capital post-conviction defendant “bears the burden of demonstrating that the records sought [pursuant to Fla. R. Crim. P. 3.852] relate to a colorable claim for postconviction relief.” *Branch v. State*, 236 So. 3d 981, 984 (Fla. 2018) (citing *Chavez v. State*, 132 So. 3d 826, 829 (Fla. 2014) and *Mann v. State*, 112 So. 3d 1158, 1163 (Fla. 2013)). The requested records, detailed in Appendices A and B, meet the criteria in Fla. R. Crim. P. 3.852 in that the requested records may contain, or through further investigation may lead to, the discovery of evidence of FDOC’s failure to follow its own lethal injection protocols and procedures, promulgated pursuant to FL Stat. 922.105(1), the abrogation of which would constitute cruel and unusual punishment in violation of the Eighth Amendment and violation of Due Process under the Fourteenth Amendment to the U.S. Constitution and corresponding provisions of the Florida Constitution.

To be clear, Mr. Trotter is *not* asserting the lethal injection procedures/protocol *itself* is unconstitutional but rather the failure to comply with the outlined procedure and protocol violate his Eighth Amendment guarantee to be free from cruel and unusual

punishment. Mr. Trotter seeks documentation that will establish the Florida Department of Corrections follows the procedure put in place to prevent unconstitutional suffering and cruelty.

This Court has repeatedly held that Florida's lethal injection protocol is constitutional. (See *Chavez v. State*, 132 So. 3d 826, 830 (Fla. 2014), *Muhammad v. State*, 132 So. 3d 176, 207 (Fla. 2013). However, the records obtained in *Walls v. Dixon*, No. 4:25-cv-0488, ECF 1 (N.D. Fla. Nov 26, 2025)¹ show multiple violations of the constitutionally protected protocol. Therefore, FDOC has deviated from the constitutionally accepted means of execution in the following ways:

1. During the executions of Edward James and Michael Tanzi, FDOC administered injectable lidocaine, an anesthetic drug not called for in the lethal injection protocol. *Id.* at ¶ 83.
2. FDOC has administered expired drugs during the execution of at least four men executed in 2025. FDOC administered etomidate with an expiration date of January 31, 2025, during the executions of Victor Jones on September 30,

¹ See, Appendices G and H, FDOC drug logs obtained in 2025.

- 2025, David Pittman on September 17, 2025; Curtis Windom on August 28, 2025; and Kayle Bates on August 19, 2025. Id. at ¶ 84.
3. FDOC has recorded the removal of three-drugs used during their executions at an ad hoc basis in violation of the lethal injection procedure/protocol. Thomas Gudinas was executed on June 24, 2025. FDOC recorded that they removed all three drugs used on June 25, 2025, despite the execution taking place on June 24, 2025. Id. at ¶ 79. Anthony Wainwright was executed on June 10, 2025. FDOC recorded the removal of the three drugs on June 12, 2025, despite the execution taking place on June 10, 2025. Id. at ¶ 79.
 4. FDOC has either given or recorded incorrect dosages to at least two of the men executed in 2025 in violation of the lethal injection procedure/protocol. On June 25, 2025, a date corresponding to Thomas Gudinas's execution (which actually occurred on June 24, 2025), the inventory logs only show 10 x 10ml vials of rocuronium bromide were removed (1000mg), suggesting that FDOC only prepared half of the required paralytic drug, in violation of the written protocol

which requires 2000mg, administered through 20 x 10ml vials. Id. ¶ 81. On June 12, 2025, a date corresponding to Anthony Wainwright's execution (which occurred on June 10, 2025), 7 vials of potassium acetate were removed from FDOC's inventory, suggesting that FDOC prepared only 280 milliequivalents of potassium acetate in violation of the protocol, which requires 480 milliequivalents (12 x 20ml vials). Id. at ¶ 82.

5. FDOC has failed to contemporaneously document and accurately log or record the drugs used during the execution in violation of the lethal injection procedure/protocol. FDOC did not record removing rocuronium bromide or potassium acetate until the July 16, 2025, the day after Michael Bell's execution on July 15, 2025 and the logs contain no entry for the removal of etomidate during that execution, leaving the source and quantity of the drug used in Bell's execution unknown. Id. at ¶ 79.

Trotter recorded these violations of the lethal injection protocol, which this Court has determined to be constitutional as written, in his demands for additional public records. See, Appendix A and B.

The recent and repeated maladministration of the stated procedure justifies piercing the presumption of correctness and warrants a further investigation into whether any other protocols and/or procedures have been disregarded. This is a serious concern and would rise to a colorable claim that FDOC's failure to follow the published Execution by Lethal Injection Procedures is a violation of Trotter's Due Process and Eighth Amendment constitutional rights. The requested records reasonably relate to establishing that claim.

2. Mr. Trotter has overcome the rebuttable presumption that the Department of Corrections will comply with its lethal injection protocol.

It is FDOC's own statement to the governor, in a letter dated February 18, 2025, that the purpose of its protocols is "[t]o establish the procedures for the execution by lethal injection of inmates sentenced to death, pursuant to the dictates of Chapter 922, Florida Statutes and adhering to the requirements imposed under the Constitution of the State of Florida and the United States Constitution. The foremost objective of the lethal injection process is a humane and dignified death." See Appendix I, "Execution by Lethal Injection Procedures." It logically follows that not following what are now considered constitutionally established protocols is reasonably

related to an Eighth Amendment claim because it raises grave concerns that FDOC can no longer ensure their procedure will result in a humane death. If the FDOC is not following the constitutionally sanctioned protocols, they are beyond the protection of precedent finding their procedures are constitutional.

This Court has ruled that the FDOC is entitled to the presumption that it will comply with the lethal injection protocol. *Long v. State*, 271 So. 3d 938 (Fla. 2019). By establishing what appears to be specific prior violations of FDOC's own procedures through the drug logs attached in Appendices G and H, Mr. Trotter has pierced this presumption. Nowhere in their protocol is the use of Lidocaine contemplated.

The FDOC alleges they are in compliance by asserting (1) they have *redacted* records as required; (2) they have *withheld* information concerning identity; and (3) the redacted logs *do not prove* they were withdrawn for execution. Tellingly, what FDOC fails to allege in their objection to the production of records demanded is (1) they have in fact *followed* the protocol their Secretary confirmed to the Governor they are using; (2) that *no expired drugs were used* in an execution last year, in 2025; (3) whether Lidocaine is being used in executions

and in what fashion – in lieu of another drug or in addition to the drug protocol, and why for only some inmates but not others?

FDOC complains that Trotter's request is just the same as prior demands but phrased differently. They ignore the fact that there is a world of difference between challenging a protocol and merely being concerned that the approved protocol is not being followed. Trotter has a right to be concerned that FDOC is so emphatic about hiding what they are doing. Not only Mr. Trotter, but the People of the State of Florida have a right to know that FDOC is in compliance with all the procedures they claim to be following. How can a government agency tasked with the enormous responsibility of legally and *humanely* ending someone's life dare claim they have a right to do so without oversight? Nowhere in Trotter's request for records does he ask that any person's confidentiality be compromised. And nowhere in the FDOC's argument do they claim they cannot provide the records requested in a timely manner. We should be very suspicious why they are fighting so hard to keep these records secret.

Thus, the records requested are not a mere “fishing expedition”² based on speculation that FDOC is not following protocol but rather based on a study of drug logs prepared by FDOC which indicate the prior issues and concerns detailed above. FDOC’s documented and repeated aberrations of its own procedures destroys any confidence that it will comply with the procedures in Mr. Trotter’s execution.

3. The Request for Additional Records by Trotter demonstrates the serious implications of the protocols not being followed and why the records requested are essential to an effective and humane execution.

The records requested are necessary to determine whether FDOC’s failure to comply with their own procedures would be “very likely to cause serious illness and needless suffering,” and whether there is a “substantial risk of serious harm.” *Glossip v. Gross*, 576 U.S. 863, 877 (2015). We assert that there is a substantial risk of harm to Mr. Trotter.

² Quoting *Asay v. State*, 224 So. 3d 695, 700 (Fla. 2017), “this discovery tool is not intended to be a procedure authorizing a fishing expedition for records unrelated to a colorable claim for postconviction relief.”

Mr. Trotter requested the following records from FDOC in his Demands:

- a. Written records/checklists, logs, and/or memorandums of training activities including simulations, execution process, preparation of carrying out execution process, and effects of each lethal chemical as required in subsection (4) of FDOC's procedure, "Training of the Execution Team and Executioners;"
- b. Written records/checklists, logs, and/or memorandums documenting "completion of each step in the process," as required in subsection (5) of FDOC's procedure, "Use of Checklists;"
- c. "Signed forms attesting" the team warden's verification that all steps in the process have been performed properly prior to the administration "pharmaceutical agents (lethal injection chemicals)," and the that the remaining steps in the process were performed properly," as required in subsection (5) of FDOC's procedure, "Use of Checklists;"

- d. Written records/checklists, logs, and/or memorandums documenting and tracking whether the “pharmaceutical agents (lethal injection chemicals)” are within their “date range” for use, have reached, or surpassed their expiration dates” and documenting the maintenance and proper storage of the “pharmaceutical agents (lethal injection chemicals)” as required in subsection (6) of FDOC’s procedure, “Purchase and Maintenance of Lethal Chemicals;” e. Written records/checklists, logs, and/or memorandums documenting the need for refrigeration, proper temperature range for storage, and/or monitoring for compliance of temperature and handling of the lethal chemicals;
- e. Internal policies and procedures for handling and maintenance of the “pharmaceutical agents (lethal injection chemicals)” should there be power loss or other circumstances (such as water, temperature, humidity, etc.) which may compromise the pharmaceutical agents (lethal injection chemicals);

- f. Polices/procedures, written logs, and/or memorandums documenting the disposal of expired and otherwise compromised “pharmaceutical agents (lethal injection chemicals);”

- g. Copies of the “logs provided to the team warden and available at the post execution debriefings” documenting the first FDLE agent charged with monitoring and responsible for observing the preparation of the “pharmaceutical agents (lethal injection 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” as required in subsection (7)(b) of FDOC’s procedure, “FDLE Monitors;”

- h. Copies of the “logs provided to the team warden and available at the post execution debriefings” documenting the second FDLE agent charged with keeping a detailed log of what is occurring in the execution chamber at a minimum of two (2) minute intervals” as required in subsection (7)(c) of FDOC’s procedure, “FDLE Monitors;”

- i. Copies of the “logs provided to the team warden and available at the post execution debriefings” documenting the second FDLE agent charged with keeping a detailed log of what is occurring in the execution chamber at a minimum of two (2) minute intervals” as required in subsection (7)(c) of FDOC’s procedure, “FDLE Monitors;”

- j. Memorandums, records, checklists, and/or logs from execution team member and independent observer from FDLE documenting their observations and compliance with the preparation of each “pharmaceutical agent (lethal injection chemical)” used in the lethal injection process as found in subsection (9)(f) of FDOC’s procedure, “On the Day of Execution;”

- k. Procedures, directives, documentation, and memorandum of the execution team members preparation and placement of the “aseptic technique” and “extension set that will be used to infuse the lethal chemicals into the primary injection line.” (See subsection (9)(h) of FDOC’s procedure, “On the Day of Execution”);

1. Procedures, directives, documentation, and memorandum of the execution team members utilization of “aseptic technique” and the placement of the “IV extension set that will be used to infuse the pharmaceutical agents (lethal injection chemicals) into the primary injection line.” (See subsection (10)(h) and (i) of FDOC’s procedure, “Approximately Thirty (30) Minutes Prior to Execution”); and
- m. Forms and documentation of the methodologies and medical instrumentation utilized by Execution Team Members to assess and monitor the inmate’s depth and sustained level of consciousness (“consciousness checks”) including the training, level of competency, and proficiency.
- n. Forms and documentation of the methodologies and medical instrumentation utilized by Execution Team Members to assess and affirm the inmate’s death including the training, level of competency, and proficiency.
- o. Documentation, checklists, and memorandum of the team warden’s “debriefing interview with every execution team

member and the executioners, documenting any exceptional circumstances that arose during the execution, as required by as required in subsection (13)(f) of FDOC's procedure, "Immediate Post-Execution Procedures;"

p. Protocols, procedures, directives, and checklists regarding:

1. Mixing of the "pharmaceutical agents (lethal injection chemicals)" and their respective sterile IV solutions ("diluent fluids");
2. flushing the syringe if same syringe is used;
3. when and how syringes are organized, staged, and labeled;
and
4. insertion of venous access and how the site is secured.

Additionally, Mr. Trotter requested in his Demand to FDLE that they produce the following:

- a. Copies of the "logs provided to the team warden and available at the post execution debriefings" documenting the first FDLE agent charged with monitoring and responsible for observing

the preparation of the “pharmaceutical agents (lethal injection 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” as required in subsection (7)(b) of FDOC’s procedure, “FDLE Monitors;”

- b. Copies of the “logs provided to the team warden and available at the post execution debriefings” documenting the second FDLE agent charged with keeping a detailed log of what is occurring in the execution chamber at a minimum of two (2) minute intervals” as required in subsection (7)(c) of FDOC’s procedure, “FDLE Monitors;”

Providing these documents is likely to disclose that other protocols have been disregarded which would result in “serious illness and needless suffering,” and “substantial risk of serious harm.”

Mr. Trotter presented the circuit court with an Affidavit by Dr. Daniel Buffington, PharmD, MBA. Dr. Buffington outlined the importance and impact of each and every record requested in Defendant’s Demand. Dr. Buffington repeatedly attests that the

production of the records would serve the defendant's, as well as the public's interest, of confirming adherence with the protocol, adherence which reduces the risk of errors or deviation from the critical design and infrastructure that ensures a humane and effective outcome. He also affirms that the production of certain records demanded could reveal information that could lead to unanticipated or unnecessary complications from the use of expired drugs or drugs that have been improperly refrigerated, especially during transportation and institution power outages. Such an error or deviation could result in unnecessary pain or discomfort or an unexpected termination of the execution procedure prior to the inmate's death. Likewise, lack of proficiency with preparation, placement and securing of IV injection, etc., can result in acute complication, pain or the need to abort an execution process. See Appendix J, Affidavit, Dr. Daniel Buffington, PharmD, MBA. In presenting the affidavit of Dr. Buffington, Trotter does what Asay was unable to do; Mr. Trotter has established that failure to comply with his Demands creates a "sure or very likely risks of sufficiently imminent danger." *Asay v. State*, 224 So. 3d 695, 701 (Fla. 2017).

Mr. Trotter's Demands are plead with specificity as to what is requested and why it is pertinent and additionally are supported by an expert witness. As such, his Demands cannot be considered overly broad.

4. The Circuit Court misapplied and expanded what information is protected pursuant to Florida Statute § 945.10 and applied the confidential information protections to all records held by the Departments pertaining to FDOC's lethal injection protocol.

Counsel for FDOC and FDLE conflate the protections provided in Florida Statute § 945.10 that protect the identities of those involved in the execution to mean that *all* records kept in accordance with the implementation and carrying out of the lethal injection execution protocol to be exempt from disclosure. Very simply, Florida Statute § 945.10(1)(j) protects *very narrowly and limitedly* "information or records that identify or could reasonably lead to the identification of any person or entity which participates in, has participated in, or will participate in..." the execution. Florida statute **does not** prevent the disclosure of records in which Trotter has sought. In fact, Dr. Buffington, whom the state of Florida has consulted with regarding their lethal injection protocol, affirms in his

affidavit that the records requested would not unmask those that have participated in executions carrying out the lethal injection. The Departments have misstated and continue to prevent the release of records that the public is entitled to obtain and review, records which should see the light of day here in the Sunshine State.

CONCLUSION AND RELIEF SOUGHT

Trotter has established that his Demands are reasonably calculated to lead to the discovery of admissible evidence, rebutting the presumption that FDOC does and will comply with its own protocols, and that his demands are neither broad nor unduly burdensome upon the State that seeks to end his life. The requested records are necessary for Trotter to investigate and raise a claim that the FDOC's failure to follow Florida's lethal injection protocols is unconstitutional.

WHEREFORE, Trotter petitions this Court for an Order directing the lower court to grant Defendant's Demand for Additional Public Records Florida Department of Law Enforcement ("FDLE") and Defendant's Demand for Additional Public Records Florida Department of Corrections ("FDOC").

CERTIFICATE OF COMPLIANCE

Counsel certifies that this Petition Seeking Review of Nonfinal Order is produced in Bookman Old Style 14-point font in compliance with the requirements of Florida Rules of Appellate Procedure 9.045.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on this 30th day of January, 2026, the foregoing document has been electronically filed with the Clerk of the Circuit Court by using the Florida Courts e-portal filing system which will send a notice of electronic filing to the following: the Florida Supreme Court, warrant@flcourts.org, and canovak@flcourts.gov; the State Attorney's Office Twelfth, Judicial Circuit, 1112 Manatee Avenue West, Bradenton, Florida 34205, Ed Brodsky, ebrodsky@sao12.org; the State Attorney's Office, Sixth Judicial Circuit, 14250 49th Street North, Clearwater, Florida 33762, Glenn Martin, glennmartin@flsa6.gov, Sara Macks, saramacks@flsa6.gov, Todd Chapman, toddchapman@flsa6.gov, and eservice@flsa6.gov; the Office of the Attorney General, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607-7013, Stephen D. Ake, stephen.ake@myfloridalegal.com, Michael Mervine,

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WE HEREBY FURTHER CERTIFY that a copy has also been
furnished via U.S. mail, this 30th day of January, 2026, to Melvin
Trotter, DOC # 573461, at Florida State Prison, P.O. Box 800,
Raiford, Florida 32083.

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