Supreme Court of Florida

MONDAY, MARCH 30, 2026

James Aren Duckett,
Appellant/Petitioner(s)
v.

State of Florida,
Appellee/Respondent(s)

SC2026-0449 & SC2026-0450
Lower Tribunal No(s).:
351987CF001347AXXXXX

The circuit court continues to have concurrent jurisdiction to rule on motions related to DNA testing and successive claims filed by the petitioner and nothing in this Court's prior scheduling order precludes these additional filings. The circuit court shall provide this Court a status report on all pending issues by Thursday, April 2, 2026, at 5:00 pm. The State's motion to lift stay of execution is denied. Appellant's motion to relinquish jurisdiction is denied as moot.

MUÑIZ, C.J., and LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.
TANENBAUM, J., dissents in part with an opinion.

TANENBAUM, J., dissenting in part.

For more than three decades, the defendant has sat on death row for killing an eleven-year-old girl after raping her. The defendant's last post-conviction-relief effort came in 2019. The Governor's recent warrant for the defendant's execution prompted

the defendant to throw a Hail Mary pass, one that sought to use newer DNA-testing technology to test an evidentiary slide that contained a sample swabbed from the victim's underwear during the 1987 murder investigation. Florida law entitles the defendant to this DNA testing at any time once the judgment and sentence become final, provided that the Florida Department of Law Enforcement ("FDLE") conducts the testing and that the results would "exonerate" him. *See* § 925.11(1), (2)(h), Fla. Stat.

The trial court granted the defendant's last-minute request for DNA testing and ordered that FDLE conduct or supervise the testing. This court stayed the defendant's execution, ostensibly as a precaution because the State retained control over the testing (which the statute happens to require) and the testing had not yet been completed—and no one wants to proceed with an execution while a DNA test is pending. Well, the State reported on Friday that the testing was complete, and the results were inconclusive, meaning there *still* is no exonerating evidence that demonstrates the defendant's actual innocence.

As I noted in my prior dissent, the test results at all events are not relevant to the defendant's appeal, which pertains only to the denial of his post-death-warrant, successive motion for post-conviction relief that the defendant filed and the trial court denied. The defendant's "due process" challenge to the "surprise" nature of the Governor's death warrant has zero merit on its face. And

without the new exonerating DNA evidence that the defendant was hoping for, his successive claim asserting innocence remains time-barred, as the trial court originally ruled.

The trial court's final order denying the defendant's last-ditch effort has been with us for review in accordance with our warrant schedule, and the trial court's order in that respect appears to have been the correct disposition. By definition, a final order means that all judicial labor has come to an end as to the cause at hand (here, the post-conviction claims asserted in the successive rule 3.851 motion). That undoubtedly is the case regarding the defendant's latest rule 3.851 motion. There are no further proceedings to be had on that motion that could justify continuing the stay.

The rule 3.853 motion—in essence, a discovery motion filed as a matter of statutory right—was granted, and the DNA testing has been completed. Neither the defendant nor the State separately has challenged the ruling on the motion. There being no exonerating evidence produced because of that testing, there is nothing further for the trial court to do at this point. Indeed, as has been the case for decades, there is no exonerating evidence at all to justify any further delay in the defendant's execution, which has been a long time coming.

This court should simply proceed to dispose of the defendant's appeal.[1] The stay need only be continued for so long as necessary for this court to finalize and issue that appellate disposition. Instead, the court is unnecessarily (and without authority) injecting further delay at the behest of the defendant. This court in its last order cited section 922.06(1), Florida Statutes, for its authority to issue the current stay. That provision authorizes a stay "incident to an appeal." It was unclear last week what appeal the stay was incident to, given that we have a final order for review, and the DNA-testing results would have been outside the record on appeal anyway. Now that the results are in, we nevertheless know that even our habeas jurisdiction is not implicated.[2] Any continued proceedings in the trial court—though I do not see what else there is to do—could have no bearing on our appellate jurisdiction in this case. I agree that we should deny the motion to relinquish

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1. As I noted in my previous dissent, though consolidated, the habeas petition is a separate proceeding. It requires considerations that differ from those involved in the appeal. It makes no sense, then, to delay disposition of the appeal of what clearly is a final order based on what *may* transpire (however unlikely that may be) in connection with the habeas proceeding—the only avenue for relief possibly remaining for the defendant pending his execution.

2. I noted earlier that if there were to be a stay at all, it would be as a writ of injunction to protect our habeas jurisdiction in case number 26-450 in the very unlikely event that the DNA-testing results exonerated the defendant.

jurisdiction, but we should grant the motion to lift the stay, effective on a date that reasonably allows us to dispose of the appeal in case number 26-449.

Justice for the victim and her family has been delayed far too long. The defendant's time is up, and we should not stand in the way any further than is necessary to complete our appellate work.

A True Copy
Test:

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John A. Tomasino
Clerk, Supreme Court

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KC

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