Supreme Court of Florida

THURSDAY, MARCH 26, 2026

James Aren Duckett,
Appellant(s)
v.

State of Florida,
Appellee(s)

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

The execution of James Aren Duckett, scheduled for 6:00 p.m., Tuesday, March 31, 2026, is hereby stayed pending further order of this Court.

Nearly four decades ago, Duckett was convicted of sexual battery and first-degree murder. For the latter crime, he was sentenced to death. Following issuance of the death warrant, Duckett filed a motion for postconviction DNA testing under Florida Rule of Criminal Procedure 3.853. The State agreed that the evidence Duckett wanted tested[1] was potentially exculpatory and did not object to his motion as untimely. Instead, the State focused its arguments on the testing process. In line with the State's position, the circuit court granted Duckett's motion for DNA testing but permitted the State to exercise complete control over the location, timing, and method of testing. The court-ordered DNA

---

1. The evidence is a swab from the victim's underwear.

testing has not yet been completed.

Meanwhile, two days after his rule 3.853 motion was granted, Duckett filed a successive postconviction motion under Florida Rule of Criminal Procedure 3.851. He raised several claims, including that the forthcoming DNA testing results would provide newly discovered evidence of his actual innocence. *See Jones v. State*, 709 So. 2d 512, 521 (Fla. 1998). Although initially requesting (and receiving) a scheduling extension from this Court to allow the DNA testing to be finalized, the circuit court ultimately issued a final order summarily denying the successive postconviction motion.

Duckett appeals that order. He also moves for a stay of execution and petitions for a writ of habeas corpus. Finally, he moves to strike the State's response to his motion to stay in the pending appeal.

Based on our review of the record and the arguments of the parties, we hereby exercise our discretion and grant Duckett's motion to stay his execution. *See* § 922.06(1), Fla. Stat. ("The execution of a death sentence may be stayed . . . incident to an appeal."). The State shall provide this Court a report addressing the status of the DNA testing no later than Friday, March 27, 2026, at 5:00 p.m. Further, in light of these rulings, we deny as moot Duckett's motion to strike.

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

TANENBAUM, J., dissenting.

The defendant stands convicted of raping and murdering an eleven-year-old girl in 1987. The trial court sentenced him to death for the murder in 1988. The conviction and sentence became final in 1990. For three decades after that, the defendant pursued post-conviction motions and other litigation in state and federal court. The last of those efforts came to an end in 2019. The defendant did nothing further until the Governor finally signed a death warrant on February 27, 2026.

At that point, the defendant took advantage of this court's post-death-warrant relief process set out in Florida Rule of Criminal Procedure 3.851(h). Under that rule, he once again asked the trial court for relief from the judgment and sentence, asserting two claims.

In one claim, he asserted his actual innocence—as he had in a prior, unsuccessful habeas petition. The defendant rooted his actual-innocence claim in what he still hopes will be the exonerating results of a DNA test not yet conducted. He characterized this claim as a "placeholder," because he, days earlier, had filed a motion for DNA testing under Florida Rule of Criminal Procedure 3.853. The defendant asserted that he was seeking testing under a "new" methodology, even though that methodology has been available since, at the latest, 2024—but

likely years earlier.[2] He failed to explain why he waited until the Governor signed the warrant to pursue all of this, which he clearly could have done sooner with the exercise of some diligence.

The other claim challenged the constitutionality of the "surprise nature of [the Governor's] death warrants" and the compressed schedule set for any further post-conviction proceedings. He made this claim even though Florida law states the following:

> Within 30 days after receiving the letter of certification from the clerk of the Florida Supreme Court [that the defendant's direct appeal and initial post-conviction proceedings are complete], the Governor shall issue a warrant for execution if the executive clemency process has concluded, directing the warden to execute the sentence within 180 days, at a time designated in the warrant.

§ 922.052(2)(b), Fla. Stat. Save for the clemency process, the defendant likely was eligible for a warrant as of 2011.

---

2. Over twenty years ago, in fact, this court—in the middle of the defendant's appeal from denial of his initial post-conviction motion, after oral argument—relinquished jurisdiction to the trial court to determine whether there was any clothing in evidence that could be subjected to DNA testing. *See Duckett v. State*, 918 So. 2d 224, 230 (Fla. 2005). There was one slide, but "Duckett informed the circuit court by letter [upon relinquishment] that he did not wish to pursue testing of Q–6(3) based on the unlikelihood of obtaining a DNA profile under current technology and the fact that the sample would be consumed in any attempted test." *Id.* Fast forward to 2026, and, on the eve of his execution, it is that same Q–6(3) slide the defendant now wants tested.

The trial court denied the first claim because, obviously, the defendant failed to provide a factual basis for it—the defendant being unable to point to any actual DNA evidence demonstrating his innocence. The trial court denied the second claim because, the court explained, the defendant had years to pursue the innocence claim he was then asserting but simply had made the "tactical choice" not to—making the warrant process no surprise at all. The trial court's order denying this post-warrant, successive, post-conviction motion is a final one now subject to our review in case number 26-449.

Yet, there still is pending in the trial court the defendant's DNA-testing motion. The State did not oppose the motion in substance (curiously, not raising as an issue the motion's timeliness and coincidence with the death warrant); it only challenged who should do the testing. The State contended that it (not some third party, as suggested by the defendant) should retain control over the testing. The trial court granted the defendant's rule 3.853 motion, allowing the State to retain the control it requested. The parties are still awaiting the outcome. The trial court still has jurisdiction over that separate matter, which is not the subject of the appeal in case number 26-449.

The concern prompting this court's action today is whether the DNA testing will be completed and results known before the execution on March 31, 2026. The onus undoubtedly is on the

State to ensure this happens, and we should trust that the State will. If the results cannot be obtained in time, we should trust the Governor to stay the execution on his own. *See* § 922.06(1), Fla. Stat. (authorizing a stay "only by the Governor or incident to an appeal"). At all events, though, this court does not have the *statutory* authority it claims to issue the current stay.

As I just noted, the order denying the rule 3.851 motion—the final order on appeal—is separate from the one granting the rule 3.853 motion—a non-final order that is *not* on appeal. The outcome of the DNA testing currently being conducted would be outside the record we are considering to determine whether the trial court erred in conclusively denying the defendant's latest rule 3.851 motion, which the trial court did based on the evidence and argument presented in the motion at the time it was considered.[3] There is no

---

3. As to the first claim, the trial court, in essence, determined that the defendant failed to present newly discovered facts to overcome rule 3.851's one-year time bar applicable to the first claim. *See* Fla. R. Crim. P. 3.851(d)(2)(A) (precluding consideration of a motion under rule 3.851 if filed more than one year "after the judgment and sentence become final," unless the motion asserts newly discovered facts that "could not have been ascertained earlier" through "due diligence"). The defendant's characterization of his first claim as a "placeholder" was an acknowledgement that, at the time of filing, he could not "predicate" the claim on "facts" that "were unknown to [him or his lawyer] and could not have been ascertained by the exercise of due diligence." *Id.* As mentioned in the margin, the slide now subject to testing has been known for decades at this point, so that could not have constituted a newly discovered fact. And the existence of a new DNA testing

basis for staying the execution *in the context of this appeal* (in case number 26-449), which relates only to the trial court's order on the rule 3.851 motion. We have the record we need to dispose of the appeal without further delay, meaning section 922.06, Florida Statutes, does not give us the authority to stay the execution, and a writ of injunction issued to the Department of Corrections (which is what a "stay" otherwise would be) is not "necessary to the complete exercise of [our appellate] jurisdiction" here. Art. V, § 3(b)(7), Fla. Const. I would deny the motion filed in this case and proceed to disposition.

This is not to say the defendant does not have an avenue for relief, if some action from this court becomes necessary before the execution. Along with his appeal, the defendant filed a petition for a habeas writ in this court, in case number 26-450. In that petition, he asserts actual innocence as a basis for relief, relying in part on what he hopes is an exonerating result. The defendant seeks a stay of execution in that case as well. Given that the State already has agreed to the new testing but also sought to maintain control over when that testing is complete, I would hold the motion

---

methodology was a fact, but not an exonerating one by itself. Meanwhile, the trial court determined that the second claim (regarding the "surprise" nature of the Governor's signing of the defendant's death warrant) flew in the face of logic. DNA testing results are not relevant to the correctness of the trial court's determination as to either claim.

in case number 26-450 in abeyance for now and await the State's status report that the court is now ordering.

The death warrant is effective until April 7, 2026. If, based on those reports, it becomes clear that the testing will not be completed and the results known before March 31, then I would favor a stay, but one to be issued as a writ in preservation of our habeas jurisdiction. Presumably, the results would be known by the end of the warrant period. Exonerating results could support some action by this court in the habeas proceeding. That, after all, is what habeas writ is there for. We have much more flexibility under the auspices of habeas to act promptly and meet any underlying contingencies, if necessary. *See* Art. V, § 3(b)(9), Fla. Const.

A True Copy
Test:

SC2026-0449 & SC2026-0450 3/26/2026

John A. Tomasino
Clerk, Supreme Court

SC2026-0449 & SC2026-0450 3/26/2026

SO
Served:
CAPAPPEALS TLH ATTORNEY GENERAL
LAKE CLERK
COURTNEY MARIE HAMMER
BRITTNEY LACY
HON. DANIEL B. MERRITT, JR.

CHARMAINE MILLSAPS
NAOMI NICHOLS
KENNETH NUNNELLEY
NICOLE ROCHELLE SMITH
HON. BRIAN JEROME WELKE
MARY WELLS