

SUPREME COURT OF FLORIDA

State of Florida v. Leo Louis Kaczmar, III & Leo Louis Kaczmar, III
v. Secretary, Department of Corrections

Nos. SC2022-1671 and SC2023-0725 (Fla. Feb. 19, 2026) · No. SC2022-1671 and SC2023-0725 · Decided
February 19, 2026

SUMMARY

The Supreme Court of Florida reviews the State’s appeal and Leo Louis Kaczmar III’s cross-appeal from a postconviction order that vacated his death sentence while upholding his first-degree murder conviction. The court reverses the grant of penalty-phase relief, affirms the denial of Kaczmar’s other postconviction claims, and denies his habeas corpus petition. The opinion addresses ineffective assistance of counsel, alleged prejudice from informing a resentencing jury about a prior death sentence, and Sixth Amendment claims concerning statements elicited by an inmate informant and undercover officer.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Grosshans, J.; Muñoz, C.J.; Couriel, J.; Francis, J.; Sasso, J.; Labarga, J.
JURISDICTION	Supreme Court of Florida
DECIDED	February 19, 2026
DOCKET	SC2022-1671 and SC2023-0725
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed the circuit court's order granting postconviction relief vacating Kaczmar's death sentence while affirming his first-degree murder conviction. Kaczmar cross-appealed the denial of his other postconviction claims and separately petitioned for habeas corpus relief based principally on alleged ineffective assistance of appellate counsel.
STANDARD OF REVIEW	Postconviction factual findings are reviewed for competent, substantial evidence; application of law to facts and ultimate conclusions on ineffective-assistance claims are reviewed de novo. Appellate-ineffectiveness claims require proof of deficient performance and a reasonable probability of a different appellate outcome. Procedural-bar

	determinations and legal issues are reviewed under applicable de novo standards.
PRECEDENTIAL VALUE	published
PARTIES	State of Florida v. Leo Louis Kaczmar, III

TOPICS

state post-conviction relief habeas corpus ineffective assistance right to counsel sentencing

PRACTICE AREAS

criminal law capital punishment post-conviction relief habeas corpus ineffective assistance of counsel
appellate procedure

QUESTIONS PRESENTED

1. Whether trial counsel's failure to object to the resentencing judge's statement that Kaczmar had previously been sentenced to death caused Strickland prejudice.
2. Whether counsel was ineffective for failing to seek suppression of statements made to a jailhouse informant and an undercover detective under *Massiah v. United States*.
3. Whether counsel was ineffective in failing to challenge other guilt-phase evidence, arguments, testimony, DNA evidence, chain of custody, cell-tower evidence, intoxication evidence, jury instructions, and alleged prosecutorial misconduct.
4. Whether alleged Brady, Giglio, and Napue violations warranted relief.
5. Whether cumulative error deprived Kaczmar of a fair guilt or penalty phase.
6. Whether counsel was ineffective during the second penalty phase.
7. Whether appellate counsel was ineffective for failing to raise claims concerning a Nelson hearing, conflict of interest, Miranda, individualized voir dire, and the prior-death-sentence statement.
8. Whether the failure to charge aggravating circumstances in the indictment required vacatur of the death sentence.
9. Whether Kaczmar was entitled to habeas corpus relief.

HOLDINGS

1. Although *Hitchcock v. State* generally prohibits informing a resentencing jury that the defendant was previously sentenced to death, Kaczmar failed to establish Strickland prejudice. The judge's brief and muddled statement also explained that the case had returned for a new penalty phase, was not repeated, was not used in argument or instructions, and was mitigated by the jury's instruction to consider only the penalty-phase evidence.
2. Kaczmar failed to establish ineffective assistance based on counsel's failure to seek suppression of statements made to Filancia because he did not identify which statements were made after Filancia

became a government agent and the record supported that some incriminating statements occurred before that point.

3. Counsel performed deficiently by failing to seek suppression of incriminating statements Kaczmar made during the undercover jailhouse operation, but Kaczmar failed to prove prejudice and therefore was not entitled to a new trial.
4. Kaczmar failed to establish deficient performance or prejudice on his claims concerning Detective Sharman's testimony, Filancia's lie-detector testimony, exculpatory statements, impeachment of Ferrell and Filancia, calling Detective Goldner, DNA evidence, chain of custody, cell-tower evidence, drug-use evidence, jury instructions, and prosecutorial comments.
5. The alleged suppression of impeachment evidence concerning Filancia was immaterial, and the alleged false testimony concerning Filancia's sentencing guidelines was not material under Napue and Giglio. The related guilt- and penalty-phase claims therefore failed.
6. The assumed deficiencies and assumed Napue violations, considered cumulatively, did not undermine confidence in the guilt or penalty-phase proceedings.
7. Kaczmar's appellate-ineffectiveness claims failed because the omitted arguments were not meritorious or plainly stronger than the arguments presented, and he did not show a reasonable probability of a different appellate outcome.
8. The claim that aggravating circumstances had to be charged in the indictment was procedurally barred because it could have been raised on direct review and was meritless because Florida law does not require aggravating factors to be listed in a capital indictment.

KEY QUOTATIONS

"We begin by discussing background legal principles. Under U.S. Supreme Court precedent interpreting the Sixth Amendment, a defendant has the right to the effective assistance of counsel." (at 16)

"Accordingly, we may presume that the jury followed that instruction and based its sentencing verdict on the penalty-phase evidence alone, not an isolated statement uttered prior to jury selection." (at 19)

"The Sixth Amendment is not violated whenever—by luck or happenstance—the State obtains incriminating statements from the accused after the right to counsel has attached." (at 23)

"Counsel cannot be held deficient for failing to request an instruction that is not supported by the evidence." (at 54)

FACTUAL BACKGROUND

Maria Ruiz was found stabbed and dead in a house fire at a home occupied by Kaczmar and members of his family. Evidence connected Kaczmar to the murder and arson, including testimony about a heated argument, video of Kaczmar purchasing gasoline shortly before the fire, his admission that he was alone with Ruiz before the killing, Ruiz's DNA on blood-positive stains on his sock, and evidence that he lied to police and attempted to frame another person. Kaczmar was convicted and sentenced to death, and after a prior reversal and

resentencing, the circuit court later vacated the death sentence based on the resentencing judge's reference to the prior death sentence.

PROCEDURAL HISTORY

Kaczmar was convicted of first-degree murder, attempted sexual battery, and arson and sentenced to death. The Florida Supreme Court affirmed the murder conviction but reversed the original death sentence and remanded for a new penalty phase; it later affirmed the renewed death sentence. The circuit court subsequently granted one ineffective-assistance claim based on the resentencing judge's statement that Kaczmar had previously been sentenced to death, but denied Kaczmar's remaining postconviction claims. The Supreme Court of Florida reversed the grant of penalty-phase relief, affirmed the denial of all other postconviction claims, denied the habeas petition, and ordered the circuit court to reinstate the death sentence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the circuit court's grant of penalty-phase relief and reinstate Kaczmar's death sentence. Affirm the circuit court's denial of all other postconviction claims and deny Kaczmar's habeas petition in its entirety.

CASES CITED

- Kaczmar v. State, 104 So. 3d 990 (Fla. 2012)
- Kaczmar v. State, 228 So. 3d 1 (Fla. 2017)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Hitchcock v. State, 673 So. 2d 859, 863 (Fla. 1996)
- Massiah v. United States, 377 U.S. 201 (1964)
- Kuhlmann v. Wilson, 477 U.S. 436, 459 (1986)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Giglio v. United States, 405 U.S. 150 (1972)
- Napue v. Illinois, 360 U.S. 264 (1959)
- Nelson v. State, 274 So. 2d 256 (Fla. 4th DCA 1973)
- Lott v. State, 303 So. 3d 165, 166 (Fla. 2020)
- Wolf v. State, 416 So. 3d 1117, 1137 (Fla. 2025)
- Arthur v. Bordenkircher, 715 F.2d 118 (4th Cir. 1983)

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