

SUPREME COURT OF FLORIDA

Edward J. Zakrzewski, II v. State of Florida

No. SC2025-1009 (Fla. July 22, 2025) · No. SC2025-1009 · Decided July 22, 2025

SUMMARY

The Supreme Court of Florida affirmed the summary denial of Edward J. Zakrzewski, II’s fifth successive motion for postconviction relief challenging his death warrant and sentences. The court held that his claims concerning jury voting requirements, warrant timing, clemency review, and public-records requests were untimely, procedurally barred, meritless, or properly denied. The court also denied a stay of execution and a request for oral argument, and directed that the mandate issue immediately.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Carlos G. Muñoz, C.J.; Charles T. Canady, J.; Jorge Labarga, J.; Carlos G. Muñoz, J.; Renatha Francis, J.; Jamie R. Grosshans, J.; M. Kemmerly Sasso, J.
JURISDICTION	Supreme Court of Florida
DECIDED	July 22, 2025
DOCKET	SC2025-1009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the summary denial of Zakrzewski's fifth successive motion for postconviction relief under Florida Rule of Criminal Procedure 3.851, denial of requests for additional public records, denial of a stay of execution, and denial of a request for oral argument in a capital case.
STANDARD OF REVIEW	The summary denial of a successive Rule 3.851 motion is reviewed de novo. Factual allegations are accepted as true to the extent they are not refuted by the record, and summary denial is affirmed when the motion, files, and records conclusively show that the movant is entitled to no relief. Denial of requests for public records is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Edward J. Zakrzewski, II v. State of Florida

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QUESTIONS PRESENTED

1. Whether Zakrzewski's challenge to the former simple-majority advisory jury vote and judicial override was timely, procedurally barred, or meritorious under the federal and Florida Constitutions.
2. Whether the thirty-day period between the Governor's signing of the death warrant and the scheduled execution deprived Zakrzewski of meaningful access to counsel and the courts or violated due process.
3. Whether the Governor's signing of the death warrant without a recent updated clemency review violated due process, equal protection, or the Fifth, Eighth, and Fourteenth Amendments.
4. Whether the circuit court abused its discretion by denying requests for additional public records under Florida Rule of Criminal Procedure 3.852(i).
5. Whether Zakrzewski was entitled to a stay of execution or oral argument.

HOLDINGS

1. Zakrzewski's challenge was untimely and procedurally barred because the claim was ripe and available when his judgment and sentences became final and had been raised or could have been raised on direct appeal and in prior postconviction proceedings.
2. The court declined to reconsider its precedent holding that *Hurst v. Florida* and *Hurst v. State* do not apply retroactively to Zakrzewski's death sentences, and the jury-vote and judicial-override claim was meritless even apart from the procedural bars.
3. The timing of the Governor's death warrant did not violate Zakrzewski's constitutional rights to meaningful access to counsel and the courts or due process.
4. The absence of a recent updated clemency review did not violate Zakrzewski's constitutional rights because Florida's clemency process requires no specific procedures, and Zakrzewski had received a sufficient clemency proceeding.
5. The circuit court did not abuse its discretion in denying Zakrzewski's requests for additional public records because the requests were overbroad and burdensome, unrelated to a colorable postconviction claim, unsupported by good cause for their timing, directed to confidential clemency records, or moot because no responsive records existed.

KEY QUOTATIONS

“Summary denial of a successive postconviction motion is appropriate if the motion, files, and records in the case conclusively show that the movant is entitled to no relief.” (8)

“The clemency process in Florida derives solely from the Florida Constitution and we have recognized that the people of the State of Florida have vested ‘sole, unrestricted, unlimited discretion exclusively in the executive in exercising this act of grace.’” (16)

“rule 3.852 is “not intended to be a procedure authorizing a fishing expedition for records”” (19)

“We affirm the summary denial of Zakrzewski’s motion for postconviction relief, along with the circuit court’s denial of his demands for public records.” (22)

FACTUAL BACKGROUND

Zakrzewski pleaded guilty to murdering his wife and two minor children in 1994 and received three death sentences in 1996, including a judicial override of the jury's life recommendation for one victim. His convictions and sentences became final in 1999 after the United States Supreme Court denied certiorari. Following numerous unsuccessful state and federal postconviction proceedings, the Governor signed a death warrant on July 1, 2025, setting execution for July 31, 2025. Zakrzewski then filed a fifth successive state postconviction motion challenging the jury-vote and judicial-override scheme, the timing of the warrant, the lack of a recent clemency review, and the denial of additional public records.

PROCEDURAL HISTORY

Zakrzewski was convicted of three murders and sentenced to death in 1996; the Florida Supreme Court affirmed, and the United States Supreme Court denied certiorari in 1999. He pursued multiple unsuccessful state and federal postconviction proceedings. After Governor DeSantis signed a death warrant on July 1, 2025, Zakrzewski filed a fifth successive Rule 3.851 motion in the circuit court, which summarily denied relief and denied his public-records requests and motion for a stay. The Florida Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Zakrzewski v. State, 717 So. 2d 488, 490-95 (Fla. 1998)
- Zakrzewski v. Florida, 525 U.S. 1126 (1999)
- Tanzi v. State, 407 So. 3d 385, 390-93 (Fla. 2025)
- Owen v. State, 364 So. 3d 1017, 1022-23 (Fla. 2023)
- Texas v. United States, 523 U.S. 296, 300 (1998)
- Doty v. State, 403 So. 3d 209, 214 (Fla. 2025)
- Hendrix v. State, 136 So. 3d 1122, 1125 (Fla. 2014)
- Turner v. Dugger, 614 So. 2d 1075, 1078 (Fla. 1992)
- Barwick v. State, 361 So. 3d 785, 793 (Fla. 2023)
- Medina v. State, 573 So. 2d 293, 295 (Fla. 1990)
- Zakrzewski v. Jones, 221 So. 3d 1159 (Fla. 2017)

- Asay v. State, 210 So. 3d 1 (Fla. 2016)
- Zakrzewski v. Jones, 254 So. 3d 324 (Fla. 2018)
- Tedder v. State, 322 So. 2d 908, 910 (Fla. 1975)
- Mahn v. State, 714 So. 2d 391, 401 (Fla. 1998)
- Hutchinson v. State, No. SC2025-0517, 50 Fla. L. Weekly S71a, S73, 2025 WL 1198037, at *5 (Fla. Apr. 25, 2025)
- Gore v. State, 91 So. 3d 769, 780 (Fla. 2012)
- Dailey v. State, 283 So. 3d 782, 787-88, 792 (Fla. 2019)
- Bell v. State, No. SC2025-0891, 50 Fla. L. Weekly S155a, S163, 2025 WL 1874574, at *17 (Fla. July 8, 2025)
- Carroll v. State, 114 So. 3d 883, 888 (Fla. 2013)
- Sullivan v. Askew, 348 So. 2d 312, 315 (Fla. 1977)
- Bundy v. State, 497 So. 2d 1209, 1211 (Fla. 1986)
- In re Advisory Op. of the Governor, 334 So. 2d 561, 562-63 (Fla. 1976)
- Marek v. State, 14 So. 3d 985, 998 (Fla. 2009)
- Ohio Adult Parole Authority v. Woodard, 523 U.S. 272 (1998)
- Valle v. State, 70 So. 3d 530, 549, 551 (Fla. 2011)
- Rutherford v. State, 940 So. 2d 1112, 1122-23 (Fla. 2006)
- Johnson v. State, 27 So. 3d 11, 24 (Fla. 2010)
- Marek v. State, 8 So. 3d 1123, 1129 (Fla. 2009)
- Moore v. State, 820 So. 2d 199, 204 (Fla. 2002)
- Muhammad v. State, 132 So. 3d 176, 203 (Fla. 2013)
- Gudinas v. State, No. SC2025-0794, 50 Fla. L. Weekly S124, S127, 2025 WL 1692284, at *9 (Fla. June 17, 2025)
- State v. Coney, 845 So. 2d 120, 137 (Fla. 2003)
- White v. State, 817 So. 2d 799, 806 (Fla. 2002)
- Huff v. State, 622 So. 2d 982, 983 (Fla. 1993)
- Taylor v. State, 260 So. 3d 151, 157 (Fla. 2018)