

Florida executed Jim Duckett despite DNA concerns

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FULL TEXT

Florida executed James "Jim" Duckett for a crime he steadfastly maintained he did not commit. The state chose a testing process that consumed and forever destroyed the most critical piece of biological evidence in his case, then refused to test the remaining physical evidence that might have finally answered the question of his guilt or innocence.

Florida must live forever with the possibility that Jim Duckett, once a 29-year-old rookie cop, was not only the 136th person executed in the state's modern history, but a man who should have joined the ranks of the 30 men already exonerated from Florida's death row for crimes they did not commit.

At the center of this case is Teresa McAbee, an 11-year-old girl whose life should have stretched far beyond 1987. Teresa deserved a legacy larger than the circumstances of her death. She also deserved the certainty that the person held responsible was, in fact, responsible. But this case contained hallmarks of a wrongful conviction: A non-unanimous jury recommendation (8-4), unreliable forensic evidence, prosecutorial misconduct and incentivized witness testimony.

The only eyewitness who claimed to have seen Teresa get into Jim's patrol car was a pregnant teenager who had been coerced, bribed and threatened by police to maintain that story. The state also hid evidence that their other cornerstone witness, an FBI analyst whose microscopic hair analysis technique had been discredited, was linked to other wrongful convictions. The State was made aware of this in 2012, but failed to disclose this to the defense until 2026 – after Gov. Ron DeSantis had signed a death warrant.

The defense asked to send the sample to Othram, Inc., an internationally recognized laboratory whose technology was specifically designed to recover DNA from small and degraded samples like this one. The lawyers handling this case for the State adamantly opposed this choice, calling Othram "corrupted" and advocating to send the sample to a lab that was not able to perform the necessary test. Once the State successfully steered the sample to an inferior lab, the testing produced no meaningful answer, and the fragile sample was destroyed. The evidence was gone forever.

Other evidence, while less likely to lead to a quality DNA sample, still remained. Rather than agreeing to subject the remaining samples from Teresa's clothing and fingernail scrapings to DNA testing, the State moved to lift the stay and urged the Governor to set a new execution date. He did so, and Florida scheduled its first double execution in over 60 years. Just six hours after Jim was killed, 80-year-old Dominick Occhicone was put to death by the same execution team, on the same gurney.

The death penalty is unique in its irrevocability. There are no do-overs. When the State holds the awesome power to kill, there can be zero doubt about the guilt of the person it is killing. And yet, there are plenty of unturned stones here, and plenty of unanswered questions. Those who wield the State's power claim to seek justice and champion law and order. But law without truth is merely power, and order imposed through the execution of a person whose guilt remains in doubt is a betrayal of justice.

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Your Turn

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Guest columnists

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