

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA**

STATE OF FLORIDA

Case No. 46-2024-CF-002000-A

vs.

EDDIE LEE DURAN, Jr.
Defendant.

**SUBSEQUENT AMENDED MOTION TO DISQUALIFY OR RECUSE TRIAL
JUDGE WILLIAM F. STONE ADDING CERTIFICATION**

COMES NOW the Defendant, EDDIE LEE DURAN JR., by and through undersigned counsel, and files this Motion to Disqualify or Recuse the Trial Judge and states as follows:

Defendant requests disqualification and recusal of trial Judge William F. Stone because he fears he will not receive a fair trial or hearing because of specifically described prejudice or bias of the Judge (see F.S. 38.10 and Fla. R. Jud. Admin. 2.330(d)(l)) as follows:

1. The parties became aware of the basis of this motion on September 11th, 2026, when Judge Stone issued an Order on that date denying the Defendant's Motion to Dismiss Pursuant to Immunity from Prosecution. In this Order he included language by his own admission "not legally relevant" which was also claimed "not part of the Court's analysis of the Motion to Dismiss." Judge Stone Writes "Defendant did not know when he was standing outside of apartment 1401 on May 3, 2024, that the person he would ultimately shoot and kill was a combat-decorated member of the United States AirForce who was well-respected and considered to be an exceptional athlete, student, and valued Ghost rider special missions aviator" citing to an article from AIR & SPACE FORCES

MAGAZINE published in May of 2024.

2. These improper unsolicited editorializing about the decedent's accomplishments, and reputation made within the Court's Order denying immunity constitute a legally sufficient basis for recusal because such comments would cause a reasonably prudent person to harbor a well-founded fear of not receiving a fair and impartial proceeding.
3. In reviewing this order the Defendant immediately called undersigned counsel with grave concerns about receiving a fair trial given the clear bias of the Court by taking alleged information and opinion, not from the record, but from allegedly an article written about Forston and adding it to the Order. Commentary that clearly demonstrates the Court's personal interests and affection of the decedent.
4. It is obvious that the State would have objected to, and rightfully so, any attempt by the defense to elicit similar testimony concerning Deputy Duran's prior military service and accomplishments or any comments on the circumstances and status of Fortson's male siblings.
5. In accordance with case law and the Florida Rules of Judicial Administration, Rule 2.330, this Honorable Court shall only determine the legal sufficiency of this Motion and shall not pass on the truth of the facts alleged. If the Motion is legally sufficient, the Judge shall immediately enter an order granting disqualification and proceed no further in the action.
6. In order to determine the legal sufficiency of the Motion the Court need only to determine whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial or

hearing. The Court must take the facts alleged as true and must take the view from Petitioner's perspective.

7. This is an amended Motion to the previously filed Motion to Recuse with the same legal basis.

WHEREFORE, Plaintiff, EDDIE LEE DURAN JR., respectfully requests Judge William F. Stone disqualify and recuse himself from this matter immediately.

VERIFICATION

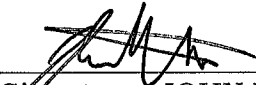
I EDDIE LEE DURAN JR, being first duly sworn, state that I am a party to this action , that I have read the foregoing Motion to Disqualify and Recuse and know that contents thereof, and that the factual statements contained therein are true and correct to the best of my knowledge, information, and belief.



Signature, EDDIE LEE DURAN, JR.

CERTIFICATION BY ATTORNEY ON MOTION TO RECUSE

COMES NOW, the undersigned attorney certifies that the Amended Motion to Recuse and client's statement made therein are made in good faith.



Signature, JOHN WHITAKER, FL BAR 0196363

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered via e-mail/e-service to the Office of the State Attorney at malderman@osa1.org and Judge Stone at Frannie.Natalie@FLCOURTS1.GOV on this 14th day of September, 2026.

Respectfully submitted,

AVERA & SMITH, LLP

/s/ John D. Whitaker

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