

No. _____
IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2024

IN RE ANTHONY FLOYD WAINWRIGHT,

Petitioner.

On Petition for a Writ of Habeas Corpus

APPLICATION FOR STAY OF EXECUTION

***THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
TUESDAY, JUNE 10, 2025, AT 6:00 P.M.***

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

The State of Florida has scheduled the execution of Petitioner Anthony Floyd Wainwright for Tuesday, June 10, 2025, at 6:00 p.m. The Florida Supreme Court denied state-court relief on June 3. Mr. Wainwright filed a petition for a writ of habeas corpus to this Court on June 5. Pursuant to Supreme Court Rule 23, Mr. Wainwright requests a stay of execution pending the disposition of the petition for a writ of habeas corpus accompanying this application.

The standards for granting a stay of execution are well-established. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). There “must be a reasonable probability that four members of the Court would consider the underlying issue sufficiently meritorious for the grant of certiorari or the notation of probable jurisdiction; there must be a

significant possibility of reversal of the lower court's decision; and there must be a likelihood that irreparable harm will result if that decision is not stayed." *Id.* (internal quotations omitted); *see also Hill v. McDonough*, 547 U.S. 573, 584 (2006).

Regarding the first factor, the petition presents questions concerning significant constitutional violations that occurred at Mr. Wainwright's trial and sentencing proceedings. Mr. Wainwright raised a claim under *Brady v. Maryland*, 373 U.S. 83 (1963), regarding the State's suppression of evidence that critical jailhouse informants who testified at the joint trials of Mr. Wainwright and his co-defendant expected to receive sentencing leniency in exchange for their testimony. The Florida Supreme Court's opinion affirming the denial of relief was based on an unreasonable determination of the facts and was contrary to and unreasonably applied this Court's line of prosecutorial-misconduct precedent, including *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Bagley*, 473 U.S. 667 (1985), and *Kyles v. Whitley*, 514 U.S. 419 (1995). As Mr. Wainwright's petition explains, the Eleventh Circuit's restrictive reading of *Panetti v. Quarterman*, 551 U.S. 930, 945 (2007), means that he is foreclosed from presenting this claim in a second-in-time § 2254 petition in the district court. Thus, exceptional circumstances warrant the exercise of this Court's original habeas jurisdiction because relief on this meritorious claim cannot be obtained elsewhere.

Furthermore, a stay of execution would ensure a meaningful review process and make certain that Mr. Wainwright is not denied due process. "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time

and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965) (emphasis added). The magnitude of the issues presented here—the State suppression of critical impeachment evidence in order to obtain a conviction and death sentence against Mr. Wainwright and the lack of an alternative forum to litigate the claim due to restrictive circuit precedent—requires appellate review that is not truncated by the exigencies of an imminent execution. A stay of execution should be granted.

It is indisputable that Mr. Wainwright will be irreparably harmed if his execution is allowed to go forward, and the balance of equities weighs heavily in favor of a stay. Florida’s interest in the timely enforcement of judgments handed down by its courts must be weighed against Mr. Wainwright’s continued interest in his life. Additionally, the Florida public has an interest in ensuring that its citizens are subjected to the most severe sentencing penalty only after fair process and meaningful review. Mr. Wainwright’s claim deserves to be considered outside of the accelerated constraints of an execution that is scheduled to proceed within mere days.

In addition, the irreversible nature of the death penalty favors granting a stay. “[A] death sentence cannot begin to be carried out by the State while substantial legal issues remain outstanding.” *Barefoot*, 463 U.S. at 888. Should the Court grant the request for a stay and review of the underlying petition, there is a significant possibility that it will grant relief and issue the writ. This Court’s intervention is urgently needed to prevent Mr. Wainwright’s imminent execution in contravention of the Fifth, Eighth, and Fourteenth Amendments.

CONCLUSION

For the foregoing reasons, Mr. Wainwright respectfully requests that the Court grant his application for a stay of his June 10, 2025, execution to address the compelling constitutional questions in his case on the merits.

Respectfully submitted,

KATHERINE A. BLAIR
Counsel of Record

MARY HARRINGTON
LAUREN E. ROLFE
Capital Habeas Unit
Federal Public Defender
Northern District of Florida
227 North Bronough St., Suite 4200
Tallahassee, Florida 32301
(850) 942-8818
katherine_blair@fd.org
mary_harrington@fd.org
lauren_rolfe@fd.org
Counsel for Petitioner

DATED: JUNE 6, 2025