

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

ANTHONY FLOYD WAINWRIGHT,

Petitioner,

v.

GOVERNOR OF FLORIDA, ET AL.,

Respondent.

*On Petition for a Writ of Certiorari
to the Eleventh Circuit Court of Appeals*

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. On June 9, the Eleventh Circuit Court of Appeals denied Mr. Wainwright's stay motion related to his 42 U.S.C. § 1983 action. Pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Mr. Wainwright requests a stay of execution pending the disposition of the petition for a writ of certiorari 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).

Regarding the first factor, the petition presents questions concerning the due process and equal protection violations that occurred as a result of the state courts’ arbitrary refusal to permit Mr. Wainwright to proceed with his choice of qualified *pro bono* counsel to litigate his death warrant claims, where no delay or prejudice would have ensued. It further presents questions surrounding the deprivation of access to the courts that flowed from the deprivation of chosen counsel. And, it presents the issue of the Eleventh Circuit’s erroneous and unnoticed speculation regarding the arcane *Rooker-Feldman* doctrine—which is disfavored by this Court—to avoid engaging with the merits of Mr. Wainwright’s underlying claims. These are substantial questions that concern the foundational pillars of our legal system and its fundamental fairness for *all* individuals, whether indigent or wealthy. Such questions are of national importance and likely to obtain review and a favorable decision by this Court.

Furthermore, a stay of execution would provide a meaningful opportunity for review and ensure that Mr. Wainwright is not again 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 issues presented in Mr. Wainwright’s certiorari petition require appellate review that is not truncated by the exigencies of an imminent execution, particularly given the barriers to meaningful review below. 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. Particularly where it is Florida’s statutorily-created capital postconviction system that has caused the violation of Mr. Wainwright’s rights, the relative harm to the State is minimal.

Additionally, the public has an interest in ensuring that its citizens’ axiomatic rights are protected, and that they are not subjected to the most severe sentencing penalty without fair process, meaningful review, and the ability to access the courts. The significance and broad implications of the questions presented warrant close consideration—which cannot be conducted in just hours.

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 of the lower court's reversal. 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,

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