

No. _____

IN THE
Supreme Court of the United States

THOMAS GUDINAS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Florida

APPLICATION FOR STAY OF EXECUTION

***THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
THURSDAY, JUNE 24, 2025, AT 6:00 P.M.***

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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, Thomas Gudinas, for **June 24, 2025 at 6:00 p.m.** The Florida Supreme Court denied relief on June 17, 2025. *See Gudinas v. State*, No. SC2025-0794, (Fla. June 17, 2025). Gudinas respectfully requests that this Court stay his execution, pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f), pending consideration of his concurrently filed petition for a writ of certiorari.

STANDARDS FOR A STAY OF EXECUTION

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).

PETITIONER SHOULD BE GRANTED A STAY OF EXECUTION

The questions raised in Gudinas’s petition are sufficiently meritorious for a grant of a writ of certiorari. The underlying issues present significant, compelling questions of constitutional law, and a stay is necessary to avoid Gudinas being executed in violation of the Eighth Amendment and the Fourteenth Amendment to the United States Constitution.

It is indisputable that Gudinas 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 Gudinas's continued interest in his life. *See Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 289 (1998) ("[I]t is incorrect . . . to say that a prisoner has been deprived of all interest in his life before his execution.") (O'Connor, J., plurality opinion). Florida has an interest in finality and efficient enforcement of judgments, but Gudinas has a right in ensuring that his execution comports with the Constitution. In addition, the irreversible nature of the death penalty frequently supports in favor of 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 this Court grant the request for a stay and review of the underlying petition, Gudinas submits there is a significant possibility of the lower court's reversal. This Court's intervention is urgently needed to prevent Gudinas's imminent execution.

Gudinas's case presents important constitutional issues which should be fully addressed by this Court free from the extreme time constraints set by the warrant signed on May 23, 2025. Gudinas's execution is set for June 24, 2025, which is only **six days** away from the filing of this application. Gudinas respectfully requests that this Court enter a stay of execution and also relinquish jurisdiction to the state circuit court with instructions to provide Gudinas with access to relevant records from the Executive Office of the Governor. Gudinas will be irreparably harmed if his execution

is rushed under this truncated schedule, with such an important and meritorious issue requiring further judicial review.

CONCLUSION

“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). Gudinas’s meritorious issues cannot possibly be heard in a meaningful manner with only **six days** left until his execution. The important constitutional issues presented by Gudinas’s case require a full appellate review that is not truncated by the exigencies of an imminent execution.

For the foregoing reasons, Gudinas respectfully requests that this Court grant his application for a stay of his June 24, 2025 execution to address the compelling constitutional questions in his case on the merits.

Respectfully submitted,

/s/ Ali A. Shakoor

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Dated