

No. _____

IN THE
Supreme Court of the United States

MICHAEL BELL
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
TUESDAY, JULY 15, 2025 AT 6:00 P.M.

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** Counsel of Record*

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, Michael Bell, for July 15, 2025, at 6:00 p.m. The Florida Supreme Court denied relief on July 8, 2025. *See Bell v. State*, No. SC2025-0891. Bell 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.*

PETITIONER SHOULD BE GRANTED A STAY OF EXECUTION

The questions raised in Bell’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 Bell being executed in violation of the Eighth Amendment and the Fourteenth Amendment to the United States Constitution.

It is indisputable that Bell 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 Bell'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 Bell has a right in ensuring that his execution comports with the Constitution. In addition, the irreversible nature of the death penalty supports the 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.

After his death warrant was signed, Bell learned of the recantations of two key trial witnesses, as well as suppressed evidence of police and prosecutorial misconduct and impeachment material, which cast significant doubt on his guilt and death sentence. At the June 23, 2025, evidentiary hearing, the State interfered with Bell's ability to present evidence by strongly suggesting to the witnesses that they would be charged with perjury if they testified inconsistently with prior testimony, which caused both recanters to reverse course. Additionally, the trial court permitted Bell's witnesses to plead the Fifth and avoid answering questions that – while crucial to Bell's claims – had no reasonable connection to their own criminal liability, as well as questions on topics to which they waived the privilege by voluntarily answering other related questions. Thus, should this Court grant the request for a stay and review of the underlying petition, Bell submits there is a significant possibility of a reversal of the

Florida Supreme Court's opinion. This Court's intervention is urgently needed to prevent Bell's imminent execution.

Bell's case presents important constitutional issues which should be fully addressed by this Court free from the extreme time constraints set by the warrant. Bell's execution is set for July 15, 2025, which is only **five days** away from the filing of this application. Bell respectfully requests that this Court enter a stay of execution and also relinquish jurisdiction to the state circuit court with instructions to provide Bell with adequate time to investigate these recantations and gather corroborating evidence and to compel witnesses to answer critical questions. Bell 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). Bell's meritorious issues cannot possibly be heard in a meaningful manner with only **five days** left until his execution. The important constitutional issues presented by Bell's case require full appellate review that is not truncated by the exigencies of an imminent execution.

For the foregoing reasons, Bell respectfully requests that this Court grant his application for a stay of his July 15, 2025, execution to address the compelling constitutional questions in his case on the merits.

Dated: July 10, 2025

Respectfully submitted,

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