No. 24-7087

In The Supreme Court of the United States

JEFFREY GLENN HUTCHINSON

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

BRIEF IN OPPOSITION
EXECUTION SCHEDULED FOR MAY 1, 2025, AT 6:00 P.M.

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Capital Case

QUESTIONS PRESENTED

1. **Whether this Court should review Hutchinson's fact-intensive claim based on his unsupported contention that due process demands more than what he received in state court collateral proceedings once his death warrant was signed when the claim was properly denied by the state court and presents no conflict.**

2. **Whether this Court should accept certiorari to review Hutchinson's claim challenging the Governor's discretion concerning death warrants and his assertion that he should receive advance notice prior to the signing of his death warrant when the claim does not allege a true due process violation or present a conflict.**[1]

3. **Whether this Court should grant certiorari review of Hutchinson's claim requesting that *Atkins v. Virginia*, 536 U.S. 304 (2002), be extended, when the state court denied the claim based on independent procedural grounds and the court's decision on the merits correctly refused to extend *Atkins* to claims beyond intellectual disability.**

[1] The first two questions are addressed under Section I. of Respondent's Reasons for Denying the Writ.

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The Florida Supreme Court's opinion is published at *Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, (Fla. Apr. 25, 2025).

JURISDICTION

On April 21, 2025, the Florida Supreme Court affirmed the state postconviction court's summary denial of fourth successive postconviction motion. The Florida Supreme Court also denied a stay and issued the mandate immediately, due to the active warrant.

Petitioner invokes the jurisdiction of this Court based upon 28 U.S.C. § 1257(a). Respondent agrees that this statutory provision sets out the scope of this Court's certiorari jurisdiction but submits that this case is inappropriate for the exercise of this Court's discretionary jurisdiction.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution, states: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Eighth Amendment to the United States Constitution provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII.

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Hutchinson murdered his live-in girlfriend, Renee Flaherty, and her three young children: Logan, Amanda, and Geoffrey on September 11, 1998. *See Hutchinson v. State*, 882 So. 2d 943, 948-49 (Fla. 2004). Hutchinson shot the four victims with his pistol-grip Mossberg shotgun, which was found inside the home on the kitchen counter. *Id.* at 948.

Hutchinson had been living with Renee and her three children prior to the murders, and she and Hutchinson had a fight. *Hutchinson*, 882 So. 2d at 948. Hutchinson, who had been drinking, loaded his clothes and guns into his truck and drove to a local bar. He told the bartender that Renee was "pissed off" at him, while drinking more beer. *Id.* at 948. Renee called a friend after Hutchinson left and she told her friend that Hutchinson had left for good. *Hutchinson*, 882 So. 2d at 948. But Hutchinson returned to the house after leaving the bar and broke down the front door, which had been locked with a dead bolt. *Id.* at 949. In a drunken rage at Renee, he shot her and her three small children. Renee was on the bed in the master bedroom with her two youngest children.

Hutchinson shot her once in the head. *Id.* at 948. Hutchinson also shot Amanda once in the head. The deputies found the seven-year-old girl's body on the floor near the bed. Hutchinson shot Logan once in the head as well. The deputies found the four-year-old boy's body at the foot of the bed. Hutchinson shot Geoffrey twice–once in the head and once in the chest. The deputies found the nine-year-old boy's body in the living room between the couch and the coffee table.

A 911 call from the victims' home, was received at 8:41p.m. (T. XXII 728,750). The 911 caller stated: "I just shot my family." (T. XXII 701). Deputies arrived at the home within ten minutes of the 911 call and found Hutchinson on the ground in the garage with the cordless phone nearby. *Hutchinson*, 882 So. 2d at 948. The caller

identified one of the victims as his girlfriend. (T. XXII 706).

One of the child victim's tissue, caused from the blowback of shooting the child with a shotgun, was on Hutchinson's pants. *Hutchinson*, 17 So. 3d at 698. Hutchinson also had gunshot residue on his hands. (T. XXV 1250). Hutchinson's shotgun was positively identified as the murder weapon. The murder weapon was located on the kitchen counter in the house. (T. XXII 621; XXVI 1547, 1552, 1557; XXVII 1710); *Hutchinson*, 882 So. 2d at 948. All eight expended shells—the five involved in the murders and the three located in the closet of the house—were from this shotgun. (T. XXVI 1557).

On January 18, 2001, the jury convicted Hutchinson of four counts of first-degree murder with a firearm. *Hutchinson v. State*, 882 So.2d 943, 948 (Fla. 2004). Hutchinson waived his right to a penalty phase jury, but he presented mitigation to the trial judge at a bench penalty phase. *Id.* The court found two aggravating factors for the murders of Logan and Amanda: (1) previously convicted of another capital felony for the murders of the other children; and (2) the victim was less than 12 years of age. *Hutchinson*, 882 So. 2d at 959.

The trial court found three aggravating factors for the murder of Geoffrey: (1) previously convicted of another capital felony for the murders of the other children; (2) the victim was less than 12 years of age; and (3) the murder was heinous, atrocious, and cruel (HAC). *Id.* at 959. The court found one statutory mitigator: no significant history of prior criminal activity and gave it significant weight, and 20 non-statutory mitigators. *Hutchinson*, 882 So. 2d at 959-60. On

February 6, 2001, the trial court imposed three death sentences for the murders of each of the three children. *Hutchinson*, 882 So. 2d at 949. The trial court also sentenced Hutchinson to life imprisonment for the murder of the children's mother.

Hutchinson's convictions and sentences were affirmed on direct appeal. *Hutchinson*, 882 So. 2d at 961. Hutchinson's collateral challenges have been universally rejected. *Hutchinson v. State*, 17 So. 3d 696 (Fla. 2009); *Hutchinson v. State*, 133 So. 3d 526 (Fla. 2014); *Hutchinson v. State*, 243 So. 3d 880 (Fla. 2018); *Hutchinson v. State*, 343 So. 3d 50, 54 (Fla. 2022); *see also Hutchinson v. Florida*, 677 F.3d 1097 (11th Cir. 2012); *Hutchinson v. Sec'y, Fla. Dep't of Corr.*, 2021 WL 6340256 (11th Cir. Mar. 24, 2021) (No. 21-10508-P).

On January 15, 2025, Hutchinson, filed a third successive postconviction motion raising two claims: (1) a claim of newly discovered evidence of a mild neurocognitive disorder due to traumatic brain injury (TBI) resulting from his military service during the Gulf War; and (2) a claim of newly discovered evidence of Gulf War Illness.

The State filed an answer to the third successive postconviction motion, arguing that both claims of newly discovered evidence were untimely; the second claim was procedurally barred because the matter of Hutchinson suffering from Gulf War Illness was presented as mitigation at trial; and that neither diagnosis would result in an acquittal of any of the four first-degree murder convictions at a new trial or life sentences at a new penalty phase. The State asserted the third successive postconviction motion should be summarily denied. On March 6, 2025,

the postconviction court held a case management conference.

On March 31, 2025, the Governor signed a warrant scheduling the execution on May 1, 2025. The next day, April 1, 2025, a new judge was assigned to preside over both the pending third successive postconviction motion and the warrant litigation. On April 4, 2025, the postconviction court summarily denied the third successive postconviction motion finding the claims to be untimely. And on April 8, 2025, the postconviction court denied the motion for rehearing, again determining the successive claims to be untimely. The Florida Supreme Court affirmed the denial of relief. *Hutchinson v. State*, No. SC2025-0497, 2025 WL 1155717 (Fla. Apr. 21, 2025). Hutchinson's petition for writ of certiorari is currently pending before this Court. (24-7079).

On April 7, 2025, Hutchinson filed a fourth successive postconviction motion raising four claims. On April 11, 2025, the postconviction court summarily denied the fourth successive postconviction motion and denied a stay of execution. The Florida Supreme Court affirmed the denial of relief. *Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, (Fla. Apr. 25, 2025). Hutchinson again seeks this Court's certiorari review as well as a stay of his execution.

REASONS FOR DENYING THE WRIT

I. Certiorari Should Be Denied Where There Is No Federal Claim At Issue And The Florida Supreme Court's Ruling Is Correct And Conflict Free.

A. This Case Does Not Present a Federal Claim Because There is No Procedural Due Process Violation at Issue

Hutchinson loosely frames this issue as one involving due process; however, Hutchinson makes no specific allegation amounting to a due process violation. The fundamental requirement of due process is that a person be given "the opportunity to be heard" at "meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). This does not mean that a defendant must be given advanced notice or limitless opportunities to be heard. *See, e.g., Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 288-89 (1998).

Due process applies to a person's "protected entitlements" or "liberty interests," and the Due Process Clause imposes procedural limitations on a State's power to take away such interests. *Dist. Attorney's Office for Third Judicial Dist. v. Osborne*, 557 U.S. 52, 67 (2009). In cases in which a defendant has no such liberty interest, this Court has found that he could not challenge the constitutionality of any procedures available to him. *See, e.g., id.* at 67-68.

A defendant's due process rights during postconviction procedures are not equal to a defendant's due process rights during trial, and they "must be analyzed in light of the fact that he was already been found guilty at a fair trial and has only a limited interest in postconviction relief." *Id.* at 69. Indeed, "the demands of due process are reduced accordingly" after a defendant has been convicted of a crime." *Ohio Adult*

Parole Auth. v. Woodard, 523 U.S. 272, 288 (1998). For example, only "some *minimal* procedural safeguards apply to clemency proceedings." *Woodard*, 523 U.S. at 289.

Here, Hutchinson challenges the Governor's discretion[2] in signing a warrant, and he claims that he received delayed notice of his death warrant once signed (by approximately three hours), and he had a "truncated warrant period" that forced his defense team to work "around the clock to cobble together some pleadings." Petition at 14-15. Hutchinson concludes that having to work under such time constraints during the warrant period was fundamentally unfair and did "not equate to due process." Petition at 15.

Hutchinson further argues that because his third successive postconviction motion was pending when the warrant was signed, the signing of his death warrant resulted in the prompt resolution of his pending case that "suffocated" the court's deliberation. Petition at 16. And the "breakneck speed" of the warrant proceedings made it difficult for his counsel to secure visits with his two mental health experts in preparation of his fourth successive motion.[3] Petition at 18-19.

In sum, Hutchinson complaints boil down to wanting more notice prior to the warrant being signed and wanting more time to litigate his claims once the warrant

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[2] Hutchinson also generally complains about the Governor's "unfettered" discretion regarding warrants, but "the Governor's executive discretion need not be fettered by the types of procedural protections sought by [petitioner]." *Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 282 (1998).

[3] As Hutchinson admits, he was evaluated by his two mental health experts. Petition at 18. In addition, Hutchinson was provided competency evaluations and a hearing on his (in)competency claim. Hutchinson was found competent and he has appealed that finding to the Florida Supreme Court (2025-0590).

was signed. Hutchinson, however, fails to identify how the Due Process Clause was violated in any way. Hutchinson was tried and convicted in 2001, and he appealed his convictions and sentences to the Florida Supreme Court. *Hutchinson v. State*, 882 So. 2d 943 (Fla. 2004). For more than twenty years, Hutchinson has been raising postconviction claims in the postconviction court and appealing the denial of those claims. *See Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, at *2 (Fla. Apr. 25, 2025). In total, he raised four separate postconviction challenges in state court prior to the signing of his death warrant. And he also challenged his convictions and death sentences in federal court.

Hutchinson received both notice and the opportunity to be heard. His attorneys received notice of the death warrant within hours of it being filed. Hutchinson fails to cite to any authority showing that due process requires advance notification of a death warrant or express notice within a specified timeframe.

The warrant was signed on March 31, 2025, and the warrant listed Hutchinson's scheduled execution for May 1, 2025. Hutchinson's counsel received notice of the warrant the same day that it was signed. On April 1, 2025, in response to the Governor signing Hutchinson's warrant, the Florida Supreme Court issued a scheduling order outlining when the parties' pleadings should be filed in the state trial and appellate courts. Hutchinson's counsel was served with this order. Hutchinson had notice of all of the hearings and deadlines in state court, and Hutchinson was heard at every stage. Hutchinson filed his fifth postconviction motion and he litigated and appealed his postconviction claims. Due process is not at issue here.

Hutchinson's complaint that the signing of his death warrant improperly sped up the resolution of his pending postconviction claim fares no better. Hutchinson does not contend that he was denied notice or an opportunity to be heard on his pending motion. Instead, he speculates that the lower court did not have enough time to resolve his claims. And he further assumes that the Florida Supreme Court did not have adequate time to review the appeal of his fourth successive postconviction claims, despite the majority opinion's assurance that it did. *See Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, at n.7 (Fla. Apr. 25, 2025).

Hutchinson has identified no true due process violation here. What is more, the warrant schedule issued by the Governor and the discretion afforded to the Governor in selecting and issuing death warrants is a matter of state law. Hutchinson did not have a right under the United States Constitution to even raise this challenge. *Pennsylvania v. Finley*, 481 U.S. 551, 557 (1987); *Murray v. Giarratano*, 492 U.S. 1, 10 (1989) (holding that, in the capital context, "[s]tate collateral proceedings are not constitutionally required as an adjunct to the state criminal proceedings and serve a different and more limited purpose than either the trial or appeal"). Thus, it cannot even be said that due process extends to these circumstances surrounding the state's warrant procedures, but even if it does, Hutchinson has not shown an actual due process violation.

Hutchinson's federal due process claim violation based upon the warrant schedule in his successive state collateral proceedings rests upon a very thin constitutional premise. Hutchinson's case has long been final on state and federal

review. He can hardly complain about the setting and timing of a warrant—all of which are matters of state law.

Hutchinson's contention that he should have been given more time to litigate his fifth postconviction motion after his death warrant was signed does not equate to a due process challenge. Because no federal claim is truly at issue here, this case is not worthy of this Court's attention.

B. This Question Presented is Fact Intensive.

In order to squarely rule on the due process question presented by Hutchinson, this Court would have to engage in intensive factual analysis and determination, and this Court generally does not like to engage in its own fact finding. "We do not grant a certiorari to review evidence and discuss specific facts." *United States v. Johnston*, 268 U.S. 220, 227 (1925).

In addition, resolution of Hutchinson's question would require this Court to put itself in the position of the state courts to determine whether the state courts had sufficient time to resolve the expedited proceedings. This Court rarely grants a petition for writ of certiorari "when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law." Sup. Ct. R. 10. But Hutchinson's argument does not even meet that meager threshold. He asks this Court to second-guess the judgment of the state courts and to find that the state courts had inadequate time to promptly resolve the proceedings, despite having any indication to the contrary. Hutchinson has not set forth any compelling reason for this Court to exercise its discretionary review in granting the petition for writ of certiorari. Sup.

Ct. R. 10.

C. The Florida Supreme Court's Decision Was Correct And It Does Not Conflict With Any Other Decision.

In light of there being no due process violation, the Florida Supreme correctly affirmed the denial of Hutchinson's "due process claim" based on the truncated warranted period. "[A]lthough the warrant period in this case was admittedly short and the record lengthy, Hutchinson has been able to raise numerous postconviction claims and advance arguments to support them." *Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, at *4 (Fla. Apr. 25, 2025). The court noted that the order challenged offered both record and rules based reasons for rejecting Hutchinson's claims. *Id.* The Florida Supreme Court's decision comports with this Court's jurisprudence that due process requires notice and an opportunity to be heard—and Hutchinson received both. While Hutchinson asserts that due process demands more, he has cited no controlling authority requiring that it do so.

Significantly, Hutchinson alleges no conflict between the lower court's decision and the decision from any other court. Hutchinson fails to allege a conflict, because there is none. Indeed, there the Florida Supreme Court's decision does not conflict with the decision of another state court of last resort or a United States court of appeals, nor did the lower court decide an important question of federal law that conflicts with a decision from this Court. Sup. Ct. R. 10. As this Court has acknowledged, "there are strong reasons to adhere scrupulously to the customary limitations of [the Court's] discretion." *Illinois v. Gates*, 462 U.S. 213, 232 (1983). Certiorari review is improper here.

II. Petitioner's Eighth Amendment Claim Does Not Warrant This Court's Review.

At the outset, Hutchinson argues that the Florida Supreme Court "opt[ed] out" of reviewing his Eighth Amendment challenge. Petition at i, 19-21. That is not so. The Florida Supreme Court addressed Hutchinson's claim and found it contrary to this Court's Eighth Amendment jurisprudence as well as Florida Supreme Court precedent. *Hutchinson*, No. SC2025-0517, 2025 WL 1198037, at *5–6. The lower court's opinion specifically recognized this Court's "Eighth Amendment jurisprudence forbids statutes that allow imposition of arbitrary death sentences." *Id.* at 5. And the court acknowledged that "that aspect of the Eighth Amendment is satisfied when the challenged statute sufficiently narrows the class of persons eligible for the death penalty...We have repeatedly held that Florida's death-penalty statute accomplishes this." *Id.*

The lower court further recognized that the Eighth Amendment "requires individualized sentencing, which gives the capital defendant the right to present mitigating evidence to his sentencer." *Id.* It concluded that "Hutchinson vindicated this right by presenting mitigating evidence at his penalty phase. And despite his invocation of vague constitutional principles, Hutchinson has not cited any authority holding that the Eighth Amendment provides an absolute right to present mitigating evidence at any time, regardless of its availability, regardless of the defendant's diligence in locating and presenting it, and regardless of its strength or force." *Id.* The court concluded that "Hutchinson seeks an unjustified extension of the U.S. Supreme

Court's Eighth Amendment jurisprudence and his claim is inconsistent with our precedent." *Id.* at *6.

To the extent that Hutchinson claimed that his combat-related issues exempted him from execution, the court disagreed and found precedent undermined his arguments. *Id.* The court also addressed the claim raised in Hutchinson's habeas petition that *Atkins v. Virginia*, 536 U.S. 304 (2002), should extend to individuals, like Hutchinson, with certain neurocognitive disorders. The court found the claim procedurally barred and meritless, as it has "repeatedly refused to extend *Atkins* beyond the intellectual-disability context. *Id.*

Hutchinson's characterization of the lower court "opting out" of Eighth Amendment review is simply incorrect. Hutchinson's disagreement with the resolution of his claims is not a valid reason to warrant this Court's review.

A. An Adequate And Independent Basis Supports The Florida Supreme Court's Resolution Of This Claim.

The Florida Supreme Court denied Hutchinson's *Atkins*-extension claim based on state procedural law. When both state and federal questions are involved in a state court proceeding, this Court has no jurisdiction to review the case if the state court judgment rests on a state law ground that is both independent of the merits of the federal claim and an adequate basis for the court's decision. *Foster v. Chatman*, 578 U.S. 488, 497 (2016). This "independent and adequate state ground" rule stems from the fundamental principle that the Court lacks jurisdiction to review matters of state law. *See Herb v. Pitcairn*, 324 U.S. 117, 125–26 (1945). This Court has explained that "[o]ur only power over state judgments is to correct them to the extent that they

incorrectly adjudge federal rights. And our power is to correct wrong judgments, not to revise opinions" or enter advisory opinions. *Id.* "[I]f the same judgment would be rendered by the state court after we corrected its views of federal laws, our review could amount to nothing more than an advisory opinion." *Id.* If a state court's decision is based on separate state law, this Court "of course, will not undertake to review the decision." *Florida v. Powell*, 559 U.S. 50, 57 (2010).

Florida law generally prohibits a death row inmate from raising a claim in a successive postconviction proceeding that could have been raised previously. Fla. R. Crim. P. 3.851(d); *see also Barwick v. State*, 361 So. 3d 785, 795 (Fla. 2023) (finding *Atkins*-extension claim untimely and reiterating that procedural bars apply to exemption-from-execution claims). "It is incumbent upon the defendant to establish the timeliness of a successive postconviction claim." *Mungin v. State*, 320 So. 3d 624 (Fla. 2020). Hutchinson failed to establish that his *Atkins*-extension claim was timely, and instead, he incorrectly asserted that the state's procedural bars did not apply.

This Court should not review the Florida Supreme Court's decision when Hutchinson's claim was deemed untimely and procedurally barred under state law. The Florida Supreme Court's determination that the claim was untimely and procedurally barred is based on independent and adequate state grounds that is independent of any federal question. *See, e.g., Walker v. Martin,* 562 U.S. 307, 316–17 (2011) (finding California's time bar qualified as an adequate state procedural ground); *Sochor v. Florida*, 504 U.S. 527, 534 (1992) (holding this Court lacked jurisdiction to decide a federal claim that the Florida Supreme Court decided both on

the merits and on preservation grounds); *Wainwright v. Sykes*, 433 U.S. 72, 86–87 (1977) (concluding that Florida procedure regarding preservation amounted to an independent and adequate state procedural ground which prevented review); *see also Johnson v. Lee*, 578 U.S. 605, 609 (2016) (acknowledging that state postconviction court is generally not used to litigate claims that were or could have been raised at trial or direct appeal, and finding that the procedural bar "qualifies as adequate to bar federal habeas review"). Federal courts must not lightly "disregard state procedural rules that are substantially similar to those to which we give full force in our own courts." *Lee*, 578 U.S. at 609.

This Court has long recognized that where a state court judgment rests on non-federal grounds, where the non-federal grounds are an adequate basis for the ruling independent of the federal grounds, "our jurisdiction fails." *Fox Film Corp. v. Muller*, 296 U.S. 207, 210 (1935); *Coleman v. Thompson*, 501 U.S. 722, 729 (1991); *Michigan v. Long*, 463 U.S. 1032, 1038, 1041-42 (1983). Moreover, this Court has denied certiorari review in other active death warrant cases in which the Florida Supreme Court has found similarly raised claims procedurally barred. *See, e.g., Ford v. Florida*, 145 S. Ct. 1161 (2025) (*Roper*-extension claim), *Barwick v. Florida*, 143 S. Ct. 2452 (2023) (*Atkins*-extension claim). Given that the Florida Supreme Court's denial of this claim rests on an adequate and independent state law ground, this Court lacks jurisdiction, and the petition for writ of certiorari should be denied.

B. This Case Presents No Conflict, And The State's Practice of Following This Court's Eighth Amendment Precedent Is Not A Cert-Worthy Issue.

There is no conflict between this Court's Eighth Amendment jurisprudence and the Florida Supreme Court's decision in this case. Nor is there any conflict between the Florida Supreme Court's decision and the decision of another state supreme court or a United States appellate court.

As this Court has observed, a principal purpose for certiorari jurisdiction "is to resolve conflicts among the United States courts of appeals and state courts concerning the meaning of provisions of federal law." *Braxton v. United States*, 500 U.S. 344, 347 (1991); *see also* Sup. Ct. R. 10(b) (listing conflict among federal appellate courts and state supreme courts as a consideration in the decision to grant review). Issues that have not divided the courts or are not important questions of federal law do not merit this Court's attention. *Rockford Life Ins. Co. v. Ill. Dep't of Revenue*, 482 U.S. 182, 184 n.3 (1987). In the absence of such conflict, certiorari is rarely warranted. Hutchinson cites no case showing a conflict between his Eighth Amendment claim.

Likewise, Hutchinson fails to show how he was required to have this Court's decision in *Atkins* extended to him based on his mental health issues related to his military service. He cites to no case from this Court or any other court in which a court has held that the Eighth Amendment demands such application.

In addition, Hutchinson's challenge to Florida's conformity clause does not involve a conflict, nor does it render this case worthy of this Court's attention. While acknowledging that this Court does not require states to offer more Eighth Amendment protection than this Court's jurisprudence affords, Hutchinson suggests that Florida

"obstructs" aspects of this Court's jurisprudence and refuses to engage in Eighth Amendment determinations. But Hutchinson fails to show how the Florida Supreme Court's reliance on the state's conformity clause violates his federal constitutional rights.

Nothing in the Eighth Amendment forces state courts to expand this Court's Eighth Amendment jurisprudence into areas where this Court has not. Hutchinson does not establish how the state court's adoption of this Court's Eighth Amendment jurisprudence violates his rights in any way.

What is more, lower courts are required to follow this Court's precedents. The United States Constitution mandates that the "the Laws of the United State . . . shall be the supreme Law of the Land" that judges in every state are bound by. *See* U.S. Const. art. 6. Likewise, this Court has long acknowledged that lower courts are bound to adhere to its precedent. *See, e.g., Hohn v. United States*, 524 U.S. 236, 252–53 (1998) ("Our decisions remain binding precedent until we see fit to reconsider them, regardless of whether subsequent cases have raised doubts about their continuing vitality."); *Bosse v. Oklahoma*, 580 U.S. 1, 3 (2016) ("[I]t is this Court's prerogative alone to overrule one of its precedents."); *Thurston Motor Lines, Inc. v. Jordan K. Rand, Ltd.*, 460 U.S. 533, 535 (1983) ("Needless to say, only this Court may overrule one of its precedents."); *see also Hutto v. Davis*, 454 U.S. 370, 375 (1982) ("[U]nless we wish anarchy to prevail within the federal judicial system, a precedent of this Court must be followed by the lower federal courts."). As the Florida Supreme Court recognized, "Hutchinson seeks an unjustified extension of the U.S. Supreme Court's Eighth

Amendment jurisprudence and his claim is inconsistent with our precedent." *Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, at *6 (Fla. Apr. 25, 2025).

Hutchinson's complaint about Florida's conformity clause is baseless. Just like this Court has denied certiorari review in other cases challenging Florida's conformity clause, this Court should deny review here. *See, e.g.*, *Ford v. Florida*, 145 S. Ct. 1161 (2025), *Barwick v. Florida*, 143 S. Ct. 2452 (2023). No compelling reasons exist in this case to warrant this Court's exercise of review.

CONCLUSION

Hutchinson has not provided any compelling reason for this Court to grant certiorari review. Accordingly, the petition for writ of certiorari should be denied.

Respectfully submitted,

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