

*** CAPITAL CASE ***

No. _____

IN THE

Supreme Court of the United States

JEFFREY GLENN HUTCHINSON,

Petitioner,

v.

RICKY D. DIXON, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

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

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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

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In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11485

JEFFREY GLENN HUTCHINSON,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:25-cv-00205-MW

Before JORDAN, BRANCH, and LUCK, Circuit Judges.

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Order of the Court

25-11485

BY THE COURT:

We construe Mr. Hutchinson's notice of appeal as a motion for a certificate of appealability, and after careful review, we deny the motion because his claims are not debatable largely for the reasons set out by the district court. *See Buck v. Davis*, 137 S. Ct. 759, 774 (2017). We issue this order without further discussion due to the execution being set for 6:00 pm tonight.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JEFFREY GLENN HUTCHINSON,

Petitioner,

v.

**RICKY D. DIXON, SECRETARY,
FLORIDA DEPARTMENT
OF CORRECTIONS,**

Respondent.

**Case No.: 4:25cv205-MW
CAPITAL CASE
EXECUTION SCHEDULED
May 1, 2025, at 6:00 p.m.**

/

**ORDER DENYING EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS¹**

Mr. Hutchinson is scheduled to be executed today at 6:00 p.m. Since his warrant issued on March 31, 2025, he has litigated numerous issues in both state and federal court. Yesterday, after 5:30 p.m., the Florida Supreme Court affirmed the state trial court's finding that he is competent to be executed under state and federal law. Less than six hours later, at approximately 11:19 p.m., Mr. Hutchinson filed an emergency petition for writ of habeas corpus, a motion for leave to proceed in forma pauperis, an emergency motion to stay execution, and an emergency motion for

¹ The statutory bar on successive petitions does not apply to claim such as presented here because the claim was brought as soon as it was ripe.

discovery with this Court. ECF Nos. 1–4. Mr. Hutchinson claims he is incompetent to be executed under the Eighth and Fourteenth Amendments to the United States Constitution. More specifically, he argues that 1) the Florida Supreme Court unreasonably applied clearly established federal law when it found Mr. Hutchinson competent to be executed, 2) the Florida Supreme Court unreasonably applied the applicable procedural requirements, and 3) the state courts’ decisions concerning his competency to be executed involved an unreasonable determination of facts.²

Death is different. This Court understands the gravity of the situation. However, this Court will not wait for the State’s response³ or stay Mr. Hutchinson’s execution to afford this Court additional time for reflection. Mr. Hutchinson is not entitled to a stay of execution, and this Court will not stay his execution simply because a habeas petition was filed mere hours before his execution.

Mr. Hutchinson’s first and third arguments overlap. His argument goes something like this. Mr. Hutchinson suffers from Delusional Disorder. He believes that he is being executed based on a government conspiracy to silence him, not for the brutal murder of three children, and thus he lacks a rational understanding of the

² These three arguments are how Mr. Hutchinson framed his issues under subheadings A, B, and C in his petition.

³ This Court has inquired as to when a response would be forthcoming from the State. The Attorney General’s Office notified this Court as of 8:43 a.m. on May 1, 2025, that a response should be filed “before lunch.” Given the time sensitivity of this matter, this Court is moving forward without the benefit of a response. Ultimately, these issues will be presented to the Eleventh Circuit and time is of the essence in light of the impending execution this evening.

reasons for his impending execution. Accordingly, he is incompetent to be executed. Relatedly, he argues that the state trial court's factual findings and the Florida Supreme Court's review and affirmance of those findings—namely, that Mr. Hutchinson does not suffer from Delusional Disorder—is based on an unreasonable determination of facts.

Mr. Hutchinson's first argument depends on a finding that he suffers from Delusional Disorder—a finding that the state trial court rejected after a hearing where both sides were heard. Relying on the State's experts, the state trial court found that Mr. Hutchinson does not suffer from Delusional Disorder, and he understands that he is being executed for the brutal murder of the three children. *See Order Finding Jeffrey Hutchinson Competent to Be Executed at 18, State v. Jeffrey Hutchinson, Case No. 04-2025-CA-000163 (April 27, 2025)* (“This Court finds that Jeffrey Hutchinson does not have any current mental illness. This Court finds that Mr. Hutchinson’s purported delusion is demonstrably false This Court finds that Mr. Hutchinson is presenting his story of a government conspiracy in order to avoid responsibility for the murders, and, ultimately in this instance, the death penalty.”). In so finding, the state trial court applied the correct standard. The state trial court simply credited the testimony of the State’s experts and rejected Mr. Hutchinson’s experts’ testimony. In affirming the state trial court, the Florida Supreme Court arrived at the same conclusion; namely, the trial court applied the

correct standard and simply rejected Mr. Hutchinson's experts' testimony. In so doing, the Florida Supreme Court did not misapply federal law in refusing to reweigh the testimony on appeal.

Mr. Hutchinson's third argument, in turn, boils down to the claim that the finding that he does not suffer from Delusional Disorder is objectively unreasonable. But no matter how Mr. Hutchinson frames this argument, he is effectively asking this Court to reweigh the evidence. While Mr. Hutchinson presented competent evidence and compelling arguments to support his position, the state court's decision to credit the State's experts and reject the defense experts' diagnosis is not objectively unreasonable within the meaning of the law.

Finally, Mr. Hutchinson argues that the Florida Supreme Court unreasonably applied the applicable procedural requirements which have been mandated by the United States Supreme Court. In *Panetti*, the United States Supreme Court instructs us that “[a]fter a prisoner has made the requisite threshold [incompetency] showing, *Ford*, requires, at a minimum, that a court allow a prisoner's counsel the opportunity to make an adequate response to evidence solicited by the state court.” 551 U.S. 930, 952 (2007). While the procedure followed here was arguably rushed and Mr. Hutchinson certainly could have been afforded more process, this Court concludes the process he was afforded comports with the minimum requirements; namely, an opportunity to make an adequate response.

For these reasons, Mr. Hutchinson's emergency petition for writ of habeas corpus is due to be denied. Because Mr. Hutchinson has not demonstrated a substantial likelihood of success on the merits of his habeas petition, this Court also finds that Mr. Hutchinson's emergency motion to stay execution and his emergency motion for discovery are due to be denied.

Accordingly,

The Clerk shall enter judgment stating, "Jeffrey Glenn Hutchinson's emergency petition for writ of habeas corpus, ECF No. 1, his emergency motion to stay execution, ECF No. 3, and his emergency motion for discovery, ECF No. 4, are **DENIED**. Further, a certificate of appealability is **DENIED** and thus the motion for leave to proceed in forma pauperis, ECF No. 2, is **DENIED**." The Clerk shall notify the Eleventh Circuit that this order has been entered and close the file.

SO ORDERED on May 1, 2025.

s/Mark E. Walker
Chief United States District Judge