*** CAPITAL CASE ***

Nos. 24-7117 & 24A1057

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2024

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

REPLY IN SUPPORT OF APPLICATION FOR STAY OF EXECUTION

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

Respondent's suggestion that Mr. Hutchinson cannot make a valid threshold showing under *Ford* is baseless. Response at 3. First, the circuit court granted a hearing, which is an implicit finding that Mr. Hutchinson satisfied the threshold standard. Further, threshold showings, even "substantial" ones, are meant to be easily satisfied. Mr. Hutchinson presented evidence of his Delusional Disorder via the testimony a board-certified psychiatrist and board-certified neuropsychologist; he presented documentation and acquaintances spanning decades that bore out his fixed

delusions; and he has a history of mental health diagnoses, including a diagnosis of Delusional Disorder that also occurred decades ago.

Respondent's bizarre statement that "this Court does not grant review of misapplication of correct statements of the law" is incorrect. Response at 4. Unreasonable application of clearly established federal law is an aspect of 28 U.S.C. § 2254(d)(1), and specifically takes place when a court articulates the correct governing legal principle but then misapplies it to the facts of a case. *See, e.g.*, *Williams v. Taylor*, 529 U.S. 362, 407, 413 (2000) (unreasonable application occurs if "the state court identifie[d] the correct governing legal principle from this Court's decisions but unreasonably applie[d] that principle to the facts of the prisoner's case."). This Court routinely takes up such cases.

Perhaps because of this misunderstanding about § 2254(d)(1), Respondent incorrectly claims that the Florida Supreme Court's decision was not an unreasonable application of *Madison* or *Panetti* because the court "repeatedly quoted from this Court's decisions, including *Madison*, in its opinion." Response at 5. But as this Court has made clear in its unreasonable application caselaw, *see, e.g., Williams*, 529 U.S. 362, simply quoting standards is not sufficient. In Mr. Hutchinson's case, Although the Florida Supreme Court used the words "rationally understood" they actually used the factual awareness standard by relying on the circuit courts findings that Mr. Hutchinson is aware that (1) his partner and her children were killed; and (2) he has been convicted, sentenced, and set to die for it. BIO at 9. This is precisely the standard the *Panetti* Court disavowed. *See Panetti*, 551 U.S. at 956 (rejecting as

unconstitutional a competency inquiry that asked only whether a prisoner is "aware that [he] is going to be executed and why"); *id.* at 959 (prisoner's "awareness of the State's rationale for an execution is not the same as a rational understanding of it.").

Finally, this Court should once and for all put to rest Respondent's assertion—frequently repeated over the course of stay litigation—that "[i]n the capital context, more should be required for irreparable injury rather than the execution itself. Response at 5. The case law is clear that this stay factor "is necessarily present in capital cases." *Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985); *see also Hutchinson v. Sec'y, Fla. Dep't of Corr.*, No. 3:13-cv-128-MW, ECF No. 98 at 17 (N.D. Fla. Apr. 16, 2025) ("[T]his Court agrees with Mr. Hutchinson that he would suffer irreparable injury if he was executed without being afforded an opportunity to be heard" on the underlying merits if procedural requirements were satisfied). That Mr. Hutchinson clearly sastisfies this factor is not a reason for Respondent to ignore the law.

The Court should grant a stay of execution.

Respectfully submitted,

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