

No. _____
IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2024

ANTHONY FLOYD WAINWRIGHT,

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, JUNE 10, 2025, AT 6:00 P.M.***

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 Anthony Floyd Wainwright for Tuesday, June 10, 2025, at 6:00 p.m. The Florida Supreme Court denied state-court relief on June 3. Pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Mr. Wainwright requests a stay of execution pending the disposition of the petition for a writ of certiorari accompanying this application.

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).

Regarding the first factor, the petition presents questions concerning significant constitutional violations that occurred at Mr. Wainwright's trial and sentencing proceedings and that the Florida Supreme Court failed to meaningfully engage with in its decision affirming the denial of relief. The question regarding Mr. Wainwright's *Brady* claim details a willful misunderstanding on the part of the Florida Supreme Court of this Court's line of prosecutorial-misconduct precedent, including *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Bagley*, 473 U.S. 667 (1985), and *Kyles v. Whitley*, 514 U.S. 419 (1995). This was not one isolated error that was irrelevant to the lower court's decision, but rather fundamental misstatements of the law and a persistent refusal to apply this Court's clear holdings.

The questions related to Mr. Wainwright's Eighth Amendment issue point out Florida's troubling pattern of refusing to meaningfully consider such claims by imposing inadequate procedural bars, thus nullifying this Court's body of cases guaranteeing a capital defendant the right to individualized sentencing consideration. These are issues worthy of the Court's certiorari review to ensure that capital defendants in Florida are not deprived of their constitutional rights to due process and meaningful sentencing proceedings under the Fifth, Eighth, and

Fourteenth Amendments, and therefore warrant a stay. *See Hill v. McDonough*, 547 U.S. 573, 584 (2006); *Barefoot*, 463 U.S. at 889.

Furthermore, a stay of execution would ensure a meaningful review process and make certain that Mr. Wainwright is not denied due process. “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). The issues presented in Mr. Wainwright’s certiorari petition require appellate review that is not truncated by the exigencies of an imminent execution. A stay of execution should be granted.

It is indisputable that Mr. Wainwright 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 Mr. Wainwright’s continued interest in his life. Additionally, the Florida public has an interest in ensuring that its citizens are subjected to the most severe sentencing penalty only after fair process and meaningful review. Mr. Wainwright’s claims deserve to be considered outside of the accelerated constraints of his execution, which is scheduled to proceed within mere days.

In addition, the irreversible nature of the death penalty favors 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 the Court grant the request for a stay and review of the underlying petition, there is a significant

possibility of the lower court's reversal. This Court's intervention is urgently needed to prevent Mr. Wainwright's imminent execution in contravention of the Fifth, Eighth, and Fourteenth Amendments.

CONCLUSION

For the foregoing reasons, Mr. Wainwright respectfully requests that the Court grant his application for a stay of his June 10, 2025, execution to address the compelling constitutional questions in his case on the merits.

Respectfully submitted,

/s/ Terri L. Backhus
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