

**THIS IS A CAPITAL CASE-EXECUTION SET FOR
October 14, 2025 @ 6:00 PM CENTRAL**

No. 25-5869

No. 25A418

**IN THE
SUPREME COURT OF THE UNITED STATES**

LANCE SHOCKLEY,

Petitioner,

vs.

RICHARD ADAMS, et al.,

Respondents.

**On Petition For A Writ Of Certiorari To The
United States Court of Appeals for the Eighth Circuit**

**REPLY TO PETITION FOR A WRIT OF CERTIORARI AND
EMERGENCY APPLICATION FOR STAY OF EXECUTION**

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Morgan and Summer Shockley, Lance Shockley's designated spiritual advisors, are qualified clergy under official MODOC policy. But the State of Missouri has denied Mr. Shockley his First Amendment-guaranteed access to them during his execution because they happen to be his relatives.

As a preliminary matter, Mr. Shockley rebuts the State's implication in footnote 1 that he has failed to properly recount the case. The facts of the case underlying Mr. Shockley's conviction are not at issue here and have no bearing on the question before the Court. The State reverts to describing the crime simply as an attempt at shock value and to redirect the Court's focus from the issue in front of it: the State is substantially burdening Mr. Shockley's religious liberty in the final moments of his life. The accommodations the State offered did not get to the heart of the issue, that Mr. Shockley is permitted to select the spiritual advisor of his choice. Further, many of the State's offered accommodations were in response to Mr. Shockley's request for his spiritual advisor to administer him communion and anoint him with oils. Unfortunately, the State delayed long enough that the time for communion has passed, and the only religious practice Mr. Shockley has left is for his daughter, Morgan, to lay hands on him and pray over him during his execution. Only the facts underlying that request are relevant here.

The State attempts to reframe the question before this Court to whether Mr. Shockley's daughters should be allowed in the execution chamber with him. But that is not the question before this Court—rather, it is whether his spiritual advisors, who are ordained and undisputedly qualified to act as spiritual advisors under MODOC's

policy, should be prohibited from serving as such because they are also related to him. Even though MODOC's policies do not prohibit family members from serving in this function, Mr. Shockley's daughters have been so prohibited despite their qualifications to serve as spiritual advisors.

This matter is before this Court because the State of Missouri has failed to follow its own policies – policies that specifically allow family members to serve as spiritual advisors (R. Doc. 2, Ex. A) – and refused to adhere to this Court's unambiguous holding in *Ramirez v. Collier*, 595 U.S. 411 (2022), that rejects the Missouri Department of Corrections ("MODOC") speculative concerns regarding the potential safety risks of having a family member serve as a spiritual advisor in the execution chamber. Mr. Shockley has not sought a stay for the purpose of staying the execution. Instead, he sought injunctive relief seeking the court to order MODOC to abide by its own policies and respect his free expression of religion as he is executed by the State of Missouri. Both the record and the law firmly support Mr. Shockley's request for relief.

Moreover, Mr. Shockley disagrees with the State's assertion that his appeal remains pending in the Eighth Circuit and that he thus had to make a showing under Rule 11 for certiorari before judgment.¹ But if this Court agrees with the State that the appeal remains pending, this is all the more reason for this Court to grant a stay, so the Eighth Circuit may determine the appeal on the merits. *Cf. Gutierrez v. Saenz*,

¹ Mr. Shockley filed a motion for stay of execution in the Eighth Circuit, which that court denied. No other action remains pending in the lower court.

144 S. Ct. 2718 (2024) (the Court may exercise its discretion to enter a stay to preserve its jurisdiction).

ARGUMENT

1. MODOC's Policies Represent a Substantial Denial of His Right to Free Exercise of Religion.

MODOC substantially burdened Mr. Shockley's right to free exercise of religion when it denied his choice of spiritual advisor based solely on internally inconsistent MODOC policies and speculative harms that fail to identify risks specific to Mr. Shockley's choice of a spiritual advisor. The substantial burden on Mr. Shockley is being forced to choose a different spiritual advisor (or none at all) solely based on the State's refusal to engage in an individualized review of the spiritual advisor qualifications in accordance with their own policies.

Mr. Shockley chose to have his youngest daughter, Morgan Shockley, serve as his spiritual advisor in compliance with MODOC spiritual advisor policies. R. Doc. 2, Ex. A. Morgan is a missionary, ordained minister, and sponsored by a local Missouri church in accordance with MODOC policies. *Id.* Morgan has been visiting with her father for nearly 20 years in MODOC facilities without any incidents. The district court correctly noted, "No evidence in the record suggests that Shockley's daughters would be disruptive if permitted in the execution room." App. ____a. The only concern raised by MODOC was her status as a family member.

2. Mr. Shockley is Likely to Prevail Because the Missouri Department of Corrections’ Blanket Prohibition on Family Members Serving as Spiritual Advisors Directly Contradicts This Court’s Holding in *Ramirez v. Collier*.

MODOC’s current position—although it is not reflected in its policies—is that no person may serve as a spiritual advisor if they have a familial relationship with the condemned person. Resp. at p. 8. This position results in a blanket denial regardless of the circumstances related to the spiritual advisor. Notably, MODOC makes no effort to differentiate between potential spiritual advisors that may have a criminal history or some other factor indicating a potential security risk with a spiritual advisor that poses no obvious risks. This Court rejected these blanket rules in *Ramirez*, specifically noting that “there was no indication in the record” the individual Mr. Ramirez sought to serve as his spiritual advisor “would cause the sorts of disruptions that respondents fear.” *Ramirez*, 595 U.S. at 430. The objections from the prison system were “conjecture regarding what a hypothetical spiritual advisor might do in some future case.” *Id.* This is exactly the situation posed by the instant case.

Morgan Shockley meets MODOC’s requirements to serve as a spiritual advisor. R. Doc. 2, Ex. A. Morgan provided MODOC with the necessary paperwork and emails from MODOC staff affirmed that she met the requirements subject to some other potential checks. R. Doc. 2, Ex. G. MODOC acknowledged they relied on their internal spiritual advisor policy—D5-3.3: Spiritual Advisor Visits—to evaluate her qualifications and to ultimately deny her application. R. Doc. 2, Exs. E, Q. MODOC purports to focus on safety and security considerations, but to date has never detailed

the specific concerns relevant to Morgan Shockley's application. *Id.* Instead, MODOC reverts to their general policy prohibiting contact between pre-execution status inmates and family members. R. Doc. 2, Ex. N. MODOC's policies are inherently in conflict and their blanket refusal to allow any family member to serve as a spiritual advisor—absent some individualized factor—will lead to absurd results.

MODOC's position preventing family members from serving as a spiritual advisor would prevent qualified, law-abiding individuals from serving in that role. For instance, MODOC's position would prevent Pope Leo XIV, Cardinal Gregory, Archbishop of Washington, D.C., Cardinal Dolan, Archbishop of New York, and Rev. Mariann Edgar Budde, Bishop of Washington, all of whom have extensive family, from serving as a spiritual advisor if one of them had a family member facing execution in Missouri solely based on their familial relationship. MODOC's speculative reasons for prohibiting family members from serving are even more absurd when applied to these individuals. R. Doc. 2, Ex. B, (MODOC speculated the family member could tamper with IV lines, pass drugs through skin-to-skin contact, pass contraband, etc.).

3. The Last-Minute Timing of This Appeal is Directly Attributable to MODOC's Failure to Adopt Clear Policies and Procedures for Identifying and Approving Spiritual Advisors.

Respondents suggest this Court should deny Mr. Shockley's request for a stay based on the last-minute nature of the appeal. Resp. at pp. 30-32. The timing of the instant litigation, though, is the direct result of a lack of clear policies for identifying and approving spiritual advisors, inconsistent MODOC policies, and the timing of

MODOC's denial of Mr. Shockley's request coming less than two weeks before his scheduled execution. Respondents bear the fault for the timing, not Mr. Shockley.

Notably, MODOC has not adopted any specific procedures for reviewing and approving spiritual advisors to serve as witnesses, *see* Mo. Rev. Stat. 546.740, nor to serve as a spiritual advisor in the execution chamber. While MODOC has approved spiritual advisors to be present with inmates since December 2022, they have ignored this Court's suggestion that, "The first step would be to specify reasonable rules on the time for prisoners to request religious accommodations, and for prison officials to respond." *Ramirez*, 595 U.S. at 435. MODOC's lack of clarity relating to the process for identifying spiritual advisors, the timing of such requests, and which of their own policies MODOC intends to apply results in the confusion present in this case.

Currently, MODOC relies on a spiritual advisor policy (D5-3.3) as well as policies related to inmates in the pre-execution status. R. Doc. 2, Ex. N. These policies are internally inconsistent as they allow family members to serve as spiritual advisors but also prevent family members from being in contact with a pre-execution inmate. In this case, MODOC has chosen to ignore substantial portions of the spiritual advisor policy and to only adhere to the pre-execution status policy. MODOC's lack of clarity directly led to its confusing and inconsistent communication with Mr. Shockley's designated spiritual advisors. *See* R. Doc. 2, at Exs. E, F, G, J. MODOC initially denied the spiritual advisor requests because they were "family" members, but on appeal approved their applications because they met the department's policy requirements. *Id.* Subsequently, MODOC ultimately denied Mr.

Shockley's requests based on a background check requirement. R. Doc. 2, Ex. Q. These shifting explanations, approvals, and denials directly resulted from MODOC's failure to adopt "clear rules in advance" of the execution to avoid these types of conflicts. *Ramirez*, 595 U.S. at 430.

MODOC did not request Mr. Shockley provide his designated spiritual advisors until September 26, 2025, when he was provided with paperwork from the prison. The form provided followed the execution witness statute, Mo. Rev. Stat. § 546.740, designating five (5) lay witnesses and up to two (2) spiritual advisors. The form did not have a place to designate a spiritual advisor to be present with Mr. Shockley in the execution chamber and provided no information on how he might designate his desire to exercise that right.

Mr. Shockley returned the form to MODOC on Monday, September 29, 2025, designating his daughters, Morgan and Summer Shockley, as spiritual advisors. R. Doc. 2, Ex. Q. Counsel for Mr. Shockley and MODOC engaged in discussions regarding possible accommodations up through October 7, 2025. R. Doc. 2, Ex. M. Mr. Shockley's counsel repeatedly requested follow-up with MODOC and finally provided a deadline for MODOC to respond given the proximity to the execution. *Id.* MODOC officially responded on October 8, 2025, and Mr. Shockley filed his internal grievance the same day, as required before initiating litigation with MODOC on October 9, 2025. R. Doc. 2, Ex. Q; *see Ramirez*, 595 U.S. at 421.

Indeed, *Ramirez* addressed late-stage litigation timing and found that Mr. Ramirez was not dilatory in filing his suit when he did, because he "had sought to

vindicate his rights for months.” 595 U.S. at 435. Mr. Ramirez did file suit four weeks before his execution, but that is because he learned of the State’s denial of his request months in advance of his execution date. *Id.* Mr. Ramirez filed a grievance three days after learning of the denial and an appeal of that denial shortly after. *Id.* Comparatively, Mr. Shockley filed his grievance a single day after negotiations broke down. R. Doc. 2, Ex. Q. The only difference between the two men’s process is that Texas let Mr. Ramirez know they denied his choice of spiritual advisor in the chamber a month before his execution; here, the State did not even ask Mr. Shockley to designate execution witnesses until two weeks before his execution. Mr. Shockley had to designate, negotiate, grieve, and file suit in an expedited timeline because Missouri does not provide an inmate the opportunity to request a spiritual advisor in the execution chamber until just days or weeks before the execution.

Finally, the State fails to acknowledge that this litigation does not end with Mr. Shockley living. Shockley’s ultimate goal could not be delay—it is, quite plainly, the ability to have his chosen spiritual advisors with him before and as he dies. This is clear from the legal posture of his request: Mr. Shockley asks for an injunction to force the State to stop violating his religious rights, *not* a permanent stay of execution. If Mr. Shockley is to be executed, he simply wants it done in accordance with his personal religious beliefs. *See Ramirez*, 595 U.S. at 425.

4. The State’s Continued Reliance on *Bucklew v. Precythe*, is Misplaced.

This Court has not held that a family member may never be in an execution chamber. The Court in *Bucklew* did not consider the possibility of a clergy-family member, and neither did the Alabama statute the footnote references. Resp. at 19.

But Missouri affirmatively contemplated this crossover and provided for it in the Department's policies. *Bucklew* did not feature a Department of Corrections like MODOC that expressly provides for the opportunity for an inmate to have a spiritual advisor that is an immediate family member.

Moreover, the State misapprehends the import of the footnote in *Bucklew*. The footnote issue addresses the timing for petitioner to bring a claim and when he or she was on notice of the potential constitutional violation. 587 U.S. at 119, n.5. The Court in *Bucklew* was only addressing whether he delayed in bringing his constitutional claim too late in the process. The offhand comment from the Court's majority regarding the Alabama statute covering individuals that may be present during an execution is a little more than dicta and not controlling in light of this Court's decision in *Ramirez*. *Ramirez* was decided three years after *Bucklew* and directly addressed the constitutional issues at stake in this case. The existence of a family member-spiritual advisor is a novel issue for this Court.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted in this case. The stay of execution should also be granted to ensure Mr. Shockley is not executed in violation of his rights under the Free Exercise Clause of the First Amendment and the RLUIPA.

Respectfully submitted,

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