No. 25-6279

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN MATTHEW WOLF,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

BRIEF IN OPPOSITION

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CAPITAL CASE

QUESTION PRESENTED

Whether this Court should review a fact-bound application of *Wainwright v. Witt*, 469 U.S. 412 (1985), where the Florida Supreme Court upheld the excusal of a potential juror who displayed visible distress when she equivocated about following the law and expressed specific reluctance to recommend a sentence of death when warranted, and where Petitioner identifies no conflict, no misapplication of precedent, and no legal question of national importance.

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The Florida Supreme Court's opinion is reported at *Wolf v. State*, 416 So. 3d 1117 (Fla. 2025).

JURISDICTION

Title 28 U.S.C. § 1257 authorizes this Court's jurisdiction and limits it to federal constitutional issues that were properly presented below. A principal purpose of certiorari jurisdiction "is to resolve conflicts among 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) (b) (listing conflict among federal appellate and state supreme courts as a consideration in the decision to grant review). Cases that do not divide the federal or state courts or present important, unsettled questions of federal law usually do not merit certiorari review. *Rockford Life Ins. Co. v. Ill. Dept. of Revenue*, 482 U.S. 182, 184 n.3 (1987).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Respondent accepts Petitioner's statement regarding the constitutional and statutory provisions involved.

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On November 21, 2018, a fisherman discovered the nude body of a woman near the Vaca Cut Bridge in Marathon, Florida. *Wolf*, 416 So. 3d at 1123. Her body bore deep ligature marks and extensive abrasions; smeared blood and scratches were on her buttocks. *Id.* There was freshly damaged vegetation and broken van parts nearby. *Id.* During a canvas of the area, law enforcement saw a conversion van with damage consistent with the van parts found near the scene; it also had vegetation lodged in

its windows. *Id.* Petitioner was the driver. *Id.* After initially denying any involvement, he admitted to giving the victim a ride earlier that day and ultimately claimed that her boyfriend had killed her in the back of Petitioner's van. *Id.* at 1123-24. Petitioner also described disposing of evidence, cleaning blood from the van, and washing his hands. *Id.* at 1124.

The autopsy revealed that the victim had been strangled with a distinctive ligature that matched a cord recovered from Petitioner's van. *Id.* The victim suffered blunt force injuries and catastrophic, fatal lacerations to the vaginal and anal cavities, injuries the medical examiner concluded must have been inflicted while she was alive and could not have been caused by male genitalia. *Id.* Petitioner's DNA was found under the victim's fingernails and on an apparent bite mark on her chin. *Id.* His Y-STR DNA matched sperm recovered from the victim's anal swabs. The victim's blood and DNA were located throughout Petitioner's van and on items he discarded. *Id.* Petitioner's phone history revealed searches for extreme insertion pornography on the days preceding the murder. *Id.*

Petitioner was charged with first-degree murder, two counts of sexual battery with force likely to cause serious injury, and tampering with physical evidence. *Id.* at 1124. A jury convicted him of all counts. *Id.* During the penalty phase, the State introduced evidence of Petitioner's 1978 second-degree murder conviction. *Id.* The jury unanimously found three aggravating circumstances and unanimously recommended a sentence of death. *Id.* at 1125. After reviewing the aggravation and limited mitigation, the trial court imposed a death sentence, finding that the

aggravating circumstances overwhelmingly outweighed the mitigating evidence and that the murder was among "the worst of the worst." *Id.*

Petitioner raised ten issues on appeal, including whether the trial court erred by granting the State's cause challenge to Prospective Juror 225. During voir dire, Prospective Juror 225 repeatedly gave equivocal or evasive answers when asked whether she could recommend a sentence of death. *Id.* at 1128. She admitted that she would be reluctant to do so even when appropriate. *Id.* She voiced concerns that the execution could be botched or inappropriate, referenced podcast discussions and media reports criticizing lethal injection, and refused to directly answer whether she could set those concerns aside even if the evidence warranted a death recommendation. *Id.* Prospective Juror 225 also expressed broader practical objections to the death penalty, stating it might be better not to have a death penalty and referencing the financial burden on taxpayers. *Id.* Although she briefly stated that she could "consider" the death penalty in the abstract, she failed to give any clear assurance that she could recommend it in a case such as Petitioner's. *Id.*

The trial court, observing Prospective Juror 225's demeanor firsthand, found that she was "really in distress" when questioned, and lacked "a meaningful willingness to genuinely consider both options." *Id.* The trial judge concluded that she held an "absolute prejudice against the death penalty" and her excusal was "not a close call." *Id.*

The Florida Supreme Court affirmed the judgments and sentences on July 10, 2025. Applying *Wainwright v. Witt*, 469 U.S. 412 (1985), the court reiterated that a

juror must be excused when her views would prevent or substantially impair the performance of her duties, and such impairment need not be shown with "unmistakable clarity." *Wolf*, 416 So. 3d at 1127. It emphasized that equivocation, reluctance, and visible distress are relevant indicators of substantial impairment, and that reviewing courts must defer to the trial judge's credibility assessments, particularly when the juror's demeanor cannot be captured by a transcript. *Id.* at 1127-28. Given Prospective Juror 225's repeated reluctance, specific concerns about recommending a sentence of death, and the trial court's firsthand observations of her distress, the Florida Supreme Court held that the cause excusal was proper. *Id.* at 1128.

Petitioner now seeks certiorari review of the Florida Supreme Court's decision affirming the judgments and sentences.

REASONS FOR DENYING THE PETITION

The petition identifies no conflict, raises no unsettled question of federal law, and instead asks this Court to revisit a fact-bound application of *Wainwright v. Witt* to a prospective juror whose demeanor and answers demonstrated substantial impairment. This Court does not grant certiorari review to reweigh voir dire responses or to second-guess a trial judge's firsthand credibility findings. Sup. Ct. R. 10. The Florida Supreme Court correctly applied this Court's precedent and certiorari review is unwarranted.

II. The Florida Supreme Court's Application of This Court's Precedent Was Correct, Fact-Specific, and Provides No Basis for Certiorari Review.

Petitioner's claim fails because the Florida Supreme Court did nothing more than apply well-settled precedent to the cause challenge of a prospective juror who repeatedly expressed reluctance to recommend a sentence of death even when warranted, invoked fears of "botched" executions based on podcasts and media reports, suggested Florida might be better without the death penalty, and equivocated when asked whether she could recommend a sentence of death. The trial court found she was "really in distress," lacked a "meaningful willingness to genuinely consider both options," and held an "absolute prejudice" against recommending a sentence of death. These are quintessential factual findings supporting substantial impairment.

Because the decision below simply applied well-established precedent to this record, the petition raises no conflict, no novel legal question, and no issue warranting this Court's review.

A. *Witherspoon* permits excusal where a juror cannot consider the lawful range of penalties.

Petitioner relies heavily on *Witherspoon v. Illinois*, 391 U.S. 510 (1968), but the actual holding of *Witherspoon* directly undermines his position. *Witherspoon* addressed jurors who possess "general scruples," not those whose views prevent them from considering death when warranted. *Id.* at 522 n.21. Prospective Juror 225's statements went well beyond general reservations. She consistently indicated reluctance to recommend a sentence of death, based that reluctance on extra-record

podcasts and media reports, questioned the legitimacy of capital punishment itself, and never assured the court she could recommend death in a case such as Petitioner's. These are not general objections to capital punishment. They are specific beliefs tied directly to the juror's ability to perform her duty. Under *Witherspoon*, such views go directly to a juror's ability to perform her legal duty and justify removal.

B. *Adams* confirms that substantial impairment and not categorical refusal is the constitutional standard.

Petitioner next invokes *Adams v. Texas*, 448 U.S. 38 (1980). *Adams* holds that the proper inquiry is whether a juror's views "would prevent or substantially impair" her ability to follow the law. *Id*. at 45. It does not require a juror to declare an absolute refusal to recommend death. Prospective Juror 225's inability to state that she could recommend a death sentence when appropriate, refusal to state that she could set aside fears about botched executions, and visible distress demonstrate substantial impairment under *Adams*. *Id*. at 46-47. Petitioner's suggestion that a juror must express categorical opposition to a recommendation of death is contrary to *Adams*' controlling inquiry and is not the law.

C. The Florida Supreme Court correctly applied *Witt*.

This Court's decision in *Wainwright v. Witt*, 469 U.S. 412 (1985), provides the controlling standard. It reaffirmed the *Adams* inquiry and held that: (1) impairment need not be shown with "unmistakable clarity"; (2) equivocation or partial assurances do not negate impairment; and (3) reviewing courts must defer to the trial judge's assessment of demeanor. *Id*. at 424-26.

The Florida Supreme Court followed that framework. It examined Prospective Juror 225's entire voir dire including her hesitations, extra-record concerns, emotional distress, and inability to commit to following the law. It relied on the trial court's firsthand observations that she was overwhelmed and unable to genuinely consider both sentencing options. These findings fall squarely within *Witt*'s deferential standard.

In contrast, Petitioner's argument hinges entirely on ignoring that deferential standard and evaluating one or two isolated statements rather than the totality of the record. *Witt* prohibits this approach.

D. The petition seeks impermissible error correction in contravention of *Uttecht v. Brown*.

In *Uttecht v. Brown*, 551 U.S. 1 (2007), this Court reversed a lower court for failing to defer to a trial judge's demeanor-based excusal of a juror. *Uttecht* emphasized that trial courts occupy a superior vantage point and that appellate courts may not isolate snippets of juror responses to override findings grounded in firsthand observations not necessarily captured by the transcript. *Id*. at 7-9, 20.

Yet that is exactly what Petitioner asks this Court to do, seize on individual statements while ignoring the trial judge's demeanor assessment and the full context of the juror's reluctance and equivocation. Under *Uttecht*, such record reweighing is impermissible and provides no basis for certiorari review. Sup. Ct. R. 10.

II. The Petition Raises No Conflict and No Question of National Importance.

Even setting aside the correctness of the Florida Supreme Court's decision, the petition independently fails because it identifies no conflict among the lower courts, and no unsettled legal question. Instead, Petitioner asks this Court to review a fact-bound, credibility-dependent ruling that is unique to this case and will have no impact beyond it.

A. There is no conflict among state courts or federal courts regarding the application of *Witt* and *Uttecht*.

Petitioner identifies no state or federal jurisdiction that would evaluate Prospective Juror 225 differently under the substantial impairment test set forth in *Adams, Witt,* and *Uttecht*. In the absence of disagreement, there is no certiorari-worthy division.

B. The issue is fact-bound and heavily dependent on demeanor factual findings.

This Court "rarely" grants certiorari to revisit factual determinations or applications of settled law to unique facts. Sup. Ct. R. 10; *Tolan v. Cotton*, 572 U.S. 650, 661 (2014) (Alito, J., concurring). This is exactly such a case. The ruling below rests on the trial judge's evaluation of Prospective Juror 225's distress, hesitation, and demeanor, findings that are inherently unrepeatable and carry no broader legal significance. Nothing about this record suggests a legal issue transcending the facts of this particular voir dire.

C. Petitioner seeks error correction rather than resolution of an unsettled federal question.

Petitioner essentially asks this Court to examine the transcript and reach a different conclusion of what Prospective Juror 225 meant, how distressed she appeared, and whether she was substantially impaired. But this Court has long rejected efforts to obtain certiorari for such case-specific error correction. *Baxton v. United States*, 500 U.S. 344, 347 (1991). The petition identifies no principle in need of clarification and no broader doctrinal inconsistency. Instead, it presents a factual disagreement about voir dire. Such claims are precisely the type of case that does not warrant certiorari review. *See Foster v. Chatman*, 578 U.S. 488, 500 (2016) (explaining how the Court defers to the state court's factual findings).

CONCLUSION

Because the Florida Supreme Court correctly applied *Witherspoon*, *Adams*, *Witt*, and *Uttecht*, properly deferred to the trial court's demeanor findings, issued a fact-bound decision with no broader legal implication, and identified no conflict or unsettled federal question, the petition for certiorari should be denied.

Respectfully submitted,

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