

No. 25-7220

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IN THE  
SUPREME COURT OF THE UNITED STATES

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CHADWICK WILLACY,  
*Petitioner,*

v.

STATE OF FLORIDA,  
*Respondent.*

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

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**BRIEF IN OPPOSITION**  
**EXECUTION SCHEDULED FOR APRIL 21, 2026, AT 6:00 P.M.**

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**CAPITAL CASE**  
**QUESTION PRESENTED**

In 1990, Chadwick Willacy brutally murdered his neighbor, Marlys Sather, after she discovered him burglarizing her home. Willacy beat, bound, and strangled Ms. Sather, stole her ATM card and vehicle, withdrew money from her account, and then returned to her home, where he doused her with gasoline and set her on fire. Ms. Sather died from smoke inhalation. A jury convicted Willacy of burglary, robbery, arson, and first-degree murder, and he was sentenced to death.

On March 6, 2026, a week before any death warrant issued, Willacy sought broad public records from the Florida Department of Corrections under Florida Rule of Criminal Procedure 3.852, asserting that the records were needed to determine whether an Eighth Amendment challenge to the administration of Florida's lethal injection protocol could be developed. One week later, on March 13, 2026, Florida Governor Ron DeSantis signed a death warrant scheduling Willacy's execution for April 21, 2026. After the warrant was issued and without filing any postconviction motion, Willacy expanded his efforts on March 18 by seeking additional records from the Executive Office of the Governor, the Office of the Attorney General, and the State Attorney, this time targeting internal and interagency communications and warrant-related materials. He claimed the records were necessary to determine whether constitutional violations had occurred in connection with the agencies' responses to his earlier additional records demand and the signing of the execution warrant.

The Florida courts denied both the pre-warrant and post-warrant additional public records demands, concluding that they were not tied to any colorable

postconviction claim and therefore impermissible under Florida's claim-driven framework governing capital postconviction public records production.

Willacy now seeks certiorari review and asks this Court to consider the following question:

Do the Due Process Clause, Equal Protection Clause, or Eighth Amendment require a State to provide a capital defendant with access to additional public records to discover or develop a method-of-execution claim?

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## **OPINION BELOW**

The decision of the Florida Supreme Court is reported at *Willacy v. State*, Nos. SC2026-0519 & SC2026-0526, 2026 WL 1021168 (Fla. Apr. 15, 2026).

## **JURISDICTION**

Willacy invokes this Court’s jurisdiction under 28 U.S.C. § 1257(a), but that statute authorizes review only of “[f]inal judgments or decrees rendered by the highest court of a State.” “As a general matter, to be reviewed by this Court, a state-court judgment must be final as an effective determination of the litigation and not of merely interlocutory or intermediate steps therein.” *Pierce County v. Guillen*, 537 U.S. 129, 140 (2003) (internal citation and quotation omitted). The decision below is not final. The Florida Supreme Court did not adjudicate any claim attacking the validity of Willacy’s conviction or sentence. Instead, it exercised limited jurisdiction to review a nonfinal discovery order under Florida Rule of Appellate Procedure 9.142(c). In doing so, the court applied a deferential standard, asking only whether the circuit court departed from the essential requirements of law. *Willacy*, 2026 WL 1021168, at \*6-7. Because the decision below resolves only a case-specific discovery dispute and leaves all substantive claims untouched, it is not a final judgment.

In any event, this Court lacks jurisdiction for the independent reason that the decision rests on adequate and independent state law grounds. The Florida Supreme Court denied relief based on Willacy’s failure to satisfy state law requirements governing postconviction discovery, specifically, the settled rule that such requests must be tied to a colorable claim for postconviction relief. *Id.* at \*5-6. That state law

determination is sufficient to support the lower court's decision and foreclose this Court's review. *See Michigan v. Long*, 463 U.S. 1032, 1041-42 (1983).

### **CONSTITUTIONAL PROVISIONS INVOLVED**

The State accepts Willacy's statement of the constitutional provisions involved.

### **STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Willacy was sentenced to death for the first-degree murder of Marlys Sather. She was Willacy's neighbor who returned home unexpectedly on September 5, 1990, and caught him burglarizing her home. Willacy bludgeoned Ms. Sather, bound her ankles with wire and duct tape, and strangled her with such force that a portion of her skull was dislodged. He then stole her ATM card and car keys, withdrew money from her bank account, and returned to her home. There, he disabled the smoke detectors, doused Ms. Sather with gasoline, positioned a fan to intensify the flames, and set her on fire. She died from smoke inhalation. *Willacy v. State*, 967 So. 2d 131, 135 (Fla. 2007).

### **Conviction and Death Sentence**

A jury convicted Willacy in 1991 of burglary, robbery, arson, and first-degree murder and recommended a death sentence, which the trial court imposed. The Florida Supreme Court affirmed his convictions but vacated his sentence and remanded for a new penalty phase. *Willacy v. State*, 640 So. 2d 1079, 1084 (Fla. 1994). On remand, a jury again recommended death, and the trial court imposed a death sentence supported by five aggravating factors and no statutory mitigation. The trial

court gave multiple nonstatutory mitigators little weight. *Willacy v. State*, 696 So. 2d 693, 694-95 (Fla.), *cert. denied*, 522 U.S. 970 (1997).

### **State and Federal Collateral Proceedings**

Over the ensuing decades, Willacy pursued extensive postconviction and habeas litigation in both state and federal courts. Each effort failed. *See Willacy v. State*, 967 So. 2d 131 (Fla. 2007) (denying petition for writ of habeas corpus and affirming denial of initial motion for postconviction relief), *cert. denied*, 552 U.S. 1265 (2008); *Willacy v. Sec'y, Dep't of Corr.*, No. 6:08-CV-619, 2014 WL 3594213 (M.D. Fla. July 18, 2014) (denying 28 U.S.C. § 2254 petition), *aff'd*, 703 F. App'x 744 (11th Cir. 2017), *cert. denied*, 584 U.S. 964 (2018); *Willacy v. McNeil*, 33 So. 3d 36 (Fla. 2010) (denying successive petition for writ of habeas corpus); *Willacy v. State*, 90 So. 3d 822 (Fla. 2012) (affirming denial of first successive motion for postconviction relief), *cert. denied*, 568 U.S. 1147 (2013); *Willacy v. Jones*, No. SC16-497, 2017 WL 1033679 (Fla. Mar. 17, 2017) (denying second successive petition for writ of habeas corpus); *Willacy v. State*, 238 So. 3d 100 (Fla.) (affirming denial of second successive postconviction motion), *cert. denied*, 586 U.S. 866 (2018); *Willacy v. Sec'y, Dep't of Corr.*, No. 6:08-CV-619, 2018 WL 11244847 (M.D. Fla. June 27, 2018) (denying motion to alter or amend judgment); *Willacy v. Sec'y, Dep't of Corr.*, No. 18-13072 (11th Cir. Apr. 19, 2019) (denial of certificate of appealability); *Willacy v. Sec'y, Dep't of Corr.*, No. 21-12460 (11th Cir. Aug. 10, 2021) (denial of petition seeking leave to file a successive habeas petition); *Willacy v. State*, 314 So. 3d 246 (Fla. 2021) (affirming denial of third successive postconviction motion).

### Proceedings Under Warrant

On March 13, 2026, Governor Ron DeSantis signed a death warrant scheduling Willacy's execution for April 21, 2026, at 6:00 p.m. *Willacy*, 2026 WL 1021168, at \*1. One week earlier, on March 6, 2026, Willacy served a supplemental public records demand on the Florida Department of Corrections pursuant to Florida Rule of Criminal Procedure 3.852, which governs capital postconviction public records production. That demand sought expansive categories of records generated after March 1, 2025, relating to virtually every aspect of the administration of Florida's lethal injection protocol, including execution team training, execution logs and compliance verification, drug acquisition and administration procedures, monitoring data, methods for assessing consciousness and confirming death, and post-execution debriefings. *Id.* at \*4. Willacy asserted that the records were necessary to determine whether the Florida Department of Corrections was complying with its protocol and whether a constitutional violation might exist. *Id.* at \*5.

After the warrant was issued, Willacy expanded his efforts, serving additional demands on the Executive Office of the Governor, the Office of the Attorney General, the State Attorney, and the Florida Department of Corrections, seeking broad internal and interagency communications regarding the signing of the execution warrant and his March 6 records request. *Id.* at \*4. He argued that the records were necessary to determine whether the agencies were communicating about the March 6 public records demand, and whether the signing of the execution warrant was responsive to that demand. *Id.* In written objections, the agencies argued, *inter alia*,

that Willacy's requests should be denied because they were unrelated to any colorable claim for postconviction relief, a prerequisite showing for obtaining additional public records under Rule 3.852(h) and (i). *Id.* at \*5.

During the circuit court's hearing, Willacy argued that the denial of the records requests would violate his right to access public records under article I, section 24 of the Florida Constitution and his federal rights to due process and equal protection under the United States Constitution. *Id.* at \*3. Following argument, the circuit court sustained the agencies' objections. *Id.* at \*4.

Critically, Willacy never filed a successive motion for postconviction relief, and the time set by the state circuit court for him to do so expired. His requests thus sought records not to support any pending claim, but to determine whether one might exist. *See id.* at \*3. And his subsequent litigation posture only reinforces that defect. Rather than presenting a cognizable postconviction claim, Willacy repeatedly sought review of the circuit court's denial of his record demands. He first pursued mandamus relief, which the Florida Supreme Court denied. *Willacy v. State*, No. SC2026-0483, 2026 WL 880900, at \*1 (Fla. Mar. 31, 2026). And after the post-warrant proceedings in the state circuit court concluded, he again sought review, this time through a petition for writ of habeas corpus and a direct appeal.

The Florida Supreme Court denied relief in all respects. The court held that interlocutory discovery orders are not cognizable in a habeas corpus petition under state law. *Willacy*, 2026 WL 1021168, at \*7. Further, the court exercised limited jurisdiction by treating the appeal as a petition under Florida Rule of Appellate

Procedure 9.142(c), which governs review of nonfinal orders in capital postconviction proceedings. *Id.* at \*3-4. At the same time, the court dismissed Willacy’s attempt to obtain review of the denial of his motion for an extension of time, explaining that the issue was not tied to any cognizable postconviction claim for relief and therefore constituted a nonappealable interlocutory matter. *Id.* at \*3.

Applying the state’s certiorari standard governing such nonfinal review, the court explained that Willacy was required to demonstrate both irreparable harm and a departure from the essential requirements of law. *Id.* at \*4. Although the court assumed for argument’s sake that Willacy could satisfy the irreparable harm requirement given the impending execution, it held that he failed to establish any legal error. *Id.* at \*4-5.

The court concluded that Willacy’s requests were properly denied because they were not connected to any colorable claim for postconviction relief, as required by longstanding Florida precedent. *Id.* at \*5-6. Rule 3.852, the court explained, is a limited discovery mechanism designed to facilitate the development of existing claims; it does not authorize “fishing expeditions” aimed at uncovering whether a claim might exist. *Id.* at \*5. Willacy’s March 6 request was therefore deficient because it was premised on speculation rather than any identified constitutional violation. *Id.*

The same defect applied to Willacy’s March 18 requests. Even accepting Willacy’s theory that such communications might exist, the court explained that they would not establish any cognizable ground for postconviction relief. *Id.* at \*6. Challenges to the Governor’s decision to issue a death warrant, or communications

among executive branch officials, do not provide a basis for relief from a criminal judgment or sentence. *Id.* Accordingly, those requests likewise amounted to impermissible attempts at exploratory discovery. *Id.*

The court further rejected Willacy's attempt to frame the denial of records as violating due process, equal protection, or access to courts, emphasizing that it had repeatedly rejected materially indistinguishable arguments in recent decisions. *Id.* at \*6 (citing *King v. State*, No. SC2026-0336, 2026 WL 672101, at \*5-6 (Fla. Mar. 10, 2026) (rejecting due process and equal protection challenge to denial of public records request untethered to a colorable claim for postconviction relief), *cert. denied*, 2026 WL 730666 (U.S. Mar. 16, 2026); *Kearse v. State*, 428 So. 3d 75, 81 (Fla. 2026) (same), *cert. denied*, 2026 WL 586905 (U.S. Mar. 3, 2026); *Damas v. State*, 423 So. 3d 816, 823 (Fla. 2025) (same); *Zakrzewski v. State*, 415 So. 3d 203, 211-12 (Fla. 2024) (same), *cert. denied*, 146 S. Ct. 57 (2025)). As in those cases, the court concluded that because Willacy failed to identify any divergence from protocol or other factual basis supporting a constitutional claim, the denial of records did not implicate constitutional rights. *Id.* Finally, the court affirmed the denial of Willacy's request for an in camera inspection, explaining that such review is discretionary and not required where the defendant offers only speculation that relevant material might exist. *Id.* at \*6-7.

Accordingly, the Florida Supreme Court held that the circuit court did not depart from the essential requirements of law in denying the requests, because Willacy sought records to discover whether a claim might exist rather than to support

a colorable postconviction claim—a use of Rule 3.852 foreclosed by longstanding state law precedent. *Id.*

Now, less than a week before his scheduled execution, Willacy petitions this Court and seeks review of the following question:

Do the Due Process Clause, Equal Protection Clause, or Eighth Amendment require a State to provide a capital defendant with access to additional public records to discover or develop a method-of-execution claim?

The State opposes certiorari.

### **REASONS FOR DENYING THE PETITION**

The petition does not warrant review. It arises from a case-specific discovery dispute involving public records requests concededly untethered to a colorable claim for postconviction relief, and the decision below rests on independent and adequate state law grounds, is consistent with settled federal law, and creates no conflict warranting this Court’s intervention. The case is also a poor vehicle, as the Florida Supreme Court reviewed only a nonfinal discovery ruling under a deferential interlocutory appellate standard, and Willacy’s failure to identify a colorable postconviction claim independently forecloses relief. In essence, the petition seeks to constitutionalize a right to discovery in search of a postconviction claim, a proposition this Court’s precedent forecloses. Further review is unwarranted.

#### **I. The Decision Rests on Adequate and Independent State Grounds.**

This Court lacks jurisdiction because the Florida Supreme Court’s decision rests on adequate and independent state law grounds. It is a “fundamental principle” that “our Constitution establishes a system of dual sovereignty between the States

and the Federal Government.” *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991). While this Court is the highest authority on the interpretation of federal law, “[t]he highest court of each State, of course, remains ‘the final arbiter of what is state law.’” *Montana v. Wyoming*, 563 U.S. 368, 377 n.5 (2011) (quoting *West v. Am. Telephone & Telegraph Co.*, 311 U.S. 223, 236 (1940)). As a consequence, “the views of the state’s highest court with respect to state law are binding on the federal courts.” *Wainwright v. Goode*, 464 U.S. 78, 84 (1983); *see also Animal Sci. Prods., Inc. v. Hebei Welcome Pharm. Co.*, 585 U.S. 33, 44 (2018); *Mullaney v. Wilbur*, 421 U.S. 684, 691 (1975).

That principle controls here. Although Willacy invokes due process and equal protection, the decision below turns on the Florida courts’ application of their settled, claim-driven framework for capital postconviction public records demands. Under Rule 3.852, a capital defendant is not entitled to free-ranging access to public records. Instead, the rule conditions any additional records production on a series of threshold showings: the defendant must identify specific materials not already available in the central records repository, demonstrate that the requested records are relevant to a postconviction proceeding under Rule 3.851 or reasonably calculated to lead to admissible evidence, and ensure that the request is narrowly tailored and not unduly burdensome. Fla. R. Crim. P. 3.852(i)(2)(A)-(D). This framework reflects Florida’s settled precedent that postconviction additional public record requests serve to develop existing claims, not to search for new ones.

Applying those standards, the Florida Supreme Court concluded that Willacy failed to satisfy Rule 3.852’s threshold requirements because his requests were not

tied to any colorable postconviction claim. *See Willacy*, 2026 WL 1021168, at \*5-6. Instead, as the court explained, Willacy sought discovery to determine whether such a claim might exist. *Id.* at \*5. That determination is dispositive as a matter of state law and fully sufficient to support the decision. *See Long*, 463 U.S. at 1041-42.

Willacy's effort to recast that state law ruling as a federal constitutional violation does not alter the jurisdictional analysis. This Court "correct[s] wrong judgments" only insofar as they "incorrectly adjudge federal rights," not to revisit a state court's interpretation of its own procedural rules. *Herb v. Pitcairn*, 324 U.S. 117, 125 (1945). Because the judgment below rests on independent and adequate state grounds, this Court lacks authority to review it.

## **II. The Decision Below Correctly Applies Settled Federal Law.**

Even if jurisdiction existed, the decision below is correct and presents no unsettled question of federal law. Willacy's claims rest on a premise this Court has repeatedly rejected: that the Constitution entitles a litigant to obtain discovery in order to identify or develop a claim. It does not. The right of access to courts guarantees only the ability to bring claims, not to discover them, and due process has "little to say regarding the amount of discovery which the parties must be afforded." *Lewis v. Casey*, 518 U.S. 343, 354-56 (1996); *Gray v. Netherland*, 518 U.S. 152, 168 (1996).

Consistent with those principles, lower courts have uniformly rejected assertions that capital defendants possess a constitutional right to obtain execution-related information. *See Wellons v. Comm'r, Ga. Dep't of Corr.*, 754 F.3d 1260, 1267

(11th Cir. 2014) (rejecting claim that due process or the First Amendment entitles a capital defendant to disclosure of execution-drug information); *Zink v. Lombardi*, 783 F.3d 1089, 1108 (8th Cir. 2015) (en banc) (holding inmates have no constitutional right to information about the source of execution drugs and rejecting access-to-courts and due process theories); *Williams v. Hobbs*, 658 F.3d 842, 851-52 (8th Cir. 2011) (rejecting claim that lack of information about execution procedures violates due process or the right of access to courts); *Phillips v. DeWine*, 841 F.3d 405, 419-20 (6th Cir. 2016) (rejecting access-to-courts challenge to limits on disclosure of execution procedures).

That settled framework forecloses Willacy's theories. He does not contend that he is unable to bring an Eighth Amendment claim; he asserts only that he lacks information to discover one. But the Constitution guarantees an opportunity to be heard, not a right to conduct open-ended discovery in search of a claim. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Williams*, 658 F.3d at 852. In any event, Willacy received all the process he was due, including notice, a hearing, and appellate review.

Nor do Willacy's remaining constitutional theories alter that conclusion. His equal protection claim fails because he is not similarly situated to members of the general public; he seeks records through a specialized, litigation-specific framework governing capital postconviction proceedings. Fla. R. Crim. P. 3.852; *In re Amends. to Fla. Rules of Crim. Proc.*, 683 So. 2d 475, 476 (Fla. 1996). And his Eighth Amendment claim rests on speculation, which cannot establish a substantial risk of severe pain. *See Baze v. Rees*, 553 U.S. 35, 53-55 (2008); *Glossip v. Gross*, 576 U.S. 863, 877 (2015).

At most, Willacy hypothesizes that protocol deviations may have occurred, might recur, and could result in unconstitutional pain. That conjecture is insufficient, particularly given the presumption that state officials follow established procedures absent concrete evidence to the contrary. *State of La. ex rel. Francis v. Resweber*, 329 U.S. 459, 462 (1947). Willacy also failed to identify any alternative execution method that would be “feasible, readily implemented, and in fact significantly reduce[] a substantial risk of severe pain,” a necessary element of any method-of-execution challenge. *Glossip*, 576 U.S. at 877 (quoting *Baze*, 553 U.S. at 52).

Willacy received all the process the Constitution requires: notice, a hearing, and appellate review. What he seeks is something more, a constitutional right to discovery untethered to any colorable postconviction claim. This Court’s precedent forecloses that theory.

### **III. The Petition Raises No Conflict and No Important Federal Question.**

The petition identifies no conflict among state courts of last resort or federal courts of appeals, and no conflict between the Florida Supreme Court’s decision and any decision of this Court. On the contrary, the Florida Supreme Court’s decision is fully consistent with this Court’s precedent and with the uniform approach of lower courts rejecting materially indistinguishable claims. Nor does Willacy identify any authority supporting the rule he proposes that the Constitution requires discovery to identify or develop a claim. The absence of such authority confirms that this case does not present an important or unsettled question of federal law. Instead, it involves a routine application of settled principles to a fact-specific discovery dispute. *See*

*Willacy*, 2026 WL 1021168, at \*5-6. That is not a basis for certiorari review. The absence of any supporting authority and the uniform rejection of Willacy’s theory confirm that this case does not warrant this Court’s review.

#### **IV. This Case Is an Exceptionally Poor Vehicle for Review.**

This case would be a poor vehicle for addressing any federal question even if one were presented. The factual dispute about whether deviations occurred alone means there are far better potential vehicles (even if this Court were inclined to take up the question of whether there is a constitutional right to discovery in state-court postconviction proceedings). *See, e.g., Jordan v. Mississippi State Executioner*, No. 25-70013, 2025 WL 1752391, at \*2-3 & n.2 (5th Cir. June 24, 2025) (noting prison officials admitted they “did not strictly follow the execution protocol” regarding consciousness checks in prior executions), *cert. denied*, 145 S. Ct. 2834 (2025); *Cooley v. Strickland*, 589 F.3d 210, 224 (6th Cir. 2009) (holding even proof of past medical negligence insufficient to establish an Eighth Amendment claim and noting the Eighth Circuit has held the same in a case alleging “a series of mistakes in administration of the protocol”). A case with uncontested deviations in prior executions provides a far better vehicle than this post-warrant case with a sharp disagreement about whether any deviations occurred at all.

Most importantly, Willacy never filed a successive motion for postconviction relief, and the time to do so has expired. The case therefore arises as a freestanding discovery dispute unconnected to any live claim for relief. The Florida Supreme Court’s decision reflects that posture. It exercised limited jurisdiction to review a

nonfinal discovery order under Florida Rule of Appellate Procedure 9.142(c) and applied a deferential standard, asking only whether the circuit court departed from the essential requirements of law. *See Willacy*, 2026 WL 1021168, at \*6-7. The court likewise declined to address issues not tied to any claim for relief. *Id.* at \*4.

Certiorari is not granted to review interlocutory discovery rulings. *See Flynt v. Ohio*, 451 U.S. 619, 620 (1981). And the posture here would independently prevent this Court from reaching any broader question. This case thus arrives as a freestanding discovery dispute, wholly unconnected to any viable claim for relief.

Finally, granting Willacy the full relief he seeks from this Court would not assure him substantive relief on his Eighth Amendment claim. At most, he would receive a remand and, perhaps, evidentiary development. But the only thing he would be assured is a prolonged delay before the State can set another execution date. *Bucklew v. Precythe*, 587 U.S. 119, 149 (2019) (noting a capital defendant who filed a method-of-execution suit just days before his scheduled execution obtained a stay and litigated that suit for five years and through several other stays and delays). This Court should not use the extraordinary power of certiorari to intervene in an execution when there is little certainty the defendant would obtain substantive relief instead of mere delay. *See Sawyer v. Whitley*, 505 U.S. 333, 341 n.7 (1992) (“A court may resolve against” a last-minute capital litigant “doubts and uncertainties” on “the sufficiency of his submission.”).

## CONCLUSION

The petition for a writ of certiorari should be denied. The decision below rests on independent and adequate state law grounds, is consistent with this Court's precedent, and presents no conflict or important question warranting review. This case arrives in a procedurally defective posture, involving only a fact-bound discovery ruling untethered to any colorable claim for postconviction relief. Willacy's attempt to recast that ruling as a constitutional violation provides no basis for this Court's intervention.

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