

No. 25-7415

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD KNIGHT,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

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

REPLY IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

DEATH WARRANT SIGNED
Execution Set: May 21, 2026, at 6:00 p.m.

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May 20, 2026

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REPLY TO ARGUMENT

The liberties Respondent takes in representing “facts” to this Court with regard to lethal injection litigation in Florida can only be understood to the extent that this entire process is, and without this Court’s intervention will continue to be, “shroud[ed] . . . in secrecy.” *Trotter v. Florida*, 146 S. Ct. 755, 756 (2026) (Sotomayor, J., respecting the denial of certiorari and stay of execution). This secrecy—self-imposed by Florida officials—allows Respondent to say and argue whatever it wants, without consequence, because it withholds all public records concerning prior executions from capital defendants. Indeed, it refused to turn over even one piece of paper to Mr. Knight, despite requests for documents concerning recent executions.

First, Respondent argues that Mr. Knight’s Eighth Amendment challenge is untimely because he purportedly failed to “allege any facts to show that this claim was timely.” (BIO at 1, 4). This is incorrect. *See* (Cert. Pet. at 9-13).

Second, Respondent’s argument that Mr. Knight could have raised this challenge “in a timely manner” and “well before the death warrant was signed” is disingenuous given the fact that he did not know what protocol the Florida Department of Corrections (“FDOC”) was going to use to execute him. Moreover, it is unreasonable—and hardly evidence of a lack of diligence—for Mr. Knight to assume that the “medically trained personnel” the Warden has chosen to be present at his May 21, 2026, execution would have been the same “medically trained personnel” chosen years ago when his case was on direct appeal or in initial postconviction litigation. Mr. Knight has no way of knowing that the same personnel were present at Florida’s last execution a few weeks ago. Likewise, Wardens have come and gone at Florida State Prison and Mr. Knight’s counsel would not be undiligent in assuming that the “medically trained personnel” would also come and go. It is the individuals selected by the Warden to participate *in Mr. Knight’s execution* that are relevant here, not the series of

other “medically trained personnel” who may have assisted in executions past.

Third, notwithstanding the fact that all of the information that Mr. Knight sought concerning prior executions, as well as the identities, qualifications, and training of these “medically trained personnel,” remain “shrouded in mystery,” Respondent faults Mr. Knight’s counsel for failing to “present the most minimal of information” concerning his allegation that another of his office’s clients was subjected to a venous cutdown during his execution. (BIO at 7). Again, this complaint rings hollow in light of the State’s intransigence in refusing to disclose requested information. In fact, Mr. Knight’s collateral counsel specifically addressed this issue at a hearing in the Florida trial court:

On that last issue that [the Respondent’s counsel] was talking about . . . that there were no cut-downs since 2006, we don’t know that and that’s why we asked for public records pursuant to [FLA. R. CRIM. P. 3.852] And, so, at this time, we would renew our motion . . . or, excuse me, our public records demand because if DOC has information that there have been no cut-downs since 2006, then they should submit the records that we asked for so we can establish that on our own. I don’t believe that is the case. It is my understanding that there have been venous cut-downs, at least one that I know of, and that’s in fact why we asked for the records.

(WR. 1137). As in prior cases, Florida was not required to turn over any records to Mr. Knight.

(WR. 503).¹

CONCLUSION

For the reasons set forth herein and those in his Petition, Mr. Knight urges this Court to grant a stay of execution, grant certiorari, and review the decision of the Florida Supreme Court.

¹ Respondent makes a similar contention later, stating as fact that “Florida has executed more than fifty murderers by lethal injection without any similar complications.” (BIO at 13). Mr. Knight has no way of verifying this statement because Florida refuses to relinquish even one piece of paper concerning those prior executions.

Respectfully submitted,

/s/Todd Scher

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