

25-7416

In The
SUPREME COURT OF THE UNITED STATES
October Term 2025

ERNEST SUGGS,
Petitioner,
V.

FLORIDA,
Respondent.

DEATH PENALTY CASE

*On Petition for Writ of Certiorari to the
Supreme Court, State of Florida*

REPLY BRIEF FOR PETITIONER

ROBERT R. BERRY
LAW OFFICE OF ROBERT R. BERRY
1521 Highland Drive
Tallahassee, FL 32317
(850) 597-8015
robert@attorneyrobertberry.com
Attorney for Petitioner

July 3, 2026

LIST OF PARTIES AND RELATED CASES:

The corporate disclosure statement filed in the original petition for certiorari remains accurate.

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I. REPLY BRIEF OF PETITIONER

Two score and three years, in *Michigan v. Long* 463 U.S. 1032 (1983) this Court held “in the absence of a plain statement that the decision below rested on adequate and independent state ground[s],” the Court will presume it has jurisdiction to hear the matter. *Id.* at 463 U.S. 1044.

The Florida Supreme Court made no claim their holding rested on an adequate and independent state ground. Surely, that court is aware of this Court’s longstanding position and can, where such a proclamation is deemed justified, invoke the appropriate language.

It is altogether fitting and proper they declined to do so on these facts. Their decision itself is bound to an interpretation of *Brady* this Court itself has never endorsed and therefore is tethered to the federal question at the heart of *Brady* and its progeny. *Brady’s soul* is its placing of the burden on the government. This case raises the question of whether *Brady* can long endure with the burden shifting of the “due diligence” regime or whether it can, or already has, perished from this earth, this Court’s silence acting as a proxy for its imprimatur.

On the 156th anniversary of Pickett's charge at Gettysburg, it appears the State of Florida likewise launched an ill-considered attack on the Petition based on an erroneous assessment of the battlefield before them.

Certiorari should not be denied based on Florida's misunderstanding of *Long*. Whether it should be granted is a different matter, wholly in the discretion of this Court. That argument is outlined in the earlier pleading.

With apologies to Abraham Lincoln (hopefully he would have appreciated the brevity).

Respectfully submitted:

/s/ Robert R. Berry

ROBERT R. BERRY

Florida Bar Number 714216

Florida Board Certified Criminal Appellate Lawyer

1521 Highland Drive

Tallahassee, Florida 32317

(850)597-8015 (office)

(850)597-7157 (fax)

Robert@attorneyrobertberry.com

Attyrobertberry@aol.com

Counsel for Petitioner