

IN THE
SUPREME COURT OF THE UNITED STATES

CHADWICK WILLACY,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

**RESPONSE TO APPLICATION FOR STAY OF EXECUTION
EXECUTION SCHEDULED FOR APRIL 21, AT 6:00 P.M.**

On April 17, 2026, Petitioner Chadwick Willacy filed a petition for a writ of certiorari in this Court seeking review of a decision of the Florida Supreme Court arising from post-warrant public records litigation. He also filed an application for a stay of execution. This Court should deny the petition and deny the application.

Stays of Execution

A stay of execution is not granted as “a matter of course.” *Hill v. McDonough*, 547 U.S. 573, 583-84 (2006). Rather, it is an equitable remedy, *id.* at 584, which should be the “extreme exception, not the norm.” *Barr v. Lee*, 591 U.S. 979, 981 (2020) (quoting *Bucklew v. Precythe*, 587 U.S. 119, 149-51 (2019)). Both the State and the victims of crime have an important interest in the timely enforcement of criminal

judgments, *Calderon v. Thompson*, 523 U.S. 538, 556 (1998), to which equity must be sensitive. *Hill*, 547 U.S. at 584. Moreover, there is a strong equitable presumption against the grant of a stay where a claim could have been brought earlier without requiring last-minute intervention, *Nelson v. Campbell*, 541 U.S. 637, 650 (2004), and courts must consider an inmate's attempts at manipulation. *Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992).

To obtain a stay, Willacy must establish all three of the following factors: (1) a reasonable probability that the Court would grant certiorari; (2) a significant possibility of reversal; and (3) a likelihood of irreparable injury absent a stay. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983).

Probability of This Court Granting Certiorari

There is no reasonable probability that this Court will grant certiorari. As explained in the State's brief in opposition, the decision below rests on independent and adequate state law grounds. The Florida Supreme Court denied relief because Willacy failed to satisfy Florida's settled, claim-driven framework governing capital postconviction public records requests, which requires such demands to be tied to a colorable postconviction claim. That determination is dispositive and independently forecloses this Court's review. *Michigan v. Long*, 463 U.S. 1032, 1041-42 (1983).

The petition also presents no conflict, no unsettled federal question, and no basis under Rule 10 for review. Instead, Willacy seeks to constitutionalize a right to discovery to search for a postconviction claim, a proposition this Court has repeatedly

rejected. See *Lewis v. Casey*, 518 U.S. 343, 354-56 (1996); *Gray v. Netherland*, 518 U.S. 152, 168 (1996).

Finally, Willacy invokes this Court's jurisdiction under 28 U.S.C. § 1257(a), which authorizes review only of "[f]inal judgments or decrees rendered by the highest court of a State." 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. Consequently, it does not constitute a final judgment for purposes of this Court certiorari jurisdiction.

Accordingly, Willacy cannot demonstrate a reasonable probability that this Court will grant certiorari, and that failure alone is sufficient to deny a stay.

Significant Possibility of Reversal

There is likewise no significant possibility that this Court would reverse. The Florida Supreme Court correctly held that Willacy's requests were impermissible because they sought records to determine whether a legal challenge might exist, rather than to support a colorable postconviction claim. That conclusion follows directly from settled Florida law and does not implicate any federal constitutional violation.

This Court's precedent forecloses Willacy's central theory as well. The Constitution guarantees the ability to bring claims, not to discover them. *Lewis*, 518 U.S. at 354-56. And due process "has little to say regarding the amount of discovery which the parties must be afforded." *Gray*, 518 U.S. at 168. Consequently, lower courts have uniformly rejected materially indistinguishable claims seeking

execution-related information. *See, e.g., Wellons v. Comm’r, Ga. Dep’t of Corr.*, 754 F.3d 1260, 1267 (11th Cir. 2014); *Zink v. Lombardi*, 783 F.3d 1089, 1108 (8th Cir. 2015) (en banc).

Nor does Willacy identify any concrete constitutional violation. His Eighth Amendment theory is speculative and fails to 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). And his equal protection and due process claims fail for the same reasons repeatedly rejected by the Florida Supreme Court in materially indistinguishable cases. *See, e.g., King v. State*, No. SC2026-0336, 2026 WL 672101, at *5-6 (Fla. Mar. 10, 2026), *cert. denied*, 2026 WL 730666 (U.S. Mar. 16, 2026); *Kearse v. State*, 428 So. 3d 75, 81 (Fla. 2026), *cert. denied*, 2026 WL 586905 (U.S. Mar. 3, 2026).

Finally, this case arises in an exceptionally poor posture. Willacy never filed a successive postconviction motion, and the time to do so has expired. The case is thus a freestanding discovery dispute, not a vehicle for resolving any substantive constitutional question. There is no error, let alone any error warranting this Court’s intervention.

Irreparable Injury

Willacy identifies no cognizable irreparable injury. While execution will result in his death, that is the inherent consequence of a valid capital sentence. The stay standard, derived from ordinary civil litigation, does not naturally fit the capital context, where finality is the execution itself. He identifies no harm beyond that consequence.

Moreover, this Court has instructed that courts must consider “the relative harms to the parties,” including the State’s significant interest in enforcing its criminal judgments. *Nelson*, 541 U.S. at 649-50. Without finality, “the criminal law is deprived of much of its deterrent effect.” *Calderon*, 523 U.S. at 555. Willacy murdered Marlys Sather in 1990, and Willacy’s sentence has been final for decades. He therefore fails this factor as well.

Equity Does Not Warrant a Stay

Again, a stay of execution is an extraordinary equitable remedy. This Court has emphasized that last-minute stays should be the “extreme exception, not the norm.” *Barr v. Lee*, 591 U.S. 979, 981 (2020). Willacy’s attempt to obtain last-minute, exploratory discovery untethered to any colorable postconviction claim, his dilatory litigation, and his failure to satisfy the *Barefoot* factors weigh heavily against granting his application for a stay of execution. In contrast, the State’s compelling interest in the timely enforcement of its criminal judgments and the corresponding interest in finality for the victim’s family weigh decisively against a stay. The application should be denied.

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