

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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RICHARD KNIGHT,  
*Petitioner,*

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,  
*Respondent.*

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

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CAPITAL CASE

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

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**APPLICATION FOR STAY OF EXECUTION**

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To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

The State of Florida has scheduled the execution of Petitioner Richard Knight on Thursday, May 21, 2026, at 6:00 p.m. The Florida Supreme Court denied state court relief, as well as Mr. Knight's request for a stay of execution on April 27, 2026. Mr. Knight respectfully requests that this Court stay his execution pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f) pending consideration of his concurrently filed Petition for Writ of Certiorari.

## STANDARDS FOR A STAY OF EXECUTION

The standards for granting a stay of execution are well established. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). There “must be a reasonable probability that four members of the Court would consider the underlying issue sufficiently meritorious for the grant of certiorari or the notation of probable jurisdiction; there must be a significant possibility of reversal of the lower court’s decision; and there must be a likelihood that irreparable harm will result if that decision is not stayed.” *Id.* (quoting *White v. Florida*, 458 U.S. 1301, 1302 (1982) (Powell, J., in chambers)).

## PETITIONER SHOULD BE GRANTED A STAY OF EXECUTION

The questions raised in Mr. Knight’s petition are sufficiently meritorious for a grant of certiorari, present significant questions of constitutional law, and are not subject to any legitimate procedural impediments. As demonstrated in his underlying petition, Mr. Knight’s death sentences are unreliable and violative of this Court’s Sixth, Eighth, and Fourteenth Amendment jurisprudence.

In his accompanying Petition for Writ of Certiorari, Mr. Knight alleged that the Florida Supreme Court has effectively nullified this Court’s decision in *Hurst v. Florida*, 577 U.S. 92 (2016), refusing to honor this Court’s mandate in *Hurst v. Florida* through its arbitrary retroactive re-writing of the *Hurst* decision in order to reject the fact that it had already found that Sixth Amendment error occurred at his capital penalty phase. As this Court’s recent decision in *Erlinger v. United States*, 602 U.S. 821 (2024), establishes, the Sixth Amendment jury trial right remains as vigorous and vital as it did when this Court decided *Hurst v. Florida*, not to mention the predecessor decisions upon which it relied, including *Ring v. Arizona*, 536 U.S. 584 (2002), and *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

However, as Mr. Knight’s petition establishes, this Court’s intervention is needed

because the Florida Supreme Court has abdicated its responsibility to conduct meaningful appellate review in capital postconviction cases, particularly those in a successor posture like Mr. Knight's, and instead, "in its regular practice . . . has become a rubber stamp for lower court death-penalty determinations." *Barclay v. Florida*, 463 U.S. 939, 973 (1983) (Stevens, J., concurring in the judgment).

Absent this Court's intervention, the irreparable harm to Mr. Knight is clear. *Wainwright v. Booker*, 473 U.S. 935, 937 n.1 (1985) (Powell, J., concurring) (finding the requirement of irreparable harm as "necessarily present in capital cases"). Given the final nature of the death penalty there should be no point at which these considerations are foreclosed. "[E]xecution is the most irremediable and unfathomable of penalties; . . . death is different." *Ford v. Wainwright*, 477 U.S. 399, 411 (1986) (citing *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976) (opinion of Stewart, Powell, and Stevens, J.J.)). Mr. Knight's petition presents questions of great importance regarding the analysis of a state court's duty to give full effect to a federal constitutional holding. It is an ideal vehicle for addressing the Florida Supreme Court's errors, and the questions at issue are of life-or-death importance for Mr. Knight and for the other death-row inmates in Florida. Should this Court grant Mr. Knight's request for a stay and review of the underlying petition, there is a significant possibility of lower court reversal.

### **CONCLUSION**

For the foregoing reasons, Mr. Knight respectfully requests that this Court grant his application for a stay of execution to address the important constitutional questions in this case.

Respectfully submitted,

/s/Todd Scher

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May 18, 2026