

IN THE
SUPREME COURT OF THE UNITED STATES

RICHARD KNIGHT,

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 MAY 21, 2026, AT 6:00 P.M.**

Richard Knight, a Florida prisoner under an active death warrant with an execution scheduled for May 21, 2026, asks this Court to stay his execution for the brutal double homicide of a mother and four-year-old daughter committed on June 27, 2000, while it considers whether to grant certiorari. However, the questions Knight presents do not warrant a stay under *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). As thoroughly explained in the accompanying Brief in Opposition to certiorari, Knight’s questions do not merit this Court’s review. Therefore, this Court should deny the stay.

A stay of execution is not granted as a “matter of course.” It is an equitable remedy, and “equity must remain sensitive to the State’s strong interest in enforcing

its criminal judgments without undue interference from the federal courts.” *Hill v. McDonough*, 547 U.S. 573, 583-84 (2006). To obtain a stay, Knight must establish a reasonable probability that four Justices would vote to grant certiorari, a significant possibility of reversal, and a likelihood of irreparable harm. *Barefoot*, 463 U.S. at 895. This Court has further emphasized that last-minute litigation and dilatory claims weigh heavily against equitable relief. *Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992). Knight cannot satisfy these requirements.

Knight’s claims involve his attempt to re-litigate his 2017 challenge to his capital sentences under *Ring v. Arizona*, 536 U.S. 584 (2002) and *Hurst v. Florida*, 577 U.S. 92 (2016), and the 2025 challenge he raised in the successive state habeas petition which challenged the death sentences under *Erlinger v. United States*, 602 U.S. 821 (2024). The Florida Supreme Court rejected the *Ring – Hurst* claim in *Knight v. State*, 225 So. 3d 661, 684 (Fla. 2017) (finding the jury’s conviction of Knight of two counts of first degree murder and its unanimous recommendation of death on each murder count was harmless beyond a reasonable doubt), *cert. denied*, 583 U.S. 1184 (2018). Recently, the Florida Supreme Court rejected the renewed challenge to the capital sentences under *Erlinger. Knight v. Sec’y, Dep’t of Corr.*, No. SC2025-0872, 2026 WL 1133632 (Fla. Apr. 27, 2026) (finding petition procedurally barred and meritless as the jury unanimously found aggravation rendering Knight death eligible in conformity with *Hurst v. Florida*. Further finding *Erlinger* is not retroactive on collateral review). The Florida Supreme Court’s denial of relief rests on independent state grounds and this Court does not have jurisdiction to review that determination.

Moreover, Knight cannot demonstrate a significant possibility of reversal based on *Erlinger* given that the Florida Supreme Court denied relief on state procedural grounds. Knight also has not shown that the determination that *Erlinger* does not apply retroactively to cases on collateral review is in conflict with a decision of this Court, a federal circuit court, or another state supreme court. There is no conflict necessitating this Court's review.

Equity does not reward last-minute litigation designed to delay the imposition of lawful sentences. *See Nelson v. Campbell*, 541 U.S. 637, 650 (2004) (holding that there is a "strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay."). The dilatory posture of Knight's claim weighs heavily against a stay.

Stays of Execution

Stays of executions are not granted as "a matter of course." *Hill v. McDonough*, 547 U.S. 573, 583-84 (2006). A stay of execution is "an equitable remedy" and "equity must be sensitive to the State's strong interest in enforcing its criminal judgments without undue interference from the federal courts." *Id.* at 584. There is a "strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay." *Nelson v. Campbell*, 541 U.S. 637, 650 (2004). Equity must also consider "an inmate's attempt at manipulation." *Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992). "Both the State and the victims of crime have an important

interest in the timely enforcement of a sentence.” *Calderon v. Thompson*, 523 U.S. 538, 556 (1998). This Court has highlighted the State’s and the victims’ interests in the timely enforcement of the death sentence. *Bucklew v. Precythe*, 587 U.S. 119, 149-151 (2019). The people of Florida, as well as surviving victims and their families, “deserve better” than the “excessive” delays that now typically occur in capital cases. *Id.* at 149. The Court has stated that courts should “police carefully” against lastminute claims being used “as tools to interpose unjustified delay” in executions. *Id.* at 150. This Court has also stated that last-minute stays of execution should be the “extreme exception, not the norm.” *Id.*

To be granted a stay of execution, Knight must establish three factors: (1) a reasonable probability that the Court would vote to grant certiorari; (2) a significant possibility of reversal if review was granted; and (3) a likelihood of irreparable injury to the applicant in the absence of a stay. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). Knight must establish all three factors.

Probability of This Court Granting Certiorari

As to the first factor, there is little chance that four justices of this Court would vote to grant certiorari review on the issues raised here. This Court's Rule 10 states that certiorari will be granted “only for compelling reasons,” which include the existence of conflicting decisions on issues of law among federal courts of appeals, among state courts of last resort, or between federal courts of appeals and state courts of last resort. No such situation exists here. Knight has cited no conflict or unsettled question of law for this Court’s review. Knight repeats well-worn and repeatedly

rejected claims of *Hurst v. Florida*, 577 U.S. 92 (2016) error. However, there was no underlying error in this case where Knight's jury found him guilty of contemporaneous violent felonies which rendered him eligible for the death penalty. This Court has repeatedly and consistently declined to review claims of *Hurst* error in Florida. There is little probability that the Court would vote to grant certiorari review under these circumstances. Knight fails the first factor, which is alone sufficient to deny the motion for a stay.

Significant Possibility of Reversal

As to the second factor, there is not a significant possibility of reversal on either of the issues raised by Knight. Notably, this is the second time Knight has sought review in this Court for a jury fact-finding error under *Ring v. Arizona*, 536 U.S. 584 (2002) or *Hurst*. Knight's claims do not gain strength from repetition. Indeed, there is demonstrably less reason to accept review of this case now as it was found procedurally barred below under well-established state law. This Court does not grant review where the decision below rests on independent and adequate state law. Thus, Knight fails this factor as well.

Irreparable Injury

As to the third factor of irreparable injury, there is none. While the execution will result in Knight's death, that is the inherent nature of a death sentence. The factors for granting a stay are taken from the standard for granting a stay as applied to normal civil litigation, which is not a natural fit in capital cases. In the capital context, more should be required for irreparable injury rather than the execution

itself. Otherwise, this factor would automatically be satisfied in every capital case. In other contexts, this Court has clarified that the “purpose of such a stay is to prevent the execution date from ‘interfer[ing] with the orderly processing of a petition on direct review by this Court.’” *Rodriguez v. Texas*, 515 U.S. 1307 (1995). And in *Williams v. Missouri*, 463 U.S. 1301, 1301-02 (1983), this Court explained that a stay would be warranted to prevent a defendant from being executed before having the opportunity to fully present his claim that his death sentence was unconstitutionally imposed. But those situations do not exist here. Likewise, this is not a case in which denying his stay would result in the execution of a defendant who should not be executed. Knight faces no actual identifiable harm by the denial of his motion for stay under these circumstances.

Moreover, this Court has stated in the capital context that “the relative harms to the parties” must still be considered, including “the State’s significant interest in enforcing its criminal judgments.” *Nelson*, 541 U.S. at 649-50 (emphasis added). Here, Knight does not provide any unique or special argument as to why a last-minute stay is warranted in his specific case that outweighs the State’s interest in enforcing the law. Without finality, “the criminal law is deprived of much of its deterrent effect.” *Calderon v. Thompson*, 523 U.S. 538, 555-56 (1998). And real finality is the execution. Because Knight points to no specific argument in support of this factor other than the imposition of his lawful sentence, he fails this prong as well.

Knight fails to meet any of the three factors for being granted a stay of execution. Therefore, the application for a stay of execution should be denied.

RESPECTFULLY SUBMITTED,

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