

No. _____

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

CAPITAL CASE

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

APPLICATION FOR STAY OF EXECUTION

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 May 15, 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.

In his accompanying Petition for Writ of Certiorari, Mr. Knight raises a facial challenge under the Eighth and Fourteenth Amendments to a portion of Florida’s Lethal Injection Protocol, alleging that the protocol’s provision violates the Eighth Amendment’s prohibition on cruel and unusual punishment by authorizing the execution team to perform a venous cutdown (a surgical procedure) inside of the death chamber at Florida State Prison without the use of local anesthesia. This, Mr. Knight alleges, violates this Court’s test set forth in *Baze v. Rees*, 553 U.S. 35 (2008), and *Glossip v. Gross*, 576 U.S. 863 (2015).

As Mr. Knight’s petition further 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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