

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Kayle Barrington Bates,
Petitioner,

v.

State of Florida,
Respondent.

CAPITAL CASE

Execution Scheduled: August 19, 2025, 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 Kayle Barrington Bates for August 19, 2025, at 6:00 p.m. The Florida Supreme Court denied relief and Mr. Bates’s request for a stay of execution on August 12, 2025. Mr. Bates 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.

STANDARD 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.* (internal quotations omitted). *Id.*

PETITIONER SHOULD BE GRANTED A STAY OF EXECUTION

The questions raised in Mr. Bates's petition are sufficiently meritorious to warrant a grant of certiorari. The underlying issues present significant questions of constitutional law and are not subject to any legitimate procedural impediments.

As explained in his petition, Mr. Bates presented meritorious federal claims in the state courts, invoking their authority to decide federal questions throughout his post-warrant litigation. The Florida Supreme Court necessarily considered the merits of these federal claims in deciding not to exercise its authority to correct manifest injustices as provided for by Florida's Constitution and laws.

Should this Court grant Mr. Bates's request for a stay of execution and review his underlying petition, a significant possibility exists that it will reverse the state court's judgement. The state courts have allowed Mr. Bates's execution and post-warrant litigation to proceed without rudimentary procedural safeguards secured by the Due Process Clause of the Fourteenth Amendment. Accordingly, Mr. Bates's underlying petition raises significant federal questions involving the process a state must provide to a person whose execution is set. Concomitantly, the petition asserts the deprivation of a truly fundamental right—to be free from cruel and unusual punishment at the hands of the state. If given the opportunity to fully brief the questions presented, Mr. Bates will be able to demonstrate that the Florida Supreme Court should be reversed and proceedings befitting the interests at stake should be

held.

Further, Mr. Bates's claims are not subject to any legitimate procedural impediments. In this case, the state courts have foreclosed adequate and substantive review. Given the final nature of the death penalty, no point should exist at which proper consideration is 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.)).

Absent a stay of execution by this Court, Mr. Bates will suffer a clear, irreparable harm. *Wainwright v. Booker*, 473 U.S. 935, 937 n.1 (1985) (Powell, J., concurring) (finding irreparable harm requirement "necessarily present in capital cases"). Additionally, the Florida Supreme Court's refusal to grant Eighth Amendment protection is not just a matter of life and death for Mr. Bates. It degrades the public's interest in living in a humane society. *See, Ford*, 477 U.S. at 409-10 (noting the Eighth Amendment protects not only the individual, but also "the dignity of society itself from the barbarity of exacting mindless vengeance").

CONCLUSION

For the foregoing reasons, Mr. Bates respectfully requests that this Court grant this application, stay his execution set for August 19, 2025, at 6:00 p.m., and address the important constitutional questions in this case.

Respectfully submitted,

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August 14, 2025