

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

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**In the Supreme Court of the United States**

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**CURTIS WINDOM,**

*Petitioner,*

**v.**

**SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,**

*Respondent.*

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

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**APPLICATION FOR STAY OF EXECUTION**

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**CAPITAL CASE**

**DEATH WARRANT SIGNED**

**Execution Scheduled: August 28, 2025, at 6:00 p.m.**

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To the Honorable Clarence Thomas, Associate Justice of the Supreme Court  
of the United States:

The State of Florida has scheduled the execution of Petitioner Curtis Windom for Thursday, August 28, 2025, at 6:00 pm ET. Pursuant to the Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Mr. Windom respectfully requests a stay of execution pending the disposition of his Petition for a Writ of Certiorari accompanying this application.

## **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 Windom’s Petition for a Writ of Certiorari are sufficiently meritorious for a grant of a writ of certiorari. The underlying issues present significant, compelling questions of constitutional law and a stay is necessary to avoid Windom being executed in violation of the Eighth Amendment to the United States Constitution. *Panetti v. Quarterman*, 551 U.S. 930 (2007), *Ford v. Wainwright*, 477 U.S. 399 (1986), and *Madison v. Alabama*, 139 S. Ct. 718 (2019).

It is indisputable Windom will be irreparably harmed if his execution is allowed to go forward, and the balance of equities weighs heavily in favor of a stay. Florida’s interest in the timely enforcement of judgments handed down by its courts must be weighed against Windom’s continued interest in his life. *See Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 289 (1998) (“[I]t is incorrect . . . to say that a prisoner has been deprived of all interest in his life before his execution.”) (O’Connor, J., plurality opinion). Florida has a minimal interest in finality and

efficient enforcement of judgments, while Windom has a right and significant interest in ensuring that his execution comports with the Constitution. In addition, the irreversible nature of the death penalty supports granting a stay. “[A] death sentence cannot begin to be carried out by the State while substantial legal issues remain outstanding.” *Barefoot*, 463 U.S. at 888. Should this Court grant the request for a stay and review of the underlying petition, Windom submits there is a significant possibility of the lower court’s reversal. This Court’s intervention is urgently needed to prevent Windom’s imminent execution despite the protections from the death penalty provided by the Eighth Amendment.

Windom’s case presents two significant constitutional issues, which need to be fully addressed by this Court free from the extreme time constraints set by the warrant signed by July 29, 2025. Windom’s execution is scheduled for August 28, 2025. Windom respectfully requests this Court enter a stay of execution.

First, as further detailed in Windom’s contemporaneous petition for writ of certiorari, Windom argues that he was not afforded his Sixth Amendment right to trial counsel when he was represented by unqualified counsel, whom would not have been permitted to represent Mr. Windom under today’s standards for capital counsel and that evolving standards of decency should be applied to the Sixth Amendment of the United States Constitution, right to counsel. Windom’s right to counsel under the Sixth Amendment to the United States Constitution was violated when the State allowed an attorney not qualified to represent clients in capital murder cases, to handle Mr. Windom’s case. At the time that trial counsel

represented Mr. Windom, there were no special qualifications imposed for capital attorneys. The trial record indicates counsel was clearly not acting as the Sixth Amendment envisioned, especially in capital cases. Trial counsel lacked the basic understanding and knowledge of how to investigate complicated mental health investigations or how to present such defenses at a trial and penalty phase in a capital trial. Under the evolved standards today, the rules in place now would have prevented this injustice. Therefore, applying evolving standards of decency recognized for Eighth Amendment protections, to other critical protections such as the right to counsel under the Sixth Amendment of the Constitution, Mr. Windom's right to counsel has been violated and Mr. Windom is entitled to a reversal of his convictions.

Secondly, as further detailed in Windom's accompanying petition for writ of certiorari, Windom argues that his due process right afforded to him under the Fourteenth Amendment of the United States Constitution has been violated by Florida's abbreviated post-warrant litigation schedule. The abbreviated scheduling order imposed upon Windom prevented his ability to be meaningfully heard during the post-warrant litigation and prevented him from further developing newly discovered evidence which would be compelling and substantial mitigation. This Court should enter a stay of execution and order an evidentiary hearing to allow Windom to present newly discovered evidence which would demonstrate that the death penalty as applied to Mr. Windom is in violation of the Eighth Amendment of the United States Constitution.

## CONCLUSION

“The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). Windom’s meritorious issues cannot possibly be heard in a meaningful manner with just days left until his execution. The important constitutional issues presented by Windom’s case require a full appellate review that is not truncated by his imminent execution.

For the foregoing reasons, Windom respectfully requests that this Court grant his application for a stay of Windom’s execution scheduled for August 28, 2025, to address the compelling constitutional questions in his case on the merits.

Respectfully submitted,

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Dated