No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR TONY JONES,

Petitioner,

v.

STATE OF FLORIDA and

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondents.

APPLICATION FOR STAY OF EXECUTION

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025 AT 6:00 PM

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 Victor Tony Jones on September 30, 2025, at 6:00 p.m. The Florida Supreme Court denied state court relief, as well as Mr. Jones's request for a stay of execution on September 24, 2025. Mr. Jones 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. Jones'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, Jones's death sentence is unreliable and violative of this Court's Fifth, Eighth, and Fourteenth Amendment jurisprudence.

Jones argues that his impending execution is violative of the Eighth Amendment because he is intellectually disabled and the Florida courts have routinely disregarded this Court's opinion in *Atkins v. Virginia*, 536 U.S. 304 (2002), and its progeny in order to deny his claim. This Court's opinions in *Hall v. Florida*, 572 U.S. 701 (2014), *Moore v. Texas* (*Moore I*), 581 U.S. 1 (2017), and *Moore v. Texas* (*Moore II*), 586 U.S. 133 (2019), establish that the Florida court's rulings on Jones's intellectual disability claim is fundamentally wrong. The Florida Supreme Court continues to disregard this Court's precedent, and universally accepted clinical

standards, in its assessment of intellectual disability.

Jones further argues that he was denied due process and his right to be heard on a question of federal constitutional law, when Florida denied him a full and fair postconviction proceeding under warrant. In so doing, the Florida Supreme Court disregarded this Court's precedent concerning the presentation and consideration of mitigation evidence in violation of the Eighth Amendment. See *Porter v. McCollum*, 558 U.S. 30, 43 (2009); *Rompilla v. Beard*, 545 U.S. 374 (2005); *Wiggins v. Smith*, 539 U.S. 510, 525 (2003); *Williams v. Taylor*, 529 U.S. 362 (2000)

The Florida Supreme Court's habitual diminution of fundamental Eighth and Fourteenth Amendment protections flouts clearly established federal law.

Jones's claims in his petition are not subject to any legitimate procedural impediments. This Court's precedent is clear that if "the State has made application of the procedural bar depend on an antecedent ruling on federal law," then it does not rest on "independent" grounds. *Ake v. Oklahoma*, 470 U.S. 68, 75 (1985).

In denying Mr. Jones's habeas petition, concerning his intellectual disability claim, the court misstated Jones's argument. In so doing, the court determined the argument was procedurally barred as it was merely a request for the court to reconsider its decision affirming the lower court's denial of Jones's ID claim pursuant to *Hall v. Florida*. *Jones v. State, Jones v. Sec'y, Fla. Dep't of Corr.*, SC2025-1423, 2025 WL 2717027, *20 (Fla. Sept. 24, 2025). This was not Jones's argument. Jones sought habeas review in light of this Court's decision in decisional law that was issued after the Florida Supreme Court's opinion in 2017. Notwithstanding, the Florida court's analysis is both contrary to Florida law and this Court's precedent.

Absent this Court's intervention, the irreparable harm to Jones 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.)). This 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 error, and the questions at issue are of life-or-death importance for Mr. Jones and for the other death-row inmates in Florida whose claims have been denied based on the same incorrect application of the Eighth Amendment's protection against executing the intellectually disabled. Should this Court grant Mr. Jones'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. Jones's respectfully requests that this Court grant his application for a stay of execution to address the important constitutional questions in this case.

Respectfully submitted,

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