No. 25A693

IN THE SUPREME COURT OF THE UNITED STATES

FRANK A. WALLS,

***Petitioner*,**

vs.

STATE OF FLORIDA,

***Respondent*.**

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

REPLY TO RESPONSE APPLICATION FOR STAY OF EXECUTION

CAPITAL CASE

DEATH WARRANT SIGNED
Execution Scheduled: December 18, 2025, at 6:00 p.m.

REPLY TO RESPONSE FOR STAY OF EXECUTION

The State filed its Brief in Opposition this afternoon and raised several arguments based on *Hamm v. Smith*, SC 24-872, which is pending a decision before this Court and had oral arguments conducted last week. The State's arguments raise further issues that tie the issues and questions raised in Mr. Walls' Petition for a

Writ of Certiorari to that litigation. As a result Mr. Walls requests that this Court stay the execution of Mr. Walls until Hamm v. Smith, SC 24-872 is decided.

The underlying issues present significant, compelling questions of constitutional law and a stay is necessary to avoid Walls being executed in violation of the Eighth Amendment to the United States Constitution. It is indisputable Walls will be irreparably harmed if his execution is allowed to go forward, and the balance of equities weighs heavily in favor of a stay. Especially since the State of Florida feels that the pending litigation in Hamm v. Smith has direct bearing on Mr. Walls' case. It would be in the best interest to resolve the matter along with Hamm.

Florida's interest in the timely enforcement of judgments handed down by its courts must be weighed against Walls' 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 Walls 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, Walls submits there is a significant possibility of the lower court's reversal. This Court's intervention is urgently needed to prevent Pittman's imminent execution despite the protections from the death

penalty provided by the Eighth Amendment. Specifically, the State of Florida runs the imminent risk of executing an intellectually disabled person, contrary to the provisions of the Eighth Amendment.

Walls' 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 on November 18, 2025. Walls' execution is scheduled for December 18, 2025. Walls respectfully requests this Court enter a stay of execution.

As detailed in Walls' contemporaneous petition for writ of certiorari, due to Florida's erroneous interpretation of federal law, and its insistence on placing a time bar on intellectual disability claims, the State of Florida will execute an intellectually disabled defendant, in violation of the United States Constitution. Mr. Walls, due to the arbitrary bars and changing interpretation of federal law by the Florida's Supreme Court, Mr. Walls, a man with a significant history of intellectual disability will be executed. Further Mr. Walls was denied due process by being unable to fully demonstrate and prove his intellectual disability contrary to *Atkins v. Virginia,* 536 U.S. 304, 321 (2002) and its progeny.

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 Walls' case require a full appellate review that is not truncated by his imminent execution.

For the foregoing reasons, Walls respectfully requests that this Court grant his application for a stay of Walls' execution scheduled for December 18, 2025, to address the compelling constitutional questions in his case on the merits.

Respectfully submitted,

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