

No. _____

In the Supreme Court of the United States

MELVIN TROTTER,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

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

APPLICATION FOR STAY OF EXECUTION

CAPITAL CASE

DEATH WARRANT SIGNED
Execution Scheduled: February 24, 2026, at 6:00 PM ET

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 Melvin Trotter for Tuesday, February 24, 2026 at 6:00 PM ET. Pursuant to the Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Mr. Trotter 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 question raised in Mr. Trotter’s Petition for a Writ of Certiorari is sufficiently meritorious for a grant of a writ of certiorari. The underlying issue presents a significant, compelling question of constitutional law and a stay is necessary to avoid Mr. Trotter being executed in violation of the Eighth Amendment to the United States Constitution before that question is resolved. *Madison v. Alabama*, 139 S. Ct. 718 (2019); *Panetti v. Quarterman*, 551 U.S. 930 (2007); *Ford v. Wainwright*, 477 U.S. 399 (1986).

It is indisputable that Mr. Trotter will be irreparably harmed if his execution is allowed to go forward. 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 Mr. Trotter’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 Mr. Trotter 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. Mr. Trotter submits there is a significant possibility of the lower court’s reversal, should this Court grant the request for a stay and review of the underlying petition. This Court’s intervention is urgently needed to prevent Mr. Trotter’s imminent execution despite the protections from the death penalty provided by the Eighth Amendment.

Florida’s refusal to recognize Mr. Trotter’s claim for what it is, a standalone failure to follow protocol claim, as opposed to a challenge to the method of execution, has prevented Mr. Trotter from being meaningfully heard during post-warrant litigation. This Court should enter a stay of execution to allow Mr. Trotter to demonstrate that the maladministration of Florida’s lethal injection protocol is a violation of Mr. Trotter’s rights under 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). Mr. Trotter’s meritorious issue cannot possibly be heard in a meaningful manner with just days left until his execution. The important

constitutional issue presented by Mr. Trotter’s case requires a full appellate review that is not truncated by his imminent execution.

For the foregoing reasons, Mr. Trotter respectfully requests that this Court grant his application for a stay of execution scheduled for February 24, 2026, to address the compelling constitutional question in his case on the merits.

Respectfully submitted,

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Dated: February 19, 2026