

In the
Supreme Court of the United States

Jerry Scott Heidler,
Petitioner,

v.

Christopher Carr, et al.,
Respondents.

On Petition for Writ of Certiorari to the
Supreme Court of Georgia

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Does a state-law statutory framework requiring a capital inmate to raise a claim of incompetency under *Ford v. Wainwright*, 477 U.S. 399 (1986), after the issuance of an execution warrant violate the Eighth and Fourteenth Amendments when the prisoner may obtain a stay of execution to litigate his *Ford* claim and the statute does not otherwise impose an express deadline on such litigation?

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INTRODUCTION

Petitioner Jerry Scott Heidler, a Georgia inmate sentenced to death for the murder of multiple victims—including children—has concocted a novel constitutional theory. He speculates that because a *future* Georgia court *might* deny him a stay of execution if he *one day* litigates an as-yet hypothetical *Ford* claim, he has a viable constitutional claim today—and one worthy of this Court’s review. Heidler is wrong on all counts, and the Court should deny his petition.

In essence, Heidler contends that because Georgia statutes place an expiration date on the validity of execution warrants and require prisoners to *raise Ford* claims within that window, the Constitution compels the General Assembly to enact a separate statute mandating a stay of execution pending *resolution* of those claims (or some other specific statute with the same effect). Otherwise, he says, “to secure the careful and deliberative *Ford* procedure to which he is constitutionally entitled, a person like Mr. Heidler must make—and the trial court must consider—a stay request.” Pet.22. But that is not a federal constitutional problem. “State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law,” *Stone v. Powell*, 428 U.S. 465, 493 n.35 (1976), and there is no reason to assume Georgia courts will flout it—and state law—in this context.

But the Georgia courts that considered Heidler’s case never needed to even address this issue; the ruling below rested on an adequate and independent state-law ground distinct from this purported constitutional violation. Indeed, the trial court’s primary ground for dismissing Heidler’s suit was that the court lacked subject-matter jurisdiction from the start. This Court is not in the business of reviewing federal-law questions when “the

decision of [the state] court [below] rests on a state law ground that is independent of the federal question and adequate to support the judgment.” *Coleman v. Thompson*, 501 U.S. 722, 729 (1991). Things get worse from there; the procedural claim Heidler postulates is predicated on an unripe, hypothetical *Ford* claim, because no execution date has been set. *See, e.g., Panetti v. Quarterman*, 551 U.S. 930, 947 (2007).

On top of those glaring vehicle problems, Heidler identifies no split of judicial authority warranting this Court’s attention. And because he cannot identify even a single case in which any court has held that a state-law window during which petitioners must raise—but courts need not finally resolve—*Ford* claims is constitutionally infirm, he resorts to parsing and comparing portions of other state statutes to conjure a perceived split.

Heidler fares no better on the merits. His petition asks this Court to misread Georgia law and assume lawless (in)action by state trial courts. At bottom, he argues that because the statute requires a prisoner to *raise* a *Ford* claim within a 10- to 20-day window, that claim must be *resolved* in the same 10- to 20-day window. *Compare* Pet.17, *with* O.C.G.A. § 17-10-67. That misreads the text and ignores other portions of the statutory framework that contemplate stays and appeals, which all agree presumably take longer than 10 to 20 days. *See* O.C.G.A. §§ 17-10-68(e), 17-10-70. Ultimately, nothing in Georgia law requires or even suggests that state courts will wield the defined time at which to raise a *Ford* claim to unconstitutionally limit a petitioner’s ability to resolve his *Ford* claim. Heidler’s contrary assumption ignores that “States and their officers are also bound by obligations imposed by the Constitution.” *DeVillier v. Texas*, 601 U.S. 285, 293 (2024) (cleaned up).

The petition for writ of certiorari should be denied.

STATEMENT

A. Legal Background

In *Ford v. Wainwright*, this Court held that the Constitution forbids the execution of the insane. 477 U.S. 399, 401 (1986). But beyond that basic principle, no majority agreed on how to adjudicate such challenges. Instead, Justices Marshall and Powell set out competing frameworks for resolving claims of incompetency to be executed. Because Justice Powell’s concurrence offered a more limited holding, his opinion controls. *See Panetti*, 551 U.S. at 949. States therefore possess latitude to determine when and how inmates may raise *Ford* claims. After all, competency challenges by capital inmates do not arise “against a neutral background.” *Ford*, 477 U.S. at 425 (Powell, J., concurring). Rather, a prisoner must first make a “substantial threshold showing of insanity.” *Id.* at 426. At that point, a State enjoys “substantial leeway to determine what process best balances the various interests at stake” provided it supplies the core requirement of “an impartial officer or board that can receive evidence and argument from the prisoner’s counsel, including expert psychiatric evidence that may differ from the State’s own psychiatric evidence.” *Id.* at 427.

In the wake of *Ford*, Georgia’s General Assembly comprehensively overhauled its capital punishment framework, in part “to provide that certain persons shall not be executed” and “to provide procedures for determining mental competency to be executed.” Ga. L. 1988, p.1003 (codified at O.C.G.A. §§ 17-10-60, *et seq.*) (“Execution Competency Act” or “ECA”). The ECA barred the execution of anyone found mentally incompetent under its provisions, *see* O.C.G.A. § 17-10-61; outlined an exclusive procedure for post-conviction competency challenges, *see id.* § 17-10-61; mandated a response and hearing

once an application of incompetency is filed, *see id.* § 17-10-65; set the time in which the application must be filed, *see id.* § 17-10-67; and set procedures the trial court must follow in granting or denying relief under the statute, *see id.* § 17-10-68. No statutory provision mandates the execution of a prisoner with a pending *Ford* claim.

Two provisions of the ECA lie at the core of Heidler’s petition. O.C.G.A. § 17-10-67 provides that an “application under this article” challenging an inmate’s competency to be executed “shall not be filed until completion of direct appeal and until an order has been signed by a judge of the trial court setting a time period for the execution.” And O.C.G.A. § 17-10-40 sets the execution-warrant validity period—following any delays from appellate review or otherwise—at “not less than ten nor more than 20 days from the date of” the order setting a new execution date. *See id.* § 17-10-40(a), (b).

All agree that a Georgia court enjoys the power, in an exercise of its equitable authority, to stay an execution for various reasons, including to accommodate prisoners who raise competency challenges. *See, e.g., Owens v. Hill*, 758 S.E.2d 794, 800–03 (Ga. 2014) (addressing interlocutory-injunction factors to assess stay pending resolution of Eighth Amendment claim); *Zant v. Dick*, 294 S.E.2d 508, 509 (Ga. 1982). Although the ECA itself does not explicitly provide for stays, its text presumes that stays will be entered as a matter of course as *Ford* claims are litigated and sets rules for dissolving such stays upon resolution of the claim. *See* O.C.G.A. § 17-10-68(e) (“If the court denies the application, the court shall direct that immediate telephonic notification be given to the parties and *any stay presently entered under this article shall be dissolved instantan.*” (emphasis added)).

B. Factual Background

Early in the morning hours of December 4, 1997, Bacon County police found three young girls “on the street in their nightclothes.” *Heidler v. State*, 537 S.E.2d 44, 52 (Ga. 2000). They explained that they had been kidnapped by Heidler from the home of Danny and Kim Daniels, and one ten-year-old victim told police that Heidler had sexually assaulted her, a fact later proven through evidence of physical trauma, DNA testing, and the eyewitness statement of another eight-year-old kidnap victim. *Id.* at 52.

Toombs County police investigated the Daniels’ home, where Heidler’s sister had been a foster child, and found the bodies of four members of the Daniels family. *Id.* “Bryant Daniels, eight years old, was found lying on his bed face-down, where he died from massive head trauma caused by a close-range shotgun blast.” *Id.* Sixteen-year-old Jessica Daniels, with whom Heidler had a suspected relationship that was ended by Mr. Daniels, was “killed by a close-range shotgun blast to the back of her head” in her parents’ room. *Id.* “Both Mr. and Mrs. Daniels were found lying in their bed, each having been killed by multiple shotgun blasts.” *Id.* Each victim was killed by a “Remington 1100 semi-automatic shotgun” taken from “Mr. Daniels’ gun cabinet,” which a firearms expert testified must have been reloaded at least once given the firearm’s six-shell capacity. *Id.*

After committing the murders, kidnapping, and assault, Heidler went to his mother’s house, “played video games with his brother,” and told his brother that “killing ‘gives you a rush, makes you want to go out and kill more people.’” *Id.* And when arrested later that day, he confessed to the crimes, telling police that he threw the shotgun into a river, which the kidnapped girls confirmed. *Id.* Further law enforcement investigation

revealed that Heidler “entered the house by using a ladder to climb through a bathroom window,” leaving fingerprints on the window and DNA from saliva on a cigarette butt. *Id.*

Heidler was convicted by a jury of four counts of malice murder, two counts of kidnapping, and one count each of kidnapping with bodily injury, aggravated sodomy, aggravated child molestation, child molestation, and burglary. *Id.* at 49 n.1. Heidler received four death sentences for each count of malice murder, and prison sentences for the remaining crimes. *Id.*¹

The Supreme Court of Georgia affirmed Heidler’s convictions, except for his child-molestation count (which merged into the aggravated-sodomy conviction), and affirmed his death sentences. *Id.* at 49, 58. For the next 20 years, Heidler unsuccessfully challenged his convictions and sentences through habeas proceedings in state and federal court. *See Heidler v. Warden, GDCP*, No. 20-13752, 2023 U.S. App. LEXIS 19941 (11th Cir. Aug. 2, 2023), *cert. denied*, *Heidler v. Emmons*, 144 S. Ct. 2565 (2024).

“[I]n Heidler’s second amended state habeas petition he raised a claim that he was ‘incompetent to be executed’ and he was ‘incompetent to proceed in the instant case.’” Pet.App.006a (quoting Second Amendment to Petition for Writ of Habeas Corpus, *Heidler v. Terry*, No. 01-v-844 (Butts Cnty., Jan. 6, 2006) at 60–63). The state habeas “court found his claim that he was ‘currently incompetent to be executed’ was not ‘ripe for review’ and that his claim of incompetence ‘to proceed in his current state habeas action’ was non-

¹ Heidler’s “mental health was evaluated prior to trial and all the experts found him to be competent, and the trial court ultimately found him to be competent to stand trial.” Pet.App.005a. Heidler did not assert on direct appeal that he was tried while incompetent. *See generally Heidler*, 537 S.E.2d at 49–58.

cognizable.” *Id.* In his federal habeas proceedings, Heidler alleged he was “incurably incompetent,” but submitted no evaluation in support of this contention. Pet.App.006a–007a. The federal habeas court also found this claim “‘not ripe’ and denied [Heidler’s] request for a hearing.” *Id.* at 007a.

C. Proceedings Below

On September 26, 2024, Heidler’s next friend Eleanor Hopkins filed in the Superior Court of Dekalb County a complaint for declaratory and injunctive relief and a motion for a temporary restraining order and interlocutory injunction. This action, under the Georgia Declaratory Judgment Act, challenged Georgia’s competency statutes on grounds that the statutory timeframe for litigating a claim of incompetency to be executed violates an inmate’s state and federal constitutional rights. Pet.App.010a–011a. The defendants moved to dismiss on state-law jurisdictional grounds and requested that Heidler be evaluated for competency to determine whether he or his next friend could bring the action. Pet.App.004a.

At the hearing on the motion for temporary restraining order and the defendants’ motion to dismiss, Heidler’s counsel removed next friend Hopkins and Heidler proceeded “*sui juris*”—presumably to avoid a competency evaluation.² *See* Pet.App.003a–004a. The court granted the motion to dismiss for lack of subject-matter jurisdiction and alternatively on grounds that Heidler failed to state a claim upon which relief could be granted. *See*

² Although Hopkins alleged Heidler was incompetent, there was no competency evaluation submitted to the trial court. Pet.App.003a. Instead, Hopkins “attached 11,000 pages of medical records to the complaint and a statement by a licensed clinical social worker stating that the paragraph in the complaint which alleged Heidler was incompetent was correct.” *Id.* at 005a. None of the records contained a “determination of incompetency ... from a mental health expert.” *Id.*

Pet.App.004a. Heidler sought discretionary review, and the Supreme Court of Georgia denied Heidler’s application. *See* Pet.App.028a.

REASONS FOR DENYING THE PETITION

Heidler’s petition attacks a nonexistent statute based on speculative fears that Georgia courts might, one day, violate the Eighth Amendment by blocking him from litigating a *Ford* claim prior to his execution. But that hypothetical departure from state law does not violate the federal Constitution today, nor does it merit this Court’s intervention.

To start, the Georgia courts never had to address that constitutional claim: The trial court dismissed Heidler’s suit for lack of jurisdiction on adequate and independent state-law grounds. On top of that, any *Ford* claim would be unripe until Heidler’s execution date is reasonably proximate. So his current procedural claim—which attacks Georgia’s statute directing an inmate to raise a *Ford* claim once that ripeness condition is satisfied—necessarily suffers from the same ripeness defect.

Heidler identifies no split of judicial authority the question he presents. Indeed, *no court* seems to have found a constitutional violation in analogous circumstances. For good reason. This Court preserved state latitude to legislate the “process [that] best balances the various interests” in this area. *Panetti*, 551 U.S. at 949–50 (quoting *Ford*, 477 U.S. at 427 (Powell, J., concurring)). And here, Heidler’s entire petition rests on the assumption that a future Georgia court will ignore components of the statutory process for litigating *Ford* claims, refuse to exercise its undisputed equitable authority to stay an execution, and wholly preclude resolution of Heidler’s incompetency prior to his execution. Heidler offers no basis for that assumption.

I. Heidler’s petition seeks review of a decision that rested on an adequate and independent state-law ground.

Heidler’s petition all but ignores the state trial court’s independent and alternative holding that it lacked jurisdiction to review his constitutional challenges under Heidler’s chosen state-law procedure. *See* Pet.App.009a–016a (“the Court finds it does not have subject matter jurisdiction under O.C.G.A. § 9-11-12(b)(1) and DISMISSES the Complaint.”). Heidler’s reticence to mention this alternative and independent state-law ground for rejecting his challenge to the ECA statutes is understandable; after all, this Court “will not review a question of federal law decided by a state court if the decision ... rests on a state law ground that is independent of the federal question and adequate to support the judgment.” *Coleman*, 501 U.S. at 729. Clearly, this Court should not grant certiorari to revive a case that Georgia courts have determined they lack jurisdiction to consider.

Heidler brought his case in state court under the Georgia Declaratory Judgment Act, which requires plaintiffs to demonstrate how an order from the court would “guide and protect the petitioner from uncertainty and insecurity with respect to the propriety of some future act or conduct.” *Cobb Cnty. v. Floam*, 901 S.E.2d 512, 518 (Ga. 2024) (emphasis omitted). That basic requirement is jurisdictional in nature. *See, e.g., Publix Super Mkt., Inc. v. Rockdale Cnty.*, 913 S.E.2d 851, 854 (Ga. Ct. App. 2025) (Georgia courts lack subject-matter jurisdiction over cases nonjusticiable under the Declaratory Judgment Act). Heidler has never made—and could not make—the requisite showing. Pet.App.014a–016a. The basis of his constitutional claim is the “risk of error” by a future court that might one day apply the ECA to preclude litigation of his future *Ford* claim. *See* Pet.22. Heidler cannot “establish[]” his own “insecur[ity] ... about some future action [he]

plans to take” or “a need to declare rights upon which [his own] future conduct depends.” *Floam*, 901 S.E.2d at 521. Nor does Heidler ever suggest that he will take a different course of action pending the decision of any Georgia court on his constitutional claim. His declaratory action therefore fails on freestanding state-law grounds.³

II. Heidler’s petition is an unsuitable vehicle for the as-yet unripe constitutional question he presents.

Heidler urges this Court to predetermine the procedure under which he must litigate a definitionally unripe constitutional claim. Even more presumptuously, he does so while asking the Court to assume that a state court will, one day, deny him relief he has not yet sought. Granting certiorari in this hypothetical-ridden posture would be a profound mistake.

Ford claims are definitionally unripe unless and until an inmate’s execution is imminent. *See Panetti*, 551 U.S. at 947. In his haste to divine a favorable rule from *Panetti*, Heidler overlooks the *raison d’être* of the case. There, the petitioner sought to raise a *Ford* claim in a second federal habeas petition, asserting that the claim was not barred by 28 U.S.C. § 2244 because it could not have been raised at the time of his first petition. *See* Pet. Supp. Br. at 2, *Panetti v. Quarterman*, No. 06-6407, 551 U.S. 930, 2007 WL 1592956

³ Even if Heidler had satisfied the elements for invoking the state court’s jurisdiction under the Declaratory Judgment Act, he lacks standing to pursue his claim in the Georgia courts. The Georgia Constitution limits the judicial power to “claims brought by parties who have asserted that their own rights have been violated.” *Republican Nat’l Comm. v. Eternal Vigilance Action, Inc.*, 917 S.E.2d 125, 136 (Ga. 2025). But, as Heidler concedes, his rights have not been violated, and any future violation is purely speculative. *See* Pet.15 (“the State of Georgia *may* wrongfully deprive Mr. Heidler of his life” (emphasis added)).

(U.S. Apr. 11, 2007). This Court agreed and held that “[t]he statutory bar on ‘second or successive’ applications does not apply to a *Ford* claim brought in an application filed when the claim *is first ripe*.” *Panetti*, 551 U.S. at 947 (emphasis added).

If anything, Georgia’s statutes simply ensure that a prisoner brings his *Ford* claim at a time when a court could provide relief under *Panetti*’s ripeness reasoning. Lower courts agree that *Ford* claims are inextricably linked with imminent execution. A “claim that a death row inmate is not mentally competent means nothing unless the time for execution is drawing nigh.” *Tompkins v. Sec’y, Dep’t of Corr.*, 557 F.3d 1257, 1260 (11th Cir. 2009) (citing *Panetti*, 551 U.S. at 946); *see also Bedford v. Bobby*, 645 F.3d 372, 376 (6th Cir. 2011) (“[A] *Ford* claim does not become ripe until an execution is imminent[.]”); *Nooner v. Norris*, 499 F.3d 831, 834 (8th Cir. 2007) (reasoning that the “setting of an execution date caused the applicants’ *Ford*-based incompetency claims to become ripe”); *Pizzuto v. Tewalt*, 997 F.3d 893, 900 (9th Cir. 2021) (“Without a death warrant or some other indicator of the execution date, the court does not know what the petitioner’s mental competence will be at the time of execution, and any judgment it makes would be entirely hypothetical. Thus, the issuance of a death warrant is essential to the ripeness of a *Ford* claim because only at that point does a *Ford* claim become concrete.” (citations omitted)); *Ryder ex rel. Ryder v. Warrior*, 810 F.3d 724, 738 n.6 (10th Cir. 2016) (explaining that an inmate’s competency claim was unripe absent an execution date).

In short, Heidler could not bring a *Ford* claim today if he wished to. As such, his current procedural claim—which attacks Georgia’s statute directing an inmate to raise a *Ford* claim once that ripeness condition is satisfied—

necessarily suffers from the same ripeness defect. Because Heidler has not raised—and could not raise—a substantive *Ford* claim, the time has likewise not come to assess whether Georgia’s procedural regime suffers from a constitutional defect. *If* Heidler one day raises a substantive *Ford* claim at the appropriate juncture consistent with ripeness precedents, and *if* Heidler requests time to litigate that claim that exceeds the baseline duration of the State’s execution warrant, and *if* the state courts refuse to accommodate that request by exercising their undisputed stay authority expressly envisioned by the ECA—then, perhaps, Heidler might possess ripe procedural claim. This is not that case.

Confirming the point, the crux of Heidler’s claim is that a “lack of clarity in Georgia’s decisional law means that, to secure the careful and deliberative *Ford* procedure to which he is constitutionally entitled, a person like Mr. Heidler must make—and the trial court must consider—a stay request without the benefit of provisions within the ECA tailoring the stay inquiry to the incompetency context.” Pet.22. In other words, Heidler agrees that he has not been denied any process to date but simply fears a *future* denial of process related to a *future* incompetency application. And it would be particularly odd to grant review in this unusual posture when the state court made an early competency evaluation available to Heidler, giving him a chance to develop evidence supporting his as-yet hypothetical *Ford* claim well before any execution warrant issues. See Pet.App.003a. Heidler cannot seriously claim that he fears inadequate time to litigate his *Ford* claim when he rejected an early opportunity to develop that evidence.

III. Heidler’s petition alleges no division of authority or other justification for this Court’s review.

Heidler does not even attempt to identify a split of judicial authority on the constitutional question he presents. Instead, he relies on portions of nine state statutes to argue that “[o]ther states provide considerably more time” than does Georgia to litigate *Ford* claims—through, *e.g.*, longer execution-warrant periods, automatic stays, and provisions allowing inmates to raise *Ford* claims before warrants issue. *See* Pet.11, 17–18. But this cherry-picked collection of laws governing the circumstances and timing of how and when a prisoner may raise an incompetency claim does not establish a division of authority over the constitutional minimum period for litigating a *Ford* claim to its conclusion.

What little caselaw Heidler offers on that issue consists not of constitutional holdings, but of out-of-context quotes orthogonal to the issue he raises. *See* Pet.16–17; *infra* at 18–19. More fundamentally, Heidler’s argument rests on the false premise that Georgia law “*requires* incompetent prisoners to prove their claims within ten to twenty days.” Pet.9; *see infra* at 15–16. As Heidler tacitly concedes by way of careful wordsmithing, Georgia courts are not required to *resolve* such a claim within the statutory window he asserts. And Heidler offers no precedent suggesting that any court has ever held that a statutory framework defining the time at which *Ford* claim must be *raised* (but not resolved) violates the Constitution.

Abandoning the pretense of systemic importance, Heidler argues that this Court’s review is critical in his *own* case. *See* Pet.14–15. In particular, he suggests that he may never have a chance to prove his incompetency in accord with *Panetti*. *See* Pet.15. But Heidler did not substantiate that claim in state court. *See* Pet.App.003a (trial court order explaining that “counsel

for Heidler objected to [the State’s] request for evaluation stating it was too ‘intrusive’”). Instead, he simply wants this Court to constitutionalize the procedure for pursuing a *Ford* claim, a result he could parlay into further delay down the road. But a request for an answer to an as-yet abstract legal question, on which no division of authority has developed, cannot justify an outlay of this Court’s certiorari resources.

IV. Heidler’s claim is meritless.

Setting aside the fact that the state court lacked jurisdiction, Heidler’s request for splitless error correction falters because there is no error to correct. Indeed, Heidler’s concession that Georgia courts *could* apply Georgia statutes in a constitutional manner torpedoes his challenge.

A. Georgia’s statutes are easily construed to accommodate Heidler’s speculative constitutional concerns.

Three bedrock principles foreclose Heidler’s claim on the merits. *First*, to assert a facial challenge to a statute, as Heidler does,⁴ a plaintiff must show that there is “no set of circumstances ... under which the [law] would be valid.” *United States v. Salerno*, 481 U.S. 739, 745 (1987). *Second*, and

⁴ While Heidler raised as-applied and facial challenges in trial court, he does not articulate the nature of his claim in his petition for certiorari. But “[t]he label is not what matters. The important point is that [Heidler’s] claim and the relief that would follow”—wholesale invalidation of Georgia’s statutory scheme for litigating *Ford* claims under the ECA—“reach[es] beyond [Heidler’s] particular circumstances” and “must therefore satisfy [this Court’s] standards for a facial challenge to the extent of that reach.” See *John Doe No. 1 v. Reed*, 561 U.S. 186, 19 (2010). The reach of Heidler’s petition is clear. Although Heidler devotes six pages to explaining his own mental-health issues, Pet.3–9, those facts are all but irrelevant to—and never referenced in support of—his claim that the ECA creates an “unacceptable risk that prisoners like [Heidler] who possess substantial claims that they are incompetent to be executed, will nonetheless” suffer that punishment. See Pet.ii, 3. His attack is plainly facial.

independently, “as between two possible interpretations of a statute, by one of which it would be unconstitutional and by the other valid, [the Court’s] plain duty is to adopt that which will save the Act.” *Rust v. Sullivan*, 500 U.S. 173, 190 (1991). This Court will not “lightly assume that [a legislature] intended to infringe constitutionally protected liberties.” *INS v. St. Cyr.*, 533 U.S. 289, 300 n.12 (2001). Thus, it will not construe a Georgia statute to conflict with the Constitution when “there is no reason to assume that the Supreme Court of Georgia will adopt such a[] ... construction.” *Gregg v. Georgia*, 428 U.S. 153, 201 (1976); *see also, e.g., Panetti*, 551 U.S. at 945–46 (interpreting 28 U.S.C. § 2244 to avoid “troublesome result[]” of procedurally barring all *Ford* claims). *Third*, it is the “most rudimentary rule of statutory interpretation that courts do not interpret statutes in isolation, but in the context of the *corpus juris* of which they are a part.” *Watson v. Republican Nat’l Comm.*, 609 U.S. 672, 683 (2026) (quotation omitted).

Heidler’s theory posits that because a Georgia statute requires a prisoner to *raise* a *Ford* claim within a 10- to 20-day window (*i.e.*, once the claim has actually ripened), Georgia law necessarily “imposes a 10- to 20-day deadline on the development and presentation of *Ford* claims,” which (he says) violates the federal guarantee of procedural due process and risks a future Eighth Amendment violation. Pet.17. But as the trial court correctly concluded, Heidler’s theory misunderstands the Georgia statutes it purports to interpret. *See* Pet.App.018a–022a (rejecting Heidler’s facial and as-applied challenge to the statutes in question).

As a matter of plain text, the challenged statutes do “not mandate a specific timeframe for the entire course of the proceedings.” *Id.* at 012a. Instead, O.C.G.A. § 17-10-67 simply dictates when an application including

the facts supporting the petitioner’s incompetency must be filed: An “application under this article [challenging competency to be executed] shall not be filed until completion of direct appeal and until an order has been signed by a judge of the trial court setting a time period for the execution.”⁵ And O.C.G.A. § 17-10-40 sets the execution-warrant validity period—following any delays from appellate review—at “not less than ten nor more than 20 days from the date of the order” setting a new date. *See id.* § 17-10-40(b). No provision of the ECA requires that *Ford* claims be *resolved* on any particular timeline. Instead, the focus of the Act is on when and how the claims must be raised in a state trial court, which is then obligated to resolve the claim consistent with Georgia law and the federal Constitution, both of which prohibit executing the insane. *See Ford*, 477 U.S. at 401; O.C.G.A. § 17-10-61 (“A person under sentence of death shall not be executed when it is determined under the provisions of this article that the person is mentally incompetent to be executed.”).

Nor do these statutes purport to restrict—much less foreclose—the availability of a stay of execution while the *Ford* claim is litigated. This Court cannot construe the challenged provisions in isolation but must account for relevant background principles of Georgia law, including the availability of a stay of execution under the circumstances Heidler identifies. *See, e.g., Owens*, 758 S.E.2d at 800–03 (analyzing grant of stay pending

⁵ Heidler does not challenge the substantive requirements of that application which, in addition to some basic facts, must include “affidavits, records, or other evidence supporting [the] allegations” or an explanation for why those documents are not attached, as well as identification of any previous proceedings challenging the petitioner’s competency to be executed or mental state regarding the conviction and sentence. O.C.G.A. § 17-10-63(b).

resolution of Eighth Amendment claim); *Zant*, 294 S.E.2d at 509. Indeed, just last month, a state trial court granted a stay of execution one day before an inmate’s scheduled execution to consider whether he had a statutory—not constitutional—right to resentencing, and the Supreme Court of Georgia kept the stay in place to consider the claim after full briefing and argument. *See* Order, *State v. Humphreys*, No. S27W0237 at 1 (Ga. Sep. 16, 2026). Given Georgia courts’ well-settled and undisputed legal authority—and evident willingness—to consider and issue execution stays on tight timelines, Heidler’s suggestion that Georgia courts might refuse to enter a stay after a prisoner makes the threshold *Ford* showing is purely speculative.

Confirming the point, portions of the challenged statutes expressly presume that a trial court will in fact enter a stay “prior to ... ruling on the application.” Pet.App.013a. For example, O.C.G.A. § 17-10-68(e) provides that “[i]f the court denies the application, the court shall direct that immediate telephonic notification be given to the parties and *any stay presently entered under this article shall be dissolved instante*.” (emphasis added). Read as a whole, although Georgia law provides that a *Ford* petition cannot be *filed* until a death warrant issues, no Georgia statute mandates any timeframe for litigation and judicial *resolution* of such a petition.

At a minimum, Georgia trial courts’ well-established authority to enter a stay under these circumstances—authority Heidler *never disputes*—defeats any facial challenge to Georgia’s procedures. And to the extent Heidler wishes to raise an as-applied challenge, the correct moment to do so would be *after* the state court system *declines* to afford him the time to litigate his *Ford* claim to which he claims a constitutional entitlement (or at least, when that denial is not purely speculative). *See supra*, 15–16.

B. No court has held that the Constitution mandates a minimum *statutory* timeline to litigate *Ford* claims, and state courts routinely grant stays to protect Eighth Amendment rights.

Heidler does not seriously reckon with the state trial court’s statutory interpretation. Instead, he argues that “the Constitution requires more.” Pet.19, 23. But “more” is not an administrable standard, nor one mandated by the Constitution. And Heidler’s two primary arguments supporting his demand for “more” plainly fail. *First*, he cites no judicial authority defining a minimum timeline for litigating a *Ford* claim prior to execution. *Second*, Georgia’s framework for litigating *Ford* claims is not deficient merely because it presumes a stay will be entered as necessary under *Ford* and *Panetti*.

1. Heidler concedes that “[t]he Constitution does not precisely define, in terms of months or weeks, the minimum time that a state must afford an incompetent prisoner to develop a *Ford* claim.” Pet.15. Quite right. And widening the lens to Heidler’s lower-court decisions does not help him. *See* Pet.16–17 (citing *Panetti v. Davis*, 863 F.3d 366, 374–76 (5th Cir. 2017); *Druery v. State*, 412 S.W.3d 523, 529 (Tex. Crim App. 2013); *Commonwealth v. Banks*, 29 A.3d 1129, 1134 (Pa. 2011)). In each, the timing for litigating the *Ford* claim was not at issue.

Start with *Panetti*. The Fifth Circuit’s decision there did not hold that a “34-day timeframe to develop and present [an] incompetency claim was an ‘impossible’ deadline,” Pet.16, it simply confirmed that the State could not bar Panetti from litigating his *Ford* claim on exhaustion grounds where “circumstances exist that render [the state] process ineffective to protect the rights of the applicant,” or deny him assistance of counsel on the theory that

any evidence of mental illness would be merely “supplemental” when he was last examined over a decade prior. 863 F.3d at 375.

Druery, which considered a host of other issues, never “explain[ed] that it was ‘not possible’ to resolve an incompetency claim under a 20-day deadline.” Pet.17. Rather, the portion of the opinion Heidler cites recounts the procedural history, including the trial court’s frustration with defense counsel’s repeated failure to file a motion satisfying the threshold showing of incompetency over a six-month period. *See Druery*, 412 S.W.3d at 526–29.

Finally, *Banks* considered the substance of a *Ford* claim, not a procedural argument like Heidler’s. *See* 29 A.3d. at 1148. To be sure, the Pennsylvania Supreme Court observed that the claim took years to litigate thanks to myriad delays attributable to defense counsel and the trial court, and that two weeks was an “unrealistic time-frame to permit the trial court to hold a competency hearing and for [the Supreme] Court’s review.” *See id.* at 1134. But the court did not hold that any state-law procedure for litigating a *Ford* claim violated the Due Process Clause or Eighth Amendment.

While Heidler digs deep for judicial suggestions that timing is talismanic, he comes up empty. That is not surprising, because *Ford* and *Panetti* focus on content of the proceedings—a prisoner’s “opportunity to submit ‘evidence and argument from the prisoner’s counsel, including expert psychiatric evidence that may differ from the State’s own psychiatric examination,’” *Panetti*, 551 U.S. at 950 (quotations omitted)—not on timing in the abstract. Moreover, the ubiquity of state-court authority to stay proceedings to ensure an adequate opportunity to litigate *Ford* claims will likely ensure that the fixed constitutional deadline Heidler imagines will *never* become a subject of judicial examination (much less a circuit split).

2. Even assuming the Constitution mandates a minimum timeline for litigating a *Ford* claim to resolution, Heidler is wrong that such a timeline must be expressly codified in state *statute*. Rather, it is plausible—indeed, to be expected—that state courts will manage their dockets and apply state statutory frameworks in ways consistent with *Ford* and *Panetti*. Heidler cites no authority suggesting that courts applying state-law procedural frameworks have allowed inmates who have made threshold incompetency findings to be executed while their *Ford* claims remain pending.

Quite the opposite. As the Eighth Circuit put it, “it is improper for a federal court to presume that [a state court] would refuse to adapt its procedures ... to conform to the Constitution” as interpreted and implemented by “*Ford* and *Panetti*.” *Middleton v. Roper*, 759 F.3d 833, 835 (8th Cir. 2014). Heidler would have this Court make exactly that improper presumption, even as he relies on decisions exemplifying state courts’ willingness to accommodate *Ford* claims once they properly ripen. *See Panetti*, 863 F.3d at 373 (staying execution “for briefing and argument”); *Druery*, 412 S.W.3d at 526 (“determin[ing] that further review was needed and stay[ing] the execution”);⁶ *Banks*, 29 A.3d at 1131 (staying imminent execution until *Ford* claim could be litigated). There is no reason to assume that Georgia courts will disregard all these lessons. *See, e.g., DeVillier*, 601 U.S. at 293; *Stone*, 428 U.S. at 493 n.35.

⁶ Indeed, the Texas Court of Criminal Appeals in *Druery* ordered the stay despite the trial court’s finding that there was *no* prima facie showing of incompetency. 412 S.W.3d at 526, 532; *see* Tex. Code Crim. Proc. Art. 46.05(l) (conditioning automatic stay on such a prima facie showing).

Heidler’s remaining arguments—that Georgia’s general stay standard is insufficiently clear and that Georgia courts rarely grant stays, Pet.21–23—fare no better. He does not explain how any uncertainty at the margins of Georgia’s interlocutory-injunction framework would matter for a prisoner who makes the substantial threshold showing that *Ford* and *Panetti* require, nor why the Constitution demands that States codify stay standards rather than legislate against the backdrop of equity. And his statistics prove nothing. That Georgia courts have denied stays sought by prisoners raising *other* claims, see Pet.22–23, says nothing about how they would treat a substantial *Ford* claim—and Heidler himself acknowledges that data on *Ford*-specific stays in Georgia are “virtually nonexistent.” Pet.23 n.22. That concession confirms that his claim rests on speculation, not experience.

CONCLUSION

For the reasons set out above, this Court should deny the petition.

Respectfully submitted.

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