

No. 26-5678

IN THE
SUPREME COURT OF THE UNITED STATES

CURTIS W. BEASLEY,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

BRIEF IN OPPOSITION
EXECUTION SCHEDULED FOR SEPTEMBER 29, 2026, AT 6:00 P.M.

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CAPITAL CASE
QUESTIONS PRESENTED

- I. Whether the death warrant setting Beasley's execution for 35 days from the date of the warrant violates the Fifth, Sixth, or Eighth Amendments, where Beasley's death sentence has been final for more than 25 years and his state and federal collateral challenges have all been rejected.
- II. Whether the Florida Constitution's Conformity Clause, which provides that the prohibition against cruel and unusual punishment shall be construed in conformity with this Court's decisions interpreting the Eighth Amendment, violates the Eighth Amendment or the right to due process.
- III. Whether the Fifth, Sixth, or Eighth Amendments require unanimous jury sentencing in capital cases.
- IV. Whether the Governor of Florida's authority to sign death warrants for capital defendants whose death sentences are final constitutes cruel and unusual punishment or a violation of due process.

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OPINION BELOW

The opinion of the Florida Supreme Court is reported as *Beasley v. State*, No. SC2026-1399, 2026 WL 2854502 (Fla. Sept. 22, 2026).

JURISDICTION

Petitioner seeks to invoke this Court's jurisdiction under 28 U.S.C. § 1257. However, this Court lacks jurisdiction as to several of the questions presented in the Petition because those issues were resolved on independent and adequate state-law grounds or were not raised at all in the state-court proceedings. Even if jurisdiction were present, this case is inappropriate for the exercise of this Court's discretionary jurisdiction as to all four of the questions presented because the Florida Supreme Court's opinion does not conflict with any decision by this Court, another state court of last resort, or a United States court of appeals, nor does it decide any important and unsettled question of federal law. *See* Sup. Ct. R. 10(b)-(c).

CONSTITUTIONAL PROVISIONS INVOLVED

Respondent accepts Petitioner's statement regarding the constitutional and statutory provisions involved.

STATEMENT OF THE CASE AND FACTS

Petitioner, Curtis Wilkie Beasley, is an inmate in the custody of the Florida Department of Corrections who was convicted of first-degree murder and sentenced to death for the 1995 bludgeoning murder of Carolyn Monfort. *Beasley*, 2026 WL 2854502, at *1. At the time of the murder, Beasley was staying temporarily at Monfort's home and was doing maintenance work at an apartment complex that

Monfort managed. Monfort knew Beasley through her daughter's former husband, who was a high school classmate of Beasley's. *Id.* The evidence at Beasley's trial established that Beasley brutally beat Monfort to death on or about August 21, 1995, stole several \$100 bills from her, and stole her car. The medical examiner documented extensive bruises, lacerations, and blunt force injuries to Monfort's head and face, as well as defensive injuries to her hands, upper arms, and left forearm. *Id.*

The evidence further established that after committing the murder, Beasley fled first to Miami and then to Alabama, where he lived and worked under an assumed name until he was eventually apprehended. *Id.* at *2. Following his arrest, Beasley was brought back to Florida to face charges for the first-degree murder and robbery of Monfort and the grand theft of her car. *Id.* The jury found Beasley guilty as charged. At the conclusion of Beasley's penalty phase, the jury recommended the death penalty by a vote of 10 to 2. The trial court followed the jury's recommendation and sentenced Beasley to death. *Id.* The Florida Supreme Court affirmed Beasley's convictions and death sentence on direct appeal. *Beasley v. State*, 774 So. 2d 649, 653-75 (Fla. 2000). The convictions and death sentence became final on March 21, 2001, upon the expiration of Beasley's time to file a certiorari petition to this Court. *Beasley*, 2026 WL 2854502, at *2 (citing Fla. R. Crim. P. 3.851(d)(1)(A)).

In the years since, Beasley has filed numerous collateral challenges in state and federal court, all of which were rejected. *See Beasley v. State*, 18 So. 3d 473 (Fla. 2009) (affirming denial of initial state-court motion for postconviction relief); *Beasley v. Sec'y, Fla. Dep't of Corr.*, No. 8:09-cv-01962 (M.D. Fla. Mar. 30, 2010) (denying

petition for writ of habeas corpus), *certificate of appealability denied*, No. 10-11750 (11th Cir. Oct. 15, 2010), *cert. denied*, 563 U.S. 906 (2011); *Beasley v. State*, 234 So. 3d 553 (Fla. 2018) (affirming denial of successive state-court postconviction motion challenging nonunanimous jury recommendation under *Hurst*¹).

On August 26, 2026, Governor DeSantis signed Beasley’s death warrant, and his execution is scheduled for Tuesday, September 29, 2026, at 6:00 p.m. *Beasley*, 2026 WL 2854502, at *3. Two days later, Beasley filed a motion for stay of execution in the state circuit court, which the circuit court denied without prejudice. *Id.* On September 4, 2026, Beasley filed in the circuit court a renewed motion for stay of execution and a successive motion for postconviction relief under Florida Rule of Criminal Procedure 3.851 raising four claims: (1) executing Beasley at age 77 and while he experiences corresponding cognitive decline would violate the Eighth Amendment; (2) the time period between the signing of Beasley’s death warrant and the scheduled execution deprives Beasley of due process and equal protection and violates the Eighth Amendment’s prohibition of cruel and unusual punishment; (3) the current procedure for death warrant selection and signing results in the arbitrary and capricious implementation of the death penalty in violation of the Eighth and Fourteenth Amendments, deprives defendants of due process, and violates the separation of powers doctrine; and (4) executing Beasley despite a nonunanimous jury verdict would violate the Fifth, Sixth, and Eighth Amendments. *Id.*

¹ *Hurst v. Florida*, 577 U.S. 92 (2016); *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), *receded from in part by State v. Poole*, 297 So. 3d 487 (Fla. 2020).

The state circuit court held a hearing on the motion on September 8, 2026. At the conclusion of that hearing, the circuit court determined that the resolution of Beasley's claims did not require an evidentiary hearing. On September 11, 2026, the circuit court summarily denied each of Beasley's successive postconviction claims and denied Beasley's renewed motion to stay the execution. *Id.*

Beasley appealed that decision to the Florida Supreme Court, which affirmed the denial of relief as to all four of the issues raised in the successive postconviction motion. *Id.* at *3-8. It also denied Beasley's motion for stay of execution filed in the Florida Supreme Court, finding that a stay was not warranted because Beasley had "failed to establish 'any substantial grounds upon which relief might be granted if a stay had been ordered.'" *Id.* at *8 (quoting *Barwick v. State*, 361 So. 3d 785, 791 (Fla. 2023)). Beasley now seeks certiorari review by this Court of the Florida Supreme Court's opinion. As set forth below, his petition must be denied.

REASONS FOR DENYING THE PETITION

I. There Is No Conflict of Decisions or Unsettled Federal Question to Warrant Certiorari Review of Beasley's Warrant-Duration Claim, and His Underlying Constitutional Arguments Are Meritless.

As the Florida Supreme Court observed, Beasley's death sentence has been final since March 2001. *Beasley*, 2026 WL 2854502, at *2. In 2002, Beasley filed a timely motion for postconviction relief in state circuit court under Rule 3.851, raising six claims. That motion was denied after an evidentiary hearing, and the Florida Supreme Court affirmed the denial of relief in 2009. *Beasley*, 18 So. 3d at 481-500. Beasley next filed a petition for writ of habeas corpus in federal district court, which

was denied in 2010. After the Eleventh Circuit denied a certificate of appealability, Beasley sought certiorari review in this Court, which the Court denied in 2011. *See Beasley*, 2026 WL 2854502, at *3. A few years after that, Beasley filed his first successive state-court postconviction motion challenging his non-unanimous jury recommendation. The state circuit court summarily denied relief, and the Florida Supreme Court affirmed that ruling in 2018. *Beasley*, 234 So. 3d at 553.

Significantly, Beasley has been represented by his current counsel, who the Florida Supreme Court noted “are two experienced members of The Florida Bar,” for over a decade. *Beasley*, 2026 WL 2854502, at *6. One of Beasley’s current attorneys was appointed to represent him for appellate purposes in his federal habeas action more than 16 years ago. *See Beasley v. Sec’y, Dep’t of Corr.*, No. 8:09-cv-1962 (M.D. Fla. Apr. 15, 2010). And Beasley has long been on notice that, since the completion of his initial state collateral and federal habeas proceedings, he has been “‘warrant-eligible,’ meaning ‘the [G]overnor could sign a warrant for his execution.’” *Jones v. State*, 419 So. 3d 619, 626 (Fla. 2025) (original alteration) (quoting *Silvia v. State*, 228 So. 3d 1144, 1146 (Fla. 2013)); *see also* Fla. Stat. § 922.052(2).

When the death warrant finally came on August 26, 2026, setting Beasley’s execution date for September 29, Beasley’s counsel filed another successive state postconviction motion on his behalf arguing, among other claims, that “the length of his warrant period deprives him of due process, equal protection, and the right to be free from cruel and unusual punishment.” *Beasley*, 2026 WL 2854502, at *5. The state

circuit court concluded after a hearing that each of those arguments was without merit. On appeal, the Florida Supreme Court agreed. *Id.* at *5-6.

As to Beasley’s due process argument, the Florida Supreme Court noted that “[d]ue process requires that a defendant be given notice and an opportunity to be heard on a matter before it is decided,” and it found that Beasley had failed to show “that he was denied notice or an opportunity to be heard on any such matter.” *Id.* at *5 (quoting *Barwick*, 361 So. 3d 785, 789-91 (Fla. 2023)). It observed that Beasley’s counsel had represented in the circuit court that they had been “working around the clock” since the warrant was signed. *Id.* Further, Beasley had “failed to specify how [his] access to counsel and [the] court has been impeded.” *Id.* The only claimed impediment was that the warrant period “interfere[d] with . . . testing [by a] psychologist.” *Id.* However, Beasley’s counsel informed the circuit court that the testing at issue did “not involve a concern with respect to competency. And there [was] no allegation that [Beasley] is intellectually disabled.” *Id.* Accordingly, Beasley failed to identify any viable claim that he was prevented from raising, and the Florida Supreme Court agreed that there was no due process violation.

As to equal protection, the Florida Supreme Court further agreed with the circuit court that Beasley had “fail[ed] to demonstrate how his attorneys’ status as registry² attorneys has, in any meaningful way, resulted in less effective

² See Fla. Stat. § 27.710(1) (providing for the maintenance of a statewide registry of attorneys in private practice who are qualified and available to represent death-sentenced inmates in postconviction proceedings).

representation as compared to those represented by the CCRC³] operating under the same truncated warrant period.” *Id.* at *6. It approvingly quoted the circuit court’s observation that Beasley’s counsel had “been at every court appearance, filed public records demands, two motions for stay of execution, and a successive motion for postconviction relief,” and had “successfully made requests for the appointment of a psychologist and an investigator.” *Id.* Thus, “[i]n no way ha[d] Beasley demonstrated an equal protection violation.” *Id.* Lastly, the Florida Supreme Court also found that Beasley had “not shown how the length of his warrant period implicates the Eighth Amendment’s prohibition against cruel and unusual punishment.” *Id.*

Beasley now raises essentially the same arguments in this Court that he raised in the state circuit court and the Florida Supreme Court. Pet. at 11-21. At the outset, however, he fails to identify any matter that would warrant the extraordinary measure of a writ of certiorari from this Court. It is well-established that this Court does not review state-court decisions merely because a question of federal law is implicated. Rather, a state’s highest court typically must have “decided an important question of federal law in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals” or “with relevant decisions of this Court,” or must have “decided an important question of federal law that has not been, but should be, settled by this Court.” Sup. Ct. R. 10. “A petition for writ of certiorari

³ See Fla. Stat. § 27.701 (creating three offices of the capital collateral regional counsel (CCRC) for the northern, middle, and southern regions of Florida); Fla. Stat. § 27.702(2) (requiring each CCRC office to represent death-sentenced inmates in its region in postconviction proceedings unless other counsel is appointed).

is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.” *Id.*

Beasley identifies no conflict between the Florida Supreme Court’s decision and the decision of any other state or federal court. He asserts that four other states provide for warrant periods of 60 or more days by rule or statute, Pet. at 11-12, but he cites no decision, from any court, holding that a particular warrant duration is constitutionally required. Moreover, this Court has long made clear that “[s]tate collateral proceedings are not constitutionally required as an adjunct to the state criminal proceedings and serve a different and more limited purpose than either the trial or appeal.” *Murray v. Giarratano*, 492 U.S. 1, 10 (1989). Importantly, there is no constitutional right to counsel at all in such proceedings, even in capital cases. *See id.* (holding that neither the Eighth Amendment nor due process require states to provide counsel for indigent defendants in capital collateral proceedings); *see also Coleman v. Thompson*, 501 U.S. 722, 752 (1991); *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). That precedent forecloses any argument that, once a death sentence has become final and all state and federal collateral challenges have failed, a state must grant the prisoner’s counsel more time to develop additional collateral claims after the execution has been scheduled. Pertinent here, Beasley cites no case holding that 60 days from the signing of the warrant is sufficient but 35 days is not. And given that state collateral proceedings are not constitutionally required to begin with, that is not an unsettled question of federal law warranting certiorari review.

Moreover, this case is an especially poor vehicle for a petitioner to argue that more time was necessary or required. Beasley has had more than *25 years* to raise collateral challenges to his conviction and death sentence. One of his current lawyers has represented him without interruption for more than 16 years. Any investigation into Beasley's case by counsel to determine if potential collateral claims could be raised should have occurred long ago. And, indeed, the record establishes that it did occur. In addition to the numerous issues that were raised on direct appeal, Beasley has litigated his case through three state postconviction proceedings, and he also received a full round of federal habeas review in federal district court, the Eleventh Circuit, and this Court. Beasley's counsel complain in this Court that they should have been given more time to investigate his competency to be executed. Pet. at 14. But they represented in the state circuit court "that the issues being explored by the psychologist do not involve a concern with respect to competency." *Beasley*, 2026 WL 2854502, at *5. If there had been such concerns, Florida law provides a mechanism for counsel to raise that issue, which Beasley's counsel did not invoke. *See* Fla. R. Crim. P. 3.811, 3.812; *see also Hutchinson v. State*, 416 So. 3d 283, 287-90 (Fla.) (affirming the state circuit court's finding after an evidentiary hearing that the prisoner was competent to be executed pursuant to *Ford v. Wainwright*, 477 U.S. 399 (1986), and its progeny), *cert. denied*, 145 S. Ct. 1981 (2025).

Under these facts, Beasley's constitutional arguments are clearly meritless. Beasley has not been denied due process. To the contrary, he has received far more process than he was due. "The core of due process is the right to notice and a

meaningful opportunity to be heard.” *LaChance v. Erickson*, 522 U.S. 262, 266 (1998); *see also Dist. Att’y’s Off. for Third Jud. Dist. v. Osborne*, 557 U.S. 52, 69 (2009) (stating that “due process [in the postconviction context] is not parallel to a trial right but rather must be analyzed in light of the fact that [the defendant] has already been found guilty at a fair trial”). Here, Beasley has been heard many times over, including, as the Florida Supreme Court found, in responding to his death warrant. *Beasley*, 2026 WL 2854502, at *5-6. The Florida Supreme Court correctly ruled, as it has in prior cases, “that ‘an expedited warrant litigation schedule does not deprive a defendant of his right to due process.’” *Id.* at *6 (quoting *Jennings v. State*, 422 So. 3d 107, 119 (Fla.), *cert. denied*, 146 S. Ct. 402 (2025)); *see also Conahan v. State*, Nos. SC2026-1234, SC2026-1236, SC2026-1281, SC2026-1282, 2026 WL 2603686, at *4 (Fla. Sept. 3, 2026), *cert. denied*, No. 26-5476, 2026 WL 2660684 (U.S. Sept. 10, 2026); *Windom v. State*, 416 So. 3d 1140, 1150 (Fla.), *cert. denied*, 146 S. Ct. 66 (2025); *Bates v. State*, 416 So. 3d 312, 321 (Fla.), *cert. denied*, 146 S. Ct. 66 (2025).

Nor has Beasley been denied equal protection. As his basis for that purported violation, Beasley asserts that his private registry attorneys are less well-suited to handle expedited warrant litigation than state-employed CCRC attorneys. But that is just another way of claiming that he has been deprived of the effective assistance of counsel. And, once again, there is no constitutional right to counsel at all in capital postconviction proceedings. *Giarratano*, 492 U.S. at 10; *Coleman*, 501 U.S. at 752; *see also Finley*, 481 U.S. at 556 (rejecting the claim that equal protection creates a right to state-appointed counsel on postconviction review). Further, to the extent equal

protection principles are even applicable, Beasley cites no evidence that his attorneys' status as registry counsel has negatively impacted him. As the state circuit court noted, Beasley's counsel sought funding for a psychologist and an investigator, and those requests were approved. *Beasley*, 2026 WL 2854502, at *6.

Finally, as in the state-court proceedings, Beasley cites nothing in his current Petition to support his assertion that the 35-day warrant period somehow translates to his execution constituting cruel and unusual punishment. Beasley vaguely alleges that "recent physical and mental developments *could* impact his physical fitness to be executed via Florida's lethal injection protocol." Pet. at 14 (emphasis added). What those developments are, and how they relate to the lethal injection protocol, Beasley does not say.⁴ Beasley also does not say why his physical and mental condition could not have been investigated before his warrant was signed. In any event, challenges to Florida's lethal injection protocol have been consistently rejected. *See Sochor v. State*, 434 So. 3d 1251, 1254-55 (Fla.) (noting that Florida's three-drug protocol has been essentially unchanged since 2017 and has been repeatedly upheld), *cert. denied*, No. 26-5061, 2026 WL 2028264 (U.S. July 14, 2026); *see also Long v. State*, 271 So.

⁴ In one of his post-warrant claims for relief, as discussed *infra*, Beasley argued that he should be exempted from execution due to his age of 77 years old and various age-related conditions he has allegedly experienced, including cognitive decline, brain fog, and the use of a wheelchair. *See Beasley*, 2026 WL 2854502, at *4. However, none of those conditions have any obvious connection to Florida's lethal injection protocol, and Beasley does not argue otherwise. He has not claimed, either here or in state court, that his execution by lethal injection, specifically, would "superadd[] pain to the death sentence" when compared with any "feasible and readily implemented alternative method" *Bucklew v. Precythe*, 587 U.S. 119, 134 (2019).

3d 938, 943-46 (Fla. 2019) (rejecting as-applied and facial constitutional challenges to Florida’s lethal injection protocol after an evidentiary hearing).

Ultimately, the timeframe of the warrant implicates no conflict of decisions, unsettled federal question, or important federal constitutional issue for this Court to decide. Beasley has received the full panoply of rights afforded to him under the United States Constitution and more, and he has never been denied an opportunity to raise whatever claims he desired to press. There is no legal issue in Beasley’s first question presented to warrant a writ of certiorari from this Court.

II. The Constitutionality of the Florida Constitution’s Conformity Clause Was Never Raised as an Issue in State Court. Moreover, the Clause Plainly Does Not Violate the Eighth Amendment.

In state court, Beasley argued as his first post-warrant postconviction claim that “he is 77 years old” and “that he is currently experiencing cognitive decline, brain fog, depression, and risk factors for vascular dementia, that he performs in the low average range for verbal reasoning, and that he requires wheelchair assistance when moving farther than a short distance.” *Beasley*, 2026 WL 2854502, at *4. Citing this Court’s decisions “interpret[ing] the Eighth Amendment as prohibiting the execution of mentally incompetent individuals, the intellectually disabled, and juveniles,” Beasley argued that his status as an elderly person experiencing the effects of aging should render him exempt from execution. *Id.* (footnotes omitted).

The Florida Supreme Court rejected those arguments. As to Beasley’s age, it noted that this Court “has recognized only one age-based exemption from execution, which is the prohibition against executing individuals who were under age 18 at the

time of their capital crimes.” *Id.* (citing *Roper v. Simmons*, 543 U.S. 551, 575 (2005)). The Florida Supreme Court also noted, as Beasley conceded, that it has consistently “rejected arguments regarding the execution of the elderly in recent death warrant cases.” *Id.* (citing *Occhicone v. State*, 436 So. 3d 465, 472-73 (Fla.), *cert. denied*, No. 26-5158, 2026 WL 2164217 (U.S. July 28, 2026); *Spencer v. State*, 434 So. 3d 709, 718-19 (Fla.), *cert. denied*, No. 25-7648, 2026 WL 1827690 (U.S. June 25, 2026); *Trotter v. State*, 428 So. 3d 68, 73-74 (Fla.), *cert. denied*, 146 S. Ct. 755 (2026); *Smithers v. State*, 420 So. 3d 460, 464-66 (Fla.), *cert. denied*, 146 S. Ct. 323 (2025)).

As to Beasley’s alleged cognitive decline, the Florida Supreme Court observed that “Beasley has not raised an intellectual disability claim, and he has not claimed that he is incompetent to be executed.” *Id.* Accordingly, Beasley does not qualify as exempt from execution under either *Atkins v. Virginia*, 536 U.S. 304 (2002), or *Ford v. Wainwright*, 477 U.S. 399 (1986). As the Florida Supreme Court explained, it has “long held that the categorical bar of *Atkins* that shields the intellectually disabled from execution does not apply to individuals with other forms of mental illness or brain damage.” *Beasley*, 2026 WL 2854502, at *4 (quoting *Dillbeck v. State*, 357 So. 3d 94, 100 (Fla. 2023)); *see also Connor v. State*, 979 So. 2d 852, 867-68 (Fla. 2007) (rejecting claim that the defendant was exempt from execution “because of mental conditions that are not insanity or [intellectual disability]”).

Continuing, the Florida Supreme Court explained that, under the Florida Constitution’s Conformity Clause, *see* Fla. Const. art. I, § 17, this Court’s precedent sets “both the floor and the ceiling for protection from cruel and unusual punishment

in Florida,” and the Florida Supreme Court “cannot interpret Florida’s prohibition against cruel and unusual punishment to provide protection that [this] Court has decided is not afforded by the Eighth Amendment.” *Beasley*, 2026 WL 2854502, at *4 (quoting *Smithers*, 420 So. 3d at 466). Therefore, as the Florida Supreme Court had also recently held in another case, it could not “recognize an age-based exemption that the [United States] Supreme Court has never recognized.” *Id.* at *4-5 (original alteration) (quoting *Occhicone*, 436 So. 3d at 475). The Florida Supreme Court rejected Beasley’s argument that because he was raising an “as-applied challenge” based on “the combination of his age and his asserted cognitive decline, his case falls outside of the parameters of the conformity clause” *Id.*

In his Petition, Beasley now asks this Court to grant review to address whether the Conformity Clause of the Florida Constitution is itself unconstitutional. Pet. at 22-30. But Beasley never raised a constitutional challenge to the Conformity Clause in the Florida Supreme Court. Nor did the Florida Supreme Court address that issue. Beasley’s argument, rather, was that the Conformity Clause did not apply to his case, not that its enforcement violated the United States Constitution.

Beasley’s failure to raise his current argument in state court deprives this Court of jurisdiction over the issue. This Court’s authority to review a case from a state court of last resort is premised on the state court “decid[ing]” an important question of federal law. Sup. Ct. R. 10(b)-(c). If a federal question was not properly presented in state court, then this Court has “no power to consider it.” *Street v. New York*, 394 U.S. 576, 581-82 (1969). “[W]hen, as here, the highest state court has failed

to pass upon a federal question, it will be assumed that the omission was due to want of proper presentation in the state courts, unless the aggrieved party in this Court can affirmatively show the contrary.” *Id.*; see also *Hill v. California*, 401 U.S. 797, 805 (1971) (finding an issue was not properly before this Court when it was never raised, briefed, or argued in the state appellate court). Here, Beasley never argued in state court, as he argues now, that the Conformity Clause or the Florida Supreme Court’s interpretation of it violated the Eighth Amendment or his right to due process. Thus, this Court lacks jurisdiction as to Beasley’s second question presented.

In addition to this issue not having been presented to or decided by the Florida Supreme Court, Beasley identifies no conflict of decisions or important and unsettled federal question to warrant review. As to any conflict, Beasley indicates that Florida is the only state with such a clause in its constitution, Pet. at 27, and he has not identified any decision holding that a state must grant greater protections than the United States Constitution or this Court’s precedent require. On the contrary, this Court has explicitly held that a state’s highest court may not “interpret the United States Constitution to provide greater protection than this Court’s own federal constitutional precedents provide” *Arkansas v. Sullivan*, 532 U.S. 769, 772 (2001). “[W]hile ‘a State is free *as a matter of its own law* to impose greater restrictions . . . than those this Court holds to be necessary upon federal constitutional standards,’ it ‘may not impose such greater restrictions as a matter of *federal constitutional law* when this Court specifically refrains from imposing them.’” *Id.* (original emphasis) (quoting *Oregon v. Hass*, 420 U.S. 714, 719 (1975)).

Relevant here, this Court has recognized only three categorical exemptions from execution under the Eighth Amendment: (1) individuals who are mentally incompetent at the time of execution (*Ford*); (2) individuals who are intellectually disabled (*Atkins*); and (3) individuals who were under the age of 18 at the time of their capital offense (*Roper*). Beasley does not qualify for any of these categories nor contend that he does. Accordingly, the Florida Supreme Court correctly held that Beasley had failed to state a cognizable claim under the Eighth Amendment. Beasley, notably, cites no decision holding otherwise. See *Keaton v. State*, 375 So. 3d 44, 137-38 (Ala. Ct. App. 2021) (collecting federal and state cases from across the country refusing to “extend[] *Atkins* and *Ford* to mentally ill defendants who are nevertheless competent”). To the extent Beasley is arguing that the Florida Supreme Court erred by not creating a new exemption from execution under the Florida Constitution that the United States Constitution does not require, that is a matter of state law that this Court may not address. See *Montana v. Wyoming*, 563 U.S. 368, 377 n.5 (2011) (“The highest court of each State, of course, remains ‘the final arbiter of what is state law.’”) (quoting *West v. Am. Telephone & Telegraph Co.*, 311 U.S. 223, 236 (1940)); *Wainwright v. Goode*, 464 U.S. 78, 84 (1983) (“[T]he views of the state’s highest court with respect to state law are binding on the federal courts.”).

Beasley’s arguments also make little sense on the merits. Plainly, a state does not violate the Eighth Amendment by failing to grant greater protections than the Eighth Amendment requires. Whether a particular method of execution would be unconstitutional under this Court’s existing precedent is a separate question from

whether a state’s highest court must create a new Eighth Amendment exemption from execution that this Court has never recognized. Thus, Beasley’s execution-by-drowning example is misplaced. Nor has the Conformity Clause deprived Beasley of due process or access to the courts. He presented his exemption-from-execution claim in a successive postconviction motion, and the Florida Supreme Court found that he was not entitled to relief because he does not meet any of the tests established in *Ford*, *Atkins*, or *Roper*. In no way was Beasley deprived of “notice and a meaningful opportunity to be heard.” *LaChance*, 522 U.S. at 266. Beasley again fails to identify any federal-law issue that would warrant this Court’s intervention.

III. Beasley’s Jury-Unanimity Claim Is Barred for Lack of Jurisdiction and Is Facially Meritless Under This Court’s Settled Precedent.

In third question presented, Beasley challenges the Florida Supreme Court’s rejection of the jury-unanimity claim raised in his post-warrant postconviction motion. However, this Court lacks jurisdiction over this issue because it was rejected on independent and adequate state-law grounds. This Court has long held that when both state and federal questions are involved in a state-court proceeding, this Court lacks jurisdiction to review the case “if the judgment rests on a state law ground that is both ‘independent’ of the merits of the federal claim and an ‘adequate’ basis for the [state] court’s decision.” *Foster v. Chatman*, 578 U.S. 488, 497 (2016) (quoting *Harris v. Reed*, 489 U.S. 255, 260 (1989)). The “adequate and independent state grounds” rule is based on “the partitioning of power between the state and federal judicial systems and in the limitations of [this Court’s] jurisdiction.” *Herb v. Pitcairn*, 324 U.S. 117, 125 (1945). This Court has explained that its “only power over state

judgments is to correct them to the extent that they incorrectly adjudge federal rights. And [that] power is to correct wrong judgments, not to revise opinions” or “render an advisory opinion.” *Id.* at 125-26. “[I]f the same judgment would be rendered by the state court after [this Court] corrected its views of federal laws, [this Court’s] review could amount to nothing more than an advisory opinion.” *Id.* at 126. Thus, if a state court’s denial of relief on a question of federal law is separately based on state law, this Court “will not undertake to review the decision.” *Florida v. Powell*, 559 U.S. 50, 57 (2010) (quoting *Michigan v. Long*, 463 U.S. 1032, 1041 (1983)).

Here, the Florida Supreme Court found that Beasley’s jury-unanimity claim was procedurally barred because the same claim was raised and rejected in one of Beasley’s previous motions for postconviction relief. *Beasley*, 2026 WL 2854502, at *7; *see also* Fla. R. Crim. P. 3.851(e)(2) (providing that a claim raised in a successive postconviction motion is procedurally barred when “it fails to allege new or different grounds for relief and the prior determination was on the merits”). Specifically, Beasley had challenged his nonunanimous jury recommendation in his successive state postconviction motion filed in 2017. The Florida Supreme Court affirmed the circuit court’s denial of that claim, finding that “*Hurst* does not apply retroactively to Beasley’s sentence of death.” *Beasley*, 234 So. 3d at 553; *see also McKinney v. Arizona*, 589 U.S. 139, 145 (2020) (“*Hurst* do[es] not apply retroactively on collateral review.”). The Florida Supreme Court’s finding that the claim was procedurally barred in Beasley’s post-warrant postconviction motion is an independent and adequate state-law ground that renders this Court without jurisdiction. *See, e.g., Sochor v. Florida*,

504 U.S. 527, 533-34 (1992) (holding that this Court lacked jurisdiction to decide a federal claim that the Florida Supreme Court decided both on the merits and on preservation grounds); *see also Martinez v. Ryan*, 566 U.S. 1, 10 (2012) (noting, for purposes of federal habeas review, that there was “no dispute that Arizona’s bar on successive petitions is an independent and adequate state ground”).

Even so, Beasley’s argument is also meritless under this Court’s settled precedent. This Court has made clear that while a jury must unanimously find at least one aggravating factor that makes the defendant eligible for the death penalty, a jury need not make any recommendation as to the appropriate sentence, let alone do so unanimously. *See McKinney*, 589 U.S. at 144 (“Under *Ring*⁵ and *Hurst*, a jury must find the aggravating circumstance that makes the defendant death eligible. But importantly, in a capital sentencing proceeding just as in an ordinary sentencing proceeding, a jury (as opposed to a judge) is not constitutionally required to weigh the aggravating and mitigating circumstances or to make the ultimate sentencing decision within the relevant sentencing range.”). In this case, in addition to finding Beasley guilty of first-degree murder, the jury also “unanimously convict[ed] Beasley of the robbery of Monfort, thus forming the basis of the aggravating factor that Beasley murdered Monfort during the course of a robbery.” *Beasley*, 2026 WL 2854502, at *7. Therefore, the Florida Supreme Court also correctly ruled that, even if Beasley’s jury-unanimity argument had not been procedurally barred, the claim

⁵ *Ring v. Arizona*, 536 U.S. 584 (2002).

was nonetheless meritless. *Id.* at *7-8. Again, Beasley cites no conflict of decisions or unsettled federal question warranting review by this Court.

IV. The Governor’s Discretionary Authority to Issue Death Warrants for Capital Inmates Whose Sentences Are Final Does Not Implicate Any Conflict of Decisions or Offend Any Constitutional Principle.

Under Florida law, the Governor is assigned the responsibility and authority to issue warrants for execution once “the executive clemency process has concluded.” Fla. Stat. § 922.052(2)(b)-(c). “The sentence shall not be executed until the Governor issues a warrant . . . and transmits it to the warden, directing the warden to execute the sentence at a time designated in the warrant.” *Id.*, § 922.052(3). The Governor’s power to grant clemency is given by the Florida Constitution. *See* Fla. Const. art. IV, § 8(a). The Florida Supreme Court has “long recognized the Governor’s authority and discretion when signing death warrants.” *Beasley*, 2026 WL 2854502, at *6 (quoting *Tanzi v. State*, 407 So. 3d 385, 393 (Fla.), *cert. denied*, 145 S. Ct. 1914 (2025)). It has also “repeatedly held that the Governor’s broad discretion in selecting which death warrants to sign and when does not violate the United States Constitution or the Florida Constitution.” *Id.* (quoting *Zakrzewski v. State*, 415 So. 3d 203, 210 (Fla.), *cert. denied*, 146 S. Ct. 57 (2025)); *see also Hutchinson v. State*, 416 So. 3d 273, 280 (Fla.) (finding that the defendant had “failed to show that a discretionary standard in warrant selection (regardless of the decisionmaker) offends a discrete provision of the state or federal constitution”), *cert. denied*, 145 S. Ct. 1980 (2025).

In his fourth and final question presented, Beasly argues, as he did in state court, that the Governor’s discretion to determine which warrants to sign and when

violates the Eighth Amendment and due process. The state circuit court rejected this claim as untimely and procedurally barred because it could have been raised on direct appeal or in a previous postconviction motion. R. 605; *see Reynolds v. State*, 373 So. 3d 1124, 1126 (Fla. 2023) (“[A] postconviction litigant is barred from bringing any claims that could have been raised in prior litigation.”). That ruling is an independent and adequate state-law ground that deprives this Court of jurisdiction over the issue. *See Foster*, 578 U.S. at 497. And the Florida Supreme Court, citing its numerous prior decisions on that issue, further ruled that the claim was meritless. *Beasley*, 2026 WL 2854502, at *6-7. Even if this Court had jurisdiction, Beasley again fails to identify any conflict of decisions or unsettled federal-law question to warrant review. Sup. Ct. R. 10. Nor has he identified any error by the Florida Supreme Court.

To begin with, Beasley is not, in this portion of his Petition, challenging the constitutionality of his death sentence. He is arguing, rather, that the Governor’s enforcement of his long-final sentence is arbitrary and capricious and violates due process because Florida law does not require the Governor to explain why a warrant was signed for him as opposed to another warrant-eligible inmate. Yet Beasley cites no decision, by any court, requiring states to adopt any particular procedures for proceeding with an execution once a defendant’s death sentence has become final. Beasley’s reliance on the concurring opinions in *Furman v. Georgia*, 408 U.S. 238 (1972), is misplaced. *Furman* involved the manner in which the death sentence was imposed, not the enforcement of a death sentence that has been found lawful through decades of appellate, postconviction, and federal habeas review.

As the Florida Supreme Court has observed, this Court has never “required any specific procedures or criteria to guide the executive’s signing of warrants for death-sentenced inmates.” *Jennings v. State*, 422 So. 3d 107, 115 (Fla.) (quoting *Marek v. State*, 14 So. 3d 985, 998 (Fla. 2009)), *cert. denied*, 146 S. Ct. 402 (2025). To the contrary, this Court has said that “pardon and commutation decisions have not traditionally been the business of courts; as such, they are rarely, if ever, appropriate subjects for judicial review.” *Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 276 (1998) (quoting *Conn. Bd. of Pardons v. Dumschat*, 452 U.S. 458, 464 (1981)). Consistent with that principle, the decision to grant clemency or, alternatively, to issue a death warrant upon the conclusion of the clemency process is appropriately left to the executive branch under Florida law. *See Beasley*, 2026 WL 2854502, at *7 (stating that the Florida Supreme Court “has always viewed the pardon powers expressed in the [Florida] Constitution as being peculiarly within the domain of the executive branch of government”) (quoting *In re Advisory Op. of the Governor*, 334 So. 2d 561, 562-63 (Fla. 1976)). The Governor’s decision to sign Beasley’s warrant upon a determination that Beasley should not receive clemency does not render Beasley’s death sentence arbitrary and capricious, and Beasley identifies no facts that would constitute a denial of due process. Once again, there is no issue of federal law in this case that would warrant the extraordinary measure of a writ of certiorari.

Moreover, this case is again a poor vehicle even if review were otherwise proper. Beasley expresses indignation that he was selected for a death warrant despite his case purportedly being “younger than many [other] cases” and “involv[ing]

far fewer aggravating factors.” Pet. at 35. He does not, of course, say which other death row inmates he believes to be more worthy of execution than himself. His assertion that there are other cases younger than his own rings hollow given that his death sentence has been final for more than 25 years. And the brutality of the murder for which he was sentenced to death, as documented in the Florida Supreme Court’s direct appeal opinion, defies comparison to other cases. *See Beasley*, 774 So. 2d at 660 (“[T]he medical examiner testified that he found substantial defensive injuries on Mrs. Monfort, which were depicted in photos entered into evidence. Mrs. Monfort sustained such injuries to both hands, to her left forearm, to her left upper arm and upper chest area, and to the top of her left shoulder. In addition to these defensive blows, Mrs. Monfort received a minimum of fifteen to seventeen blows to the head. They were delivered with such force that the impacts fractured both her cheekbone and her left upper jaw; with such intensity that they fractured her skull (causing small fragment formation and brain laceration in the area); and with such savagery that the head of the hammer broke off its handle.”). This is not, by any measure, a case in which further review is warranted or appropriate.

CONCLUSION

The petition for a writ of certiorari should be denied.

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