

No. 26A405
CAPITAL CASE

EXECUTION SCHEDULED FOR
TUESDAY, SEPT. 29, 2026, AT 6:00 P.M.

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

RESPONSE TO APPLICATION FOR STAY OF EXECUTION

On September 24, 2026, Petitioner, Curtis Wilkie Beasley, represented by state postconviction counsel Bjorn E. Brunvand and J. Jervis Wise of the law firm of Brunvand, Wise, & Farinella, filed, in this Court, a petition for writ of certiorari seeking review of a decision by the Florida Supreme Court in this active warrant case. The petition raises four issues: (1) whether the death warrant scheduling Beasley's execution for 35 days from the date of the warrant violates the Fifth, Sixth, or Eighth Amendments; (2) whether the Florida Constitution's Eighth Amendment Conformity Clause violates the Eighth Amendment or the right to due process; (3) whether the Fifth, Sixth, or Eighth Amendments require unanimous jury sentencing in capital

cases; and (4) whether the Governor of Florida's authority to sign death warrants constitutes cruel and unusual punishment or a violation of due process. Beasley has also filed an application for a stay of execution based on that petition. This Court, however, should simply deny the petition and then deny the stay.

Stays of Execution

Stays of executions are not granted as “a matter of course.” *Hill v. McDonough*, 547 U.S. 573, 583-84 (2006). Rather, a stay of execution is “an equitable remedy” and “equity must be sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Id.* at 584. There is a “strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay.” *Nelson v. Campbell*, 541 U.S. 637, 650 (2004). Equity must also consider “an inmate’s attempt at manipulation.” *Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992). “Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Calderon v. Thompson*, 523 U.S. 538, 556 (1998). This Court has highlighted the State’s and the victims’ interests in the timely enforcement of the death sentence. *Bucklew v. Precythe*, 587 U.S. 119, 149-151 (2019). The people of Florida, as well as the families of the victims of capital crimes, deserve better than the excessive delays that now typically occur in capital cases. *Id.* at 149. The Court has stated that courts should police carefully against last-minute claims being used “as tools to interpose unjustified delay” in executions. *Id.* at 150. This Court has also repeatedly stated that last-minute stays

of execution should be the “extreme exception, not the norm.” *Barr v. Lee*, 591 U.S. 979, 981 (2020) (quoting *Bucklew*, 587 U.S. at 151, and vacating a lower court’s grant of a stay of a federal execution).

To be granted a stay of execution in this Court, Beasley must establish three factors: (1) a reasonable probability that the Court would vote to grant certiorari; (2) a significant possibility of reversal if review was granted; and (3) a likelihood of irreparable injury to the applicant in the absence of a stay. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). He must establish all three factors.

Probability of This Court Granting Certiorari Review

As to the first factor, there is little chance that four justices of this Court would vote to grant certiorari review on the issues raised in Beasley’s petition. None of Beasley’s issues identify a conflict of decisions or important and unsettled question of federal law to warrant review by this Court. *See* Sup. Ct. R. 10(b)-(c). And all of his constitutional arguments are, in any event, meritless. As to his first issue, which challenges the duration of the warrant period, the Florida Supreme Court correctly found that Beasley had failed to identify any due process, equal protection, or cruel-and-unusual-punishments violation from the 35-day warrant period. Beasley’s second issue, challenging the constitutionality of Florida’s Conformity Clause, was never raised in state court at all. Consequently, this Court lacks jurisdiction as to that issue. Moreover, the requirement that state courts must construe the prohibition against cruel and unusual punishment in conformity with this Court’s decisions interpreting the Eighth Amendment plainly does not violate the Eighth Amendment

or due process. Beasley's third issue, jury unanimity, was rejected in state court on independent and adequate state-law grounds. Moreover, this Court's precedent is clear that, while a jury must unanimously find at least one aggravating factor that makes the defendant eligible for the death penalty—which occurred in this case—there is no requirement that a jury must make any recommendation as to the appropriate sentence, let alone do so unanimously. Beasley's fourth and final issue, challenging the Governor's discretion to sign death warrants, was likewise rejected on independent and adequate state-law grounds. As the Florida Supreme Court also correctly determined, a discretionary standard for warrant selection and clemency does not violate any provision of the Constitution. There is little probability that the Court would vote to grant review under these circumstances. Beasley fails the first factor, which alone is sufficient to deny the motion for a stay.

Significant Possibility of Reversal

As to the second factor, there is not a significant possibility of reversal on the issues raised by Beasley. Again, this Court lacks jurisdiction as to three of the four issues raised. And Beasley fails to identify any error of law by the Florida Supreme Court, let alone a conflict of decisions or an important or unsettled federal question that would require this Court's intervention to resolve. There is no authority holding that a 35-day warrant period is unconstitutional—and the argument is all the more meritless in a case like this where the defendant has had more than *25 years* to raise to collateral challenges since his death sentence became final. Conforming Florida's prohibition on cruel and unusual punishments to the standards articulated by this

Court is clearly not a violation of the Eighth Amendment or the right to due process. It is settled law that the Constitution does not require a jury to make sentencing decisions, even in capital cases. And the Governor's authority to grant clemency or, alternatively, to sign death warrants for capital inmates whose death sentences are final does not offend any constitutional principle. Ultimately, there was no error at all in the proceedings below, let alone one that warrants certiorari review.

Irreparable Injury

As to the third factor of irreparable injury, none is identified. While the execution will result in Beasley's death, that is the inherent nature of a death sentence. The stay standard, derived from ordinary civil litigation, does not naturally fit the capital context, where finality is the execution itself. Beasley identifies no harm beyond that consequence. Moreover, this Court has stated in the capital context that "the *relative* harms to the parties" must still be considered, including "the State's significant interest in enforcing its criminal judgments." *Nelson*, 541 U.S. at 649-50 (emphasis added). Without finality, "the criminal law is deprived of much of its deterrent effect." *Calderon*, 523 U.S. at 555-56. The murder of Carolyn Monfort for which Beasley was sentenced to death occurred in 1995, and his death sentence has been final since 2001. Beasley fails this factor as well.

Equity Does Not Warrant a Stay

Finally, equity does not warrant a stay. Again, a stay of execution is an extraordinary equitable remedy, and this Court has emphasized that last-minute stays should be the "extreme exception, not the norm." *Lee*, 591 U.S. at 981. Beasley

has had decades to challenge his death sentence, and all of his collateral challenges have failed. He should not be granted additional time merely to attempt to raise further challenges. And all of Beasley's constitutional arguments are, in any event, meritless for the reasons discussed in the State's response to Beasley's petition. In contrast, the State's compelling interest in the timely enforcement of its criminal judgments and the corresponding interest in finality for the victim's family weigh decisively against a stay. The application should be denied.

Respectfully submitted,

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