

**IN THE
SUPREME COURT OF THE UNITED STATES**

WILLIAM REAVES

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

**RESPONSE TO APPLICATION FOR STAY OF EXECUTION
EXECUTION SCHEDULED FOR OCTOBER 20, 2026, AT 6:00 P.M.**

William Reaves, a Florida prisoner under an active death warrant with an execution scheduled for October 20, 2026, asks this Court to stay his execution for the first-degree murder of Indian River County Sheriff Deputy Richard Raczkoski on September 23, 1986, for which Reaves confessed, while it considers whether to grant certiorari. However, the questions Reaves presents (clemency and mitigation review) do not warrant a stay under *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). As thoroughly explained in the accompanying Brief in Opposition to certiorari, Reaves's questions do not merit this Court's review. Therefore, this Court should deny the stay.

As an initial point, Reaves also asks for a stay based on a request he made to intervene in *Guardado v. Richard Comerford, Sec'y, Dep't of Corr., et. al.*, No. 3:26-

cv-02596-MMH-SJH (M.D. Fla. Sept. 28, 2026) where Guardado filed a 42 U.S.C. § 1983 action challenging Florida’s administration of the lethal injection protocol. Reaves raised an Eighth Amendment as-applied challenge to Florida’s protocol in state court but did not raise that claim here. Further, he offers no argument under the *Barefoot v. Estelle* standard related to the lethal injection claim. Those failings are fatal to his request for a stay. Clearly, Reaves cannot meet the standard for a stay. There is no basis to stay this certiorari review on the speculation that Reaves will be permitted to intervene, obtain a stay in United States District Court for the Middle District of Florida, and have a significant likelihood of success on the merits. This is especially true where Reaves did not raise a similar attack in state court on the ground Guardado raised in federal court and Reaves did not file his own § 1983 action before his warrant was signed or shortly thereafter. Instead, he waited until four days before his execution to move to intervene in another capital defendant’s federal action. This Court should find Reaves’s attempt to intervene in Guardado’s federal case irrelevant to the stay requested in the instant certiorari petition.

A stay of execution is not granted as a “matter of course.” It is an equitable remedy, and “equity must remain sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Hill v. McDonough*, 547 U.S. 573, 583–84 (2006). To obtain a stay, Reaves must establish a reasonable probability that four Justices would vote to grant certiorari, a significant possibility of reversal, and a likelihood of irreparable harm. *Barefoot*, 463 U.S. at 895. This Court has further emphasized that last-minute litigation and dilatory claims

weigh heavily against equitable relief. *Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 503 U.S. 653, 654 (1992). Reaves cannot satisfy these requirements.

Reaves's first question is addressed to the constitutional sufficiency of his clemency process. The Florida Supreme Court noted that its precedent acknowledges Justice O'Connor's concurrence in *Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 276 (1998) and emphasized the "unlimited discretion vested solely in the executive branch" regarding clemency. It applied its precedent holding that a capital defendant does not have a right to clemency records nor does he have a constitutional right to effective clemency counsel. Finally, the court found Reaves's claim that his hearing loss "may have caused him to miss critical information during the clemency process" too speculative to support relief. *Reaves*, 2026 WL 3071534 at *3. Reaves's second question asks whether the Florida Supreme Court conducted a proper analysis of his mitigation presentation in his 2002 postconviction ineffective assistance of counsel claim, in his 2012 successive postconviction litigation, and as part of a procedurally barred cumulative error/manifest injustice claim in his state habeas petition under active warrant. *Reaves v. State*, No. SC2026-1512, 2026 WL 3071534 (Fla. Oct. 14, 2026). Neither question warrants certiorari review, much less, satisfies the high standard for granting a stay of an execution for a forty-year-old murder of a Deputy Sheriff. Reaves has not shown that Florida's clemency procedures warrant review in light of his speculative claim or that the application of a state procedural bar conflicts with a decision of this Court, a federal circuit court, or another state supreme court. There is no basis necessitating this Court's review.

Stays of Execution

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). Equity does not reward last-minute litigation designed to delay the imposition of lawful sentences. *See Nelson*, 541 U.S. at 650 (holding that there is a “strong equitable presumption against the granting 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”). The dilatory posture of Reeves’s claim weighs heavily against a stay.

“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, 149-51 (2019). The people of Florida, as well as surviving victims and their families, “deserve better” than the “excessive” delays that now typically occur in capital cases. *Id.* at 149. This 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. Also, this Court has stated that last-minute stays of execution should be the “extreme exception, not the norm.” *Id.*

To be granted a stay of execution, Reaves must establish three factors: (1) a reasonable probability that the Court would vote to grant certiorari; (2) a significant possibility of reversal if review were granted; and (3) a likelihood of irreparable injury to the applicant in the absence of a stay. *Barefoot v. Estelle*, 463 U.S. at 895. Reaves must establish all three factors, however, he has not.

Probability of This Court Granting Certiorari

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 here. Reaves has cited no conflict or unsettled question of law for this Court's review.

This Court has stated 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 (1985)). Even if “some *minimal* procedural safeguards apply to clemency proceedings,” *Woodard*, 523 U.S. at 289 (O'Connor, J., concurring) (original emphasis), they were satisfied when Reaves was appointed clemency counsel, submitted an application and information for clemency, and was granted an interview. The Constitution does not require the States to enact a specific clemency mechanism. *Herrera v. Collins*, 506 U.S. 390, 414 (1993). Further, Reaves's latest attempt to relitigate the Florida Supreme Court's review of its 2002 and 2012¹ mitigation presentation rests on the independent and

¹ In Reaves's second successive postconviction litigation, he challenged the mitigation review under *Porter v. McCollum*, 558 U.S. 30 (2009). *Reaves v. State*, 91 So. 3d 782 (Fla. 2012) (finding Porter is no retroactive to cases on collateral review). *See*

adequate ground of a state law procedural bar. This Court has long recognized state law bars as a valid basis to deny certiorari review. Here, Reaves fails the first *Barefoot v. Estelle* factor, which alone is sufficient to deny the motion for a stay.

Even without reliance on this independent and adequate state ground to deny certiorari, the granting of certiorari is unlikely because the Florida Supreme Court found that Reaves's constitutional challenge was meritless based on its multiple decisions rejecting similar challenges to the clemency process. *See Lukehart v. State*, No. SC2026-0736, 2026 WL 1480328, at *5 n. 13 (Fla. May 27, 2026) (reiterating that “under Florida and federal law, a defendant has no constitutional right to effective collateral counsel”), *cert. denied*, 146 S. Ct. 2697 (2026); *Randolph v. State*, 422 So. 3d 166, 174 (Fla.) (rejecting constitutional challenges to clemency process), *cert. denied*, 146 S. Ct. 819 (2025); *Zakrzewski v. State*, 415 So. 3d 203, 211 (Fla.), *cert. denied*, 146 S. Ct. 57 (2025); *Marek v. State*, 14 So. 3d 985, 998 (Fla.), *cert. denied*, 557 U.S. 960 (2009). *See also, Bowles v. DeSantis*, 934 F.3d 1230, 1242 n.8 (11th Cir. 2019) (finding because “there is no constitutional right to clemency, there is no constitutional right to effective assistance of counsel in clemency proceedings.”); *Banks v. Sec’y, Fla. Dep’t. of Corr.*, 592 F. App’x 771, 773 (11th Cir. 2014) (determining that clemency counsel's ineffectiveness was not a basis for challenging Florida's clemency process). Further, the basis for Reaves's clemency challenge, namely, his hearing loss, was determined to be speculative and therefore unworthy

generally, Reaves v. Sec’y Fla. Dep’t of Corr., 872 F.3d 1137 (11th Cir. 2017) (rejecting federal habeas petition raising ineffective assistance of penalty phase counsel).

of relief. Reaves's challenge to his clemency process does not warrant certiorari consideration and shows that it is unlikely certiorari would be granted.

Likewise, both the Florida Supreme Court and the Eleventh Circuit Court of Appeals reviewed penalty phase counsel's effectiveness in presenting mitigation and determined counsel rendered constitutionally reasonable representation under *Strickland v. Washington*, 466 U.S. 668 (1984). *Reaves v. State*, 826 So. 2d 932 (Fla. 2002) *Reaves*, 91 So. 3d at 783; *Reaves*, 872 F.3d at 1151-60. Reaves's recent attack on the mitigation decision was found procedurally barred. That determination does not require certiorari review and shows Reaves has failed the first prong of the *Barefoot v. Estelle* standard.

Significant Possibility of Reversal

As to the second factor, there is not a significant possibility of reversal on the issue raised by Reaves. The repeated acknowledgement of the unlimited discretion vested in the Governor to decide clemency issues and the speculative nature of Reaves's hearing loss to challenge the sufficiency of the process he admitted he received, shows the possibility of reversal is low. Similarly, the application of a state procedural bar to the mitigation claim shows the possibility on that factor is equally low as it is an independent and adequate basis for the decision below. As noted above, the claim was also found meritless given the multiple times the Florida Supreme Court reviewed Reaves's mitigation case under *Strickland*. This Court does not grant review where the decision below rests on independent and adequate state law, one that would not support reversal on the merits. Likewise, review is not likely given

the speculative and conclusory allegations raised in state court. Thus, Reaves's fails this factor as well.

Irreparable Injury

As to the third factor of irreparable injury, there is none. While the execution will result in Reaves's death, that is the inherent nature of a death sentence. The factors for granting a stay are taken from the standard for granting a stay as applied to normal civil litigation, which is not a natural fit in capital cases. In the capital context, more should be required for irreparable injury rather than the execution itself. Otherwise, this factor would automatically be satisfied in every capital case. In other contexts, this Court has clarified that the "purpose of such a stay is to prevent the execution date from 'interfer[ing] with the orderly processing of a petition on direct review by this Court.'" *Rodriguez v. Texas*, 515 U.S. 1307, 1307-08 (1995). And in *Williams v. Missouri*, 463 U.S. 1301, 1301-02 (1983), this Court explained that a stay would be warranted to prevent a defendant from being executed before having the opportunity to fully present his claim that his death sentence was unconstitutionally imposed. But those situations do not exist here. Likewise, this is not a case in which denying his stay would result in the execution of a defendant who should not be executed. Reaves faces no actual identifiable harm by the denial of his motion for stay under these circumstances. As discussed above, neither of his questions merit certiorari review as one is speculative at best and the other is procedurally barred. The denial of a stay will not hamper review of his claims.

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. Here, Reaves does not provide any unique or special argument as to why a last-minute stay is warranted in his specific case that outweighs the State’s interest in enforcing the law. Without finality, “the criminal law is deprived of much of its deterrent effect.” *Calderon v. Thompson*, 523 U.S. 538, 555-56 (1998). The real finality is the execution. Because Reaves points to no specific argument in support of this factor other than the imposition of his lawful sentence, he fails this prong as well.

Reaves fails to meet any of the three factors for being granted a stay of execution. Therefore, the application for a stay of execution should be denied.

Respectfully submitted,

JAMES UTHMEIER
ATTORNEY GENERAL OF FLORIDA

/s/ Scott A. Browne
SCOTT A. BROWNE
Chief Assistant Attorney General
Counsel of Record

LESLIE T. CAMPBELL
SENIOR ASSISTANT ATTORNEY GENERAL

LISA-MARIE LERNER
SENIOR ASSISTANT ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
3507 E. Frontage Rd., Ste. 200
Tampa, Florida 33607
Telephone: (813) 287-7900
Scott.browne@myfloridalegal.com
capapp@myfloridalegal.com

COUNSEL FOR RESPONDENT