

*****CAPITAL CASE*****

DOCKET NO. 26-5865

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM REAVES

Petitioner,

vs.

STATE OF FLORIDA.

Respondent.

**REPLY TO BRIEF IN OPPOSITION TO
PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA**

**DEATH WARRANT SIGNED
EXECUTION SET OCTOBER 20, 2026 at 6:00 P.M.**

BRITTNEY N. LACY*

Assistant CCRC-South

LacyB@ccsr.state.fl.us

**Counsel of Record*

Member of the Supreme Court Bar

YIITSODIRAH FINAL

Staff Attorney

FinalY@ccsr.state.fl.us

**CAPITAL COLLATERAL
REGIONAL COUNSEL-SOUTH**

110 S.E. 6th Street, Suite 701

Fort Lauderdale, FL 33301

Tel. (954) 713-1284

October 19, 2026

COUNSEL FOR PETITIONER

REPLY TO BRIEF IN OPPOSITION

Because the death penalty is the most severe punishment, the Eighth Amendment applies to it with special force. *Thompson*, 487 U.S., at 856, 108 S.Ct. 2687 (O'CONNOR, J., concurring in judgment). Capital punishment must be limited to those offenders who commit “a narrow category of the most serious crimes” and whose extreme culpability makes them “the most deserving of execution.” *Atkins*, *supra*, at 319, 122 S.Ct. 2242.”

Roper v. Simmons, 543 US. 551, 568 (2005).

Neither the facts presented at trial nor the mountain of mitigation presented in state and federal court in the years since place Mr. Reaves in this category.¹ Indeed, retired Assistant State Attorney Bruce Colton was quoted today stating that while “he continues to believe in the death penalty, he’d get no ‘feeling of satisfaction’ from seeing Reaves die.” Laurence Reisman, [Florida cop-killer execution to bring closure after 40 years?](#) TCPalm (Oct. 19, 2026)²

If this Court does not intervene, the State of Florida will execute a capital defendant after it failed to ensure he received proceedings that comport with the heightened degree of reliability as required by the Eighth Amendment to the United States Constitution. Florida continues to hide behind the façade that its actions are

¹ Alex DeLuca, *Veterans urge DeSantis to halt Vietnam veteran’s execution*, WASH. POST., Oct. 19, 2026, <https://www.washingtonpost.com/politics/2026/10/19/veterans-urge-desantis-halt-vietnam-veterans-execution/>

²<https://www.tcpalm.com/story/opinion/columnists/laurence-reisman/2026/10/19/attending-florida-execution-for-cop-killer-personal-decision/92268786007/?gnt-cfr=1&gca-cat=p&gca-uir=false&gca-epti=z11xx01p119650c119650e1163xxv11xx01&gca-ft=23&gca-ds=sophi>

insulated from review. Neither the power of the Executive nor that of State law can usurp the guarantee of the United States Constitution.

As to Reason I, the State continues to respond to arguments Mr. Reaves has not made. Mr. Reaves does not challenge the specific process that is available in clemency, he avers that he was precluded from participating in the existing process made available by the Executive Office of the Governor and the Florida Commission on Offender Review. The specific process made available by the State includes the submission of a written document on Mr. Reaves's behalf. Mr. Reaves was neither consulted about what to submit on his behalf, nor was he made aware of what, if anything, was ever submitted. Indeed, the State's Response is the first occasion in which it has even confirmed that counsel submitted *something* on Mr. Reaves's behalf. Resp. at 11.

Mr. Reaves details Hackworth's failures to demonstrate how counsel's failures resulted in his exclusion from the process. Contrary to the State's suggestion, Mr. Reaves does not argue that Hackworth was required to perform effectively. Resp. at 11. While Hackworth's actions are objectively unreasonable, Mr. Reaves acknowledges that this Court has not recognized a constitutional right to effective representation in clemency proceedings. However, Hackworth was not permitted to actively foreclose Mr. Reaves's access to the clemency process.

Notably, the State does not engage with the fact that the Contract between FCOR and Hackworth signed provides: "Attorneys/legal entity shall communicate with the client to determine how the client would like to proceed in his/her clemency

review process.” (a28). This did not occur. And even after Hackworth determined how **he** would proceed on Mr. Reaves’s behalf (without any input), he **refused** to communicate that decision to his own client. What’s more, Hackworth did not simply fail to inform Mr. Reaves, he actively ignored Mr. Reaves’s repeated attempts to contact him.

It cannot be understated that clemency is “the historic remedy for preventing miscarriages of justice where judicial process has been exhausted.” *Herrera*, 506 U.S. at 411–412 (footnote omitted). While no capital defendant has been granted clemency in over 40 years in Florida, just over a week ago, the Governor of Florida opted to withdraw the warrant of William Lee Thompson. While the withdrawal did not specify a reason, Mr. Thompson, through counsel, challenged his competency to be executed, noting his recent onset of dementia, a lifetime of intellectual disability the courts refused to hear, and his recent failing health. In other words, there are circumstances in which the Governor will withdraw a warrant, or elect not to sign one at all.

This is precisely why Mr. Reaves advanced **Reason II**. “Events that result in a person succumbing to the passions or frailties inherent in the human condition necessarily constitute valid mitigation under the Constitution and must be considered by the sentencing court.” *Cheshire v. State*, 568 So. 2d 908, 912 (Fla. 1990) (citing *Lockett v. Ohio*, 438 U.S. 586 (1978)). Mr. Reaves was denied this very protection. At no point has the Florida Supreme Court heard the culmination of all of the mitigation counsel failed to investigate and present at the penalty phase hearing.

The 2015 federal district court opinion granting relief is illuminating and powerful in its detailed assessment of counsel's failures, and Florida's unreasonable application of this Court's established controlling precedent. Mr. Reaves petitioned the Florida Supreme Court to use its habeas authority to correct this grave injustice.

That Florida relied on state law to deny Mr. Reaves relief is not dispositive. The State cannot, as it has here, rely on state procedural rules to deny Mr. Reaves access to his federal constitutional protections.

Further, the State's position ignores that Florida has entertained habeas petitions to revisit evolutions in law. *See, e.g., Downs v. Dugger*, 514 So. 2d 1069 (Fla. 1987); *Martin v. Dugger*, 515 So. 2d 185 (Fla. 1987); *Riley v. Wainwright*, 517 So. 2d 656 (Fla. 1987); *Darden v. Dugger*, 521 So. 2d 1103 (Fla. 1988); *Eutzy v. State*, 541 So. 2d 1143 (Fla. 1989); *O'Callaghan v. State*, 542 So. 2d 1324 (Fla. 1989); *Martin v. Singletary*, 599 So. 2d 121 (Fla. 1992); *Kennedy v. Singletary*, 602 So. 2d 1285 (Fla. 1992); *Mills v. Singletary*, 606 So. 2d 623 (Fla. 1992); *Johnson v. Singletary*, 612 So. 2d 575 (Fla. 1993); *Henderson v. Singletary*, 617 So. 2d 313 (Fla. 1993); *Mills v. Singletary*, 622 So. 2d 943 (Fla. 1993); *Atkins v. Singletary*, 622 So. 2d 951 (Fla. 1993); *Marek v. Singletary*, 626 So. 2d 160 (Fla. 1993); *Roberts v. Singletary*, 626 So. 2d 168 (Fla. 1993); *Lambrix v. Singletary*, 641 So. 2d 847 (Fla. 1994); *Porter v. State*, 653 So. 2d 374 (Fla. 1995); *Doyle v. Singletary*, 655 So. 2d 1120 (Fla. 1995); *White v. Singletary*, 663 So. 2d 1324 (Fla. 1995); *Jones v. Butterworth*, 691 So. 2d 481 (Fla. 1997); *McCray v. State*, 699 So. 2d 1366 (Fla. 1997); *Provenzano v. Moore*, 744 So. 2d 413 (Fla. 1999); *Glock v. Moore*, 776 So. 2d 243 (Fla. 2001); *Mills v. Moore*, 786 So. 2d

532 (Fla. 2001); *Johnston v. Moore*, 789 So. 2d 262 (Fla. 2001); *Downs v. Moore*, 801 So. 2d 906 (Fla. 2001); *King v. State*, 808 So. 2d 1237 (Fla. 2002); *Bottoson v. Moore*, 833 So. 2d 693 (Fla. 2002); *King v. Moore*, 831 So.2d 143 (Fla. 2002); *Diaz v. Crosby*, 869 So. 2d 538 (Fla. 2003); *Haliburton v. Crosby*, 865 So. 2d 480 (Fla. 2003); *Valle v. Crosby*, 859 So. 2d 516 (Fla. 2003); *Hertz v. Jones*, 218 So. 3d 428 (Fla. 2017); *Card v. Jones*, 219 2 So. 3d 47 (Fla. 2017); *Bailey v. Jones*, 225 So. 3d 776 (Fla. 2017)

At bottom, the State continues to minimize the significance of mitigation and the power it has on juries. While Mr. Reaves may not receive relief from any court, the historical record will show that Florida continues to “discount to irrelevance” powerful, compelling mitigation, denigrating the promise of this Court’s established jurisprudence. History will view this time in Florida’s justice system with ignominy.

CONCLUSION

For the reasons set forth above and in his Petition, this Court should grant certiorari to review the judgment of the Florida Supreme Court.

Respectfully submitted,

/s/ Brittney N. Lacy
BRITTNEY N. LACY
Assistant CCRC-South
Fla. Bar No. 116001
LacyB@ccsr.state.fl.us
**Counsel of Record*
Member of the Supreme Court Bar

YIITSODIRAH FINAL
Staff Attorney
Fla. Bar No. 1058816
FinalY@ccsr.state.fl.us

CAPITAL COLLATERAL REGIONAL
COUNSEL – SOUTH

110 S.E. 6th Street, Suite 701
Fort Lauderdale, FL 33301
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