

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

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**WILLIAM FRANCES SILVIA,**

*Petitioner*

**v.**

**SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,**

*Respondent.*

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

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**APPLICATION FOR STAY OF EXECUTION**

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**CAPITAL CASE**

**DEATH WARRANT SIGNED**  
**Execution Scheduled: August 18, 2026, at 6:00 PM ET**

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To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of  
the United States:

The State of Florida has scheduled the execution of Petitioner, William Frances  
Silvia, for Tuesday, August 18, 2026 at 6:00 PM ET. Pursuant to the Supreme Court  
Rule 23 and 28 U.S.C. § 2101(f), Mr. Silvia respectfully requests a stay of execution  
pending the disposition of his Petition for a Writ of Certiorari accompanying this  
application.

## **STANDARDS FOR A STAY OF EXECUTION**

The standards for granting a stay of execution are well established. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). There “must be a reasonable probability that four members of the Court would consider the underlying issue sufficiently meritorious for the grant of certiorari or the notation of probable jurisdiction; there must be a significant possibility of reversal of the lower court’s decision; and there must be a likelihood that irreparable harm will result if that decision is not stayed.” *Id.* (quoting *White v. Florida*, 458 U.S. 1301, 1302 (1982) (Powell, J., in chambers)).

## **PETITIONER SHOULD BE GRANTED A STAY OF EXECUTION**

The questions raised in Mr. Silvia’s Petition for a Writ of Certiorari are sufficiently meritorious for a grant of a writ of certiorari. The underlying issues present significant, compelling, questions of constitutional law and a stay is necessary to avoid Mr. Silvia being executed in violation of the United States Constitution before the questions are resolved. *Madison v. Alabama*, 586 U.S. 265 (2019); *Panetti v. Quarterman*, 551 U.S. 930 (2007); *Ford v. Wainwright*, 477 U.S. 399 (1986).

It is indisputable that Mr. Silvia will be irreparably harmed if his execution is allowed to go forward. The balance of equities weighs heavily in favor of a stay. Florida’s interest in the timely enforcement of judgments handed down by its courts must be weighed against Mr. Silvia’s continued interest in his life. *See Ohio Adult Parole Auth. v. Woodard*, 523 U.S. 272, 289 (1998) (“[I]t is incorrect . . . to say that a prisoner has been deprived of all interest in his life before his execution.”) (O’Connor,

J., plurality opinion). Florida has a minimal interest in finality and efficient enforcement of judgments, as compared to Mr. Silvia's rights and significant interest in ensuring that his execution comports with the Constitution. In addition, the irreversible nature of the death penalty supports granting a stay. "[A] death sentence cannot begin to be carried out by the State while substantial legal issues remain outstanding." *Barefoot*, 463 U.S. at 888. There is a significant possibility of the lower court's reversal, should this Court grant his request for a stay and review of the underlying petition. This Court's intervention is urgently needed to prevent Mr. Silvia's imminent execution.

Mr. Silvia's case presents important constitutional issues which deserve to be fully addressed by this Court free from the constraints of an accelerated schedule under a death warrant. As raised in the Question Presented, Mr. Silvia is being denied the right to "qualified counsel," as his legal team has been subjected to multiple overlapping death warrants. Mr. Silvia has a *state-created* right to counsel, which invokes his right to protections under the United States Constitution which guarantee Petitioner's due process and equal protection rights are not being violated. *See, Griffin v. Illinois*, 351 U.S. 12, 18 (1956) and *Eskridge v. Washington State Board of Prison Terms and Parole*, 357 U.S. 214, 216 (1958).

As a vulnerable prisoner under a fresh death warrant, Mr. Silvia has not received the same amount of quality attention from his court-appointed counsel. Through no fault of his own, or his attorneys, they have been pulled in multiple directions based on the volume of recent death warrants and executions of their other

court-appointed clients. This was especially true during the early stages of his death warrant, when counsel should have been focused on investigating potential claims, as well as providing emotional support to Mr. Silvia. However, counsel was also focused on providing emotional support to Mr. Occhicone, who's execution was scheduled a mere 11 days later, as well as preparing arguments to be submitted to this Court, as a final chance to obtain justice and relief for Mr. Occhicone. While counsel was recovering from the death of Mr. Occhicone they were required to attend the *Huff* hearing for Mr. Silvia's successive postconviction motion. During this hearing counsel for the state downplayed the emotional impacts of Mr. Occhicone's death on defense counsel, as well as the ability to focus on Mr. Silvia's case, by stating due to his death at the hands of the state less than 24 hours earlier they were no longer handling overlapping warrants. Ironically, Governor DeSantis signed a death warrant on yet another court appointed client of Mr. Silvia's counsel the following day.

Had he been given an evidentiary hearing, Mr. Silvia intended to call witnesses from the Executive Office of the Governor (EOG) to explain the unique and troubling circumstances regarding the signing of his warrant. Mr. Silvia's legal team has been served on three overlapping, death warrants for consecutive executions. There is a website in Florida, which the EOG should be well aware of, called the Comprehensive Case Information System (CCIS). That website was available for counsel for the EOG, as well as the Attorney General's Office to see who the counsel of record was, prior to signing Petitioner's death warrant. It is incomprehensible and a violation of Mr.

Silvia's rights, for the same counsel to be subjected to three overlapping death warrants for consecutive executions.

Lead Attorney Shakoor is one of fourteen attorneys who work for Capital Collateral Regional Counsel-Middle Region. Capital Collateral Regional Counsel-North Region has four lead attorneys and three second chairs. Capital Collateral Regional Counsel-South Region has five lead qualified attorneys. As of August 14, 2024, the Justice Administrative Commission website lists thirty-five attorneys on the Capital Collateral Attorney Registry for Florida. Based on this data, Attorney Shakoor is one of sixty-one attorneys practicing capital postconviction law in this state. The Florida Department of Corrections website currently lists 239 people on Florida's death row.<sup>1</sup> The specific number of people who have gone through clemency is unknown, in keeping with Florida's secretive process, but it defies statistical probability for Attorney Shakoor and his legal team to be subjected to three overlapping death warrants for consecutive executions. Additional scrutiny is required.<sup>2</sup> This Court should enter an equitable remedy<sup>3</sup> in the form of granting this application for a stay, so a complete evidentiary record can be made regarding the actions of Florida's EOG. It is well past time for this Honorable Court to intervene in what Florida is calling "unbridled discretion" for the governor to sign death warrants.

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<sup>1</sup> <https://pubapps.fdc.myflorida.com/OffenderSearch/deathrowroster.aspx>

<sup>2</sup> Of the 34 death warrants signed the past three years, Attorney Shakoor has represented eight of the deceased inmates **or soon to be deceased** inmates. (Loran Cole executed 8/29/24; James Ford executed 2/13/25, Glen Rogers executed 5/15/25; Thomas Gudinas executed 6/24/25; Michael King executed 3/17/26; Dominick Occhicone executed 7/28/26; William Silvia execution set for 9/8/26; and Harold Lucas execution set for 9/1/26).

<sup>3</sup> *Hill v. McDonough*, 547 U.S. 573, 584 (2006).

No executive is above the need for oversight, nor immune from following the Constitution of these United States.

Additionally, Mr. Silvia has raised multiple violations of his Fourteenth Amendment rights for due process and equal protection, which also warrants a stay of the proceedings so this Court can review the State of Florida statutorily created right to competent counsel to ensure it is being fairly and equitably applied to all similarly situated capital defendants.

### **CONCLUSION**

“The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). Mr. Silvia’s meritorious issues cannot possibly be heard in a meaningful manner with just days left until his execution. The important constitutional issues presented by Mr. Silvia’s case require a full appellate review that is not truncated by his imminent execution. Florida has led the nation in executions the past two years and has been accelerating at a pace that infringes on constitutional rights of men like William Silvia. This Court’s intervention is proper and necessary.

For the foregoing reasons, Mr. Silvia respectfully requests this Honorable Court grant his application for a stay of his execution scheduled for August 18, 2026, so the compelling constitutional questions in his case can be addressed on the merits.

DATED this 14th day of August, 2026.

/s/ Ali A. Shakoore

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