

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMAAL HOWARD,
Petitioner,

v.

TEXAS,
Respondent.

On Petition for a Writ of Certiorari
to the Texas Court of Criminal Appeals

MOTION FOR STAY OF EXECUTION

Petitioner Jamaal Howard is scheduled to be executed tomorrow, October 7, 2026, after 6:00 p.m. central time. He has filed in this Court a Petition for a Writ of Certiorari seeking review of the October 5, 2026, order of the Texas Court of Criminal Appeals (“CCA”) dismissing his claim that he is intellectually disabled and therefore ineligible for execution under *Atkins v. Virginia*, 536 U.S. 304 (2002). Howard asks this Court to stay his execution pending its consideration and disposition of that petition.

A stay is warranted if there is (1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari, (2) a fair prospect that a majority of the Court will vote to reverse the judgment below, and (3) a likelihood that irreparable harm will

result from the denial of a stay. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). Each is present here. The petition presents a question about the effect of changing clinical standards on *Atkins* claims, and this Court has already granted certiorari in a case concerning that effect. *Guerrero v. Johnson*, No. 25-1003 (U.S. cert. granted June 15, 2026). No court has ever decided whether Howard is intellectually disabled under the clinical standards that govern today. Under those standards, his full-scale IQ of 74 and the sworn testimony from his 2001 trial describing his adaptive deficits at ages 20 and 21 make far more than the threshold showing required to have his claim heard. The CCA could conclude otherwise only by measuring Howard's evidence against a diagnostic framework the medical community has discarded, and this Court's decisions forbid that. *Hall v. Florida*, 572 U.S. 701, 721 (2014); *Moore v. Texas*, 581 U.S. 1, 20 (2017). If a stay is not granted, Howard will suffer irreparable harm, because he will be executed before this Court can decide whether the Eighth Amendment forbids his execution.

Howard therefore asks the Court to stay his execution, currently scheduled for October 7, 2026, pending its consideration and disposition of his Petition for a Writ of Certiorari.

DATE: October 6, 2026

Respectfully submitted,

/s/ Don Bailey

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