

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

DOCKET NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM REAVES

Petitioner,

vs.

STATE OF FLORIDA.

Respondent.

**APPLICATION FOR A STAY OF EXECUTION
AND EXPEDITED CONSIDERATION OF PETITION FOR WRIT OF
CERTIORARI**

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

**To the Honorable Clarence Thomas, Associate Justice of the Supreme Court
of the United States and Circuit Justice for the Eleventh Circuit:**

William Reaves is scheduled to be executed **October 20, 2026, at 6:00 PM EDT**. This Court is Mr. Reaves' last opportunity to obtain meaningful access to Florida's clemency process and present the overwhelming mitigation his counsel failed to uncover and present to a jury. Mr. Reaves sought a stay of execution from the Florida Supreme Court. On October 14, the Florida Supreme Court affirmed the Indian River Circuit Court's denial of postconviction relief pursuant to Fla. R. Crim. P. 3.851. *William Reaves v. State*, SC2026-1512, SC2026-1519, 2026 WL 3071534 (Fla. Oct. 14, 2026).

Mr. Reaves respectfully requests a stay of execution pending this Court's disposition of his Petition for a Writ of Certiorari ("Petition"), filed simultaneously with this Application, and expedited consideration of the Petition.

Of note, on October 16, 2026, Mr. Reaves sought to intervene in the pending 42 U.S.C. § 1983 litigation filed by Jesse Guardado in the United States District Court for the Middle District of Florida. *See Guardado v. Comerford, Sec'y, Dep't of Corr., et. al.*, Case No. 3:26-cv-02596 (M.D. Fla. Filed Sept. 28, 2026). Mr. Guardado seeks declaratory and injunctive relief for imminent violations of his Eighth Amendment rights due to the Florida Department of Corrections maladministration of the execution protocols including the administration of expired drugs during the lethal injection process. Mr. Reaves is at risk of the same constitutional violations, and faces this imminent risk on Tuesday. Mr. Reaves maintains that the State of Florida should abstain from any executions until the process is thoroughly and adequately reviewed.

The district court has ordered the Defendants to respond to Mr. Reaves's motion to stay and motion to intervene by 10:00 a.m. on Monday, October 19. Thus, Mr. Reaves's pleadings remain pending as to the filing of the instant motion and corresponding petition.

JURISDICTION

This Court has jurisdiction to entertain Mr. Reaves's Petition and this Application for a Stay of Execution under 28 U.S.C §§ 1257(a) and 1651(a).

BACKGROUND

The State seeks to execute Mr. Reaves, a Vietnam veteran who suffered inconceivable trauma on behalf of his country and, as a result, was rated 100%

disabled by PTSD and developed a severe-medicating drug habit to cope with his mental illness. After a series of unconstitutional errors marring his proceedings and precluding the presentation of substantial, critical mitigation, Mr. Reaves was ultimately abandoned by clemency counsel during his last opportunity to obtain mercy.

On September 23, 1986 around 3:00 a.m., after a night of smoking cocaine, Mr. Reaves went to a nearby convenience store to call for a cab. Indian River County Sheriff's Deputy Raczkoski was dispatched to the location and subsequently called Mr. Reaves a cab. As the two spoke, a gun slipped from Mr. Reaves's waistband onto the ground. A scuffle for the gun ensued, during which Dep. Raczkoski told Mr. Reaves to give him the gun. Mr. Reaves replied that he would not give him the gun and just wanted to go home. Dep. Raczkoski began to retreat and reach for his weapon. The events triggered a PTSD response, and Mr. Reaves, already under the influence of cocaine, shot the officer. Dep. Raczkoski died later that morning.

Mr. Reaves first fled to an associate's home and was taken to a hotel in Melbourne, Florida. The following morning, Mr. Reaves took a bus to Albany, Georgia, where he was arrested by an undercover officer. Upon arrest, Mr. Reaves willingly gave a full confession, expressing his remorse, and explaining that he was under the influence of cocaine and did not intend to kill Dep. Raczkoski. He fired several shots. It was dark and raining. Mr. Reaves was unaware he hit Dep. Raczkoski and that the deputy died until later.

Mr. Reaves has maintained, and litigated, that Dep. Raczkoski's death was not

premeditated, and that the death penalty was not the appropriate sentence. The jury heard evidence of neither.

After the state court denied relief, based on a misapplication of its own law as to guilt phase issues and discounting to irrelevant the powerful mitigation Mr. Reaves sought to present at penalty, the federal district court determined the constitutional errors at trial in-fact warranted relief. The district court determined trial counsel's failure to investigate and present a defense theory of involuntary intoxication entitled Mr. Reaves to a new trial. The Eleventh Circuit reversed, finding Florida's failure to apply the proper law was a matter of independent state law precluding federal court intervention. On remand, the district court determined counsel's failures in investigating and presenting mitigation evidence including Mr. Reaves's incredible sacrifice for this country and childhood abuse, warranted penalty phase relief. Following Florida's footsteps, the Eleventh Circuit discounted to irrelevance the significance of Mr. Reaves's mitigation and reversed.

Three years ago, the Governor's Office initiated clemency proceedings, and the Florida Commission on Offender Review ("FCOR") contracted an attorney to represent Mr. Reaves. Mr. Reaves met with the lawyer minutes before his interview. After the interview, he never heard from the attorney again. The attorney neither spoke to him about or consulted him concerning his presentation to the clemency board in the form of a written submission after the interview. Mr. Reaves repeatedly requested a copy of his attorney's written submission on his behalf, which have gone ignored for over three years. Mr. Reaves remains in the dark about what, if anything,

his counsel prepared and submitted on his behalf in his final plea for mercy. As a result, Mr. Reaves was denied access to clemency proceedings meant to be the “fail safe” in our criminal justice system,” *Harbison v. Bell*, 556 U.S. 180, 192 (2009) (citing *Herrera v. Collins*, 506 U.S. 390, 415 (1993)).

This Court’s intervention is warranted.

REASONS FOR GRANT THE STAY

An application for stay of execution is evaluated under the familiar four factor test that analyzes:

- (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits;
- (2) whether the applicant will be irreparably injured absent a stay;
- (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and
- (4) where the public interest lies.

Nken v. Holder, 556 U.S. 418, 434 (2009). For the reasons discussed below, a stay is appropriate here.

A. Mr. Reaves has shown a reasonable likelihood of success on the merits of his claims.

Florida’s commitment to a clemency process in which proceedings can be found meaningful despite a defendant’s attorney providing no assistance as to prevent him accessing those proceedings runs afoul of the Due Process Clause of the Fourteenth Amendment as summarized in the Questions Presented in the Petition:

1. Whether the Constitution’s promise of due process is violated when state-appointed clemency counsel forecloses a death-sentenced defendant from

participating in the preparation and presentation of his own clemency case to the clemency board, and refuses to inform the defendant of the presentation submitted on his behalf.

2. Whether the Florida Supreme Court's repeated failure to take into account the diverse frailties of human kind in capital sentencing by consistently denigrating the force of proffered mitigating evidence, including significant mitigation of a combat veteran, violates the Eighth Amendment's prohibition of arbitrary, capricious and excessive punishment.

The Questions Presented in Mr. Reaves's Petition are cert-worthy and he is likely to prevail on the merits. This Court has recognized the critical function of clemency as the "fail-safe" in our criminal justice system." *Harbison v. Bell*, 556 U.S. 180, 192 (2009) (citing *Herrera v. Collins*, 506 U.S. 390, 415 (1993)). Likewise, a member of this Court has affirmed the appointment of clemency counsel for death-sentenced defendants as an assurance that such an irremediable punishment would not occur "without meaningful access to th[is] 'fail-safe.'" *Holiday v. Stephens*, 577 U.S. 999 (2015) (Sotomayor, J., statement respecting denial of certiorari) (quoting *Harbison*, 556 U.S. at 194). Mr. Reaves was wholly denied his opportunity to access his proceedings due to his attorney's clear lack of preparation, cursory contact with Mr. Reaves, and refusal to provide him with the clemency brief that of which he was the subject.

Furthermore, considerable precedent from this Court makes clear the importance of a complete mitigation presentation before a sentencer. *See Woodson v. North Carolina*, 428 U.S. 280, 304-305 (1976) (overturning death sentences imposed under a mandatory death sentence statute because "[a] process that accords no

significance to relevant facets of the character and record of the individual offender or the circumstances of the particular offense excludes from consideration in fixing the ultimate punishment of death the possibility of compassionate or mitigating factors stemming from the diverse frailties of humankind”); *see also Rompilla v. Beard*, 545 U.S. 374, 393 (2005); *Wiggins v. Smith*, 539 U.S. 510, 536-38 (2005); *Williams v. Taylor*, 529 U.S. 362, 398 (2000). The Florida Supreme Court has engaged in a patterned denial of Mr. Reaves’s attempts to present his complete mitigation history before a jury despite the “indispensable” nature of such sentencing information. *Gregg v. Georgia*, 428 U.S. 153, 190, 206 (1976).

In light of these expressions and to ensure that the Court gives the Petition due consideration, Mr. Reaves also respectfully requests that these papers be treated as a motion for expedited consideration of the Petition. *See* Eric M. Freedman, *No Execution if Four Justices Object*, 43 Hofstra L. Rev 639, 655 n. 67 (2015).

B. Mr. Reaves will suffer an irreparable harm absent a stay.

Mr. Reaves faces the ultimate deprivation. *See Ford v. Wainwright*, 477 U.S. 399, 411 (1986) (An “execution is the most irremediable and unfathomable of penalties.”); *see also Woodson v. North Carolina*, 428 U.S. 280, 305 (1976). There can be no dispute that Mr. Reaves will suffer irreparable harm unless this Court stays his execution pending disposition of his Petition.

As this Court has recognized for years, “the penalty of death is different in kind from any other punishment imposed under our system of criminal justice.” *Gregg v. Georgia*, 428 U.S. 153, 187 (1976). As a result, this Court has also established a need for heightened reliability in death sentences. *See Caldwell v. Mississippi*, 472 U.S.

320, 340 (1985) (quoting *Woodson*, 472 U.S. at 305).

Unfortunately, our system gets it wrong sometimes. Richard Glossip had nine death warrants and three final meals before being granted relief by this Court last year. *See generally Glossip v. Oklahoma*, 604 U.S. 226 (2025) (remanding for vacatur of conviction and new trial). After almost thirty years on death row and being just hours from death several times, Mr. Glossip was released from prison on bail pending retrial. Jim Vertuno, Former Oklahoma death row prisoner freed from jail as he awaits retrial in 1997 killing, Associated Press (May 14, 2026), <https://apnews.com/article/oklahoma-richard-glossip-death-sentence-overturned-execution-93cb95674a05161d219b2a54139d531f>.

Mr. Reaves continues to acknowledge his responsibility for Dep. Raczkoski's death and does not ask to be declared innocent. Nor does he ask to be released from prison. Mr. Reaves's case is riddled with constitutional errors and misapplications of law which resulted in a bare-boned mitigation presentation despite his considerable trauma history. Mr. Reaves simply seeks relief from this Court to present substantial and critical mitigation to a jury and to obtain meaningful access to his clemency proceedings to present this history.

C. A stay will not injure the other parties interested in the proceeding.

There is no reason to deny a stay and deny Mr. Reaves the review he is entitled. Defendants would not suffer harm from a stay to allow the Court to evaluate the violations Mr. Reaves avers and ensure his death sentence and impending execution are carried out in conformity with the Constitution. Where an individual's claim

underlying his desire for a stay of execution could mean further proceedings, that weighs heavily against a State's interest in the person's imminent execution. *See, e.g., In re Holladay*, 331 F.3d 1169, 1177 (11th Cir. 2003) ("Moreover, contrary to the State's contention that its interest in executing Holladay outweighs his interest in further proceedings, we perceive no substantial harm that will flow to the State of Alabama or its citizens from postponing petitioner's execution to determine whether that execution would violate the Eighth Amendment.").

D. The public interest lies in ensuring the State does not end a life, particularly that of its veterans, without adequate due process.

"Our Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines." *Porter v. McCollum*, 558 U.S. 30, 43 (2009) (per curiam). Indeed, it is unconstitutional to proceed with an execution of a defendant who was denied the opportunity to present the breadth and impact of his service before a jury. Such injury is compounded where the defendant is obstructed from participating in clemency proceedings which could save his very life.

When assessing the traditional equitable factors of the harm to the opposing party and the public interest, "[t]hese factors merge when the Government is the opposing party." *Nken*, 556 U.S. at 435. Undoubtedly, the State of Florida has an interest in the enforcement of criminal judgments. *Hill v. McDonough*, 547 U.S. 573, 584 (2006). Mr. Reaves seeks a stay of execution so that he can present the evidence of his combat history to a sentencer. The State's interest in executing Mr. Reaves is premised upon the enforcement of the judgment and death sentence being lawful.

When, as here, a litigant demonstrates that the enforcement of such a judgment would be unconstitutional, the public interest weighs in favor of the party whose constitutional rights will be violated. *United States v. Raines*, 362 U.S. 17, 27 (1960) (“[T]here is the highest public interest in the due observance of all the constitutional guarantees”). And any harm to the State in delaying Mr. Reaves’s execution is minimal. *Hartman v. Bobby*, 319 F. App’x 370, 371-72 (6th Cir. 2009).

The public has a strong interest in ensuring that the State does not end a life without adequate due process—as it seeks to do here by denying Mr. Reaves a fair opportunity to present his mitigation and participate in his final proceedings.

CONCLUSION

Accordingly, Mr. Reaves respectfully requests that the Court grant this Application, stay his execution, expedite consideration of his Petition, and grant any other relief that the Court may find just.

Respectfully submitted this the 17th day of October 2026.

Respectfully submitted,

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