

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DENNIS SOCHOR,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

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

CAPITAL CASE

DEATH WARRANT SIGNED
Execution Set: July 14, 2026, at 6:00 p.m.

APPLICATION FOR STAY OF EXECUTION

STANDARD 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. Sochor’s petition are sufficiently meritorious for a grant of certiorari, present significant questions of constitutional law, and are not subject to any legitimate procedural impediments.

In his accompanying Petition for Writ of Certiorari, Mr. Sochor challenges the Florida Supreme Court’s effective immunization of the Florida Department of Corrections from state court actions raising federal method-of-execution claims. Mr. Sochor further argues that the Florida law presumptively time-bars any federal method-of-execution claims by requiring that they be raised within one year of the conviction and sentence becoming final, unless they fit a narrow exception for claims based on newly discovered evidence. Even then, as Mr. Sochor establishes in his petition, the Florida Supreme Court has rendered this exception illusory.

This Court’s intervention is needed because the Florida Supreme Court has abdicated its responsibility to conduct meaningful appellate review in capital

postconviction cases, particularly those in a successor posture, like Mr. Sochor's, and instead, "in its regular practice . . . has become a rubber stamp for lower court death-penalty determinations." *Barclay v. Florida*, 463 U.S. 939, 973 (1983) (Stevens, J., concurring in the judgment).

Absent this Court's intervention, the irreparable harm to Mr. Sochor is clear. *Wainwright v. Booker*, 473 U.S. 935, 937 n.1 (1985) (Powell, J., concurring) (finding the requirement of irreparable harm as "necessarily present in capital cases"). Given the final nature of the death penalty there should be no point at which these considerations are foreclosed. "[E]xecution is the most irremediable and unfathomable of penalties; . . . death is different." *Ford v. Wainwright*, 477 U.S. 399, 411 (1986) (citing *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976) (opinion of Stewart, Powell, and Stevens, J.J.)). Mr. Sochor's petition presents questions of great importance regarding the analysis of a state court's duty to give full effect to a federal constitutional holding. It is an ideal vehicle for addressing the Florida Supreme Court's errors, and the questions at issue are of life-or-death importance for Mr. Sochor and for the other death-row inmates in Florida. Should this Court grant Mr. Sochor's request for a stay and review of the underlying petition, there is a significant possibility of lower court reversal.

CONCLUSION

For the foregoing reasons, Mr. Sochor respectfully requests that this Court grant his application for a stay of execution to address the constitutional matters in his capital case.

Respectfully submitted,

/s/ Paul Kalil

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