No. 26A686

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS M. OVERTON,
PETITIONER,

VS.

STATE OF FLORIDA,
RESPONDENT.

On Petition for a Writ of Certiorari to the Supreme Court of Florida

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REPLY TO RESPONSE TO APPLICATION FOR STAY OF EXECUTION

THIS IS A CAPITAL CASE
WITH AN EXECUTION SCHEDULED FOR
THURSDAY, NOVEMBER 19, 2026, AT 6:00 PM

JULISSA R. FONTAN
Counsel of Record

Law Office of the Capital Collateral Regional Counsel – Middle Region
Northern District of Florida
12973 N. Telecom Parkway
Temple Terrace, Florida 33637
(813) 558-1600 Ext. 613

Respondent urges this Court to deny a stay of execution, arguing that the questions Mr. Overton presented in his petition for writ of certiorari do not warrant a stay; and further arguing that the claims Mr. Overton raised were "last-minute" and "dilatory." Response at 2.

The Respondent insists that the questions raised in Mr. Overton's petition would not support a grant of certiorari because of Florida's longstanding and well settled state law grant of unfettered discretion to the governor to deny clemency and sign death warrant, as well as Florida's longstanding and well settled state law denying all access to any records generated in the clemency and warrant process.

However, this is precisely the reason that this Court must grant a stay of execution and a writ of certiorari: the longstanding and well settled state practices in Florida violate not only the separation of powers, but also Due Process and Equal Protection. The executive's explicit statement that clemency would never be granted to anyone convicted of murder renders the entire capital clemency process a sham and a legal impossibility.

This Court's intervention is urgently needed to prevent the imminent execution of Mr. Overton, who is undoubtedly deserving of the protections from the death penalty provided by the Eighth and Fourteenth Amendments. The Florida Supreme Court refuses to apply these constitutional protections; as a result, this Court should grant a stay of execution and grant a writ of certiorari.

CONCLUSION

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

Respectfully submitted,

/s/ Julissa R. Fontan
Florida Bar No. 0032744
Counsel of Record
Law Office of the Capital Collateral
Regional Counsel – Middle Region
12973 N. Telecom Parkway
Temple Terrace, Florida 33637
Phone No. (813) 558-1600 Ext. 613
fontan@ccmr.state.fl.us
support@ccmr.state.fl.us