

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

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IN THE  
**Supreme Court of the United States**

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EDWARD THOMAS JAMES,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

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**APPLICATION FOR STAY OF EXECUTION**

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***THIS IS A CAPITAL CASE  
WITH AN EXECUTION SCHEDULED FOR  
THURSDAY, MARCH 20, 2025, AT 6:00 PM***

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**Dawn Macready\***

*\*Counsel of Record*

Florida Bar Number 0542611

Dawn.Macready@ccrc-north.org

Capital Collateral Regional Counsel - North

1004 DeSoto Park Drive

Tallahassee, Florida 32301

(850) 487-0922

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

The State of Florida has scheduled the execution of Petitioner, Edward Thomas James, for **March 20, 2025, at 6:00 p.m.** The Florida Supreme Court denied relief on March 13, 2025. Mr. James also filed an Emergency Motion for Certificate of Appealability, as well as a motion to stay his execution in the United States Court of Appeals for the Eleventh Circuit on March 6, 2025. Both were denied. Mr. James respectfully requests that this Court stay his execution, pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f), pending consideration of his concurrently filed petition for a writ of certiorari.

#### **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.* (internal quotations omitted).

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

The questions raised in Mr. James’ petition 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. James being

executed in violation of the Sixth, Eighth and Fourteenth Amendments to the United States Constitution.

As explained in Mr. James' underlying petition, Mr. James' case presents important constitutional issues which deserve to be fully addressed by the Court free from the constraints of a warrant. The State of Florida continues to be an extreme outlier when it comes to nonunanimous jury recommendations, thereby rendering Mr. James' death sentence and impending execution in violation of the Eighth Amendment's prohibition against cruel and unusual punishment. Nonunanimous jury recommendations do not comport with the evolving standards of decency; and executing an individual like Mr. James whose death sentence was imposed by a nonunanimous jury recommendation constitutes cruel and unusual punishment under the Eighth Amendment. Additionally, in the instant case, the Supreme Court of Florida placed undue emphasis on Mr. James' waiver and refused to reconsider its rulings regarding the timeliness of his ineffective assistance of counsel and competency claims. Reconsideration of the lower courts' rulings regarding timeliness and competency are warranted. *See Boykin v. Alabama*, 395 U.S. 238, 243-44 (1969); *Drope v. Missouri*, 420 U.S. 162, 171-72 (1975). This Court has made clear that the criminal trial of an incompetent defendant violates due process, *Drope*, 420 U.S. at 171, and that this due process right cannot be waived, *Pate v. Robinson*, 383 U.S. 375, 384 (1966), however, courts have struggled with implementation of these principles. There is a present lack of consensus in state and federal courts alike regarding whether a substantive claim of a defendant's mental incompetency can be subject to

a time or procedural bar. This jurisprudential split has significant consequences for some of the most vulnerable criminal defendants—those who are incompetent—and calls for intervention by this Court.

Furthermore, a stay of execution would ensure a meaningful review process and make certain that Mr. James is not denied due process. “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) (emphasis added). The issues present in the instant case require appellate review that is not truncated by the exigencies of an imminent execution. A stay of execution should be granted.

It is indisputable Mr. James will be irreparably harmed if his execution is allowed to go forward, and 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. James’ 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, but Mr. James, who lacked counsel for almost a decade despite suffering from brain damage, dementia, and incompetence during prior court proceedings, has a right in ensuring that his execution comports with the Constitution. This right includes the ability to have meaningful judicial review of the complex constitutional claims he raises.

Public interest demands a stay and Mr. James' claims deserve to be considered outside of the accelerated constraints of his execution being scheduled mere days later. In addition, the irreversible nature of the death penalty frequently supports in favor of 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. Should this Court grant the request for a stay and review of the underlying petition, Mr. James submits there is a significant possibility of the lower court's reversal. This Court's intervention is urgently needed to prevent Mr. James' imminent execution despite the protections from the death penalty provided by the Sixth, Eighth, and Fourteenth Amendments.

### CONCLUSION

For the foregoing reasons, Mr. James respectfully requests that the Court grant his application for a stay of his March 20, 2025 execution to address the compelling constitutional questions in his case on the merits.

Respectfully submitted,

/s/ Dawn Macready

Dawn Macready \*

*\*Counsel of Record*

Florida Bar Number 0542611

Email: Dawn.Macready@ccrc-north.org

Capital Collateral Regional Counsel - North

1004 DeSoto Park Drive

Tallahassee, Florida 32301

Tel: (850) 487-0922

March 17, 2025

Dated