

No. 24A890

IN THE
Supreme Court of the United States

EDWARD THOMAS JAMES,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

**REPLY TO RESPONSE TO
APPLICATION FOR STAY OF EXECUTION**

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

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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:

Respondent's position that this Court should deny Mr. James a stay of execution is premised upon mischaracterizations of his claims, the facts supporting those claims, and misapprehension of the applicable law. Mr. James submits that he has shown that a stay of execution is appropriate pursuant to this Court's three-factor test in *Barefoot v. Estelle*, 463 U.S. 880 (1983).

I. Reasonable probability of certiorari grant

Respondent argues that "there is little chance that four justices of this Court would vote to grant certiorari review on the issues raised here," and that "the procedural bar applied in state court below is reason enough to deny review." Response at 3. Respondent argues rather simplistically that this Court does not grant review of issues that are matters of state law. Response at 3. However, the questions presented by Mr. James are not merely matters of state law and therefore, are not precluded from this Court's consideration.

The Florida Supreme Court found that Mr. James' Eighth Amendment claim regarding his non-unanimous jury sentencing was meritless because this Court's Eighth Amendment precedent does not require a unanimous jury recommendation for death. See PET at 21. This finding makes clear that the court did not actually rely on an adequate or independent state ground because its ruling was based on the merits, which are inextricably tied to the federal question.

Additionally, Respondent argues that Mr. James' second question presented – involving Florida's procedural rulings which have precluded a merits review of his constitutional claims – was not properly presented in his post-warrant litigation, and therefore, this Court has no power to consider it. Response at 3. This argument is addressed in Mr. James' Reply to Brief in Opposition filed contemporaneously with this Reply. Reply to BIO at 6-7. As argued therein, Mr. James did in fact properly raise this issue before the state court in his state habeas petition.

Based on the foregoing, there is a reasonable probability that four Justices, when evaluating Mr. James' claims, will find the issues sufficiently meritorious to grant certiorari review.

II. Significant possibility of reversal

Respondent argues that there is no significant possibility of reversal on the Eighth Amendment issue regarding non-unanimous jury sentencing. Response at 4-5. In support of this argument, Respondent asserts that because the Eighth Amendment does not require jury sentencing, then it cannot require unanimous jury sentencing. *Id.* This ignores Mr. James' argument that his death sentence violates the evolving standards of decency, which notably includes a national consensus in favor of unanimous capital jury sentencing. Also supporting Mr. James' evolving standards of decency argument is this Court's decision in *Ramos*, recognizing that a unanimous jury is required to convict a defendant of a serious offense under the Sixth Amendment. This societal consensus more closely comports with the Framers' intent at our founding. This Court should intervene in this instance to prevent Florida's

unconstitutional use of its conformity clause to abdicate its responsibility for ensuring that death sentences comport with Eighth Amendment considerations.

Respondent also argues that there is no significant possibility of reversal on the issue regarding a procedural bar to a competency claim in violation of the Due Process Clause. Response at 5. Again, Respondent misconstrues Mr. James' claim here. This is not a relitigation of Mr. James' prior competency claim. Mr. James is asserting that his postconviction proceedings have not comported with fundamental fairness because (1) he has never received a merits review of his substantive competency claims, and (2) new evidence undermines previous competency findings, and that this does not comport with fundamental fairness.

III. Irreparable injury

Respondent contends that this factor is not a "natural fit" for capital cases because execution is "the inherent nature of a death sentence." Response at 6. This assertion is invalidated by the fact that the stay in *Barefoot v. Estelle* was an application for a stay of execution. 463 U.S. 880 (1983). To accept Respondent's allegation that death-sentenced individuals must satisfy a more onerous specificity standard than individuals seeking a stay in other contexts would weaponize the severity of this particular injury – an individual's death – and pervert this Court's precedent.

IV. Conclusion

Mr. James has demonstrated that the questions involving (1) his Eighth Amendment non-unanimous jury claim, and (2) his claim under the Sixth, Eighth,

and Fourteenth Amendments that Florida's procedural rulings precluded a merits review of his constitutional claims, satisfy this Court's three-factor test to grant a stay of execution. *See Barefoot*, 463 U.S. at 895.

Respectfully submitted,

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March 19, 2025

Dated