

IN THE SUPREME COURT OF FLORIDA
CASE NO. SC2025-0872

RICHARD KNIGHT,

Petitioner,

v.

EMERGENCY CAPITAL CASE,
DEATH WARRANT SIGNED;
EXECUTION SCHEDULED
MAY 21, 2026 AT 6:00 PM

RICKY D. DIXON,

Secretary, Fla. Dep't of Corrections,
Respondent.

_____ /

EMERGENCY MOTION FOR STAY OF EXECUTION

COMES NOW THE PETITIONER, RICHARD KNIGHT, by and through his undersigned counsel, and herein moves the Court to stay Mr. Knight's execution, presently scheduled for May 21, 2026, at 6:00 PM, pending this Court's resolution of the above-captioned matter. In support thereof, Mr. Knight states as follows:

On or about June 20, 2025, Mr. Knight filed a Petition for Writ of Habeas Corpus in this Court, arguing that his death sentences must be reversed in light of *Erlinger v. United States*, 602 U.S. 821 (2024). The Court requested a response from the State, which it filed on or about July 8, 2025. Mr. Knight subsequently filed a Reply on or about July 31, 2025. The petition remains pending.

Despite the pendency of Mr. Knight's petition in this Court, Governor DeSantis, on April 21, 2026, signed a death warrant for Mr. Knight, scheduling his execution for May 21, 2026, at 6:00 PM.

Mr. Knight moves for a stay of his execution in order for the Court to reach a determination on the important constitutional issues presented in his habeas petition. The significant constitutional issues presented in Mr. Knight's habeas petition should not be litigated under the exigencies of a death warrant.

A stay of execution is appropriate "when there are 'substantial grounds upon which relief might be granted.'" *Chavez v. State*, 132 So. 3d 826, 832 (Fla. 2014) (quoting *Buenoano v. State*, 708 So. 2d 941, 951 (Fla. 1988)). This Court may enter a limited stay of execution to meaningfully consider complex legal bases even if, on first appearance, the possibility of relief seems remote. *See King v. Moore*, 824 So 2d 127, 128 (Fla. 2002) (Harding, J., concurring) (agreeing with issuance of a stay due to "possibility" of merit, despite prior actions by the United States Supreme Court "seemingly send[ing] a clear message" that no relief was due).

Stays are particularly appropriate where, as in Mr. Knight's case, a warrant is set on a short timeframe. *See Jimenez v. State*, No. SC18- 1321 (Fla. Aug. 10, 2018) (granting stay of execution on a 27-day warrant and modifying nunc pro tunc the expedited post-warrant scheduling order without making any findings of substantiality on any issue); *see also Jimenez v. State*, 265 So. 3d 462, 493 (Fla. 2018) (Pariente, J., concurring) (explaining that the “extreme that “[t]he postconviction court and Jimenez’s attorneys were forced to race against the clock in reviewing and presenting all of Jimenez’s claims, respectively” and that without a stay there would be “inadequate time to thoroughly review his claims”).

A stay is necessary for this Court to have a meaningful opportunity to review Mr. Knight's claim that that United States Constitution and established State and Federal law prohibit his execution.

WHEREFORE, based on the foregoing, Mr. Knight moves this Court to issue an order staying his execution scheduled for May 21, 2026, at 6:00 PM.

Respectfully Submitted,

/s/Todd Scher

TODD SCHER

Assistant CCRC-South

Florida Bar No. 0899641

TScher@msn.com

MICHAEL T. COOKSON

Staff Attorney

Florida Bar No. 1057838

CooksonM@ccsr.state.fl.us

CAPITAL COLLATERAL

REGIONAL COUNSEL-SOUTH

110 SE 6th Street, Suit 701

Fort Lauderdale, FL 33301

(954) 713-1284

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 24, 2026, a true copy of the foregoing has been furnished by electronic service to opposing counsel using the State of Florida E-Filing Portal.

/s/Todd Scher

TODD SCHER
Assistant CCRC-South
Florida Bar No. 0899641

COPIES PROVIDED TO:

Lisa-Marie Lerner, AAG

Lisamarie.Lerner@myfloridalegal.com

CapApp@MyFloridaLegal.com

Leslie T. Campbell, Senior AAG

Leslie.Campbell@MyFloridaLegal.com