No. 24-255

IN THE

Supreme Court of the United States

DARRYL SCOTT STINSKI,
Petitioner,

v.

SHAWN EMMONS, WARDEN PRISON,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

BRIEF FOR UNITED STATES CONFERENCE OF CATHOLIC BISHOPS AND GEORGIA CATHOLIC CONFERENCE AS AMICI CURIAE IN SUPPORT OF PETITIONER

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STATEMENT OF INTEREST OF AMICI CURIAE

Amicus United States Conference of Catholic Bishops (USCCB or the Conference) is a nonprofit corporation whose members are the active Catholic Bishops in the United States. The USCCB advocates for and promotes the pastoral teaching of the U.S. Catholic Bishops in such diverse areas of the nation's life as the free expression of ideas, fair employment and equal opportunity for the underprivileged, the importance of education, and the sanctity of human life.[1]

Amicus Georgia Catholic Conference is the association of Catholic Bishops of Georgia which speaks for the bishops in matters of public concern to promote the common good of the people of Georgia. Consistent with the teaching of the Catholic Church and its need to protect human life, the Conference opposes the taking of human life through capital punishment.

FACTUAL BACKGROUND

Prior to engaging in the acts for which he is imprisoned—acts committed when he was 18 years old—Darryl Stinski endured instability, neglect, abandonment, and abuse from an early age. Petition Appendix ("App.") 64a, 69a-73a. Mr. Stinski suffered from mental-health conditions including post-traumatic stress disorder, adjustment disorder with depressed features, a learning

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[1] No counsel for a party authored this brief in whole or in part, and no entity or person, other than amici curiae, their members, and their counsel, made a monetary contribution intended to fund the preparation or submission of this brief. Counsel of record for the parties received notice of amicus' intent to file this brief at least 10 days prior to its due date.

disability, and Attention-Deficit/Hyperactivity Disorder. App. 7a. Experts testified that such conditions likely contributed to Mr. Stinski being emotionally immature, impulsive, particularly susceptible to peer pressure, and may have interfered with his ability to comprehend the consequences of his actions. App. 6a-7a.

While Mr. Stinski's actions require accountability, morality demands that jurors have access to all relevant information—including that relevant to Mr. Stinksi's ability to comprehend the meaning of his actions—before it can justly impose the most irreversible and severe consequence possible, that of death.

Upon postconviction review, Mr. Stinski presented a strong case that his trial attorney provided ineffective assistance—specifically at sentencing—and that this contributed to the imposition of a death sentence instead of life without parole. App. 9a. Mr. Stinski's counsel had no experience conducting the sentencing phase of a capital trial and admitted he felt anxious and inadequate. The attorney did not present—and thus the jury did not hear—mitigating evidence from three doctors whose expert testimony focused on deficiencies in Mr. Stinski's brain functioning that could have left him uniquely susceptible to outside influence in high-stress situations. App. 9a. Such evidence would have been relevant to Mr. Stinski's argument that he should be viewed as an adolescent at the time of the crimes and thus less culpable, and therefore more likely to avoid a death sentence. App. 9a.

After being denied post-conviction relief, Mr. Stinski sought federal relief under 28 U.S.C. § 2254. App. 11a. But the district court applied two layers of deference—under both § 2254(d)(2) and § 2254(e)(1)—to the state court's factual determinations and denied Mr.

Stinski's petition. App. 12a. On appeal, the Eleventh Circuit, bound by recent *en banc* precedent, affirmed, holding that in every case in which a petitioner challenges a state-court decision under 28 U.S.C. § 2254(d)(2), both § 2254(d)(2) and § 2254(e)(1) deference must be applied. App. 15a, 23a (citing *Pye* v. *Warden*, 50 F.4th 1025, 1034 (11th Cir. 2022) (en banc)).

The circuits are divided regarding when and how to apply § 2254(e)(1). *Compare Pye*, 50 F.4th at 1034 (applying two levels of deference), *with Taylor* v. *Maddox*, 366 F.3d 992, 999-1000 (9th Cir. 2004), *overruled on other grounds by Murray* v. *Schiriro*, 745 F.3d 984 (9th Cir. 2014) (applying § 2254(d)(2) to review of the existing state-court record and § 2254(e)(1) to the introduction of new evidence in post-conviction relief); *see also* Pet. 2 (collecting cases from other circuits). Mr. Stinski now seeks a writ of certiorari, requesting that this Court determine whether § 2254(e)(1) applies in habeas cases based solely on the state-court record.

SUMMARY OF ARGUMENT

At its core, justice requires rendering to each that which is due to him as a matter of right. *The Summa Theologiæ of St. Thomas Aquinas* (2d. ed. 1920), II-II, q. 58, art. 1. Authentic justice is inseparable from truth. As Pope Francis has observed, justice requires truth. *Pope: Justice Must Always Accompany the Search for Peace*, Vatican News (Apr. 8, 2022). A jury deprived of a chance to consider the full truth risks rendering an incomplete, defective judgment that further perpetrates injustice. For Mr. Stinski, that means death.

Should the Court find that both of the competing interpretations of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) are permissible readings of the

statute, amici urge the Court to resolve the circuit split by choosing the reading that best preserves and implements justice. In part, such an interpretation requires affording the jury the opportunity to evaluate all relevant evidence—both in aggravation and in mitigation—when it weighs a death sentence. Such a standard is necessary to protect the sanctity of life and ensure the maximum justice and fairness in cases where that most irreversible of penalties is at stake.

In this light, the application of "double deference" to the state court's factual determinations is inappropriate. Such a procedure wrongly prevents a holistic review of what is due to Mr. Stinski. It would further wrongly deprive the jury of the benefit of all relevant, mitigating evidence that could mean the difference between life and death.

Procedural rules exist to promote justice; they do not serve their own ends. *See, e.g.*, Fed. R. Crim. P. 2 ("These rules are to be interpreted to provide for the just determination of every criminal proceeding … ."). AEDPA's exceptions (i.e., when a state court's adjudication "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding," 28 U.S.C. § 2254(d)(2)) should be interpreted to provide juries every opportunity to achieve justice. Justice is not served by artificially barring evidence for the sake of procedure.

St. Augustine once pondered, "Justice being taken away, then, what are kingdoms but great robberies?" St. Augustine, *The City of God Vol. 1*, at 139 (Project Gutenberg, 2014). States and robbers both use violence to attain their goals, but the legitimacy of the former rests on their actions in service of the common good, which

includes the duty to promote truth, fairness, and justice. These principles demand that courts treat human life with the utmost reverence, including by ensuring that all mitigating evidence be given the fullest consideration by the jury. We urge the Court to grant certiorari, correct the injustice visited upon Mr. Stinski, and promote the application of justice in future cases.

ARGUMENT

I. WHERE LIFE IS AT STAKE, IT IS MORE CRITICAL TO JUSTICE THAT JURIES HAVE LIBERAL ACCESS TO COMPLETE EVIDENCE

"True mercy is … the most profound source of justice." Pope St. John Paul II, Encyclical Letter *Dives in Misericordia* § 14 (Nov. 30, 1980). Mercy does not negate the need for accountability, but it does require that even those convicted of heinous crimes be treated with compassion and fairness. "In this way authority also fulfils the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated." Pope St. John Paul II, Encyclical Letter *Evangelium Vitae* ¶ 56 (Mar. 25, 1995).

In cases involving capital punishment, in which a person's life is at stake, this principle takes on critically heightened significance. In Mr. Stinski's case, both mercy and justice require, at a minimum, that he be entitled to present every possible piece of evidence to the jury that decides his fate.

This is particularly crucial given the irreversible consequences of the death penalty. Though the Church acknowledges that "[r]ecourse to the death penalty on the part of legitimate authority, *following a fair trial*, was long considered an appropriate response to the

gravity of certain crimes and an acceptable, albeit extreme, means of safeguarding the common good," there is now "an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes." *Catechism of the Catholic Church* § 2267, at 546 (emphasis added). Pope St. John Paul II was the first modern pope to suggest limiting the use of the death penalty, calling on civil authorities to implement "a system of penal justice ever more in line with human dignity and thus, in the end, with God's plan for man and society."[2] *Evangelium Vitae* ¶ 56. "In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated." *Id.*

Pope Francis has continued this line of teaching, repeatedly calling for the abolition of the death penalty and describing it as an offense against the Gospel. *See* Encyclical Letter *Fratelli Tutti* ¶ 263 (Oct. 3, 2020) ("Today we state clearly that the death penalty is inadmissible and the Church is firmly committed to calling for its abolition worldwide." (internal quotation omitted)). "The firm rejection of the death penalty shows to what extent it is possible to recognize the inalienable dignity of every human being and to accept that he or she has a place in this universe." *Id.* ¶ 269. By executing Mr. Stinski, the state would irreversibly extinguish his life via an unjust

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[2] Christian opposition to the death penalty, however, is not solely a modern development. As Pope Francis has observed, "[f]rom the earliest centuries of the Church, some were clearly opposed to capital punishment." *Fratelli Tutti* ¶ 265 (Oct. 3, 2020) (collecting examples) ("Do not let the atrocity of their sins feed a desire for vengeance, but desire instead to heal the wounds which those deeds have inflicted on their souls" (quoting St. Augustine, *Epistola ad Marcellinum* 133, 1.2: PL 33, 509)).

process in which jurors were deprived of relevant information about his mental development related to his degree of culpability.

II. THE IRREVERSIBILITY OF THE DEATH PENALTY CREATES A MORAL IMPERATIVE TO GIVE JURIES EVERY OPPORTUNITY TO HEAR FULL TRUTH

"Every human person possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter. This principle, which is fully recognizable even by reason alone, underlies the primacy of the human person and the protection of human rights." Decl. of the Dicastery for the Doctrine of the Faith, *Dignitas Infinita* ¶ 1 (Aug. 4, 2024). The death penalty "violates the inalienable dignity of every person, regardless of the circumstances." *Id.* ¶ 34.

To be sure, the positive law of the United States continues to permit the death penalty's use. *Gregg* v. *Georgia*, 428 U.S. 153, 187 (1976). But this Court has repeatedly recognized—consistent with the Catholic understanding of human dignity—that "death is different." *Id.* (citing *Furman* v. *Georgia*, 408 U.S. 238, 313 (1972) (White, J., concurring)); *see also Beck* v. *Alabama*, 447 U.S. 625, 637 (1980) ("[T]here is a significant constitutional difference between the death penalty and lesser punishments. 'Death is a different kind of punishment from any other which may be imposed in this country. … From the point of view of the defendant, it is different in both its severity and its finality.'" (quoting *Gardener* v. *Florida*, 430 U.S. 349, 357 (1977))); *Woodson* v. *North Carolina*, 428 U.S. 280, 305 (1976) ("[T]he penalty of death is qualitatively different from a sentence of imprisonment, however long. … Because of that qualitative difference, there is a corresponding difference in the

need for reliability in the determination that death is the appropriate punishment in a specific case."). These precedents and others insist on fairness and adequate process to ensure that the sentence is not imposed without due consideration.

Among the reasons for observing strict procedural rules in favor of the offender is to prevent the court from imposing death in error. "The Church has rightly called attention to … the possibility of judicial error" in death-penalty cases, recognizing the dire consequences that stem from an unjust application of the death penalty, whether to an innocent person or to one who, potentially like Mr. Stinski, possesses reduced culpability due to a mental illness or other condition. *Fratelli Tutti* ¶ 268. Denying Mr. Stinski the opportunity to present mitigating evidence as to his culpability risks permitting the state to carry out a death sentence unjustly. In this context, the potential for an irreversible miscarriage of justice is an affront to the dignity of the jury members left to make a life-or-death decision on incomplete information, and those involved in upholding and carrying out a sentence reached via a flawed process.

Juries weighing a death sentence have a unique role in our judicial system. "[T]he task of jurors at the penalty phase is qualitatively different from that at the guilt phase. At the penalty phase, jurors are asked to make a normative determination—one which necessarily includes moral and ethical considerations—designed to reflect community values." *People* v. *Danks*, 32 Cal.4th 269, 311 (2004) (Rogers Brown, J.). Among these "moral and ethical considerations" is the interplay between mercy and justice. But a jury must have access to the truth if it is to serve its function; it cannot properly weigh the interests of mercy and justice if it lacks crucial information about the offender's character and

circumstances. The application of "double deference" in this context distorts the jury's role and derails its application of "community values," depriving courts of the wisdom and prudence that juries are meant to bring to the judicial process.

Mr. Stinski states that his counsel was wrong not to develop and present expert testimony that suggested he was uniquely prone to external pressure and should have been viewed as an adolescent at the time of his crimes. App. 27a. Such evidence would have been of vital importance to a jury deciding whether Mr. Stinski was deserving of the death penalty. Without this evidence, the jury did not have the full truth and thus was rendered incapable of reaching its decisions through a just process. Mr. Stinski will pay for this error with his life if this Court does not intervene. So too will others.

III. Applying Two Layers Of Deference In This Case Is Imprudent

Alongside justice, among the cardinal virtues is prudence, which calls for careful, reasoned decision-making, particularly in matters of great moral consequence. Prudence, or "right reason applied to action," requires one "to take counsel," "to judge of what one has discovered," and then to act upon "the things counselled and judged." *Summa Theologiae* II-II, q. 47, art. 8. The death penalty, being the most severe and irreversible punishment, requires the heightened exercise of prudence, because society—and courts—must not only do what is just but do so in a just way. Even good ends do not justify unjust means. *See generally id.* I-II, q. 18, art. 4.

The application of "double deference" in such grave circumstances is imprudent because it carelessly favors procedure for its own sake over courts' overriding duties to seek the truth and to judge justly and impartially.

Rules are tools for promoting order and justice; they do not exist for their own sake. To be sure, courts are bound to apply rules straightforwardly. But where courts have discretion or room for interpretation, it is incumbent upon them to choose the reading that best serves the law's ultimate purpose. *See, e.g.*, Fed. R. Crim. P. 2 ("These rules are to be interpreted to provide for the just determination of every criminal proceeding … ."); Code of Canon Law of 1983 Preface § 3 ("[U]nduly rigid norms are to be set aside and rather recourse is to be taken to exhortations and persuasions where there is no need of a strict observance of the law on account of the public good and general ecclesiastical discipline.").[3]

Mr. Stinski's case demonstrates the imprudence of opting for the more constrained interpretation of AEDPA's deference provisions. Due to his counsel's failure to sufficiently develop evidence of his specific mental health conditions and their implications, the jury was not presented with a proper explanation as to why it should consider Mr. Stinski an adolescent at the time of the crimes and thus less culpable. It imposed a death sentence on the basis of an incomplete understanding of Mr. Stinski's ability for moral reasoning or his capacity to control his own actions, and the scientific basis for these conclusions. Yet, when Mr. Stinski sought federal relief, the district court applied both § 2254(e)(1) and § 2254(d)(2) deference, denying his petition. And then, because the Eleventh Circuit was bound by recent precedent and applied "double deference" as well, Mr. Stinski lacks even the opportunity to have a federal court review

[3] The Common Law rule of lenity serves a similar purpose, providing a normative reason for choosing the more merciful interpretation of a vague criminal statute because of the injustice a more severe (but permissible) reading would work upon the defendant. *See United States* v. *Davis*, 588 U.S. 445, 464-465 (2019).

his assertion of ineffective counsel, effectively terminating the search for truth and sealing his fate—unless this Court intervenes to resolve the circuit split.

CONCLUSION

The death penalty, by its very nature, requires extraordinary care and caution in its application. Catholic teaching on the role of mercy, the sanctity of life, the exercise of prudence, and the requirements of justice all point to the necessity of a justice system that errs on the side of inclusion rather than exclusion of relevant evidence presented to juries.

The amici respectfully request that this Court grant Mr. Stinski's petition for certiorari.

Respectfully submitted.

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