

*In The Supreme Court of Florida*

JASON LOONEY,

*Petitioner,*

v.

CASE NO. SC2023-0886

STATE OF FLORIDA,

*Respondent.*

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STATE'S RESPONSE TO MOTION TO STAY

On June 18, 2023, Looney, represented by trial counsel Baya Harrison, filed an emergency motion to stay the proceedings in the lower court. He also filed a writ of prohibition in this Court raising three issues regarding the constitutionality of, and the proper application of, Florida's recently amended death penalty statute.

The jury selection in this *Hurst* resentencing is scheduled to begin tomorrow, Monday, June 19, 2023, in the circuit court at 9:00 a.m. While the State believes that the issues raised in the petition are

easily resolved based on the precedent of *Dobbert v. Florida*, 432 U.S. 282 (1977), *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), and *Love v. State*, 286 So.3d 177 (Fla. 2019), the State acknowledges that this Court entered a show cause order in the case of *Gonzalez v. State*, SC2023-0740 involving a writ of prohibition on similar issues. Moreover, due to the importance of the issue and its statewide impact, it would be wise to resolve the issue of the constitutionality of the death penalty statute as soon as possible and in this Court.

Accordingly, the State does not object to a stay of the proceedings in the lower court.

Respectfully submitted,

ASHLEY MOODY  
ATTORNEY GENERAL OF FLORIDA

/s/ Charmaine Millsaps

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COUNSEL FOR THE STATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE AS COUNSEL OF RECORD has been furnished by e-portal to BAYA HARRISON III, P.O. Box 102, Monticello, FL, 32345; Phone: (850) 997-8469; email: bayalaw@aol.com this 18th day of June, 2023.

/s/ Charmaine Millsaps

Charmaine M. Millsaps  
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