

URGENT ACTION

STOP EXECUTION IN FLORIDA

Billy Kears, a 53-year-old Black man, is scheduled to be executed in Florida, USA, on 3 March 2026. He was convicted of and sentenced to death for the fatal shooting of a white police officer in 1991, committed 84 days past his 18th birthday, as he was emerging from a childhood of poverty, abuse and neglect. An expert has concluded that Billy Kears has intellectual disability, which would render his execution unconstitutional. We call on the Governor to stop this execution and ensure commutation of the death sentence.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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Dear Governor,

I urge you to prevent the execution of Billy Leon Kears, scheduled for 3 March 2026. I do not seek in any way to minimize the seriousness of the crime for which he was sentenced to death or to downplay its consequences.

Billy Kears's low intellectual functioning and neurodevelopmental immaturity likely affected his proceedings from the point of arrest. Following a review of his medical and other records and testing conducted in early 2026, a neuropsychologist has concluded that "Mr Kears unequivocally suffers from lifelong diminished intelligence (i.e., an IQ score that has consistently been in the intellectually disabled range) and related cognitive impairments that have been present since childhood". He also pointed out that at the time of the crime, Billy Kears was "18 years old and neurodevelopmentally immature. A healthy human brain does not reach full maturation until approximately ages 23 to 25", including in the areas of impulse control, judgment and reasoning. He "had not reached full neurodevelopmental maturity, further compromising his actions in the presence of diminished intellect".

International human rights law and standards prohibit the imposition of the death penalty on those who face special barriers in defending themselves on an equal basis with others, such as persons whose serious psychosocial or intellectual disabilities impede their effective defence.

In 2022, a federal 11th Circuit judge, dissenting from this death sentence, wrote that the three Florida Supreme Court Justices who opposed the death sentence had "said it best" when they wrote that "The bottom line is that this is clearly not a death case". Two of those Justices reiterated this conclusion in letters to the clemency board in 2025.

I appeal to you to stop the execution of Billy Kears and to ensure that his death sentence is commuted.

Yours sincerely,

ADDITIONAL INFORMATION

On 18 January 1991, a 29-year-old white officer with the Fort Pierce Police Department stopped a car that was being driven the wrong way down a one-way street. The driver was unable to produce a driving licence, gave a false name, and the officer ordered him to get out of the vehicle. A struggle between the two ensued, and the driver grabbed the officer's gun and fired. The officer was taken to hospital, where he died. The car was registered to an address in Fort Pierce, Florida, where Billy Kearsé was arrested that same night. In his pocket were two rounds from the officer's gun, which was itself later found buried in the back yard of the house. Billy Kearsé waived his right to a lawyer and told police that he had shot the police officer during a struggle.

At trial, the jury convicted Billy Kearsé and recommended death by a vote of 11 to one. The judge found that the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance; and that his capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired. The judge also found that the defendant had endured a childhood of poverty and deprivation, that he was severely emotionally disturbed as a child, and that his IQ was just above the level of intellectual disability. The judge, who did not find Kearsé's age to be a mitigating factor, accepted the jury's recommendation. In 1995, the Florida Supreme Court granted Billy Kearsé a new sentencing because of errors by the judge.

At the 1996 resentencing, the new judge found that Billy Kearsé's age at the time of the crime was mitigating, giving it "some but not much weight". He did not find any statutory mental state mitigation but found the non-statutory factor that Kearsé had endured a difficult childhood causing psychological and emotional problems. The judge accepted the jury's recommendation and imposed the death penalty.

The Florida Supreme Court upheld the death sentence 4-3 in 2000. A three-Justice dissent noted: "The killing resulted from the impulsive act of an eighteen-year-old who functions on a low average-borderline intelligence level and has a documented history of emotional problems. Importantly, there is no evidence that Kearsé set out that night intending to commit any crime, let alone murder. In fact, he had just picked up a pizza and was returning home to eat it with friends when this tragic incident took place... The bottom line is that this is clearly not a death case. It is not one of the most aggravated and least mitigated or among the worst of the worst for which we have reserved death" in US constitutional law. They criticized the judge's failure to give more than little weight to Billy Kearsé's age at the crime: "As a child, he was placed in schools for the emotionally handicapped. In 1991, after the commission of the crime, Kearsé underwent a series of neuropsychological tests to determine his intellectual functioning. These tests revealed a verbal IQ of 75... According to one expert, this score places Kearsé in the borderline range of intelligence and means that he has difficulty receiving, integrating, and sequencing information. This expert noted that Kearsé's score is similar to the score Kearsé received when tested in 1981, which means that his intellectual function did not significantly increase with age... The State's expert agreed that the test results suggest that Kearsé has intellectual deficits and subnormal IQ". The record established that "Kearsé operated at an intellectual level much lower than his chronological age."

The US Supreme Court ruled in *Atkins v. Virginia* (2002) that executing a person with intellectual disability violates the constitutional ban on "cruel and unusual punishments". In *Hall v. Florida* (2014) the Court elaborated that "intellectual disability is a condition, not a number" and that "courts must recognize, as does the medical community, that the IQ test is imprecise" and must take a account of other evidence demonstrating limitations in an individual's mental faculties.

Florida has carried out 126 executions since 1976 when the US Supreme Court upheld new capital statutes. There were 47 executions in the USA in 2025, the highest total since 2009, driven by the 19 executions in Florida, the highest total there since all executions were placed under state (rather than local county) jurisdiction in 1923. Florida has conducted one execution so far in 2026. Amnesty International opposes the death penalty in all cases unconditionally.

PREFERRED LANGUAGE TO ADDRESS TARGET: English. You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 3 March 2026

NAME and Pronouns: Billy Leon Kearsé (He/Him)

LINK TO PREVIOUS UA: n/a