

Per Curiam

SUPREME COURT OF THE UNITED STATES

**GARY RICHARD WHITTON *v.* RICKY D. DIXON,
SECRETARY, FLORIDA DEPARTMENT OF
CORRECTIONS**

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

No. 25–580. Decided June 1, 2026

PER CURIAM.

A Florida jury convicted petitioner Gary Richard Whitton of murder and sentenced him to death. During his trial, the State called several witnesses, including a jailhouse informant named Jake Ozio. Ozio was a high school student who, on a spring-break trip in Florida, was arrested and jailed for burglary and possession of a short-barrel shotgun. Ozio testified that, while he was incarcerated with Whitton, he overheard Whitton confess to “‘stabb[ing] the bastard.’” *Whitton v. Secretary, Fla. Dept. of Corrections*, 2025 WL 1305158, *2 (CA11, May 6, 2025) (*per curiam*). Ozio also testified that he had no criminal history prior to his spring-break arrest. That last piece of testimony turned out to be false. Ozio’s juvenile records—which the State had in its possession at the time—showed that he had previously been charged with “assault with bodily injury against his father, terroristic threats against his mother, and at least one other burglary.” *Id.*, at *15.

After unsuccessfully pursuing a direct appeal and state postconviction relief, Whitton filed an application for a writ of habeas corpus in Federal District Court. Among other claims, he argued that Ozio’s criminal-history testimony was false, that the prosecution knew the testimony was false, and that there was a reasonable likelihood the testimony affected the jury’s verdict. Whitton claimed that, as a result, his due process rights had been violated under this Court’s decision in *Giglio v. United States*, 405 U. S. 150