

OPINIONS OF DISSENTING JUSTICES
IN CHAMBERS

SPENKELINK & WAINWRIGHT vs. AL.

ON APPLICATING FOR WRIT OF HABEAS CORPUS

No. 3-423. Terminé May 22, 1977.

An application for writ of *habeas corpus* of a death sentence for murder imposed by a Florida court is denied. This Court on three previous occasions has refused to review determinations by the state courts of habeas corpus applications filed by the applicant.

and a *certiorari* petition for review of the state court's denial of the applicant's writ of *habeas corpus* is denied. The Court on three previous occasions has refused to review determinations by the state courts of *certiorari* petitions filed by the applicant.

REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 948 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

Mr. Justice Brennan, Circuit Justice.

unavailability of Mr. Justice Stewart. On December 22, 1973, following a trial and jury verdict, applicant was sentenced to death pursuant to the Florida statute that was upheld in *Proffitt v. Florida*, 428 U. S. 342 (1976), for a murder committed in February 1972. On applicant's appeal, the Supreme Court of Florida affirmed both the conviction and sentence. *Spenklink v. State*, 313 So. 2d 981 (1975), and this Court denied certiorari. 428 U. S. 911 (1976). Applicant next sought cumulative damages from the Governor of Florida, but his request for that relief was denied on September 12, 1977, and at the same time the Governor signed a death warrant setting applicant's execution for 4:00 a. m. on September 19, 1977. The following day, applicant filed a written

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No. 75-0414. Chapter 1, Volume 1, 441 U. S. 912.
 No. 75-0415. Chapter 1, Volume 1, 441 U. S. 913.
 No. 75-0416. Chapter 1, Volume 1, 441 U. S. 914.

Executive Order

The most recent Executive Order, 13011, The number between
 13011 and 13012 were retained in order to make it possible to
 which in-house opinions with government page numbers, the number
 an official system available upon publication of the President's orders
 of the United States Department.