

OPINIONS OF INDIVIDUAL JUSTICES IN
CHAMBERS

CALIFORNIA *v.* RAMOS

ON REAPPLICATION FOR STAY

No. A-349 (81-1893). Decided October 26, 1982

California's reapplication to stay the California Supreme Court's judgment vacating respondent's death sentence and remanding for a new sentencing proceeding, is granted pending this Court's disposition of the case, pursuant to the previously granted writ of certiorari.

JUSTICE REHNQUIST, Circuit Justice.

Respondent Marcelino Ramos was convicted of capital murder and sentenced to death in the California courts. The trial judge had, pursuant to state statute, informed the sentencing jury that a sentence of life imprisonment without possibility of parole may be commuted by the Governor to a sentence that permits parole. The California Supreme Court vacated the death sentence and remanded for a new sentencing proceeding on the ground that respondent was denied due process in violation of the Fifth, Eighth, and Fourteenth Amendments. 30 Cal. 3d 553, 639 P. 2d 908.

In March 1982, the State of California applied for a stay of the California Supreme Court's judgment. I referred the application to the full Court, which denied the stay. 455 U. S. 1011. In April, the State filed a petition for a writ of certiorari. On October 4, 1982, the Court granted the petition for certiorari, *ante*, p. 821, and California now has reapplied for a stay. It states that the new penalty proceeding is scheduled to begin on November 8, 1982. Respondent has stated that he does not object to issuance of a stay.

I have therefore decided that petitioner's reapplication for a stay pending disposition of the case by this Court should be granted.

It is so ordered.