

REPORTER'S NOTE

January 23, 24, February 2, 1963

435 U. S.

time for rehearing denied. Justice BRENNAN took no part in the consideration or decision of these petitions.

JANUARY 23, 1963

Certiorari Denied

No. 53-5185 (A-153). *BULLOCK v. ALABAMA ET AL.*, C. A. 12th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. *Carroll v. United States*, Reported before 456 F. 2d 136.

JUSTICE BRENNAN and JUSTICE MARSHALL, dissenting.

Adhering to our view that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments, 382 U.S. 714, 454 U.S. 153, 397 U.S. 131 (1970), we would grant the application for stay of execution of the sentence of death entered by the State of Alabama, and would order a writ of habeas corpus to be issued to the petitioner, who was arrested and confined after becoming the victim of a robbery and murder in 1959. The petitioner was arrested and confined after becoming the victim of a robbery and murder in 1959. The petitioner was arrested and confined after becoming the victim of a robbery and murder in 1959. The petitioner was arrested and confined after becoming the victim of a robbery and murder in 1959.

Majority Opinion

No. 53-5185 (A-153). *BULLOCK v. ALABAMA ET AL.*, C. A. 12th Cir. Application of the Attorney General of Florida for an order to vacate the stay of execution of sentence of death entered by the United States Court of Appeals for the Eleventh Circuit, presented to JUSTICE BRENNAN, and by him referred to the Court, denied.