

OPINION OF INDIVIDUAL JUSTICE
IN CHAMBERS

COLE *v.* TEXAS

ON APPLICATION FOR STAY OF EXECUTION OF SENTENCE OF
DEATH

No. A-704 (90-7411). Decided March 18, 1991

JUSTICE SCALIA will, in this and every capital case on direct review, grant an application for a stay of execution pending disposition of a timely petition for writ of certiorari.

JUSTICE SCALIA, Circuit Justice.

I have before me an application for a stay of execution pending disposition of a petition for writ of certiorari to the Court of Criminal Appeals of Texas. The petitioner seeks direct review of the judgment of the Texas courts affirming his death sentence.

I will in this case, and in every capital case on direct review, grant a stay of execution pending disposition by this Court of the petition for certiorari. While I will not extend the time for filing a petition beyond an established execution date, see *Madden v. Texas*, 498 U. S. 1301 (1991) (SCALIA, J., in chambers), neither will I permit the State's execution date to interfere with the orderly processing of a petition on direct review by this Court.

It is so ordered.

OPINION OF INDIVIDUAL JUSTICE
IN CHAMBERS

COLE, TEXAS

ON APPLICATION FOR STAY OF EXECUTION OR SENTENCE OF
DEATH

No. 1-5880-7411. Decided March 18, 1951

Justice Scalia will, in this and every capital case on direct review, grant an application for a stay of execution pending disposition of a timely writ for writ of certiorari.

JUSTICE SCALIA, Circuit Justice.

I have before me an application for a stay of execution pending disposition of a petition for writ of certiorari to the Court of Criminal Appeals of Texas. The petitioner seeks direct review of the judgment of the Texas courts affirming his death sentence.

I will in this case, and in every capital case on direct review, grant a stay of execution pending disposition by this Court of the petition for certiorari. While I will not extend the time for filing a petition beyond an established execution date, see *Allden v. Texas*, 48 U. S. 1301 (1951) (Scalia), in chambers, neither will I permit the State's execution date to interfere with the orderly processing of a petition on direct review by this Court.

It is so ordered.