

BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

JERRY WILLIAM CORRELL *v.* FLORIDA

ON APPLICATION FOR STAY AND PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME COURT OF FLORIDA

No. 15-6551 (15A424) (Decided October 29, 2015)

The application for stay of execution of sentence of death presented to JUSTICE THOMAS and by him referred to the Court is denied. The petition for writ of certiorari is denied.

JUSTICE BREYER, dissenting from denial of certiorari and application for stay of execution.

Jerry William Correll was sentenced to death on February 7, 1986, and has now been incarcerated on death row by the State of Florida for over 29 years. Correll requests a stay of execution to allow the Court to consider his claims that Florida's sentencing procedures violate the Sixth and Eighth Amendments and that his lengthy period of incarceration under threat of execution constitutes cruel and unusual punishment.

I remain convinced that the Court should consider whether nearly 30 years of incarceration under sentence of death is cruel and unusual punishment. See *Lackey v. Texas*, 514 U. S. 1045 (1995) (Stevens, J., memorandum respecting denial of certiorari); *Knight v. Florida*, 528 U. S. 990, 993 (1999) (BREYER, J., dissenting from denial of certiorari); see also *Glossip v. Gross*, 576 U. S. ____, __ (2015) (BREYER, J., dissenting) (slip op., at 19–23).

In addition, whether Florida's sentencing procedures violate the Sixth and Eighth Amendments is now pending before the Court. *Hurst v. Florida*, No. 14–7505. In my view, we should hold this petition for resolution of those issues in *Hurst*.

I respectfully dissent from the order of the Court to deny the application for stay of execution and the petition for a writ of certiorari.

SOTOMAYOR, J., dissenting

JUSTICE SOTOMAYOR, dissenting from denial of stay and petition for writ of certiorari.

I agree with JUSTICE BREYER that we should hold this petition for resolution of the issues in *Hurst v. Florida*, No. 14–7505, now pending before the Court. I therefore respectfully dissent from the order of the Court to deny the petition for a writ of certiorari and the application for stay of execution.