

**SUPREME COURT OF THE UNITED  
STATES**

\_\_\_\_\_  
No. 92-9093  
\_\_\_\_\_

JOHN JOSEPH ROMANO, PETITIONER  
v. OKLAHOMA

ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS  
OF OKLAHOMA  
[June 13, 1994]

JUSTICE BLACKMUN, dissenting.

I join JUSTICE GINSBURG's dissent, which persuasively demonstrates why the admission of Romano's prior death sentence, like the prosecutor's arguments in *Caldwell v. Mississippi*, 472 U. S. 320 (1985), created an unacceptable risk of leading the jurors to minimize the importance of their roles. Even if this particular constitutional error were not present in this case, I would vacate Romano's death sentence and remand for resentencing in adherence to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution. See *Callins v. Collins*, 510 U. S. \_\_\_, \_\_\_ (1994).