

SUPREME COURT OF THE UNITED STATES

No. A-308

FRANK J. GUINAN v. PAUL DELO, SUPERINTENDENT,  
POTOSI CORRECTIONAL CENTER

ON APPLICATION FOR STAY OF EXECUTION OF SENTENCE OF  
DEATH

[October 5, 1993]

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

JUSTICE GINSBURG, concurring.

I concur in the Court's denial of a stay of execution. I do so based upon the conclusions of the Court of Appeals for the Eighth Circuit, reached after careful review of Guinan's very recent submissions. As described by the Eighth Circuit panel, those submissions, presented eleven years after Guinan's trial, consist of statements "inconsistent with previous sworn testimony of the same witness, in some cases inconsistent with each other, inconsistent with the great bulk of evidence adduced at Guinan's trial, . . . on occasion inconsistent with defenses Guinan previously has asserted, . . . [and in some cases] not new at all." *Guinan v. Delo*, No. 93-3394 (CA8, Oct. 4, 1993), p. 3.

JUSTICE BLACKMUN would grant the application for stay of execution.