

ORDER LIST

WEDNESDAY, MAY 11, 1994

CERTIORARI DENIED

93-9087 WHITMORE, JONAS H. V. GAINES, MIKE, ET AL,
(A-937)

The application for stay of execution of sentence of death presented to Justice Blackmun and by him referred to the Court is denied. The petition for a writ of certiorari is denied. Justice Blackmun dissenting:

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U.S. __, __ (1994), I would grant the application for stay of execution and the petition for a writ of certiorari and would remand with instructions to enjoin petitioner's execution.

