

Supreme Court of Florida

WEDNESDAY, OCTOBER 28, 2009

CASE NO.: SC08-1213

Lower Tribunal No(s): CF81-112A1-XX

PAUL BEASLEY JOHNSON

vs.

STATE OF FLORIDA

Appellant(s)

Appellee(s)

The Court has under consideration in this case an appeal of an order denying a successive postconviction motion following an evidentiary hearing. The briefing schedule was completed on September 14, 2009, and this case was under active review when a death warrant was signed on October 7, 2009, with the execution date set for November 4, 2009. The Appellant has filed an application for stay of execution. Having considered the briefs of the parties and having reviewed the extensive record in this case and having heard oral argument on October 28, 2009, the Court hereby grants a stay of execution in order to consider the significant issues raised in Claim 1 of this appeal concerning prosecutorial misconduct. This stay is in effect pending further order of the Court.

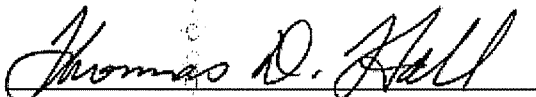
PARIENTE, LEWIS, LABARGA, and PERRY, JJ., concur.

POLSTON, J., dissents.

QUINCE, C.J., and CANADY, J., recused.

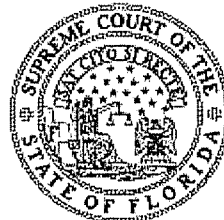
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Test:



Thomas D. Hall

Clerk, Supreme Court



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Served:

HON. WILLIAM P. CERVONE

MARTIN J. MCCLAIN

CANDANCE SABELLA

HON. NEIL A. RODDENBERY, JUDGE

HON. CHARLES J. CRIST, JR.

TERRI LYNN BACKHUS

ROBERT R. WHEELER