

Supreme Court of Florida

MONDAY, OCTOBER 6, 2008

CASE NO.: SC08-992

Lower Tribunal No(s): 84-CF-010538

WAYNE TOMPKINS

vs. STATE OF FLORIDA

Appellant(s)

Appellee(s)

In a letter dated October 2, 2008, the Governor, pursuant to a continuing death warrant previously signed by Governor Jeb Bush on March 22, 2001, scheduled the execution of appellant for October 28, 2008. In light of the scheduled execution, the trial court has jurisdiction to consider any successive motion for post conviction relief filed pursuant to Florida Rule of Criminal Procedure 3.851. Successive motions pending in the trial court, if any, shall be completed and orders entered by October 15, 2008.

The record on appeal in this already pending appeal was perfected on October 2, 2008. However, briefing has not yet occurred. Because of the scheduled execution we are expediting briefing and consideration of this appeal. But in order to conduct meaningful review of the existing appeal and any successive motion respondent may file in the trial court we hereby stay execution of the death warrant, pursuant to section 922.06(1), Florida Statutes, and Rule of Appellate Procedure 9.142(b)(9), until November 18, 2008.

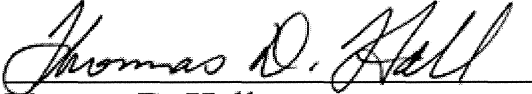
We hereby set the following briefing schedule for all matters: Initial brief on the merits shall be **filed** by 12:00 noon Monday, October 20, 2008; answer brief on the merits shall be **filed** by 12:00 noon Friday, October 24, 2008; and reply brief on the merits shall be **filed** by 12:00 noon Monday, October 27, 2008. Filing of the above briefs to this Court and to opposing counsel shall be via e-mail to the following address: warrant@flcourts.org. Counsel shall then transmit the signed original brief and seven copies.

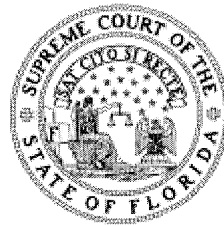
Oral Argument, if deemed necessary, will be scheduled on November 3, 2008.

Per this Court's Administrative Order In Re: Mandatory Submission of Electronic Copies of Documents, AOSC04-84, dated September 13, 2004, counsel are directed to transmit a copy of all documents, including any attachments and appendices, in an electronic format as required by the provisions of that order.

WELLS, ANSTEAD, PARIENTE, LEWIS, CANADY, and POLSTON, JJ.,
concur.
QUINCE, C.J., recused.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



th
Served:

JALAL HARB
HON. MANUEL MENENDEZ, JR., CHIEF JUDGE
MARTIN J. MCCLAIN
NEAL ANDRE DUPREE
SCOTT A. BROWNE
HON. PAT FRANK, CLERK
HON. DANIEL HOWARD SLEET, JUDGE