

Supreme Court of Florida

FRIDAY, JUNE 17, 2011

CASE NO.: SC11-874

Lower Tribunal No(s): 04-2491-CFA

CLEMENTE JAVIER AGUIRRE- vs. STATE OF FLORIDA
JARQUIN

Petitioner(s)

Respondent(s)

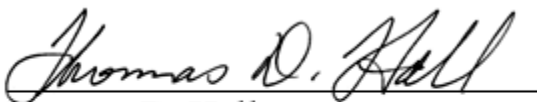
The Petition Seeking Review of Nonfinal Order (Capital Case) is hereby dismissed as premature. There would be an adequate remedy on appeal from a rule 3.853 motion, if made and denied, or from a denial of the 3.851 motion, if entered by the trial court. See Fla. R. App. P. 9.142(b)(4)(F) (explaining that petition seeking review of a nonfinal order in death penalty postconviction proceedings must include an explanation of how the order "may cause material injury for which there is no adequate remedy on appeal").

Petitioner's Emergency Motion for a Stay of Proceedings Pending Review of Non-Final Order (Capital Case) is denied as moot.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



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Served:

JAMES W. CARTER
MARIE-LOUISE SAMUELS-PARMER
HON. MARYANNE MORSE, CLERK

MARIA E. DELIBERATO
BARBARA CURTIS DAVIS
HON. DONNA L. MCINTOSH, JUDGE