

Supreme Court of Florida

WEDNESDAY, NOVEMBER 7, 2007

CASE NO.: SC07-1603

Lower Tribunal No.: 05-1991-7249-AXXX

MARK DEAN SCHWAB

vs. STATE OF FLORIDA

Appellant(s)

Appellee(s)

Appellant's Motion for Rehearing is hereby denied.

LEWIS, C.J., and WELLS, PARIENTE, QUINCE, CANTERO, and BELL, JJ.,
concur.

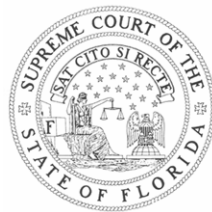
ANSTEAD, J., dissents: I would grant rehearing, especially on the issue of whether Schwab was denied the right to an individualized evidentiary hearing in which he would be given an opportunity to present his own evidence and contentions in addition to those presented in the Lightbourne case. Unlike Lightbourne, who was granted this opportunity, Schwab has been denied this fundamental right to articulate and prosecute his own claim.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



jn

Served:

WAYNE HOLMES
MARK S. GRUBER
BARBARA C. DAVIS
HON. CHARLES M. HOLCOMB, JUDGE

DAPHNEY ELAINE GAYLORD
PETER JAMES CANNON
KENNETH S. NUNNELLEY