

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC07-1603

MARK DEAN SCHWAB,

Appellant,

v.

STATE OF FLORIDA,

Appellee.


Death Warrant Signed
For November 15, 2007
6:00 p.m.

NOTICE OF FILING

COMES NOW, Mark Dean Schwab, by and through undersigned
counsel, and files the following:

Supreme Court of the United States, Court Order, *Berry*
v. *Epps*, case number 07-7348, dated October 30, 2007.

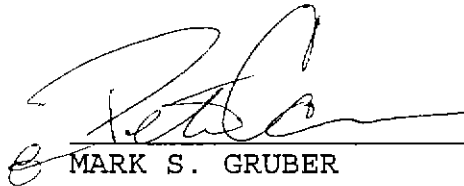
Respectfully Submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Filing has been furnished by Facsimile and United States Mail, first class postage prepaid, Clerk, Supreme Court of Florida; to Kenneth S. Nunnelly, Senior Assistant Attorney General, 444 Seabreeze Blvd., 5th Floor, Daytona Beach, Florida 32118; Robert Wayne Holmes, Assistant State Attorney, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida 32940 on November 1, 2007.



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(ORDER LIST: 552 U.S.)

TUESDAY, OCTOBER 30, 2007

ORDER IN PENDING CASE

07-7348 BERRY, EARL W. V. EPPS, COMM'R, MS DOC, ET AL.
(07A367)

The application for stay of execution of sentence of death presented to Justice Scalia and by him referred to the Court is granted pending the disposition of the petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

Justice Scalia and Justice Alito would deny the application for stay of execution.