

# Lawyers for Richard Henyard of Eustis ask U.S. Supreme Court to stay execution

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Richard Henyard, 34, is scheduled for execution this month for the murders of two Lake County girls. (ASSOCIATED PRESS / July 9, 2008)

Lawyers for Richard Henyard turned to the U.S. Supreme Court on Friday, hoping to stop the Eustis man's impending execution.

Henyard, 34, is scheduled to die Tuesday by lethal injection for the 1993 murders of two Lake County girls, Jamilya Lewis, 7, and her sister, Jasmine Lewis, 3.

They were carjacked with their mother from a Winn-Dixie parking lot. Their mother was raped in their presence and shot four times but survived.

Mark S. Gruber, who has handled Henyard's appeals, filed a petition with U.S. Supreme Court Justice Clarence Thomas asking for a stay of execution.

Gruber had asked the nation's highest court on Thursday to issue a writ of certiorari, an order that would require the court to schedule briefs and oral arguments but not necessarily halt the execution.

Gruber, who works in Tampa for the Capital Collateral Regional Counsel, argued that the Florida Supreme Court has violated Henyard's right to due process by prohibiting the condemned man's publicly funded lawyers from challenging the state's lethal-injection method of execution.

Four of the nine U.S. Supreme Court justices must agree to grant the review.

A review of Gruber's filings shows he would like to challenge the constitutionality of lethal injection, the confidentiality of the executioners and the Florida Supreme Court's interpretation of a law forbidding death-row lawyers from "engaging in civil litigation" on behalf of death-row inmates.

He pointed out that Florida suspended executions following the botched execution of Angel Diaz, 55, on Dec. 13, 2006.

After a governor's commission reviewed and revised the state's procedures, Florida resumed executions on July 1, 2008, with child-killer Mark Dean Schwab the first to be strapped to the gurney.

The U.S. Supreme Court did not immediately rule on Gruber's filing.

The high court grants fewer than 2 percent of such requests.