

BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

JOHN WAYNE CONNER *v.* ERIC SELLERS, WARDEN

ON APPLICATION FOR STAY AND PETITION FOR WRIT OF
CERTIORARI TO THE SUPREME COURT OF GEORGIA

No. 16–5229 (16A58) Decided July 14, 2016

The application for stay of execution of sentence of death presented to JUSTICE THOMAS and by him referred to the Court is denied. The petition for a writ of certiorari is denied.

JUSTICE BREYER, dissenting from denial of certiorari and application for stay of execution.

John Conner was initially sentenced to death 34 years ago. He now asks this Court to decide whether the Eighth Amendment permits a State to keep him incarcerated under threat of execution for so long. For reasons I have previously expressed, I would grant the petition to consider this constitutional question. See *Lackey v. Texas*, 514 U. S. 1045 (1995) (memorandum of Stevens, J., respecting denial of certiorari); *Boyer v. Davis*, 578 U. S. ____, ____ (2016) (BREYER, J., dissenting from denial of certiorari); *Valle v. Florida*, 564 U. S. 1067 (2011) (BREYER, J., dissenting from denial of stay); *Knight v. Florida*, 528 U. S. 990, 993 (1999) (BREYER, J., dissenting from denial of certiorari); see also *Glossip v. Gross*, 576 U. S. ____, ____ (2015) (BREYER, J., dissenting) (slip op., at 19–23).

I respectfully dissent from the denial of certiorari and application for stay of execution.