

Supreme Court of Florida

No. 76,930

RAYMOND ROBERT CLARK, Appellant,

v.

STATE OF FLORIDA, Appellee,

[November 14, 1990]

PER CURIAM.

Clark, a prisoner for whom a fifth death warrant has been signed, appeals the trial court's denial of his fourth motion for postconviction relief. We have jurisdiction. Art. V, § 3(b)(1), Fla. Const.; Fla. R. Crim. P. 3.850. We affirm the trial court's denial of relief.

Clark has a long history in the courts. Clark v. Dugger, 559 So.2d 192 (Fla. 1990), and cases cited therein.* He raised

* The federal courts again denied relief since the filing of our most recent opinion. Clark v. Dugger, 901 F.2d 908 (11th Cir.), cert. denied, ___ S.Ct. ___ (Oct. 29, 1990).

four issues in the instant motion: 1) violation of Clemons v. Mississippi, 110 S.Ct. 1441 (1990); 2) ineffective assistance of counsel for failing to develop mitigating evidence; 3) unconstitutionality, on its face and as applied, of the heinous, atrocious, or cruel instruction; and 4) failure to disclose exculpatory evidence. All of these claims, or variations of them, have been considered previously. They are, therefore, procedurally barred, and we affirm the trial court's summary denial of relief. We deny a further stay of execution.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, EHRLICH, BARKETT, GRIMES and KOGAN, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

An Appeal from the Circuit Court in and for Pinellas County,

Robert E. Beach, Judge - Case No. CRC7702941CFASO-A

Larry Helm Spalding, Capital Collateral Representative, and Billy
H. Nolas, Chief Assistant CCR, Office of the Capital Collateral
Representative, Tallahassee, Florida,

for Appellant

Robert A. Butterworth, Attorney General and Robert Krauss,
Assistant Attorney General, Tampa, Florida,

for Appellee