

Thomas Winford SIMMONS *v.* STATE of Arkansas

CR 82-18

659 S.W.2d 578

Supreme Court of Arkansas
Opinion delivered November 7, 1983

CRIMINAL PROCEDURE — PETITION FOR STAY OF EXECUTION AND FOR TIME TO FILE PETITION FOR POSTCONVICTION RELIEF — NECESSITY FOR STATING GROUNDS FOR RELIEF. — When a petitioner seeks a stay of execution based on the contention that he is entitled to postconviction relief, he must also file the petition setting out the grounds for that relief; and the mere allegation that there are meritorious grounds to be raised is not good cause to grant a stay of execution.

Petition for Stay of Execution and for Time to File a Petition Pursuant to Criminal Procedure Rule 37; petition denied.

Hollingsworth & Heller, P.A., by: *Ron Heller*, for petitioner.

Steve Clark, Atty. Gen., by: *Leslie M. Powell*, Asst. Atty. Gen., for respondent.

PER CURIAM. Petitioner Thomas Winford Simmons was found guilty of capital felony murder in the Circuit Court of Crawford County and sentenced to death. We affirmed. *Simmons v. State*, 278 Ark. 305, 645 S.W.2d 680 (1983). He sought a writ of certiorari before the United States Supreme Court which was denied October 3, 1983. The Governor then set execution for November 11, 1983. Peti-

tioner now seeks a stay of execution so that he may prepare and file a petition for postconviction relief pursuant to A.R.Cr.P. Rule 37.

The petition is denied. When a petitioner seeks a stay of execution based on the contention that he is entitled to postconviction relief, he must also file the petition setting out the grounds for that relief. The mere allegation that there are meritorious grounds to be raised is not good cause to grant a stay of execution.

Petition denied.
