

IN THE SUPREME COURT OF FLORIDA

CASE NO. 96,802

ANTHONY BRADEN BRYAN,

Appellant,

vs.

STATE OF FLORIDA,

Appellee.

Circuit Court No. 83-I-546

Emergency Pleading
Death Warrant Signed
Execution Set for
October 27, 1999
at 7:00 a.m.

MOTION TO CONSOLIDATE AND EXPAND ORAL ARGUMENTS

Appellant, ANTHONY BRADEN BRYAN, by and through undersigned counsel, hereby moves this Honorable Court to consolidate for oral argument his appeal from summary denial of his October 15, 1999 Emergency Motion to Vacate and October 18, 1999, Supplemental Emergency Motion to Vacate, with his Consolidated Petition for Extraordinary Relief, for a Writ of Habeas Corpus, for Leave to Re-open Direct Appeal, and Request for Stay of Execution filed simultaneously with the instant motion, and as grounds therefor states:

1. This Court has scheduled simultaneous briefing in this case for 12:00 noon today, with oral argument scheduled for 9:00 a.m. tomorrow, October 26, 1999. The oral argument currently pertains to the lower court's summary denial of Mr. Bryan's Rule 3.850 motion and supplement thereto.

2. On October 24, 1999, at approximately 8:00 p.m., counsel for Mr. Bryan received an original affidavit from Mr.

Bryan's trial and appellate counsel, Ted Alan Stokes, indicating that Mr. Stokes labored under the disease of alcoholism between 1983 and 1989 while representing Mr. Bryan.

3. Counsel for Mr. Bryan are filing a Rule 3.850 motion with the trial court today, and lodging same with this Court, alleging this information to be newly discovered and requiring an evidentiary hearing regarding the constitutional effectiveness of Mr. Bryan's representation by Mr. Stokes.

4. Counsel for Mr. Bryan are at this time filing with this Court a Consolidated Petition for Extraordinary Relief, for a Writ of Habeas Corpus, for Leave to Re-open Direct Appeal, and for a Stay of Execution on the basis of the information provided by Mr. Stokes.

5. It would promote judicial economy for this Court to consolidate these matters for purposes of oral argument and expand the time permitted for each party to address the claims raised.

WHEREFORE, Appellant prays the instant motion will be granted.

Respectfully submitted,

GREGORY C. SMITH
Capital Collateral Counsel
Northern Region

ANDREW THOMAS
Chief Assistant, CCC-NR
Fla. Bar No. 0317942
Counsel for Petitioner Bryan

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Consolidate and Expand Oral Arguments is being provided by hand delivery to Richard Martell, Chief, Capital Appeals, Department of Legal Affairs, The Capitol - PL01, Tallahassee, Florida 32399-1050, on this 25th day of October, 1999.

ANDREW THOMAS
Chief Assistant, CCC-NR
Fla. Bar No. 0317942
Post Office Drawer 5498
Tallahassee, FL 32314-5498
(850) 488-7200
(850) 487-1682 (facsimile)
Attorney for Anthony Bryan