

On April 16, 2008, the United States Supreme Court definitively held that Kentucky's lethal injection protocol, which is substantially similar to Alabama's lethal-injection protocol, does not violate the Eighth Amendment's prohibition of cruel and unusual punishment. Baze v. Rees, No. 07-5439, 2008 WL 1733259, at *5-17 (Apr. 16, 2008). In ruling that "a lethal injection protocol substantially similar to the protocol we uphold today" complies with the United States Constitution, the Supreme Court removed any question as to the constitutionality of Alabama's lethal-injection protocol. Baze, 2008 WL 1733259, at *16. Consequently, after 20 years have passed since Arthur's original conviction and sentence of death; the end of direct appeal, state post-conviction proceedings, and federal post-conviction proceedings; and with no credible argument that Alabama's lethal-injection protocol is unconstitutional, the State's strong interest in the "timely enforcement of a sentence [has acquired] an added moral dimension," that requires this Court set a date for the execution of Arthur's duly adjudicated sentence of death. See Arthur v. King, 500 F.3d 1335, 1340 (11th Cir.

2007) (quoting Calderon v. Thompson, 523 U.S. 538, 556, 118 S.Ct. 1489, 1501 (1998)).

Facts of Arthur's Crimes and Judicial Proceedings

Arthur has been thrice convicted in Alabama courts of capital murder and thrice sentenced to death for his crime. Arthur was convicted in 1977 of murder in the second degree in the Circuit Court of Marion County, in violation of Ala. Code § 13A-5-40(a)(13)(1975). He was sentenced to life imprisonment. While serving that sentence and assigned to a work release center in Decatur, Arthur murdered Troy Wicker, the husband of one of his paramours, by shooting him with a .22 caliber pistol through the right eye, while he was asleep. He was indicted for that murder by a Colbert County grand jury on August 29, 1982. At trial, Arthur was convicted and sentenced to death by electrocution. The Alabama Court of Criminal Appeals affirmed both the conviction and the sentence. Arthur v. State, 472 So. 2d 650 (Ala. Crim. App. 1984). This Court reversed because the trial court had improperly permitted the State to offer evidence at trial of the details of the 1977 murder conviction, which provided one of the factors that made Arthur eligible for the death penalty. Ex parte

Arthur, 472 So. 2d 665 (Ala. 1985) (details of prior murder were improperly admitted at trial under identity exception to general exclusionary rule).

In May of 1987, after a change of venue to the Circuit Court of Jefferson County, Arthur was again convicted of the murder of Troy Wicker and was sentenced to death. The second conviction was reversed by the Alabama Court of Criminal Appeals. Arthur v. State, 575 So. 2d 1165 (Ala. Crim. App. 1990) (The trial court improperly admitted in evidence a statement made by the defendant to a police officer in the absence of counsel two weeks after he had asserted his right to remain silent.), cert. denied, Ex parte State of Alabama [Re Arthur v. State] 575 So. 2d 1191 (Ala. 1991).

Arthur was indicted for the third time on August 29, 1991, on two counts of capital murder - murder done for pecuniary or other valuable consideration (Ala. Code § 13A-5-40(a)(7)) and murder by one previously convicted during the past twenty years (Ala. Code § 13A-5-40(a)(13)). Before the case was submitted to the jury, however, the prosecutor elected to dismiss one count - that which charged Arthur with capital murder because he had allegedly

killed Wicker for pecuniary or other gain. The case went to the jury on a single count - intentionally causing the death of Troy Wicker by shooting him with a pistol after having been convicted of murder in the second degree in 1977 in the Circuit Court of Marion County, in violation of Ala. Code § 13A-5-40(a)(13)(1975).

On December 5, 1991, Arthur was found guilty of capital murder. After listening to the evidence presented at the penalty phase, the jury recommended by a vote of 11 to 1 that Arthur be sentenced to death. On January 24, 1992, after conducting a separate hearing and reviewing the aggravating/mitigating circumstances, the state trial judge sentenced Arthur to death. The Alabama Court of Criminal Appeals and the Alabama Supreme Court each affirmed both the conviction and the sentence. Arthur v. State, 711 So. 2d 1031 (Ala. Crim. App. 1996); Ex parte Arthur, 711 So. 2d 1097 (Ala. 1997). An application for rehearing was denied by the Alabama Supreme Court on March 20, 1998. Arthur did not, within the time allowed, file a petition for review with the United States Supreme Court.

Arthur filed his Rule 32 petition after the expiration of the statute of limitations. Rule 32.2(c) of the Alabama

Rules of Criminal Procedure provides that a petition for post-conviction relief be filed within two years after the issuance of the certificate of judgment by the Court of Criminal Appeals.¹ A certificate of judgment was issued by the Court of Criminal Appeals on April 7, 1998, establishing April 7, 2000, as the last date on which Arthur could file his Rule 32 petition for relief from the sentence of death imposed on January 24, 1992.

On September 8, 2000, following some two and one-half years of inactivity by Arthur or by anyone on his behalf, the Alabama Attorney General filed, in this Court, a motion requesting a date to carry out the death sentence and to issue a death warrant instructing the State to proceed. On March 23, 2001, this Court granted the Attorney General's motion to set an execution date and ordered that Arthur be executed on Friday April 27, 2001.

On January 25, 2001, Arthur, through counsel, filed a Rule 32 petition in the Circuit Court of Jefferson County. The Rule 32 petition was dismissed as untimely on March 5,

¹This Court, effective August 1, 2002, changed the Rule 32 statute of limitations to one year. Ala. R. Crim. P. 32.2(c) (comment following that rule states the effective date of the amendment).

2001. The Alabama Court of Criminal Appeals affirmed the denial and dismissal of Arthur's Rule 32 petition. Arthur v. State, 820 So. 2d 886, 889 (Ala. Crim. App. 2001). The Court of Criminal Appeals agreed with the trial court that "the two-year limitations period in Rule 32.2(c), Ala. R. Crim. P., is mandatory and jurisdictional." Id. The Alabama Court of Criminal Appeals denied Arthur's application for rehearing on July 27, 2001, and this Court denied certiorari review on November 2, 2001. Id. The United States Supreme Court, on May 13, 2002, denied Arthur's petition for writ of certiorari. Arthur v. Alabama, 535 U.S. 1053 (2002).

On April 20, 2001, seven days before his scheduled execution, Arthur filed a petition for writ of habeas corpus, along with a motion to stay the execution, in the United States District Court for the Northern District of Alabama. That court issued a stay of execution on April 25, 2001. That same day, the federal district court entered an order staying the habeas proceeding pending a resolution of the above-listed state post-conviction proceeding.

Arthur attempted to overcome his failure to comply with the statute of limitation in federal court by asserting a "gateway claim" of actual innocence. His claim was based principally on the affidavits of Alphonso High and Ray Melson, who claimed to have seen Arthur on February 1, 1982, the morning of the murder. Arthur v. Allen, 452 F.3d 1234, 1244-46 (11th Cir. 2006) (summarizing the information in the affidavits). High and Melson gave affidavits to the State that contradicted their earlier affidavits, stating that they could not be certain of the day or month that they saw Arthur. Id.

The federal district court rejected Arthur's "actual innocence" claim and dismissed Arthur's habeas petition as untimely. Arthur's motion for reconsideration was denied. Arthur's motion for a certificate of appealability was granted by the district court. The Eleventh Circuit Court of Appeals affirmed the dismissal. Arthur v. Allen, 452 F.3d 1234 (11th Cir. 2006). The decision was modified slightly on petition for rehearing, with the court elucidating its denial of a hearing and discovery. Arthur v. Allen, 459 F.3d 1310 (11th Cir. 2006). Arthur's

petition for certiorari was denied by the United States Supreme Court. Arthur v. Allen, 127 S.Ct. 2033 (2007).

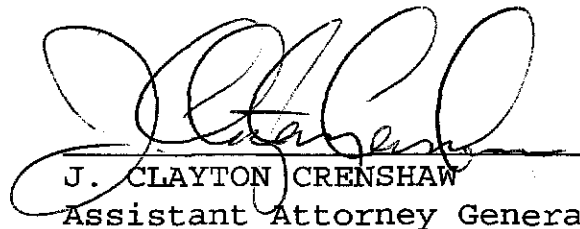
As shown above, Arthur has exhausted all three avenues of appellate relief. Thus, it is the appropriate time under Rule 8(d)(1) for this Court to enter an order to execute Arthur's duly-adjudicated sentence.

CONCLUSION

Pursuant to Rule 8(d)(1) of the Alabama Rules of Appellate Procedure, the State respectfully requests this Court "enter an order fixing a date of execution" for Thomas Arthur.

Respectfully submitted,

TROY KING
Attorney General

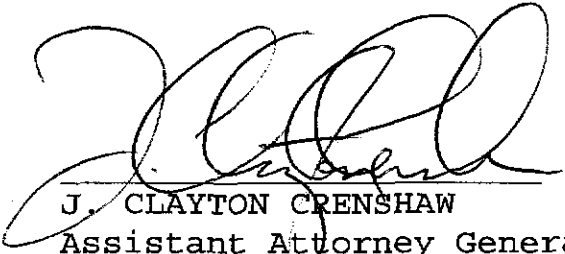


J. CLAYTON CRENSHAW
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2008, I did serve a copy of the foregoing on the attorneys for Thomas Arthur, by placing the same in the United States Mail, first class, postage prepaid and addressed as follows:

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APPENDIX A

(ORDER LIST: 553 U.S.)

MONDAY, APRIL 21, 2008

CERTIORARI -- SUMMARY DISPOSITIONS

07-5346 MORRIS, GEORGE L. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-5403 McCOY, WILLIAM V. UNITED STATES

07-5549 THOMAS, KEVIN N. V. UNITED STATES

07-5698 MILLER, WILLIAM E. V. UNITED STATES

07-6252 JONES, KOBAYASHI V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-7412 HASTE, JUSTIN B. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____

(2008).

07-7477 TIGER, RONALD D. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-7612 SMITH, DAMON F. V. UNITED STATES

07-7619 COUNTS, RICHARD L. V. UNITED STATES

07-7693 HENDERSON, ANTHONY L. V. UNITED STATES

07-7862 WALKER, AARON D. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-8394 ARCHER, BRYAN L. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-8641 WILLIAMS, MICHAEL A. V. UNITED STATES

07-8795 MARTINEZ-REYES, ROBERTO V. UNITED STATES

The motions of petitioners for leave to proceed *in forma*

pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Gall v. United States*, 552 U.S. ____ (2007).

07-8844 BAZEN, CHARLES L. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-9115 MILLER, KEVIN S. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eighth Circuit for further consideration in light of *Begay v. United States*, 553 U.S. ____ (2008).

07-9689 TAYLOR, KEVIN V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *Kimbrough v. United States*, 552 U.S. ____ (2007).

ORDERS IN PENDING CASES

- 07A769 SIBLEY, MONTGOMERY B. V. FLORIDA BAR
The application for stay addressed to Justice Ginsburg and referred to the Court is denied.
- 07A785 WILLIAMS, STEPHEN J. V. DEPT. DISCIPLINARY COMM.
(07-1188) The application for stay addressed to Justice Scalia and referred to the Court is denied.
- 07M63 McCLASKEY, TODD V. LA PLATA R-II SCH. DIST., ET AL.
The motion of petitioner for leave to proceed as a veteran is denied.
- 06-923 METRO. LIFE INS. CO., ET AL. V. GLENN, WANDA
The motion of Barry Schmittou for leave to intervene is denied.
- 07-952 DENTON, G. HALLETT V. HYMAN, ANDREW A.
- 07-956 BIOMEDICAL PATENT MANAGEMENT V. CA DEPT. OF HEALTH SERVICES
The Solicitor General is invited to file briefs in these cases expressing the views of the United States.
- 07-9643 FEATHERSTONE, IVY V. PFEIFFER, RICHARD C.
The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until May 12, 2008, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

- 06-11206 CHAMBERS, DEONDERY V. UNITED STATES
The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

07-1059) UNITED STATES V. EURODIF S.A., ET AL.
07-1078) USEC INC., ET AL. V. EURODIF S.A., ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated and a total of one hour is allotted for oral argument.

CERTIORARI DENIED

06-11830 WILLIAMS, JOSEPH V. GEORGIA
07-303 TAYLOR, MICHAEL A. V. CRAWFORD, DIR., MO DOC, ET AL.
07-395 ARTHUR, THOMAS D. V. ALLEN, COMM'R, AL DOC, ET AL.
07-802 MURPHY, MARRITA V. IRS, ET AL.
07-803 THACKER, DONALD A. V. FCC, ET AL.
07-820 ZAMORA, FRANCISCO C. V. MUKASEY, ATT'Y GEN.
07-943 LeBOON, LINDA V. LANCASTER JEWISH COM. CENTER
07-1060 TAKA, SAMUEL H., ET UX., ET AL. V. E. I. DU PONT DE NEMOURS
07-1063 GRIFFIN INDUSTRIES, INC. V. IRVIN, TOMMY, ET AL.
07-1067 HOLLAND, JOHN J. V. LAYTON, CATHERINE J.
07-1073 JOHN CRANE, INC. V. ONEY, SANDRA K.
07-1108 BONNER, ELIZABETH H. V. PEAKE, SEC. OF VA
07-1123 ARNETT, DARRELL V. COMBS, SUSAN, ET AL.
07-1128 MILES, DANIEL L. V. KLEIN, CHAIRMAN, NRC
07-1129 MORRISON, PATRICIA A. V. CHAO, SEC. OF LABOR, ET AL.
07-1132 SPARKS, NV V. WHITE, STEVEN C.
07-1134 KEARNS, PEGGY V. COMBA, KATHY, ET AL.
07-1135 MENDES, DELADIER D. V. MASSACHUSETTS
07-1142 ARDITO, JOSEPH V. NBC UNIVERSAL, INC., ET AL.
07-1147 PEQUENO, JUAN V. SCHMIDT, MICHAEL
07-1155 MUSSELMAN, LANCE, ET AL. V. NITCHMAN, MARK, ET AL.
07-1156 MICHAEL, DENNIS, ET AL. V. GHEE, MARGARETTE, ET AL.

07-1177 PURITEC V. CALIFORNIA
07-1196 SEGAL, MICHAEL V. UNITED STATES
07-1199 MICKENS, THOMAS V. UNITED STATES
07-6243 BIROS, KENNETH V. STRICKLAND, GOV. OF OH, ET AL.
07-7023 GARTH, FARAJI O. V. BUSS, SUPT., IN
07-7348 BERRY, EARL W. V. EPPS, COMM'R, MS DOC, ET AL.
07-7641 MANAGO, HERBERT L. V. FLORIDA
07-7707 BEASON, DEMOND P. V. UNITED STATES
07-7837 HENDERSON, JEROME V. UNITED STATES
07-7946 SALINAS, RICARDO V. UNITED STATES
07-7963 WARD, MICHAEL V. MI DOC
07-7986 LEDCKE, SHAWN V. UNITED STATES
07-8067 SANDERS, KEVIN D. V. NUNN, W. STANLEY, ET AL.
07-8191 SHENETT, TRACY L. V. UNITED STATES
07-8277 ROACH, JAMES W. V. UNITED STATES
07-8315 BOWER, LESTER L. V. QUARTERMAN, DIR., TX DCJ
07-8434 NICKLASSON, ALLEN L. V. ROPER, SUPT., POTOSI
07-8457 THRASHER, RONALD V. UNITED STATES
07-8512 TURNER, CARLTON A. V. TEXAS
07-8541 BISHOP, JOEL D. V. UNITED STATES
07-8787 COUSIN, JOSEPH V. MASSACHUSETTS
07-9096 CROWE, SAMUEL D. V. HALL, WARDEN
07-9133 GARCIA, SABINO V. UNITED STATES
07-9394 LAWRENCE, TERENCE C. V. TEXAS
07-9395 INCUMAA, LUMUMBA K. V. OZMINT, DIR., SC DOC
07-9401 TILLMAN, HAROLD L. V. WARREN, WARDEN
07-9402 JOHNSON, RICHARD A. V. FLORIDA
07-9405 MORLEY, KEVIN R. V. McNEIL, SEC., FL DOC

07-9407 MILLER, MICHAEL V. CAIN, WARDEN
07-9413 LOPEZ, MIGUEL S. V. V. BRIGANO, WARDEN
07-9414 LOMBARDELLI, ALFRED C. V. SCRIBNER, WARDEN
07-9415 JONES, AMOS L. V. QUARTERMAN, DIR., TX DCJ
07-9416 MILLER, JONATHAN C. V. HALL, SUPT., TWO RIVERS
07-9431 HEARD, JAMES K. V. HARRISON, WARDEN
07-9436 MERRIWEATHER, WILLIE S. V. FREDRICK, CARL, ET AL.
07-9443 BETTY, PAUL V. FLORIDA
07-9446 BABOS, ERIC V. OHIO
07-9450 WEST, ANTHONY V. BELL, WARDEN
07-9451 TAYLOR, EDDIE R. V. QUARTERMAN, DIR., TX DCJ
07-9452 UTOMI, VICTOR K. V. TEXAS
07-9454 THREAT, DAVID V. TENNESSEE
07-9455 YOON, TAEK S. V. GERVIN, A. B., ET AL.
07-9461 CHAMBERS, MAURICE V. ROZUM, SUPT., SOMERSET, ET AL.
07-9465 MUHAMMAD, SHAKA S. V. SISTO, WARDEN
07-9471 CRAMER, JAMES V. FLORIDA
07-9472 CODY, NATHAN V. MICHIGAN
07-9474 RHODES, BENNIE R. V. TEXAS
07-9476 REEVES, AHMAD D. V. TEXAS
07-9478 JOHNSON, IAN B. V. SUPREME COURT OF KS
07-9480 JENKINS, OZA B. V. SUNCOAST CONSTR. GROUP, ET AL.
07-9483 ANDERSEN, ANDREW V. MARTINO, CORY
07-9486 MIDDLETON, JOHN V. ROPER, SUPT., POTOSI
07-9490 FLEMMING, WOODROW V. NEW YORK, ET AL.
07-9503 CHERRY, DARRYL L. V. JOHNSON, DIR., VA DOC
07-9538 HARRIS, RICKY J. V. MORROW, MITCH
07-9539 GERMAN, DARYL L. V. McNEIL, SEC., FL DOC

07-9547 QUEEN, SAMUEL R. V. NALLEY, MICHAEL K.
07-9552 ELLIS, RONNIE J. V. VIRGINIA
07-9615 OGHENESORO, GABRIEL D. V. MUKASEY, ATT'Y GEN.
07-9623 MENDOZA-LARES, MIGUEL A. V. ARIZONA
07-9625 JOHNSON, BARBARA C. V. BD. OF BAR OVERSEERS OF MA
07-9628 MURPHY, MICHAEL D. V. DENNY, WARDEN, ET AL.
07-9652 HARMON, GEORGE B. V. CALIFORNIA
07-9657 NELSON, FILBERT V. BOSTON POLICE DEPT., ET AL.
07-9665 HILL, BRIAN T. V. CALIFORNIA
07-9667 HALL, CECIL L. V. DELAWARE
07-9677 THOMAS, EARL V. JOHNSON, DIR., VA DOC
07-9692 CARDONA, MESACH V. UNITED STATES
07-9694 HAMILTON, JERRY V. CALIFORNIA
07-9699 KIPER, MAYFIELD A. V. NEVADA
07-9708 SMITH, DELVIN D. V. UNITED STATES
07-9709 SANCHEZ, SERGIO V. CALIFORNIA
07-9711 MORRIS, JOHNNY L. V. UNITED STATES
07-9715 STAVES, FREDERICK J. V. UNITED STATES
07-9718 ROUNDTREE, CHARLES C. V. UNITED STATES
07-9719 BLACKTHORNE, ALLEN V. UNITED STATES
07-9720 SOLORZANO, GUILLERMO F. V. UNITED STATES
07-9737 CROSS, EARL J. V. JOHNSON, DIR., VA DOC
07-9757 SHOAGA, RAIMI V. TENNESSEE
07-9761 ANDREOLA, DANIEL V. MORGAN, WARDEN
07-9766 LINTON, MONTIE V. CALIFORNIA
07-9779 JONES, EARVIN V. RUNNELS, WARDEN
07-9816 JACKSON, TYRONE V. NEW YORK
07-9834 CAMPBELL, DENNIS J., ET UX. V. EEOC, ET AL.

07-9842 VELASQUEZ, ARTHUR V. OHIO
07-9862 YELL, ROBERT V. KENTUCKY
07-9872 MARTIN, RONALD T. V. OHIO
07-9879 SCHAUB, JAMES N. V. OHIO
07-9907 YOUNG, TIMOTHY D. V. USDC DC
07-9951 VEGA, JOSE V. WILEY, WARDEN, ET AL.
07-9955 DE LA ROSA-HERNANDEZ, FERNANDO V. UNITED STATES
07-9963 RICE, GREGORY M. V. UNITED STATES
07-9965 FEURTADO, ANTHONY V. UNITED STATES
07-9966 HADEN, KODJOVI M. V. UNITED STATES
07-9968 GRANT, LEWIS B. V. UNITED STATES
07-9971 GONZALEZ, VICTOR V. UNITED STATES
07-9978 WHEELER, TONY Z. V. UNITED STATES
07-9984 VIEUX, RICHARD V. WILLIAMSON, WARDEN
07-9988 UNDERWOOD, WILLIAM R. V. HOGSTEN, WARDEN, ET AL.
07-9989 WELLS, DANNY R. V. UNITED STATES
07-9991 SHURTZ, JOSEPH L. V. UNITED STATES
07-9992 ROBINSON, ROBERT V. UNITED STATES
07-9994 CARMELO, CARLOS E. V. UNITED STATES
07-9999 BINTZLER, KIRK E. V. MUKASEY, ATT'Y GEN., ET AL.
07-10003 MESSIER, JOSEPH P. V. UNITED STATES
07-10008 VARGAS-GALICIA, ROGELIO V. UNITED STATES
07-10010 RICHARDSON, ANTONY V. UNITED STATES
07-10011 SANDERS, REUBIN R. V. UNITED STATES
07-10014 HOLGUIN, SILVIANO V. UNITED STATES
07-10020 FRANCIS, HENRY V. UNITED STATES
07-10034 PRESCOD, WILLIAM A. V. UNITED STATES
07-10036 JOHNSON, KERION V. UNITED STATES

07-10038 BERNAZAL, MIGUEL V. UNITED STATES
07-10041 SPELLICY, FRANCIS D. V. UNITED STATES
07-10056 WILLIAMS, McSHELLE F. V. UNITED STATES
07-10071 COFIELD, ARTIE V. UNITED STATES
07-10073 CEJA-LICEA, FRANCISCO V. UNITED STATES
07-10080 SMITH, DAVID L. V. UNITED STATES
07-10085 HAGEN-PORRAS, LUIS A. V. UNITED STATES

The petitions for writs of certiorari are denied.

07-1053 BOUCHAT, FREDERICK E. V. BON-TON DEPT. STORES, ET AL.

The petition for a writ of certiorari is denied. The Chief Justice and Justice Breyer took no part in the consideration or decision of this petition.

07-1055 EXXON MOBIL CORPORATION V. GREFER, JOSEPH, ET AL.

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

07-1068 NUCLEONICS, INC. V. BENITEC AUSTRALIA, LTD.

The motion of respondent for leave to file a brief in opposition under seal is granted. The petition for a writ of certiorari is denied.

07-6234 COOEY, RICHARD W. V. STRICKLAND, GOV. OF OH, ET AL.

The motion of Brian Keith Moore, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

07-8336 NDONG-NTOUTOUM, ALAIN V. MUKASEY, ATT'Y GEN.

The motion of petitioner to defer consideration of the petition for a writ of certiorari is denied. The petition for a writ of certiorari is denied.

07-10043 VIRAY, CARMELITA V. MORA, ALBERTO J.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

HABEAS CORPUS DENIED

07-10138 IN RE GARY L. GOODRICH

07-10200 IN RE WILLIAM D. HARBIN

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

07-1077 IN RE MARY L. COLLARD

07-9466 IN RE DEREK M. BAILEY

07-9676 IN RE TIMOTHY D. YOUNG

07-9716 IN RE RAUL RAMIREZ

07-9830 IN RE DA VANG

The petitions for writs of mandamus are denied.

07-9804 IN RE SUSAN HERBERT

The petition for a writ of mandamus and/or prohibition is denied.

REHEARINGS DENIED

06-10966 WALKER, GREGORY V. GEORGIA

07-710 ROBLES, ENRIQUE R. V. BOSCH, ROBERTO, ET AL.

07-875 WHITCOMBE, KIRK, ET UX. V. HENAK, LARRY, ET UX.

07-7829 BRADFORD, STEVEN V. UNITED STATES

07-8346 ROBINSON, KENNETH E. V. NORTH CAROLINA

07-8587 IN RE STEPHEN M. MITCHELL
07-8588 TALON, JEFFREY A. V. NTSB, ET AL.
07-8828 THORPE, EARNEST V. ERWIN, WARDEN
07-9210 IN RE MANUEL S. DePINEDA
07-9306 DADE, JOHN ERNEST V. UNITED STATES

The petitions for rehearing are denied.

07-843 DRAIN, JAMES, ET UX. V. ACCREDITED HOME LENDERS, INC.

The petition for rehearing is denied. Justice Breyer took no part in the consideration or decision of this petition.

07-7870 VANDIVERE, JAMES D. V. UNITED STATES

The motion for leave to file a petition for rehearing is denied.

MOTIONS FOR ADMISSION

The written motions for admission of the following lawyers to the Bar of this Court are granted: