

IN THE SUPREME COURT OF ALABAMA

EX PARTE THOMAS D. ARTHUR)
)
In re: STATE OF ALABAMA,)
)
 Petitioner,) Case No. 1951985
 v.)
)
THOMAS D. ARTHUR,)
)
 Respondent.)
)

**RESPONDENT'S SECOND SUPPLEMENTAL
MEMORANDUM IN OPPOSITION TO
THE STATE OF ALABAMA'S MOTION TO SET AN EXECUTION DATE**

In his Memorandum in Opposition to the State of Alabama's Motion to Set an Execution Date, Mr. Arthur, through counsel, asserted that no executions by lethal injection should be conducted pending a decision by the United States Supreme Court in *Baze v. Rees*, 07-5439.

Consistent with this approach, the Arizona Supreme Court yesterday halted the execution of Jeffrey Landrigan pending the outcome of *Baze*. See Michael Keifer, *Execution Delayed for Ariz. Killer*, Arizona Republic, Oct. 12, 2007. The Eighth Circuit Court of

Appeals likewise granted a stay yesterday to Arkansas death row inmate Jack Jones, Jr. pending *Baze*. See Jon Gambrell, *Death Row Inmate Receives Stay As Supreme Court Case Looms*, Morning News (Little Rock, Ar.), Oct. 12, 2007.

CONCLUSION

For the foregoing reasons and the reasons set forth in Mr. Arthur's Memorandum in Opposition, the Court should deny the State of Alabama's Motion to Set an Execution Date.

Dated: October 12, 2007

Respectfully submitted,



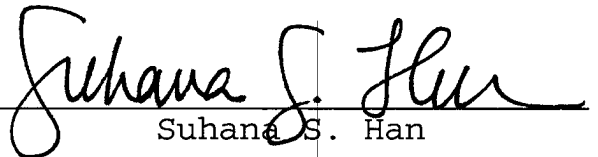
Suhana S. Han
125 Broad Street
New York, New York 10004
(212) 558-4000
(212) 558-3588 (facsimile)

*Counsel for Respondent
Thomas D. Arthur*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of
October, 2007, I caused to be served by United States
Express Mail a copy of the foregoing Supplemental
Memorandum in Opposition to the State of Alabama's
Motion to Set an Execution Date on:

J. Clayton Crenshaw, Esq.
Office of the Attorney General
Capital Litigation Division
Alabama State House
11 South Union Street
Montgomery, Alabama 36130-1052


Suhana S. Han