

**IN THE SUPREME COURT OF ALABAMA**

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

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

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In his Memorandum in Opposition to the State of Alabama's Motion to Set an Execution Date and his Supplemental Briefs, 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, two days ago, the United States Supreme Court stayed the execution of Virginia death row inmate Scott Emmett, "pending final disposition of the appeal by the U.S. Court of Appeals for the Fourth Circuit or further order of this court."

James Vicini, *Virginia Death Row Inmate Gets Stay of Execution*, Reuters, Oct. 17, 2007.

Similarly, two state supreme courts recently stayed scheduled executions. The Nevada Supreme Court halted the execution of William Castillo, who had waived his appeals and volunteered to be executed. During an hour-long emergency hearing, members of the Court asked lawyers for the Attorney General's Office and the Department of Corrections what harm would be caused by a delay while questions about the use of lethal injection were more thoroughly reviewed. See Sean Whaley, *State's High Court Stays Execution of Castillo*, Las Vegas Review Journal, Oct. 16, 2007.

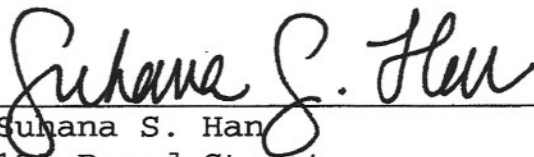
Yesterday, the Georgia Supreme Court stayed the execution of Jack Alderman, in light of *Baze* and the United States Supreme Court's decision to stay Mr. Emmett's execution. See Matthew Bigg, *Georgia Death Row Inmate Gets Stay of Execution*, Reuters, Oct. 18, 2007.

**CONCLUSION**

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

Dated: October 19, 2007

Respectfully submitted,



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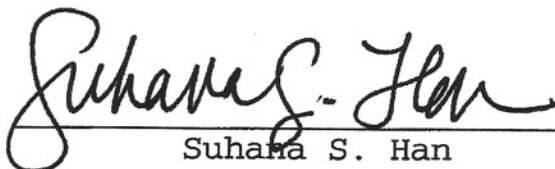
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*Counsel for Respondent  
Thomas D. Arthur*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th 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