

**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 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, 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. Since Mr. Arthur filed his Opposition, other states have followed this approach. The Texas Court of Criminal Appeals stayed the execution of Heliberto Chi, originally set for October 3, 2007. See Ralph Blumenthal, *Texas Ruling Signals Halt to Executions Indefinitely*, N.Y. TIMES, Oct. 2, 2007 (“Tuesday’s

ruling by the Texas court was seen as a sign that judges in the nation's leading death penalty state were taking guidance from the Supreme Court and putting off imminent executions".) Furthermore, citing judicial prudence, Oklahoma Attorney General W.A. Drew Edmondson asked the Oklahoma Court of Criminal Appeals to defer scheduling executions in Oklahoma until the Supreme Court defines what constitutes cruel and unusual punishment with respect to lethal injection procedures. *See Oklahoma Attorney General Asks Hold on Executions*, REUTERS, Oct. 3, 2007.

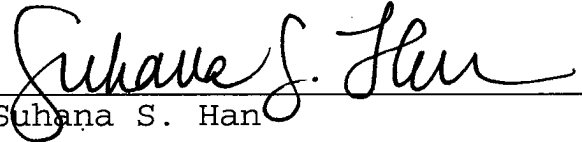
Consistent with this emerging consensus that executions should be suspended pending the Supreme Court's upcoming ruling in *Baze*, this Court should not set Mr. Arthur's execution date at this time.

**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 4, 2007

Respectfully submitted,



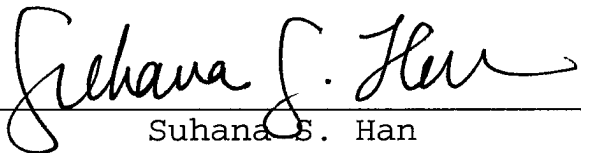
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*Counsel for Respondent  
Thomas D. Arthur*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4th 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