

ARIZONA SUPREME COURT

STATE OF ARIZONA,

Plaintiff-Appellee,

v.

DANIEL WAYNE COOK,

Defendant-Appellant.

Supreme Court No. CR-88-0301-AP

Mohave County Superior Court
No. CR-9358

**REPLY TO RESPONSE TO
MOTION TO STAY EXECUTION**

The State urges this Court to give more weight to the interest in finality to Mr. Cook's sentence than the interest in ensuring that the Arizona Constitution is not violated in carrying out that sentence. As the Ninth Circuit recently recognized, "that interest can be and has been undermined to a degree by Arizona's pattern of behavior in the recent execution litigation." *Towery v. Brewer*, 672 F.3d 650, 661 (9th Cir. 2012). This Court can and should stay Mr. Cook's execution to resolve this issue that will likely result in subsequent last-minute circumstances, such as this one, if no action is taken.

Respectfully submitted this 7th day of August, 2012.

LAW OFFICE OF MICHAEL MEEHAN

Michael J. Meehan

AZ Bar Number 002892

3938 E. Grant Road, No. 423

Tucson, AZ 85712

Telephone: (520) 529-1969

mmeehan.az@msn.com

Counsel for Defendant

By: s/Michael J. Meehan