

**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.

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