

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,)
) Arizona Supreme Court
) No. CR-85-0246-AP
 Appellee,)
) Yavapai County
 v.) Superior Court
) No. 8752
 EDWARD HAROLD SCHAD, JR.,)
)
 Appellant.) **FILED 09/03/2013**
)
)
 _____)

WARRANT OF EXECUTION

This Court heard and considered the appeal in the above-entitled cause on April 9, 1987, and on December 14, 1989, affirmed the judgment of the Superior Court in Yavapai County, State of Arizona, and filed its OPINION, which is still in effect and has not been affected by any subsequent decision of this or any other Court.

On September 16, 1997, following the denial of relief in Appellant's first post-conviction proceeding, this Court denied Appellant's petition for review filed pursuant to Rule 32.9(c), Ariz. R. Crim. P.

On June 25, 2013, the Attorney General filed a motion to issue a Warrant of Execution, which motion was granted by this Court on September 3, 2013.

Therefore, pursuant to Rule 31.17(c)(2), Ariz. R. Crim. P.,

IT IS ORDERED fixing Wednesday, October 9, 2013, as the date for commencement of the execution time period when the judgment and sentence of death pronounced upon EDWARD HAROLD SCHAD, JR. by the Superior Court in Yavapai County shall be executed by administering to EDWARD HAROLD SCHAD, JR. by intravenous injection a substance or substances in a quantity sufficient to cause death, except that EDWARD HAROLD SCHAD, JR. shall have the choice of execution by either lethal injection or lethal gas. EDWARD HAROLD SCHAD, JR. shall choose either lethal injection or lethal gas and notify the Department of Corrections at least twenty (20) days before the date of execution. If EDWARD HAROLD SCHAD, JR. fails to choose either lethal injection or lethal gas and notify the Department of Corrections of that decision, the penalty of death shall be inflicted by lethal injection.

IT IS FURTHER ORDERED that this Warrant is valid for twenty-four (24) hours beginning at an hour to be designated by the Director of the Department of Corrections, with written notice of the designated hour to be given to the Supreme Court and parties at least twenty (20) calendar days prior to the date of execution.

IT IS FURTHER ORDERED that the Clerk of this Court shall forthwith prepare and certify a true and correct copy of this Warrant and shall cause the same to be delivered to the Director of the Department of Corrections and the Superintendent or Warden of the State Prison, at Florence, Arizona, and the same shall be sufficient authority to them for the execution of EDWARD HAROLD SCHAD, JR.

IT IS FURTHER ORDERED that, upon the execution of EDWARD HAROLD SCHAD, JR., the Superintendent or Warden shall, pursuant to Rule 31.17(c), Ariz. R. Crim. P., forthwith make a return of this Warrant to the Supreme Court of Arizona, which return shall show the time, mode and manner of execution.

Dated in the City of Phoenix, Arizona, at the Arizona Courts Building, this 3rd day of September, 2013.

REBECCA WHITE BERCH, Chief Justice

SCOTT BALES, Vice Chief Justice

JOHN PELANDER, Justice

ROBERT M. BRUTINEL, Justice

ANN A. SCOTT TIMMER, Justice

STATE OF ARIZONA
SUPREME COURT

I, Janet Johnson, Clerk of the Supreme Court of the State of Arizona, hereby certify the above and foregoing 3 pages to be a full and true copy of the Warrant of Execution of EDWARD HAROLD SCHAD, JR., filed by said Supreme Court in the above-entitled action on this 3rd day of September, 2013.

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the Supreme Court of the State of Arizona this 3rd day of September, 2013.

Janet Johnson, Clerk of Court