

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

EDWARD HAROLD SCHAD, JR.,

Plaintiff,

vs.

JANICE K. BREWER,  
Governor Of The State Of Arizona, In  
Her Official Capacity,

SCOTT SMITH,  
Chief Of Staff To Governor Brewer,  
In His Official Capacity

BRIAN LIVINGSTON,  
Chairman and Executive Director,  
Arizona Board of Executive Clemency

JOHN "JACK" LASOTA,  
Member, Arizona Board of Executive  
Clemency, In His Official Capacity

ELLEN KIRSCHBAUM,  
Member, Arizona Board of Executive  
Clemency, In Her Official Capacity

DONNA HARRIS,  
Member, Arizona Board of Executive  
Clemency, In Her Official Capacity

Defendants.

No. 2:13-cv-01962-ROS

NOTICE OF APPEAL

DEATH PENALTY CASE -  
EXECUTION SET FOR  
OCTOBER 9, 2013 10:00 AM

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Counsel for Petitioner Schad

COMES NOW, Edward Schad, by counsel, and notices his appeal from this Court's October 1, 2013 order. (Dkt. 21)

Respectfully submitted this 1<sup>st</sup> day of October, 2013.

Kelley J. Henry  
Supervisory Asst. Federal Public Defender  
Denise Young, Esq.

By s/Kelley J. Henry  
Counsel for Plaintiff Edward Schad

### **Certificate of Service**

I hereby certify that on October 1, 2013 I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Arizona. I also certify that I emailed a copy of the same to counsel, Kelly Gibson and Brian Luse. I further certify that I emailed copies to Ms. Kristine Fox, Capital Case Staff Attorney for the District of Arizona and Ms. Margaret Epler, Capital Case Staff Attorney for the Sixth Circuit.

Kelley J Henry  
Counsel for Edward Schad