

No. 13-16978

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EDWARD HAROLD SCHAD,
Plaintiff-Appellant,

and

ROBERT GLEN JONES, Jr.
Intervenor-Plaintiff,

vs.

JANICE K. BREWER, ET AL.,
Defendants-Appellees.

On Appeal from the United State District Court
District of Arizona, No. 2:13-cv-01962-PHX-ROS

****CAPITAL CASE EXECUTIONS SCHEDULED FOR
OCTOBER 9, 2013 AT 10:00 A.M. MST
OCTOBER 23, 2013 AT 10:00 A.M. MST****

**REPLY TO RESPONSE TO
EMERGENCY MOTION UNDER CIRCUIT RULE 27-3 FOR STAY OF
EXECUTION**

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Appellees do not have standing to oppose a stay of execution. That they do merely evidences their bias and interest in seeing Appellants put to death.

Appellants have shown enough to deserve to move further in this lawsuit. This Court should grant a stay so that the veil of secrecy that surrounds Arizona executions can be lifted. Without a stay, the lawsuit will be rendered moot.

Respectfully submitted this 6th day of October, 2013.

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

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

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Timothy M. Gabrielson
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Counsel for Plaintiff Robert Glen Jones, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2013 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit. I also certify that I emailed a copy of the same to counsel, Dale Baich, 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