

No. 13-16978

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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EDWARD HAROLD SCHAD,  
Plaintiff-Appellant,

and

ROBERT GLEN JONES, Jr.  
Intervenor-Plaintiff,

vs.

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

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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 6<sup>th</sup> day of October, 2013.

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Supervisory Asst. Federal Public Defender  
Denise Young, Esq.

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

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**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