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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Joseph Rudolph Wood III,

Plaintiff-Appellant,

v.

Charles L. Ryan, et al.,

Respondents-Appellees.

No. 14-16310

District Court No. 2:14-cv-01447-
NVW-JFM

EMERGENCY MOTION FOR STAY
OF EXECUTION

Death-Penalty Case

The Arizona Department of Corrections began the execution of Joseph Rudolph Wood III at 1:52 p.m. At 1:57 p.m ADC reported that Mr. Wood was sedated, but at 2:02 he began to breathe. At 2:03 his mouth moved. Mr. Wood has continued to breathe since that time. He has been gasping and snorting for more than an hour. At 3:02 p.m. At that time, staff rechecked for sedation. He is still alive. This execution has violated Mr. Wood's Eighth Amendment right to be executed in the absence of cruel and unusual punishment.

We respectfully request that this Court stop the execution and require that the Department of Corrections use the lifesaving provisions required in its protocol. *See* Arizona Department Protocol 710:

Contingency Procedure

1. An Automated External Defibulator (AED) will be readily available on site in the event that the inmate goes into cardiac arrest at any time prior to dispensing the chemicals; trained medical staff shall make every effort to revive the inmate should this occur.
2. Trained medical personnel and emergency transportation, neither of which is involved in the execution process, shall be available in proximity to respond to the inmate should any medical emergency arise at any time before the order to proceed with the execution is issued by the Director.
3. If at any point any team member determines that any part of the execution process is not going according to procedure, they shall advise the IV Team Leader who shall immediately notify the Director. The Director may consult with persons deemed appropriate and will determine to go forward with the procedure, start the procedure over at a later time within the 24-hour day, or stand down.

Respectfully submitted this 23rd day of July, 2014.

Jon M. Sands
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Dale A. Baich
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s/ Robin C. Konrad
Counsel for Plaintiff Joseph R. Wood
III

Certificate of Service

I hereby certify that on July 23, 2014 , I electronically filed the foregoing EMRGENCY Motion for STAY OF EXECUTION with the Clerk's Office by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Stephanie Bame

Legal Assistant

Capital Habeas Unit