

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ADAM KELLY WARD,

Petitioner,

v.

STATE OF TEXAS,

Respondent.

**Motion to Stay Execution Pending Consideration and Disposition
of Petition for Writ of *Certiorari***

**CAPITAL CASE: EXECUTION SCHEDULED
FOR MARCH 22, 2016, 6 P.M. CST**

TO THE HONORABLE JUSTICES OF THIS COURT:

Adam Kelly Ward, though undersigned appointed counsel, respectfully requests that this Court grant him a stay of his execution, currently scheduled for Tuesday, March 22, 2016, after 6:00 PM CST, pending the consideration and disposition of his petition for writ of *certiorari* that has been filed with this Court.

A stay of execution is warranted where: (1) there is a reasonable probability that four member of this Court would consider the underlying issue sufficiently meritorious for the grant of *certiorari* or the notation of probable jurisdiction; (2) there is a significant possibility of reversal of the lower court's decision; and, (3) there is a likelihood that

irreparable harm will result if no stay is granted. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983); *Moore v. Texas*, 535 U.S. 1110 (2002).

Mr. Ward's petition for writ of *certiorari* raises important federal questions in a capital case and asks this Court to address questions of broad importance, namely: whether the Eighth Amendment's prohibition on the infliction of cruel and unusual punishments precludes the States from executing individuals whose crimes are attributable to severe mental illness and whether society's standards of decency have evolved to the point that the death penalty now violates the Eighth Amendment.

Second, there exists a significant possibility of reversal of the lower court's decision. As demonstrated in the accompanying petition, there exist strong indicia that a national consensus has emerged against the execution of the severely mentally ill, such that the Eighth Amendment categorically prohibits imposition of the death penalty upon such individuals, and further, that the standards of decency have evolved such that the death penalty as a whole is prohibited by the Eighth Amendment.

Finally, there is a likelihood that irreparable harm will result absent a stay. Mr. Ward, who is constitutionally ineligible for the death penalty, will be executed by the State of Texas. He respectfully requests this Court's intervention to prevent his unconstitutional execution.

CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, a stay of execution should be granted.

Respectfully submitted,

/s/ David R. Dow

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CERTIFICATE OF SERVICE

I certify that on this 16th day of March 2016, a copy of this motion was served on Counsel for the State via electronic transmission to:

Keli Aiken
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Signed,

/s/ David R. Dow

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