

No. 15-_____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2015

JOHN WAYNE CONNER,

Petitioner,

-v-

ERIC SELLERS, WARDEN,

Respondent.

**CAPITAL CASE: EXECUTION SCHEDULED
FOR JULY 14, 2016 AT 7:00PM**

MOTION FOR STAY OF EXECUTION

Comes now, Petitioner, JOHN WAYNE CONNER, by and through undersigned counsel, and prays that an Order be entered staying the execution of his sentence of death until further Order of this Court, and in support of his application, respectfully states as follows:

1. Petitioner filed the instant action on July 14, 2016, requesting that this Court grant review of the Georgia Supreme Court's denial of relief as to his claims under the Eighth Amendment regarding the constitutionality of his death sentence and pending execution in light of the length of time (34 years) Petitioner has already spent on death row.

2. Georgia has now scheduled Petitioner's execution for July 14, 2016, at 7:00PM. Petitioner requests that the execution be stayed by this Court until the Petition for Writ of Certiorari is considered and finally acted upon.

3. The Superior Court of Telfair County, State of Georgia, set from noon on July 14, 2016, through noon on July 21, 2016, as the period during which Petitioner's execution may be carried out. *See* Exhibit A (execution warrant), attached. The execution is currently scheduled for today, July 14, 2016, at 7:00PM. The Georgia Board of Pardons and Paroles denied clemency yesterday, July 13, 2016.

4. A stay of execution is justified on the grounds that having already served 34 years in prison and witnessed as many of 65 of his fellow inmates go to their deaths, along with having endured other unique stresses of solitary confinement in the maximum security carceral environment of Georgia's death row, his execution in addition to this punishment would constitute a cruelty in violation of the Eighth Amendment.

5. A stay of execution will not prejudice the State of Georgia or interfere with Petitioner's custodial status.

6. A stay of execution is necessary to ensure that Petitioner is not executed before this Court is able to resolve the matters contained in the Petition for Writ of Certiorari. The execution of Petitioner would obviously inflict irreparable harm.

WHEREFORE, Petitioner respectfully requests an Order staying Petitioner's execution, pending resolution of the proceedings and further Order of this Court.

Respectfully submitted this 14th day of July, 2016.



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Atlanta, Georgia 30307
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COUNSEL FOR MR. CONNER

EXHIBIT A

JUN 24 2016

Bethel Thomas

**IN THE SUPERIOR COURT OF TELFAIR COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA,

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**INDICTMENT NO.
6923, 7015**

v.

**JOHN WAYNE CONNER,
Defendant.**

ORDER

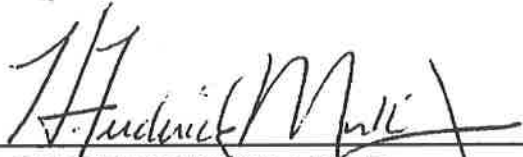
The Court having sentenced Defendant, John Wayne Conner, on the 14th day of July, 1982 to be executed by the Department of Corrections at such penal institution as may be designated by said Department, in accordance with the laws of the State of Georgia, and;

The date for the execution of said John Wayne Conner, having passed by reason of supersedeas incident to appellate review;

IT IS CONSIDERED, ORDERED, AND ADJUDGED by this Court, pursuant to O.C.G.A. § 17-10-40, that within a time period commencing at noon on the 14th day of July, 2016 and ending seven days later at noon on the 21st day of July, 2016, the Defendant, John Wayne Conner, shall be executed by the Department of Corrections at such penal institution and on such a date and time within the aforementioned time period as may be designated by said Department in accordance with the laws of the State of Georgia.

It is FURTHER ORDERED that the Clerk of the Superior Court of Telfair County, Georgia shall record this order on the minutes of the court and shall cause a certified copy of this Order for execution of the original sentence to be served immediately to the Attorney General of Georgia, the Oconee Judicial Circuit District Attorney, the Commissioner of the Georgia Department of Corrections, the Warden of the Georgia Diagnostic and Classification Prison, and Defendant's last known attorney of record.

This 21st day of June, 2016.



H. FREDERICK MULLIS, JR.
CHIEF JUDGE, SUPERIOR COURT
OCONEE JUDICIAL CIRCUIT

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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing document this day by U.S. Mail and/or electronic mail on counsel for Respondent at the following address:

Paula K. Smith, Esq.
Senior Assistant Attorney General
sgraham@law.ga.gov
132 State Judicial Building
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

This 14th day of July, 2016.



Attorney