

Nos .

IN THE SUPREME COURT OF THE UNITED STATES

TROY ANTHONY DAVIS,

PETITIONER,

v .

STATE OF GEORGIA,

RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF GEORGIA

BRIEF IN OPPOSITION ON BEHALF OF RESPONDENT TO PETITIONER'S
PETITION FOR WRIT OF CERTIORARI AND MOTION TO STAY

Petitioner's execution date was set 15 days ago on September 6, 2011. Petitioner waited until the morning of his scheduled execution to file a successive state habeas petition. He now comes to this Court one hour before his scheduled execution asking this Court to enter an open-ended stay to allow him to potentially file a petition for writ of certiorari with this Court. The state court has reviewed Petitioner's claims, which present no new evidence or argument, and denied them instantler. The claims were denied on independent and adequate state law grounds, presenting nothing for this Court's certiorari review. Accordingly, this Court should deny

Petitioner's motion for an open-ended stay of execution which is scheduled for 7:00 p.m. to allow Petitioner to file (or not file) a petition for writ of certiorari.

CONCLUSION

WHEREFORE, for all the above and foregoing reasons, Respondent prays that this Court deny Petitioner's motion for an open-ended stay of execution.

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Attorney General

MARY BETH WESTMORELAND 750150
Deputy Attorney General

s/Beth Burton
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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing response, prior to filing the same, by email addressed upon:

Brian Kammer
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This 21st day of September, 2011.

s/Beth Burton_____

BETH BURTON

Senior Assistant Attorney General