

In the  
**Supreme Court of the United States**

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Scotty Garnell Morrow,  
*Petitioner,*

v.

Benjamin Ford, GDCP Warden,  
*Respondent.*

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**RESPONSE IN OPPOSITION TO PETITIONER'S MOTION  
FOR STAY OF EXECUTION PENDING THIS  
COURT'S CONSIDERATION OF PETITIONER'S  
PETITION FOR WRIT OF CERTIORARI**

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Petitioner Scotty Garnell Morrow has filed a motion for stay of execution in this Court. Petitioner requests a stay for this Court to consider his current Petition for Writ of Certiorari (Case No.18-9117) taken from the Georgia Supreme Court's denial of an application for certificate of probable cause to appeal his successive state habeas petition denial.

In order to obtain a stay of execution, Petitioner must show, "that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Glossip v. Gross*, 135 S. Ct. 2726, 2736-37 (2015) (quoting *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365 (2008)). Petitioner has failed to establish any of the four requirements.

*Threat to the Moving Party*

The threat to the moving party in a stay of execution must be more than the imminent execution. In this case, Petitioner must show that carrying out his lawful execution would be a violation of his constitutional rights. Nearly twenty years of litigation have shown that Petitioner's convictions and sentences are constitutionally sound. There is no legal impediment to the State obtaining a lawful warrant of execution following the conclusion of exhaustive state and federal appeals. And, as argued in Respondent's brief in response to the correlating petition for writ of certiorari, Petitioner has failed to present a question worthy of this Court's jurisdiction.

*Harm to the Party Enjoined*

As held by this Court, “[t]he State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Hill v. McDonough*, 547 U.S. 573, 584, 126 S. Ct. 2096, 2104 (2006). Nearly twenty-five years have passed since Petitioner committed his heinous crimes, and Petitioner’s attacks on his convictions and sentences have been thoroughly reviewed by both state and federal courts and found lacking. To forestall the State’s lawful execution of Petitioner yet again would inflict great harm upon Respondent and should weigh heavily against Petitioner.

*No Likelihood of Success on the Merits*

As previously argued in Respondent’s brief in opposition to Petitioner’s request for certiorari review of his successive state habeas petition, his claim is not worthy of this Court’s review. Therefore, Petitioner has failed to show a likelihood of success on the merits.

*No Public Interest*

In addition to failing to show a substantial likelihood of success on the merits, Petitioner failed to show it was in the public interest to grant him a stay. A stay of execution is an equitable remedy and, as such, it “must be sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Hill*, 547 U.S. at 584 (citing *Nelson v. Campbell*, 541 U.S. 637, 649-50, 124 S. Ct. 2117, 2126 (2004)). As stated above, Petitioner’s state and federal collateral proceedings ran for nearly two decades. The State has an interest in seeing that its laws

are enforced and in carrying out executions as scheduled. Further unnecessary delay hinders that interest.

Similarly, the needless uncertainties and expense that come from unwarranted delay in death penalty cases, as well as the impact of such delay upon the friends and families of victims and their communities, is only compounded by issuance of unwarranted injunctive relief. Therefore, as Petitioner has utterly failed to meet the requirements for a stay of execution, his request should be denied.

### **Conclusion**

For the reasons above, this Court deny Petitioner's Motion for Stay of Execution.

Respectfully submitted.

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## CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2019, I served this brief on all parties required to be served via email properly addressed upon:

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