

CAPITAL CASE

EXECUTION SCHEDULED FOR 6:00 P.M. (EDT) SEPTEMBER 22, 2020

No. 20-5767

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM EMMETT LECROY, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

**PETITIONER'S REPLY TO BRIEF IN OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI AND
TO APPLICATION FOR A STAY OF EXECUTION**

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**REPLY TO BRIEF IN OPPOSITION TO PETITION FOR WRIT OF
CERTIORARI AND APPLICATION FOR STAY OF EXECUTION**

For the first time, at this last minute, the Government finally recognizes what Petitioner has been arguing in the courts below: That the district court (and this Court), may grant him the relief he seeks through an injunction under the authority of the All Writs Act. 18 U.S.C. §1651(a). Brief in Opposition, at 18-19. Although the Government now contends that this means the Petitioner must meet a “higher standard,” the courts below, and most importantly, the district court that heard the evidence never considered Petitioner’s motion under the proper standard.

This Court must stay this execution and grant certiorari so that Petitioner’s arguments and evidence that the district court found to be “compelling,” and “weighty,” can be considered under the proper standard. The Government’s Brief in Opposition demonstrates that the district court opinion should have been reversed because it made its ruling under the wrong standard, which constitutes an abuse of discretion. *Long v. Sec’y, Dep’t of Corr.*, 924 F.3d 1171, 1175 (11th Cir.).

The district court in this case would have found that Petitioner’s right to counsel’s presence at his execution was “indisputably clear.” *Wisconsin Right to Life v. Federal Election Comm’n*, 542 U.S. 1305, 1306 (2004) (Rehnquist, C.J., in chambers) (citation omitted). Georgia law mandates the presence of Petitioner’s counsel at his execution. O.C.G.A. § 17-10-41. 18 U.S.C. § 3599 and the district court’s appointment governed the implementation of that right. It was only through consideration of Petitioner’s motion to reset his execution under the proper standards of the All Writs Act, that the district court could properly exercise its discretion.

Because that did not happen here, the Court must stay Petitioner's imminent execution (where notably, Petitioner is without counsel) and grant certiorari in order to protect the important rights that are implicated and that will be irretrievably lost if Mr. LeCroy is executed as scheduled.

CONCLUSION

Based on the factual and legal contentions herein, the Defendant respectfully requests that the Court grant this Petition for Writ of Certiorari, and that it Stay Mr. LeCroy's execution, in order to give these issues plenary consideration.

This 22nd day of September, 2020.

Respectfully submitted,

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