

No. 17-7505

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2017

VERNON MADISON, Petitioner,

v.

STATE OF ALABAMA, Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE MOBILE COUNTY CIRCUIT COURT

MOTION FOR LEAVE TO DISPENSE
WITH PREPARATION OF THE JOINT APPENDIX

Pursuant to Rule 26.8 of the Rules of the Supreme Court of the United States, Petitioner Vernon Madison respectfully moves this Court to dispense with the requirement of a joint appendix and permit the case to be heard on the original record in this case. The Respondent agrees that a joint appendix is not necessary.

This Court has granted certiorari to review the question of whether, consistent with the Eighth Amendment, and this Court's decisions in Ford v. Wainwright, 477 U.S. 399 (1986), and Panetti v. Quarterman, 551 U.S. 930 (2007), the State may execute a prisoner whose mental disability leaves him

without memory of his commission of the capital offense. The decision under review is the Mobile County Circuit Court's order denying Mr. Madison's competency-to-be-executed claim, which is attached as an appendix to the petition for writ of certiorari. The Mobile County Circuit Court held brief argument on Mr. Madison's petition, but did not permit any evidentiary development. Pursuant to Alabama law, no appeal was permitted in state court and as a result, the original record is limited.¹

In the view of both the Petitioner and the Respondent, preparation of a joint appendix would not materially assist the Court's consideration of the case.

¹ The pertinent facts relevant to Mr. Madison's multiple strokes and medical condition were developed in prior litigation and explicitly incorporated into this proceeding. These facts are all contained in the habeas corpus record and available on PACER. Madison v. Dunn, Case No. 1:16-cv-00191-KD-M, 2016 WL 2732193 (S.D. Ala. 2016). See Madison v. Comm'r., Ala. Dept. of Corr., 851 F.3d 1173, 1193 (11th Cir. 2017); Dunn v. Madison, 138 S. Ct. 9 (2017) (per curiam).

Respectfully Submitted,

/S/ BRYAN A. STEVENSON

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