

No. 26A273

IN THE
Supreme Court of the United States

STACEY IAN HUMPHREYS,
PETITIONER,

v.

GEORGIA BOARD OF PARDONS AND PAROLES, ET AL,
RESPONDENTS.

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

**MOTION TO WITHDRAW APPLICATION FOR
STAY OF EXECUTION PENDING CERTIORARI
*CAPITAL CASE***

TO: THE HONORABLE CLARENCE THOMAS,
ASSOCIATE JUSTICE, SUPREME COURT OF
THE UNITED STATES

COMES NOW Petitioner, Stacey Ian Humphreys, a
death sentenced prisoner in the State of Georgia, who
respectfully requests that this Court withdraw his
currently pending application for a stay of execution.

On July 28, 2026, Petitioner filed a petition for a writ of certiorari. Case No. 26-5211. Notwithstanding the pendency of his timely filed petition, an execution order from the Superior Court of Cobb County was procured on August 27, 2026, and Respondents scheduled Mr. Humphreys's execution for September 16, 2026. (Attachment A). On September 15, 2026, the Superior Court of Cobb County entered a stay of execution. (Attachment B). Respondents appealed and sought to vacate the stay order on an emergency basis but were denied emergency relief by the Supreme Court of Georgia. (Attachment C). The stay remains undisturbed, and the execution order expired on September 23, 2026.

CONCLUSION

Mr. Humphreys is no longer under immediate threat of execution during the pendency of his petition for a writ of certiorari. Accordingly, the Application for a Stay of Execution is moot, and Petitioner requests its withdrawal.

Respectfully submitted this, the 25th day of September,
2026.

Jessica G. Cino
Zahra S. Karinshak
Rahul Garabadu
Krevolin & Horst, LLC
1201 West Peachtree St NW
Atlanta, GA 30309

Zack Greenamyre
Mitchell, Shapiro,
Greenamyre & Funt, LLP
881 Piedmont Ave NE
Atlanta, GA 30309
T: 404-812-4747

Mary E. Wells
Nathan Potek
Federal Defender Program Inc.
101 Marietta Street NW
Suite 1500
Atlanta, GA 30303

Attachment A

FILED IN OFFICE
8/27/2026 09:53AM

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

CONNIE TAYLOR
CLERK OF SUPERIOR COURT
COBB COUNTY

THE STATE OF GEORGIA,

v.
STACEY IAN HUMPHREYS,

Defendant.

*
* CRIMINAL ACTION NO.
* 04-9-0673
*
*
*

CONNIE TAYLOR
SUPERIOR COURT CLERK
COBB COUNTY, GEORGIA

FILED IN COURT
THIS 8/27/2026
AT 9:53 AM

DAWN CARTER
COURT SUPPORT SUPERVISOR

ORDER

The Court having sentenced Defendant, Stacey Ian Humphreys,
on the 30th day of September 2007, 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 Stacey Ian Humphreys 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 16th day of September, 2026 and ending seven days later at noon
on the 23rd day of September, 2026, the Defendant, Stacey Ian
Humphreys, 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.

COBB COUNTY
HEREBY CERTIFY THE WITHIN AND FOREGOING TO BE
TRUE, CORRECT AND COMPLETE COPY OF THE
ORIGINAL THAT APPEARS ON RECORD.
SEN 04-9-0673 IN THIS OFFICE
27 DAY OF August 2026
Dawn Carter
DEPUTY CLERK, COBB COUNTY COURT
COBB COUNTY, GEORGIA

In so ordering, this Court is aware of the current injunction in the case of *Federal Defender Program, Inc. and Virgil Presnell, Jr. v. State of Georgia and Christopher Carr*, Fulton County Superior Court, 2022CV364429 (May 17, 2022). This Court finds that Stacey Ian Humphreys is not a party to that action and it therefore does not enjoin his execution. See Injunction, p. 19 (identifying the plaintiffs); see also *State of Ga. v. Fed. Defender Program, Inc.*, 315 Ga. 319, 344, n.17 (2022) (same). The Court further finds that Mr. Humphreys' petition for rehearing or rehearing en banc was denied by the Eleventh Circuit on October 3, 2024, which was after the judicial emergency expired on June 30, 2021. See Fifteenth Order Extending Declaration of Statewide Judicial Emergency.

It is FURTHER ORDERED that the Clerk of the Superior Court of Cobb 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 Cobb County 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 27th day of August, 2026.

Ann B. Harris
JUDGE ANN B. HARRIS
CHIEF JUDGE, SUPERIOR COURT
COBB JUDICIAL CIRCUIT

Presented by:

Sonya Allen
SONYA ALLEN
DISTRICT ATTORNEY
COBB JUDICIAL CIRCUIT

Attachment B

IN THE SUPERIOR COURT OF COBB COUNTY

STATE OF GEORGIA

STATE OF GEORGIA, *

v. * Indictment No. 04-9-0673

STACEY IAN HUMPHREYS, *

Defendant. *

ORDER STAYING EXECUTION OF STACEY IAN HUMPHREYS

Under the terms of an *Order* issued by the Superior Court of Cobb County on August 27, 2026, the Defendant, Stacey Ian Humphreys (hereafter “Defendant”) was to be executed in between noon on September 16, 2026, and noon on September 23, 2026, pursuant to O.C.G.A. § 17-10-40. He was sentenced to death in 2007 for the 2003 murders of Lori Brown and Cynthia Williams in Cobb County. The Defendant’s execution was lawfully scheduled for September 16, 2026, at 7:00 p.m. EST.

On September 15, 2026, the Court heard oral arguments on whether or not the Defendant should be entitled to a hearing on his *Petition for Mitigated Malice Murder Sentencing under the Survivor Justice Act*, O.C.G.A. §§ 17-10-1(f), 17-10-22 (hereafter “*Petition*”), filed the day before. At the hearing, the Court announced on the record, before argument was heard, that it intended to first hear the threshold issue of whether or not a hearing should be granted at all on the Defendant’s *Petition*, and that if the Court did grant the request

for hearing, it would move directly into that hearing on the Defendant's *Petition*.

At the hearing, the State suggested that should the Court grant that as a threshold issue the Defendant was entitled to a hearing on his *Petition*, the Court should stay the execution, as previously requested by the Defendant, to give time for the State to properly prepare to address the merits of the Defendant's *Petition*. In such an instance, the State would be seeking an expedited appeal of the same, in the hopes that the Georgia appellate courts could possibly rule on the appeal prior to the lawful execution date and time of September 16, 2026, at 7:00 p.m. EST.

Pursuant to the State's suggestion and the Defendant's prior request for a stay, the execution of Defendant Stacey Ian Humphreys IS HEREBY STAYED until further Order of this Court.

Should the Georgia appellate courts rule prior to the currently set execution date and time of September 16, 2026, at 7:00 p.m. EST, that the Defendant is not entitled to a hearing under his *Petition*, the Court will consider lifting the stay so that the execution may proceed as scheduled.

IT IS FURTHER ORDERED that the Clerk of the Superior Court of Cobb County, Georgia, shall record this Order on the minutes of the court and shall cause a certified copy of this Order to be served immediately to the Attorney General of Georgia, the Cobb County District Attorney, the Commissioner of

the Georgia Department of Corrections, the Warden of the Georgia Diagnostic and Classification Prison, and the Defendant's last known attorneys of record.

SO ORDERED this 15th day of September, 2026.



Judge Tyler J. Browning
Superior Court of Cobb County
Cobb Judicial Circuit

CERTIFICATE OF SERVICE

This is to certify that I have this day served the parties in the foregoing matter with a copy of the **ORDER** via PeachCourt electronic service as follows:

Jesse Evans, Chief Assistant District Attorney

Jesse.Evans@cobbcounty.gov

Sabrina Graham, Senior Assistant Attorney General

sgraham@law.ga.gov

Nathan Potek, Esquire

Nathan_Potek@fd.org

S. Jill Benton, Esquire

Jill_Benton@fd.org

Kelyn J. Smith, Esquire

Kelyn_Smith@fd.org

Zahra S. Karinshak, Esquire

karinshak@khlawfirm.com

Jessica C. Cino, Esquire

cino@khlawfirm.com

Rahul Garabadu, Esquire

garabadu@khlawfirm.com

Zack Greenamyre, Esquire

zack@mitchellshapiro.com

Lindsey B. Mann, Esquire

lindsey.mann@troutman.com

This 15th day of September 2026.



Skye Portwood
Judicial Administrative Specialist to:
Judge Tyler J. Browning
Superior Court
Cobb Judicial Circuit

Attachment C



SUPREME COURT OF GEORGIA
Case No. S27W0237

September 16, 2026

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

THE STATE v. STACEY IAN HUMPHREYS

The State filed a direct appeal of the trial court's September 15, 2026, orders granting Stacey Ian Humphreys a hearing under the Survivor Justice Act ("SJA"), OCGA §§ 17-10-1(f)(2) and 17-10-22, and a stay of execution, which was docketed in this Court today. The State has now filed an application for interlocutory appeal from the same orders. But because the State's notice of appeal was sufficient to grant this Court jurisdiction over the appeal, the interlocutory application is duplicative and it is accordingly dismissed.

Given the important and novel questions regarding the newly enacted SJA raised by this litigation, this appeal will be considered in the ordinary course of business and according to a forthcoming scheduling order.

We leave undisturbed the stay order issued by the Cobb County Superior Court.

All the Justices concur, except Pinson, J., not participating.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk

PROOF OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing Motion to Withdraw Application for a Stay of Execution Pending Certiorari was served electronically upon counsel for Respondents as follows:

John Henry Thompson
jhthompson@law.ga.gov
GEORGIA DEPARTMENT OF LAW
40 Capitol Square, SW
Atlanta, GA 30334

DATED: This, the 25th day of September, 2026.

Mary E. Wells
FEDERAL DEFENDER PROGRAM INC.
101 Marietta Street NW
Suite 1500
Atlanta, GA 30303