

No. 07-

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2007

WILLIAM EARL LYND,

Petitioner,

-v-

HILTON HALL, Warden,
Georgia Diagnostic Prison,

Respondent.

MOTION FOR STAY OF EXECUTION PENDING
PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF GEORGIA

Comes now Petitioner, WILLIAM EARL LYND, by and through his undersigned counsel, and prays that an Order be entered staying the execution of his sentence of death until further Order of this Court, and in support of his application, respectfully states as follows:

1. On April 22, 2008, the Superior Court of Berrien County, State of Georgia, issues an execution warrant setting the window for Petitioner's execution from noon on Tuesday, May 6, 2008 through noon on Tuesday, May 13, 2008 as the period during which Petitioner's execution would be carried out. (A copy of the Order is attached as Exhibit "A"). Petitioner's execution has been scheduled for 7:00 p.m., today, May 6, 2008.

2. A stay of execution is justified on the grounds that Petitioner's counsel has filed in this Court a Petition for Writ of Certiorari presenting substantial legal and constitutional errors which have occurred in connection with Petitioner's conviction and sentence of death.

3. Petitioner is detained at the Georgia Diagnostic Prison, at Jackson, Georgia, under a sentence of death. A Stay of Execution will in no way prejudice the State of Georgia or interfere with Petitioner's custodial status.

4. A Stay of Execution is necessary to insure that Petitioner is not executed before this Court is able to hear and determine the matters contained in the Petition for Writ of Certiorari. The execution of Petitioner would obviously inflict irreparable harm.

WHEREFORE, Petitioner respectfully requests an Order staying Petitioner's execution, pending resolution of the proceedings and further Order of this Court.

Dated: May 6, 2008

Respectfully submitted,



Brian S. Kammer (Ga. 406322)
Thomas H. Dunn (Ga. 234624)
Georgia Resource Center
303 Elizabeth Street
Atlanta, Georgia 30307
(404) 222-9202


Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleadings upon Respondent by hand, addressed as follows:

Susan V. Boleyn, Esq.
Deputy Attorney General
132 State Judicial Building
40 Capitol Square, S.W.
Atlanta, Georgia 30334

This the 6th day of May, 2008.



Attorney

Exhibit A

IN THE SUPERIOR COURT OF BERRIEN COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA,
v.
WILLIAM EARL LYND,
Defendant.

*
*
*
*
*
*
*

CRIMINAL CASE NO.
89-2

BERRIEN COUNTY, GEORGIA
FILED IN OFFICE
2008 APR 22 PM 2:40
Carol Howard
CLERK OF SUPERIOR COURT

ORDER

The Court having sentenced Defendant, William Earl Lynd, on the 27th day of February, 1990, 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 William Earl Lynd, 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 6th day of May, 2008 and ending seven days later at noon on the 13th day of May, 2008, the Defendant, William Earl Lynd, 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.

It is FURTHER ORDERED that the Clerk of the Superior Court of Berrien 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 Alapaha Judicial Circuit 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 22nd day of April, 2008.

[Signature]

JUDGE, SUPERIOR COURT
ALAPAHA JUDICIAL CIRCUIT

COUNTY OF BERRIEN
STATE OF GEORGIA
I HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE AND CORRECT
COPY OF THE
Order
ON FILE IN MY OFFICE. WITNESS MY
HAND AND OFFICIAL SEAL THIS 22
DAY OF April 19 2008
CAROL ROBB, CLERK

BY [Signature]

