

# Appendix A

Once this Court grants a Motion to Set Briefing Schedule for a Warrant of Execution, the Attorney General’s Office manages dozens of time-sensitive pleadings filed in state and federal court involving the defendant, the State and ADCRR. Frank Atwood was executed on June 8, 2022, and his case provides an example of this intense post-warrant litigation. The tables below detail every filing in state and federal court filed *after* this Court granted the Attorney General’s Motion to Set Briefing Schedule for a Warrant of Execution in that case.

#### STATE COURT PROCEEDINGS

Arizona Supreme Court		
<i>State v. Atwood</i> CR-87-0135-AP	May 21, 2021	Order granting Attorney General’s Motion to Set Briefing Schedule for Warrant of Execution
	June 22, 2021	State’s Motion to Modify Briefing Schedule
	June 23, 2021	Defendant’s Notice of Intent to Respond to Motion to Modify Briefing Schedule
	July 7, 2021	Defendant’s Opposition to Motion to Modify Briefing Schedule and Cross-Motion to Vacate
	July 9, 2021	State’s Reply Brief ISO Motion to Modify and Response to Cross-Motion to Vacate
	July 12, 2021	Court’s Order granting defendant’s motion to vacate

		briefing schedule and ordering State to conduct specialized testing to determine beyond-use date for compounded doses of lethal injection drug.
	January 5, 2022	Motion to Set Briefing Schedule for Motion for Warrant of Execution
	January 7, 2022	Defendant's Notice of Intent to Respond to Motion to Set Briefing Schedule
	January 20, 2022	Defendant's Opposition to Motion to Set Briefing Schedule and Cross-Motion for Assignment for Evidentiary Development
	January 26, 2022	State's Reply in support of Motion to set Briefing Schedule
	January 31, 2022	Defendant's Motion for Extension of Time to File Cross-Reply
	February 23, 2022	Defendant's Motion for Extension of Time to File Cross-Reply
	March 25, 2022	State's Response to Motion for Extension of Time to File Cross-Reply
	March 28, 2022	Defendant's Reply in Support of Motion for Extension of Time to File Cross-Reply
	April 7, 2022	State's Motion for Warrant of Execution (second)
	April 7, 2022	Defendant's Request for quantitative analysis of any compounded or non-compounded chemical to be

		used in execution
	April 21, 2022	Defendant's Opposition to Motion for Execution Warrant
	April 21, 2022	Defendant's Cross-Reply in Support of Cross-Motion for Assignment for Evidentiary Development regarding the beyond use date of execution drugs
	April 25, 2022	State's Reply in Support of Motion for Warrant of Execution
	May 3, 2022	Execution Warrant setting Execution for June 8, 2022
	May 4, 2022	State's Notice of Time of Execution
	June 3, 2022	Defendant's Motion for Stay of Execution
	June 6, 2022	State's Response to Motion for Stay
	June 7, 2022	Defendant's Motion for Stay of Execution Due to Pending Petition for Review
	June 13, 2022	ADCRR Notice of Filing Return Pursuant to A.R.S. § 13-759(B).
<i>Atwood v. Woods</i> CR-21-0349-PR	October 20, 2021	Defendant's Petition for Special Action (treated as Petition for Review)
	October 25, 2021	Defendant's Motion for Interlocutory Stay
	October 26, 2021	Defendant's Motion for Oral Argument
	November 4, 2021	State's Response to Motion for Oral Argument
	November 12, 2021	State's Response to Petition for Review

	November 15, 2021	Defendant's Motion for Leave to File Reply
	November 15, 2021	Defendant's Motion for Extension of Time to File Post-Conviction Petition
	November 16, 2021	State's Response to Motion for Extension of Time to File Post-Conviction Petition
	November 19, 2021	Defendant's Motion for Extension of Time to File Post-Conviction Petition
	December 14, 2021	Defendant's Motion for Expedited Ruling on Petition for Review
<i>State v. Atwood</i> CR-22-0144-PR	June 1, 2022	Defendant's Petition for Review of Denial of 4th PCR Petition
	June 7, 2022	Defendant's Petition for Review of Denial of 5th PCR petition
	June 7, 2022	State's Response to Petition for Review of Denial of 5th PCR Petition
<i>Atwood v. Shinn, et al.</i> CV-22-0126-SA	May 19, 2022	Petition for Special Action regarding ADCRR's execution procedures
	May 24, 2022	Response to Petition for Special Action
	May 24, 2022	Crime Victim's Response to Petition for Special Action
	May 25, 2022	Reply in support of Petition for Special Action
<b>Arizona Court of Appeals</b>		
<i>Atwood v. Woods</i> CA-SA-2021-0047	August 25, 2021	Petition for Special Action regarding release of physical evidence

	September 2, 2021	Defendant's Motion to Modify Prior Order
	September 3, 2021	State's Response to Motion to Modify
	September 8, 2021	State's Response to Petition for Special Action
	September 15, 2021	Defendant's Reply ISO Petition for Special Action
<b>Pima County Superior Court</b>		
<i>State v. Atwood</i> Nos. CR14065 and CR15397	June 25, 2021	Defendant's Notice Requesting Post-Conviction Relief (4th)
	July 15, 2021	Defendant's Motion Requesting Release of Physical Evidence to conduct independent testing
	July 26, 2021	State's Response in opposition to Motion for Release of Physical Evidence
	August 3, 2021	Defendant's Reply ISO Motion for Release of Physical Evidence
	August 25, 2021	Defendant's Motion for Extension of Time to File Petition for Post-Conviction Relief or in the Alternative to Stay
	October 20, 2021	Defendant's Motion for Extension of Time to File Petition for Post-Conviction Relief or in the Alternative to Stay
	November 17, 2021	Defendant's Motion for Extension of Time to File Post-Conviction Petition
	November 18, 2021	State's Response to Motion for Extension of Time
	November 19, 2021	Defendant's Petition for Post-

		Conviction Relief (Fourth)
	December 21, 2021	State's Response to 4th PCR Petition
	December 23, 2021	Defendant's Motion for Order to Allow Forensic Sample Collection
	December 23, 2021	State's Response to Motion for Order to Allow Forensic Sample Collection
	December 29, 2021	Defendant's Motion for Order to Allow Forensic Sample Collection
	December 29, 2021	Defendant's Notice of Supplemental Authority (re: Motion for Order to Allow Forensic Sample Collection)
	December 30, 2021	Defendant's Motion for Extension of Time to File Reply to State's Response to Petition for Post-Conviction Relief
	January 24, 2022	Defendant's Notice of Supplemental Exhibits to Petition for Post-Conviction Relief
	January 25, 2022	Defendant's Reply ISO 4th PCR Petition
	June 1, 2022	Defendant's Notice and Petition for Post-Conviction Relief (Fifth)

FEDERAL COURT PROCEEDINGS

United States District Court for the District of Arizona		
<i>Atwood v. Shinn et al.</i> CV-22-00625-PHX-JAT	April 13, 2022	Defendant Atwood's § 1983 Complaint
	April 25, 2022	ADCRR's Motion to Dismiss
	May 5, 2022	Defendant Atwood's Response to ADCRR's Motion to Dismiss
	May 13, 2022	ADCRR's Reply ISO Motion to Dismiss
	May 19, 2022	Defendant Atwood's Amended Complaint alleging ADCRR's execution protocol violates the Religious Land Use and Institutionalized Persons Act
	May 20, 2022	ADCRR's Motion to Consolidate
	May 25, 2022	ADCRR's Motion to Dismiss Amended Complaint
	May 25, 2022	Defendant Atwood's notice of Intent to File Emergency Motion for Injunctive Relief
	May 31, 2022	Stipulated Request for Extension to Comply with Court's Order dated May 25, 2022
	June 1, 2022	ADCRR's Notice of areas of disagreement regarding Defendant's requested religious accommodations
	June 1, 2022	Defendant Atwood's Response to ADCRR's Motion to Consolidate

	June 1, 2022	Defendant Atwood's Response to ADCRR's Motion to Dismiss Amended Complaint
	June 1, 2022	Defendant Atwood's Emergency Motion for Preliminary Injunction
	June 2, 2022	Notice of filing of agreed proposed form of injunction
	June 2, 2022	ADCRR's Reply ISO Motion to Dismiss Amended Complaint
	June 3, 2022	ADCRR's Response to Emergency Motion for Preliminary Injunction
	June 6, 2022	Defendant Atwood's Reply Brief
	June 6, 2022	Defendant Atwood's Supplemental Response
	June 6, 2022	Defendant Atwood's Second Supplemental Response
	June 6, 2022	ADCRR's Supplemental Brief
	June 6, 2022	ADCRR's Second Supplemental Brief
	June 17, 2022	Parties Joint Status Update
	October 24, 2022	Defendant Atwood's Motion for Attorney's Fees
	December 1, 2022	ADCRR's Response to Motion for Attorney's Fees
	December 12, 2022	Defendant Atwood's Reply ISO Fee Petition
	April 17, 2023	Defendant Atwood's Opposed Motion for Reconsideration of Order Denying Fees

	September 13, 2023	Defendant Atwood's Notice of Appeal from denial of fee request
<i>Atwood v. Shinn, et al.</i> CV-22-00860-PHX-MTL	May 19, 2022	Defendant Atwood's Complaint seeking declaratory and injunctive relief challenging method of execution and ADCRR's execution protocols
	May 20, 2022	ADCRR's Motion to Consolidate
	May 24, 2022	Defendant Atwood's Notice regarding Motion for Emergency Injunctive Relief and Amended Complaint
	May 25, 2022	ADCRR's Notice of Request for Briefing Schedule
	May 25, 2022	Defendant Atwood's Notice in Response to Request for Briefing Schedule
	May 26, 2022	Defendant Atwood's Amended Notice of Motion for Emergency Injunctive Relief and Amended Complaint
	May 26, 2022	Defendant Atwood's Motion for Leave to conduct discovery related to ADCRR's retained pharmacist
	May 26, 2022	Defendant Atwood's expedited set of Interrogatories and Requests for Production from ADCRR
	May 26, 2022	Defendant Atwood's Motion for Temporary Restraining Order and Preliminary Injunction
	May 27, 2022	Scheduling Order on Preliminary Injunction

	May 27, 2022	ADCRR's Response to Motion for Leave to Conduct Discovery
	May 27, 2022	Defendant Atwood's Reply in Support of Motion for Leave to Conduct Discovery
	May 27, 2022	Defendant Atwood's Amended Complaint for Declaratory and Injunctive Relief
	May 31, 2022	ADCRR's Response to Motion for Temporary Restraining Order and Preliminary Injunction
	May 31, 2022	Defendant Atwood's Motion to Sever Claims VI and VII
	June 1, 2022	ADCRR's Notice of Clarification regarding Response to Motion for Temporary Restraining Order and Preliminary Injunction
	June 1, 2022	Defendant Atwood's Response to ADCRR's Motion to Consolidate
	June 1, 2022	Defendant Atwood's Motion for Leave for Witness to Appear Telephonically
	June 2, 2022	Defendant Atwood's Reply ISO Motion for TRO and PI
	June 2, 2022	Joint Statement Concerning Preliminary Injunction Hearing
	June 2, 2022	ADCRR's Motion for Leave to file sur-reply regarding motion for temporary restraining order and preliminary injunction
	June 2, 2022	ADCRR's Response to Atwood's Motion to Allow

		Telephonic Appearance by Witness
	June 3, 2022	Defendant Atwood's Response to Order to Show Cause
	June 3, 2022	Preliminary Injunction Hearing
	June 3, 2022	ADCRR's Sur-Reply
	June 4, 2022	Defendant Atwood's Notice of Appeal
<b>Ninth Circuit Court of Appeals</b>		
<i>Atwood v. Shinn</i> No. 22-70084	May 4, 2022	Defendant Atwood's Petition and Application for authorization to file successive habeas petition in federal district court
	May 10, 2022	ADCRR's Response to Motion for Order Authorizing District Court to Consider a Second or Successive Habeas Petition
	May 17, 2022	Defendant Atwood's Reply
	May 24, 2022	Oral Argument held in San Francisco
<i>Atwood v. Thornell, et al.</i> No. 23-2247	December 11, 2023	Defendant Atwood's Opening Brief appealing denial of fee award to defendant's attorneys for successful litigation regarding accommodation of religion during his execution
	February 6, 2024	ADCRR's Answering Brief
	March 5, 2024	Defendant Atwood's Reply Brief
<i>Atwood v. Shinn, et al.</i> No. 22-15821	June 4, 2022	Defendant Atwood's Notice of Appeal

	June 5, 2022	Defendant Atwood's Opening Brief and Petition for Hearing En Banc regarding method of execution
	June 5, 2022	Brief of Amicus Curiae ACLU
	June 5, 2022	Defendant Atwood's Emergency Motion for Stay of Execution
	June 5, 2022	ADCRR's Consolidated Answering Brief and Response to Motion for Stay of Execution
	June 5, 2022	Defendant Atwood's Consolidated Reply ISO Opening Brief and Response to Motion for Stay of Execution
	June 6, 2022	Defendant Atwood's Motion to Bifurcate Ruling
	June 6, 2022	Oral Argument Held
	June 7, 2022	Defendant Atwood's Petition for Rehearing En Banc
	June 7, 2022	ADCRR's Response to Petition for Rehearing En Banc
<b>United States Supreme Court</b>		
<i>In re Atwood</i> Nos. 21-8083 and 21A799	June 7, 2022	Defendant Atwood's Original Petition for Writ of Habeas Corpus
	June 7, 2022	Defendant Atwood's Application for Stay of Execution
	June 7, 2022	ADCRR's Brief in Opposition to Original Petition for Writ of Habeas Corpus

	June 7, 2022	ADCRR's Response to Application for Stay of Execution
<i>Atwood v. Shinn et al.</i> Nos. 21-8084 and 21A800	June 7, 2022	Defendant Atwood's Petition for Writ of Cert. challenging method of execution
	June 7, 2022	Defendant Atwood's Application for Stay of Execution Pending Petition for Writ of Cert.
	June 7, 2022	Motion for Leave to file Brief of Amicus Curiae by AACJ and Arizona Capital Representation Project
	June 8, 2022	ADCRR's Brief in Opposition to Writ of Cert.
	June 8, 2022	ADCRR's Response in Opposition to Application for Stay of Execution
	June 8, 2022	Defendant Atwood's Reply Brief in Support of Petition for Writ of Cert.
<i>Atwood v. Arizona</i> Nos. 21-8085 and 21A801	June 8, 2022	Defendant Atwood's Application for Stay of Execution Pending Petition for Cert.
	June 8, 2022	Arizona's Opposition to Application for Stay of Execution
	June 8, 2022	Reply to Opposition to Application for Stay of Execution
	June 8, 2022	Petition for Writ of Cert.
	June 8, 2022	Brief in Opposition to Writ of Cert.

	June 8, 2022	Reply Brief in Support of Petition for Writ of Cert.
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