

# ARIZONA SUPREME COURT

STATE OF ARIZONA,

Appellee,

v.

LEROY DEAN MCGILL,

Appellant.

CR-04-0405-AP

Maricopa County Superior Court  
No. CR2003-005315

Ninth Circuit No. 19-99002

U.S. District Court  
No. CV-12-01149-PHX-JJT

**REPLY TO RESPONSE TO MOTION  
FOR WARRANT OF EXECUTION**

**[CAPITAL CASE]**

In its Motion for Warrant of Execution, the State established that the requirements under A.R.S. § 13-759(A) and Arizona Rule of Criminal Procedure 31.23 for issuance of a warrant have been satisfied in Appellant Leroy McGill's case. McGill's response does not contest that conclusion. Instead, he argues that this Court should deny or continue the State's motion until successive postconviction proceedings—proceedings he did not initiate until after the State filed the Motion for Warrant of Execution—are concluded. Because McGill's arguments are irrelevant to whether a warrant shall issue under Arizona law, this Court should grant the State's motion.

McGill has failed to offer any argument that he is ineligible for the issuance of a warrant of execution. McGill references his recent notice of postconviction relief in the superior court, but the specter of future claims has no bearing on whether or not McGill meets the requirements for an execution warrant. Furthermore, McGill's request to terminate or delay these proceedings based on his planned litigation is premature. McGill may always seek to stay a future warrant of execution based on any claim he raises in the superior court, but the proper mechanism to do so is Arizona Rule of Criminal Procedure 32.18, and McGill may only seek such relief after a warrant of execution has issued. The same applies to other legal arguments or factors of McGill's incarceration, *see Response* at 2–3, raised in an attempt to dissuade this Court from issuing a warrant of execution. As this Court noted, “[a] response to the State’s motion for warrant of execution is not an appropriate vehicle to challenge the Appellant’s conviction or death sentence. Rather, such claims are appropriately raised in the superior court pursuant to Ariz. R. Crim. P. 32.” Order, filed January 16, 2026, at 2.

As explained in the State’s motion, McGill has exhausted his appellate remedies and meets the requirements for a warrant of execution under Rule 31.23 and A.R.S. § 13–759(A). Accordingly, having received notification of McGill's status, this Court must issue a warrant of execution. *See State v. Gunches*, No. CR–13–0282–AP (Decision Order, February 18, 2025), at 2 (upon notice from

State that the required conditions for warrant are met, “this Court *must* issue a warrant authorizing the State to carry out an execution”) (emphasis in original).

DATED this 24th day of March, 2026.

Respectfully submitted,

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