

IN THE SUPREME COURT OF ALABAMA

EX PARTE: JARROD TAYLOR)
)
JARROD TAYLOR,)
)
Petitioner,)
)
v.) No. 1991307
)
STATE OF ALABAMA,)
)
Respondent.)

STATE OF ALABAMA'S MOTION TO WITHDRAW
MOTION TO SET AN EXECUTION DATE

COMES NOW the State of Alabama and asks this Honorable Court to permit the State to withdraw its motion of July 29, 2019, requesting that Jarrod Taylor's execution be set. As grounds, the State provides as follows:

(1) On July 29, the State moved this Court to set Taylor's execution date. That motion represented that Taylor had not made a timely election of nitrogen hypoxia.

(2) Taylor's counsel called the undersigned on July 30, claiming that Taylor had, in fact, made a timely election. Counsel offered to send supporting documentation.

(3) On July 31, counsel sent the undersigned several documents, including a copy of Taylor's signed election form (dated June 28, 2018) and contemporaneous e-mails among counsel creating a record of conversations with

Taylor concerning the election. Taylor indicated to counsel on June 29, 2018, that he had signed two copies of the election form, returned one to counsel, and given the other to a particular ADOC employee to be given to Warden Stewart.

(4) The Attorney General's Office was never given this form, and counsel for the Alabama Department of Corrections did not have this form in their files. Nevertheless, the documentation provided by Taylor's counsel supports the assertion that he made a timely election of nitrogen hypoxia. The State intends to honor that election.

(5) As the ADOC is not yet prepared to proceed with an execution by nitrogen hypoxia, the State requests that it be allowed to withdraw its previous motion.

Respectfully submitted,

Steve Marshall
Attorney General

s/ Lauren A. Simpson
Lauren A. Simpson
Assistant Attorney General
Counsel of Record *

Beth Jackson Hughes
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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2019, a copy of the foregoing was served on counsel for Jarrod Taylor by e-mail:

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