

**THIS IS A DEATH PENALTY CASE**  
**EXECUTION SCHEDULED APRIL 24, 2017**

IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER 2016 TERM

JACK HAROLD JONES

PETITIONER

VS.

STATE OF ARKANSAS

RESPONDENT

MOTION FOR STAY OF EXECUTION  
PENDING DISPOSITION OF PETITION FOR WRIT OF CERTIORARI

Comes the Petitioner, Jack Harold Jones, through his attorney, and for his  
MOTION FOR STAY OF EXECUTION PENDING DISPOSITION OF PETITION FOR WRIT OF  
CERTIORARI states:

1. Jones is scheduled to be executed by the State of Arkansas at 7 p.m. today,  
April 24, 2017.
2. Contemporaneously with this motion, Jones has submitted a petition for  
writ of certiorari in which the question presented is:

Whether it is a violation of rights under the Eighth  
and Fourteenth Amendments for Arkansas to apply a death  
penalty harmless error jurisprudence against this petitioner  
contradictory to that applied in essentially identical cases  
both before and after his case.

3. Arkansas has had a number of cases where the jury has made contradictory or inconsistent findings in the penalty phase regarding mitigating circumstances. Essentially in a number of cases both before Jones's appeal and after Jones's appeal, the Arkansas Supreme Court declined to apply harmless error analysis when mitigation was found due to a policy to not so apply it. However, in Jones's case, the Arkansas Supreme Court applied harmless error analysis and affirmed his death sentence. Jones alleges that this anomalous treatment violates the Constitution.

4. This petition is meritorious. It is necessary and appropriate that the execution be stayed until disposition of the petition for certiorari. Obviously Jones will suffer irreparable harm if the execution is not stayed while the petition is pending.

WHEREFORE, Jones prays that this Court stay the execution pending disposition of the petition for writ of certiorari.

JACK HAROLD JONES



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*Attorney for Jack Harold Jones*

CERTIFICATE OF SERVICE

I hereby certify that I have delivered an email copy to the following this 24<sup>th</sup> day of April, 2017: Darnisa Johnson, Deputy Attorney General and Rebecca Kane and Brooke Gasaway, Assistant Attorneys General.

  
/s/ Jeff Rosenzweig

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JEFF ROSENZWEIG