

**CAPITAL CASE-EXECUTION SET FOR  
December 18, 2024 (from 12:01 am until Sunrise (CST))**

**No. 24A-592**

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**TAHINA CORCORAN, next friend for JOSEPH E. CORCORAN, Petitioner,**

**v.**

**RON NEAL,  
Warden, Indiana State Prison, Respondent.**

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**On Petition for Writ of Certiorari  
to the United States Court of Appeals for the Seventh Circuit**

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**REPLY IN SUPPORT OF EMERGENCY APPLICATION FOR STAY OF  
EXECUTION**

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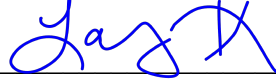
Petitioner does not have anything to add to the previous stay and will stand on her previous arguments regarding the multiple violations of *Panetti* that have occurred and remained uncorrected. As noted by Judge Lee in the dissent, the proper competency test has never been performed. The standard the majority used—the competency to waive appeals—“is markedly different from the standard governing a prisoner’s competency to be executed, which asks “whether a prisoner’s mental state is so distorted by a mental illness that he lacks a rational understanding of the State’s rationale for his execution.” Apx. p. 75a. “In *Panetti*’s parlance, the Indiana Supreme Court determined in 2005 that Corcoran had the capacity to understand the rationale for his execution, but it did not inquire (because it had no reason to) whether Corcoran had a rational understanding of it. And, indeed, to date, no court has conducted such an inquiry.” *Id.* A stay should issue so this Court’s precedent is respected rather than obliterated.

However, given the issues presented there is a viable alternative: this Court can exercise its discretion to enter a stay to preserve its jurisdiction to address a habeas petition. *See e.g., Gutierrez v. Saenz*, 144 S.Ct. 2718 (2024); S. Ct. R. 23. Indeed, this Court did the same in another *Ford* case. *Madison v. Alabama*, 583 U.S. 1108 (2018). This Court has the discretion to enter a stay to allow for a full and meaningful opportunity to consider Petitioner’s Petition for Writ of Certiorari. 28 U.S.C. § 2101(f). This Court should exercise that discretion.

**CONCLUSION**

WHEREFORE, for all the foregoing reasons, Petitioner respectfully requests that the Court stay his execution to allow full and fair litigation of his meritorious writ of certiorari.

Respectfully submitted,



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