

25S-SD-167

IN THE
INDIANA SUPREME COURT

No. 74S00-0907-PD-320

ROY LEE WARD,
Appellant-Defendant,

v.

STATE OF INDIANA,
*Appellee-Plaintiff.*Appeal from the
Spencer Circuit Court,

No. 74C01-0107-CF-0158

The Honorable Robert J. Pigman,
Special Judge.**STATE'S VERIFIED MOTION TO SET EXECUTION DATE**

The State of Indiana respectfully requests that this Court set an execution date for Roy Lee Ward. In support of its motion, the State says:

1. On July 11, 2001, Ward raped and murdered Stacy Payne. *Ward v. State*, 810 N.E.2d 1042, 1044 (Ind. 2004). The U.S. Court of Appeals for the Seventh Circuit previously recounted the facts underlying Ward's convictions:

We will be brief with the underlying facts, as most of them are not disputed and they are horrifying. Shortly after noon on July 11, 2001, 15-year-old Stacy Payne opened the front door of her home in Dale, Indiana, and found a stranger—Ward—ostensibly looking for a lost dog. Ward was lying. Shortly after Stacy let him in, her sister Melissa, who had been upstairs taking a nap, woke to the sound of screams. Looking down from the top of the stairs, she saw Stacy on the ground with a man on top of her. Stacy was screaming as the man assaulted her. Melissa promptly went to her parents' room and called 911; police arrived about ten minutes later.

Dale Town Marshal Matt Keller was the first to enter the house. He saw Ward standing near the door with a knife in his hand, sweating. Keller immediately took Ward into custody, moved Ward outside, and went back into the house. There he saw Stacy lying in a huge pool of blood in the kitchen, disemboweled, evidently raped, trying to speak. Keller watched over her while he waited for an ambulance. The Emergency Medical Technicians did what they could to stabilize her for transport and took her to a local hospital, from which she was later

moved by helicopter to a Level One trauma center in Louisville. Doctors there tried to save her, but to no avail; she died approximately four or five hours after the attack. Although her wounds were awful—her throat was severed to the back of her windpipe, her midsection was almost completely cut apart, and her left hand had been slashed to the bone—she was still able for some time to communicate with the nurses by squeezing her hand.

Ward v. Neal, 835 F.3d 698, 700 (7th Cir. 2016), *reh’g denied*, *cert. denied*.

2. The State charged Ward with murder and sought the death penalty. *Ward*, 810 N.E.2d at 1044. It later added charges of rape and criminal deviate conduct as Class A felonies. *Id.* at 1044–45. A first jury found him guilty as charged and recommended the death sentence, which the trial court imposed. *Id.* at 1048. This Court reversed his convictions and sentence on direct appeal because of prejudicial pre-trial publicity. *Id.* at 1048–50.

3. On remand, Ward pleaded guilty to murder and rape, and a second jury imposed the death sentence. *Ward v. State*, 903 N.E.2d 946, 950 (Ind. 2009). This Court affirmed. *Id.* at 950–63.

4. Ward then sought post-conviction relief, which was denied. *Ward v. State*, 969 N.E.2d 46, 50 (Ind. 2012). This Court affirmed the denial of post-conviction relief. *Id.* at 50–85.

5. Ward turned to the federal courts and sought a writ of habeas corpus. *Ward v. Wilson*, No. 3:12-cv-192-RLY-WGH, 2015 WL 5567180 (S.D. Ind. Sept. 22, 2015). The U.S. District Court for the Southern District of Indiana found that his petition for a writ of habeas corpus “must be denied.” *Id.* The Seventh Circuit agreed, affirmed the denial of habeas relief, and later denied a petition for

rehearing and rehearing en banc. *Ward*, 835 F.3d at 699–704. The U.S. Supreme Court denied his petition for a writ of certiorari. *Ward v. Neal*, 137 S. Ct. 2161 (2017).

6. There is no active stay preventing Ward’s execution.

7. This Court has the exclusive jurisdiction to stay the execution of a death sentence as well as the duty to order a new execution date when any stay is lifted. *See* Ind. Code § 35-50-2-9(h); Ind. Crim. Rule 6.1(G)(1). Because no active stay is pending, this Court should perform its necessary “administrative task” to set an execution date. *Corcoran v. State*, No. 24S-SD-222, slip op. at 2 (Ind. Sept. 11, 2024); *see also Ritchie v. State*, No. 24S-SD-342, slip op. at 2 (Ind. Apr. 15, 2025) (also describing this Court’s duty to set an execution date as an “administrative task”); *Corcoran*, slip op. at 2 (holding that the State’s motion to set an execution date was “the only thing properly before” the Court).

8. The State requests that this Court set Ward’s execution for 30 days from the issuance of its order granting this motion.

The State respectfully requests that this Court set the date for Ward’s execution.

Respectfully submitted,

THEODORE E. ROKITA
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Attorney No. 18857-49

/s/ Tyler Banks
Tyler Banks
Supervising Deputy Attorney General
Attorney No. 30514-36

VERIFICATION

I hereby affirm, under the penalties for perjury, that the foregoing statements of fact are true and accurate to the best of my knowledge and belief.

/s/ Tyler Banks

Tyler Banks

Supervising Deputy Attorney General

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 27, 2025, I electronically filed the foregoing document using the Indiana E-Filing System ("IEFS"). I also certify that the foregoing document was served June 27, 2025, upon opposing counsel via IEFS:

Amy Karozos

Laura Volk

/s/ Tyler Banks

Tyler Banks

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