

In the Indiana Supreme Court

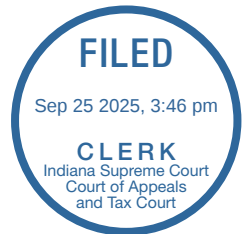
Roy Lee Ward,
Petitioner,

v.

State of Indiana,
Respondent.

Supreme Court Case Nos.
74S00-0907-PD-320
25S-SD-167

Trial Court Case No.
74C01-0107-CF-158



Published Order Denying Motion to Stay

On August 27, 2025, the Court denied Ward's request to seek successive post-conviction relief. Also on that date, the Court set October 10 as the date for the State to carry out Ward's execution. On September 18, Ward moved to stay the execution. Under this Court's order for responsive briefing, the State filed a response to Ward's motion on September 22 and Ward filed a reply on September 24.

Ward's motion, which is based only on his ongoing request for public records, asserts that he moved on September 15 to intervene in *McLachlan v. Indiana Department of Correction*, No. 49D06-2505-PL-22086, a case involving a records request under Indiana's Access to Public Records Act. Ward says he is entitled to a stay of execution because (1) his claim could not have been brought earlier; (2) he has shown an emergency justifying the need for a stay; and (3) he is likely to succeed in his claims against the Department of Correction since he is entitled to the public records he has requested. The State filed a response in the trial court opposing intervention on September 17, and Ward filed a reply on September 22. The trial court has not yet ruled on Ward's motion to intervene.

The State argues that Ward is not entitled to a stay from this Court because he cannot show that he is likely to succeed on the merits of his underlying claims for three reasons: (1) he is an improper intervenor in *McLachlan* and the trial court is unlikely to grant his motion to intervene; (2) even if Ward is permitted to intervene, the information he seeks would likely have no bearing on the legality of his execution; and (3) even if this Court accepted as true Ward's contention that an individual executed in May 2025 made some movement after pentobarbital was administered, fleeting movement or discomfort is insufficient to establish a violation of Ward's Eighth Amendment right to be free from cruel and unusual punishment. We agree with the State that, under these circumstances, Ward has not met his burden to show that he is entitled to a stay of the October 10 execution based on his pending motion to intervene in *McLachlan*.

Being duly advised, the Court DENIES Ward's "Motion for Stay of Execution."

Done at Indianapolis, Indiana, on 9/25/2025 .

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.