

# THE SUPREME COURT OF WASHINGTON

CAL COBURN BROWN,  
PETITIONER,

v.

ELDON VAIL, SECRETARY OF  
DEPARTMENT OF CORRECTIONS, ET  
AL.,  
RESPONDENTS.

## ORDER

Supreme Court No.  
82832-6

CLERK

COB

2009 MAR 12 P 4:22

FILED

STATE OF WASHINGTON  
SUPREME COURT

This matter coming before this Court on Petitioner's Motion for Discretionary Review of a Thurston County Superior Court decision denying a preliminary injunction, and seeking a stay of execution from this Court. This Court being further advised that this case has been consolidated in Thurston County Superior Court with *Darold R.J. Stenson v. Eldon Vail, et al.*, Thurston County Superior Court No. 08-2-02080-8, challenging the constitutionality of lethal injection as a method of execution and other challenges. This Court further being advised that proceedings are scheduled in Thurston County Superior Court in May, 2009, to resolve these issues. Based on a majority vote, it is hereby:

Ordered that the Motion for Discretionary Review is granted for the limited purpose of addressing Petitioner's request for a stay of execution. It is further

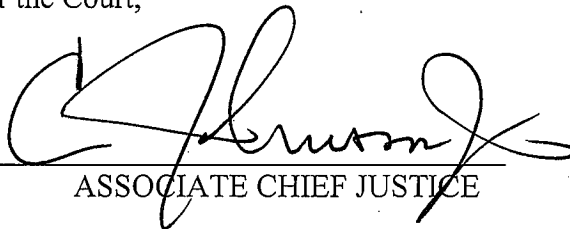
Ordered that the execution of Cal Coburn Brown, which is scheduled for March 13, 2009, is stayed pending further order of this Court. It is further

Ordered that this matter is returned to the Thurston County Superior Court.

555/14

DATED at Olympia, Washington this 12<sup>th</sup> day of March, 2009.

For the Court,

  
ASSOCIATE CHIEF JUSTICE

Dissenting:

Alexander, C.J.  
Owens, J.  
Fairhurst, J.  
I dissent, with opinion to follow  
J. McHugh, J.