

ARIZONA SUPREME COURT

STATE OF ARIZONA,

Appellee,

v.

CLARENCE WAYNE DIXON,

Appellant.

No. CR-08-0025-AP

Maricopa County

Superior Court

No. CR-2002-019595

Ninth Cir. No. 16-99006

U.S. District Court No. CV-14-258-
PHX-DJH

MOTION FOR WARRANT OF
EXECUTION

Pursuant to A.R.S. § 13-759(A) and Arizona Rule of Criminal Procedure 31.23(b), the State of Arizona moves this Court for a Warrant of Execution for Clarence Wayne Dixon. Dixon's direct appeal, first post-conviction proceeding, and federal habeas proceeding have concluded. Accordingly, under § 13-759(A) and Rule 31.23(b), a warrant of execution must issue. *See* A.R.S. 13-759(A) ("After a conviction and sentence of death are affirmed and the first post-conviction relief proceedings have concluded, the supreme court shall issue a warrant of execution that authorizes the director of the state department of corrections to carry out the execution thirty-five days after the supreme court's mandate or order denying review or upon motion by the state. The supreme court shall grant subsequent warrants of execution on a motion by the state."); Ariz. R.

Crim. P. 31.23(b) (“On the State’s motion, the Supreme Court must issue a warrant of execution when federal habeas corpus proceedings and habeas appellate review conclude.”).

A jury found Dixon guilty of the 1978 first-degree murder of Deana Bowdoin and sentenced him to death. *State v. Dixon*, 226 Ariz. 545, 548, ¶¶ 1–2 (2011). This Court affirmed Dixon’s conviction and sentence on direct review, *see id.* at 556, ¶ 63, and the United States Supreme Court denied certiorari, *Dixon v. Arizona*, 565 U.S. 964 (2011) (Mem.). The trial court denied Dixon’s first petition for post-conviction relief, and this Court denied review. *See* No. 13–0238–PC.

Dixon filed his federal habeas petition on December 19, 2014, and the district court denied relief on March 16, 2016. *See Dixon v. Ryan*, 2016 WL 1045355 (D. Ariz. Mar. 16, 2016). The Ninth Circuit affirmed the district court’s decision on July 26, 2019, *Dixon v. Ryan*, 932 F.3d 789 (9th Cir. 2019), and denied Dixon’s petitions for panel and en banc rehearing on October 18, 2019, with no judge requesting a vote on whether to rehear the matter en banc. *See* Ninth Circuit No. 16–99006, Dkt. # 63. The United States Supreme Court then denied Dixon’s petition for writ of certiorari. *See Dixon v. Shinn*, 140 S. Ct. 2810 (2020) (Mem.).

Dixon’s federal habeas appeals have thus concluded. Dixon has nothing pending in any state or federal court. *See* A.R.S. § 13–759(A); Ariz. R. Crim. P. 31.23(b).

DATED this 24th day of February, 2022.

Respectfully submitted,

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