
Riley Dobi NOEL *v.* Larry NORRIS,
Director of Arkansas Department of Correction

CR03-762

120 S.W.3d 599

Supreme Court of Arkansas
Opinion delivered July 8, 2003
[*Dissenting opinion only*]

RAY THORNTON, Justice, dissenting. I would grant the petition for stay of execution to allow the determination of whether petitioner, Riley Noel, may legally be executed in light of the United States Supreme Court's decision in *Atkins v. Virginia*, 356 U.S. 304 (2002), and the application of Ark. Code Ann. § 5-4-618(b) (Repl. 1997), which states: "No defendant with mental retardation at the time of committing capital murder shall be sentenced to death."

ARNOLD, C.J., and IMBER, J., join.
