

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
SEP 20 2019
Clerk of the Appellate Courts
Rec'd By *KJM*

STATE OF TENNESSEE,)
)
 Movant,)
)
v.)
)
HAROLD WAYNE NICHOLS,)
)
 Defendant.)

Case No. *E1998-00562-SC-R11-PD*
Hamilton County
175443
175442
175486
175505

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Harold Wayne Nichols. In support of this motion, the State relies on the following:

1. Nichols pleaded guilty in the Hamilton County Criminal Court to the 1988 first-degree felony murder of Karen Pulley. Following a sentencing hearing and jury verdict, the court sentenced him to death. This Court affirmed the judgment, and the United States Supreme Court denied a petition for writ of certiorari. *State v. Nichols*, 877 S.W.2d 722 (Tenn. 1994), *cert. denied*, 513 U.S. 1114 (1995).

2. Nichols filed a petition for post-conviction relief in the trial court in April 1995. Following a hearing, the trial court denied relief. This Court affirmed that denial. *Nichols v. State*, 90 S.W.3d 576 (Tenn. 2002).

3. Nichols filed a petition for writ of habeas corpus in the United States District Court for the Eastern District of Tennessee in May 2003. On July 25, 2006, the district court granted the Warden's motion to dismiss the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Nichols v. Heidle*, 725 F.3d 516 (6th Cir. 2013) (reh'g denied, Sept. 5, 2013). The United States Supreme Court denied a petition for writ of certiorari on December 1, 2014. *Nichols v. Heidle*, 135 S.Ct. 704 (2014). Nichols did not file a petition for rehearing from the denial of certiorari.

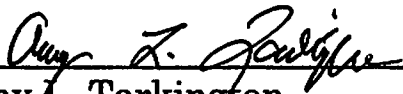
4. Nichols has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the January 7, 1991, judgment of the Criminal Court of Hamilton County, Tennessee.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was forwarded by United States mail, first-class postage prepaid, on the 20th day of September, 2019, to the following:

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The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



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