

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

IN RE: ABU-ALI ABDUR'RAHMAN            ) DAVIDSON COUNTY  
aka JAMES LEE JONES.                    ) ORIGINAL APPEAL NO.  
  ) M1988-00026-SC-DPE-PD

Filed December 3, 2001

MOTION TO SET EXECUTION DATE

Pursuant to Rule 12.4(A), Rules of the Supreme Court of Tennessee, the State of Tennessee respectfully requests that the Court set an execution date for Abu-Ali Abdur'Rahman. In support of this motion, the State relies on the following:

1. Abdur'Rahman (also known as James Lee Jones) was convicted by a Davidson County Criminal Court jury in 1987 of first degree murder, assault with intent to commit first degree murder, and armed robbery. He was sentenced to death for the first degree murder. This Court affirmed the judgment, *State v. Jones*, 789 S.W.2d 545 (Tenn. 1990), and the United States Supreme Court denied a petition for a writ of certiorari. *Jones v. Tennessee*, 498 U.S. 908 (1990).

2. In 1991, Abdur'Rahman sought post-conviction relief in the trial court, which conducted a hearing, made findings, and denied relief. The judgment was affirmed in *Jones v. State*, No. 01C01-9402-CR-00079, 1995 WL 75427 (Tenn.Crim.App., Feb. 23, 1995). This Court denied review, and the United States Supreme Court denied a petition for a writ of certiorari. *Jones v. Tennessee*, 516 U.S. 1122 (1996).

3. In 1996, Abdur'Rahman filed a petition for a writ of habeas corpus in the United States District Court for the Middle District of Tennessee. The district court vacated the death sentence, after concluding that Abdur'Rahman had received ineffective assistance of counsel at the sentencing phase of his trial. *Abdur'Rahman v. Bell*, 999 F.Supp. 1073 (M.D. Tenn. 1998). The United States Court of Appeals for the Sixth Circuit reversed the district court's judgment. *Abdur'Rahman v. Bell*, 226 F.3d 696 (6th Cir. 2000), *reh'g and sugg. for reh'g en banc denied* (Dec. 22, 2000) The United States Supreme Court denied a petition for a writ of certiorari on October 9, 2001, *Abdur'Rahman v. Bell*, \_\_\_ U.S. \_\_\_, 122 S.Ct. 386 (No. 00-1742), and denied a petition for rehearing on December 3, 2001. (copy of order list attached)

4. Although Abdur'Rahman has presently pending in the court of appeals two motions requesting

extraordinary relief,<sup>[1]</sup> he has completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A).

For the reasons stated, a new execution date should be set.

Respectfully submitted,

PAUL G. SUMMERS  
Attorney General and Reporter

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MICHAEL E. MOORE  
Solicitor General

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Motion has been forwarded via Facsimile and First-Class U.S. mail, postage prepaid on this the \_\_\_\_\_ day of December, 2001 to:

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The undersigned attorney of record prefers to be notified of any orders or opinions of

the Court by Facsimile at (615) 741-2009.

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GORDON W. SMITH  
Associate Solicitor General

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[\[1\]](#) Pending before the court of appeals are papers styled “Motion to Withhold the Mandate and Grant Rehearing En Banc or Remand for Further Proceedings” and “Motion for Relief from Judgment Pursuant to Fed.R.Civ.P. 60(b).” On behalf of Warden Ricky Bell, the Attorney General has filed responses opposing both motions.