

**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

<b>STATE OF TENNESSEE,</b>	)	
	)	
<b>Appellee,</b>	)	
	)	<b>DAVIDSON COUNTY CRIMINAL</b>
<b>v.</b>	)	
	)	<b>No. M1988-00026-SC-DPE-PD</b>
<b>ABU-ALI ABDUR'RAHMAN,</b>	)	
	)	
<b>Appellant.</b>	)	

**Filed April 4, 2002, 4:19 p.m. (jsr)**

**RESPONSE IN OPPOSITION TO  
MOTION FOR STAY OF EXECUTION**

Six days prior to his execution, which, by this Court's order of January 15, 2002, is scheduled for April 10, 2002, Abdur'Rahman asks this Court for a stay to allow consideration of a motion to recall the mandate issued 12 years ago following the direct appeal from his conviction and sentence. For the reasons set forth in the State's response in opposition to Abdur'Rahman's motion to recall mandate and consider post-judgment facts, the motion fails to demonstrate a substantial likelihood of success on the merits. *In re Sapp*, 118 F.3d 460, 464 (6th Cir. 1997); *Delo v. Blair*, 509 U.S. 823, 113 S.Ct. 2922, 125 L.Ed.2d 751 (1993) (per curiam) (stay of execution requires showing of substantial grounds upon which relief might be granted). *Compare Nashville, C. & St. L. Ry. v. Railroad and Public Utilities Commission*, 32 S.W.2d 1043, 1045 (Tenn. 1930) (injunction to maintain *status quo* will not issue unless party establishes that it will probably prevail on the merits). Because Abdur'Rahman cannot demonstrate extraordinary circumstances warranting a recall of the mandate, his motion for a stay of execution based upon the motion to recall should be denied.

Respectfully submitted,

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Attorney General and Reporter

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Solicitor General

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Response has been forwarded via Facsimile and First-Class U.S. mail, postage prepaid, on this the \_\_\_\_\_ day of April, 2002, to:

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**DESIGNATION OF ATTORNEYS OF RECORD  
FOR STATE**

**STATE V. ABU-ALI ABDUR'RAHMAN,  
No. M1988-00026-SC-DPE-PD**

**CAPITAL CASE**

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