

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

IN RE: EDWARD JEROME HARBISON) HAMILTON COUNTY
) ORIGINAL APPEAL NO. 76
) (Nos. 15361-62 Below)
Filed: June 13, 2006
M1986-00093-SC-OT-DD

MOTION TO SET EXECUTION DATE

Edward Jerome Harbison was convicted in 1983 by a Hamilton County Criminal Court jury of, *inter alia*, first-degree murder and sentenced to death. He has unsuccessfully pursued a direct appeal, *State v. Harbison*, 704 S.W.2d 314 (Tenn.), *cert. denied*, 476 U.S. 1153 (1986), state post-conviction review, *Harbison v. State*, No. 03C01-9204-CR-00125, 1996 WL 266114 (Tenn. Crim. App. May 20, 1996) (app. denied Nov. 12, 1996), and federal habeas corpus review, *Harbison v. Bell*, 408 F.3d 823 (6th Cir. 2005), *cert. denied*, No. 05-9419, 2006 WL 481159 (Apr. 24, 2006), *rehearing denied*, 2006 WL 1584491 (June 12, 2006). The execution of the death sentence has been stayed pending completion of these proceedings.

Because Harbison has completed the standard three-tier appeals process, it is now the duty of the state attorney general to file a motion requesting that this Court set an execution date. Tenn.S.Ct. Rule 12.4(A). Therefore, the State of Tennessee, by and through the Attorney General & Reporter, hereby requests that this Court set an

execution date for Edward Jerome Harbison, which date shall be, in accordance with Tenn.S.Ct. Rule 12.4(E), no less than thirty (30) days from the date of the order granting this motion.

Respectfully submitted,

PAUL G. SUMMERS
Attorney General & Reporter

MICHAEL E. MOORE
Solicitor General

GORDON W. SMITH
Associate Solicitor General
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*The attorney of record requests notification of orders or opinions of the Court by facsimile.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded
by first-class mail, postage prepaid, to

Dana C. Hansen Chavis, Esq.
Federal Defender Services of
Eastern Tennessee, Inc.
530 South Gay Street, Suite 900
Knoxville, Tennessee 37902

this the _____ day of June , 2006.

GORDON W. SMITH
Associate Solicitor General