

IN THE CRIMINAL COURT OF HAMILTON COUNTY, CHATTANOOGA TENNESSEE  
ELEVENTH JUDICIAL DISTRICT, DIVISION II

EDWARD JEROME HARRISON,	)	
	)	
Petitioner,	)	
	)	
VS.	)	CASE NO: 154361 & 154362
	)	
STATE OF TENNESSEE,	)	THE HONORABLE JON KERRY BLACKWOOD
	)	
Respondent.	)	DEATH PENALTY CASE

NOTICE TO ATTORNEY GENERAL WHEN STATUTE, RULE OR REGULATION  
IS QUESTIONED

Comes now Edward Jerome Harbison, pro se, petitioner, herein and petition  
this Honorable Court with Notice to the Attorney General pursuant Rule 24.04  
of Civil Procedure, of the challenge to 1983 First Degree Murder Statute  
and in support thereof see attached Memorandum.

Respectfully submitted,

*Edward Jerome Harbison*

Edward Jerome Harbison, #108926  
Pro se Petitioner  
RMSI, Unit 2, D-Pod Cell 109  
Riverbend Maximum Security Institution  
7475 Cockhill Bend Boulevard  
Nashville, Tennessee 37209-1048

07 OCT 26 1983

GWEN TIDWELL, CLERK

BY \_\_\_\_\_ D.C.

FILM REF: \_\_\_\_\_

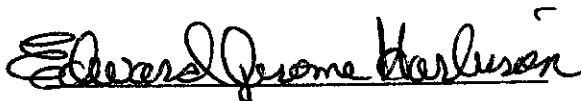
CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND EXACT COPY OF THE FORGOING HAS BEEN SENT VIA UNITED STATES TO:

HAMILTON COUNTY OFFICE OF THE CRIMINAL COURT CLERK  
GWEN TIDWELL: CLERK  
ROOM 102 COURTS BUILDING  
600 MARKET STREET  
CHATTANOOGA, TENNESSEE 37402  
PHONE: (423) 209-7500

BY PLACING A COPY IN THE UNITED STATES MAIL, FIRST-CLASS, POSTAGE PREPAID.

ON THIS, THE 24th DAY OF October 2007



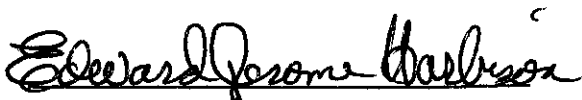
EDWARD JEROME HARRISON, #108926  
PRO SE, PETITIONER  
RMSI, UNIT TWO, D-POD, CELL 109  
RIVERBEND MAXIMUM SECURITY INSTITUTION  
7475 COCKRILL BEND BOULEVARD  
NASHVILLE, TENNESSEE 37209-1048

PETITIONER'S VERIFICATION UNDER OATH SUBJECT TO

PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the forgoing is true and correct.

Executed on October 24, 2007  
(Date)



IN THE CRIMINAL COURT OF HAMILTON COUNTY, CHATTANOOGA TENNESSEE  
ELEVENTH JUDICIAL DISTRICT, DIVISION II

EDWARD JEROME HARBISON,	)	
	)	
Petitioner,	)	
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VS.	)	CASE NO: 154361 & 154362
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	)	THE HONORABLE JON KERRY BLACKWOOD
STATE OF TENNESSEE,	)	
	)	
Respondent.	)	DEATH PENALTY CASE

MOTION FOR  
NOTICE TO ATTORNEY GENERAL WHEN STATUTE, RULE OR REGULATION  
IS QUESTIONED

Comes now Edward Jerome Harbison, pro se, petitioner, herein and petition this Honorable Court with this Memorandum of Notice to the Attorney General pursuant Rule 24.04 of Civil Procedure, to challenge the 1983 Statute for First Degree Murder as to the following reasons:

When the validity of a Statute of this State is drawn in question in any action to which the State or an officer or agency is not a party, the Court shall require the notice be given to the Attorney General, specifying the pertinent Statute, TCA § 39-2-202 (1983), rule or regulation;

Petitioner contends that, under prior law, when a declaratory judgment was sought to declare a statute, ordinance, or franchise of statewide effect unconstitutional, it was necessary to serve the Attorney General with a copy of the proceeding and to afford him or her a chance to be heard (TCA § 23-1107). The object of the Statute was to protect the public's interest in the result of the suit *Cummings v. Shipp*, 156 Tenn. 595, 3 S.W.2d 1062 (1928);

1. Petitioner contends that, in challenging the Constitutionality of the Criminal Statute, see *In re Adoption of E.N.R.*, 42 S.W.3d 26, 29-35 (Tenn. 2001) (citing *Lawrence v. Stanford*, 655 S.W.2d 927, 929 (Tenn. 1983); *Richardson v. Tennessee Bd. of Dentistry*, 913 S.W.2d 446, 457 (Tenn. 1995) (as authority), in the Constitutionality of the First Degree Murder Statute under which the Petitioner has been repeatedly subjected to First Degree Homicide Convictions and being Sentenced to Death, it Application is Unconstitutional;

2. Petitioner asserts that, Public Acts, of 1977, Chapter 51, Senate Bill No. 82, passed March 30, 1977. SECTION 6. provides that: (In the event that any provision of this act or the application thereof to any individual or circumstance is held to be Invalid or Unconstitutional by the Tennessee Supreme Court or a Federal Court, so as permanently to preclude a Sentence of Death as to that Individual, the Court having Jurisdiction over such Individual previously Sentenced to Death Shall cause Individual to be brought before the proper Court which Shall Sentence such person to Imprisonment for life);

3. Petitioner contend that the Application of the Tennessee First Degree Murder Statute has been Unconstitutional Applied to the Petitioner;

4. On September 19, 2007, the Honorable U.S. District Judge, Aleta A. Trauger, entered a judgment in favor of the Petitioner and enter injunctive relief against the State, barring them from executing the Petitioner under the Statute. And on September 21, 2007, Petitioner petitioned the Federal Court to amend its previous Order to include a stay of execution;

5. Petitioner contend that, a Study of the Tennessee State's Death Penalty Assessment Team, issued a Report in April of this year, the Committee found that Tennessee fails to comply with most of the nationally recognize Standards required for a Fair and Accurate Death Penalty System. The Committee made "Recommendations designed to make capital punishment in Tennessee Uniform in its Application;

6. It were further argued by Petitioner on 9/21/07 that even in the event that the Tennessee Courts hold such an alternate means to be available any such hold would be arbitrary and capricious and violate Petitioner's right to due process under the 14th Amendment to the Constitution of the U.S. and the corresponding Article and Section to the Tennessee Constitution;

WHEREFORE PREMISES CONSIDERED: Petitioner pray as to the followings:

Request that this Honorable Court rule on the Merits of Petitioner's Claims;

Request that the Court Enter an Order Vacating the Convictions and Sentence of Death, in the present case.

Respectfully submitted,



Edward Jerome Harbison, #108926  
Pro se Petitioner  
RMSI, Unit 2, D-Pod Cell 109  
Riverbend Maximum Security Institution  
7475 Cockrill Bend Boulevard  
Nashville, Tennessee 37209-1048

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