

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE V. EDWARD JEROME HARBISON

No. M1986-00093-SC-OT-DD - Filed: May 22, 2007

ORDER

On August 15, 2006, this Court set the execution of Edward Jerome Harbison for February 22, 2007. On February 1, 2007, the Governor of Tennessee granted an executive reprieve to Harbison until May 2, 2007, to allow the Commissioner of Correction to review the manner in which death sentences are administered in Tennessee and to provide new protocols and related written procedures for administering a sentence of death. On April 30, 2007, the Commissioner completed his review and forwarded the revised execution protocols to the Governor. On May 4, 2007, the State of Tennessee filed a Motion to Re-Set Execution Date in this case. The State asserts that, the reprieve having expired by its terms, there are no legal impediments to Harbison's lawful execution and requests that the Court set a new execution date for Harbison. On May 14, 2007, Harbison filed a Response to Motion to Set Execution Date, in which he alleged that the State's Motion should be denied because his conviction and death sentence are currently the subject of several proceedings in the federal courts.

Upon due consideration of the State's Motion to Re-Set Execution Date and the Response and in accord with Supreme Court Rule 12.4(E), the State's Motion is GRANTED. It is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the twenty-sixth day of September, 2007, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Edward Jerome Harbison shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

It is so ORDERED.

PER CURIAM