

IN THE FOURTEENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
COFFEE COUNTY CIRCUIT COURT SITTING AT MANCHESTER

GREGORY THOMPSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	NO. 20,014
	)	
RICKY BELL, Warden,	)	
	)	
Respondent.	)	

ORDER DENYING HEARING ON ISSUE OF COMPETENCY
TO BE EXECUTED

 This matter is presently before the Court on a "Petition Providing Notice of Incompetency to be Executed, Requesting a Hearing on Competency to be Executed and Requesting an Order Finding Gregory Thompson Incompetent to be Executed and Issuance of a Reprieve" filed March 1, 2004. Thereafter, on March 4, 2004, in a filing styled "State of Tennessee vs. Gregory Thompson" with the same docket number, i.e., Number 20,014, the State of Tennessee filed a "Response of the State of Tennessee to 'Petition Providing Notice of Incompetency to be Executed,

Requesting a Hearing on Competency to be Executed and Requesting an Order Finding Gregory Thompson Incompetent to be Executed and Issuance of a Reprieve.’ “

And now, complying with the time constraints mandated by the Supreme Court of Tennessee in the case of *Heck Van Tran v. State of Tennessee*, 6 S.W.3rd.257 (Tenn. 1999) this Court is, in accordance with said opinion and the mandate contained therein relative to time element “no later than four (4) days after the response of the District Attorney General is filed.....” now entering an order responding to and denying the petition.

Current law enunciated by the Supreme Court requires that “the prisoner has made the required threshold showing that his or her competency to be executed is genuinely an issue. A hearing as to competency is required only when a prisoner makes a ‘high threshold showing’ that competency is genuinely an issue”. *Van Tran*, supra.

In this case many of the assertions made by the State in response to said petition came to the mind of the undersigned while reading the petition, and the State’s response generally enunciates the opinion and findings of this Court.

This Court is of the opinion that all three of the expert reports submitted to the Court by Gregory Thompson demonstrate clearly that Thompson is presently aware that he is under a death sentence for the murder of Brenda Lane under the “cognitive” standard established by the Supreme Court. All that is necessary for competence to be executed is that the prisoner need only to be aware of the fact of his impending execution and the reason for it. *Van Tran*, supra. This Court finds and holds that these requirements have been met and are presently existing.

Further, this Court notes that the fact that a prisoner may suffer from a mental disease or disorder does not automatically equate to a finding of incompetency to be executed. *State v. Coe*, 17 S.W.3rd. at 221.

Accordingly, this Court is of the opinion that petitioner has not reached the “high threshold showing,” necessary to require a hearing on his petition, and

It is accordingly ORDERED, ADJUDGED and DECREED that said petition be and the same is hereby denied.

It is noted that the petition by the Public Defender of the Fourteenth Judicial District to be relieved as counsel and to appoint a substitute is pending before the Supreme Court, and the undersigned has been informed by the Chief Justice that it will be considered at the meeting of the Court on Tuesday, March 9, 2004, but under the time constraints of *Van Tran*, supra, this court cannot await a ruling on that issue, nor is a ruling thereon necessary considering the ruling contained herein.

Further, considering the above ruling, the matter of whether or not Thompson’s counsel has disqualified herself and Federal Defender Services from representing Thompson in this matter is now moot.

IT IS SO ORDERED this the 8th day of March, 2004.

GERALD L. EWELL, SR.
CIRCUIT COURT JUDGE BY DESIGNATION