

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

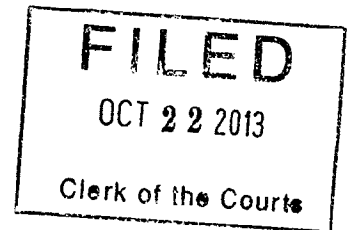
STATE OF TENNESSEE v. OLEN E. HUTCHISON

Criminal Court for Campbell County  
No. 7449

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No. M1991-00018-SC-DPE-DD

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**ORDER**

On October 3, 2013, the State filed a Motion to Reset Execution Date for Olen E. Hutchison. The motion stated that Mr. Hutchison had completed the standard three-tier appeals process. The State pointed out that this Court previously set an execution date of March 11, 2004. Prior to the execution date, the United States District Court for the Eastern District of Tennessee entered a stay of execution pending disposition of a motion for relief from judgment in Mr. Hutchison's federal habeas corpus proceeding under Fed. R. Civ. P. 60(b). Ultimately, the federal proceeding was resolved against Mr. Hutchison. The State asserted that the previously entered stay of execution has terminated by operation of law and the case is ripe for a new execution date to be set under Tennessee Supreme Court Rule 12.4(E).

On October 14, 2013, by and through counsel, the Federal Defender Services of Eastern Tennessee, Inc. ("FDSET"), Mr. Hutchison filed a Request for Temporary Relief and Extension of Time to Respond due to the impact of the federal government shutdown on FDSET's funding. Mr. Hutchison specifically requested that this Court: (1) hold the case in abeyance pending restoration of FDSET's federal funding; (2) direct counsel to notify the Court within twenty-four (24) hours of FDSET's funding being restored; and (3) extend the time for filing a response until thirty (30) days after the date counsel files notice of restoration of federal funding. On October 18, 2013, the State filed a response indicating that it did not object to FDEST's request for relief from the response deadline under these circumstances.

Upon due consideration of the Request for Temporary Relief and Extension of Time to Respond and the State's response, and in light of the conclusion of the federal government shutdown on October 17, 2013, it is hereby ORDERED that Mr. Hutchison's request to hold

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the case in abeyance is DENIED and Mr. Hutchison's request for an extension of time to respond is GRANTED. Mr. Hutchison shall have until Friday, November 22, 2013, to file a response to the State's Motion to Reset Execution Date.

PER CURIAM