

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
03/03/2025
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. DONALD RAY MIDDLEBROOKS

**Criminal Court for Davidson County
No. 87F1682**

No. M2001-01865-SC-R11-PD

ORDER

On February 22, 2022, this Court set the execution of Donald Ray Middlebrooks for December 8, 2022, and established deadlines for proceedings to consider Mr. Middlebrooks' claim that he is not competent to be executed. *See Van Tran v. State*, 6 S.W.3d 257, 267-68 (Tenn. 1999); *State v. Irick*, 320 S.W.3d 284 (Tenn. 2010); *Madison v. Alabama*, 586 U.S. 265 (2019). In April 2022, Governor Lee granted a temporary reprieve in another scheduled execution and subsequently paused all executions until a revised lethal injection protocol was announced on December 27, 2024.

Pursuant to Tennessee Supreme Court Rule 12(4)(E), it is hereby ORDERED that the execution of Mr. Middlebrooks is reset for September 24, 2025. Correspondingly, Mr. Middlebrooks shall file his petition alleging incompetency to be executed in the trial court no sooner than July 7, 2025, and no later than July 9, 2025. As previously ordered, the competency proceedings shall be held in accordance with the timelines and procedures established in *Van Tran*.

The Warden or his designees shall notify Mr. Middlebrooks no later than September 10, 2025, of the method the Tennessee Department of Correction (TDOC) will use to carry out the execution and any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114. Counsel for Mr. Middlebrooks 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.

PER CURIAM