

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
 COUNTY OF WAKE 2007 MAR -6 PM 4:45 SUPERIOR COURT DIVISION
 WAKE COUNTY, N.C. 97-CRS-49226

BY _____
 STATE OF NORTH CAROLINA)
)
 vs.)
)
 ALLEN RICHARD HOLMAN,)
)
 Defendant.)

**ORDER TO CANCEL
 EXECUTION DATE**

This matter is before the Court upon review of a paper writing entitled "Notice of Inability to Carry Out Sentence of Court" filed with the court at 3:07 P.M. on this date. By this notice Warden Marvin Polk certifies that he has been unable to locate a licensed physician willing to participate in the court-ordered execution of the above-named Defendant as required by G.S. § 15-190 and as required by an execution protocol approved by the Governor and Council of State on February 6, 2007.

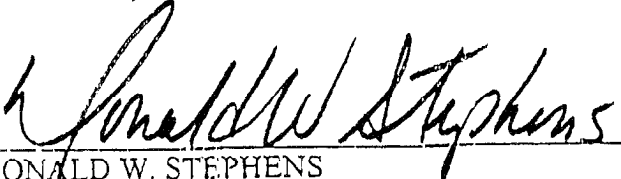
Upon such notice the Court finds that the judgment and sentence of death entered by this Court cannot, at the present time, be carried out in a lawful manner.

WHEREFORE, it is the order of this Court that the Warden and the Secretary of Correction shall cause the March 9, 2007 scheduled execution date of Allen Richard Holman to be canceled and that such execution shall not be re-scheduled until all requirements of the execution protocol and of the law can be met.

The Sheriff of Wake County shall immediately notify and serve a copy of this order upon the Warden. The Warden shall cause a copy of the order to be served upon the prisoner. The

Clerk of the Superior Court of Wake County shall forward copies of this order to all Counsel of Record and to the Clerk of the North Carolina Supreme Court.

So ordered at 4:30 P.M. this, the 6th day of March, 2007.



DONALD W. STEPHENS
SENIOR RESIDENT SUPERIOR COURT JUDGE