

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
10/22/2018
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. EDMUND ZAGORSKI

**Circuit Court for Robertson County
No. 6052**

No. M1996-00110-SC-DPE-DD

ORDER

On March 15, 2018, this Court set an execution date for Edmund Zagorski for October 11, 2018. On October 8, 2018, Mr. Zagorski attempted to waive his right to be executed by lethal injection and choose electrocution as the method for his execution. The Tennessee Department of Correction denied Mr. Zagorski's choice of electrocution as untimely. Mr. Zagorski then filed an action in federal court challenging the denial. On October 11, 2018, the United States District Court for the Middle District of Tennessee issued a temporary restraining order and preliminary injunction prohibiting the State from executing Mr. Zagorski by lethal injection. Later that same day, Governor Bill Haslam granted to Mr. Zagorski a ten-day reprieve, to continue in effect until October 21, 2018. Although the federal district court's order prohibiting Mr. Zagorski's execution by lethal injection remains in effect and has not been appealed, the gubernatorial reprieve has now been dissolved, and no other stay of Mr. Zagorski's execution has been issued.

Pursuant to Tennessee Supreme Court Rule 12(4)(E), "[w]here the date set by the Court for execution has passed by reason of a stay or reprieve, this Court shall sua sponte set a new date of execution when the stay or reprieve is lifted or dissolved, and . . . [i]n the latter event, any new date of execution shall be no less than seven (7) days from the date of the order setting the new execution date."

Accordingly, 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 1st day of November, 2018, unless otherwise ordered by this Court or other appropriate authority. Counsel for Mr. Zagorski 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

SHARON G. LEE, J., DISSENTING