

IN THE SUPREME COURT OF TENNESSEE

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2013 OCT 18 AM 10:38

APPELLATE COURT CLERK  
NASHVILLE

STATE OF TENNESSEE, )  
 )  
 Movant, )  
 )  
 v. )  
 )  
 DAVID EARL MILLER, )  
 )  
 Defendant. )

No. E1982-00075-SC-DDT-DD

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**RESPONSE TO REQUEST FOR TEMPORARY RELIEF  
AND EXTENSION OF TIME TO RESPOND**

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On October 3, 2013, the State filed a motion to set an execution date for the defendant Miller under Tenn. Sup. Ct. R. 12.4(A) after the conclusion of his standard three-tier appeals process. A response to the State’s motion was due within ten (10) days thereafter, or by October 14, 2013.

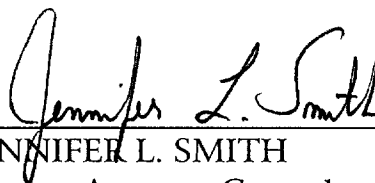
On October 14, 2010, Miller filed a request for temporary relief from the response deadline due to the impact of the October 1, 2013, federal government shutdown on operations of Federal Defender Services of Eastern Tennessee, Inc. Miller requests an additional thirty (30) days following restoration of federal funding to respond to the State’s motion.

The State of Tennessee does not object to Miller's request under these circumstances.

Respectfully submitted,

ROBERT E. COOPER, JR.  
Attorney General & Reporter

WILLIAM E. YOUNG  
Solicitor General



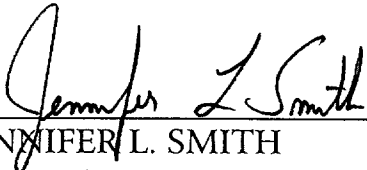
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## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion has been forwarded via facsimile and U.S. mail, first-class postage prepaid, on the 18<sup>th</sup> day of October, 2013 to:

Dana C. Hansen Chavis  
Steven M. Kissinger  
Federal Defender Services of Eastern Tennessee, Inc.  
800 South Gay Street, Suite 2400  
Knoxville, TN 37929  
Phone: (865) 637-7979  
Fax: (865) 637-7999

  
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JENNIFER L. SMITH  
Deputy Attorney General