

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE V. OLEN E. HUTCHISON

No. M1991-00018-SC-DPE-DD - Filed September 30, 2003

ORDER

On September 10, 2003, the State filed a Motion to Set Execution Date for Olen E. Hutchison. The motion stated that Hutchison had completed the standard three-tier appeals process and that an execution date should therefore be set under Tennessee Supreme Court Rule 12.4(A).

On September 19, 2003, Olen E. Hutchison filed a Response Opposing Motion to Set Execution Date. The response alleged that the State's motion was premature, that the standard three-tier appeals process was not yet complete in this case because Hutchison has a motion pending in the United States Federal District Court for the Eastern District of Tennessee, that setting an execution date would violate federal district court orders granting a stay and that the State's motion was filed solely to harass and intimidate him. In addition, Hutchison requested that this Court suspend the requirement of Rule 12.4(A) that any response to a motion to set an execution date "assert any and all legal and/or factual grounds" why the motion should be denied or, in the alternative, that this Court grant him an additional thirty (30) days to fully comply with the provisions of Rule 12.4(A).

Having considered the Motion to Set Execution Date and the Response, this Court finds that Hutchison has presented no legal basis for denying the State's Motion to Set Execution Date. Therefore, the State's motion is GRANTED. Olen E. Hutchison's request for partial suspension of Rule 12.4(A) or an extension of time to comply with said Rule is DENIED. 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 11th day of March, 2004, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Olen E. Hutchison 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