

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. DARYL KEITH HOLTON**

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**No. M2000-00766-SC-DDT-DD - Filed: January 30, 2007**

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**ORDER**

On May 25, 2006, the Court re-set the execution date in the case of State v. Daryl Keith Holton to September 19, 2006. On September 18, 2006, the United States Court of Appeals for the Sixth Circuit entered an order staying the execution to allow an expedited appeal from an order of the United States District Court for the Eastern District of Tennessee dismissing a petition for writ of habeas corpus filed by the Federal Defender Services of Eastern Tennessee, Inc., in the name of Daryl Keith Holton but without his consent or authorization. On January 9, 2007, the Sixth Circuit affirmed the district court's dismissal of the petition. On January 16, 2007, the State of Tennessee filed a Motion to Re-Set Execution Date in this Court. On January 22, 2007, Daryl Keith Holton filed a Pro Se Response to State's Motion to Re-Set Execution Date, in which he stated that he does not oppose the State's Motion to Re-Set.

Upon due consideration of the Motion to Re-Set Execution Date and the Pro Se Response, the Court hereby GRANTS the State's Motion to Re-Set Execution Date. 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 twenty-eighth day of February, 2007, unless otherwise ordered by this Court or other appropriate authority.

The State Attorney General 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.

IT IS SO ORDERED.

PER CURIAM