

M1987-00131-SC-DPE-DD

IN THE SUPREME COURT OF TENNESSEE AT NASHVILLE

FILED

IN RE:

* KNOX COUNTY

2010 MAY 14 AM 10:10

BILLY RAY IRICK

*

* SUPREME COURT NO. 180

APPELLATE COURT CLERK
NASHVILLE

**UNOPPOSED MOTION FOR ADDITIONAL TIME TO FILE RESPONSE
TO STATE'S MOTION TO SET EXECUTION DATE**

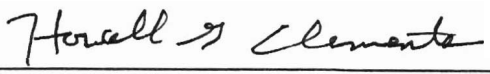
Comes the petitioner, Billy Ray Irick, by and through the undersigned attorneys, and respectfully moves this court for an additional fourteen (14) days in which to file a response to the state's motion to set execution date filed on May 10, 2010. As grounds therefore, petitioner would state that his case is a complicated one and that his response is expected to address, pursuant to Tennessee Supreme Court Rule 12.4, the legal and factual grounds why the execution date should be delayed, why no execution date should be set, or why no execution should occur. The grounds will include notice that the petitioner is presently incompetent to be executed and other bases for a finding of "extenuating circumstances" which would support a certificate of commutation pursuant to T.C.A. §40-27-106.

The state has previously been apprised of this motion and through its Assistant Attorney General, James E. Gaylord, has communicated that it has no opposition to allowing petitioner an additional fourteen (14) days in addition to the ten (10) day period to respond, as provided in this court's decision in Van Tran v. State, 6 S.W.3d 257 (Tenn. 1999). With the motion to set execution having been filed with this court on May 10, 2010, and in light of no opposition to said motion, petitioner prays that his response be due on **June 3, 2010**.

SPEARS, MOORE, REBMAN & WILLIAMS

By: 

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served on counsel for all parties at interest in this cause via facsimile addressed as follows:

(615/532-7791)
James E. Gaylord
Assistant Attorney General
P.O. Box 20207
Nashville, TN 37202

This 13th day of May, 2010

SPEARS, MOORE, REBMAN & WILLIAMS

By: 