

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE V. SEDLEY ALLEY**

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No. M1991-00019-SC-DPE-DD - Filed: June 2, 2006

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**ORDER**

In an order entered March 29, 2006, this Court re-set the execution of Sedley Alley for May 17, 2006. On May 16, 2006, the Governor of the State of Tennessee granted Alley a fifteen-day reprieve to allow Alley to return to state court and seek permission to perform a DNA analysis of certain items allegedly not included in a previous petition for DNA analysis filed by Alley in 2004. On May 18, 2006, the State filed a Motion to Re-Set Execution Date requesting that this Court suspend the time limitations of Supreme Court Rule 12.4(E) for re-setting an execution date and re-set Alley's execution for June 1, 2006. On May 30, 2006, Alley filed a Motion to Strike, or, in the Alternative Response in Opposition to Motion to Re-Set Execution Date. Alley contended that the State's Motion should be stricken because it inappropriately asked the Court to violate its own rules. In the alternative, Alley argued that his execution date should not be re-set because his petition for DNA analysis was pending in the Shelby County Criminal Court. On May 30, 2006, the Shelby County Criminal Court orally denied Alley's petition. Alley thereupon filed a Supplement to the Response, in which he asserted that no execution date should be re-set since he intended to appeal the ruling of the trial court. On May 31, 2006, the Shelby County Criminal Court entered a written order denying Alley's petition. That same day the reprieve granted by the Governor expired.

Upon due consideration of the State's Motion to Re-Set Execution Date, Alley's Motion to Strike and Alternative Response, and the Supplement to the Response, Sedley Alley's Motion to Strike is hereby DENIED. The State's request to suspend Supreme Court Rule 12.4(E) is DENIED; however, the State's Motion to Re-Set Execution Date is GRANTED. 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 June, 2006, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Sedley Alley 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

Justice Adolpho A. Birch, Jr.—Dissenting

