

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 March 29, 2006**

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**ORDER**

On January 16, 2004, this Court ordered that Sedley Alley's death sentence be executed on June 3, 2004. Subsequently, Alley filed a motion in the United States District Court for the Western District of Tennessee requesting relief under that court's inherent authority and under Fed. R. Civ. P. 60(b); Alley also filed a motion for stay of execution in the federal district court. On May 19, 2004, the federal district court entered an order staying the execution pending that court's "ruling on Petitioner's Rule 60(b) motion." On November 28, 2005, the federal district court entered an order denying Alley's motion for relief from the judgment. On November 30, 2005, the State of Tennessee filed a motion in this Court to reset the date of Alley's execution. On December 5, 2005, Alley filed a response to the State's motion. On December 9, 2005, Alley filed in the federal district court a Motion to Alter or Amend Judgment pursuant to Fed. R. Civ. P. 59(e). This Court held the State's motion to reset Alley's execution date in abeyance pending disposition of the Rule 59(e) motion. On March 22, 2006, the State filed a Notice of Filing Document in this Court stating that the federal district court had that same day entered an order denying the motion to alter or amend judgment. A copy of the district court's order was attached to the Notice. On March 24, 2006, Alley filed a response to the State's Notice of Filing Document.

Upon due consideration of the Motion to Set Execution Date, Alley's Response, the Notice of Filing Document, and Alley's response thereto, the State's motion 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 17th day of May, 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.

Justice Birch would deny the State's motion to reset an execution date.

PER CURIAM