

IN THE TENNESSEE SUPREME COURT  
AT NASHVILLE

STATE OF TENNESSEE, )  
 )  
v ) No. M1987-00072-SC-DPE-DD  
 )  
DONNIE E. JOHNSON. ) Filed: May 11, 2006

Donnie E. Johnson respectfully requests that this Court allow him until May 30, 2006, to respond to the State's motion seeking an execution date. In support thereof, Mr. Johnson shows:

1. On May 8, 2006, undersigned counsel received the State's motion requesting that this Court establish a date for Mr. Johnson's execution.

2. Undersigned counsel is currently involved in litigation respecting Sedley Alley, a condemned inmate who has a May 17, 2006, 1:00 a.m. execution date. This litigation presently includes (1) a 42 U.S.C. § 1983 action, currently pending in the United States District Court for the Middle District of Tennessee, challenging the lethal injection protocol the State intends to use for Mr. Alley's proposed execution; (2) a 42 U.S.C. § 1983 action, currently pending before a panel of the United States Court of Appeals for the Sixth Circuit, seeking the release of evidence for DNA testing; and (3) a Fed.R.App.P. 60(b) proceeding currently pending before the en banc Sixth Circuit.

3. Given the above proceedings, and given that numerous other matters occurring in the days prior to Mr. Alley's proposed execution will require counsel's attention, counsel does not have the time necessary to appropriately respond to the State's motion.

4. For the above reasons, counsel respectfully requests that this Court allow Mr. Johnson until May 30, 2006, to respond to the State's motion.

Respectfully submitted,

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Certificate of Service

A copy of the foregoing motion was mailed by United States Mail on May 11, 2006, to Alice Lustre, Office of the Attorney General, Criminal Justice Division, 425 Fifth Avenue North, Cordell Hull Building Second Floor, Nashville, Tennessee 37243-0493.

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Christopher M. Minton