

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

7d Ex 2-8-10  
FILED

2010 FEB -9 AM 11:28

APPELLATE COURT CLERK  
NASHVILLE

IN RE: GAILE OWENS

)  
: NO. 85-01174  
) Shelby County

**MOTION FOR LEAVE TO FILE  
AMICUS CURIAE STATEMENT**

COMES the Tennessee Association of Criminal Defense Lawyers (TACDL), pursuant to Rule 31 of the Tennessee Rules of Appellate Procedure, and moves this Honorable Court for leave to file an amicus curiae statement on the issue of whether the Court should set an execution date in this case.

In support of this motion, TACDL states the following:

1. TACDL is a non-profit statewide organization with approximately 800 members, including private criminal defense lawyers, public defenders, law professors and students. Founded in 1973, TACDL is the state's leading organization advancing the mission of criminal defense lawyers to protect and ensure the individual rights guaranteed by the United States and Tennessee Constitutions in criminal cases. TACDL seeks to promote study and provide assistance within its membership in the field of criminal law. Among TACDL's objectives are to facilitate the exchange of information within the membership including information about the defense of criminal cases, educational programs, membership meetings, special

committees, and publications. TACDL is committed to advocating fair and effective criminal justice in the courts, the legislature, and wherever justice demands.<sup>1</sup> TACDL has a specialized Death Penalty Committee devoted to training, advocacy and fairness in capital cases. TACDL has long had an Amicus Curiae committee that follows cases that could significantly impact the administration of justice. When TACDL has a unique perspective that can assist the courts in evaluating issues, members volunteer to research and file amicus curiae briefs. In this case, participation on behalf of Ms. Owens has been approved by the Death Penalty Committee, the Amicus Curiae Committee and the Executive Committee of the Association.

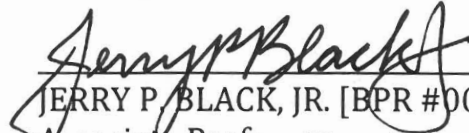
2. Members of the Tennessee Association of Criminal Defense Lawyers have a particular interest and expertise in the functioning of the capital system in Tennessee. The Association's members practice in criminal courts statewide, and it is respectfully submitted that the Association's experience and research will assist the Court in reaching its decision. The Association provides specialized training in the defense of capital cases. The Association has a particular interest in ensuring the fairness of the system and in ensuring that each case is decided on its own merits. Members of this Association have faced the predicament of being given plea offers that are contingent on forces outside of their client's control and as such have a

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<sup>1</sup> Mission Statement of Tennessee Association of Criminal Defense Lawyers, available at [www.tacdl.com/missionpurpose.htm](http://www.tacdl.com/missionpurpose.htm).

unique perspective and interest in the process. See 20A Moore's Federal Practice §§ 329.11 ("classic" role of amicus is to assist court "in a case of general public interest") (3d ed. 2004).


Respectfully submitted this 8<sup>th</sup> day of February 2010.

  
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*President of Tennessee Association of  
Criminal Defense Lawyers*

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing pleading has been forwarded to Gordon Smith, Assistant Solicitor General, 425 Fifth Avenue North, Nashville, Tennessee 37243 this the 8<sup>th</sup> day of February 2010.

  
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JERRY P. BLACK, JR.