

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE V. STEPHEN MICHAEL WEST

No. M1987-000130-SC-DPE-DD

No. M2010-02275-SC-R11-CV¹

Filed: November 23, 2010

ORDER

On November 6, 2010, this Court reset the execution date for Stephen Michael West to November 30, 2010, pending an evidentiary hearing and ruling in a declaratory judgment action filed by Mr. West challenging the constitutionality of Tennessee's three-drug protocol for lethal injection. On November 19, 2010, the trial court announced its decision in a bench ruling. On November 22, 2010, the trial court entered an order granting a declaratory judgment to Mr. West, and this order incorporated by reference the trial court's November 19, 2010 bench ruling. On that same date, November 22, 2010, Mr. West filed in this Court a "Motion to Vacate or Further Modify Court's Order Scheduling Mr. West's Execution." Mr. West attached a copy of the trial court's November 22, 2010 order, but failed to attach a copy of the transcript of the trial court's November 19, 2010 bench ruling.

Mr. West has now provided electronically a copy of the transcript of the trial court's bench ruling but is hereby directed to submit a copy for filing as soon as possible, but in no event later than 4:30 p.m. (CST) today, Tuesday, November 23, 2010.

Furthermore, the State of Tennessee is hereby directed to file a response to Mr. West's motion as soon as reasonably practicable, but in no event later than 3:00 p.m. (CST) tomorrow, Wednesday, November 24, 2010.

It is so ORDERED.

PER CURIAM

¹Mr. West filed his motion for stay under this number, which is the number of a prior civil appeal.