

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE V. MICHAEL JOE BOYD,**

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No. M1990-00011-SC-DPE-DD - Filed: May 22, 2007

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**ORDER**

On December 20, 2006, this Court set the execution of Michael Joe Boyd, now known as Mika'eel Abdullah Abdus-Samad, for March 7, 2007. On February 1, 2007, the Governor of Tennessee granted an executive reprieve to Boyd until May 2, 2007, to allow the Commissioner of Correction to review the manner in which death sentences are administered in Tennessee and to provide new protocols and related written procedures for administering the sentence of death. On April 30, 2007, the Commissioner completed his review and forwarded the revised execution protocols to the Governor. On May 4, 2007, the State of Tennessee filed a Motion to Re-Set Execution Date in this case. The State asserts that, the reprieve having expired by its terms, there are no legal impediments to Boyd's lawful execution and requests that the Court set a new execution date for Michael Joe Boyd. On May 14, 2007, Michael Joe Boyd filed an "Unopposed Motion to Set Execution Date No Earlier Than Forty-Five days after Entry of an Execution Order," in which he requested that the Court re-set his execution date at least forty-five days in the future so that the Governor and the Board of Probation and Parole have ample time to consider the merits of his request for commutation. Boyd states that the Attorney General does not oppose this Motion. In addition, on May 14, 2007, Boyd filed a Response to Motion to Set Execution Date and Request for a Certificate of Commutation from this Court under Tennessee Code Annotated section 40-27-106.

Upon due consideration of the Motion to Re-Set Execution Date, the Unopposed Motion to Set Execution Date, and the Response and Request for Certificate of Commutation, the request for a certificate of commutation is DENIED. The State's Motion to Re-Set Execution Date and Boyd's Unopposed Motion to Set Execution Date are 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-fourth day of October, 2007, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Michael Joe Boyd 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.

It is so ORDERED.

PER CURIAM

