

Fed Ex 10-21-13

FILED

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

2013 OCT 24 PM 1:24

STATE OF TENNESSEE)
)
vs.)
)
DAVID EARL MILLER)

APPELLATE COURT CLERK
NASHVILLE

No. E1982-00075-SC-DDT-DD
Knox County Criminal Court No. 12080

AMENDED MOTION TO APPEAR *PRO HAC VICE*

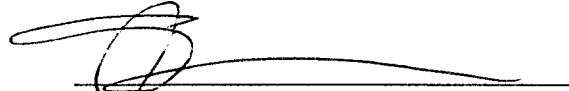
Comes now, Stephen Michael Kissinger, counsel for David Earl Miller, and moves this Court for an order granting him *pro hac vice* allowing him to represent Mr. Miller in proceedings on the state of Tennessee's Motion to Set Execution Date, filed on October 3, 2013, and would show as follows:

1. My full name is Stephen Michael Kissinger. My address is 800 South Gay Street, Suite 2400, Knoxville, Tennessee, 37929. I reside in Knoxville, Tennessee.
2. That I am a member in good standing of the following courts:
 - a. Florida State bar, No. 0979295, admitted 9/14/93 (inactive);
 - b. Wyoming State bar, No. 5-2342, admitted 4/7/86;
 - c. United States District Court for the Eastern District of Tennessee, admitted 1/8/99;
 - d. United States District Court for the Sixth Circuit, admitted 1/30/98;
 - e. United States Supreme Court, admitted 6/17/91.

3. On October 25, 2010, the Chancery Court of Davidson County, Tennessee, Part I, entered an order allowing me to appear *pro hac vice* in *West v. Ray*, No. 10-1675-I. (Order Attached as Attachment A). On November 3, 2010, this Court granted my appearance *pro hac vice* in *West v. Ray*, No. M2010-02276-SC-RDM-CV. (Order attached as Attachment B). On August 31, 2011, the Court of Appeals of Tennessee granted my appearance *pro hac vice* in *West v. Ray*, No. M2011-00791-COA-R3-CV. (Order attached as Attachment B). On August 17, 2012, this Court granted my appearance *pro hac vice* in *West v. Ray*, No. M2011-00791-SC-R11-CV. (Order attached as Attachment B). The current status of the cases listed in this paragraph is that all the cases are closed.
4. That I have never been denied admission *pro hac vice* or had an admission *pro hac vice* revoked by any court in any jurisdiction.
5. That I have never been disciplined or sanctioned by any bar or Board of Professional Responsibility nor is any such action pending.
6. That I am familiar with the Tennessee Rules of Professional conduct and the rules governing proceedings before this Court.
7. That I consent to the disciplinary jurisdiction of the Board of Professional Responsibility of this Court.

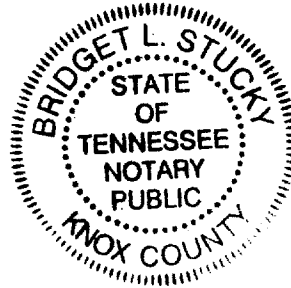
8. For the purposes of this action, I am associated with Dana C. Hansen Chavis, Assistant Federal Community Defender, BPR # 019098, 800 South Gay Street, Suite 2400, Knoxville, Tennessee, 37929, telephone: 865-637-7979.
9. That I have paid all fees required in connection with this motion for admission.
10. That attached is a certificate of good standing from the United States District Court for the Eastern District of Tennessee. (Certificate attached as Attachment C). Due to the exigent circumstances present in this case, the undersigned has been unable to obtain all certificates of good standing required under Tennessee Supreme Court Rule 19 prior to the filing of this motion. He is presently seeking such certificates and will provide them to the Court as they are received. By his signature, counsel affirms that he is in good standing in all jurisdictions in which he is licensed to practice law.
11. Pursuant to Tennessee Supreme Court Rule 19(d)(12) and (f), undersigned counsel certifies that the instant motion and all associated papers have been served upon all counsel of record and upon the Board of Professional Responsibility of the Supreme Court of Tennessee (hereinafter "Board").
12. Undersigned counsel paid the required fee to the Board on October 14, 2013, when his initial Motion for Admission *Pro Hac Vice* was filed in the above-styled case.

13. I declare under penalty of perjury that the foregoing is true and correct.


Stephen Michael Kissinger

Sworn to and subscribed before me
this 21st day of October, 2013.

Bridget L. Stucky
Notary Public



My Commission Expires: 9/2/14

Respectfully submitted,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

BY: 

Stephen M. Kissinger
Assistant Federal Community Defender
800 S. Gay Street, Suite 2400
Knoxville, TN 37929
Phone: (865) 637-7979
Facsimile: (865) 637-7999
Stephen_Kissinger@fd.org

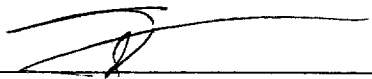
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice* was sent via Fed-Ex for overnight delivery in accordance with Tenn. R. App. P. 20 to:

Jennifer L. Smith
Deputy Attorney General
500 Charlotte Avenue
Nashville, Tennessee 37243-1401
Phone: (615) 741-3487
Facsimile: (615) 532-4892

Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, Tennessee 37207-5078
Phone: (615) 361-7500
Facsimile: (615) 367-2480

this the 21st day of October, 2013.



Stephen M. Kissinger

OCT-22-2010 04:38PM FROM-FEDERAL DEFENDER SERVICES

+8656377890

T-351 P 004/RECEIVED

OCT 22 2010

Davidson Co. Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

STEPHEN MICHAEL WEST,

Plaintiff

v.

GAYLE RAY, in her official capacity as
Tennessee's Commissioner of
Correction, et al,

Defendants

No. 10-1675-I

DEATH PENALTY CASE
Chancellor Bonnyman

EXECUTION SCHEDULED:

November 9, 2010

2010 OCT 25 PM 12:18
DAVIDSON CO. CHANCERY Ct.
S. R. BONNYMAN
Chancellor

FILED

ORDER

It appearing to the Court that Stephen Michael Kissinger has applied to this Court to be allowed to appear *pro hac vice* as co-counsel for Plaintiff, and

It appearing to the Court that Mr. Kissinger is an attorney in good standing with the Supreme Court of Wyoming, the United States District Court for the Eastern District of Tennessee, and the United States Court of Appeals for the Sixth Circuit,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Stephen Michael Kissinger is allowed to appear *pro hac vice* for the Plaintiff, Stephen Michael West, in the instant case.

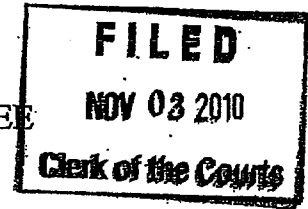


CLAUDIA C. BONNYMAN,
Chancellor, Part I

Entered: _____

Attachment A

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



**STEPHEN MICHAEL WEST v. GAYLE RAY, in her official capacity as
Tennessee's Commissioner of Correction, et al.**

**Chancery Court for Davidson County
No. 10-1675-I**

No. M2010-02276-SC-RDM-CV - Filed: November 3, 2010

ORDER

Stephen Michael Kissinger, counsel for Stephen Michael West, has filed a motion pursuant to Tennessee Supreme Court Rule 19 seeking pro hac vice admission in order to represent Mr. West in his appeal to this Court from the November 1, 2010 decision of the Chancery Court for Davidson County. It appearing that Mr. Kissinger has satisfied the requirements of Tennessee Supreme Court Rule 19, his motion for pro hac vice admission is hereby GRANTED.

It is so ORDERED.

PER CURIAM

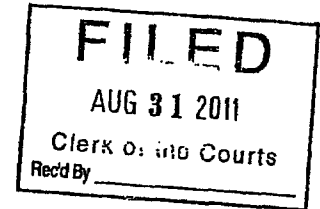
IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

STEPHEN MICHAEL WEST, ET AL. v. GAYLE RAY, ET AL.

Chancery Court for Davidson County
No. 1016751

No. M2011-00791-COA-R3-CV

ORDER



Upon the motion of counsel and for good cause shown, Stephen Michael Kissinger is hereby granted leave to appear *pro hac vice* under the conditions set forth in Tenn. Sup. Ct. R. 19.

PER CURIAM

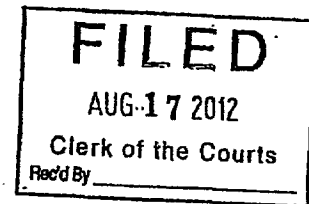
Attachment B

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**STEPHEN MICHAEL WEST ET AL. v. DERRICK SCHOFIELD, in his
official capacity, ET AL.**

Chancery Court for Davidson County
No. 10-1675-I

No. M2011-00791-SC-R11-CV



ORDER

Upon consideration of Stephen Michael West's application for permission to appeal and the record before us, the application is denied.

Billy Ray Irick has filed a motion requesting that he be allowed to proceed on appeal jointly with Stephen Michael West and that he be allowed to incorporate, as his own, Mr. West's application for permission to appeal filed pursuant to Tenn. R. App. P. 11. Upon due consideration, Mr. Irick's motion is granted.

Stephen Michael Kissinger, counsel for Stephen Michael West, has filed a motion pursuant to Tenn. Sup. Ct. R. 19 seeking pro hac vice admission in order to represent Mr. West in his appeal to this Court. It appearing that Mr. Kissinger has satisfied the requirements of Tenn. Sup. Ct. R. 19, his motion for pro hac vice admission is granted.

PER CURIAM

Attachment B

United States District Court
Eastern District of Tennessee

**CERTIFICATE OF
GOOD STANDING**

*I, Debra C. Poplin, Clerk of the Eastern District of
Tennessee, certify that*

Stephen M. Kissinger

*was duly admitted to practice in this Court
on January 28, 1999, and is in good standing as a member
of the Bar of this Court.*

Dated at Knoxville, Tennessee on October 11, 2013.

Debra C. Poplin, Clerk

Cheryl Sweat

Deputy Clerk