

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

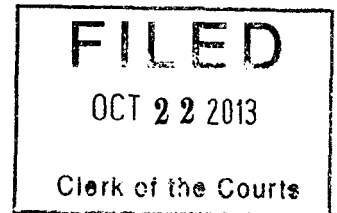
STATE OF TENNESSEE v. DAVID EARL MILLER

Criminal Court for Knox County  
No. 12080

---

No. E1982-00075-SC-DDT-DD

---



**ORDER**

On October 3, 2013, the State filed a Motion to Set Execution Date for David Earl Miller. The motion stated that Mr. Miller had completed the standard three-tier appeals process and that an execution date should therefore be set under Tennessee Supreme Court Rule 12.4(A).

On October 14, 2013, by and through counsel, the Federal Defender Services of Eastern Tennessee, Inc. ("FDSET"), Mr. Miller filed a Request for Temporary Relief and Extension of Time to Respond due to the impact of the federal government shutdown on FDSET's funding. Mr. Miller specifically requested that this Court: (1) hold the case in abeyance pending restoration of FDSET's federal funding; (2) direct counsel to notify the Court within twenty-four (24) hours of FDSET's funding being restored; and (3) extend the time for filing a response until thirty (30) days after the date counsel files notice of restoration of federal funding. On October 18, 2013, the State filed a response indicating that it did not object to FDEST's request for relief from the response deadline under these circumstances.

Upon due consideration of the Request for Temporary Relief and Extension of Time to Respond and the State's response, and in light of the conclusion of the federal government shutdown on October 17, 2013, it is hereby ORDERED that Mr. Miller's request to hold the case in abeyance is DENIED and Mr. Miller's request for an extension of time to respond is GRANTED. Mr. Miller shall have until Friday, November 22, 2013, to file a response to the State's Motion to Set Execution Date.

PER CURIAM