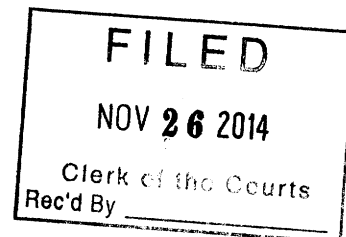


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE v. STEPHEN MICHAEL WEST

Circuit Court for Union County
No. 415A

No. M1987-00130-SC-DPE-DD



ORDER

On September 27, 2013, the Tennessee Department of Correction adopted a new single-drug lethal injection protocol. On October 3, 2013, the State filed a motion to reset the execution date for Steven Michael West. On November 20, 2013, Mr. West and nine other plaintiffs filed in the Chancery Court for Davidson County a declaratory judgment action challenging the constitutionality of the new lethal injection protocol. *See Stephen Michael West, et al. v. Derrick D. Schofield, et al.*, No. 13-16274. Based on representations that the declaratory judgment action would be tried in July 2014, this Court issued an order on December 17, 2013, setting Mr. West's execution date for February 10, 2015. Because of a discovery dispute, the Chancery Court stayed the declaratory judgment proceedings pending a Tenn. R. App. P. 9 interlocutory appeal. *See Stephen Michael West, et al. v. Derrick D. Schofield, et al.*, No. M2014-00320-00A-R9-CV, 2014 WL 4815957 (Tenn. Ct. App. at Nashville, filed Sep. 29, 2014), *perm. app. granted* (Tenn. Oct. 21, 2014). Oral argument is set in this Court for December 18, 2014.

On November 20, 2014, Mr. West filed in this Court a Motion to Vacate Execution Date. Mr. West asks this Court to vacate his execution date to allow sufficient time for this Court to resolve the issues raised in the interlocutory appeal and for the Chancery Court to resolve, on remand, the constitutional issues raised in the declaratory judgment action. On November 24, 2014, the State filed a response; the State does not oppose Mr. West's motion.

Upon due consideration, Mr. West's Motion is GRANTED, and this Court's order of December 17, 2013, is vacated. Upon final disposition of the interlocutory appeal in *Stephen Michael West, et al. v. Derrick D. Schofield, et al.*, No. M2014-00320-SC-R1 1-CV, this Court shall exercise its authority to set a new date of execution, see Tenn. Sup. Ct. R.

12(4)(E) (authorizing this Court to sua sponte set execution dates in certain circumstances and providing that any new date of execution set "shall be no less than seven (7) days from the date of the order setting the new execution date"), and establish an expedited schedule for resolution of the declaratory judgment action in the Chancery Court, *Stephen Michael West, et at. v. Derrick D. Schofield, et al.*, No. 13-16274.

It is so ORDERED.

PER CURIAM