

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

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APPELLATE COURT CLERK
NASHVILLE

IN RE: LEE HALL)
) HAMILTON COUNTY
) No. E1997-00344-SC-DDT-DD
) ORAL ARGUMENT REQUESTED

RESPONSE IN OPPOSITION TO MOTION TO SET EXECUTION DATE
AND
MOTION FOR CERTIFICATE OF COMMUTATION

This Court should deny the State's motion to set an execution date, and should issue a certificate of commutation, because 1) Mr. Hall suffers from severe cognitive impairments, a fact unknown to his jury and to the Tennessee courts; 2) even without this knowledge, many of the jurors who served at Mr. Hall's trial now oppose his execution; 3) execution is disproportionate given a full and accurate comparative proportionality assessment, which was not available to this Court upon direct appeal; 4) Mr. Hall is a model prisoner with an excellent work history, which has continued over the last four years despite suddenly losing most of his vision in both eyes, at the age of 43, in February 2010; 5) Mr. Hall is a plaintiff in ongoing litigation over the constitutionality of Tennessee's new lethal injection protocol; and 6) the State proposes to execute Mr. Hall in the electric chair, an unconstitutional form of punishment, should the lethal injection protocol be found unconstitutional or the lethal injection pharmaceuticals become "unavailable."