

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE V. BILLY RAY IRICK**

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No. M1987-00131-SC-DPE-DD

No. M2010-02275-SC-R11-CV<sup>1</sup>

**Filed: November 23, 2010**

**ORDER**

On July 19, 2010, this Court set December 7, 2010, as the date for the execution of Billy Ray Irick. On November 19, 2010, Mr. Irick was allowed to intervene in a declaratory judgment action filed by another death-row inmate, Stephen Michael West, in which Mr. West challenged the constitutionality of Tennessee's three-drug protocol for lethal injection.<sup>2</sup> On November 19, 2010, the trial court announced its decision in a bench ruling. On November 22, 2010, the trial court entered an order granting a declaratory judgment to Mr. West and Mr. Irick, and this order incorporated by reference the trial court's November 19, 2010 bench ruling. On November 23, 2010, Mr. Irick filed in this Court a "Motion to Vacate or Further Modify Court's Order Scheduling Irick's Execution." Mr. Irick failed to attach a copy of the transcript of the trial court's bench ruling, although the motion states that the trial court's decision is attached.

Mr. Irick is hereby directed to submit a copy of the transcript of the trial court's bench ruling as soon as possible, but in no event later than 4:30 p.m. (CST) today, Tuesday, November 23, 2010.

Furthermore, the State of Tennessee shall file a response to Mr. Irick's motion as soon as reasonably practicable, but in no event later than 3:00 p.m. (CST) tomorrow, Wednesday, November 24, 2010.

It is so ORDERED.

PER CURIAM

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<sup>1</sup>Mr. Irick filed his motion under this number, which is the number of a previous appeal by Mr. West in the declaratory judgment action in which Mr. Irick was permitted to intervene.

<sup>2</sup>The trial court orally granted Mr. Irick's motion to intervene on November 12, 2010, but did not file an order granting the motion until November 19th.

