

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
03/15/2018
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. EDMUND ZAGORSKI

Circuit Court for Robertson County
No. 6052

No. M1996-00110-SC-DPE-DD

ORDER

On January 31, 2014, this Court reset the execution of Edmund Zagorski for December 9, 2014. On October 22, 2014, the Court vacated its January 31, 2014 order due to a pending interlocutory appeal in a declaratory judgment action challenging the constitutionality of Tennessee’s lethal injection protocol. The October 22, 2014 order stated that, upon final disposition of the interlocutory appeal in the declaratory judgment action, this Court shall exercise its authority to set a new date of execution. *See* Tenn. Sup. Ct. R. 12.4(E) (“Where the date set by the Court for execution has passed by reason of a stay or reprieve, this Court shall sua sponte set a new execution date when the stay or reprieve is lifted or dissolved, and the State shall not be required to file a new motion to set an execution date.”). Although the interlocutory appeal was resolved against Mr. Zagorski, this Court delayed setting an execution date until the conclusion of the declaratory judgment action through its appeal. Ultimately, this Court affirmed the trial court’s dismissal of the claims in the declaratory judgment action. *West v. Schofield*, 519 S.W.3d 550 (Tenn. 2017). The United States Supreme Court denied certiorari in the two petitions seeking review of this Court’s decision in *West*. *See Stephen Michael West, et al. v. Tony Parker, et al.*, 138 S.Ct. 476 (Nov. 27, 2017); *Abu Ali Abdur’Rahman, et al. v. Tony Parker, et al.*, 138 S.Ct. 647 (Jan. 8, 2018).

Accordingly, under the provisions of Rule 12.4(E), it is hereby ORDERED, ADJUDGED AND DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 11th day of October, 2018, unless otherwise ordered by this Court or other appropriate authority. Counsel for Mr. Zagorski shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM