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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

2010 JUL 29 AM 8:43

IN RE EDWARD JEROME HARBISON) HAMILTON COUNTY
) No. M1986-00093-SC-OT-DD

APPELLATE COURT CLERK
NASHVILLE

UNOPPOSED MOTION FOR EXTENSION OF TIME TO
RESPOND TO STATE'S MOTION TO RE-SET EXECUTION DATE

Comes now Edward Jerome Harbison, through undersigned counsel, and respectfully submits this unopposed motion for a thirty-day extension of time, until September 7, 2010, to file a response to the State's Motion to Re-Set Execution Date. In support of this motion, counsel for Mr. Harbison states:

1. On July 26, 2010, the State of Tennessee asked this Court to re-set an execution date for Mr. Harbison.
2. Mr. Harbison's response is presently due on August 5, 2010. *See* TENN.S.Ct.R. 12.4(A) (a response to the State's motion must be filed within 10 days of the filing of the motion). RULE 12.4(A) directs the response to include all legal and/or factual grounds why the date should be delayed, why no date should be set, or why no execution should occur. *Id.* The response may also include a request for a certificate of commutation. *Id.* Accordingly, undersigned counsel requires more than ten days to provide this Court with an adequate response.
3. Undersigned counsel requests only as much extra time as is necessary to complete an adequate response to the State's motion. There are substantial reasons to submit to this Court why no execution date should be set but, due to counsel's active and heavy caseload, more time is needed. Undersigned is lead counsel on six capital cases and assists on others. Additionally, counsel represents a defendant in a federal prosecution whose complex case is scheduled for trial

near the end of August and which has been consuming most of counsel's time.


4. This Court has recently granted similar requests for extensions of time in the *Owens*, *Irick*, *West*, and *Zagorski* cases.

5. Undersigned counsel was unable to contact counsel for the State, Jennifer L. Smith, but spoke with Assistant Attorney General Angela Gregory and the State does not object to the requested thirty-day extension. The thirtieth days falls on Saturday, September 4, 2010. The following Monday is Labor Day Holiday. Thus, undersigned counsel requests an extension until Tuesday, September 7, 2010.

WHEREFORE, Mr. Harbison respectfully requests that the Court grant this unopposed request for a thirty-day extension, up to and including September 7, 2010.

Respectfully submitted,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

By: 
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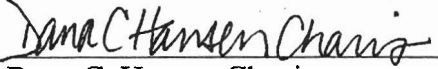
¹ Pursuant to TENN. SUP. CT. R. 12.4(B), Dana C. Hansen Chavis, as attorney of record, requests notification of orders or opinions of the Court by Facsimile at (865) 637-7999.

CERTIFICATE OF SERVICE

I, Dana C. Hansen Chavis, hereby certify that a true and correct copy of the foregoing was sent via electronic mail and overnight mail to:

Jennifer L. Smith
Associate Deputy Attorney General
Office of the Attorney General
425 Fifth Avenue North
Nashville, TN 37243
E-mail: Jennifer.Smith@ag.tn.gov

on this the 28th day of July, 2010.


Dana C. Hansen Chavis
Assistant Federal Community Defender