

IN THE TENNESSEE SUPREME COURT

STEPHEN MICHAEL WEST,)	
)	
Plaintiff-Appellant)	
)	
v.)	No. _____
)	
GAYLE RAY, in her official capacity as)	DEATH PENALTY CASE
Tennessee's Commissioner of)	EXECUTION DATE:
Correction, et al.,)	November 9, 2010 at 10 p.m.
)	
Defendants-Appellees)	Davidson County Chancery Court
)	No. 10-1675-I

MOTION TO APPEAR *PRO HAC VICE*

Comes now, Stephen Michael Kissinger, counsel for Stephen Michael West, and moves this Court for an order granting him *pro hac vice* allowing him to represent Mr. West in this appeal of the memorandum opinion of the Chancery Court of Davidson County, Tennessee, Part I, entered November 1, 2010, and would show as follows:

1. That I am a member in good standing of the following courts:
 - a. Florida State bar, No. 0979295, admitted 9/14/93 (inactive;
 - b. Wyoming State bar, admitted 4/7/86, No. 5-2342
 - c. United States District Court for the Eastern District of Tennessee (admitted 1/8/99);
 - d. United States District Court for the Sixth Circuit (admitted 1/30/98);
 - e. United States Supreme Court (admitted 6/17/91).

2. That upon my motion with attached certificates of good standing and the payment of a

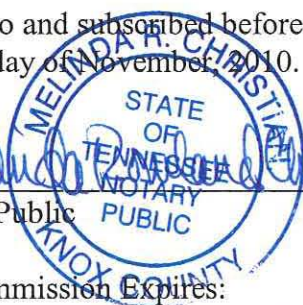
\$75.00 fee, the Chancery Court of Davidson County, Tennessee, Part I entered an order on October 25, 2010, allowing me to appear *pro hac vice* in the action underlying this appeal. (Order Attached as Attachment A).

3. That I have never been disciplined or sanctioned by any bar nor is any such action pending.
4. That I am familiar with the Tennessee Rules of Professional conduct and the rules governing proceedings before this Court.
5. That I consent to the disciplinary jurisdiction of the Board of Professional Responsibility of this Court.
6. That attached are the certificates of good standing provided to the Davidson County Chancery Court, Part I, in Case No. 10-1675-I. (Attachment B, certificates)
7. I declare under penalty of perjury that the foregoing is true and correct.



Stephen Michael Kissinger

Sworn to and subscribed before me
this 1st day of November, 2010.


Melinda R. Christian
Notary Public

My Commission Expires:

My Commission Expires November 25, 2012

Respectfully submitted,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.



BY: _____

Stephen M. Kissinger
Assistant Federal Community Defender
800 S. Gay Street, Suite 2400
Knoxville, TN 37929
(865) 637-7979
Fax: (865) 637-7999
Stephen_Kissinger@fd.org

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice* was sent via email and hand delivery in accordance with TENN. R. APP. P. 20 to:

Mark A. Hudson
Senior Counsel
Office of Attorney General
425 Fifth Avenue North
P. O. Box 20207
Nashville, TN 37243
Mark.A.Hudson@state.tn.us

this the 2nd day of November, 2010.



Stephen M. Kissinger

ATTACHMENT A
TO
MOTION TO APPEAR *PRO HAC VICE*

DAVIDSON COUNTY CHANCERY COURT ORDER OCTOBER 25, 2010

DCT-22-2010 04:38PM FROM-FEDERAL DEFENDER SERVICES

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T-361 P 004/005

RECEIVED

OCT 22 2010

Day, Co. Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

STEPHEN MICHAEL WEST,

Plaintiff

v.

GAYLE RAY, in her official capacity as
Tennessee's Commissioner of
Correction, et al,

Defendants

No. 10-1675-I

DEATH PENALTY CASE
Chancellor Bonnyman

EXECUTION SCHEDULED:

November 9, 2010

2010 OCT 25 PM 12:18
DAVIDSON CO. CHANCERY Ct.
B.C. SMITH

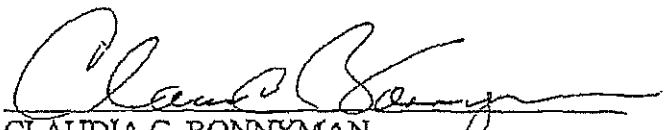
FILED

ORDER

It appearing to the Court that Stephen Michael Kissinger has applied to this Court to be allowed to appear *pro hac vice* as co-counsel for Plaintiff, and

It appearing to the Court that Mr. Kissinger is an attorney in good standing with the Supreme Court of Wyoming, the United States District Court for the Eastern District of Tennessee, and the United States Court of Appeals for the Sixth Circuit,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Stephen Michael Kissinger is allowed to appear *pro hac vice* for the Plaintiff, Stephen Michael West, in the instant case.


CLAUDIA C. BONNYMAN,
Chancellor, Part I

Entered: _____


OCT-22-2010 04:38PM

FROM-FEDERAL DEFENDER SERVICES

+8656377000

T-361 P 005/005 F-417

APPROVED FOR ENTRY:




Stephen A. Ferrell (#25170)

Federal Defender Services of Eastern Tennessee, Inc.
800 South Gay Street
Suite 2400
Knoxville, TN 37929
Tel: (865) 637-7979
Fax: (865) 637-7999

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent via facsimile to:

Mark A. Hudson
Senior Counsel
Office of Attorney General
425 Fifth Avenue North
P. O. Box 20207
Nashville, TN 37243
Fax number: 615-532-2541



Stephen A. Ferrell

ATTACHMENT B
TO
MOTION TO APPEAR *PRO HAC VICE*

CERTIFICATES OF GOOD STANDING

**CERTIFICATE OF THE CLERK OF THE SUPREME COURT
OF THE
STATE OF WYOMING**

I, Judy Pacheco, Clerk of the Supreme Court of the State of Wyoming, hereby certify that, according to the records of my office:

Stephen Michael Kissinger

was on the 7th day of April, 1986, duly admitted to practice as an Attorney and Counsellor at Law in all the courts of Wyoming; that the above admittee has never been disbarred or suspended; that no disciplinary proceedings are pending against this admittee; and that this admittee's name now appears on the Roll of Attorneys in this office as a member of the bar in good standing.

Given under my hand and the seal of said
Court this 19th day of October, 2010.

Judy Pacheco, Clerk



Carol Thompson
by deputy

United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse Building
100 East Fifth Street
Cincinnati, Ohio 45202-3988

Leonard Green
Clerk

Telephone
(513) 564-7000

October 19, 2010

Board of Bar Examiners

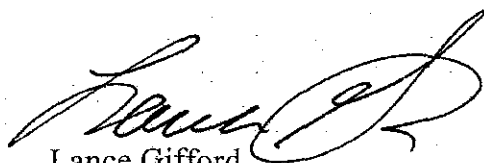
Re: Statement of Discipline & Admission Application

To Whom It May Concern:

Our court has no grievance committee. We have no record of any charges being filed against Stephen M. Kissinger with our court. According to our records, Stephen M. Kissinger was admitted to the Sixth Circuit bar on October 30, 1998 and is a member in good standing.

Please note that requests for copies of attorney admission applications cannot be honored; these items are for office use only.

Very Truly Yours,
Leonard Green, Clerk



Lance Gifford
Deputy Clerk

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

TO ALL WHOM IT MAY CONCERN, GREETINGS:

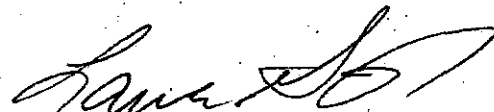
THIS IS TO CERTIFY THAT

STEPHEN M. KISSINGER,

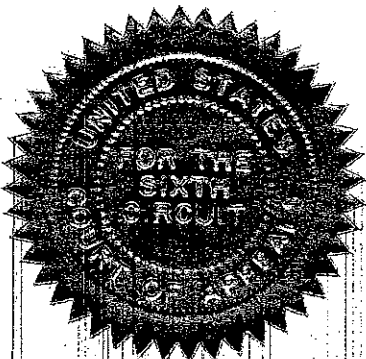
OF KNOXVILLE, STATE OF TENNESSEE, WAS ON MOTION, FIRST MADE TO THE COURT ON HIS BEHALF, DULY ADMITTED AND QUALIFIED AS AN ATTORNEY AND COUNSELOR OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ON THE THIRTIETH DAY OF OCTOBER, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND NINETY-EIGHT, AND THAT **HE**, IS NOW IN GOOD STANDING.

In Testimony Whereof, I Leonard Green, Clerk of said Court, have hereunto set my hand and affixed the seal of the said Court, at the City of Cincinnati, Ohio this 19th day of October in the year of our Lord two thousand and ten.

Leonard Green
Clerk, United States Court of Appeals
for the Sixth Circuit



Lance Gifford
Deputy Clerk



UNITED STATES DISTRICT COURT
Eastern District of Tennessee

CERTIFICATE OF
GOOD STANDING

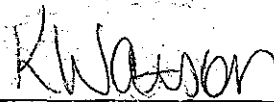
*I, Patricia L. McNutt, Clerk of the Eastern District of
Tennessee, certify that*

Stephen M Kissinger

*was duly admitted to practice in this Court
on January 28, 1999, and is in good standing as a member
of the Bar of this Court.*

Dated at Knoxville, Tennessee on Monday, October 18, 2010.

Patricia L. McNutt, Clerk



Deputy Clerk