

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**JAMES LEE JONES, aka ABU-ALI ABDUR'RAHMAN v. STATE OF
TENNESSEE**

No. M1988-00026-SC-DPE-PD

Filed: October 5, 2000- 9:30 a.m.

ORDER

On May 28, 1996, the United States District Court for the Middle District of Tennessee entered a stay of execution pending disposition of the petition for writ of habeas corpus filed by the respondent, James Lee Jones, aka Abu-Ali Abdur'Rahman. On April 8, 1998, the United States District Court granted the writ as to respondent's sentence of death but not as to his convictions. On September 13, 2000, the United States Court of Appeals for the Sixth Circuit reversed and vacated the district court's grant of the writ with regard to respondent's sentence of death and affirmed the district court's judgment denying habeas relief as to the convictions. That same day the State filed a motion requesting that this Court re-set the date of execution for the respondent.

Upon due consideration, it appearing to the Court that the United States Court of Appeals for the Sixth Circuit has granted the respondent an extension of time until October 11, 2000, in which to file a petition to rehear, and that the respondent is therefore currently pursuing the third tier of "the standard three-tier appeals process," see Workman v. State, 22 S.W.3d 807, 809 (Tenn. 2000), the Court finds that the State's motion is premature. Accordingly, it is ORDERED that the State's motion is DENIED.

PER CURIAM