

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
07/10/2018
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. BILLY RAY IRICK

**Criminal Court for Knox County
No. 24527**

No. M1987-00131-SC-DPE-DD

AMENDED ORDER

On December 11, 2013, this Court reset the execution of Billy Ray Irick to October 7, 2014. On September 25, 2014, this Court vacated the December 11, 2013 order due to an appeal of a declaratory judgment action challenging the constitutionality of Tennessee’s lethal injection protocol. The September 25, 2014 order states that, upon final disposition of the 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.”). In the declaratory judgment action, this Court ultimately affirmed the trial court’s dismissal of the claims. *West v. Schofield*, 519 S.W.3d 550 (Tenn. 2017). On January 11, 2018, the State filed a notice that the United States Supreme Court had denied certiorari in the two petitions seeking review of this Court’s decision. *See Stephen Michael West, et al. v. Tony Parker, et al.*, No. 17-6024 (U.S. Nov. 27, 2017); *Abu Ali Abdur’Rahman, et al. v. Tony Parker, et al.*, No. 17-6068 (U.S. 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 9th day of August, 2018, unless otherwise ordered by this Court or other appropriate authority. No later than July 23, 2018, the Warden or his designee shall notify Mr. Irick of the method that the Tennessee Department of Correction (TDOC) will use to carry out the executions and of any decision by the Commissioner or TDOC to rely upon the Capital Punishment Enforcement Act.

Counsel for Mr. Irick 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