

ORIGINAL

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

FILED
JAN 11 2018
Clerk of the Appellate Courts
Rec'd By _____

STATE OF TENNESSEE,)
)
Movant,)
)
v.)
)
DAVID EARL MILLER,)
)
Defendant.)

No. E1982-00075-SC-DDT-DD

NOTICE

By order dated December 17, 2013, this Court granted a motion filed by the State of Tennessee to set an execution date for the defendant David Earl Miller. The Court set a date of August 18, 2015.

On March 31, 2015, the Court vacated its order setting an execution date due to ongoing litigation and appeal of a declaratory judgment action challenging the constitutionality of Tennessee's lethal injection protocol. The Court ultimately ruled that the petitioners in that matter, which included the defendant Miller, failed to show that the State's method of execution violated the Eighth Amendment or was otherwise unlawful. *West v. Schofield*, 519 S.W.3d 550 (Tenn. 2017).

Petitioners filed two separate petitions for a writ of certiorari in the United States Supreme Court seeking further review of this Court's decision. *Stephen Michael West, et al. v.*

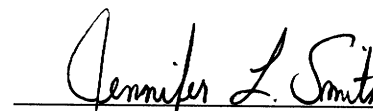
Tony Parker, et al., No. 17-6024 (U.S.); *Abu Ali Abdur'Rahman, et al. v. Tony Parker, et al.*, No. 17-6068 (U.S.).

The State now provides notice that the Supreme Court denied certiorari in both petitions on November 27, 2017, and January 8, 2018, respectively. Copies of the two letters from the U.S. Supreme Court notifying the parties that certiorari has been denied in the respective petitions are attached. Thus, the defendant's challenge to the lethal injection protocol is finally concluded, and this Court's November 26, 2014, reprieve is lifted or dissolved. *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 date of execution 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.").

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General & Reporter


ANDRÉE S. BLUMSTEIN
Solicitor General

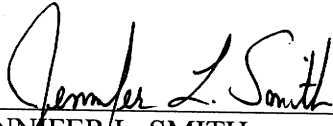

JENNIFER L. SMITH
Associate Solicitor General
P. O. Box 20207
Nashville, Tennessee 37202
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice was forwarded by United States mail, first-class postage prepaid, on the 11th day of January, 2018, to the following:

Stephen M. Kissinger, Assistance Federal Community Defender
Federal Defender Services of Eastern, Tennessee, Inc.
800 S. Gay Street, Suite 2400
Knoxville, TN 37929

Charne P. Allen
District Attorney General
6th Judicial District
P.O. Box 1468
400 Main Ave., Suite 168
Knoxville, TN 37901-1468



JENNIFER L. SMITH
Associate Solicitor General

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

November 27, 2017

Ms. Jennifer L. Smith
Office of the Attorney General
Associate Solicitor General
P.O. Box 20207
Nashville, TN 37202-0207

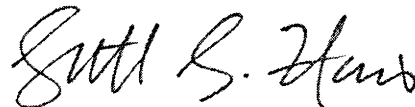
Re: Stephen Michael West, et al.
v. Tony Parker, Commissioner, Tennessee Department of
Corrections, et al.
No. 17-6024

Dear Ms. Smith:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

January 8, 2018

Ms. Jennifer L. Smith
Office of the Attorney General
Associate Solicitor General
P.O. Box 20207
Nashville, TN 37202-0207

Re: Abu Ali Abdur'Rahman, et al.
v. Tony Parker, Commissioner, Tennessee Department of
Corrections, et al.
No. 17-6068

Dear Ms. Smith:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk