

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
02/22/2022
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. BYRON LEWIS BLACK

**Criminal Court for Davidson County
No. 88-S-1479**

No. M2000-00641-SC-DPE-CD

ORDER

On February 24, 2020, this Court granted the State’s motion to set an execution date for Byron Lewis Black and established deadlines for proceedings to consider Mr. Black’s claim that he is not competent to be executed. *See Van Tran v. State*, 6 S.W.3d 257, 267-68 (Tenn. 1999). Upon motions of Mr. Black, the Court initially reset the execution date to April 8, 2021, but ultimately stayed the execution due to the COVID-19 pandemic. Pursuant to Tennessee Supreme Court Rule 12(4)(E), it is hereby ORDERED that the stay is lifted and the execution of Mr. Black is reset for August 18, 2022. Correspondingly, Mr. Black shall file his petition alleging incompetency to be executed in the trial court no sooner than June 1, 2022, and no later than June 3, 2022. As previously ordered, the competency proceedings shall be held in accordance with the timelines and procedures established in *Van Tran*.

The Warden or his designees shall notify Mr. Black no later than August 4, 2022, of the method the Tennessee Department of Correction (TDOC) will use to carry out the execution and any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114. Counsel for Mr. Black 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