

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

**IN RE: MICHAEL JOE BOYD,
now known as Mika'eel Abdullah
Abdus-Samad**

**SHELBY COUNTY
S. Ct. No.
M1990-00011-SC-DPE-DD
Filed: May 14, 2007**

**UNOPPOSED MOTION TO SET EXECUTION DATE NO EARLIER THAN FORTY-
FIVE DAYS AFTER ENTRY OF AN EXECUTION ORDER**

Michael Joe Boyd, now known as Mika'eel Abdullah Abdus-Samad, through undersigned counsel, requests this Court not set an execution date any earlier than forty-five days after entry of an execution order, in order to allow time for clemency proceedings before Governor Bredesen and the Tennessee Board of Probation and Parole. In support of this motion, Boyd would show unto the Court as follows:

1. The State has requested this Court reset Boyd's execution date no earlier than seven days after entry of an order. Boyd has responded to this motion by requesting a certificate of commutation. This request has been filed contemporaneously with this motion.

2. Originally this Court set an execution date for Michael Boyd for March 7, 2007. On January 5, 2007, more than two months prior to the scheduled execution date, Boyd petitioned Governor Bredesen for a commutation of his sentence.

3. Michael Boyd has an excellent case for a commutation, which is in part set forth in the request to this Court for a certificate of commutation, filed contemporaneously with this pleading.

4. Because Governor Bredesen granted a reprieve to all inmates with pending execution dates up until May 2, 2007, the Governor has not acted upon Mr. Boyd's pending commutation request.

5. Typically, Governor Bredesen refers clemency matters to the Tennessee Board of Probation and Parole for a non-binding recommendation.

6. Because Mr. Boyd has an excellent case for a commutation, and further because Governor Bredesen will need some time to refer this matter to the Board to conduct a hearing, Mr. Boyd requests any execution date be set off AT LEAST forty-five days in the future so that the Governor and the Parole Board have ample time to consider the merits of his request for commutation.

7. Assistant Attorney General Jennifer Smith informed counsel that the State does not oppose the relief requested.

WHEREFORE, PREMISES CONSIDERED, Mr. Boyd respectfully requests his execution date be set NO EARLIER THAN forty-five days after entry of the Court's order.

Respectfully submitted,

Robert L. Hutton, #15496
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Memphis, Tennessee 38103
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response in Opposition to Motion to Set Execution Date and Request for a Certificate of Commutation has been sent via U.S. Mail to:

Jennifer Smith
Assistant Attorney General
425 5th Avenue North
Nashville, Tennessee 37243

this _____ day of May, 2007.
