

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. GREGORY THOMPSON

No. M1987-00067-SC-DPE-DD - Filed: December 13, 2005

ORDER

On October 18, 2005, this Court entered an order holding in abeyance Gregory Thompson's subsequent Ford claim under Van Tran v. State, 6 S.W.3d 257, 272 (Tenn. 1999). Thompson was given until November 18, 2005, to submit any further affidavits in support of his claim of a change in his mental status; and the State was to file its response to such affidavits no later than December 2, 2005. On November 18, 2005, Thompson filed supplemental materials and affidavits relating to his Ford claim. On December 2, 2005, the State filed its response to the supplemental filings.

On November 18, 2005, Thompson also filed a Motion for Protective Order and Motion for Order Requiring Reciprocal Discovery, alleging that the Office of the Attorney General was improperly obtaining access to his prison and medical records without judicial supervision and without reciprocal discovery. On December 2, 2005, the State filed its response to these two motions. On December 6, 2005, Thompson filed a reply to the State's response.

Upon due consideration of the original Notice of Change in Mental Health Status, the supplemental filings, and the State's response, the Court finds that Gregory Thompson has not shown that there has been a substantial change in his mental health since the previous determination of his competency that raises a substantial question about his present competency to be executed. The motion for stay of execution to allow consideration of the subsequent Ford claim is therefore DENIED.

Furthermore, after due consideration, the Motion for Protective Order and Motion for Order Requiring Reciprocal Discovery are DENIED.

PER CURIAM

Justice Adolpho A. Birch, Jr. – Dissenting

