

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

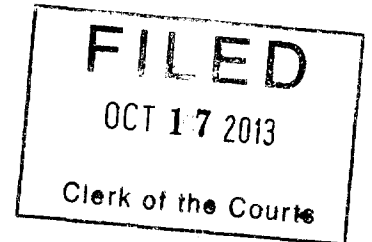
STATE OF TENNESSEE v. LEROY HALL, JR.

Criminal Court for Hamilton County  
Nos. 188000 & 188001

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No. E1997-00344-SC-DDT-DD

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**ORDER**

On October 3, 2013, the State filed a Motion to Set Execution Date for Leroy Hall, Jr. The motion stated that Mr. Hall had completed the standard three-tier appeals process and that an execution date should therefore be set under Tennessee Supreme Court Rule 12.4(A).

On October 14, 2013, Mr. Hall filed a *pro se* response opposing the State's Motion and seeking an extension of time to file a response. The response alleged that Mr. Hall "may" file a legal document with the United States District Court for the Eastern District.

Tennessee Supreme Court Rule 12.4(A) provides that after a death-sentenced prisoner has completed the three-tier appeals process, the State Attorney General "shall" file a motion requesting that this Court set an execution date. Further, any response filed in opposition to that motion "shall assert any and all legal and/or factual grounds why the execution date should be delayed, why no execution date should be set, or why no execution should occur, including a claim that the prisoner is not competent to be executed, *see Coe v. State*, 17 S.W.3d 191 (Tenn. 2000) (Order); *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999); or a request for a certificate of commutation pursuant to Tenn. Code Ann. § 40-27-106, *see Workman v. State*, 22 S.W.3d 807 (Tenn. 2000)." Tenn. Sup. Ct. R. 12.4(A) (Emphasis added). Once a case has completed the three-tier appeals process, this Court is reluctant to defer or stay executions for pending collateral federal proceedings because it is in the province of the federal courts to grant a stay of their own proceedings when they deem it appropriate. *See Coe v. State*, 17 S.W.3d 251 (Tenn. 2000) (Order).

Given Mr. Hall's *pro se* status, Mr. Hall's motion of extension of time to file a response is GRANTED in order to allow him to comply with Tennessee Supreme Court Rule 12.4(A). Mr. Hall is hereby ordered to file a response to the State's Motion to Set Execution that complies with Rule 12.4(A) within ten (10) days of the filing of this Order.

PER CURIAM