

ORIGINAL

IN THE SUPREME COURT OF TENNESSEE

FILED

AT NASHVILLE

2010 APR 30 PM 3: 38

APPELLATE COURT CLERK
NASHVILLE

IN RE:
STEPHEN MICHAEL WEST

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)

UNION COUNTY
Supreme Court No. 3

MI987-00130-SC-DPE-DD

MOTION TO SET EXECUTION DATE

Pursuant to Rule 12.4(A), Rules of the Supreme Court of Tennessee, the State of Tennessee respectfully requests that the Court set an execution date for Stephen Michael West. In support of this motion, the State would show the following:

1. On March 25, 1987, a Union County, Tennessee, jury convicted West of the first-degree premeditated murders of Wanda Romines and her daughter, Sheila Romines, aggravated kidnapping of both victims, and aggravated rape of Sheila Romines. Finding three statutory aggravating circumstances applicable to each of the murders—that the murders were especially heinous, atrocious or cruel; that they were committed to avoid arrest or prosecution; and that they were committed while the defendant was engaged in committing first degree murder, rape or kidnapping—the jury sentenced him to death for murder. See Tenn. Code Ann. § 39-2-203(i)(5), (6) and (7) (1982) (repealed 1989). This Court affirmed the judgment, *State v. West*, 767 S.W.2d 387 (Tenn. 1989), and the United States Supreme Court denied a petition for a writ of certiorari. *West v. Tennessee*, 497 U.S. 1010 (1990).

2. West filed a petition for post-conviction relief in 1990. Following an evidentiary hearing, the post-conviction court denied relief. The Court of Criminal Appeals affirmed. *Stephen Michael West v. State*, No. 03C01-9708-CR-00321, 1998 WL 309090 (Tenn. Crim. App. June 12, 1998) (reh. denied). This Court granted West's application for permission to appeal and, on May 12, 2000, affirmed the judgment of the Court of Criminal Appeals. *West v. State*, 19 S.W.3d 753 (Tenn. 2000).

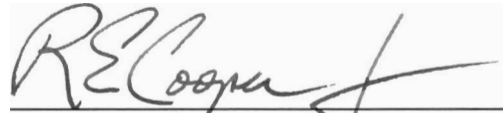
3. On February 20, 2001, counsel for West initiated federal habeas proceedings in the United States District Court for the Middle District of Tennessee. *West v. Bell*, No. 3:01-cv-00174 (M.D. Tenn.). The district court transferred the case to the Eastern District of Tennessee, which granted a stay of execution on February 23, 2001. *West v. Bell*, No. 3:01-cv-00091 (E.D. Tenn.). West filed a petition for writ of habeas corpus on June 7, 2001, and an amended petition on February 25, 2002. The district court granted summary judgment in favor of the respondent on September 30, 2004. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas corpus relief on December 18, 2008. *West v. Bell*, 550 F.3d 542 (6th Cir. 2008), *reh'g and sugg. for reh'g en banc denied* (May 20, 2009). The United States Supreme Court denied a petition for a writ of certiorari on March 1, 2010, *West v. Bell*, 78 U.S.L.W. 3493, 2010 WL 680527, and

denied a petition for rehearing on April 19, 2010. *West v. Bell*, No. 09-461, 2010 WL 1525945 (U.S. 2010) (copy attached).

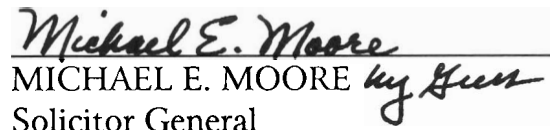
4. West has completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A).

For the reasons stated, an execution date should be set.

Respectfully submitted,



ROBERT E. COOPER, JR.
Attorney General & Reporter



MICHAEL E. MOORE *by Susan*
Solicitor General



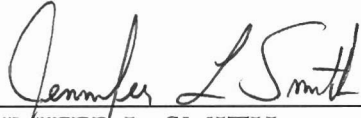
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion has been forwarded via Facsimile and First-Class U.S. mail, postage prepaid on this the 30th day of April, 2010 to:

Stephen A. Ferrell
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800 South Gay Street, Suite 2400
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Phone: (865) 637-7979
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The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by Facsimile at (615) 532-7791



JENNIFER L. SMITH
Associate Deputy Attorney General

--- S.Ct. ----, 2010 WL 1525945 (U.S.)
(Cite as: 2010 WL 1525945 (U.S.))

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Only the Westlaw citation is currently available.

Supreme Court of the United States
WEST, STEPHEN M. V. BELL, WARDEN.
No. 09-461.

April 19, 2010.

*1 The petition for rehearing is denied.

U.S.,2010.
West v. Bell
--- S.Ct. ----, 2010 WL 1525945 (U.S.)

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