

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

ABU-ALI ABDUR'RAHMAN,)	
)	
Respondent/Defendant,)	
)	
v.)	S.Ct. No. M1988-00026-SC-DPE-PD
)	
STATE OF TENNESSEE,)	
)	
Movant.)	

MOTION TO RESET EXECUTION DATE

By order dated January 15, 2002, the defendant Abdur'Rahman having exhausted the standard three-tier appeals process, this Court set an execution date of April 10, 2002, in the above-styled matter. On April 8, 2002, the Supreme Court of the United States entered a stay of execution pending disposition of Rahman's petition for writ of certiorari from a decision of the United States Court of Appeals for the Sixth Circuit denying him leave to file a second or successive habeas corpus petition. *Abdur'Rahman v. Bell*, 122 S.Ct. 1463 (2002). On April 22, 2002, the Supreme Court granted the petition for writ of certiorari, *Abdur'Rahman v. Bell*, 122 S.Ct. 1605 (2002), and argument was held thereon on November 6, 2002. By per curiam order issued today, December 10, 2002, the Court dismissed the writ of certiorari as improvidently granted. *Abdur'Rahman v. Bell*, __ S.Ct. __ (Dec. 10, 2002)(No. 01-9094). By virtue of that order, pursuant to the terms of the Court's April 8, 2002, order, the previously-entered stay of execution has now been terminated. (copies of orders attached)

WHEREFORE, pursuant to, and in discharge of its obligation under, the provisions of Tenn.Sup.Ct.R. 12(4)(E), the State of Tennessee hereby provides notice to this Court of today's order of the United States Supreme Court, and respectfully requests that this Court promptly reset

the date of execution for Abu-Ali Abdur'Rahman to a date no less than seven (7) days from the issuance of an order of this Court granting the State's motion.

Respectfully submitted,

PAUL G. SUMMERS
Attorney General & Reporter
B.P.R. No. 6285

MICHAEL E. MOORE
Solicitor General
B.P.R. No. 6440

JOSEPH F. WHALEN
Assistant Attorney General
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(615) 532-7791 (facsimile)
B.P.R. No. 16514

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing, with attachments, was served on the defendant by delivering a copy of same, by facsimile and by first-class mail, postage prepaid, to Bradley Maclean, Stites & Harbison PLLC, Suntrust Center, Suite 1800, 424 Church Street, Nashville, Tennessee 37219, and William P. Redick, Jr., P.O. Box 187, Whites Creek, Tennessee 37189, on this the _____ day of December, 2002.

JOSEPH F. WHALEN
Assistant Attorney General

**DESIGNATION OF ATTORNEY OF RECORD
FOR STATE**

Jennifer L. Smith
Assistant Attorney General
P. O. Box 20207
Nashville, Tennessee 37202
B.P.R. No. 16514
615-741-3487 (phone)
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The State's attorney of record prefers to be notified via facsimile at 615-532-7791.

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STATE OF TENNESSEE,)	
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Movant.)	

AFFIDAVIT

I, Joseph F. Whalen, Assistant Attorney General, do hereby swear and affirm that the facts contained in the attached Motion to ReSet Execution Date are true and accurate to the best of my knowledge and belief.

JOSEPH F. WHALEN
Assistant Attorney General

Sworn to and subscribed before me
this _____ day of December, 2002.

NOTARY PUBLIC

My Commission Expires _____