

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

11/03/2021

Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. HENRY EUGENE HODGES**

**Criminal Court for Davidson County  
No. 90S1418**

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**No. M1999-00516-SC-R11-PD**

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**ORDER**

On October 12, 2021, the defendant, Henry Eugene Hodges, filed a *pro se* pleading the Court has construed as a renewed motion to set an execution date. In its September 29, 2021 order denying Mr. Hodges' previous *pro se* motion to set an execution date, the Court explained that Mr. Hodges may not proceed *pro se* when he is represented by counsel. In this renewed motion, Mr. Hodges expresses his belief that his legal representation ended when the United States Supreme Court refused to hear his case. However, when the State of Tennessee filed a motion to set an execution date for Mr. Hodges, the Federal Public Defender entered an appearance as counsel of record for Mr. Hodges and filed a response to the State's motion. Despite delays caused by the COVID-19 pandemic, the State's motion to set an execution date is still pending in this Court. Counsel for Mr. Hodges moves to strike the renewed *pro se* motion to set. Again, Mr. Hodges may not proceed *pro se* while represented by counsel. *See State v. Burkhart*, 541 S.W.2d 365, 371 (Tenn. 1976); *State v. Cole*, 629 S.W.2d 915, 917 (Tenn. Crim. App. 1981). Accordingly, Mr. Hodges' renewed *pro se* motion to set an execution date is dismissed, and counsel's motion to strike the renewed motion is denied as moot.

PER CURIAM