

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. DARYL KEITH HOLTON**

---

**No. M2000-00766-SC-DDT-DD -Filed: May 22, 2007**

---

**ORDER**

On January 30, 2007, this Court set the execution of Daryl Keith Holton for February 28, 2007. On February 1, 2007, the Governor of Tennessee granted an executive reprieve to Holton until May 2, 2007, to allow the Commissioner of Correction to review the manner in which death sentences are administered in Tennessee and to provide new protocols and related written procedures for administering the sentence of death. On April 30, 2007, the Commissioner completed his review and forwarded the revised execution protocols to the Governor. On May 4, 2007, the State of Tennessee filed a Motion to Re-Set Execution Date in this case. The State asserts that, the reprieve having expired by its terms, there are no legal impediments to Holton's lawful execution and requests that the Court set a new execution date for Holton. On May 10, 2007, Daryl Keith Holton filed a pro se Response to State's Motion to Re-Set Execution Date, stating that he does not oppose the State's Motion.

Upon due consideration of the Motion to Re-Set Execution Date and the Response and in accord with Supreme Court Rule 12.4(E), the Court hereby GRANTS the State's Motion to Re-Set Execution Date. It is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the twelfth day of September, 2007, unless otherwise ordered by this Court or other appropriate authority.

The State Attorney General shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

It is so ORDERED.

PER CURIAM