

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE V. EDWARD JEROME HARBISON**

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**No. M1986-00093-SC-OT-DD** - Filed: October 9, 2007

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**ORDER**

On July 17, 2006, this Court appointed the Office of the Post-Conviction Defender (PCD) to represent Edward Jerome Harbison “in the instant case No. M1986-00093-SC-OT-DD.” On October 5, 2007, the PCD filed a Motion to Withdraw as Counsel alleging that it had not filed any motion or other pleading in the instant case or any other matter pertaining to Mr. Harbison; that in all pending actions Mr. Harbison is represented by the Federal Defender Services of Eastern Tennessee; and that Mr. Harbison has specifically requested that the PCD withdraw from this case and has petitioned the Criminal Court of Hamilton County to remove the PCD from its appointment by this Court.

Upon due consideration, the Motion is respectfully DENIED. The PCD was appointed solely to represent Mr. Harbison in the execution case and not in any collateral matters. Representation is limited to issues directly concerning the execution case and the execution process. We find that the PCD has failed to show good cause for granting the Motion. The Motion is unsupported by an affidavit of Mr. Harbison seeking withdrawal of the PCD from the appointment in this case, showing that Mr. Harbison is knowingly and intelligently waiving his right to the assistance of counsel in the execution case, and stating that such waiver includes the assistance not only of the PCD but of any other counsel. See State v. Carruthers, 35 S.W.3d 516, 546 (Tenn. 2000) (a criminal defendant does not have the right to appointment of counsel of choice).

IT IS SO ORDERED.

PER CURIAM