



STATE OF TENNESSEE

PHIL BREDESEN
GOVERNOR

May 11, 2006

VIA FACSIMILE at (615) 736-5265 and U.S. MAILKelley J. Henry, Esq.
Office of the Federal Public Defender
810 Broadway, Suite 200
Nashville, Tennessee 37203

Re: Sedley Alley

Dear Ms. Henry:

This letter will confirm our telephone discussion today concerning your client Sedley Alley.

The Governor received late yesterday a letter from your co-counsel in New York, Barry Scheck, asking the Governor to stay Mr. Alley's execution while counsel seeks to engage in post-conviction DNA testing. According to Mr. Scheck's letter, "[w]ithout your [Governor Bredesen's] intervention, the State of Tennessee runs the risk of executing a man despite the availability of modern technology that could exonerate him." While the letter suggests that it is not a "formal request for a reprieve," both the obvious message of the letter and the pending execution date leave the Governor no alternative but to treat it as such.

As you know, the long-standing policy of the Governor's office, both in this administration and in previous administrations, has been to refer clemency requests in capital and other cases to the Tennessee Board of Probation and Parole for a hearing and recommendation. This process assists the Governor by developing a full set of facts and argument on the relevant issues. The Governor has instructed the Board to hold such a hearing on your request on Monday, May 15. The Board has scheduled this hearing to take place at the Riverbend Maximum Security Prison and to begin at 10 a.m. So that the Governor can make an informed decision on a reprieve, we ask that you provide all material supporting the request to the Board at or before the hearing, with an additional copy provided to me. Please feel free to contact Mr. Ed Scudder, the Board's general counsel, for further details about the hearing. His telephone number is (615) 741-1673.

As you and I discussed, Mr. Alley has also challenged the state's use of lethal injection in executions. Federal district court Judge Trauger issued an order today in that case staying Mr. Alley's execution, currently scheduled for Wednesday, May 17, at 1:00

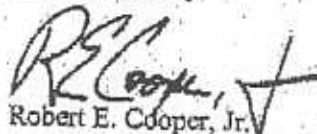
State Capitol, Nashville, Tennessee 37243-0001
Telephone No. (615) 741-2001

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a.m. If that stay remains in effect through Wednesday, then your reprieve request related to DNA testing will be moot. If, however, that order is overturned on appeal prior to Wednesday, the Governor wants to have the information necessary to make an informed decision on the reprieve request. Accordingly, he has asked the Board to go forward with its hearing until it is clear that the stay will remain in place.

Please feel free to contact me if you have any questions.

Yours very truly,



Robert E. Cooper, Jr.
Legal Counsel to the Governor

REC/cab

Cc: Barry C. Scheck (via facsimile at (212) 364-5341 & U.S. mail)
Chairman Charles Traughber, Board of Probation & Parole
(via facsimile at (615) 532-8581 & U.S. mail)
Attorney General Paul G. Summers (via facsimile at (615) 741-2009 & U.S. mail)