

**IN THE COURT OF APPEALS OF TENNESSEE  
MIDDLE SECTION, AT NASHVILLE**

**STEPHEN MICHAEL WEST,** )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 **GAYLE RAY, in her official capacity as** )  
 **Tennessee’s Commissioner of** )  
 **Correction,** )  
 )  
 **RICKY BELL, in his official capacity as** )  
 **Warden of Riverbend Maximum** )  
 **Security Institution,** )  
 )  
 **DAVID MILLS, in his official capacity as** )  
 **Deputy Commission of Tennessee** )  
 **Department of Correction,** )  
 )  
 **REUBEN HODGE, in his official capacity)**  
 **as Assistant Commissioner of** )  
 **Operations,** )  
 )  
 **JOHN DOE EXECUTIONERS 1-100,** )  
 )  
 **JOHN DOES 1-100** )  
 )  
 Defendants )

No. \_\_\_\_\_  
Davidson County Chancery Court  
No. 10-1675-I  
**DEATH PENALTY CASE**

**EXECUTION SCHEDULED:  
November 9, 2010**

**MOTION FOR EXPEDITED APPEAL**

Comes now, Plaintiff-Appellant, Stephen Michael West, pursuant to TENN.R.APP.P. 22 and respectfully requests expedited consideration of this appeal. For good cause, Mr. West states:

1. That his execution is scheduled for November 9, 2010;

2. That the instant appeal presents a significant issue regarding the jurisdiction of the Chancery Court, which must be decided before the Chancery Court can review the merits of Mr. West's case;
3. That time is of the essence and the Chancery Court has made a preliminary determination that Mr. West's case has merit;
4. That failure to review the merits of Mr. West's case will likely result in Mr. West being executed by means of suffocation on November 9th while he is conscious and paralyzed;
5. That Mr. West filed his cause of action five days after it accrued and has not contributed to the emergency nature of the instant proceedings and,
6. That the interests of justice are served by expeditious consideration of this matter so that the merits of Mr. West's constitutional claims are decided before his execution.

WHEREFORE, Mr. West respectfully requests that the Court expedite this proceeding.

In order to facilitate expedited proceedings, counsel will make themselves available to the Court upon request.

Respectfully submitted,

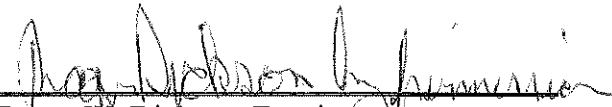
FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.



BY: \_\_\_\_\_

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MILLER & MARTIN

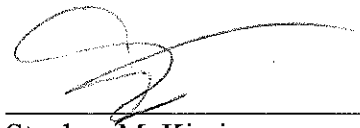
  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Expedited Appeal was sent via email and hand delivery in accordance with TENN. R. APP. P. 20 to:

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This the 2<sup>nd</sup> day of November, 2010.

  
\_\_\_\_\_  
Stephen M. Kissinger