

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE V. STEVE HENLEY**

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**No. M1987-00116-SC-DPE-DD - Filed: February 3, 2009**

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**ORDER**

On October 20, 2008, this Court issued an order setting the execution date for Steve Henley on February 4, 2009. At 6:26 p.m. on February 3, 2009, Henley filed an “Expedited Motion to Recall Mandate to Execute Steve Henley.” The Motion asks this Court to exercise its inherent, supreme judicial authority under article VI, section 1 of the Tennessee Constitution and Tennessee Code Annotated sections 16-3-503 and 504 to recall the mandate in this case and enter a stay of execution. The Motion is supported by the sworn declaration of Joe Huddleston, former Assistant District Attorney for the Thirteenth Judicial District.

Upon due consideration of the Motion and the Exhibits thereto, the Court declines to recall the mandate and stay the execution. The Motion is hereby DENIED.

It is so ORDERED.

PER CURIAM