

No. 05A1041

**In the
SUPREME COURT of the UNITED STATES**

SEDLEY ALLEY,

Applicant,

v.

**WILLIAM R. KEY, Clerk, Criminal Court of the
Thirtieth Judicial District of Tennessee,**

and

**WILLIAM L. GIBBONS, District Attorney General of the
Thirtieth Judicial District of Tennessee,**

Respondents.

RESPONSE IN OPPOSITION TO MOTION FOR STAY OF EXECUTION

On May 16, 2006, Sedley Alley applied to this Court for a stay of his May 17, 2006, execution. That same day, the Governor of Tennessee issued an executive reprieve from execution of the death sentence effective until May 31, 2006, a copy of which is attached. Rule 12.4(E), Rules of the Supreme Court of Tennessee, provides that, “[w]here the date set by the Court for execution has passed by reason of a stay or reprieve, [the Tennessee Supreme] Court shall *sua sponte* set a new date of execution when the stay or reprieve is lifted or dissolved, and the State shall not be

required to file a new motion to set an execution date.” To date, no new execution date has been set. Therefore, Alley’s application for a stay of execution should be denied as moot.

Respectfully submitted,

PAUL G. SUMMERS
Tennessee Attorney General

MICHAEL E. MOORE
Solicitor General

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent by first-class mail, postage prepaid, to Paul R. Bottei, Office of the Federal Public Defender, 810 Broadway, Suite 200, Nashville, TN 37203, on the 26th day of May, 2006.

JENNIFER L. SMITH
Associate Deputy Attorney General