

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

IN RE: GREGORY THOMPSON) **COFFEE COUNTY**
) **ORIGINAL APPEAL NO.**
) **M1987-00067-SC-DPE-DD**

Filed January 21, 2004 (3:41 p.m.)

MOTION TO SET EXECUTION DATE

Pursuant to Rule 12.4(A), Rules of the Supreme Court of Tennessee, the State of Tennessee respectfully requests that the Court set an execution date for Gregory Thompson. In support of this motion, the State relies on the following:

1. Thompson was convicted in 1985 by a Coffee County jury of first degree murder and sentenced to death. This Court affirmed the judgment, *State v. Thompson*, 768 S.W.2d 239 (Tenn. 1989), and the United States Supreme Court denied a petition for a writ of certiorari. *Thompson v. Tennessee*, 497 U.S. 1031 (1990).

2. In 1990, Thompson sought post-conviction relief in the trial court, which conducted a hearing, made findings, and denied relief. The judgment was affirmed in *Thompson v. State*, 958 S.W.2d 156 (Tenn. Crim. App. 1997) (app. denied Oct. 20, 1997).

3. In 1998, Thompson filed a petition for a writ of habeas corpus in the United States District Court for the Eastern District of Tennessee. The district court granted summary judgment in favor of the warden and dismissed the petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment. *Thompson v. Bell*, 315 F.3d 566 (6th Cir. 2003)(reh. denied Mar. 12, 2003). The United States Supreme Court denied a petition for writ of certiorari on

December 1, 2003. *Thompson v. Bell*, 540 U.S. ___, 124 S.Ct. 804 (2003) (No. 03-5759), and denied a petition for rehearing on January 20, 2004. *Thompson v. Bell*, ___ S.Ct. ___, 2004 WL 76656 (2004).

4. Thompson has completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A). The State therefore requests that an execution date be set no later than thirty (30) from entry of the Court’s order pursuant to Rule 12.4(E) (“The Court shall set the date of execution no less than thirty (30) days from the date of the order granting the State’s motion.”).

For the reasons stated, a new execution date should be set.

Respectfully submitted,

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

JENNIFER L. SMITH
Senior Counsel
Attorney of Record
P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone: (615) 741-3487
Fax: (615) 532-7791
Email: jennifer.lynn.smith@state.tn.us
B.P.R. No. 16514

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion has been forwarded via Facsimile and First-Class U.S. mail, postage prepaid on this the _____ day of January 2004 to:

Dana C. Hansen Chavis
Federal Defender Services
of Eastern Tennessee, Inc.
530 South Gay Street, Suite 900
Knoxville, TN 37902
Phone: (865) 637-7979
FAX: (865) 637-7999

The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by Facsimile at (615) 532-1971.

JENNIFER L. SMITH
Senior Counsel

cc: C. Michael Layne
District Attorney General
14th Judicial District
307 S. Woodland St.
P.O. Box 147
Manchester, TN 37439-0147