

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

JUL 15 2010

Clerk of the Courts

STATE OF TENNESSEE V. STEPHEN MICHAEL WEST

**Criminal Court for Union County
No. 415A**

No. M1987-00130-SC-DPE-DD - Filed: July 15, 2010

ORDER

On April 30, 2010, the State filed a motion to set an execution date for Stephen Michael West. The State alleges that Mr. West has completed the standard three-tier appeals process and that an execution date should therefore be set in accordance with Tenn. S. Ct. R. 12.4(A).

On May 24, 2010, Mr. West filed a response to the State's motion. Mr. West requests that this Court either deny the State's motion and modify his sentence to life in prison or, in the alternative, issue a certificate of commutation under Tenn. Code Ann. §40-27-106 (2006). Mr. West alleges that this relief is appropriate for several reasons. First, he asserts that carrying out the death sentence in his case would be manifestly unfair where the actual killer of the two victims received a life sentence. Second, he contends that no court has ever evaluated his extensive mitigating evidence under the proper legal standard. Third, he alleges that he is severely mentally ill and asserts that no execution date should be set for a prisoner who suffers from severe mental illness. Finally, he contends that cumulative error in his case, including prosecutorial misconduct, requires that the Court deny the State's Motion or issue a certificate of commutation.

We conclude that Mr. West has failed to present any legal ground or factual basis for denying the State's motion to set an execution date or for issuing a certificate of commutation to the Governor. It is, therefore, ordered that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law at 10:00 p.m. on the 9th day of November, 2010, or as soon as possible thereafter within the following twenty-four hours, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Mr. West shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously

furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM