

# OVER THE COUNTER

IN THE TENNESSEE SUPREME COURT OF  
AT KNOXVILLE

STEPHEN M. WEST,	)	No. _____
Petitioner-Appellant,	)	No. E2010-02258-CCA-R28-PD
v.	)	Case No. 629
STATE OF TENNESSEE,	)	(POST CONVICTION)
Respondent-Appellee	)	<b>DEATH PENALTY CASE</b>
	)	<b>EXECUTION SET NOV. 9, 2010</b>

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## MOTION TO EXPEDITE CONSIDERATION OF APPLICATION FOR PERMISSION TO APPEAL PURSUANT TO TENNESSEE RULES OF APPELLATE PROCEDURE, RULE 2

Now comes, Petitioner-Appellant, Stephen M. West, pursuant to Tennessee Rules of Appellate Procedure, Rule 2, and moves this Court to expedite its review of the decision of the court below denying his appeal of the denial of his motion to reopen post-conviction proceedings, and in support of his motion would show:

- (1) That his **execution** is scheduled for November 9, 2010, at 10:00 p.m., which is **six days from today**.
- (2) That on November 3, 2010, Mr. West filed his Rule 11 application asking for review of the decision of the Court of Criminal Appeals denying his appeal of the motion to reopen his post conviction proceedings.
- (3) That Section 11(d) of Rule 11 allows Respondent-Appellee **15 days to respond**.
- (4) That without an order from this Court for Respondent to respond within 2 days, Mr. West would be executed without full review of his Rule 11

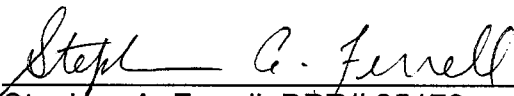
issues.

WHEREFORE, Mr. West respectfully requests this Court

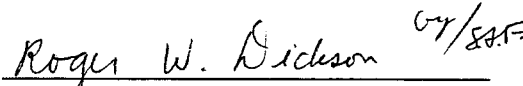
- (1) to issue an order for the State of Tennessee to respond by November 5, 2010.
- (2) for such other relief as deemed proper in the interests of justice.

Respectively submitted,

FEDERAL DEFENDER SERVICES OF  
EASTERN TENNESSEE, INC.

  
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\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document  
was emailed and sent Fed Ex overnight to:

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this the 3<sup>rd</sup> day of November, 2010.

  
Stephen A. Ferrell