

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**ABU-ALI ABDUR'RAHMAN v. STATE OF TENNESSEE**

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**No. M1988-00026-SC-DPE-PD - Filed March 6, 2003**

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**ORDER**

On December 11, 2002, the State filed a motion requesting that this Court reset an execution date for Abu-Ali Abdur'Rahman. The motion recited that the stay of execution previously entered by the Supreme Court of the United States had automatically terminated on December 10, 2002, when the Supreme Court dismissed as improvidently granted Abdur'Rahman's petition for writ of certiorari. Abdur'Rahman opposed the State's motion on the grounds that the order dismissing the petition did not constitute issuance of the judgment of the Supreme Court and that he had twenty-five days from the date of entry of the order to file a petition for rehearing. Abdur'Rahman thereafter filed a petition for rehearing, and on February 24, 2003, the Supreme Court entered an order denying his petition for rehearing.

Four days later, on February 28, 2003, Abdur'Rahman filed a petition requesting that this Court exercise its inherent authority and reinstate his application for permission to appeal and/or recall the mandate of his direct appeal. On March 4, 2003, the State filed a response to the petition. On March 5, 2003, Abdur'Rahman filed a reply to the response, in which he requested oral argument on the petition at this Court's discretion. Having thoroughly considered the petition, which is strikingly similar to pleadings Abdur'Rahman previously filed in this Court, and the response and the reply to the response, a majority of this Court concludes that the request for oral argument should be denied and that the petition is without merit. Therefore, the petition is DENIED.

A majority of this Court further finds that Abdur'Rahman has presented no legal basis for denying the State's motion to reset an execution date. Therefore, the State's motion is GRANTED. It is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 18th day of June, 2003, unless otherwise ordered by this Court or other appropriate authority.

Counsel for Abu-Ali Abdur'Rahman 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.

Justice Birch would grant the request for oral argument, would grant the petition on the grounds presented by the petitioner and would deny the State's motion to reset an execution date.

PER CURIAM