

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE V. LEONARD J. YOUNG

No. W2002-03012-SC-DDT-DD

ORDER

On June 30, 2006, this Court affirmed Leonard J. Young's conviction of first degree murder and sentence of death. Pursuant to Tennessee Code Annotated section 40-30-120(a) (2003), this Court scheduled Young's execution for November 2, 2006. Young's counsel of record, Tony N. Brayton, Assistant Shelby County Public Defender, has now filed a motion in this Court seeking a stay of Young's scheduled execution and seeking to withdraw from further representation of Young.

To support the request for a stay Brayton alleges that Young "has a right to seek relief from his sentence of death in post-conviction proceedings in both state and federal courts and the current scheduled execution date will thwart his rights of appeal."

To establish grounds to withdraw from further representation of Young, Brayton alleges that he has "diligently discharged his duty" as appointed counsel for Young's appeal as of right, and that "[a]fter a study of this Court's opinion and the issues raised in the direct appeal," Brayton "has decided not to file a petition for a writ of certiorari with the United States Supreme Court."

Upon due consideration, the motion requesting permission to be relieved as attorney of record and the motion seeking a stay of the execution are GRANTED. Because the motion does not allege that Young has filed a petition for post conviction relief, Young's execution is reset for August 16, 2007.

IT IS SO ORDERED.

PER CURIAM