FILED
06/12/2020
Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. BYRON LEWIS BLACK

Criminal Court for Davidson County
No. 88-S-1479

No. M2000-00641-SC-DPE-CD

ORDER

On February 24, 2020, this Court set the execution of Byron Lewis Black for October 8, 2020, and established deadlines for any competency proceedings. As explained, Mr. Black is required to make a threshold showing that his competency to be executed is genuinely in issue by filing a petition in the trial court setting out facts to support his claim and identifying available mental health experts. *See Van Tran v. State*, 6 S.W. 3d 257, 267-68 (Tenn. 1999). The Court previously directed Mr. Black to file his petition between July 24 and July 28, 2020. Mr. Black has filed a motion to reset his execution date, arguing the COVID-19 restrictions impede his ability to complete testing necessary to support his petition and to ensure the availability of the requisite experts. Upon due consideration of Mr. Black's motion, the State's response, and Mr. Black's replies, it is hereby ORDERED that the motion is GRANTED. Mr. Black's execution is hereby reset for April 8, 2021. Correspondingly, Mr. Black shall file his petition alleging incompetency to be executed in the trial court no sooner than January 20, 2021, and no later than January 22, 2021. As previously ordered, the competency proceedings shall be held in accordance with the timelines and procedures established in *Van Tran*.

The Warden or his designees shall notify Mr. Black no later than March 25, 2021, of the method the Tennessee Department of Correction (TDOC) will use to carry out the execution and any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. Counsel for Mr. Black 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