IN THE SUPREME COURT OF ALABAMA

September 30, 2022

1000976

Ex parte Kenneth Eugene Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Eugene Smith v. State of Alabama) (Jefferson Circuit Court: CC-89-1149.80; Criminal Appeals: CR-97-0069).

ORDER

The "State of Alabama's Motion to Set an Execution Date" filed by the State of Alabama on June 24, 2022, having been submitted to this Court,

IT IS ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that:

1. Thursday, November 17, 2022, be fixed as the date for the execution of the convict, Kenneth Eugene Smith, who is now confined in the William C. Holman Correctional Facility Unit of the Alabama Department of Corrections prison system located in Atmore, Escambia County, Alabama;

2. The Warden of the William C. Holman Correctional Facility Unit execute the order, judgment, and sentence of law on November 17, 2022, in the William C. Holman Correctional Facility Unit by the means provided by law, causing the death of such convict;

3. The Marshal of the Appellate Courts of Alabama shall deliver, within five (5) days from the date of this Order, a certified copy of this Order to the Warden of the William C. Holman Correctional Facility Unit and make due return thereon to this Court; and

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4. The Clerk of this Court shall transmit forthwith a certified copy of this Order electronically or by mailing a copy thereof by United States mail, postage prepaid, to the following:

- the attorney of record for Kenneth Eugene Smith;
- the Governor of Alabama;
- the Attorney General of Alabama;
- the Commissioner of the Alabama Department of Corrections;
- the Clerk of the Alabama Court of Criminal Appeals;
- the Clerk of the Jefferson Circuit Court;
- the Clerk of the Supreme Court of the United States;
- the Clerk of the United States Court of Appeals for the Eleventh Circuit; and
- the Clerk of the United States District Court for the Northern District of Alabama.

Parker, C.J., and Bolin, Shaw, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Wise, J., recuses herself.

I, Megan B. Rhodebeck, Clerk of the Supreme Court of Alabama, do hereby certify the foregoing is a full, true, and correct copy of the judgment and order of the Supreme Court of Alabama regarding Kenneth Eugene Smith as the same appears of record in this Court.

Witness my hand and seal this 30th day of September, 2022.

Megan B. Rhodebeck

Megan B. Rhodebeck
CLERK OF COURT
SUPREME COURT OF ALABAMA