



IN THE SUPREME COURT OF ALABAMA

November 1, 2023

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

On August 25, 2023, the State of Alabama filed a motion requesting that this Court, pursuant to Rule 8(d)(1), Ala. R. App. P., enter an order authorizing the Commissioner of the Department of Corrections to carry out Kenneth Eugene Smith's sentence of death within a time frame set by the governor. Upon due consideration of such motion,

IT IS ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that the Commissioner of the Department of Corrections is authorized to carry out Kenneth Eugene Smith's sentence of death within a time frame set by the Governor of the State of Alabama.

IT IS FURTHER ORDERED that the Governor shall set a time frame, which shall not begin less than 30 days from the date of this order, within which the Commissioner of the Department of Corrections shall carry out Kenneth Eugene Smith's sentence of death.

IT IS FURTHER ORDERED that 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 Department of Corrections;
- the Clerk of the Alabama Court of Criminal Appeals; and



IN THE SUPREME COURT OF ALABAMA

November 1, 2023

- the Clerk of the Jefferson Circuit Court.

This Order authorizing the Commissioner to carry out Kenneth Eugene Smith's sentence of death constitutes the execution warrant for Kenneth Eugene Smith.

Shaw, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Parker, C.J., and Cook, J., dissent.

Wise, J., recuses.

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 1st day of November, 2023.

Megan B. Rhodebeck

Megan B. Rhodebeck
CLERK OF COURT
SUPREME COURT OF ALABAMA

