

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FOR PUBLICATION

Filed: September 8, 1998

STATE OF TENNESSEE,)	
)	
APPELLEE,)	CHEATHAM CIRCUIT
)	
v.)	Hon. Allen W. Wallace, Judge
)	
JAMES BLANTON,)	No. 01S01-9605-CC-00093
)	
APPELLANT.)	

FILED

September 8, 1998

Cecil W. Crowson
Appellate Court Clerk

ORDER DENYING PETITION FOR REHEARING

Appellant James Blanton has filed a petition to rehear in this cause pursuant to Tenn. R. App. R. 39 contending that our opinion is in conflict with established federal and state constitutional law.

We have considered the arguments raised in the petition, and a majority of the Court has found them to be without merit. It is, therefore, ORDERED that the petition for rehearing be and the same is hereby denied.

Justices Birch and Reid adhere to the positions stated in their original opinions filed in this cause.

It is further ORDERED that the date of execution, which is presently October 15, 1998, is hereby stayed and reset for December 7, 1998. Immediate notification shall be made by the clerk of the contents of this Order to the

Warden of the Riverbend Maximum Security Institution, 7475 Cockrill Bend
Industrial Road, Nashville, TN 37243-0471.

FOR THE COURT:

Janice M. Holder
Justice

Concurring in the denial of the petition to rehear:

Anderson, C.J.
Drowota and Birch, J.J.

Dissenting from the denial of the petition to rehear:

Reid, Sp.J.