

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

COPY

State of Nebraska,)
)
Appellee,)
)
v.)
)
Michael W. Ryan,)
)
Appellant.)

Case No. S-86-946

FILED

ORDER

FEB 23 2012

CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

This matter is before the Court on the EMERGENCY MOTION TO WITHDRAW EXECUTION WARRANT filed by appellant Michael W. Ryan on February 14, 2012, the State's RESPONSE TO EMERGENCY MOTION TO WITHDRAW EXECUTION WARRANT, and appellant's REPLY OF APPELLANT TO STATE'S RESPONSE RE: MOTION TO WITHDRAW EXECUTION WARRANT.

An Execution Warrant was entered by this Court on January 11, 2012, setting Tuesday, March 6, 2012, as the date for execution of the sentence of death upon appellant, Michael W. Ryan.

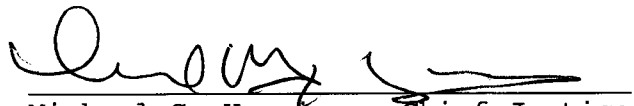
BEING DULY ADVISED IN THE PREMISES the Court finds that a state postconviction action was filed by appellant in the District Court for Richardson County on February 13, 2012. Such state court proceeding is sufficient cause to warrant a stay of this Court's January 11, 2012, Execution Warrant which directed the execution of the sentence of death upon Michael W. Ryan to be carried out on Tuesday, March 6, 2012.

FURTHERMORE, in the event that the State moves in the future to set a date of execution in this case, it shall, at the time of filing of such motion, meet this Court's requirements for such motion as set forth in *State v. Palmer*, 246 Neb. 305, 518 N.W.2d 899 (1994).

IT IS THEREFORE ORDERED that appellant's EMERGENCY MOTION TO WITHDRAW EXECUTION WARRANT is hereby granted, the execution of Michael W. Ryan is stayed, and the Execution Warrant entered by this Court on January 11, 2012, is withdrawn.

Dated this 23rd day of February, 2012.

BY THE COURT:


Michael G. Heavican, Chief Justice



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