

IN THE SUPREME COURT OF THE STATE OF NEBRASKA

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

Case No. S-86-946

FILED

EXECUTION WARRANT

JAN 11 2012

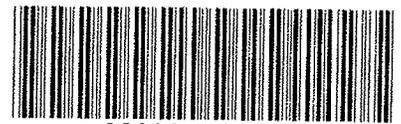
CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

TO: ROBERT P. HOUSTON, NEBRASKA DIRECTOR OF CORRECTIONAL SERVICES

THIS MATTER came on for consideration on this 11th day of January, 2012, on appellee's "MOTION TO SET EXECUTION DATE" filed on November 3, 2011, for fixing of a date of execution and issuance of a death warrant for appellant, Michael W. Ryan.

WHEREUPON, appellant was tried and convicted in the District Court for Richardson County, Nebraska, and was sentenced to death for first degree murder in the death of James Thimm. Appellant's conviction and sentence of death were affirmed by this Court on August 11, 1989, following mandatory direct review pursuant to Neb. Rev. Stat. § 29-2525. *State v. Ryan*, 233 Neb. 74 (1989), cert. denied 498 U.S. 881 (1990). Two separate actions for postconviction relief were denied by the district court and such judgment was affirmed by this Court in *State v. Ryan*, 248 Neb. 405 (1995), and *State v. Ryan*, 257 Neb. 635 (1999), cert. denied 529 U.S. 1100 (2000), and

WHEREUPON, it appearing to the Court that no stay has issued by a court of the United States prohibiting the fixing of an execution date, nor is there pending any action in the courts of the State of Nebraska challenging appellant's conviction or sentence, and



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WHEREUPON, the Court finds that Tuesday, March 6, 2012, should be set as the date of execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that appellee's "MOTION TO SET EXECUTION DATE" is hereby granted and Tuesday, March 6, 2012, is hereby fixed as the date to carry said sentence of death into execution.

IT IS FURTHER ORDERED that Robert P. Houston, Director of Correctional Services, shall proceed on Tuesday, March 6, 2012, between the hours of 12:01 a.m. and 11:59 p.m. to carry said sentence of death into execution by administering to appellant, Michael W. Ryan, an intravenous injection of a substance or substances in a quantity sufficient to cause death, as provided by Nebraska law.

IT IS FURTHER ORDERED that the Director of Correctional Services shall make return of the manner of execution of this warrant and proceedings thereon to the Clerk of the District Court for Richardson County, Nebraska.

IT IS FURTHER ORDERED that the Clerk of the Nebraska Supreme Court shall forthwith prepare and certify under her hand and seal of this Court a full, true, and correct copy of this Warrant, and cause the same to be delivered to the Director of Correctional Services.

DATED this 11th day of January, 2012.

BY THE COURT:



Michael G. Heavican, Chief Justice

STATE OF NEBRASKA
NEBRASKA SUPREME COURT

I, Lanet S. Asmussen, Clerk of the Nebraska Supreme Court, hereby certify the above and foregoing two (2) pages to be a full and true copy of the Execution Warrant of Michael W. Ryan, filed by said Supreme Court in the above-entitled action on this 11th day of January, 2012.

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the Supreme Court of the State of Nebraska this 11th day of January, 2012.




Lanet S. Asmussen, Clerk
Nebraska Supreme Court

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ORDER

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CLERK
NEBRASKA SUPREME COURT
COURT OF APPEALS

This matter is before the Court on appellant's "Motion to Show Cause Re: Lawful Possession of Thiopental by NDCS" filed on December 22, 2011, "Supplemental Showing Re: Motion to Show Cause" filed on January 3, 2012, and "Second Supplemental Showing Re: Motion to Show Cause" filed on January 4, 2012. The appellee filed its "State's Response to Motion to Show Cause" on January 9, 2012.

BEING DULY ADVISED IN THE PREMISES this Court concludes, as it did in its April 21, 2011, order in *State v. Moore*, S-95-0485, that "[t]here is no procedure in the Nebraska Supreme Court by which to hold an evidentiary hearing or adjudicate the merits of . . . claims challenging" the method of execution by lethal injection.

IT IS THEREFORE HEREBY ORDERED that appellant's pending "Motion to Show Cause Re: Lawful Possession of Thiopental by NDCS" requesting an order to show cause from this Court is denied.

Dated this 11th day of January, 2012.

BY THE COURT:



Michael G. Heavican, Chief Justice



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