

SENATOR CHAMBERS: And look...

SENATOR ABOUD: ...it's in some section of law dealing with appeals.

SENATOR CHAMBERS: No, this is a freestanding section. If you'll look then in lines 5 and 6 continuing, "If a motion to set an execution date is filed with the Supreme Court"...

SPEAKER WITHEM PRESIDING

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ..."and a direct appeal or an initial action under" these postconviction statutes is not pending, so that means there is no appeal pending. It wipes that out. There is nothing pending. Where do you see that...there is nothing that says it's limited to the Attorney General, though, is it? Maybe the Secretary of State could file this motion.

SENATOR ABOUD: Well, I would just assume that the Attorney General would be the only party that would have an interest in setting this execution date because of the...it would be the party that's handled the appeal so that's where my assumption is based but it's probably in the statute...I know we have specific statutory authority requiring the Attorney General to handle postconviction appeals, post district court appeals in these kind of matters so I would just assume that this would be who it would be referring to.

SENATOR CHAMBERS: I think my time is out...

SPEAKER WITHEM: Your time is out. But, however, Senator Chambers, you're up again so you're recognized for five minutes.

SENATOR CHAMBERS: Thank you, Mr. Speaker. Now, Senator Abboud, I'm going to ask you the question that I touched on earlier, but I wanted to try to get those things out of the way. And I'm going to be frank with you. I don't see where it limits the filing of that motion to the Attorney General. You heard of people filing friend of the court motions in criminal cases and every kind of case, civil, criminal and whatnot. So some third party could intervene and file the motion. Isn't that a possibility?