



**IN THE SUPREME COURT OF ALABAMA**

EX PARTE: KENNETH EUGENE )  
SMITH )

KENNETH EUGENE SMITH, )  
Petitioner, )

No. 1000976

v. )

STATE OF ALABAMA, )  
Respondent. )

**STATE OF ALABAMA’S MOTION TO SET AN EXECUTION DATE**

Pursuant to Rule 8(d)(1) of the Alabama Rules of Appellate Procedure, the State of Alabama respectfully moves this Honorable Court to authorize the Commissioner of the Alabama Department of Corrections to carry out Kenneth Eugene Smith’s lawfully imposed sentence of death by means of nitrogen hypoxia within a time frame set by the Governor.

Smith has been on death row since his conviction for capital murder in 1996. Smith committed the brutal murder-for-hire of Elizabeth Dorlene Sennett, and his guilt is not in doubt. As set forth more fully below, Smith’s conviction and sentence are final because he

has completed his direct appeal, state postconviction review, and federal habeas review. Accordingly, it is time for his death sentence to be carried out.

**I. The procedural history indicates that Smith has fully exhausted his appeals.**

**A. Statement of the Facts**

On March 18, 1988, the Reverend Charles Sennett, a minister in the Church of Christ, discovered the body of his wife, Elizabeth Dorlene Sennett, in their home on Coon Dog Cemetery Road in Colbert County. *Smith v. State*, 908 So. 2d 273, 279-281 (Ala. Crim. App. 2000). The coroner testified that Elizabeth Sennett had been stabbed eight times in the chest and once on each side of the neck, and had suffered numerous abrasions and cuts. *Id.* It was the coroner's opinion that Sennett died of multiple stab wounds to the chest and neck. *Id.* The evidence established that Charles Sennett had recruited Billy Gray Williams, who in turn recruited Smith and John Forrest Parker, to kill his wife. *Id.* He was to pay them each \$1,000 in cash for killing Mrs. Sennett. *Id.* There was testimony that Charles Sennett was involved in an affair, that he had incurred substantial debts, that he had taken out a large insurance policy on his wife, and that approximately one week after the