

Exhibit 26



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Selection of Official Media Witnesses

Tuesday, July 15, 2025 | 10:19am

NASHVILLE, Tenn. – In accordance with state law, representatives from the following news media agencies have been selected to witness the execution of inmate Byron Lewis Black #126220. The witnesses were selected from seven applications received from recognized Tennessee news organizations to serve as statutorily required witnesses.

The witnesses are:

1. Jonathan Mattise - Associated Press
2. Kelly Puente - The Tennessean
3. Steve Cavendish - Nashville Banner
4. Hope Salman - Fox 17
5. Nikki Hauser - WTVF
6. Catherine Sweeney – WPLN
7. Victoria Howland - WKRN

The selection was conducted in accordance with the Rules of the Tennessee Department of Correction Adult Services Division, Chapter 0420-3-4, under the authority of TCA 40-23-116.

*Please send media inquiries to Dorinda Carter at Dorinda.L.Carter@tn.gov.

Exhibit 27

Tennessee man noted intense pain during lethal injection without deactivating defibrillator

NASHVILLE, Tenn. (AP) — A man convicted of killing his girlfriend and her two young daughters in the 1980s said he was “hurting so bad” while he was given a lethal injection Tuesday in Tennessee, where authorities had refused to [deactivate his implanted defibrillator](#) despite claims it might cause

unnecessary, painful shocks as the drugs were administered.

Black's attorney said they will review data kept by the device as part of an autopsy.

Black died at 10:43 a.m., prison officials said. It was about 10 minutes after the execution started and Black talked about being in pain.

Asked for any last words, he replied, "No sir."

Relatives of the victims of convicted murderer Byron Black stay in the area reserved for pro-death penalty advocates outside Riverbend Maximum Security Institution before the execution of Black, Tuesday, Aug. 5, 2025, in Nashville, Tenn. (AP Photo/Mark Humphrey)

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Black looked around the room as the execution started, lifting his head off the gurney multiple times, and could be heard sighing and breathing heavily. All seven media witnesses to the execution agreed he appeared to be in

discomfort. Throughout the execution, a spiritual adviser prayed and sang over Black, at one point touching his face.

"Oh, it's hurting so bad," Black said, as he lay with his hands and chest restrained to the gurney, a sheet covering up past his lower half, and an IV line in his arm.

Related Stories

"I'm so sorry. Just listen to my voice," the adviser responded.

Black was executed after a back-and-forth in court over whether officials would need to turn off his implantable cardioverter-defibrillator, or ICD. Black, 69, was in a wheelchair, suffering from dementia, brain damage, kidney failure, congestive heart failure and other conditions, his attorneys have said.

The nonprofit Death Penalty Information Center said it's unaware of any other cases with similar claims to Black's about ICDs or pacemakers. Black's attorneys said they haven't found a comparable case, either.

Black killed his girlfriend and her 2 daughters

Black was convicted in the 1988 shooting deaths of his girlfriend Angela Clay, 29, and her two daughters, Latoya Clay, 9, and Lakeisha Clay, 6. Prosecutors said he was in a jealous rage when he shot the three at their home. At the time, Black was on work-release while serving time for shooting Clay's estranged husband.

Clay's sister said Black will now face a higher power.

"His family is now going through the same thing we went through 37 years ago. I can't say I'm sorry because we never got an apology," Linette Bell,

Angela Clay's sister, said in a statement read by a victim's advocate after the execution.

Black's lawyer said the execution was shameful.

"Today, the state of Tennessee killed a gentle, kind, fragile, intellectually disabled man in a violation of the laws of our country simply because they could," attorney Kelley Henry said.

The legal fight over Black's defibrillator

In mid-July, a trial court judge agreed with Black's attorneys that officials must have [the defibrillator deactivated](#) to avert the risk that it could cause unnecessary pain and prolong the execution. But Tennessee's Supreme Court overturned that decision Thursday, saying the other judge lacked authority to order the change.

The state disputed that the lethal injection would cause Black's defibrillator to shock him and said he wouldn't feel them regardless.

India Pungarcher, left, hugs Rev. Ingrid McIntyre as demonstrators gather in the area reserved for anti-death penalty protesters outside Riverbend Maximum Security Institution before the execution of Byron Black Tuesday, Aug. 5, 2025, in Nashville, Tenn. (AP Photo/Mark Humphrey)

[Read More](#)

Henry said Black's defense team will carefully review autopsy results, EKG data from Black and information from the defibrillator to determine what exactly happened during the execution. The lethal injection protocol is still being challenged in court.

She said she was especially concerned about his head movement and complaints of pain because the massive dose of pentobarbital used to kill inmates is supposed to rapidly leave them unconscious.

"The fact that he was able to raise his head several times and express pain tells you that the pentobarbital was not acting the way the state's experts claim it acts," Henry said.

Prison officials did not comment on witnesses and Black's attorney saying he appeared conscious or his complaints of pain.

It was [Tennessee's second execution since May](#), after a pause for five years, first because of COVID-19 and then because of [missteps](#) by state corrections officials.

[Twenty-eight men](#) have died by [court-ordered execution](#) so far this year in the U.S., and nine other people are scheduled to be put to death in seven states during the remainder of 2025. The number of executions this year exceeds the 25 [carried out last year and in 2018](#). It is the highest total since 2015, when 28 people were put to death.

Black's condition

Black had an implantable cardioverter-defibrillator, which is a small, battery-powered electronic device that is surgically implanted in the chest. It served as a pacemaker and an emergency defibrillator. Black's attorneys have said a doctor can send it a deactivation command without surgery.

The legal case also spurred a reminder that most medical professionals consider [participation in executions](#) a violation of health care ethics.

Intellectual disability claim

In recent years, Black's legal team has unsuccessfully tried to get a new hearing about an intellectual disability they say he's exhibited since childhood. People with intellectual disabilities are constitutionally barred from execution.

Anti-death penalty demonstrators gather outside Riverbend Maximum Security Institution before the execution of Byron Black Tuesday, Aug. 5, 2025, in Nashville, Tenn. (AP Photo/Mark Humphrey)

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His attorneys have said that if they had delayed a prior attempt to seek his intellectual disability claim, he would have been spared [under a 2021 state law](#). That is because the 2021 law denies a hearing to people on death row who have already filed a similar request and a court has ruled on it "on the merits."

A judge denied Nashville District Attorney Glenn Funk's attempt to get Black a new hearing. Funk focused on input from an expert for the state in 2004 who determined back then that Black didn't meet the criteria for what was then called "mental retardation." But she concluded that Black met the new law's criteria for [a diagnosis of intellectual disability](#).

Jeffrey Collins in Columbia, South Carolina, contributed to this story.

Exhibit 28

Byron Black showed signs of distress, said he was in pain, witnesses of execution report

Byron Black's attorneys had said a medical device implanted in his chest could shock him as he died.

Media witnesses reported Black showed a "sort of discomfort" during the administration of the lethal injection drugs.

Byron Black, the 69-year-old man convicted of the murders of his ex-girlfriend and her two daughters in 1988, was put to death by the state the morning of Aug. 5, and he appeared to be in pain as the lethal injection drug pentobarbital flowed through his veins.

The Tennessean was one of several news outlets to witness the execution. Media witnesses who watched Black die were unanimous in reporting that he showed both visible and audible signs of distress.

The curtain to the execution room opened on Black at 10:31 a.m., showing Black strapped to a gurney and covered in a sheet with IV lines running to his body. At 10:33 a.m., he was sighing heavily. He told his spiritual advisor he was in pain.

"It's hurting so bad," Black said around 10:33 a.m. Every media witness reported hearing Black say those words, or something very similar.

His spiritual advisor replied, "I'm so sorry."

Steve Cavendish, editor of the Nashville Banner who witnessed both the execution of Black and Oscar Franklin Smith earlier in 2025, said Black's

death appeared very different than Smith's.

There were [EKG strips](#), which measure the heart's electrical activity, attached to Black's body, according to Black's attorney Kelley Henry, a longtime public defender who represents those on Tennessee's death row.

Henry, speaking after the execution, said she believes the lethal injection drug did not work as intended and that Black was tortured before his death.

Witnesses said Black groaned on the gurney and attempted to lift his head multiple times as the lethal injection drugs flowed through him.

Black's attorneys and those who opposed his execution had warned his implantable cardioverter-defibrillator (ICD) for congestive heart failure, which works like a pacemaker, would shock him repeatedly as his heart stopped beating. But it's unclear if that was the case.

Henry said there will be an autopsy of Black's body.

Black was sentenced to death in 1989 for the deaths of Angela Clay, 29, and her two daughters: Latoya, 9, and Lakeisha, 6.

The Tennessee Supreme Court said the Tennessee Department of Correction could execute Black without disconnecting his heart device, and Gov. Bill Lee declined to grant a reprieve. The U.S. Supreme Court also did not intervene to stop his death.

Tennessee's new single drug protocol

Tennessee after a nearly five-year hiatus resumed capital punishment this year with a new lethal injection protocol using a single drug called pentobarbital.

The [state is facing a lawsuit from several](#) Tennessee death row inmates arguing that the new protocol brings a high risk of torturous death from the drug.

Opponents have raised concerns about pentobarbital's links to botched executions where witnesses described inmates gasping for air before they died.

The U.S. Department of Justice, under former U.S. Attorney General Merrick Garland, halted the use of pentobarbital for federal death row inmates in January after it said it was unable to determine whether the drug causes "unnecessary pain and suffering."

The Trump Administration, however, has said it plans to make it easier for states to obtain lethal injection drugs.

Have questions about the justice system? Evan Mealins is the justice reporter for The Tennessean. Contact him with questions, tips or story ideas at emealins@tennessean.com.

Exhibit 29

NASHVILLE BANNER

Criminal Justice

In Painful Execution, Attorney Says Byron Black was 'Tortured' by the State of Tennessee

Experts warned Black's heart implant could shock him repeatedly during the lethal injection, but the Tennessee Supreme Court ruled the state could kill him without deactivating it

By **Steven Hale**, **Lilly Sabella** and **Steve Cavendish**

August 5, 2025



Victim witness coordinator Abigail Dyer, flanked by members of Angela Clay's family, speaks following the execution of Byron Black at Riverbend Maximum Security Institution on Aug. 5. Credit: John Partipilo / Tennessee Lookout

“Oh, it’s hurting so bad.”

Three minutes after Byron Black began receiving a lethal dose of pentobarbital in the execution chamber at Riverbend Maximum Security Prison on Tuesday, he lifted his head off of the gurney he was strapped to and groaned. Whether it was the effects of the drug, which can cause pulmonary edema or fluid in the lungs, or shocks to his heart from the defibrillator implanted in his chest, Black was in obvious distress. His spiritual advisor, Rev. Monica Coakley, sang to comfort him.

“I’m so sorry,” she said. “Just listen to my voice.”

Two minutes later, at 10:35 a.m., he raised his head and groaned again before lying back and becoming unresponsive. At 10:43 a.m., a doctor pronounced him dead.

His attorney, federal public defender Kelley Henry, said at a press conference after exiting the prison that her 69-year-old client had been “tortured.”

The execution was carried out more than 35 years after Black was convicted and sentenced to death in Nashville for the murders of his girlfriend Angela Clay and her daughters, Latoya and Lakeisha. Black was on furlough from a Nashville jail facility when the murders occurred, and Angela had reportedly been considering reconciling with her estranged husband, Bennie Clay. Black had been sentenced to two years in jail for shooting Bennie during an altercation the year before.

Henry had warned in court and in the media that Black’s defibrillator was likely to shock him repeatedly during the lethal injection if it was not properly deactivated, and the state attorney general’s office never contested Black’s medical experts. The Tennessee Supreme Court ruled last month that the state could kill him without deactivating his defibrillator.

“Today, the State of Tennessee killed a gentle, kind, fragile, intellectually disabled man in violation of the laws of our country simply because they could,” Henry said after the execution, reading from a written statement. “No one in a position of power, certainly not the courts, was willing to stop them.”

Henry’s formal statement came after she fought back tears while relaying what she’d witnessed during the execution of a man she represented for 25 years. The people who made it possible, she said, “should feel shame.” Black, she said, had asked her to express his gratitude to his family, supporters and even the prison staff who had shown him kindness in his final days.

“Byron left this world with words of grace, mercy and love,” Henry said, “I wish I could share these sentiments. I do not. The State of Tennessee heartlessly and intentionally traumatized a second family today. A family that matters. A family that is devastated. May God have mercy on their souls. I know that he has mercy for Byron.”



Federal public defender Kelley Henry speaks after Byron Black was executed by lethal injection. Credit: John Partipilo / Tennessee Lookout

A group of Angela Clay’s family also witnessed the execution and spoke through Abigail Dyer, a victim witness coordinator for the Tennessee Department of Correction.

“I thank God for this day, a day that was a long time coming. This was 37 years too late,” Dyer said in a statement provided by the family.

Demonstrators gathered in a fenced-in field adjacent to the prison, separated by prison officials into “pro-death penalty” and “anti-death penalty” groups. Approximately 25 people, including leaders of the nonprofit group Death Penalty Action, death row visitors and religious leaders who opposed Black’s execution, participated in a liturgy for him that included prayers for the Clay victims and

family.

“We pray for Angela Clay and her daughters Latoya and Lakeisha Clay, who died violent deaths,” read one portion of the liturgy. “Lift them to eternal peace, and grant that their goodness may continue to shine in those they loved.”

Relatives of the Clay family made up the “pro-death penalty” group, including Clay family cousins Nicoule Davis and Sharonda Page. Davis, who recalled playing with Latoya and Lakeisha Clay as a child, called the execution day a “celebration” that had been “a long time coming.”

Metro Councilmember Delishia Porterfield demonstrated alongside opponents and told the *Banner* she was there because she opposed state executions. She said she was grieving for both families involved.

Before the 1989 trial, Black’s original attorney argued he was mentally incompetent for the proceedings, and that issue surfaced again in recent years as Black faced multiple execution dates. His intellectual disability was so well-documented — tests over the years found his IQ to be below 70 — that state attorneys had stipulated in a court filing that he would be deemed ineligible for the death penalty if a new hearing were held. Davidson County District Attorney Glenn Funk asked a judge to vacate Black’s death sentence in 2022 for the same reason.

But courts denied Black’s appeals on that issue because the state’s current intellectual disability law does not apply to people who have had their competence adjudicated previously. His mental capacity had only been further diminished due to dementia.

Black’s legal team also raised alarms about his physical condition as the execution date approached. He had been diagnosed with end-stage kidney disease and congestive heart failure. Doctors had placed an implantable cardioverter-defibrillator in his chest last year to treat his heart condition. Black had been rendered essentially immobile in recent years.

Black’s day began at 4:45 a.m. with a final meal of pizza with mushrooms and sausage, followed by doughnuts and butter pecan ice cream. According to Henry, he participated in a church service in his cell. Other death row inmates reported seeing him wheeled off to death watch two weeks ago, and Henry said Tuesday that two prison guards had to hold him up as they took him to the gurney before his execution.

He was wheeled from his cell to the execution chamber at 10:07 a.m., where correctional officers placed two tight straps across his chest and taped his arms out from his side onto extensions for his IVs. His hands were heavily wrapped in tape to prevent movement. According to Henry, medical personnel had trouble finding the veins in both of his arms, leading to a puddle of blood on his right side. She said it took 10 minutes for the tubes to be attached, which first brought saline and then pentobarbital.

As a sheet was placed over most of his body, Coakley told him, “You’re almost home.”

Fourteen minutes later, he was.



Exhibit 30

Signs of discomfort, distress: What we know about Byron Black's controversial execution

The death row inmate was put to death by lethal injection Tuesday morning.

NASHVILLE, Tenn. (WTVF) — This morning at Riverbend Prison, the state Department of Correction executed Tennessee death row inmate Byron Black.

This happened after a controversial couple of weeks leading up to his execution.

While family members of the victims — Angela Clay and her two daughters, Latoya and Lakeisha — thanked God for this day, Black's attorneys called the act unconstitutional, saying he has an intellectual disability.

His legal team also took issue with his heart monitor [implant device](#) remaining on during the execution — calling on the state and even the US Supreme Court to intervene.

At 10 a.m., seven journalists served as media witnesses to the execution, including NewsChannel 5's Nikki Hauser.

They collectively recounted several indications of discomfort or distress from Black during the lethal injection. Some of the sounds and gestures he made, and his last words, seemed to convey that he was in a certain amount of pain.

"He made the comment that it was hurting so bad. That was audible," said Jonathan Mattise from the Associated Press. Several witnesses recounted the same wording.

During the 10-minute viewing of his execution, witnesses also saw him pick up his head multiple times, and he audibly sighed at various points.

"A number of times, I would say 3 or 4, Byron Black picked his head up, moved around a little bit," remembered Mattise. "He exhaled deeply."

At his side the whole time was a spiritual adviser, who prayed throughout the execution. She touched his cheek towards the beginning of the lethal injection while she said prayers.

"She was praying for his soul, he continued praying for all the victims," explained another witness.

After several minutes, Byron Black stopped moving, and a rock was placed inside the room to indicate the drug had been fully administered.

Those who witnessed the death of Oscar Franklin Smith, the last inmate to die in May, say Byron Black's execution was a very different experience.

"Oscar Franklin Smith was not panting or sighing or making any of these kinds of sounds that Byron Black did during his execution today," concluded Catherine Sweeney with WKLN.

Do you have more information about this story? You can email me at nikki.hauser@newschannel5.com.

Exhibit 31

Tennessee executes Byron Black despite worries about his heart implant

Filed Under: [Criminal Justice](#), [Health Care](#), [WPLN News](#) Tagged With: [Byron Black](#), [death penalty](#), [lethal injection](#), [Tennessee Department of Correction](#), [Tennessee Supreme Court](#)



Mark HumphreyAP Photo

Tennessee Department of Correction Commissioner Frank Strada reads a statement as relatives of victims of convicted murderer Byron Black listen outside Riverbend Maximum Security Institution after the execution of Byron

Black.

The state of Tennessee executed Byron Black on Tuesday morning. The 69-year-old was convicted of killing his girlfriend and her daughters in 1988. The execution was carried out by lethal injection despite uncertainty about Black's heart implant.

Black was in heart failure, so he had an implant that would shock his heart if his pulse got too low or his heart went out of rhythm. That second function, defibrillation, had Black's attorneys concerned he could be jolted by painful shocks as he dies.

Black died at 10:43 a.m., prison officials said.

Reporters who witnessed the execution said that Black seemed to be in distress during the procedure and said "it's hurting so bad." Journalists spoke at a press conference following the execution and said that Black was breathing more heavily and moaning more than [the execution of Oscar Smith in May](#).

More: [Timeline: Tennessee is planning its first lethal injection in years. How did the state get here?](#)

Defense attorney Kelley Henry called the execution "the result of pure, unbridled bloodlust and cowardice.

"It was the brutal and unchecked abuse of government power. It was the result of a failed criminal legal system that countenanced, even rewarded, attorneys who told half-truths and untruths," Henry said.

After 25 years of representing him, she described Black as "a gentle, kind, fragile, intellectually disabled man" and described the execution as eroding the rule of law.

Prior to the execution, a county court ordered the Tennessee Department of Correction to disable the implant, and TDOC turned to Nashville General Hospital, who was managing Black's care. A week before the execution, [Nashville General told WPLN News it never agreed to deactivate the device.](#)

The nonprofit Death Penalty Information Center said it's unaware of any other cases in which an inmate was making similar claims to Black's about ICDs or pacemakers. Black's attorneys said they haven't found a comparable case, either.

Black also has an intellectual disability, as well as dementia and schizophrenia. He was sentenced under old competency rules, and had exhausted his appeals by the time new ones took effect. That's why disability rights organizations asked the governor for a reprieve.



Mark Humphrey AP Photo

Relatives of victims of convicted murderer Byron Black are escorted from the Administration Building at Riverbend Maximum Security Institution.

Black's conviction dates to the 1988, when prosecutors said Black was in a jealous rage and shot his girlfriend Angela Clay, 29, and her two daughters, Latoya Clay, 9, and Lakeisha Clay, 6. He was on work-release at the time after shooting the woman's estranged husband.

Angela Clay's family provided a written statement to TDOC, and a victims services coordinator read it at the post-execution press conference.

"His family is going through the same thing now we went through 37 years ago," it reads in part. "I can't say I'm sorry because we never got an apology. He never apologized and he never admitted it, even on his dying bed, he took it to his grave with him. And he knows he did it."

Black's execution was the second since May, after a five-year pause.

In January, Tennessee released its latest lethal injection protocol. It uses one massive dose of the sedative pentobarbital, in place of the traditional three-drug cocktail that uses a sedative, a paralytic, and a drug to stop the heart.

This is a developing story last updated at 2:35 p.m. Tuesday.

Exhibit 32

Blind inmate executed in Tennessee for woman's 1991 killing



FILE - This 2017 file photo provided by the Tennessee Department of Correction shows Lee Hall, formerly known as Leroy Hall Jr. Hall, a death row inmate. Hall is scheduled to be electrocuted Thursday, Dec. 5, 2019. Hall walked onto death row nearly three decades ago with his sight, but attorneys for the 53-year-old prisoner say he's since become functionally blind due to improperly treated glaucoma. (Tennessee Department of Correction via AP)

[Read More](#)

NASHVILLE, Tenn. (AP) — A blind prisoner convicted of killing his estranged girlfriend by setting her on fire in her car was put to death Thursday in Tennessee's electric chair, becoming only the second inmate without sight to be executed in the U.S. since the reinstatement of the nation's death penalty in 1976.

Lee Hall, 53, was pronounced dead at 7:26 p.m. at a Nashville maximum-security prison, corrections officials said. He chose the electric chair over

Tennessee's preferred execution method of lethal injection — an option allowed inmates in the state who were convicted of crimes before January 1999. He also became the first blind inmate in U.S. modern history to die by electrocution.

Hall was already strapped into the electric chair when the curtains were raised for the witnesses — which included family, attorneys and reporters.

As his head swiveled around the room not appearing to focus on anything, he was asked if he had any final words. Hall initially said he needed a glass of water before talking. He was denied and asked again to make a statement.

"People can learn forgiveness and love and will make this world a better place," Hall said, wearing a white T-shirt and rolled-up white pants.

Hall received two jolts of electricity while in the chair. During the first 20-second burst, his right pinkie became hyper-extended before it slumped and his body collapsed. During both jolts, a small plume of white smoke appeared above the right side of his head.

A spokeswoman for Tennessee Department of Correction later told The Associated Press that it "was steam and not smoke as a result of the liquid and heat."

No media witnesses have reported seeing steam or smoke during the previous three electrocutions since the state began resuming executions in August 2018.

Hall had his vision when he entered death row decades ago, but his attorneys say he later became functionally blind from improperly treated glaucoma. Only one other known blind inmate has been executed in the U.S. since the Supreme Court allowed executions to resume in 1976.

Court documents state that Hall killed Traci Crozier, 22, on April 17, 1991 by setting her car ablaze with a container of gasoline that he lit and tossed in her vehicle while she was inside and trying to leave him. The container exploded and Crozier suffered burns across more than 90% of her body, dying the next day in the hospital.

Crozier's sister, Staci Wooten, and her father, Gene Crozier, watched Hall's execution.

"Hopefully today ending this monster's life will bring some peace within everyone who has had to suffer throughout these 28 years without my beautiful sister," Wooten said after the execution.

Defense attorney Kelly Gleason had asked the federal courts to stop Hall from being put to death after other attempts in state courts and with Tennessee's governor had failed. Those attempts officially came to a halt less than hour before Hall's execution when the U.S. Supreme Court declined to intervene.

Hall's attorney John Spragens read a brief statement from Hall's family. Hall's brother, David, was in attendance with the media witnesses during the execution, as well as Hall's spiritual adviser.

"We are devastated by the loss of Traci and now Lee," the statement read. "Lee loved Traci more than anything and we welcomed her into our family and love her too. We also love Lee and wish that we could have changed the events of that tragic day."

Hall's attorneys had been fighting for months to delay the execution plan, arguing that courts should have had the opportunity to weigh new questions surrounding a possible biased juror who helped hand down the death sentence decades ago against Hall, who was formerly known as Leroy Hall

Jr.

The woman — simply known as “Juror A” — acknowledged publicly for the first time this year that she failed to disclose during Hall’s jury selection process that she had been repeatedly raped and abused by her former husband. Hall’s attorneys argued the omission deprived him of a fair and impartial jury — a right protected in both the Tennessee and U.S. constitutions

However, both the Tennessee Supreme Court and Gov. Bill Lee declined to step in despite pleas from Hall’s attorneys for more time to explore the possible legal concerns.

Lee, a Republican, has not intervened in any of the four execution cases that have come across his desk since he became governor in January.

The Supreme Court has never ruled on whether use of the electric chair violates the 8th Amendment ban on cruel and unusual punishment, but it came close about 20 years ago after a series of botched electrocutions in Florida.

Meanwhile, state courts in Georgia and Nebraska have declared the electric chair unconstitutional.

The high court has also neither set an upper age limit for executions nor created an exception for a physical infirmity.

Tennessee is one of six states in which inmates can choose the electric chair, but it’s the only state that has used the chair in recent years. Four out of six recent inmates put to death in Tennessee have chosen the chair since the state began resuming executions in August 2018.

Exhibit 33

Tennessee executes Lee Hall by electric chair

Tennessee executed death row inmate Lee Hall in the electric chair Thursday night, marking the fourth time the state has used the method since 2018.

Hall, 53, was pronounced dead at 7:26 p.m. CST, according to the Tennessee Department of Correction. Media witnesses described what appeared to be a [faint trail of white smoke](#) rising from Hall's head each time the lethal current coursed through his body.

One witness described seeing what appeared to be a drop of blood on Hall's white shirt as the second current was applied.

Hall, also known as Leroy Hall Jr., was sentenced to death for [killing his ex-girlfriend Traci Crozier](#) in 1991. He was found guilty of first-degree murder and aggravated arson by a Hamilton County jury in 1992.

Hall was the 138th person put to death in Tennessee since 1916, and the sixth inmate executed since the state resumed capital punishment in August 2018. Hall also is believed to be only the second legally blind death row inmate executed since the U.S. reinstated the death penalty in 1976.



Tennessee was originally set to execute Hall in April 1998, and again in 2016. Legal delays blocked those dates, but the courts and Gov. Bill Lee refused to intervene this time.

Executions have become a grim routine in Tennessee since the state resumed them in 2018.

RELATED: [After Lee Hall, Tennessee has two executions scheduled in 2020](#)

Much of Hall's execution matched others that preceded his, according to the six media witnesses. But the smoke they described was unusual. Federal public defender Kelley Henry said it was evidence of torture.

Henry represents many death row inmates and has witnessed an electrocution in Tennessee. She said the smoke could be a sign that the execution team did not douse Hall with enough saline solution, which is used to conduct electricity, or that the sponge strapped to his head had melted.

Department of Correction spokesperson Dorinda Carter, who witnessed Hall's execution, said the vapor was "a small amount of steam, not smoke, which is a natural function of the combination of solution and heat."

In an emailed statement, Carter said the execution "went as designed without any complications."

Tennessee has used the electric chair to execute four death row inmates, including Hall, since 2018. None of the witnesses at the other three executions reported seeing smoke or steam.

Before he died, Hall struck a conciliatory tone with [his last words](#).

"I think people can learn forgiveness and love and make the world a better place. That's all I have to say," Hall said.

After the execution, Crozier's sister Staci Wooten said 28 years of pain had ended for her family.

"Our family's peace can begin, but another family's hell has to begin," she said, reading from a prepared statement. "We all fought this battle for you, Traci, and today we won."

Hall released his own statement apologizing to Crozier's family. His attorney John Spragens shared it after the execution.

"I'm sorry for the pain I caused," [Hall's statement read](#). "I ask for your forgiveness, and I hope and pray that someday you can find it in your heart to forgive me."

Hall also apologized to his family, including his brother David who attended the execution.

"I hope this brings peace," Hall's statement read. "I don't want them to worry about me anymore."

A month ago, David Hall sat in a Chattanooga courtroom while his brother's attorneys spun out the late plea for a new trial, hoping to delay the execution to allow the case to be heard.

On Thursday, David Hall sat stoic in the front row of the viewing room, holding a tissue as his brother said his last words and was put to death.

Last-minute legal efforts fail to halt execution

Lee Hall's attorneys launched a last-minute attempt to overturn his conviction and block the execution, saying a juror in his 1992 trial was unfairly biased against him.

Defense attorneys in new filings requested to vacate the original conviction on Oct. 14, just a month and a half before Hall's execution.

An unnamed female juror from Hall's original trial said her own history of violent rape and abuse at the hands of her first husband prejudiced her against Hall. She had not described her history of abuse during jury selection — it came to light for the first time in September.

Attorneys requested Hall's original case be reopened as part of a post-conviction relief appeal, which could have delayed the execution.

Courts rejected that argument. The U.S. Supreme Court issued a two-sentence order Thursday night declining to step in.

In a statement Wednesday, the governor said the case had been fully and fairly litigated for nearly 30 years.

"The judgment and sentence stand based on these rulings, and I will not intervene in this case," [Lee said Wednesday afternoon](#).

Hall's death part of a trend in Tennessee, but not the nation

Tennessee is an outlier in the nation, carrying out executions at a steady clip since 2018 despite the fact that most states have backed away from the practice.

Hall's [choice to die by electrocution](#) is another sign that Tennessee is bucking a national trend — no other state has used the electric chair since 2013.

Hall was one of dozens of inmates who challenged the state's controversial lethal injection method in court, saying it caused unconstitutional torture.

Hall is now the fourth inmate to choose the electric chair over lethal injection, which is the state's default execution method.

Lethal injections take several minutes. Electrocutions are quick by comparison.

Inmates are strapped into the chair with crisscrossing belts. Their arms are bound to the chair, and their legs are wrapped in sponges and shackled.

The execution team douses the inmate in water and places a sponge, helmet and shroud over their head.

The chair delivers two cycles of electric jolts — 20 seconds of 1,750 volts, a 15-second gap and then 15 more seconds of electricity.

'She was just a free spirit,' Traci Crozier's dad says

The horror of Hall's crime has remained prominent as state and federal courts weighed the latest wave of legal questions. The 6th U.S. Circuit Court of Appeals described Crozier's death in visceral detail in an order Wednesday.

Hall, then 24, and Crozier, 22, had lived together for five years before she moved in with her aunt the month before her death.

On the night of April 16, 1991, Hall threw a "jug full of gasoline that Hall lit with a paper-towel fuse" into her car, the court's order read. She suffered burns over 95% of her body and died hours later.

Emergency room doctors at Erlanger Hospital in Chattanooga said she had the worst injuries they'd ever seen.

Hall initially denied involvement in the fatal fire but then told police that he intended only to destroy the car, not to kill Crozier. His family reiterated that account in a statement released after the execution.

Hall later told police he made the homemade gas bomb as protection from her uncle but threw it at Crozier after she laughed at him and refused to reconcile their relationship. Hall also left threatening messages for Crozier ahead of the murder.

Wooten, Crozier's sister, told reporters that Hall was often abusive to Crozier and the rest of their family after the pair met in high school.

To Wooten, the only way justice could come for her sister was with the death sentence carried out.

"He's nothing to me," Wooten said [in a recent interview](#). "I just want him dead, and then I'll be a happy person."

Traci Crozier's father, Gene Crozier, said in a recent interview his daughter got along with everyone.

"She was just a free spirit," he said. "She never missed a day of class."

Every day since her death, Traci Crozier's family has mourned her loss. They have hoped the execution would provide relief from overwhelming grief.

Hall faced death with 'a strong faith'

Hall's life behind bars has been a mystery in recent weeks. But the Rev. Kevin Riggs, pastor of Franklin Community Church, called Hall a soft-spoken, unassuming person and a Christian.

"He has a strong faith now," Riggs said. "I think he has remorse."

Riggs knew Hall through the volunteer ministry work Riggs does on death row. When they first met, Riggs said Hall still had his sight. Hall told him about begging to go to the eye doctor, but the prison would not send the inmate for medical care.

Hall had his sight when he entered death row nearly three decades ago, but his attorneys say he later become functionally blind from improperly treated glaucoma.

Outside the prison on Thursday night, protesters stood in the cold as they waited for Hall's death sentence to be carried out. About 50 people showed up to stand against his death.

The larger group gathered into a circle to share prayers and make remarks. After a while, they fell silent waiting for word that Hall had been pronounced dead.

The Rev. Matthew Lewis, the assistant to the rector at Christ Church Cathedral, broke into the quiet, announcing Hall's death to the group. He invited them to sing a few verses of "Amazing Grace" before telling them all: "Go in peace. Amen."

"Amen," many of those assembled responded.

Lewis recently got to know Hall through his work as a volunteer chaplain to death row.

"I think it means a lot to the guys on the inside for us on the outside, as they say, to stand as close as we can, and this is as close as the prison lets us get," Lewis said. "I think it's a solidarity thing and for the people ourselves to be here in a circle."

He described Hall as quiet and introverted.

"But able to flash a smile as he ran into other guys that he knew," Lewis said. "Slow to speak, but once you got to know him, as he kind of came out of his shell, he was nice to talk to."

Four people gathered in support of the death penalty. One of them, Jerome Dempsey, is best friends with the victim's uncle.

He wanted to be present Thursday for Crozier and other victims.

He brought along a homemade poster. It had a picture of Crozier and the message, "Justice for Traci."

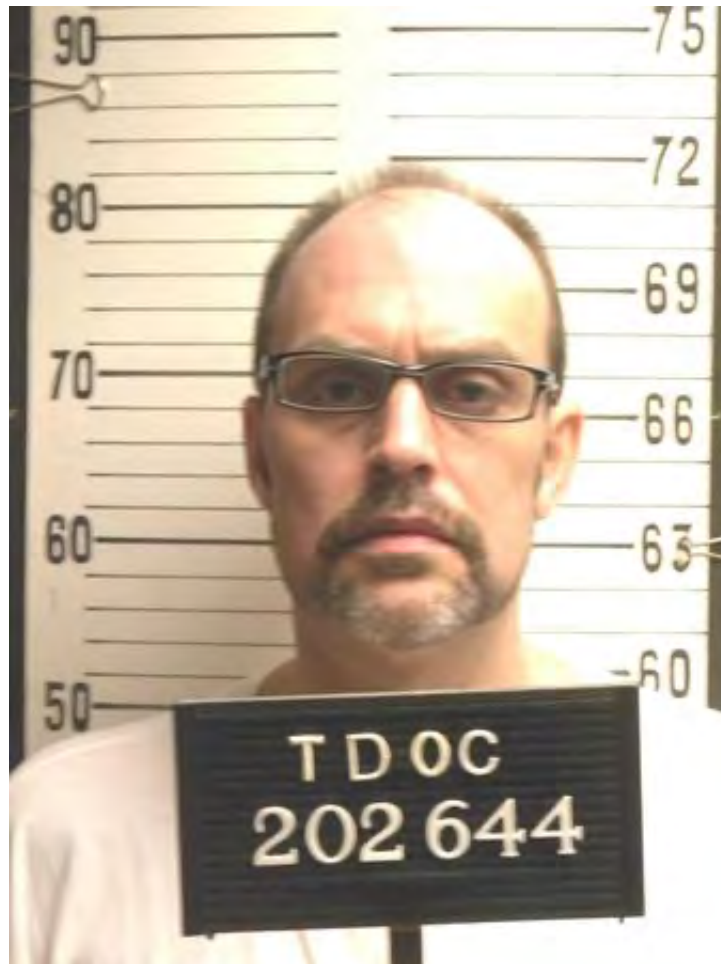
"This is a case that has just touched me personally," Dempsey said. "I've seen how it's impacted the family."

Holly Meyer and Jason Gonzales contributed to this report.

Exhibit 34

Lee Hall Executed In The Electric Chair For 1991 Murder In East Tennessee

Filed Under: [Criminal Justice](#), [WPLN News](#) Tagged With: [death penalty](#), [electric chair](#), [prison](#)



Courtesy of Tennessee Department of Correction

Lee Hall was executed by electric chair Thursday night. He was convicted of murder nearly three decades ago for burning alive his estranged girlfriend, Traci Crozier.

Lee Hall was executed Thursday night at the Riverbend Maximum Security Institution in Nashville. It was the sixth in a string of executions in Tennessee since a nine-year lapse ended in 2018, and the fourth of those to be in the electric chair.

At 7:13 p.m., a black curtain lifted. On the other side of four rectangular windows, Lee Hall looked from side to side and rolled his tongue in his mouth. Then he leaned his head back and closed his eyes.

At 7:14, the warden asked for his last words. Hall said he needed water. Then, he mumbled something, barely audible. But three words came through clearly: hope, forgiveness and love.

At 7:18, the first current jolted Hall's body in the chair. His fists clenched. Then he slumped back down. The second time, a puff — maybe steam, maybe smoke — rose from the right side of his head. Within minutes, his hands turned blue, and he was pronounced dead.

But Staci Wooten says Hall was no victim. He killed her sister, Traci Crozier, during a domestic dispute 28 years ago.

"Now our family's peace can begin. But another family's hell has to begin," Wooten said after the execution. "Today will not bring my sister or my dad's daughter back. But now, may she find her peace in heaven with our mom."

Wooten called Hall a monster. Hall threw a lit container filled with gasoline and paper towels at Crozier during an argument in 1991, burning her alive.

Wooten said she felt a duty to give her sister a voice.

"We all fought this battle for you, Traci," she said. "And today, we won."

Hall's family also provided a statement after the execution, delivered by his

attorney, John Spragens.

"We are devastated by the loss of Traci and now Lee. Lee loved Traci more than anything, and we welcomed her into our family and loved her too," Spragens read. "Now we have all lost, but we find peace in knowing that they are both with the Lord."

Hall's family thanked the prison staff and fellow inmates who supported him as he lost his vision. While on death row, Hall became legally blind.

Hall's brother, David Hall, watched the execution from the witness room, seated between an attorney and a religious advisor.

As prison employees shuffled through the execution chamber, before the curtain lifted, David shrugged off his jacket and leaned forward in his seat. He watched as staff members wrapped Hall's head and ankles in sea sponge, dripping with salt water, then covered his face with a thick black cloth.

At 7:26, the exhaust fan stopped humming, and David let out a loud exhale. When the curtain lowered and Hall's death was declared, his brother sighed and said, 'Now he's free.'

Samantha Max is a [Report for America](#) corps member.

Exhibit 35

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Affiliations appear only for purposes of identification.

August 15, 2025

VIA EMAIL

Commissioner Frank Strada
Tennessee Department of Corrections
320 Sixth Ave N.
Nashville, TN 37243-0465
Frank.Strada@tn.gov

Re: Execution Access for Media Witnesses

Dear Commissioner Strada:

I represent the Associated Press, Gannett Co., Inc., Nashville Public Media, Inc. d/b/a Nashville Banner, Nashville Public Radio, Scripps Media Inc. d/b/a WTVF-TV, Six Rivers Media LLC, and TEGNA, Inc. (collectively, the “Press Coalition”). I write on behalf of the Press Coalition to urge the Tennessee Department of Correction (“TDOC”) to provide greater access to the execution process than is currently outlined in TDOC’s Lethal Injection Protocol and its Execution Procedures for Electrocution (the “Electrocution Protocol”).

Media witnesses serve as surrogates for the public when government power is at its apogee during execution proceedings, and the First Amendment requires more access than TDOC currently provides. Disinterested public observers, including the press, have historically attended execution proceedings in their entirety, and their first-hand reporting plays a significant positive role in the functioning of this taxpayer-funded exercise of the government’s will. Whether they are conducted by lethal injection or electrocution, Tennessee executions continue to be effectively shrouded in secrecy; media witnesses are only able to view an extremely limited portion of the execution proceedings and are provided virtually no information or context from TDOC representatives. The result is unconstitutional restriction of the press’s and the public’s constitutional right to access these government proceedings.

For example, under the current Tennessee Lethal Injection Protocol, the blinds between the witness room and the execution chamber are not opened until *just* before the administration of the lethal drug(s) and then closed five minutes after the drug(s) have been administered, giving witnesses only a brief view into the execution chamber. TDOC does not inform media witnesses when the administration of the lethal injection drugs begins, and it is the Press Coalition’s understanding that media witnesses can only tell that the administration of the drugs has been completed by observing the movement of a rock rather than a formal

announcement. Media witnesses do not see a physician examine the inmate and/or declare him deceased.

TDOC thus prohibits media witnesses from observing (1) preparation of the syringes for use in the execution, (2) establishment of intravenous access to the condemned, (3) entry of the condemned into the execution chamber; (4) the preparation of the condemned in the execution chamber, (5) the physician examination and pronouncement of death, (6) any of the process after the blinds are closed for the physician examination, if necessary, and/or (7) any immediate post-execution procedures in the execution chamber.

Similarly, the Electrocution Protocol only allows media witnesses to observe the moments just before electrocution and then a “five-minute waiting period,” after which “all blinds are closed, the closed-circuit TV camera is disengaged, and the privacy curtain is drawn.” The media witnesses are unable to observe, for example, the condemned as he enters the room and is secured to the chair, including the placement of “saturated ankle sponges.” They cannot view TDOC’s activation of the electrical current and, in fact, do not know how that mechanism is activated at all. They do not see the doctor’s examination or any reporting of whether the condemned is deceased.

Courts have found that there is a qualified First Amendment right of access to execution proceedings applying the “experience and logic” test from *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 8-9 (1986) (“*Press-Enterprise II*”). E.g., *Cal. First Amendment Coalition v. Woodford*, 299 F.3d 868, 875 (9th Cir. 2002); *Philadelphia Inquirer v. Wetzel*, 906 F.Supp.2d 362, 373 (M.D. Pa. 2012); see also *First Amendment Coalition of Arizona, Inc. v. Ryan*, 938 F.3d 1069 (9th Cir. 2019) (recognizing that the First Amendment right of access to executions encompasses a right to hear the sounds of executions in their entirety). The same experience and logic analysis weighs in favor of a First Amendment right to access executions in Tennessee, since the experience prong looks to national experience, not state-level experience, and the logic does not change from state to state. See *El Vocero de Puerto Rico (Caribbean Int’l News Corp.) v. Puerto Rico*, 508 U.S. 147, 150 (1993) (“[T]he ‘experience’ test . . . does not look to the particular practice of any one jurisdiction, but instead to the experience in that *type* or *kind* of hearing throughout the United States[.]”) (citation omitted).

The *Press-Enterprise II* test requires the government to overcome the presumption of access and show that any restrictions on that access are “necessitated by a compelling governmental interest, and [are] narrowly tailored to serve that interest.” *Wetzel*, 906 F.Supp.2d at 372 (citation omitted). In *Wetzel*, for example, the court granted a preliminary injunction where the plaintiffs sought “to observe the execution without visual or auditory obstructions,” including, among other things, use of a curtain to obscure “the entry of the inmate and the lethal injection team’s medical preparation of the inmate for the execution, (2) any necessary consciousness check after the administration of the first drug, and (3) the coroner’s examination of the inmate following the administration of the final two lethal injection drugs.” *Id.* at 364-65. The *Woodford*

decision goes even further by holding that the First Amendment right of access applies “from the moment the condemned is escorted into the execution chamber, including those ‘initial procedures’ that are inextricably intertwined with the process of putting the condemned inmate to death,” which included insertion of the intravenous line, among other things. 299 F.3d at 871, 877.

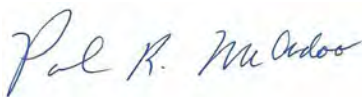
Tennessee media witnesses should be permitted to observe – either firsthand or, at a minimum, through the use of closed circuit cameras (both video and audio) – establishment of intravenous access to the condemned, preparation of the syringes for use in the execution, the condemned entering the execution chamber, the physician examination and pronouncement of death, and any of the processes taking place after the the physician’s examination is complete. All of these are essential steps in the governmental process of putting the condemned to death. Analogous access should be permitted under the Electrocution Protocol.

More robust access would also be consistent with Tenn. Code Ann. § 40-23-116 (a), which specifically provides that the witnesses to an execution, including the media witnesses, are “to be present at the carrying out of the death sentence,” not just a brief portion of that death sentence.

The death penalty is the most final of all governmental proceedings and full transparency through press access is essential. It is critical – and required by the First Amendment – that media witnesses be able to see and hear as much of the proceeding as possible. My clients respectfully request that TDOC make these changes to its two execution protocols consistent with both the First Amendment and state statute as soon as is practicable.

If you have any questions, please do not hesitate to contact me at your convenience. Thank you for your consideration and I look forward to your response.

Best regards,

A handwritten signature in blue ink that reads "Paul R. McAdoo". The signature is written in a cursive, flowing style.

Paul R. McAdoo
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Senior Staff Attorney, Tennessee
6688 Nolensville Rd. Ste. 108-20
Brentwood, TN 37027
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Exhibit 36

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

03/03/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. HAROLD WAYNE NICHOLS

**Criminal Court for Hamilton County
No. 175504**

No. E1998-00562-SC-R11-PD

ORDER

On September 20, 2019, the State of Tennessee moved to set an execution date for Harold Wayne Nichols. The Court originally set the execution for August 4, 2020; however, executions were suspended during the COVID-19 pandemic by executive reprieve that expired on December 31, 2020. The Court sua sponte reset the execution for June 9, 2022; however, in April 2022, Governor Lee granted a temporary reprieve in another scheduled execution and subsequently paused all executions until a revised lethal injection protocol was announced on December 27, 2024.

Pursuant to Tennessee Supreme Court Rule 12(4)(E), it is hereby ORDERED that the execution of Mr. Nichols is reset for December 11, 2025. The Warden of the Riverbend Maximum Security Institution, or his designee, shall notify Mr. Nichols no later than November 26, 2025, of the method the Tennessee Department of Correction (TDOC) will use to carry out the execution and any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114. Counsel for Mr. Nichols shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM

Exhibit 37

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

FILED

09/30/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE vs. TONY CARRUTHERS

Criminal Court for Shelby County
Nos. 94-02797, 94-02798, 94-02799, 95-11128, 95-11129

No. W1997-00097-SC-DDT-DD

ORDER

The State of Tennessee filed a motion to set an execution date for Tony Carruthers, stating that Mr. Carruthers has completed the standard three-tier appeals process and requesting that an execution date be set in accordance with Tennessee Supreme Court Rule 12(4)(A). In his response, Mr. Carruthers asked the Court to deny the motion and to issue a certificate of commutation pursuant to Tennessee Code Annotated section 40-27-106 based on certain enumerated extenuating circumstances.

Upon careful review of the response and supporting documentation, the Court concludes that no “legal reason exists against execution of the sentence” under Tennessee Code Annotated section 40-23-119 and that under the principles announced in *Workman v. State*, 22 S.W.3d 807 (Tenn. 2000), Mr. Carruthers has presented no extenuating circumstances warranting issuance of a certificate of commutation. Accordingly, his request for a certificate of commutation is DENIED.

Mr. Carruthers also raised the issue of his present competency to be executed and requested a competency hearing under *Van Tran v. State*, 6 S.W.3d 257 (Tenn. 1999). In accordance with the procedures adopted in *Van Tran v. State* and the standard set forth in *State v. Irick*, 320 S.W.3d 284 (Tenn. 2010), the issue is hereby remanded to the Criminal Court for Shelby County, where Mr. Carruthers was originally tried and sentenced, for a determination of his present competency, including the initial determination of whether he has met the required threshold showing. See *Black v. State*, 2025 WL 1927568 (Tenn. July 8, 2025). To ensure the determination of Mr. Carruthers’ competency to be executed occurs in close proximity to his scheduled execution date, the filing requirements established in *Van Tran* are hereby modified as follows: Mr. Carruthers shall file his petition alleging incompetency to be executed in the trial court no sooner than February 11, 2026 and no later than February 13, 2026. In all other respects, the proceedings shall be conducted in accordance with the procedures and timelines set forth in *Van Tran*.

Upon due consideration, the State's motion to set an execution date is GRANTED. Accordingly, under the provisions of Rule 12(4)(E), it is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 21st day of May, 2026, unless otherwise ordered by this Court or other appropriate authority. No later than April 21, 2026, the Warden or his designee shall notify Mr. Carruthers of the method that the Tennessee Department of Correction (TDOC) will use to carry out the execution and of any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114. Counsel for Tony Carruthers shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM

Exhibit 38

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

09/30/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ANTHONY DARRELL DUGARD HINES

**Circuit Court for Cheatham County
No. 9852**

No. M2025-00221-SC-DPE-DD

ORDER

On February 14, 2025, the State filed a motion to set an execution date for Anthony Darrell Dugard Hines, stating that Mr. Hines has completed the standard three-tier appeals process and requesting that an execution date be set pursuant to Tennessee Supreme Court Rule 12(4)(A). In his response, Mr. Hines asks the Court to deny the motion pursuant to Tennessee Code Annotated section 40-23-119 or to issue a certificate of commutation to the governor under Tennessee Code Annotated section 40-27-106 based on the extenuating circumstances of his case.

After careful review of the response and supporting documentation, the Court concludes that no “legal reason exists against the execution of the sentence” under section 40-23-119 and that under the principles announced in *Workman v. State*, 22 S.W.3d 807 (Tenn. 2000), Mr. Hines has presented no extenuating circumstances warranting issuance of a certificate of commutation. Accordingly, the request for a certificate of commutation is DENIED.

Upon due consideration, the State’s motion to set an execution date is GRANTED. Accordingly, under the provisions of Rule 12(4)(E), it is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 13th day of August, 2026, unless otherwise ordered by this Court or other appropriate authority. No later than July 13, 2026, the Warden or his designee shall notify Mr. Hines of the method that the Tennessee Department of Correction (TDOC) will use to carry out the execution and of any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114.

Counsel for Anthony Darrell Dugard Hines shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM

Exhibit 39

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

09/30/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHRISTA GAIL PIKE

**Criminal Court for Knox County
No. 58183A**

No. M2020-01156-SC-DPE-DD

ORDER

The State of Tennessee filed a motion to set an execution date for Christa Gail Pike, stating that Ms. Pike has completed the standard three-tier appeals process and requesting that an execution date be set in accordance with Tennessee Supreme Court Rule 12(4)(A). In her response, Ms. Pike asks the Court to deny the motion and to issue a certificate of commutation to the governor pursuant to Tennessee Code Annotated section 40-27-106 based on the extenuating circumstances of her case. An amicus brief was also filed by “International Scholars and Former Members and Staff of the Inter-American Commission on Human Rights” in opposition to the State’s motion.

After careful review of the response, supporting documentation, and the amicus brief, the Court concludes that no “legal reason exists against the execution of the sentence” under section 40-23-119 and that under the principles announced in *Workman v. State*, 22 S.W.3d 807 (Tenn. 2000), Ms. Pike has presented no extenuating circumstances warranting issuance of a certificate of commutation. Accordingly, the request for a certificate of commutation is DENIED.

Upon due consideration, the State’s motion to set an execution date is GRANTED. Accordingly, under the provisions of Rule 12(4)(E), it is hereby ORDERED, ADJUDGED and DECREED by this Court that the Warden of the Riverbend Maximum Security Institution, or his designee, shall execute the sentence of death as provided by law on the 30th day of September, 2026, unless otherwise ordered by this Court or other appropriate authority. No later than August 28, 2026, the Warden or his designee shall notify Ms. Pike of the method that the Tennessee Department of Correction (TDOC) will use to carry out the execution and of any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114.

Counsel for Christa Gail Pike shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM

Exhibit 40

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

09/30/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE vs. GARY WAYNE SUTTON

**Circuit Court for Blount County
No. C6669, C6670**

No. E1997-00196-SC-DDT-DD

ORDER

By order dated February 22, 2022, this Court set the execution of Gary Wayne Sutton for October 6, 2022. On May 3, 2022, Governor Lee issued an executive reprieve and subsequently paused all executions until a revised lethal injection protocol was announced on December 27, 2024.

Pursuant to Tennessee Supreme Court Rule 12(4)(E), it is hereby ORDERED that the execution of Mr. Sutton is reset for the 3rd day of December, 2026. The Warden or his designee shall notify Mr. Sutton no later than November 3, 2026, of the method the Tennessee Department of Correction (TDOC) will use to carry out the execution and any decision by the Commissioner of TDOC to rely upon the Capital Punishment Enforcement Act. *See* Tenn. Code Ann. § 40-23-114. Counsel for Mr. Sutton shall provide a copy of any order staying execution of this order to the Office of the Clerk of the Appellate Court in Nashville. The Clerk shall expeditiously furnish a copy of any order of stay to the Warden of the Riverbend Maximum Security Institution.

PER CURIAM