

Exhibit A

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF TRAVIS LOLLER

I, Travis Loller, state as follows:

1. I am a reporter with the Associated Press ("AP"). I have personal knowledge of the facts and statements contained in this declaration.
2. I graduated from the University of California at Berkeley with a bachelor's degree in comparative literature. I also have a master's degree in journalism from Columbia University.
3. I have over 20 years of journalism experience and have spent most of my career working for AP. I have also worked as a reporter for the Tennessean and the Island Packet.

4. I have won multiple awards for my reporting, including first place for my featured writing "Endangered Species Act Anniversary" at the Green Eyeshade Awards in 2024.

5. In my current role as a reporter for AP, I cover a wide range of news topics including the courts, religion, environment, and breaking news in Tennessee.

6. I also serve as one of the two rotating Tennessee execution media witnesses for AP. As a media witness, I have personally observed four state executions, and I have reported on numerous other executions since I started working for AP in 2006.

7. I witnessed and reported on the electrocution execution of David Miller on December 6, 2018. Travis Loller, *Tennessee electrocutes second inmate in 2 months*, AP (Dec. 6, 2018), <https://apnews.com/general-news-678772de856c4ba5b453aa49a04a5295>.

8. I witnessed and reported on the lethal injection execution of Donnie Johnson on May 16, 2019. Travis Loller, *Man executed for killing wife decades ago in Memphis*, AP (May 16, 2019), <https://apnews.com/general-news-fa04932ed41b4554912eb14d6ad3b520>.

9. I witnessed and reported on the electrocution execution of Nicholas Sutton on February 20, 2020. Travis Loller, *Tennessee man gets electric chair for killing fellow inmate*, AP (Feb. 21, 2020), <https://apnews.com/article/prisons-tennessee-nashville-7121e608498fe4c24359035853801ff3>.

10. Most recently, I witnessed and reported on the lethal injection execution of Oscar Franklin Smith on May 22, 2025. Travis Loller, *Tennessee man is executed for killing his wife and her 2 sons, 3 years after last-minute reprieve*, AP (May 22, 2025), <https://apnews.com/article/tennessee-execution-death-penalty-oscar-smith-d969c956e0ec41a84e5019f026dba196>.

11. I obtained the Tennessee Department of Correction ("TDOC") lethal injection and electrocution protocols from TDOC through public records requests. A true and correct copy of the lethal injection protocol is attached to the Complaint as **Exhibit 1**. A true and correct copy of the electrocution protocol is attached to the Complaint as **Exhibit 2**.

12. To the best of my knowledge, AP intends to cover future executions in Tennessee.

13. In my experience, the security procedures and the processes for attending lethal injection executions and electrocution executions are similar.

14. However, during Oscar Smith's execution, the security process for getting to the prison was somewhat different. Upon my arrival at the Riverbend Maximum Security Institution on May 22, 2025, I had to wait in a tent in an outside area with the other media witnesses before we were moved to a classroom area inside the prison. From the classroom, we went through several security checkpoints with secured doors before arriving in a conference room outside the visitor area where we waited to be escorted to the witness room by officers.

15. To the best of my recollection, the witness room has three or four different windowpanes, three rows of chairs, and a door between the witness room and the execution chamber.

16. When we arrived in the witness room, the room was very dark with the only light coming in from underneath the door that leads to the execution chamber. There is a curtain on the windows that lead to the execution chamber, but the curtain was closed when I first entered the room. We were joined by Mr. Smith's attorneys in the witness room.

17. After a while, the curtain to the execution chamber opened. When it opened, I could see that Mr. Smith was already in the room. He was strapped to a gurney with his hands tied down with some kind of medical bandage tape. I could not see his hands because they were completely tied down. He was wearing a short sleeve shirt and had a blanket that covered the lower parts of his body through to his chest. I could see that he was already connected to an IV that went up into his sleeve. The IV went through a hole in the wall into another room.

18. Both his spiritual advisor and two officers were in the room with him. The officers were not wearing any face coverings to conceal their identity. At first, the spiritual advisor blocked our view of Mr. Smith's face until someone told her to move. The spiritual advisor was speaking with Mr. Smith but the audio to the room seemed to be turned off, so we could not clearly hear what they were talking about.

19. After a while, the audio was turned on and Mr. Smith was asked to provide his last words. In his last words, Mr. Smith maintained his innocence and

rebuked the Governor. The audio in the room was turned off after Mr. Smith provided his last words.

20. Mr. Smith seemed calm as his spiritual advisor occasionally touched him and prayed for him. At one point while they were talking, I could faintly hear him say that he "didn't kill her." I assumed that he was talking about his ex-wife, whom he was convicted of killing.

21. I was not informed by any member of the execution team when they began administering the lethal drugs to Mr. Smith. However, due to my prior experience witnessing executions, I knew to look out for the placement of what appears to be a rock, which I believe indicates that the drug administration has started. Although I could watch out for the rock, I could not tell when the drug administration had started.

22. At some point, I saw a hand with a glove place a rock on the ledge, so I started watching Mr. Smith's chest to track his breathing. However, because he had a blanket covering his chest, it was hard to keep track of his breathing. After a while, I noticed that his speech started to slow down. He stopped talking and his face turned red.

23. After about five minutes, the curtains to the execution room were closed. Although the audio was off, we could faintly hear some conversation between the medical examiner and someone else in the room through the crack in the door.

24. After a while, the audio was turned back on and a voice over the intercom announced that Mr. Smith was dead. The lights in the witness room were turned on and we were escorted out.

25. The setup of the room for the lethal injection of Mr. Smith was similar to that of the electrocution execution of Nicholas Sutton that I observed on February 20, 2020, with the exception of the electric chair.

26. When the curtains opened at Mr. Sutton's execution, I could see that Mr. Sutton was already strapped in the chair. There were big black cables laying on the ground that went through a door. The warden and some prison officers were in the room with him.

27. Mr. Sutton was asked to provide his last words and after that, the officers placed a wet sponge on his head, placed a dark cap on his head, and attached a black shroud that covered his face.

28. The electric shocks were administered to Mr. Sutton in 30 second intervals two or three times, but I am not sure because I was not told by any member of the execution team when they would start administering the electric shocks. I couldn't see them press a button or throw a switch.

29. I could see Mr. Sutton's body tensing as the shocks went through his body. After a few minutes, the curtains closed. I did not see the medical examiner enter the room or declare him dead. After a while, the audio was turned on and there was an announcement that Mr. Sutton was dead.

30. As a member of the news media, our primary task is to report to the public whether the state is conducting executions in accordance with the parameters provided to them by the public, legislators and the courts. As such, the limited view provided to the media under the current execution protocols makes our tasks all the more difficult and leaves all the stakeholders with an incomplete recounting of the execution process.

31. In all the executions that I have witnessed, I have not been able to report with any certainty what happens during the preparation of the condemned. For example, during lethal injection executions, the media is not provided with access to observe the IV insertion. Thanks to reporting by journalists in states with broader execution access, I understand that the insertion process can be rife with complications. For instance, I have heard of things happening during preparation process that would be of interest to note to the public; however, I have been unable to confirm it and therefore cannot report on it.

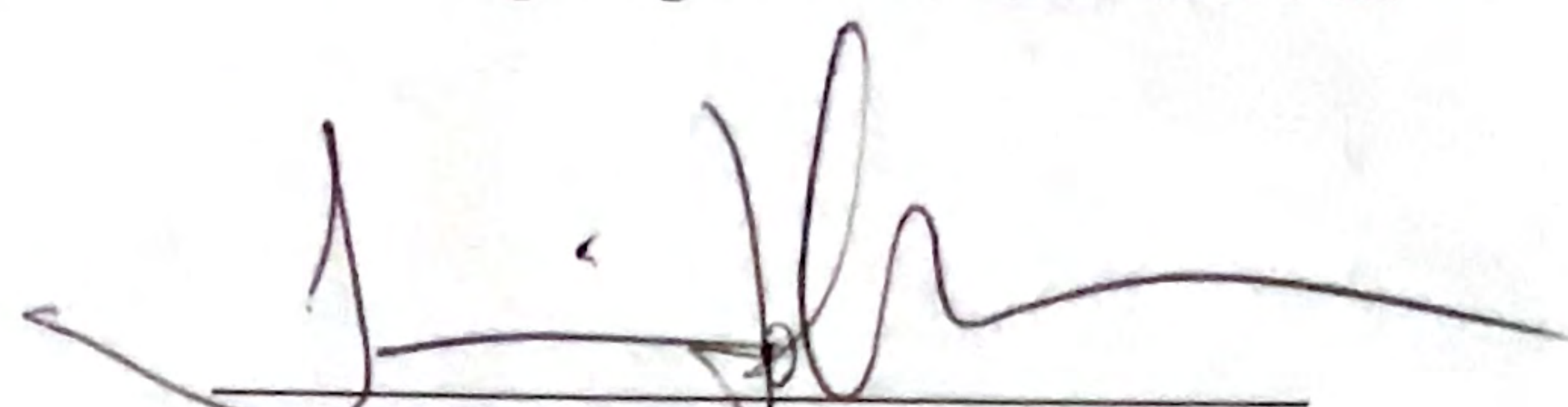
32. As part of the media pool, before we write our own recount of the events at an execution, we are first obligated to participate in a press conference where we give the public and the press our impressions and observations of the execution.

33. To the best of my knowledge, I have never reported on or seen any report about threats against any TDOC personnel involved in any execution.

34. Since the state stopped truly public executions, the role of the news media as the eyes and ears of the public is even more important. The more fully the

news media witnesses are allowed to observe the totality of the execution proceeding, the better we are able to inform and report on the process for all stakeholders.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in dark ink, appearing to read 'Travis Loller', written over a horizontal line.

Travis Loller

Date: 10/24/25

Exhibit B

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

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KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF KIMBERLEE KRUESI

I, Kimberlee Kruesi, state as follows:

1. I am a reporter with the Associated Press ("AP"), and I have personal knowledge of the facts and statements contained in this declaration.
2. I have been a professional reporter for fourteen years and have been with AP for eleven of them. In my time at the AP, I covered state houses and politics in Boise, Idaho from May 2014 to September 2018 and in Nashville, Tennessee from September 2018 to April 2025. I currently work in the AP's New England Bureau Providence, Rhode Island, where I cover legislation, courts, and breaking news. Before joining AP, I worked at The Times-News in Twin Falls, Idaho.

3. While in Tennessee, part of my reporting on state politics involved covering death penalty policy developments. *See, e.g.,* Kimberlee Kruesi, *Tennessee seeks execution dates for 9 death row inmates*, AP (Sept. 24, 2019), <https://apnews.com/general-news-3b981053c12449358c01004424f63b1d>; Jonathan Mattise & Kimberlee Kruesi, *Report: Tenn has broken its lethal injection rules since '18*, AP (Dec. 28, 2022), <https://apnews.com/article/crime-legal-proceedings-bill-lee-tennessee-0c78c5a2a44d4bbf9ed5ec7bb9ae96a8>; Kimberlee Kruesi, *Tennessee Senate advances bill to allow death penalty for child rape*, AP (Apr. 9, 2024), <https://apnews.com/article/tennessee-death-penalty-child-rape-a37909e303411daa1137dac02de2aa66>.

4. Within a week of arriving in Tennessee in 2018, my editors at AP asked whether I would be willing to cover executions, as AP typically has a rotation of reporters who cover these proceedings. I said yes.

5. I have served as a media witness for two executions in Tennessee. Both of the condemned inmates whose executions I witnessed elected to be executed by electric chair.

6. In November 2018, I attended the execution of Edmund Zagorski. *See* Kimberlee Kruesi, *Tennessee man's last words in electric chair: 'Let's rock'*, AP (Nov. 1, 2018), <https://apnews.com/article/5e745820d0ad40cb8d1dd400805d0bfa>.

7. AP, as a wire service, effectively gets an automatic seat for a news media representative at each execution. After my editors asked me to cover Mr.

Zagorski's execution in 2018, I applied to the State by faxing an application to attend and was selected.

8. There was a lot of contention over lethal injection drugs at this time in 2018, so Mr. Zagorski said he was going to choose the electric chair over lethal injection.

9. In the lead up to Mr. Zagorski's execution, I reached out to all of the attorneys involved, read up on prior coverage, and kept track of any developments. I also consulted with a colleague who had witnessed an electrocution execution in Tennessee so I would understand the ins and outs of what might happen. I covered Mr. Zagorski's clemency attempt.

10. Mr. Zagorski's execution was scheduled for the evening of November 1, 2018. That day, I arrived at Riverbend Maximum Security Institution in Nashville a few hours early to check in. A Tennessee Department of Correction ("TDOC") representatives took my phone and laptop, and I went through security. I was given a notepad and pencil.

11. Around 5:00 p.m., I entered the media witness room at Riverbend. The room was a small, cramped space with four rows of four or five chairs. There is a clock on the wall and a telephone in the room.

12. At the front of the room, there is a pretty small window that only goes halfway down the wall; witnesses actually can't see that well when sitting in certain spots.

13. Before the curtain opened, we were in the dark in this room and the only light was beaming in from the curtain. We could hear the corrections officers walk around and the shuffling of feet and the sound of a bucket of water sloshing around.

14. There seemed to be some sort of audio from the execution room to the witness room that went on even before the curtains opened, but it was hard to hear.

15. Once the curtain opened, we could see Mr. Zagorsky sitting in the electric chair, with his arms and legs already strapped in. His face was initially not covered.

16. Through the window I could also see the other witness room, but it's an unremarkable room, bare with white walls and harsh lighting.

17. There were guards around the room inside the chamber, some preparing him for the execution. We could see their faces, as they were not wearing face coverings. They were wetting natural sea sponges with what looked like water and putting them on Mr. Zagorsky's head and strapping them down under a helmet device used in electrocutions.

18. Before they put the hood over Mr. Zagorsky's head, they asked for his last words. I heard Mr. Zagorsky say, "Let's rock."

19. The guards then put the hood over Mr. Zagorsky's face, as it is understood that a lot of blood and gore come out of the head during the electrocution. Then, the guards lined up on the wall. Shortly after that, we could hear a buzzing sound.

20. I thought TDOC was going to announce the start of the proceeding, but that was not the case. The first blast of electricity was about 20 seconds, and Mr. Zagorsky's body went rigid. Later, someone delivered another second five-second jolt of electricity. Then, one of the guards checked his pulse and said he was dead. Shortly after that, the curtains went down as someone declared the time of death.

21. In total, I estimate that the curtain was open for about 10 minutes. The experience was stressful because I was worried that I was going to miss something. I was the only one there for the AP, I didn't have any backup, and I didn't want to miss something. It was one of the most surreal experiences of my life.

22. When the curtain closed, we were shuffled out of the room pretty quickly without any further comment from TDOC. Then we immediately had to exit the building and speak to the other reporters outside on camera.

23. I also covered the execution of Leroy Hall on December 5, 2019. Kimberlee Kruesi, *Blind inmate executed in Tennessee for woman's 1991 killing*, AP (Dec. 5, 2019), <https://apnews.com/article/26aeccbe75b0ce300ef9f5b622f8435b>.

24. Mr. Hall's family was present at that execution; we were initially all waiting in the same room together, but then they went to a separate room with defense counsel witness and the Attorney General's witnesses.

25. The process was largely the same for Mr. Hall as it was for Mr. Zagorsky. We were in the witness room, the curtain was raised, and we could see Mr. Hall moving his head around a lot. He asked for a glass of water but was

denied. He gave his last words, which were difficult for us to hear, and they put the hood on him.

26. During the first shock, I was really focused on Mr. Hall's head movement and his hands, as what the condemned does with his hands can tell you how strong the electrical current is. I noticed his pinky finger sticking out in a strange way, and then I looked up and saw a small puff of white smoke above his head. I don't know what it was.

27. The curtain was open about the same amount of time as it was during Mr. Zagorsky's execution.

28. After the curtain closed and Mr. Zagorsky was declared dead, we all left the witness room and went outside to speak to the rest of the press. Representatives from the state get to speak first, and they told the crowd that the "white smoke" was steam. We had no way to verify this; we just have to believe TDOC. I don't know what their investigation looked like or why this "steam" was not present at Mr. Zagorsky's execution.

29. There would be great value in greater news media access to Tennessee executions. For example, we are taking the State at its word that they are properly putting the inmate into the chair, and that they've properly buckled him in. Being able to see the inmate walk into the chamber would be very critical.

30. With regard to Mr. Hall, we wondered, why was there smoke? Did that have anything to do with how they prepared him? We didn't see the water, the bucket, the sponges; we don't know where prison personnel are getting the supplies

or how they are preparing them. We know from the electrocution protocol they're supposed to use wet sea sponges, but we don't see where they come from or know how much water they use. We just see the inmate strapped down, but we don't know if he put up a fight and we don't know how long he's been sitting there. A lot could go wrong, and we would not see it.

31. After the inmate's death is announced, we don't know if they bring in a doctor to examine the body and we don't know what happens with the body afterwards.

32. From the media witness room, I could not see the electrocution switch that is presumably on the side of the execution chamber. I could not see anyone hitting the switch for either execution; guards go to the side of the room to do something that we assume starts the electrical current, but I did not see that happen or who is actually manipulating it.

33. I consider being a witness to executions to be the most significant act of public service that I can perform as a journalist. If we are going to live in a society with state-sanctioned executions, I believe the public has a right to know whether it's done humanely and competently, and the public can only know that with all the information and facts before them.

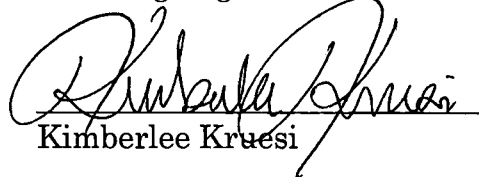
34. To kill a person on the taxpayer's dime is significant, so the public has a right to know what TDOC is doing.

35. Knowing how the death penalty actually works and seeing it play out firsthand is powerful. We think of an execution as a singular event that happens to

that inmate, but it requires lawmakers, the government, the courts, the prison, attorneys, a doctor, officers – so many people are involved in this intricate process that has many moving parts. In talking with people and sharing my experiences witnessing these proceedings, others are surprised about how many other human beings are involved in the execution process. The system has many opportunities to go wrong because human beings are inherently flawed.

36. I do not cover these executions in a sensational way. If the state is going to undertake these proceedings, my goal is and will continue to be basic transparency for the public.

I declare under penalty of perjury that the foregoing is true and correct.


Kimberlee Kruesi

Date: 10/28/25

Exhibit C

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
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KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
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Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF JONATHAN MATTISE

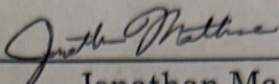
I, Jonathan Mattise, hereby declare as follows:

1. I am a reporter with the Associated Press, and I have personal knowledge of the facts and statements contained in this declaration.
2. In response to my June 17, 2025, request for public records related to the Oscar Smith execution, the Tennessee Department of Correction ("TDOC") provided me with the "Day of Execution – Lethal Injection Execution Recorder Checklist" for Mr. Smith's execution. A true and correct copy of the Smith Checklist is attached as **Attachment 1**.
3. In response to my August 8, 2025, request for public records related to, among other things, the Byron Black execution, TDOC provided me with the "Day

of Execution – Lethal Injection Execution Recorder Checklist” for Mr. Black’s execution. A true and correct copy of the Black Checklist is attached as

Attachment 2.

I declare under penalty of perjury that the foregoing is true and correct.



Jonathan Mattise

Date: 10/27/25

Attachment 1

DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER CHECKLIST

Inmate Name Oscar Smith Inmate # 136424

Date 5/22/2025

TIME

<u>0908</u>	Report to designated area for final briefing
<u>0930</u>	Restraint Team and Special Operations Team report to Execution Chamber for final briefing. Special Operations Team sets up IV system
<u>0847</u>	Physician in place
<u>0847</u>	IV Team in place (EMTs)
<u>0847</u>	[REDACTED] in place
<u>0847</u>	Warden in place
<u>0900</u>	Check blinds and curtains
<u>0936</u>	Advise Escort Team to transport Official Witnesses to Parole Room
<u>0939</u>	Advised by Escort Team that Official Witnesses are in Parole Room
<u>0910</u>	Advise Escort Team to escort Victim's Witnesses to Viewing Room
<u>0913</u>	Advised by Escort Team that Victim's Witnesses are in place
<u>1000</u>	Warden or designee checks to ensure execution is to proceed
<u>1001</u>	Gurney positioned in Death Watch Area
<u>1006</u>	Restraint Team enters cell and secures condemned inmate to gurney
<u>1015</u>	Advise Escort Team to transport Official Witnesses to Death Watch vestibule
<u>1017</u>	Advised by Escort Team that Official Witnesses are in the vestibule
<u>1015</u>	IV Team enters the Execution Chamber
<u>1030</u>	IV Team exits the Execution Chamber
<u>1025</u>	Advise Escort Team to "Transport Official Witnesses in place"

Recorder's Initials [REDACTED]

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DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER
CHECKLIST (continued)

Inmate Name Oscar Smith Inmate # 136424

Date 5/22/2025

TIME

<u>1027</u>	Advised by Escort Team that "Witnesses are in place"
<u>1033</u>	Warden checks with Commissioner to proceed
<u>1032</u>	Warden orders blinds opened, closed circuit TV activated, and audio activated for viewing rooms.
<u>1033</u>	Warden asks inmate for any last comments
<u>1033</u>	Warden orders Special Operations Team to proceed
<u>1047</u>	Lethal Injection process completed
<u>1045</u>	Blinds and curtains closed and closed-circuit TV deactivated
<u>1046</u>	Physician enters the Execution Chamber
<u>1047</u>	Physician pronounces death -- exact time
<u>1049</u>	Audio deactivated to witness rooms
<u>1050</u>	Advise Escort Team to remove Victim's Witnesses
<u>1048</u>	Advise Commissioner or designee that execution is completed
<u>1130</u>	Physician and EMTs depart
<u>1054</u>	[REDACTED] escorted to chamber to take possession of body. Pictures will be taken of body and Execution Chamber before removal of body
<u>1058</u>	Advised by Escort Team Victim's Witnesses are at Checkpoint
<u>1058</u>	Advise Escort Team to remove Official Witnesses
<u>1106</u>	Advised by Escort Team that Official Witnesses are at Checkpoint
<u>1107</u>	The body removed from the institution

Recorder's Initials [REDACTED]

**PRIVILEGED &
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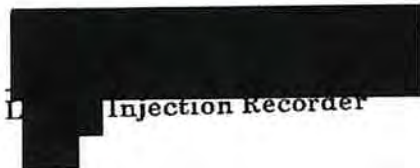
DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER
CHECKLIST (continued)

Inmate Name Oscar Smith Inmate # 136424

Date 5/22/2025

Inmate's Comments if any:

Yes, I do. Somebody needs to tell the Governor this doesn't work. Sometimes they don't succeed, but if they don't have the balls to do what's right, they need to walk away. The justice system is corrupt... He needs to do what's right. Our counsel says the working man doesn't have that knowledge. He is a damn fool if he doesn't realize that... God bless him if he does get a backbone in the future.
Thank you.


Injection Recorder

5/22/2025
Date


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DAY OF EXECUTION - LETHAL INJECTION EXECUTION
RECORDER CHECKLIST

Inmate Name Oscar Smith Inmate # 136424

Date May 22, 2025

TIME

<u>0908</u>	Report to designated area for final briefing
<u>0930</u>	Restraint Team and Special Operations Team report to Execution Chamber for final briefing. Special Operations Team sets up IV system.
<u>0847</u>	Physician in place
<u>0847</u>	IV Team in place (EMTs)
<u>0847</u>	 in place
<u>0847</u>	Warden in place
<u>0900</u>	Check blinds and curtains
<u>0936</u>	Advise Escort Team to transport Official Witnesses to Parole Room
<u>0939</u>	Advised by Escort Team that Official Witnesses are in Parole Room
<u>0910</u>	Advise Escort Team to escort Victim's Witnesses to Viewing Room
<u>0913</u>	Advised by Escort Team that Victim's Witnesses are in place
<u>1000</u>	Warden or designee checks to ensure execution is to proceed
<u>1001</u>	Gurney positioned in Death Watch Area
<u>1006</u>	Restraint Team enters cell and secures condemned inmate to gurney
<u>1015</u>	Advise Escort Team to transport Official Witnesses to Death Watch vestibule
<u>1017</u>	Advised by Escort Team that Official Witnesses are in the vestibule
<u>1015</u>	IV Team enters the Execution Chamber
<u>1030</u>	IV Team exits the Execution Chamber
<u>1025</u>	Advise Escort Team to "Transport Official Witnesses in place"

Recorder's Initials 


**PRIVILEGED &
CONFIDENTIAL**


DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER
CHECKLIST (continued)

Inmate Name Oscar Smith Inmate # 136424

Date May 22, 2005

TIME

<u>1027</u>	Advised by Escort Team that "Witnesses are in place"
<u>1033</u>	Warden checks with Commissioner to proceed
<u>1032</u>	Warden orders blinds opened, closed circuit TV activated and audio activated for viewing rooms.
<u>1033</u>	Warden asks inmate for any last comments
<u>1033</u>	Warden orders Special Operations Team to proceed
<u>1047</u>	Lethal Injection process completed
<u>1045</u>	Blinds and curtains closed and closed-circuit TV deactivated
<u>1046</u>	Physician enters the Execution Chamber
<u>1047</u>	Physician pronounces death - exact time
<u>1049</u>	Audio deactivated to witness rooms
<u>1050</u>	Advise Escort Team to remove Victim's Witnesses
<u>1048</u>	Advise Commissioner or designee that execution is completed
<u>1130</u>	Physician and EMTs depart
<u>1054</u>	 escorted to chamber to take possession of body Pictures will be taken of body and Execution Chamber before removal of body
<u>1058</u>	Advised by Escort Team Victim's Witnesses are at Checkpoint
<u>1058</u>	Advise Escort Team to remove Official Witnesses
<u>1106</u>	Advised by Escort Team that Official Witnesses are at Checkpoint
<u>1107</u>	The body removed from the institution.

Recorder's Initials 

**PRIVILEGED &
CONFIDENTIAL**

DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER
CHECKLIST (continued)

Inmate Name Oscar Smith Inmate # 136424

Date May 22, 2025

Inmate's Comments if any:

Yes I do. Somebody needs to tell the Governor this doesn't
work... Sometimes they don't succeed, but if they don't have the balls
to do what's right, they need to walk away. The justice system is
corrupt... He needs to do what's right. Our Counsel says the
working man doesn't have that knowledge. He is a damn fool, &
he doesn't realize that.... God bless him if he does get a backbone
in the future. Thank you.



Lethal Injection Recorder

May 22, 2025
Date

**PRIVILEGED &
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Attachment 2

DAY OF EXECUTION – LETHAL INJECTION EXECUTION RECORDER CHECKLIST

Inmate Name Byron Black Inmate # 126220

Date 8/5/2025

TIME

<u>0900</u>	Report to designated area for final briefing
<u>0900</u>	Restraint Team and Special Operations Team report to Execution Chamber for final briefing. Special Operations Team sets up IV system.
<u>0845</u>	Physician in place
<u>0845</u>	IV Team in place (EMTs)
<u>0845</u>	 in place
<u>0751</u>	Warden in place
<u>0948</u>	Check blinds and curtains
<u>0936</u>	Advise Escort Team to transport Official Witnesses to Parole Room
<u>0941</u>	Advised by Escort Team that Official Witnesses are in Parole Room
<u>0918</u>	Advise Escort Team to escort Victim's Witnesses to Viewing Room
<u>0922</u>	Advised by Escort Team that Victim's Witnesses are in place
<u>0959</u>	Warden or designee checks to ensure execution is to proceed
<u>1000</u>	Gurney positioned in Death Watch Area
<u>1004</u>	Restraint Team enters cell and secures condemned inmate to gurney
<u>1012</u>	Advise Escort Team to transport Official Witnesses to Death Watch vestibule
<u>1014</u>	Advised by Escort Team that Official Witnesses are in the vestibule
<u>1015</u>	IV Team enters the Execution Chamber
<u>1028</u>	IV Team exits the Execution Chamber
<u>1016</u>	Advise Escort Team to "Transport Official Witnesses in place"

Recorder's Initials 

**PRIVILEGED &
CONFIDENTIAL**

DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER
CHECKLIST (continued)

Inmate Name Byron Black Inmate # 126220

Date 8/5/2025

TIME

<u>1021</u>	Advised by Escort Team that "Witnesses are in place"
<u>1031</u>	Warden checks with Commissioner to proceed
<u>1031</u>	Warden orders blinds opened, closed circuit TV activated, and audio activated for viewing rooms.
<u>1031</u>	Warden asks inmate for any last comments
<u>1033</u>	Warden orders Special Operations Team to proceed
<u>1041</u>	Lethal Injection process completed
<u>1041</u>	Blinds and curtains closed and closed-circuit TV deactivated
<u>1042</u>	Physician enters the Execution Chamber
<u>1043</u>	Physician pronounces death - exact time
<u>1044</u>	Audio deactivated to witness rooms
<u>1044</u>	Advise Escort Team to remove Victim's Witnesses
<u>1045</u>	Advise Commissioner or designee that execution is completed
<u>1110</u>	Physician and EMTs depart
<u>1045</u>	[REDACTED] escorted to chamber to take possession of body. Pictures will be taken of body and Execution Chamber before removal of body
<u>1049</u>	Advised by Escort Team Victim's Witnesses are at Checkpoint
<u>1049</u>	Advise Escort Team to remove Official Witnesses
<u>1054</u>	Advised by Escort Team that Official Witnesses are at Checkpoint
<u>1103</u>	The body removed from the institution

Recorder's Initials [REDACTED]

**PRIVILEGED &
CONFIDENTIAL**


DAY OF EXECUTION - LETHAL INJECTION EXECUTION RECORDER
CHECKLIST (continued)

Inmate Name Byron Black Inmate # 126220

Date 8/5/2025

Inmate's Comments if any:

" No Sir "


Lethal Injection Recorder

8/5/2025
Date

**PRIVILEGED &
CONFIDENTIAL**

Exhibit D

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF CATHERINE SWEENEY

I, Catherine Sweeney, state as follows:

1. I am a Health Reporter for Nashville Public Radio, which operates WPLN, a National Public Radio affiliate in Nashville. I have personal knowledge of the facts and statements contained in this declaration.

2. I have a bachelor's degree in multimedia journalism from Oklahoma State University.

3. I joined WPLN in 2023. Prior to joining WPLN, I was a health reporter for StateImpact Oklahoma, which is a reporting project of NPR member stations there. I also wrote about state and local government for The Journal Record in Oklahoma.

4. As a health reporter, I focus most of my reporting on rural hospitals, reproductive care, and cancer treatments. However, I have frequently reported on the procurement and use of lethal injection drugs.

5. For example, while I was with StateImpact, I reported on the use of Midazolam for executions and its lack of painkilling effects. Catherine Sweeney, *Does Oklahoma's lethal injection protocol lead to cruel and unusual punishment? A federal trial seeks to find that out*, StateImpact Oklahoma (Feb. 28, 2022), <https://www.kgou.org/criminal-justice/2022-02-28/does-oklahomas-lethal-injection-protocol-lead-to-cruel-and-unusual-punishment-a-federal-trial-seeks-to-find-that-out>; Catherine Sweeney, *Critics argue Oklahoma's lethal injection protocol could constitute cruel and unusual punishment — and that the state shouldn't be allowed to hide the details behind it*, StateImpact Oklahoma (Feb. 27, 2022), <https://stateimpact.npr.org/oklahoma/2022/02/27/critics-argue-oklahomas-lethal-injection-protocol-could-constitute-cruel-and-unusual-punishment-and-that-the-state-shouldnt-be-allowed-to-hide-the-details-behind-it/>.

6. My earlier reporting on the use of lethal drugs is what drove me to volunteer to serve as a media witness for the executions of Oscar Smith on May 22, 2025 and Byron Black on August 5, 2025. Paige Pflieger, Tasha Lemley & Catherine Sweeney, *Tennessee executes Oscar Smith, ending pause on lethal injections*, WPLN (May 22, 2025), <https://wpln.org/post/tennessee-executes-oscar-smith-ending-pause-on-lethal-injections/>; Catherine Sweeney & Paige Pflieger, *Tennessee executes Byron Black despite worries about his heart implant*, WPLN (Aug. 5, 2025),

<https://wpln.org/post/tennessee-executes-byron-black-despite-worries-about-his-heart-implant/>.

7. Given some additional health complications for Mr. Black because of his heart defibrillator, I reported extensively on the events leading up to Mr. Black's execution and the issues around the possible deactivation of his defibrillator. *See, e.g., Catherine Sweeney, A heart implant could make Tennessee's next execution painful and prolonged. Prison officials argue they don't have to disable the device, WPLN, (July 17, 2025), <https://wpln.org/post/a-heart-implant-could-make-tennessees-next-execution-painful-and-prolonged-prison-officials-argue-they-dont-have-to-disable-the-device/>; Catherine Sweeney, What to know about Tennessee's scheduled execution of Byron Black, WPLN, (July 25, 2025), <https://wpln.org/post/what-to-know-about-tennessees-scheduled-execution-of-byron-black/>.*

8. I broke the news that Nashville General Hospital would not deactivate Mr. Black's implant prior to his execution, contrary to statements by the Tennessee Department of Correction ("TDOC"). Catherine Sweeney, *Nashville General Hospital won't disable death row inmate's implant, contradicting state's account in court, WPLN, (July 30, 2025), <https://wpln.org/post/nashville-general-hospital-wont-disable-death-row-inmates-implant-contradicting-states-account-in-court/>.*

9. On August 5, 2025, the day of Bryon Black's execution, I arrived at Riverbend Maximum Security Institution around 8:30 a.m. I went through several security check points before arriving in a classroom where I waited with the other

media witnesses for about an hour. I was not allowed to bring any personal items with me and was provided a notepad and pen.

10. At around 10:00 a.m., we were moved to the witness room. When I arrived in the witness room, the curtains were closed, the lights in the room were briefly on but they were then turned off and we had to sit in the dark. This made it difficult to write.

11. While the curtains were closed, we could hear noises coming from the execution chamber. At one point, I could hear Mr. Black's spiritual advisor praying over him. I could hear the spiritual advisor saying to him, "just focus on your breath." That made me wonder whether the spiritual advisor was saying that because Mr. Black was in pain.

12. As media witnesses, we were not allowed access to any aspect of the preparation of the inmate. We are not allowed access when TDOC inserts the IV into the inmate or starts the saline solution, which is a vital and often the hardest step in the execution process.

13. According to the protocol, there is a camera focused on the IV site with a direct feed, so media witnesses could have been easily provided access to the feed without exposing the identity of the medical team.

14. When the curtains opened, Mr. Black was already strapped down on the gurney. He looked very tense, but I couldn't see much because he was perpendicular to us and was facing the other witness space.

15. There was a sheet that covered his upper body and his hands. I thought that was unusual because during Mr. Smith's execution, his blanket did not come up that high, so we could see Mr. Smith's hands throughout the execution. It was not until a few minutes into the execution that officers came and pulled the sheets down so that we could see Mr. Black's hands.

16. As part of my training to cover executions, I was taught that being able to see an inmate's fingers during an execution is important. Trembling of the fingers is an important indicator of whether the inmate is suffering. However, during both Mr. Smith and Mr. Black's executions, I could not see their fingers because they were taped with very heavy kinesiology tape. As a health reporter, I can't think of any reason why their hands would need to be taped down in addition to their wrists being bound by a restraint.

17. It was, however, very clear that Mr. Black was squirming, and he looked distressed. We were not told by anyone whether the lethal drug administration had begun. However, based on my understanding of the protocol, since the curtains were opened, the lethal injection drug should have started flowing into Mr. Black's IV line.

18. After the curtains were opened, I could hear Mr. Black say, "It hurts so bad." He was panting, breathing heavily and groaning. His spiritual advisor was comforting him and said something to the effect of, "I'm so sorry, just breathe and focus on your breathing." This went on for a while. I then saw a person place an item that appeared to be a rock, which I assumed was the signal that the drugs have been fully administered, and the five-minute waiting period had begun.

19. Mr. Black started getting quieter and then he was very still.

20. The curtains closed and we could hear the doctor come into the room to assess whether Mr. Black was dead. When the doctor came into the execution room, he announced himself and provided his name. I chose not to publish the doctor's name in my reporting because he was not the focus of the story. Additionally, understanding the controversy in the medical community concerning the ethics of physicians participating in executions, I felt protective of the doctor and did not want any harm, professional or otherwise, to come to him. Having attended an execution before, I knew the doctor had mistakenly given us his name.

21. Once the doctor announced Mr. Black's time of death, we were escorted out to participate in the press conference.

22. Mr. Black's execution demonstrates the need for more transparency in the initial aspects of the execution proceeding. It would have been extremely helpful to my reporting if I could have had, at a minimum, narration from TDOC about what was happening.

23. At Mr. Black's execution, media witnesses were not allowed access to any aspect of the preparation of the inmate. We are not allowed see when TDOC inserted the IV into the Mr. Black's arm or start the saline solution.

24. Based on accounts from journalist in other states and as a health reporter, I understand that the insertion of the IV is a vital step in the execution process, and that it is also notoriously where things often go wrong during executions and can inform how the rest of the execution goes.

25. Access to that stage of the procedure would have helped inform my reporting on Mr. Black's execution. For instance, I later learned from Mr. Black's legal team who are afforded access to observe the insertion of the IV, that during that process, the medical team had issues inserting the IV into his vein. Catherine Sweeney, *Autopsy sheds light on Byron Black's painful execution*, WPLN (Sept. 11, 2025), <https://wpln.org/post/autopsy-sheds-light-on-byron-blacks-painful-execution/>. While I included that information in my follow up reporting about Mr. Black's execution, I had to rely on the account of his legal team rather than my own observations or reporting.

26. As a journalist, I get a lot of questions from people who do not understand or believe that it matters whether the condemned suffered, especially given the nature of the crime they are convicted for. But to me, none of that matters when it comes to holding the government accountable. An execution is the ultimate exercise of state power. There is nothing as fundamental as a person's right to breathe, and the state in exercising its power to execute someone is taking a life away.

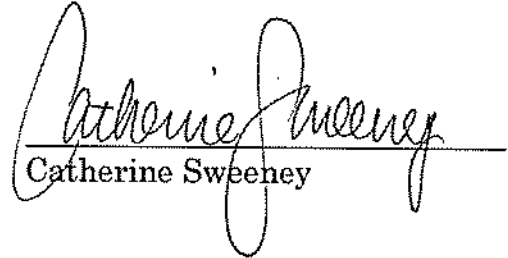
27. Government institutions and officials change their minds all the time; for instance, criminal records can be expunged, Supreme Court decisions can be overturned, city councils change policies on parking and parks. Executions are permanent, and someone needs to be there observing this irreversible process.

28. The public gives the government its power, and when the government is exercising that power spending the public's money, we have a right to demand

transparency, especially when it does something so important and permanent as to take someone's life.

29. To the best of my knowledge, WPLN plans to cover future executions in Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.


Catherine Sweeney

Date: 10-27-25

Exhibit E

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA, INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF STEVE CAVENDISH

I, Steve Cavendish, state as follows:

1. I am the President and Editor for Nashville Public Media Inc. *d/b/a* Nashville Banner (the “Banner”), and I have personal knowledge of the facts and statements contained in this declaration.

2. I started my professional journalism career with the Banner in 1993 and have over 30 years of journalism experience. I have also worked for well-respected news outlets like the Chicago Tribune, the Washington Post, the St. Petersburg Times, Nashville City Paper, Nashville Scene and Nashville Post, and Washington City Paper before returning to the Banner in 2019 to serve in my current role.

3. I also served as the President for the Middle District of Tennessee chapter of the Society for Professional Journalists from 2013 to 2014, and I was the Director for the Tennessee Coalition for Open Government from 2012 to 2015.

4. In my current capacity as president and editor for the Banner, I manage the overall business of the organization, provide strategic direction, and serve as the editor for various news stories. I also contribute news stories and in the last three years, I have reported extensively on court proceedings.

5. When the execution for Oscar Smith was announced earlier this year, I made the decision to serve as the media witness for the Banner for his execution, which occurred on May 22, 2025. Although I had never witnessed an execution prior, I made this decision to relieve Steven Hale, who is a criminal justice and public safety reporter for the Banner and who has covered the last 4 executions as a media witness, from the responsibility of witnessing another execution. I thought this was appropriate to give him a break given the emotional gravity that comes with the responsibility.

6. To serve as a media witness for Mr. Smith's execution, I emailed Dorinda Carter, Director of Communications and Public Relations with the Tennessee Department of Correction ("TDOC"). On May 5, 2025, I received an email from Ms. Carter informing me that I was selected to be a media witness.

7. To prepare to serve as a media witness, I spoke with Mr. Hale and Travis Loller, who has served as the media witness for the Associated Press for

numerous executions, to get a better understanding of what to expect during the execution.

8. On the day of the execution, I arrived at Riverbend Maximum Security Institution around 8:30 a.m. The place was heavily guarded by correction officers, and I went through several check points before arriving at the waiting area, which was a big tent outside the parking area with the rest of the media witnesses.

9. We were moved to different holding rooms, including one that resembled a classroom, where we received instructions on what we would be allowed to bring inside the witness room. We were told that we could only have our IDs, an analog watch, and keys with us in the execution witness room. We were provided a pen and paper for note taking. After 40 minutes in that room, we were moved to a conference room closer to the execution chamber where we waited to be escorted to the witness room.

10. Around 10:15 a.m., we were moved to the witness viewing room. When we arrived in the viewing room, the curtains to the execution chamber were drawn and I could not see or hear anything.

11. After a while the curtains opened, and I could see that Mr. Smith was already in the execution chamber room, strapped to the gurney. I could see that both his arms were strapped down and the straps went across his chest so that he could not get up. His spiritual advisor and a corrections officer were in the room with him.

12. From what I could see, Mr. Smith already had an IV placed in his arms with a small tube and a line that went down under the gurney and up into a wall. My understanding is that prison staff administer the lethal injection drugs from behind the wall, but I could not see them.

13. Mr. Smith was asked to provide his last words, but the audio in the witness room was extremely muffled and he was slurring his words, so it was difficult trying to decipher what he was trying to say. I suspect that the execution team had already administered the sedation drugs, but I don't know for sure.

14. At no point during the execution was I informed by any member of the execution team that they had started administering the lethal injection drugs.

15. After the execution, I learned from a fellow media witness that there was an alcove with a set of rocks and that when they were moved, that signified that the drugs had been administered. But because I had never seen an execution before, I didn't know to look for the rock during the execution.

16. I started paying attention to Mr. Smith's breathing and the color in his face. His face became very red, and then the color drained out of his face. His lips started to look a little closer to blue and after a while I could not tell whether he was still breathing.

17. After that, the curtains were closed and the audio was shut down. An announcement came over the intercom that Mr. Smith's sentence had been completed. We did not see or hear when the doctor formally announced that Mr. Smith was dead, and we could not see his body.

18. Following the announcement, we were escorted out of the room by a corrections officer outside where all the media witnesses provided a press conference. Along with my team members Steven Hale, who covered the execution from outside the institution, and Shauna Reynolds, we detailed our experience in an article published on May 22, 2025. Steven Hale, Steve Cavendish & Shauna Reynolds, *Tennessee Carries out First Execution Since 2020, Killing Oscar Smith by Lethal Injection*, Nashville Banner (May 22, 2025), <https://nashvillebanner.com/2025/05/22/tennessee-oscar-smith-execution-pentobarbital/>.

19. Because of the limited view provided to media witnesses, I was not able to accurately report with any degree of precision when the drugs were administered to Mr. Smith.

20. This limitation imposed on media witnesses is particularly problematic because it puts us in the dark about what we are seeing. For example, because we did not see Mr. Smith being rolled into the execution chamber, or see the execution team administer the drugs, we could not tell if we were witnessing a person who's just been strapped to a gurney and maybe mildly sedated or we were watching somebody who is being administered a lethal amount of pentobarbital. It made it hard for us to accurately watch and describe the effects of the lethal injection drugs on Mr. Smith's body.

21. I was also a media witness and reported on the execution of Byron Black on August 5, 2025. Steven Hale, Lilly Sabella & Steve Cavendish, *In Painful*

Execution, Attorney Says Byron Black was ‘Tortured’ by the State of Tennessee,
Nashville Banner (Aug. 5, 2025), <https://nashvillebanner.com/2025/08/05/byron-black-execution-lethal-injection-tennessee/>.

22. My experience covering Mr. Black’s execution was similar in many ways to my experience covering Mr. Smith’s.

23. After arriving at Riverbend, we were escorted into a dark room with a window, with the curtain pulled shut. We were not able to observe any of Mr. Black’s preparation.

24. When the curtain was pulled back, it was clear to me that Mr. Black was in distress. Mr. Black did not have any official last words, but he was nodding his head, groaning, and said at one point, “It’s hurting so bad.” The sound system quality seemed to be slightly improved at Mr. Black’s execution compared to Mr. Smith’s.

25. There was no signal that the drugs were starting to be administered, and there was never any announcement about what was being done. It was unclear to me when the drugs started to be administered. I assumed that it had begun when the curtains opened, but I have no way to know whether the drugs had already started to be administered before the curtain was opened or whether they started after they had already been opened.

26. Because I had seen Mr. Smith’s execution and now knew to look for the movement of the rock, I noticed that about six minutes after the curtains opened, the rock was placed. I took that to mean that the lethal injection drugs had been

administered, but no one from the Tennessee Department of Correction confirmed that.

27. With Mr. Black's execution, it was more difficult to see changes to the color of his face because he was African American. Mr. Smith was Caucasian, so it was a little easier for me to infer when he had died because the color had kind of drained from his face.

28. The curtain was open for about 11 minutes and then was closed while the doctor went to declare death. The doctor actually announced his own name, which surprised me.

29. After Mr. Black's execution, his attorney reported that medical personnel had trouble finding the veins in both of his arms, leading to a puddle of blood on his right side. I have no way to verify if that's true because I wasn't able to see that part of his execution.

30. I think that access to the preparation stages of the proceeding would be extremely valuable to my ability to report on executions in the future. Seeing the condemned inmate brought into the chamber and seeing their demeanor at that point, for example, would give us much more information about how the drugs affect them. Seeing the IV insertion stage would give us more information about whether they are having trouble finding a vein.

31. Knowing exactly when and what drugs have been administered would also be very helpful. I understand that Mr. Black was being injected with saline for

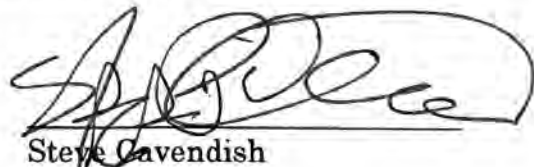
some amount of time before receiving pentobarbital, but I have no way of knowing if that is accurate or when that switch occurred.

32. It also doesn't make sense to me that they close the curtain before the doctor pronounces the death. We as witnesses are supposed to be able to see the execution, but we don't really know whether the person is dead or not until they have been pronounced dead by the doctor.

33. Executions aren't something that I enjoy attending as a witness or that I want to see. But I volunteer to witness them because I think it's important that we as the press inform the public about these executions. And given the public interest and controversy surrounding the use of pentobarbital in carrying out the death penalty, it is important to the work of the media witnesses to be provided the access to the entirety of the process to allow us to be able to accurately report on the effects of the lethal drugs to the public.

34. To the best of my knowledge, the Banner plans to cover future executions in Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.



Steve Cavendish

Date: 10/27/25

Exhibit F

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction,*

Defendants.

CASE NO. _____

DECLARATION OF KIRSTEN FISCUS

I, Kirsten Fiscus, state as follows:

1. I am a Staff Reporter at The Tennessean, a Gannett Co. subsidiary in Nashville. I have personal knowledge of the facts and statements contained in this declaration.
2. I have a master's and bachelor's degree in journalism from the University of Alabama and a decade of journalism experience.
3. I joined The Tennessean in 2022 as a staff reporter. I cover breaking news in Tennessee, which includes coverage of state courts. Before joining The Tennessean, I worked at the Montgomery Advertiser, The Anniston Star and the Tuscaloosa News.

4. On May 22, 2025, I served as a media witness for the execution of Oscar Franklin Smith on behalf of The Tennessean. Kirsten Fiscus, *Prayers, song and prolonged silence: The soundtrack to Oscar Franklin Smith's last moments*, Tennessean (May 22, 2025),

<https://www.tennessean.com/story/news/crime/2025/05/22/witness-tennessee-executed-oscar-franklin-smith-i-watched/83797170007/>.

5. I also reported extensively on the events leading up to the execution. See, e.g., Kisten Fiscus, *Oscar Franklin Smith execution set for May 22: What to know about case, new protocol*, The Tennessean (May 19, 2025),

<https://www.tennessean.com/story/news/crime/2025/05/19/tennessee-executions-oscar-franklin-smith-crime-evidence/83471099007/>; Kisten Fiscus and Evan

Mealins, *Tennessee execution: Oscar Franklin Smith moved to death watch*, The Tennessean (May 20, 2025),

<https://www.tennessean.com/story/news/crime/2025/05/20/tennessee-execution-death-row-inmate-death-watch/82521216007/>; Kirsten Fiscus, *Criminal Appeals*

Court denies motion to reopen case against death row inmate Oscar Franklin Smith, The Tennessean (April 15,

2025)<https://www.tennessean.com/story/news/2022/04/15/oscar-franklin-smith-death-row-inmate-tennessee-criminal-appeals-court/7337958001/>.

6. I volunteered to serve as a media witness because I believe strongly that is important that the news media should be present to provide the public with unbiased and accurate reporting of executions.

7. To prepare for my role as a media witness, I met with Mr. Smith's attorney, Kelly Henry, and spoke with her about what to expect during the execution. Notably, she mentioned that I should look out for a rock, which would signify the end of the lethal drug administration.

8. On the day of the execution, I arrived at the Riverbend Maximum Security Institution around 7:00 a.m. At first, I was taken to a holding tent outside the prison and made to wait until all the other media witnesses arrived. Once they arrived, we went through multiple security checkpoints before getting inside the prison. I was not allowed to bring anything inside the prison with me except for my ID badge. I was provided with a notepad and two pens.

9. Once we were inside the prison, we were moved to several different rooms to wait, including a conference room, where we waited until 10:00 a.m. I was expecting for us to be in the execution witness room by 10:00 a.m. However, there was a delay, and we stayed in the conference room for an additional 15 to 20 minutes before we were led into the witness room. The warden came in the room and thanked us for being witnesses, but neither he nor any member of the execution team provided us with any information on what caused the delay.

10. In the witness room, there were three rows of chairs with five chairs per row. I sat in the front row. The Davidson County sheriff and Mr. Smith's attorney were in the room with us. The curtains on the window leading to the execution room were closed, and the lights in the witness room were on. Although

the audio in the room was off, I could faintly hear Mr. Smith's spiritual advisor praying and singing to him through a crack in the door.

11. The lights were subsequently turned off and the witness room was pitch black. We sat in the darkness for about two to three minutes until they opened the curtain to the execution room, which provided us with some light.

12. When the curtain opened, I could see that Mr. Smith was already strapped to the gurney. His hands were bound and wrapped so I couldn't see his fingers. He had white sheets on him that covered his lower body to his neck. His spiritual advisor and two officers were in the room with him. I was looking at him from his right side, so his right arm was closest to me, and initially his spiritual advisor was blocking my view of his head.

13. Mr. Smith was asked to give his last words. He provided a lengthy statement where he maintained his innocence and rebuked the governor.

14. I noticed a door open, a hand put out a rock and then shut the door. Given what Ms. Henry had told me, I assumed it to mean that the lethal drugs had been administered and the five minutes waiting period had begun. However, because I was not informed by any of the execution team members when administration of the drugs began, I cannot say with certainty when Mr. Smith started receiving the drugs.

15. There was a consensus among all us media witnesses after the execution that we could not accurately state when the drugs were administered, and we were all very confused. Knowing when the drugs administration had

started would have been tremendously helpful to our reporting and my reporting was adversely affected because I did not have this information.

16. I did not notice Mr. Smith make any movements in response to the drugs. Because his hands were bound, I could not see if he was clenching his fists or anything like that. Also, the white sheets placed over him made it very difficult for me to track his breathing from my vantage point.

17. Mr. Smith's skin gradually lost all its color, going from rosy color to purple. At that point, I surmised that he was dead. His spiritual adviser was then escorted out of the room.

18. At that point, the curtains were closed, and I could no longer see inside the execution room. However, the audio was still on so I could hear the doctor come in the room to examine Mr. Smith. He asked for the straps to be removed so he could check his breathing, and shortly thereafter, the doctor declared him dead.

19. A voice came over the intercom and officially announced Mr. Smith's death. We waited in the witness room for another two to three minutes and then we were escorted out to participate in the press conference.

20. Being able to witness the preparation of Mr. Smith for the execution especially the insertion of the IV would have been incredibly valuable information to report, as would have been an understanding of his general demeanor when he entered the room.

21. In my opinion, requiring execution team members to wear a face mask and scrubs (which doctors do all the time for surgery) would easily anonymize their

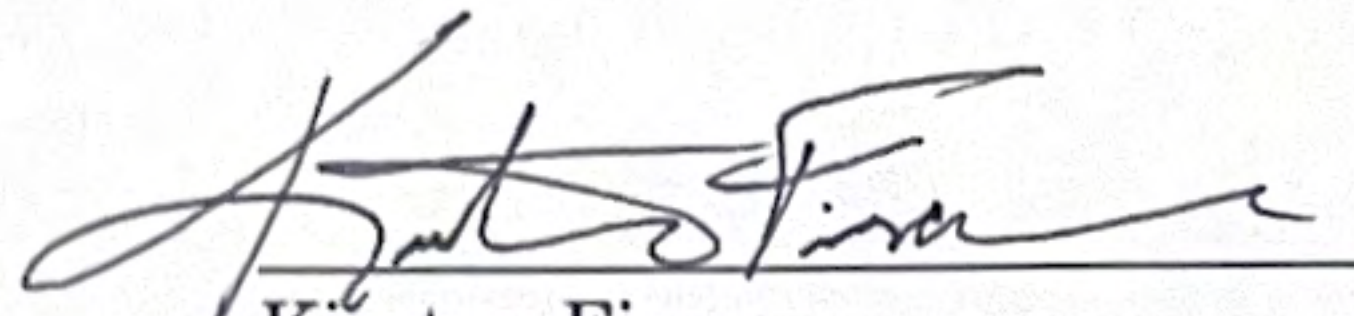
identities while allowing the media witnesses access to all stages of the execution. This equally applies to when the doctor enters the execution room to announce the time of death. We can hear the doctor when they are in the execution room and can guess the doctor's gender based on their voice, yet we are not allowed to see the doctor.

22. It's important for the public to know what happens at executions because I believe that it's necessary that we be faced with our own humanity and what we as a society do to other people. The execution of a person is the ultimate punishment, and it is often the judgment we place on people who are accused of taking a life, yet here we are, through the state, doing the same thing. Without transparency in that process, it's easy for people to look away and not care. Because of that, executions require the highest scrutiny and the highest amount of transparency that the state can possibly give us.

23. The news media's role in reporting on executions is integral to this process because the media provides an objective recounting of what happens during an execution. In that way, we as members of the news media have a great responsibility and a great opportunity to hold the state accountable in ways that other witnesses to executions like prison officials or the attorneys for the condemned are not able to do. That makes it even more important that the news media is provided with greater access to the execution process to provide complete and accurate recounting of the proceeding.

24. To the best of my knowledge, the Tennessean plans to cover future executions in Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.


Kirsten Fiscus

Date: October 22, 2025

Exhibit G

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF BLAKE FARMER

I, Blake Farmer, state as follows:

1. I am a journalist at Nashville Public Radio, which operates WPLN, a National Public Radio Affiliate in Nashville. I have personal knowledge of the facts and statements contained in this declaration.

2. I have a bachelor's degree in broadcast journalism from Abilene Christian University, and I have over 20 years of journalism experience.

3. I first joined WPLN in 2007 as a general assignment reporter and was news director from 2015-2017 and a senior health care reporter from 2017-2023. I rejoined WPLN in June 2025 and currently, I host *This is Nashville*, the flagship weekday show for WPLN.

4. I have won multiple awards for my reporting, including an Edward R. Murrow Award for Excellence in Writing for a compilation of my health care stories. Additionally, I was honored by my alma mater Abilene Christian University with the Gutenberg Award, which recognizes outstanding alumni working in journalism and mass communications.

5. I have served as a media witness for two executions by electric chair in Tennessee: the execution of Edmund Zagorski on November 1, 2018, and of David Earl Miller on December 6, 2018. Blake Farmer, *Rare Execution By Electric Chair Carried Out In Tennessee*, WPLN (Nov. 2, 2018), <https://wpln.org/post/rare-execution-electric-chair-carried-out-tennessee/>; Blake Farmer, *Tennessee Carries Out Second Execution By Electric Chair This Year*, WPLN (Dec. 6, 2018), <https://wpln.org/post/tennessee-inmate-who-chose-the-electric-chair-continues-challenging-the-method/>.

6. I volunteered to serve as a media witness for those executions because I view it as the ultimate form of public accountability service journalism to witness the government do something so important as to end someone's life.

7. My experiences attending both executions were similar. I arrived at Riverbend Maximum Security prison and went through several security checkpoints with the rest of the media execution witnesses before finally arriving inside the prison to the media witness room. I was not allowed to bring any personal items inside the prison and was provided a notepad and a pencil.

8. I recall the mood among the witnesses being somber. In my experience, usually when journalists get together, we talk shop and sometimes tell jokes, but doing that kind of thing felt inappropriate because we could all feel the weight of what we were about to witness.

9. We were provided minimal information by the Department of Correction ("TDOC") on what to expect during the execution. I was surprised by the lack of information provided to us. Given how much rehearsal, procedure and regulation goes around executions, and how limited our view of the execution was going to be, I had hoped for more information from TDOC to guide my reporting.

10. When we arrived in the media witness room, the curtains to the execution room were closed. During both executions, members of the defendants' legal team were also in the room with us. The microphone in the room was off but we could hear some noises from the execution chamber.

11. In each of the executions, when the curtains opened, the condemned inmate was already strapped to the chair.

12. The lights in the witness room were turned off and we had to take all our notes in the dark with minimal light coming from the window. The warden asked for their last words. During Mr. Miller's execution, we had a difficult time understanding what he said. During Mr. Zagorski's execution, I recall his last words being, "Lets rock."

13. From my recollection, during Mr. Zagorski's execution, two guards finished wetting the sponges on his head and ankles to help conduct electricity and then hooked up the power cable.

14. We were not told when the switch would be turned on for the actual electrocution part, and it all happened quickly. The officers draped a black shroud over his face and then energized the chair twice. Mr. Zagorski's body rose up against the belts each time, and then he was motionless with his hands clenched in fists.

15. During both execution proceedings, after the inmates were electrocuted, the curtains closed and the microphone was turned off. I could hear the exhaust fan come on. I did not see anyone check their pulse or declare them dead.

16. We were then led out of the room and into the media tent to provide a rundown of our experience.

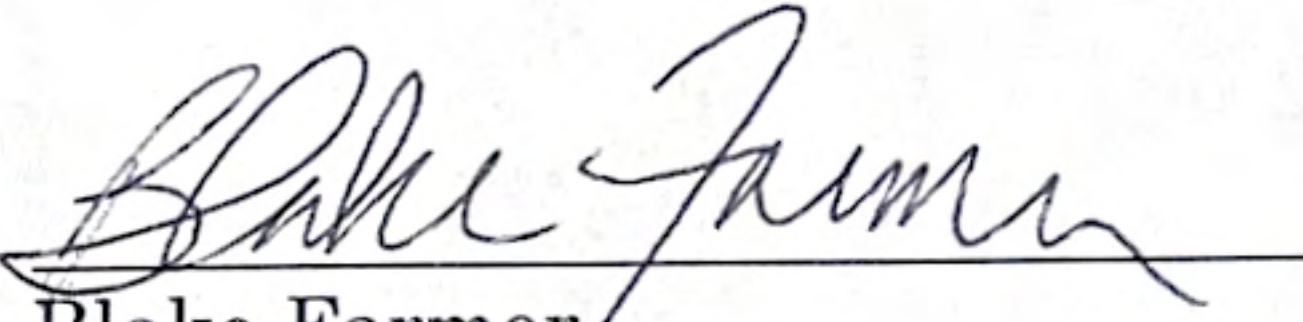
17. In my experience attending both executions, there was not a lot of effort made by the TDOC to help the news media be good witnesses for the public. For example, in some cases when a state agency invites me to cover a certain action or proceeding, the agency – albeit biased – is usually helpful to some degree. In contrast, TDOC invites the media to witness this incredibly traumatic and permanent action and yet provides us with the bare minimum access of the action.

18. Greater access for the media is necessary because similar to open meetings, a third party witnessing some action taken by the government tends to change the behavior and keeps the government accountable to the public.

19. Execution media witness reporting is the ultimate form of public accountability service journalism. Media witnesses are important in an execution not so journalists have a "scary" story to write, but so that someone is there to keep everybody doing what they say they are going to do how they said they were going to do it.

20. To the best of my knowledge, WPLN plans to cover future executions in Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.


Blake Farmer

Date: 10/22/25

Exhibit H

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA, INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF ROB WALTERS

I, Rob Walters, state as follows:

1. I am a journalist with Six Rivers Media LLC ("Six Rivers"). I have personal knowledge of the facts and statements contained in this declaration.
2. I have over 30 years of journalism experience and currently serve as the Content Director for Six Rivers.
3. I previously served as the managing editor of the Bristol Herald Courier and Kingsport Times News (a Six Rivers paper).
4. I have won multiple awards for my work in journalism. In 2018, my team at the Bristol Herald Courier received the 2018 Scripps Howard Award for Community Journalism, one of journalism's highest honors, for our "Addicted At

Birth” series, an extensive look at how the opioid crisis impacted babies across Northeast Tennessee and Southwest Virginia. Additionally, in 2022, my team at the Kingsport Times News received a National Headliner Award for our 2021 staff project, “Meth Mountain,” which brought the region’s methamphetamine epidemic to light through detailed data, analysis and first-person accounts of addiction and recovery.

5. In my current role as Content Director, I oversee four newsrooms including the Kingsport Times News, Johnson City Press, the Erwin Record and the Tomahawk in Mountain City.

6. I served as a media witness during the lethal injection execution of Oscar Franklin Smith on May 22, 2025. I reported on my experience in an article that was published the same day. Rob Walter, *Convicted murderer executed in Tennessee*, Kingsport Times News (May 22, 2025), https://www.timesnews.net/news/crime/convicted-murderer-executed-in-tennessee/article_425d1b9c-867f-41d2-9589-abf8c33f263c.html.

7. Six Rivers does not normally send a representative to witness executions but given that Mr. Smith was the first person to be executed in Tennessee following a 5-year hiatus, I decided that it was important for our outlet to send a representative to observe the proceeding.

8. To become a media witness, I responded to an email solicitation from the Tennessee Department of Correction and was chosen as a media witness.

9. On May 22, 2025, the day of Smith's execution, I arrived at the Riverbend Maximum Security Institution at around 7:30 a.m. I was taken to a holding tent outside the prison and waited there until all the other media witnesses arrived.

10. After everyone arrived, we were escorted to a small conference room inside the prison where we waited for about 90 minutes. We went through several security checkpoints and were only allowed to have our car keys, ID and the notepad and pen that were provided to us.

11. The execution was slated to begin at 10:10 a.m., and so we were supposed to be in the witness room by 10:00 a.m. However, there was a delay. Our escort started to move us at 10:00 a.m., but when she opened the door for us to exit, she closed it again and went out to take a call. She did not tell us any details about what caused the delay. We waited in the room for another 15 minutes before we were escorted to the witness room.

12. When we arrived in the witness room, it was dark. There were about 20 chairs and about 4 windows, all of which had the curtains drawn. We could hear faintly what sounded like prayers by Mr. Smith's spiritual advisor coming from the execution room, but we could not see inside the room.

13. At around 10:32 a.m., the curtains to the execution room lifted. We could see Mr. Smith, his spiritual advisor, and two prison officers in the room.

14. Mr. Smith was already strapped to a stainless steel gurney. His hands were strapped down, and his fingers were taped up with what looked like medical

gauze or tape. There was a heavy black strap across his chest going across the middle of his body. He was wearing a light yellow jumpsuit and had a white sheet that covered him to the middle of his belly.

15. Initially, when the curtains opened, we could not see Mr. Smith's face because his spiritual advisor was blocking our view, but she eventually moved.

16. Mr. Smith was asked to provide his last words, and he did. He maintained his innocence and spoke against the Governor.

17. After speaking for about three minutes, his voice was fainter. I heard him say "I didn't kill her" to his spiritual advisor.

18. There was a digital clock adjacent to a mirrored window, which also had a small door, so I kept watch over the clock. At approximately 10:40 a.m., a hand came out of the door and placed a rock on a little ledge.

19. After that, Mr. Smith's spiritual advisor backed away from him and leaned against the wall with her head tilted down. She read a passage from the Bible then started reciting the Lord's prayer.

20. Associated Press reporter Travis Loller had told me in a prior conversation to watch out for a rock to indicate the lethal drug had been administered, so I knew to look for it. But the information about the rock was not provided anywhere in the official execution protocol and no one from the execution team gave me any information about when the team would begin administering the lethal injection drug. I cannot say with certainty when the drugs were administered or what the rock indicates.

21. From my observations, Mr. Smith didn't twitch or make any movement once the drugs started. I could see from his chest movement that his breath began to slow down and there was some discoloration on his face, but to me, he looked as though he went to sleep.

22. At 10:45 a.m., the curtains were closed, and we could no longer see inside the execution room.

23. Although the curtains were down and we could not see anything inside the execution room, we could hear a man in the execution room saying to get the straps off Mr. Smith and asked for a stethoscope. He stated that there was no perspiration, pulse, no vitals and at 10:47 he declared Mr. Smith dead.

24. Shortly after, a voice came over the intercom and officially announced to us that the State of Tennessee had carried out its sentence against Mr. Smith.


25. We were immediately escorted out of the room and led out to the press conference, where we recounted our experience to the other members of the news media.

26. Greater access for the media to the execution process is important because it is imperative that the press is able to report on our justice system to the public to ensure proper accountability in case something goes wrong.

27. Executions are proceedings that are imposed and conducted by the State of Tennessee, and the public needs to know when and how they happen. They shouldn't be carried out in secret.

28. To the best of my knowledge, Six Rivers plans to cover future executions in Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.


Rob Walters

Date: 10/21/2025

Exhibit I

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF JOHN NORTH

I, John North, state as follows:

1. I am the Senior Investigative Journalist at WBIR, a TEGNA Inc. station in Knoxville. I have personal knowledge of the facts and statements contained in this declaration.

2. I received my bachelor's degree in journalism from Northwestern University's Medill School of Journalism and have over 40 years of experience as a journalist. I am a past recipient of the Scripps Howard Foundation Award for Distinguished Service to the First Amendment, the APME First Amendment Award, and the Malcolm Law Investigative Reporting Award.

3. In addition to WBIR, I have been a reporter for The Kansas City Star newspaper and CNN, and a reporter and editor for The Knoxville News.
4. In my current role with WBIR, I gather news and produce investigative pieces. I also mentor our staff of younger journalists. I have covered courts and criminal proceedings, law enforcement, and the judicial process for more than 30 years. I continue to cover all levels of state and federal court proceedings.
5. I witnessed and covered the execution of Billy Ray Irick on August 9, 2018 on behalf of WBIR. See John North, *Witness to an execution: The death of Billy Ray Irick*, WBIR(August 9, 2018), <https://www.wbir.com/article/news/crime/witness-to-an-execution-the-death-of-billy-ray-irick/51-582015774>.
6. Before Mr. Irick's execution, the Tennessee Department of Correction ("TDOC") put out a query to the media to ascertain who was interested in covering the execution. WBIR was interested in covering it and asked me if I would do it, and I agreed.
7. Witnessing an execution is not something a lot of people want to do, but I agreed to cover it because I have covered death penalty cases in the courts and this is another part of that process.
8. To the best of my knowledge, Mr. Irick's execution was the first for Tennessee in over nine years.
9. On August 9, 2018, I arrived at Riverbend Maximum Security Institution in Nashville with six other journalists. We were led into the facility through the security process which was very extensive. There were no phones allowed. We

were given a pad of paper moved from room to room within the facility until it was time to move to the concrete block witness chamber which is immediately next to the execution chamber.

10. The witness room was dark and had maybe three or four rows of seats that face a glass window with blinds drawn.

11. Once in the witness room, we sat in the dark – literally in the dark – for a good 40 minutes. It was me and several other fellow journalists, along with some prison officials and someone who I believe was a minister. We were just waiting, and we would quietly whisper from time to time. We were given no guidance in terms of anybody telling us what was going to happen; we just sat there and waited. I could hear noises coming from the execution chamber, even before they turned on the speaker system that connects the witness room to the execution chamber. It sounded like chains rattling or some other kind of noise going on the other side. At some point, someone turned on a speaker from the execution chamber and then I began to hear the noises amplified.

12. When they pulled the blinds up, I could see Mr. Irick lying on the gurney, already strapped in. I think he had at least one tube hooked into his arm, but I did not see them put the tube into the arm. The warden was also in the chamber, along with another TDOC employee. We could see their faces.

13. I was sitting in the front and I could see off to the right, through our glass, into another witness chamber on the other side. I noticed there was at least one person sitting there.

14. Someone in the execution chamber asked Irick if he had any words to say and he said, "I just want to say I'm really sorry . . . and that's it." After that, they began the administration of the drugs with first drug.

15. At the time of Mr. Irick's execution, Tennessee used a three-drug cocktail rather than pentobarbital. First, I believe they gave him midazolam, which basically put him to sleep. That began to take effect fairly quickly and he started snoring. Every once in a while, he would make other kinds of noises. I could see his belly going up and down. At one point, he sort of jerked up, but his eyes were closed, so I assumed he was unconscious and the movement was involuntary. The warden stood over Mr. Irick as we watched through the glass. The warden called Mr. Irick's name a couple of times very close to him and he did not respond.

16. I interpreted that chain of events to mean that when the warden felt that Mr. Irick was sufficiently under, that's when the executioner began the administration of the other two drugs which stopped him breathing.

17. From the witness room, we could not see the executioner. There was a little slot to our left as we were viewing the execution through which the executioner can manipulate the drugs and the tubes. Every once in a while, I could tell that the executioner fiddled with the tubes through this little slot which was going from his or her side of the wall over through the tubes into Mr. Irick's arm.

18. During the process, in the witness room, it was really quiet and everyone was feverishly scribbling notes.

19. It is very impactful to watch a person die. I could see Mr. Irick's face and skin begin to discolor; we watched him basically turn purple and at some point he stopped moving. His breathing becomes deeper and then as the other drugs took effect, I could see his body stop functioning.

20. According to my notes, I believe the executioner started administering the first drug at approximately 7:28 p.m. or 7:30 p.m. We watched Mr. Irick kind of slow down and eventually stop breathing and by 7:37 p.m., he was dead. For several minutes after that, the warden and his employees just stood still, watching the body. At 7:46 p.m., the blinds were put back down. In total, we were able to see in the execution chamber for approximately 18 minutes.

21. When the blinds went down, the audio was still on, so we could still hear that there was activity inside the execution chamber. It sounded like they were removing tape. Very shortly after that, I believe it was the warden who said into the microphone to the witness chamber, "That concludes the execution of Billy Ray Irick. Time of death was 7:48 PM. Please exit at this time."

22. After that, we left the witness room and went to address the crowd outside. This was expected as a function of being a witness. The reporter from the Associated Press went first and he shared his observations and responded to any questions. We all spoke one by one and described what we saw and responded to questions. I published the attached story that same day.

23. Being able to witness more of the procedures before the execution would have improved my knowledge of the entire process. It would be helpful to watch

them put the tubes in Mr. Irick's arm beforehand just to see that that was what was actually happening.

24. The second execution I witnessed was Nicholas Sutton on February 20, 2020, just before the COVID-19 pandemic. Mr. Sutton killed several people as a young man in East Tennessee and then while he was in prison, he murdered another inmate. See John North, *Witness to an execution: Nick Sutton*, WBIR (February 21, 2020), <https://www.wbir.com/video/news/crime/witness-to-an-execution-nick-sutton/51-48016d90-4f14-4755-a7cd-74cdfcf0b5d> .

25. WBIR was interested in us covering this execution because Mr. Sutton's crimes took place in East Tennessee. It is my understanding that Mr. Sutton was given the option of picking the electric chair rather than lethal injection, and he chose the electric chair.

26. The process during Mr. Sutton's execution was much the same as Mr. Irick's in terms of how the process went. Since I had been through it before in witnessing Mr. Irick's execution, it seemed to go a lot faster than it did the first time.

27. Again, we went through security and then at one point we were led into the witness room. I recollect it was the same situation where we were sitting there in the dark for a long time waiting for the execution to begin.

28. When it was time for Mr. Sutton to be executed, the blinds went up to reveal the same room where Mr. Irick died by lethal injection. Mr. Sutton was already strapped into the electric chair and prison officials were in the process of

putting some kind of saline solution on his head. We did not watch him climb into the chair; he was strapped down and they were just taking final steps before they threw the electricity.

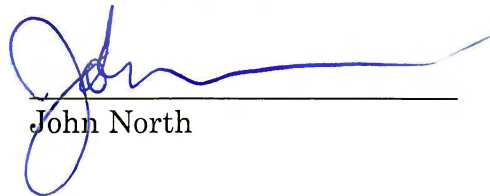
29. Sutton appeared to be fully alert, but very quickly they put a hood over his face. He did not give any last words. Then prison staff threw the switch for between five and ten seconds, and Mr. Sutton's body tensed up against the straps in what I assumed to be a reaction to the electricity. Prison staff then checked on Mr. Sutton. After that, they gave him another bolt of electricity – again, leaving the hood on so we could never see his face – and they checked on him again and determined that he was dead. Once they determined he was dead, they lowered the blinds, which blocked our view of the execution room.

30. After Mr. Sutton's execution, I addressed the press and public gathered outside of the prison as I had after Mr. Irick's execution.

31. Covering an inmate's execution is an important part of the story of that individual's crimes and the state's case against them. My job is to tell that story to the public as fully as I can.

32. To the best of my knowledge, WBIR plans to cover future executions of individuals from East Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.



John North

Date: Oct. 27, 2025

Exhibit J

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF JASON LAMB

I, Jason Lamb, state as follows:

1. I am an executive reporter for NewsChannel 5 in Nashville, Tennessee, which is owned and operated by Scripps Media, Inc. I have personal knowledge of the facts and statements contained in this declaration.

2. For 12 years, I was a general assignment reporter with NewsChannel 5. In 2024, I became an executive reporter and I currently lead, coach, and manage a team of 11 reporters and multimedia journalists, with a focus on elevating our quality of journalism and covering our community.

3. I have also worked as a reporter at KTUU Channel 2 in Anchorage, Alaska and as a multimedia journalist and anchor for KOMU 8 in Columbia, Missouri.

4. I have a bachelor's degree in journalism from the University of Missouri – Columbia.

5. I have covered several executions in Tennessee as both a media witness to the execution and as part of the press pool outside of Riverbend Maximum Security Institution.

6. At the execution of Billy Ray Irick on August 9, 2018, I covered the story from outside of Riverbend and asked questions of the news media witnesses. After that experience, I felt that to report more thoroughly and truly be the eyes and the ears of the public in a place the public never gets to see, being a news media witness was something I felt I should experience.

7. Once I had the experience of being a media witness, I became committed to making sure that these proceedings were covered appropriately and thoroughly because taking someone's life is the ultimate act that a government can perform. It is our duty as journalists to make sure that it is done the way they say it will be done according to the laws and protocols.

8. I was a news media witness at the execution of Edmund Zagorski later that same year on November 1, 2018. Originally, I recall that Mr. Zagorski was to be executed by lethal injection, but the method was switched to the electric chair at the last minute. This was something I wasn't expecting.

9. On the day of Zagorski's execution, I first captured an early live shot for our 4:00 p.m. news broadcast, and then I headed inside Riverbend. First, they brought me and four other news media witnesses into what I think was a parole board hearing room, where we sat and waited at a long table. We talked among ourselves, speculating about whether the execution would move forward and discussing what we could and couldn't bring into the witness room.

10. After a time, officials from the Tennessee Department of Correction ("TDOC") moved us into the witness room. I remember taking a seat that was front and center so I could see everything. They had the blackout curtain drawn. They turned the lights on as we came in, but after a microphone check, they shut the lights off in the room while we waited.

11. At some point, they opened the witness room blinds and I could see Zagorski sitting right there, already fully strapped into the chair. I was struck by the fact that he looked a lot different than he did in his mug shots, which I'm sure were very old. He was already fully strapped into the chair. In the room with Zagorski was Warden Tony Mays and at least two other people in suits. According to the protocol manual from that time, these may have been associate wardens each tasked with an individual responsibility.

12. There was a cord from the electric chair and one the people in the room plugged it into a junction box in the wall. It looked kind of like a big, thick cord that would be used in the back of an oven or a dryer.

13. One of the other people was holding a giant sea sponge – far bigger than I thought it was going to be – soaked in what I assume was salt water. They put the sponge over his head and the salt water started dripping down his face, and the men in the room with him kept wiping it away from his eyes. I did not see where the buckets or the sponge came from.

14. While strapped into the chair, Zagorski frequently looked at his lawyer Kelly Henry, who was sitting next to me, and smiled. Kelly was touching her heart, and afterwards I asked her what meant; she said that they had had a conversation before and that it meant that she was keeping him in her heart.

15. The warden asked Zagorski, “Do you have any last words at this time?” and Zagorski said, “Let's rock” as his last words. I was expecting a longer and possibly rambling statement, but this was just so short and very clear.

16. We watched someone put the large sponge on his head, and it's my understanding that it is meant to conduct the electricity better. On top of the sponge, they put what looked like a crown with a chin strap – it looked antiquated, a bit like a 1920s football helmet. Then they put a black cloth shroud over his head and pinned it across the crown so it completely covered his face all the way down to his chest area. That was the last time we saw his face.

17. At this point, Zagorski was restrained in the chair but raising his hand up as if to wave, I presume to Kelly Henry. Everyone in the execution room went into the corners of the room and was either looking straight ahead or looking down. Then, someone turned on what I presume to be an exhaust fan, which I knew was going to

happen because of the protocol. I was looking at the warden because he was supposed to give the signal to start the electrical currents. The warden took his hand and wiped it down across his face, which was clearly the signal to start.

18. I was expecting there might be a lot of noise and commotion, but I was surprised with how clinical it came across. I could see that Zagorski rose up in the chair and every muscle in his body was tense for about 15 seconds. Then, the first round was over, and his pinkies were sort of extended out along the side of the handrail on the arm of the chair. Then someone delivered the second round of currents and his body rose up a little higher than the first time. It came down after that second 15 seconds and again, his pinkies were on the outside.

19. Then, the five-minute waiting period began. Zagorski was not moving at all; his body was still. I spent that time writing all the notes that I could. After the five-minute waiting period, they closed the curtain. I would estimate that the curtain was open for approximately 10 minutes in total.

20. We could still hear people talking faintly in the execution chamber; I presume this was the physician coming in to declare Zagorski dead. A few minutes later, the voice came over the loudspeaker in the room saying that Zagorski's sentence had been carried out and noting the time of death.

21. The whole proceeding would make more sense if we could see whole process – the condemned coming into the execution chamber, getting seated in the chair, the cuffs going on, etc. These are critical things that are laid out in a public protocol manual. Following those rules is especially important, but we can only speak

to the things that we see, and it's very clear that TDOC is trying to make it so that that we see a very limited window of time. There may be conversations that happen between the condemned and their spiritual advisor or their attorney, and it would be helpful to see that whole process.

22. An execution is the ultimate government act. Taking someone's life is irreversible, and when it is done at the hands of this state, there needs to be as much openness as possible. Reporting on an execution as a witness is one of the strangest assignments I will ever have in my life as a journalist, but it is probably one of the most important. My colleagues and I are acting as the eyes and ears for the public – the majority of whom will never witness anything like this – and holding a very powerful institution accountable to what they say they're going to do there.

23. There is nothing more powerful than an institution that is legally allowed to end someone's life, and having objective independent observers there to say what happened is absolutely critical in holding those powerful institutions accountable.

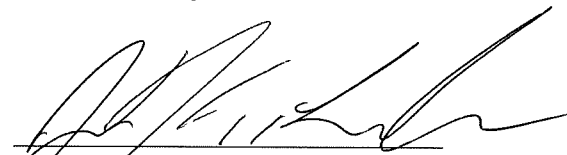
24. While I did not serve as a witness for the execution of Byron Brown in August 2025, we heard a unanimous finding from the journalists who did witness it that there was some sort of distress or discomfort or pain that this person was going through. That message would never come through TDOC. The public can only understand what happens by having multiple independent journalists there to be able to say the same thing again and again and again. That collaboration paints the

picture of truth from an independent group of people rather than a group that you cannot necessarily trust to give you an unbiased view of what's going on.

25. When you're reporting either as a witness or just reporting on an execution from the outside, it is a challenge to get information directly from TDOC. We don't know who TDOC is talking to, we don't know who they're working with, we don't even know the source of the lethal injection drugs. Being able to see and report on additional aspects of the proceeding would allow the news media to tell the whole story, ensure accountability for the public, and fulfill TDOC's obligation to allow access and transparency under these weighty circumstances.

26. To the best of my knowledge, NewsChannel 5 plans to cover future executions in Tennessee.

I declare under penalty of perjury that the foregoing is true and correct.


Jason Lamb

Date: 10/27/25

Exhibit K

**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE**

ASSOCIATED PRESS, GANNETT CO.,
INC., NASHVILLE PUBLIC MEDIA,
INC., NASHVILLE PUBLIC RADIO,
SCRIPPS MEDIA, INC., SIX RIVERS
MEDIA, LLC, and TEGNA INC.,

Plaintiffs,

v.

KENNETH NELSEN, *in his official
capacity as Warden of Riverbend
Maximum Security Institution*, FRANK
STRADA, *in his official capacity as
Commissioner of the Tennessee
Department of Correction*,

Defendants.

CASE NO. _____

DECLARATION OF PAUL R. MCADOO

I, Paul R. McAdoo, hereby declare as follows:

1. I am counsel for Plaintiffs in this action.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct to the best of my knowledge.
3. I submit this Declaration in support of this action with knowledge of my pleading obligations under the Tennessee Rules of Civil Procedure.
4. I contacted the Tennessee State Library and Archives Legislative History staff via email and requested copies of the legislative history for 1994 Tennessee Laws Public Ch. 675 (S.B. 2287).


5. In response to my request, the Tennessee State Library and Archives Legislative History staff provided me with recordings of the related General Assembly proceedings.

6. After reviewing these recordings and identifying the portions related to 1994 Tennessee Laws Public Ch. 675 (S.B. 2287), I provided one of the recordings to stenographic court reporter Melissa M. Smith and asked that she transcribe the pertinent portions. A true and correct copy of the transcription prepared by Ms. Smith is attached to the Complaint as **Exhibit 12**.

7. On August 15, 2025, on behalf of my clients, the Associated Press, Gannett Co., Inc., Nashville Public Media, Inc., Nashville Public Radio, Scripps Media, Inc., Six Rivers Media, LLC, and Tegna Inc., I sent a letter to Tennessee Department of Correction ("TDOC") Commissioner Frank Strada by email, requesting that TDOC provide greater access to the execution process than is currently outlined in TDOC's Lethal Injection Protocol and its Execution Procedures for Electrocution. A true and correct copy of the August 15, 2025, letter is attached to the Complaint as **Exhibit 35**.

8. I have not received a response from Commissioner Strada regarding my August 15, 2025, letter.

I declare under penalty of perjury that the foregoing is true and correct.


Paul R. McAdoo

Date: 10/22/25