

FAX

To: Fax User

Company:

Fax:

Phone:



From: Walkup

Fax:

Phone:

E-mail:

NOTES:

IN THE CRIMINAL COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION ONE

MICHAEL EUGENE SAMPLE,)
)
Petitioner,)
)
vs.)
)
STATE OF TENNESSEE,)
)
Respondent.)

No. **4743Q**
~~P-14252,~~
B-87597, B-87598

Capital Case
Intellectual Disability Claim
T.C.A. § 39-13-203(g)

Filed 2-3-23
Heidi Kuhn, Clerk
BY [Signature] D.C.

AGREED ORDER VACATING CAPITAL SENTENCES

The Court, seeing Agreement of the Parties, and following a full review of the pleadings and exhibits in this cause, and after full consideration of the applicable law, hereby finds as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On November 2, 1982, petitioner, Michael Eugene Sample (henceforth, "Mr. Sample"), was found guilty of two counts of first degree murder during the perpetration of a robbery by use of a deadly weapon as charged in indictments B-87597 and B-87598, in violation of T.C.A. § 39-2402 (repealed).
2. On November 3, 1982, Mr. Sample was sentenced to death in both cases.

3. At the time Mr. Sample was sentenced to death, the execution of individuals with intellectual disability (then labelled as mental retardation) was constitutionally permissible. *See Penry v. Lynaugh*, 492 U.S. 302 (1989).
4. Mr. Sample completed direct appeal in 1984. *State v. McKay*, 680 S.W.2d 447 (Tenn. 1984). His conviction is final.¹
5. At various dates between 2014 and 2017, counsel for Mr. Sample filed multiple pleadings in this Court, all contending that he had intellectual disability and was constitutionally and/or statutorily ineligible for execution. Specifically, counsel filed three separate Motions to Reopen Post-Conviction Proceedings, a Petition for Writ of Error Coram Nobis, a Petition for Writ of Audita Querela, and a Motion to Correct Illegal Sentence.² However, under then existing Tennessee law, all of these motions and petitions were procedurally barred.³ *See e.g., Dellinger v. State*, No. E201800135CCAR3ECN, 2019 WL 1754701, at

¹ Mr. Sample has pending a petition for habeas corpus relief in the United States District Court for the Western District of Tennessee, Case No. 2:11-cv-02362. That proceeding has been stayed, so that this Court may address Mr. Sample's intellectual disability claim.

² Counsel for Mr. Sample also filed separate pleadings, including other Motions to Reopen, that sought relief on grounds other than intellectual disability.

³ On March 24, 2015 this Court denied Mr. Sample's first Motion to Reopen which raised an intellectual disability claim. On October 26, 2016 this Court denied Mr. Sample's Petition for Writ of Error Coram Nobis, Motion to Correct Illegal Sentence, and Petition for Writ of Audita Querela, and, in a second order, his second Motion to Reopen which raised an intellectual disability claim. On November 11, 2017, this Court denied a third Motion to Reopen.

*6 (Tenn. Crim. App. Apr. 17, 2019) (listing all of the various procedural remedies that are *not* available under Tennessee law). Thus, this Court was compelled to dismiss all of Mr. Sample's prior intellectual disability pleadings without consideration of their merits. Neither this Court, nor any other court, considered the underlying proof that supported his intellectual disability claim. Neither this Court, nor any other court, determined whether Mr. Sample had intellectual disability

6. On September 9, 2022, Mr. Sample filed a petition, pursuant to newly revised T.C.A. § 39-13-203 (2021), which contended that he had intellectual disability and was ineligible to be executed.
7. A defendant, such as Mr. Sample, who was sentenced to death prior to May 11, 2021, and whose conviction is final on direct review, may petition the trial court for a determination of whether the defendant is intellectually disabled, unless the issue of whether the defendant has an intellectual disability has been previously determined on the merits. T.C.A. § 39-13-203(g).
8. Mr. Sample's conviction is final, and he has not had the issue of whether he has an intellectual disability previously determined on the merits, thus he may petition for relief from his sentence of death. T.C.A. § 39-13-203(g).
9. Mr. Sample's petition, on its face, makes a colorable claim that he has intellectual disability. T.C.A. § 39-13-203(g)(1). Thus, this Court may consider the merits of this claim.

10. For a defendant, such as Mr. Sample, to be found ineligible for execution due to intellectual disability, he must establish, by a preponderance of the evidence, three essential elements: (1) significantly subaverage general intellectual functioning; (2) deficits in adaptive behavior; and (3) the intellectual disability manifested during the developmental period, or by eighteen (18) years of age. T.C.A. § 39-13-203(a)–(c).
11. The parties have agreed that the expert reports submitted by Dr. Joette James (Ex. 1) and Dr. Gregory Olley (Ex. 3) may be considered as substantive proof regarding the issue of whether Mr. Sample has intellectual disability. Both Dr. James and Dr. Olley have significant experience in diagnosing intellectual disability. (See Curriculum Vitae, Exs. 2, 4). Both Dr. James and Dr. Olley are qualified to inform this Court of the medical community's diagnostic framework for determining intellectual disability. Both Dr. James and Dr. Olley are qualified to provide expert opinions regarding the ultimate issue as to whether Mr. Sample has intellectual disability.
12. **Mr. Sample has significantly subaverage general intellectual functioning.** Both experts agree that Mr. Sample satisfies this requirement. Under modern scientific standards, a person meets this standard if they have “a full-scale IQ score that is approximately 2 standard deviations or more below the mean, considering the standard error of measurement of the specific,

individually administered instrument used.” AAIDD-12 at 29.⁴ Two appropriate tests for determining full-scale IQ have been performed on Mr. Sample—a Weschler Adult Intelligence Scale, 4th Edition (WAIS-IV) examination by Dr. James on November 25, 2013, and a WAIS-IV by Dr. Olley on October 4, 2022. The two tests produced full-scale IQ scores of 68 and 67, respectively, which are 2 standard deviations below the mean.⁵ On sub-tests, Mr. Sample demonstrated identical relative strengths (e.g., on Perceptual Reasoning, he scored 77 and 79), and identical areas of more significant weakness (e.g., on Working Memory, he scored 69 and 66). These results demonstrate remarkable consistency and lead to great confidence in the validity of these tests. Providing further confidence that Mr. Sample’s full-scale IQ is in the upper-60s, both experts assessed Mr. Sample for effort and malingering, and both concluded that he was giving a good effort during the intelligence testing.

⁴ Throughout this agreed order, AAIDD-12 will refer to the American Association on Intellectual and Developmental Disabilities User’s Guide to Intellectual Disability, 12th Edition (2021), which is the most recent authoritative source defining “the medical community’s current standards” for identifying individuals with intellectual disability. *See Moore v. Texas*, 137 S. Ct. 1039, 1053 (2017). Dr. James also referenced and relied upon the standards set-forth in the DSM-5, which is the Diagnostic & Statistical Manual of Mental Disorders, 5th Edition (2013), published by the American Psychiatric Association.

⁵ In *Atkins v. Virginia*, 536 U.S. 304, 309 n.5 (2002), and again in *Hall v. Florida*, 572 U.S. 701, 713–14 (2014), the Supreme Court recognized that the intellectual functioning standard is satisfied by a full-scale IQ score of 75 or lower.

13. **Mr. Sample has deficits in adaptive behavior.** Both experts agree that Mr. Sample satisfies this requirement. Modern scientific standards recommend the use of a standardized testing instrument and hold that this element is satisfied by “an adaptive behavior score that is approximately 2 standard deviations or more below the mean in at least one of the three adaptive behavior domains.” AAIDD-12 at 31. Dr. James conducted a Vineland-II (a commonly used measure of adaptive deficits) with Mr. Sample’s sister, Beverly Sample, as a reporter. Mr. Sample’s score on the Vineland-II easily satisfied the AAIDD-12 standard, as his score on the Communication (Conceptual) Domain was 40, which is 3 to 4 standard deviations below the mean. The DSM-5, more broadly instructs that this element is satisfied if “at least one domain of adaptive functioning—conceptual, social, or practical—is sufficiently impaired that ongoing support is needed in order for the person to perform adequately in one or more life settings at school, at work, at home, or in the community.” DSM-5 at 38. Both Dr. James and Dr. Olley concluded that Mr. Sample met this standard with significant deficits in the conceptual domain (and that he had deficits in the social and practical domains as well). In reaching their conclusions, both Dr. James and Dr. Olley looked at a wealth of information, including interviews with and declarations from multiple

individuals who knew Mr. Sample as a child and young man,⁶ and who all described significant real-world adaptive deficits that he needed outside assistance to overcome. Mr. Sample needed the assistance and direction of his sister, wife, or friends to shop for groceries (he could not read a grocery list), to do the laundry (he could not measure bleach), to navigate through town (being unable to read a map, or understand directions like north or south), and to manage his money (which his wife did for him, as he could not write checks or deposit his own pay). As an illustration of his limitations, Dr. Olley shares the anecdote that when his sister was to be married, Mr. Sample acted as the best man—but he forgot to bring the wedding ring.

14. **The intellectual disability manifested during the developmental period, or by eighteen (18) years of age.** Both experts agree that this element is satisfied. In the case of individuals who are not diagnosed with intellectual disability during childhood,⁷ modern standards permit retrospective diagnosis based on multiple datapoints and sources of information. AAIDD-12 at 37–38, 41–42. The relevant datapoints include Dr. James' adaptive deficit assessment (the Vineland-II), which focused on Mr.

⁶ Dr. James and Dr. Olley both interviewed Mr. Sample's mother, Nancy Edmonds and his sister, Beverly Sample. Dr. James also interviewed his childhood neighbor and friend, Fannie Thomas. They then reviewed declarations from all of those witnesses as well as his ex-wife, Beatrice Drew, childhood friend, Bobbie Wagner, and his cousin and childhood friend, Stanley Newson.

⁷ Mr. Sample is 66 years old.

Sample's performance during the developmental period, the interviews and declarations of friends and family who knew him during his childhood and teen years, and by his exceptional difficulty in school (as demonstrated by failing grades, significantly below average test scores, and by dropping out before completing the 10th grade). Both his mother and sister recognized that, by age 10, he was suffering from intellectual impairments. His ex-wife, who began dating him when they were 14 years of age, and his childhood friends, all recognized he had significant limitations. Mr. Sample's intellectual limitations clearly manifested—and were recognized by those closest to him—during his childhood and well before he reached age 18.

15. The parties agree that, based on the exceptional consistency of Mr. Sample's testing over a nine-year period—coupled with similar test scores on aptitude tests given over fifty years earlier—and based on the significant real-world support found in the witness declarations submitted, additional psychological assessment of Mr. Sample would not serve any purpose. It is not a close call, or one that can reasonably be disputed: Mr. Sample has intellectual disability.
16. **Mr. Sample has carried his burden of persuasion and he has demonstrated by a preponderance of the evidence that he has intellectual disability.** T.C.A. § 39-13-203(c). No contrary proof has been presented, and the well-founded and credible conclusions of Dr. James and Dr. Olley are unrebutted.

17. As Mr. Sample has intellectual disability, he is ineligible for a sentence of death, and his death sentences must be vacated pursuant to T.C.A. § 39-13-203 (2021).
18. As Mr. Sample has intellectual disability, he is ineligible for execution pursuant to the Eighth Amendment to the United States Constitution, and Article One, § 16 of the Tennessee Constitution. *Moore*, 137 S. Ct. 1039; *Atkins*, 536 U.S. 304; *Van Tran v. State*, 66 S.W.3d 790, 792 (Tenn. 2001).
19. When Mr. Sample was sentenced to death, the only alternative sentence available was a sentence of life imprisonment. T.C.A. §§ 39-2402, 39-2404 (repealed). Life without parole is only available for murders committed on or after July 1, 1993. T.C.A. § 39-13-202(c) (Supp. 1996). Thus, a sentence of life without parole may not be imposed—even by agreement of the parties. See *Stephenson v. Carlton*, 28 S.W.3d 910, 912 (Tenn. 2000) (“there was no statutory basis for a life without parole sentence as applied to Stephenson [who committed murder in 1990], the sentence was, therefore, illegal. Moreover, the parties cannot by agreement salvage an illegal sentence or otherwise create authority for the imposition of a sentence that has not been authorized by statute.”). Thus, upon vacating his death sentences, the only legally available sentences are for life in prison.
20. The judgments issued on November 3, 1982 are silent as to whether Mr. Sample’s sentences were to be served concurrently or consecutively; thus, under the law in effect at the time of Mr. Sample’s sentencing, they are

“construed to be concurrent.” *Ray v. State*, 576 S.W.2d 598, 602 (Tenn. Crim. App. 1978); *State v. Bouchard*, 563 S.W.2d 561, 564 (Tenn. Crim. App. 1977) (“In the face of such silence the law requires the sentences to be served concurrently.”). Thus, Mr. Sample’s two life sentences must be served concurrently.

ORDER


Based on the above findings of fact and conclusions of law, and seeing the agreement of the parties, this Court hereby ORDERS:

1. **Michael Eugene Sample’s sentences of death in Cases No. B-87597 and B-87598 are VACATED** as he has intellectual disability, and he is thus ineligible for execution pursuant to T.C.A. § 39-13-203, the 8th Amendment to the United States Constitution, and Article I, § 16 of the Tennessee Constitution.
2. A new judgment shall issue imposing concurrent sentences of life in prison in Cases No. B-87597 and B-87598.
3. Mr. Sample shall be eligible for parole and/or release from confinement under the law in place at the time he was convicted and sentenced. T.C.A. § 40-3613 (repealed).⁸ To the extent he is

⁸ In 1982, individuals sentenced to life in prison became eligible for parole after service of thirty (30) years in prison. T.C.A. § 40-3613 (repealed); *Richardson v. Tenn. Dep’t of Corr.*, 33 S.W.3d 818, 820 (Tenn. Ct. App. 2000). Mr. Sample has been in prison for over forty (40) years.

eligible for any sentencing credits he shall be afforded all such credits to which he is legally entitled.

SO ORDERED this the 3 day of February, 2023.



Judge Paula Skahan

APPROVED FOR ENTRY AND BY AGREEMENT:



Richard Lewis Tennent, BOPR # 16931
Assistant Federal Public Defender
Counsel for Petitioner



Steven J. Mulroy, BOPR # 28831
District Attorney General for Shelby County, Tennessee
Counsel for the State of Tennessee

IN THE CRIMINAL/CIRCUIT COURT FOR SHELBY COUNTY, TENNESSEE

Case Number: 22-00499-247-92 Count # 1 Counsel for the State: RAY LEPONE/ STEVE MULROY
Judicial District: 30th Judicial Division: 01 Counsel for the Defendant: RICHARD TENNENT
Co-Counsel for the Defendant:
[] Retained [x] Pub Def Appt [] Private Atty Appt
[] Counsel Waived [] Pro Se

State of Tennessee

Defendant: MICHAEL SAMPLE Alias: Date of Birth: 05/23/1956 Sex: M
Race: B SSN: Driver License #: Issuing State:
State ID #: County Offender ID # (if applicable): TDOC #:
Relationship to Victim: Victim's Age:
State Control #: 7900 Arrest Date: Indictment Filing Date:

JUDGMENT [] Original [x] Amended [] Corrected

Come the parties for entry of judgment.

On the 3RD day of FEBRUARY, 2023, the defendant:

Indictment Class (circle one) 1st A B C D E [x] Felony [] Misdemeanor
Indicted Offense Name: MURDER 1st - FELONY MURDER
Indicted Offense TCA §: 39-2-402
Amended Offense Name:
Amended Offense TCA §:
Offense Date: 8-29-1981 County of Offense: SHELBY
Conviction Offense Name: MURDER 1st - FELONY MURDER
Conviction Offense TCA §: 39-2-402
Conviction Class (circle one) 1st A B C D E [x] Felony [] Misdemeanor
Sentence imposed Date: 2-3-2023

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One) Release Eligibility for Felony Offense (Check One)
[] Mitigated [] Standard [] Multiple [] Persistent [] Career
[] Mitigated 20% [] Mitigated 30% [] Standard 30% [] Multiple 35% [] Persistent 45% [] Career 60%
[] § 40-35-501(i) 100% [] Multiple Rapist 100% [] Child Rapist 100% [] Agg Rapist 100% [] Child Predator 100% [] § 39-13-518 100%
[] Agg Rob 85% [] Agg Rob w/Prior 100% [] § 39-17-1324(a), (b) 100% [] Mult § 39-17-1324(j) 100% [] Agg Assault w/Death 75% [] Att 1st Deg Murder w/SBI 85%
[] Agg Child Neg/En 70% [] Agg Child Neg/En 85% [] Agg Vehicular Homicide 60% [] Carjacking 75% [] §40-35-501(u) 85%

Concurrent with: B-87597
Consecutive to:
Pretrial Jail Credit Period(s):
From to From to
From to From to
It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences

Sentenced To: [x] TDOC [] County Jail [] Workhouse
Sentence Length: Years Months Days Hours [x] Life [] Life w/out Parole [] Death
Mandatory Minimum Sentence Length: §§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone
§ 55-10-401 DUI 4th Offense
§ 39-17-1324 Possession/Employment of Firearm
§§ 40-39-208, -211 Violation of Sex Offender Registry
Meth §§ (39-17-434, -417, -418)
Period of incarceration to be served prior to release on probation or Community Corrections: Months Days Hours
Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: % (Misdemeanor or Split Confinement Only)
Alternative Sentence: [] Sup Prob [] Unsup Prob [] Comm Corr [] Prob Sup By Comm. Corr (CHECK ONE BOX)
Years Months Days Effective:
WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? [] Yes [] No
Paula Skahan Judge's Name [Signature] Judge's Signature

Filed 2-3-23 Heidi Kuhn, Clerk BY [Signature] D.C.

IN THE CRIMINAL/CIRCUIT COURT FOR SHELBY COUNTY, TENNESSEE

Case Number: 22-00499-247432 Count # _____
Judicial District: 30th Judicial Division: 01

State of Tennessee

vs.

Defendant: MICHAEL SAMPLE Alias: _____ Date of Birth: 05/23/1956 Sex: M
Race: B SSN: _____

CONTINUATION OF JUDGMENT Original Amended Corrected

Court Ordered Fees and Fines:		Costs to be Paid by	
\$ _____	Court Costs	<input type="checkbox"/> Defendant	<input type="checkbox"/> State
\$ _____	Fine Assessed		
\$ _____	Traumatic Brain Injury Fund (68-55-301 et seq.)		
\$ _____	Drug Testing Fund (TN Drug Control Act)		
\$ _____	CICF		
\$ _____	Sex Offender Tax		
\$ _____	Other: _____		

Restitution: Victim Name _____
 Address _____
 Total Amount \$ _____ Per Month \$ _____

Unpaid Community Service:
 _____ Hours _____ Days _____ Weeks _____ Months

- The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
- Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
- Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
- Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

Agreed Order entered vacating sentence of death

Paula Skahan

Judge's Name

[Signature]

Judge's Signature

2-3-2023

Date of Entry of Judgment

[Signature]
Counsel for State/Signature (optional)

[Signature]
Defendant/Defendant's Counsel/Signature (optional)

I Heidi Kuhn _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

IN THE CRIMINAL/CIRCUIT COURT FOR SHELBY COUNTY, TENNESSEE

Ind. No. B-87597
Case Number: 82-00400-2 Count # 1
Judicial District: 30th Judicial Division: 01
Counsel for the State: RAY LEPONE/ STEVE MULROY
Counsel for the Defendant: RICHARD TENNENT

State of Tennessee

vs.
Defendant: MICHAEL SAMPLE Alias: Date of Birth: 05/23/1956 Sex: M
Race: B SSN: Driver License #: Issuing State:
State ID #: County Offender ID # (if applicable): TDOC #:
Relationship to Victim: Victim's Age:
State Control #: 7900 Arrest Date: Indictment Filing Date:

JUDGMENT Original Amended Corrected

Come the parties for entry of judgment.

On the 3RD day of FEBRUARY, 2023, the defendant:

- Pled Guilty
Pled Nolo Contendere
Pled Guilty - Certified Question Findings Incorporated by Reference
Dismissed
Nolle Prosequi with costs
Nolle Prosequi without costs
Is found: Guilty Not Guilty
Not Guilty by Reason of Insanity
Jury Verdict
Bench Trial Merged with Count:

Indictment: Class (circle one) 1st A B C D E Felony Misdemeanor
Indicted Offense Name: MURDER 1st - FELONY MURDER
Indicted Offense TCA #: 39-2-402
Amended Offense Name:
Amended Offense TCA #:
Offense Date: 8-29-1981 County of Offense: SHELBY
Conviction Offense Name: MURDER 1st - FELONY MURDER
Conviction Offense TCA #: 39-2-402
Conviction: Class (circle one) 1st A B C D E Felony Misdemeanor
Sentence Imposed Date: 2-3-2023

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Table with columns: Offender Status (Check One), Release Eligibility for Felony Offense (Check One), and various offense categories like 1st Degree Murder, Pre 1989, Reform Act 1989, Drug Free Zone, Gang Related, Repeat Violent Off.

Concurrent with: B-87598
Consecutive to:

Pretrial Jail Credit Period(s):
From to From to
From to From to
From to From to
It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences

Sentenced To: TDOC County Jail Workhouse
Sentence Length: Years Months Days Hours Life Life w/out Parole Death
Mandatory Minimum Sentence Length: §§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone
§ 55-10-401 DUI 4th Offense
§ 39-17-1324 Possession/Employment of Firearm
§§ 40-39-208, -211 Violation of Sex Offender Registry
Meth §§ (39-17-434, -417, -418)
Period of incarceration to be served prior to release on probation or Community Corrections: Months Days Hours
Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: % (Misdemeanor or Split Confinement Only)
Alternative Sentence: Sup Prob Unsup Prob Comm Corr Prob Sup By Comm. Corr (CHECK ONE BOX)
Years Months Days Effective:
WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? Yes No
Paula Skahan Judge's Name
Judge's Signature

Filed 2-3-23
Heidi Kuhn, Clerk
BY D.C.

IN THE CRIMINAL/CIRCUIT COURT FOR SHELBY COUNTY, TENNESSEE

Case Number: ~~22-00499~~ Count # 1
Judicial District: 30th Judicial Division: 01

State of Tennessee

vs.

Defendant: MICHAEL SAMPLE Alias: _____ Date of Birth: 05/23/1956 Sex: M
Race: B SSN: _____

CONTINUATION OF JUDGMENT Original Amended Corrected

Court Ordered Fees and Fines:	Costs to be Paid by
\$ _____ Court Costs	<input type="checkbox"/> Defendant <input type="checkbox"/> State
\$ _____ Fine Assessed	
\$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.)	
\$ _____ Drug Testing Fund (TN Drug Control Act)	
\$ _____ CICF	
\$ _____ Sex Offender Tax	
\$ _____ Other: _____	

Restitution: Victim Name _____
Address _____
Total Amount \$ _____ Per Month \$ _____

<input type="checkbox"/> Unpaid Community Service:
_____ Hours _____ Days _____ Weeks _____ Months

- The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
- Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
- Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
- Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

Agreed Order entered vacating sentence of Death.

_____ Paula Skahan _____ *Paul Skahan* _____ 2.3.2023
 Judge's Name Judge's Signature Date of Entry of Judgment
 _____ *Stacy Nally* _____ _____
 Counsel for State/Signature (optional) Defendant/Defendant's Counsel/Signature (optional)

I Heidi Kuhn, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.