

1. The Defendant, through Counsel, agreed to set this matter in both December of 2024 and January of 2025. At the time of setting this, the writ of error was pending and set for oral argument on June 14th, 2024. The ruling from this court was issued in September and the delay, Counsel respectfully suggests, was based in large part from the *Clardy* opinion from our Supreme Court.
2. On September 11th, 2024, the Court conferred with all involved regarding the scheduling of this Case. The Court required the parties to confer with their witnesses regarding the previously set trial dates.
3. Counsel for the Defendant secured one of the two main attorneys involved. However, perhaps the most important attorney on the ineffective assistance of Counsel—Ms. Jennifer Thompson—advised she had a jury trial and could not be present in the December hearing.

4. The Defendant would be greatly prejudiced having to try this case without the main witness testifying during this trial. Further, it is logistically too difficult to try this case in December without Ms. Thompson's presence and then return at a later date for her testimony. It is anticipated that if she were to go last, then there would be considerable rebuttal testimony from both sides to address her testimony.
5. Counsel for the Defendant has agreed to virtually every procedural request from the State.
6. Counsel for the Defendant will soon file further motions to address other issues and does not want to waive such issues by the filing of this motion. The purpose of this Motion is only to reset the pending PCR matter to the January dates per the scheduling order.

RESPECTFULLY SUBMITTED:



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CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 1 day of OCTOBER 2024, sent a true and correct copy of the following to the person(s) listed below in compliance with the Tennessee Rules of Civil Procedure, Rules 5 and/or 5A, by the following indicated method(s):

ADA Amy Weirich
ADA Christopher Boiano

- ☐ U.S.P.S., first-class postage pre-paid
- ☐ Via Fax
- ☒ Via Email
- ☐ Hand-delivery by:
- ☐ Certified Mail, Return Receipt Requested



DOUGLAS THOMPSON BATES, IV