

**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

<b>STATE OF TENNESSEE,</b>	)	
	)	
<b>Movant,</b>	)	
	)	<b>FAYETTE COUNTY</b>
<b>v.</b>	)	<b>No. W1998-00342-SC-DDT-DD</b>
	)	
<b>KENNATH ARTEZ</b>	)	<b>CAPITAL CASE</b>
<b>HENDERSON,</b>	)	
	)	
<b>Defendant.</b>	)	

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**MOTION TO SET EXECUTION DATE**

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As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Kennath Artez Henderson. In support of this motion, the State relies on the following:

1. Henderson pleaded guilty to the 1997 murder of Deputy Tommy Bishop. The Fayette County Circuit Court sentenced Henderson to death after he waived a sentencing jury. This Court affirmed Henderson’s conviction and death sentence on direct appeal. *State v. Henderson*, 24 S.W.3d 307 (Tenn. 2000). The United States Supreme Court denied certiorari. *Henderson v. Tennessee*, 531 U.S. 934 (2000).

2. Henderson filed a petition for post-conviction relief, which the trial court denied after an evidentiary hearing. The Court of Criminal Appeals affirmed the judgment, and this Court denied discretionary review.

*Henderson v. State*, No. W2003-01545-CCA-R3-PD, 2005 WL 1541855 (Tenn. Crim. App. Jun. 28, 2005), *perm. app. denied* (Tenn. Dec. 5, 2005). Henderson did not petition the United States Supreme Court for certiorari.

3. Henderson then filed a petition for a writ of habeas corpus in the United States District Court for the Western District of Tennessee. The district court denied the petition and granted a certificate of appealability on two issues. The Sixth Circuit Court of Appeals granted Henderson a certificate of appealability on two more issues but ultimately rejected his claims and affirmed the denial of habeas relief. *Henderson v. Mays*, Nos. 12-5028/14-5911, 2023 WL 3347496 (6th Cir. May 10, 2023). The United States Supreme Court denied certiorari on March 18, 2024. *Henderson v. Pounds*, 144 S. Ct. 1068 (2024). The Court further denied rehearing on May 13, 2024. *Henderson v. Pounds*, 144 S. Ct. 2555 (2024).

4. Henderson has thus completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Tenn. Sup. Ct. R. 12.4(A). There are no current judicial or executive orders staying Henderson's execution or granting him a reprieve.

Because Henderson has completed the standard three-tier appeals process as provided in Tenn. Sup. Ct. R. 12.4(A), this Court should set an execution date in accord with the judgment of the Circuit Court of Fayette County, Tennessee.

Per Tenn. Sup. Ct. R. 12.4(B), Nicholas W. Spangler should be designated as attorney of record for the Movant, and he prefers to be notified of Court orders or opinions by email at Nick.Spangler@ag.tn.gov.

Respectfully submitted,  
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