

Exhibit 4

IN THE CRIMINAL COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE, DIVISION II

OSCAR SMITH)
)
Petitioner)
)
v.)
)
STATE OF TENNESSEE)
)
Respondent)

No. 89-F-1773
Capital Case

EXECUTION DATE: APRIL 21, 2021



AGREED ORDER FOR DNA TESTING

Seeing the agreement of the parties, this Court hereby ORDERS the transfer of the following evidence to Petitioner's DNA Expert, Gary Harmor of SERI for DNA testing:

- 1) Sample of Chad Barnette's hair, previously marked as 89-12,329 #K2 (Seri Item #5);
- 2) Bloodstain of Mr. Smith's blood, previously marked as 89-12 329 #2932; No.12696 (Seri Item #11);
- 3) Bloodstain of Jason Barnette's blood, previously marked as 89-11, 899; #9003086; No. 12698 (Seri Item #13);
- 4) Bloodstain of Judith Smith's blood, previously marked as 89-11, 900 #9003008; No. 12699 (Seri Item #14).

The custodians of this evidence at the Davidson County Criminal Court Clerk's Office; Metropolitan Davidson County Police Department; and /or Tennessee Bureau of Investigation shall therefore release the above-mentioned evidence to the custody and possession of Ms. Gaye Nease, Investigator, Office of the Federal Public Defender, Middle District of Tennessee, 810 Broadway, Suite 200, Nashville, Tennessee 37203, (615) 736-5047. Upon receipt of such evidence, Ms. Nease shall

transfer such evidence to expert(s) identified by Petitioner's counsel, specifically Gary Harmor of the Serological Research Institute. Upon the conclusion of any evaluation performed by any such individual, Ms. Nease and counsel for Petitioner shall ensure that such evidence be returned directly to Ms. Nease to ensure chain of custody. Upon final conclusion of all analyses or evaluations, Ms. Nease shall reacquire the evidence provided to her as a result of this order, and she shall return all such evidence to the custody of the Davidson County Criminal Court Clerk's Office, the Metropolitan Davidson County Police Department, and/or the Tennessee Bureau of Investigation delivering such materials to the custodian from whom she received them.

IT IS SO ORDERED.



Judge Angelita Blackshear Dalton
Division II, Criminal Court

Approved for Entry:

**OFFICE OF THE DISTRICT ATTORNEY
GENERAL, NASHVILLE**

GLENN FUNK, BPR #11492
District Attorney General
Washington Square, Suite 500
222 2nd Avenue North
Nashville, TN 37201



BY PERMISSION

**FEDERAL PUBLIC DEFENDER FOR
THE MIDDLE DISTRICT OF TENNESSEE**

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BY: 
Counsel for Oscar Smith