

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE TWENTY-FOURTH JUDICIAL DISTRICT  
AT SAVANNAH

FILED 10 DAY OF Sept 2024 AT 10:00 PM

ZACHARY RYE ADAMS,  
Petitioner,

BY Tammie Wolfe, Clerk  
Jerrin Wright Deputy Clerk

V.

No. 24-CR-169  
(17-CR-10-PC)

STATE OF TENNESSEE,  
Respondent.

**ORDER GRANTING STATE'S MOTION TO DISMISS AND  
ORDER DISMISSING PETITION**

This matter is before the Court on Zachary Rye Adams' January 2024 petition for writ of error coram nobis, the State's motion to dismiss the petition, and related pleadings. The parties filed pleadings related to the issue of equitable tolling and presented oral argument on this issue. After argument, however, the Tennessee Supreme Court issued an opinion in *Clardy v. State*, 691 S.W.3d 390 (Tenn. 2024), clarifying the standards related to the equitable tolling of the statute of limitations on a writ of error coram nobis petition. Accordingly, this Court permitted the parties to file additional written arguments based upon the *Clardy* precedent. Having received and reviewed the additional arguments, the State's motion to dismiss is ripe for disposition.

**I. Introduction**

Zachary Rye Adams seeks a writ of error coram nobis from his 2017 convictions on first-degree murder, especially aggravated kidnapping, and aggravated rape for which he received an agreed upon sentence of life without parole plus 50 years.<sup>1</sup> Mr. Adams' motion for new trial was denied on August 11, 2020, and his appeal was denied on September 9, 2022, by the Tennessee

<sup>1</sup> At trial, the State sought the death penalty. After the jury returned its verdicts, Petitioner and the State negotiated an agreed upon sentence in exchange for the withdrawal of the State's notice seeking the death penalty.

Court of Criminal Appeals. *State v. Adams*, 2022 WL 4114226 (Tenn. Crim. App. 2022).

On January 22, 2024, Mr. Adams filed the above-styled petition for writ of error coram nobis based on newly discovered evidence. The evidence that Mr. Adams relies upon includes video statements of Jason Autry and Lisa Sanders. In these video statements, Jason Autry recanted his trial testimony, and Lisa Sanders spoke of having seen a suspicious male in a truck on April 13, 2011, who she later identified as Terry Britt. At trial, the defense argued that Terry Britt was responsible for the offenses. Affidavits of investigator Katie Spirko and Attorney Jennifer Thompson were also submitted in support of the petition.<sup>2</sup>

The State argues that the evidence relied upon by Mr. Adams fails to allege facts which warrant equitable tolling of the statute of limitations, and even if tolling the statute of limitations is warranted, the petition is not supported by proper affidavits and is insufficient to establish actual innocence; thus, this matter should be dismissed without a hearing. Mr. Adams contends that he is entitled to equitable tolling of the statute of limitations and a hearing on the merits of his petition.

## II. Writs of Error Coram Nobis

The writ of error coram nobis is an “extraordinary procedural remedy .... into which few cases fall.” *State v. Mixon*, 983 S.W.2d 661, 672 (Tenn. 1992). The Tennessee General Assembly has limited the relief available through the writ:

The relief obtainable by this proceeding shall be confined to errors dehors the record and to matters that were not or could not have been litigated on the trial of the case, on a motion for new trial, on appeal in the nature of a writ of error, on writ of error, or in a habeas corpus proceeding. Upon a showing by the defendant that the defendant was without fault in failing to present certain evidence at the proper time, a writ of error coram nobis will lie for subsequently or newly discovered evidence relating to matters which were litigated at the trial if the judge determines that such evidence may have resulted in a different result, had it been presented at the trial.

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<sup>2</sup> Attorney Thompson’s affidavit was submitted in the April 2024 Amendment to the Petition for Writ of Error Coram Nobis.

Tenn. Code Ann. § 40-26-105(b). “As a general rule, subsequently or newly discovered evidence which is simply cumulative ..., or serves no other purpose than to contradict or impeach the evidence adduced during the course of the trial” does not warrant the issuance of a writ. *State v. Hart*, 911 S.W.2d 371, 375 (Tenn Crim. App.), *perm. app. denied*, (Tenn.1995); *see also Wlodarz v. State*, 361 S.W.3d 490, 499 (Tenn. 2012) (abrogated on other grounds by *Frazier v. State*, 495 S.W.3d 246, 248 (Tenn. 2016)).

In *Payne v. State*, 493 S.W.3d 478, 485 (Tenn. 2016) (quoting the concurrence in *Harris v. State*, 301 S.W.3d 141, 152 (Tenn. 2010)),<sup>3</sup> the court indicated that the petitioner must comply with the following provisions in a coram nobis petition:

The ... petition must be in writing and (1) must describe with particularity the nature and substance of the newly discovered evidence and (2) must demonstrate that this evidence qualifies as “newly discovered evidence.” In order to be considered “newly discovered evidence,” the proffered evidence must be (a) evidence of facts existing, but not yet ascertained, at the time of the original trial, (b) admissible, and (c) credible. In addition to describing the form and substance of the evidence and demonstrating that it qualifies as “newly discovered evidence,” the [petitioner] must also demonstrate with particularity (3) why the newly discovered evidence could not have been discovered in a more timely manner with the exercise of reasonable diligence; and (4) how the newly discovered evidence, had it been admitted at trial, may have resulted in a different judgment.

In *Clardy*, the Tennessee Supreme Court addressed issues involving “only the standard to toll the statute of limitations for petitions for error coram nobis, and not the standard for a determination on the merits of coram nobis petitions.” *Clardy*, at 399. The court noted the “analysis for relief on the merits of the petition is separate and distinct from the analysis for whether the statute of limitations may be tolled.” *Id.* The *Clardy* court further stated that:

Writs of error coram nobis are no longer governed by the common law; “[r]ather, in Tennessee, the availability of error coram nobis relief is governed solely by statute.” *Frazier v. State*, 495 S.W.3d 246, 248 (Tenn. 2016). *See also Payne*, 493 S.W.3d at 487. “[C]onsequently, relief must be determined by reference to the statutes.” *Nunley*, 552 S.W.3d at 819 (citing *Jordan v. Baptist Three Rivers Hosp.*,

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<sup>3</sup> Overruled on other grounds by *Nunley v. State*, 552 S.W.3d 800 (Tenn. 2018).

984 S.W.2d 593, 597 (Tenn. 1999)).

Error coram nobis is no longer available as an avenue for relief in civil cases. *Id.* at 811 (citing *State v. Mixon*, 983 S.W.2d 661, 668 (Tenn. 1999)). However, “[o]wing to the civil heritage of the writ of error coram nobis in Tennessee, the general statutes governing procedures for the writ remain codified in a section of the Code pertaining to civil actions.” *Id.* (statutory citations omitted). These “include the one-year statute of limitations applicable to petitions for coram nobis relief.” *Id.* (citing Tenn. Code Ann. § 27-7-103).

In *Nunley*, this Court clarified that, in Tennessee, petitions for a writ of error coram nobis may be dismissed on the face of the petition, without discovery, an evidentiary hearing, or notification to the opposing party. *Id.* at 825–26. In keeping with the extraordinary nature of the writ, the petition must be pled with specificity. *Id.* at 829 (citations omitted).<sup>4</sup> Trial courts need conduct evidentiary hearings only when they are essential. *Id.* at 826 (citation omitted). This is consistent with the history of coram nobis and aligns with the abuse-of-discretion standard of appellate review of the trial judge’s decision on whether to grant coram nobis relief. *Id.* (citation omitted).

Timeliness under the statute of limitations in Tennessee Code Annotated section 27-7-103 is not an affirmative defense; rather, it is one of the essential elements of a coram nobis claim. *Id.* at 827–28. Thus, a coram nobis petition must show on its face that it is timely filed. *Id.* at 828.

*Clardy*, at 400-01 (footnote omitted).

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<sup>4</sup> In *Nunley*, the court stated as follows at 829:

If the *coram nobis* petition does not show on its face that it is filed within the one-year statute of limitations, the petition must set forth with particularity facts demonstrating that the prisoner is entitled to equitable tolling of the statute of limitations:

To be entitled to equitable tolling, a prisoner must demonstrate with particularity in the petition: (1) that the ground or grounds upon which the prisoner is seeking relief are “later arising” grounds, that is grounds that arose after the point in time when the applicable statute of limitations normally would have started to run; [and] (2) that, based on the facts of the case, the strict application of the statute of limitations would effectively deny the prisoner a reasonable opportunity to present his or her claims.... A prisoner is not entitled to equitable tolling to pursue a patently non-meritorious ground for relief.

[*Harris v. State*, 301 S.W.3d 141, 153 (Tenn. 2010)] (footnotes omitted) (citing *Sample v. State*, 82 S.W.3d 267, 272 (Tenn. 2002); *Sands [v. State]*, 903 S.W.2d [297,] 301 [(Tenn. 1995)]; *Burford [v. State]*, 845 S.W.2d [204,] 205 [(Tenn. 1992)]).

### III. Timeliness

Pursuant to Tenn. Code Ann. § 27-7-103, a petition for writ of error coram nobis must be filed within one year after the challenged judgment becomes final. Here, the parties agree that Petitioner Adams' petition for writ of error coram nobis is untimely, as it was filed beyond the one-year statute of limitations. Accordingly, the question this Court must answer is whether Petitioner Adams is entitled to a tolling of the statute of limitations.

### IV. Equitable Tolling

As previously stated, the *Clardy* court confirmed that the “analysis for relief on the merits of the petition is separate and distinct from the analysis for whether the statute of limitations may be tolled.” *Clardy*, at 399. The court discussed and clarified the standards related to equitable tolling for writs of error coram nobis:

[F]or a coram nobis petitioner to obtain tolling of the statute of limitations, the petition must present newly discovered evidence of actual innocence of the underlying crime of which he was convicted. As can be seen from the Court's opinion in *Workman*, the majority's reasoning for permitting tolling of the statute of limitations was based on what it described as “serious questions” about actual innocence raised by the newly discovered evidence, in the face of an impending execution. 41 S.W.3d at 103. Indeed, a primary point of disagreement by the dissenting justices was their view that the evidence offered by *Workman* did not show he was innocent. *Id.* at 104–05 (Anderson, C.J., and Barker, J., dissenting). Drawing on our prior caselaw, *Nunley* included evidence of actual innocence in the description of the standard for tolling the statute of limitations in coram nobis cases: “To accommodate due process concerns, the one-year statute of limitations may be tolled if a petition for a writ of error coram nobis seeks relief *based upon new evidence of actual innocence* discovered after expiration of the limitations period.” *Nunley*, 552 S.W.3d at 828–29 (emphasis added) (first citing *Wilson*, 367 S.W.3d at 234; then citing *Harris v. State*, 301 S.W.3d 141, 145 (Tenn. 2010) [*hereinafter Harris II*]; and then citing *Workman*, 41 S.W.3d at 101)).

Notably, for a petition for error coram nobis relief filed within the statute of limitations, the statute does not mandate that the newly discovered evidence show actual innocence. See Tenn. Code Ann. § 40-26-105(b). For a timely petition, if the newly discovered evidence relates to matters that were litigated at trial, the trial judge may grant coram nobis relief if she “determines that such evidence may have resulted in a different judgment, had it been presented at the trial.” *Id.* In contrast,

if a coram nobis petition “does not show on its face that it is filed within the one-year statute of limitations, the petition must set forth with particularity facts demonstrating that the prisoner is entitled to equitable tolling of the statute of limitations.” *Nunley*, 552 S.W.3d at 829. Those facts must include new “evidence of actual innocence” discovered after the limitations period elapsed. *Id.* at 828–29.

Here, the coram nobis court concluded that Clardy’s “newly discovered” evidence did not show he was actually innocent of the crime of which he was convicted. On appeal, the Court of Criminal Appeals correctly noted that a request to toll the statute of limitations for a petition for error coram nobis relief must be “based upon new evidence of actual innocence discovered after the expiration of the limitations period.” *Clardy*, 2022 WL 2679026, at \*6. It described the ballistics evidence and the affidavit from Dantwan Collier asserting he did not know Clardy and had received no property from him. *Id.* at \*7. It did not, however, discuss whether Clardy’s “new” evidence would, if deemed credible, show actual innocence. Instead, it said that both the ballistics evidence and the Collier affidavit were “later arising” in the sense that they were discovered after the limitations period expired, and that “an adequate investigation into whether the Colliers were present at the Cloutre shooting and whether [Clardy] was with them is important to serve the ends of justice.” *Id.* From this, the appellate court held that “[t]he State’s interest in preventing stale litigation is outweighed by [Clardy’s] interest in presenting his meaningful claim.” *Id.*

Respectfully, if this were the standard, the tolling exception would swallow the statute of limitations enacted by our legislature for error coram nobis petitions. The tolling exception adopted in *Workman* is strictly limited to situations in which the **petitioner brings to the coram nobis court new evidence that would, if considered credible, show he is actually innocent of the underlying crime.** We agree with the State that the intermediate appellate court in this case did not adequately address the pivotal question of whether Clardy’s “new” evidence showed actual innocence.

*Clardy* at 402-04 (Bolded emphasis added).

The *Clardy* court then proceeded to discuss the definition to apply to evidence of actual innocence for purposes of tolling the statute of limitations. After discussing the parties’ respective positions, the *Clardy* court held that “actual innocence” simply means nothing other than that the person did not commit the crime. *Id.* at 404-06 (citing *Keen v. State*, 398 S.W.3d 594, 612 (Tenn. 2012)). The *Clardy* court next addressed the standard of proof required for newly-discovered evidence of actual innocence to toll the statute of limitations in a writ of

error coram nobis petition as follows:

To determine the appropriate standard for proof of actual innocence, we look at *Workman*'s balancing process. Under the tolling analysis adopted in *Workman*, the coram nobis court must weigh the State's interest against the petitioner's private interests. 41 S.W.3d at 103. This balance changes at different stages of criminal proceedings. ... Before the trial and at trial, the accused's liberty interest is weighty indeed; he is entitled to a presumption of innocence and has many constitutional protections to ensure "against the risk of convicting an innocent person." *Herrera* [v. *Collins*], 506 U.S. [390,] 398–99, 113 S. Ct. 853 (citing examples of constitutional protections for accused).

Once the jury returns a guilty verdict and the verdict is approved by the trial court, this has the effect of crediting the testimony of the witnesses for the State, resolving all conflicts in favor of the State, and replacing the presumption of innocence the defendant had at trial with a presumption of guilt. *State v. Clayton*, 535 S.W.3d 829, 844 (Tenn. 2017) (citations omitted). The convicted defendant, however, still has many avenues for relief, including a motion for new trial, direct appeal, statutory post-conviction proceedings, and a coram nobis petition timely filed within the statute of limitations.

In weighing the petitioner's liberty interest against the State's interest in preventing the litigation of "stale and fraudulent claims," *Sands v. State*, 903 S.W.2d 297, 301 (Tenn. 1995), as time goes on and the convicted defendant exhausts the many remedies available to him, the State's interest in finality of the conviction becomes weightier. "The administration of justice and the integrity of our court system demand, in addition to fair treatment under the law, a certain degree of finality to criminal judgments." *Harrison v. State*, 394 S.W.2d 713, 717–18 (Tenn. 1965). Moreover, since 1998, Tennessee's Constitution gives victims of crime "[t]he right to . . . a prompt and final conclusion of the case after the conviction or sentence." Tenn. Const. art. I, § 35(6); *State v. Al Mutory*, 581 S.W.3d 741, 749 (Tenn. 2019) (quoting Tenn. Const. art. I, § 35). Under the implementing statute to this constitutional provision, "[a]ll parties affected by a criminal offense, including the victim, survivors of the victim and witnesses to the offense, shall be able to expect that the operation of the criminal justice system will not be unnecessarily delayed and that they will be able to return to normal lives as soon as possible." Tenn. Code Ann. § 40-38-105(a).

For this reason, the tolling exception to the statute of limitations for writs of error coram nobis should be no broader than is needed to accommodate the requirements of due process. After all, the relief sought by a writ of error coram nobis is the setting aside of the conviction and the granting of a new trial, *Payne*, 493 S.W.3d at 485, and for a petition that seeks tolling of the statute of limitations, this may be many years down the road. We know that "the passage of time only diminishes the reliability of criminal adjudications." *Herrera*, 506 U.S. at 403. Because of the "very disruptive effect" that litigating claims of actual innocence would have on

the need for finality in criminal cases, and the “enormous burden that having to retry cases based on often stale evidence” would place on the State, *id.* at 417, the threshold for tolling the coram nobis statute of limitations should be high.

...[B]alancing the interests of the State and victims against those of the error coram nobis petitioner, we **hold that the coram nobis statute of limitations may be tolled only if the petitioner produces newly discovered evidence that would, if true, establish clearly and convincingly that the petitioner is actually innocent of the underlying crime of which he was convicted.** *Cf.* Tenn. Code Ann. § 40-30-117(a) (requiring clear and convincing evidence to reopen the first post-conviction petition based on new scientific evidence showing actual innocence); Tenn. Code Ann. § 40-30-110(f) (clear and convincing evidence required to obtain post-conviction relief).

This Court has explained the clear and convincing standard:

To meet the clear and convincing standard, the trial court must determine that the evidence offered . . . is not vague and uncertain. The clear and convincing evidence standard is more exacting than preponderance of the evidence but less exacting than beyond a reasonable doubt, and it requires that there [be] no serious or substantial doubt about the correctness of the conclusions drawn from the evidence.

*State v. Jones*, 450 S.W.3d 866, 893 (Tenn. 2014) (citations omitted, cleaned up). Thus, to toll the coram nobis statute of limitations, the new evidence of actual innocence, if credited, should leave the court with no serious or substantial doubt that the petitioner is actually innocent. In assessing a request to toll the statute of limitations, the coram nobis court should first assume *arguendo* that the new evidence cited in the coram nobis petition is credible, and then determine whether it would clearly and convincingly show that the petitioner “did not commit the crime.” *Keen*, 398 S.W.3d at 612.

691 S.W.3d at 406-08 (Emphasis added).

The *Clardy* court then summarized as follows:

In sum, if a petition for a writ of error coram nobis is not timely filed, and the petition seeks tolling of the one-year statute of limitations, the coram nobis court should first ascertain whether the petition cites new evidence discovered after expiration of the limitations period, and whether the coram nobis petition shows it was filed no more than one year after the petitioner discovered the new evidence. If so, the coram nobis court should assume *arguendo* the veracity of the new evidence cited in the coram nobis petition, for the purpose of assessing whether to toll the statute of limitations. To grant tolling, the coram nobis court must find that the new evidence would, if credited, clearly and convincingly show that the



petitioner is actually innocent of the underlying crime, i.e., that the petitioner did not commit the crime. *Keen*, 398 S.W.3d at 612. If tolling is granted, the coram nobis court may then proceed to address the merits of the coram nobis petition, under the standards in the coram nobis statute, Tennessee Code Annotated section 40-26-105(b).

691 S.W.3d at 409.

## V. Analysis

In its Motion to Dismiss, the State asserts that Mr. Adams is not entitled to a tolling of the statute because he failed to allege sufficient facts to support equitable tolling through the unsworn statements of Jason Autry and Lisa Sanders, or the affidavits of investigator Katie Spirko and Attorney Jennifer Thompson. In addition, the State alleges the petition is not supported by proper affidavits and is insufficient to establish actual innocence.

Mr. Adams, on the other hand, alleges that equitable tolling applies because the relied upon evidence was not available to him previously, and the petition was filed less than a year from discovery of that evidence. Specifically, Mr. Adams alleged in his April 2024 amended petition that he first became aware of Mr. Autry's recantation of his trial testimony on December 19, 2023. Relative to Ms. Sanders' testimony, Mr. Adams provides no clear statement of when he discovered this evidence, but he asserts in his pleadings that the investigator, Katie Spirko, was hired in August of 2023. Ms. Spirko was the person who interviewed Ms. Sanders and videoed her statement. Neither the record nor the pleadings suggest how or when Mr. Adams or Ms. Spirko became aware of Ms. Sanders.

Applying the *Clardy* standards to the petition filed here, this Court must first determine whether the petition cites new evidence discovered after expiration of the limitations period. Based on the information contained in the petition as discussed above and by the agreement of Mr. Adams, this Court finds that the evidence was discovered after the limitations period.

Next, this Court must determine whether the coram nobis petition shows it was filed no more than one year after the petitioner discovered the new evidence. Here, also as discussed above, the petition was filed in January of 2024. Petitioner asserts that the video recantation of Jason Autry was discovered in December 2023. This assertion is supported by federal court pleadings in October of 2023 in which Mr. Autry relied upon the truthfulness of his trial testimony in consideration of his then upcoming federal sentencing.

The statement of Lisa Sanders is not as straightforward. Mr. Adams provides no direct statement concerning the exact date of discovery of this evidence. However, the affidavit of the investigator indicates that she began working on the case in August of 2023, and Ms. Spirko took the statement of Ms. Sanders. For purposes of this Court's ruling on the tolling issue, this Court will assume the credibility of the information in the petition and the affidavits concerning the discovery of the evidence. Therefore, this Court finds that the petition was filed no more than one year after Mr. Adams discovered the new evidence of the statements of both Mr. Autry and Ms. Sanders.

Pursuant to *Clardy*, this Court must now assume arguendo the veracity of the new evidence cited in the coram nobis petition and determine if the new evidence, if credited, clearly and convincingly shows Mr. Adams is actually innocent of the underlying crimes, i.e., that Zachary Rye Adams did not commit the crimes.

A. "New" Evidence from Jason Autry

First, this Court will consider the video statement of Jason Autry. Mr. Autry certainly provided testimony beneficial to the State's case at trial. Then, in December 2023, Mr. Autry recanted his trial testimony and stated that he made the story up to fit the evidence that he was provided through discovery by his attorneys in order to get a deal.

In the video recantation, Mr. Autry did not provide Mr. Adams with a clear alibi. Mr. Autry first stated he could not recall what he was doing the day the victim went missing other than what the phone records showed. He indicated he heard about the victim going missing when he was in a bar. He also stated he "may have been" at the river getting high with the defendant; then he said he was "pretty sure" he met him down there. None of these statements provide Petitioner Adams with a clear and convincing alibi to support actual innocence.

Mr. Autry did not provide evidence of the guilt of another person in the offenses. Mr. Autry made nothing more than unsubstantiated statements about the possibility of the victim's family or Terry Britt having been the actual offenders. In fact, at one point, Mr. Autry even stated there was a time when he believed Shayne Austin and the others had committed the crimes. Mr. Autry certainly did not confess to the offenses himself. In sum, Mr. Autry merely stated that his trial testimony implicating Petitioner Adams was false.

Also, as clearly argued by the State, Mr. Autry's testimony at trial was not the only evidence of guilt of Mr. Adams. Numerous witnesses at trial testified to Mr. Adams' inculpatory statements of his involvement in the offenses. Other physical evidence was introduced at trial: scratches on Adams, the recovered pistol, the fight between Adams and Shayne Austin, the Nissan truck, cell phone data, and the victim's autopsy.

To this Court, false testimony does not equate to actual innocence here. Mr. Autry's new statements do not leave this Court without serious or substantial doubt that Mr. Adams is actually innocent. Accordingly, this Court finds that Jason Autry's recantation does not clearly and convincingly establish that Mr. Adams is actually innocent of the offenses for which he was convicted.

B. "New" Evidence from Lisa Sanders

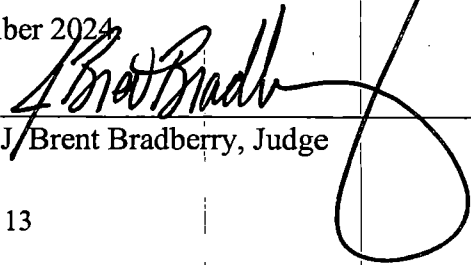
The remaining "new" evidence is the video statement of Lisa Sanders. Ms. Sanders stated that she saw a person, who she now identifies as Terry Britt, in camouflage clothing, acting suspiciously at about 7:45 in the morning on the date the victim went missing and in the general area from which the victim was taken. While she stated it appeared Mr. Britt was hiding something, she did not see the victim in the small, older model, gold/tan truck. Ms. Sanders saw the same individual in camouflage about four days later riding a four-wheeler with a white box on the back and again a couple of months later in a store. She stated she did not know who the person was until she saw him testify during Petitioner's trial. Assuming what Ms. Sanders stated is credible, this does not clearly and convincingly establish Petitioner is actually innocent of the offenses for which he was convicted. Mr. Britt's presence in the area does not establish Petitioner's lack of guilt. Ms. Sanders' new statements do not leave this Court without serious or substantial doubt that Mr. Adams is actually innocent.

Accordingly, this Court finds that Lisa Sanders' new testimony does not clearly and convincingly establish that Mr. Adams is actually innocent of the offenses for which he was convicted.

VI. CONCLUSION

For the reasons set forth herein, this Court does not find Petitioner has carried his burden to toll the statute of limitations in this matter. Accordingly, the State's motion to dismiss without an evidentiary hearing is GRANTED, and Petitioner Zachary Rye Adams' petition for writ of error coram nobis is hereby DISMISSED.

ENTERED this 10<sup>th</sup> day of September 2024

  
J. Brent Bradberry, Judge

### CERTIFICATE OF SERVICE

I, Jammi Welfe, Clerk, hereby certify that I have mailed a true and exact copy of same to Counsel of Record for the Petitioner, and the State this the 10 day of September, 2024.

Jammi Welfe  
Clerk Jammi Welfe D.C.