

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

EDMOND ZAGORSKI	)	
	)	
Plaintiff	)	
	)	No. 3:18-cv-1205
v	)	Judge Trauger
	)	
BILL HASLAM, in his official capacities	)	
as GOVERNOR;	)	DEATH PENALTY CASE
	)	
TONY PARKER, in his official capacities	)	EXECUTION DATE 11/1/18
as COMMISSIONER; and	)	at 7:00 p.m.
	)	
TONY MAYS, in his official capacities	)	
as WARDEN, Riverbend Maximum	)	
Security Prison.	)	

---

**NOTICE**

---

Defendants file this Notice pursuant to the Order of this Court filed October 31, 2018. Doc. 22. On October 29, 2018, this Court enjoined Defendants from proceeding with Plaintiff's execution "unless his attorney-witness is provided with immediate access to a telephone during the time preceding and during the execution." Doc. No. 15. Defendants have not appealed that order and will comply with it during the Plaintiff's execution on November 1, 2018.

Accordingly, the Plaintiff's attorney-witness shall have immediate access to a land line telephone during the time preceding and during the execution. The telephones are located in the official witness room adjacent to, and with visual access to, the execution chamber, the death watch cell area, and the execution chamber. Doc. No. 9, Attachment 4. To operate any one of these telephones, the user will lift the receiver and enter the desired area code and telephone number,

which will generate two beeps. To complete the call, the user will then enter a PIN. Each telephone operates in the same manner using the same PIN.

The attorney-witness shall be provided written telephone instructions and PIN, along with other security credentials, on the day of the execution no later than 5:30 p.m. upon arrival and check-in at Riverbend Institution in accordance with the Department's Electrocutation Protocol.<sup>1</sup>

Respectfully submitted,

HERBERT H. SLATERY III  
Attorney General and Reporter

*/s/ Scott C. Sutherland* \_\_\_\_\_

SCOTT C. SUTHERLAND  
Deputy Attorney General  
B.P.R. No. 29013  
scott.sutherland@ag.tn.gov

*/s/ Rob Mitchell* \_\_\_\_\_

ROB MITCHELL  
Assistant Attorney General  
B.P.R. No. 32266  
Law Enforcement and  
Special Prosecutions Div.  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
Off. (615) 532-7688  
Fax (615) 532-3926  
robert.mitchell@ag.tn.gov

---

<sup>1</sup> "Official witnesses report to the Administration Building conference room no later than 5:30 p.m. They are greeted by Escort Officers, processed through checkpoint, and moved to the Parole Room in Building 8, where they remain until final movement to the witness room." Execution Procedures for Electrocutation, at p. 63.

## CERTIFICATE OF SERVICE

I certify that, on the 1st day of November 2018, a copy of the foregoing Notice was filed and served by operation of the Court's ECF/PACER system on the following counsel for the Plaintiff: Kelley J. Henry, Amy D. Harwell, Richard L. Tennent, Katherine Dix, and Jay O. Martin, III, Office of the Federal Public Defender, 810 Broadway, Suite 200, Nashville, TN 37203.

*/s/ Scott C. Sutherland*  
\_\_\_\_\_  
SCOTT C. SUTHERLAND  
Deputy Attorney General