

Exhibit 3

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

Filed
JAN 19, 2022
By: *BW*

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) An awl (Exhibit 8 to Petitioner's Trial), located in the Davidson County Criminal Court Clerk's Office;¹
- 2) The clothing collected from Judy Smith and Chad Burnett, located at the Metropolitan Davidson County Police Department.

The custodians of this evidence at the Davidson County Criminal Court Clerk's Office and the Metropolitan Davidson County Police Department shall therefore release the above-mentioned evidence to the custody and possession of Ms. Alysandra Finn, Investigator, Office of the Federal Public Defender, Middle District

¹ It is the agreement of the parties that Mr. Harmor may test the unknown fingerprint noted by the MPD on the awl for touch DNA even though such testing will destroy the latent print. The court explicitly orders that this may occur because Mr. Smith's experts have evaluated and documented that unknown print and it is preserved through photography.

of Tennessee, 810 Broadway, Suite 200, Nashville, Tennessee 37203, (615) 736-5047. Upon receipt of such evidence, Ms. Finn 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. Finn and counsel for Petitioner shall ensure that such evidence be returned directly to Ms. Finn to ensure chain of custody. Upon final conclusion of all analyses or evaluations, Ms. Finn 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 and the Metropolitan Davidson County Police Department, delivering such materials to the custodian from whom she received them.

IT IS SO ORDERED.

01-19-2022



Judge Angelita Blackshear Dalton
Division II, Criminal Court

Approved for Entry:

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

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