

**DEATH PENALTY CASE**  
**EXECUTION DATE: AUGUST 5, 2025**  
Case No. M2025-01095-SC-RDO-CV

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

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BYRON BLACK,  
Respondent,

v.

FRANK STRADA, et. al,  
Applicants.

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Davidson County Chancery Court Case No. 25-0414-IV

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**NOTICE OF FILING**

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FEDERAL PUBLIC DEFENDER  
MIDDLE DIST. OF TENNESSEE  
CAPITAL HABEAS UNIT

KELLEY J. HENRY  
Chief, Capital Habeas Unit

AMY D. HARWELL  
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Byron Black gives notice of filing the attached declaration.

Respectfully submitted this 1st day of August, 2025.

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/s/ Kelley J. Henry  
Kelley J. Henry, BPR #21113  
Counsel for Respondent

## **CERTIFICATE OF SERVICE**

I, Kelley J. Henry, certify that on August 1, 2025, a true and correct copy of the foregoing was served via the Court's electronic filing system to opposing counsel, Nicholas Spangler, Associate Solicitor General.

/s/ Kelley J. Henry

Kelley J. Henry, BPR #21113  
Counsel for Respondent

## Declaration of Kelley J. Henry

Kelley J. Henry, being of lawful age and duly sworn, declares as follows:

1. I am the Chief of the Capital Habeas Unit for the Federal Public Defender, Middle District of Tennessee and lead counsel for Byron Lewis Black who is scheduled to be executed on August 5, 2025.

2. On July 31, 2025, I filed a motion for stay of execution for Mr. Black in Case Number M2025-01095.

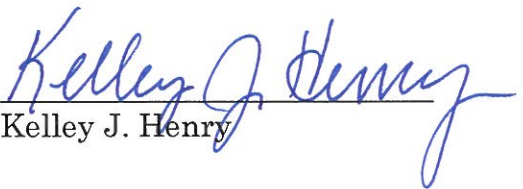
3. On August 1, 2025, at 10:07 a.m. I received a phone call from Mary Beth Lindsey, Chief Deputy Clerk, Tennessee Appellate Courts. Ms. Lindsey told me that the Court had instructed her to call me to tell me that the motion for stay of execution that I had filed on July 31, 2025, was filed under the wrong case number. Ms. Lindsey told me that she was told to tell me that Rule 12.4 requires all motions for stay of execution be filed under the case caption in which the order for execution was issued. She was told to instruct me to re-file the motion for stay of execution in Case No. M2000-0641-SC-DPE-CD and that the motion would need to be filed over the counter, not electronically, because the Court's ECF filing system will not accept filings in Case No. M2000-0641-SC-DPE-CD.

4. Rule 12 contains no such provision. But rather than argue with a member of court staff who has been nothing but kind and professional in all dealings throughout a stressful time, I merely complied with what I took to be an order from the Tennessee Supreme Court to re-file the motion for stay of execution with a different case number.

5. I immediately complied with the Court's directive. The motion was re-filed and brought to the Court in less than thirty minutes from the phone call.

I declare under penalty of perjury and the laws of the State of Tennessee that the foregoing is true and correct.

Dated this 1st day of August, 2025.

  
Kelley J. Henry