

**IN THE CIRCUIT COURT OF HARDIN COUNTY  
AT SAVANNAH, TENNESSEE**

**ZACHARY RYE ADAMS,  
PETITIONER,**

**vs.**

**STATE OF TENNESSEE,  
RESPONDENT.**

**No. 17-CR-10-PC**

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**MOTION REQUESTING THE COURT TO APPOINT COUNSEL  
FOR JASON AUTRY**

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Comes now the State of Tennessee through the undersigned attorneys and moves this Honorable Court to appoint an attorney to represent Inmate Jason Autry for the limited purposes of the above referenced case and in support thereof submits the following:

1. A Decatur County grand jury indicted Zach Adams (hereinafter "Petitioner) Dylan Adams and Jason Autry (hereinafter Inmate Autry) on **May 19, 2015**, for the rape, murder and kidnapping of Holly Bobo.
2. The State of Tennessee tried Petitioner in Hardin County in **September 2017**.
3. Inmate Autry testified for the State of Tennessee in said trial. (*See attached Exhibit A Trial Transcript*)

FILED 7 DAY OF March 2025 AT 4:30 AM PM  
BY Tammie Wolfe TAMMIE WOLFE, CLERK (CLERK)

4. Petitioner was convicted on all counts by the jury and sentenced by Hon. Creed McGinley to Life Without the Possibility of Parole.
5. On **September 14, 2020**, Inmate Autry -represented at the time by Michael Scholl-pled guilty before Judge McGinley to reduced charges in light of his testimony against Petitioner. (*See attached Exhibits B and C Guilty Plea Paperwork and Sentencing Hearing Transcript*) He was released from custody following his plea.
6. On **December 2, 2020**, Inmate Autry was arrested on a gun charge in Benton County, Tennessee and prosecuted by both the federal government and State of Tennessee.
7. Inmate Autry pled guilty, represented at the time by Claiborne Ferguson- in federal court in **November of 2022** to being a convicted felon-in-possession of a Marlin, 30-30 caliber rifle, a Smith & Wesson .9mm handgun and several rounds of 30-30 Winchester ammunition. As part of the plea agreement, Inmate Autry stipulated that before he committed the offenses charged in the federal indictment, he had at least three previous convictions for violent felonies, as defined in 18 U.S.C. Sec. 924€(2)(b) which were committed on occasions different from one another. (*See Exhibit D Federal Court Guilty Plea paperwork*)

8. The United States Attorney's Office for the Western District of Tennessee filed a motion requesting the Western District Court Judge upwardly depart from the sentencing guidelines due to Inmate Autry's lengthy, violent criminal history.
9. Between Inmate Autry's federal guilty plea and sentencing, three different attorneys were appointed to represent him. Two of them (Mike Weinman and Kevin Whitmore) filed on separate occasions motions requesting the federal judge downwardly depart from the sentencing guidelines. Each cited as support for their request Inmate Autry's testimony at Petitioner's trial and assistance to the State of Tennessee. (*See attached Collective Exhibit E*). The dates of these filings and the attorneys who prepared them are as follows: **August 22, 2023**, Attorney Mike Weinman; **October 27, 2023**, Attorney Mike Weinman; **June 25, 2024**, Attorney Kevin Whitmore.
10. On **December 22, 2023**, Katie Spirko-working on behalf of Petitioner and Petitioner's attorney in various capacities-video-recorded a conversation in federal prison with Inmate Autry about his testimony during Petitioner's trial that was provided by Spirko to ABC News 20/20. This video is the foundation of Petitioner's pleadings before this Court.

11. Inmate Autry's attorney at the time of the recording and distribution, Mike Weinman, did not authorize the recording nor was he made aware of it until after the fact. These actions by Attorney Bates and Katie Spirko forced Attorney Weinman to file a motion to withdraw as counsel with the United States District Court for the Western District of Tennessee. The court granted Weinman's request and appointed new counsel-Kevin Whitmore- to represent Inmate Autry.

12. The State of Tennessee is aware through recorded jail calls of three statements made by Inmate Autry in reference to his recorded conversation with Spirko that are relevant to this motion: 1.) Inmate Autry advised Skylar Pinkley on **January 3, 2024**, that he was "high" on drugs while meeting with Spirko and being recorded. Specifically, Inmate Autry states the following about Spirko:

1. **JASON AUTRY:** She asked -- she -- she
2. looked at me and said, can I ask you a question. And
3. I said, what's that. She said, are you high. I sat
4. there for a second, I said, yeah. I said if this is
5. going to hinder you, you need to leave, you know what
6. I mean?
7. **SKYLAR PINKLEY:** Right.
8. **JASON AUTRY:** Yeah.
9. **SKYLAR PINKLEY:** Well, she told me -- she
10. told me that.
11. **JASON AUTRY:** Yeah. I don't know if that
12. played a part on the deposition or not.
13. **SKYLAR PINKLEY:** No, she said you done

14. fine.

15. **JASON AUTRY:** She got what she wanted;

16. didn't she?

2.) Inmate Autry advised his mother on **January 31, 2024**: "They going to fuck me in federal court. I'm fucking them in state court". 3.) Inmate Autry advised his mother on **February 4, 2024**: "They trying to give me 20 something years in the federal government. I gotta fight back. That's the only think I've got to fight with." (*See attached Collective Exhibit F*)

13. **On April 5, 2024**, Katie Spirko notified former Assistant District Attorney General Jennifer Nichols that Dana McClendon would be representing Katie Spirko. Attorney McClendon was copied on said email.
14. **On April 8, 2024**, Spirko attempted to schedule another meeting with Inmate Autry at the same federal facility. She did this via an email on which Attorney McClendon was copied. She inquired whether the prison had a notary on site or whether she should bring one along. It is the State's belief that Ms. Spirko intended to obtain an affidavit from Inmate Autry casting doubt on his trial testimony. Prison officials declined her request to meet with Inmate Autry. Neither Inmate Autry's

attorney of record nor Petitioner Adams' attorney were copied on her email.

15. On **April 15, 2024**, Attorney McClendon filed notice with this Court that he represented Katie Spirko.
16. Inmate Autry was sentenced in federal court—represented at this time by Kevin Whitmore--- on **June 25, 2024**, and sentenced to 279 months (23.25 years) (*See attached Collective Exhibit G-judgment, transcript and exhibits*). Autry has appealed his sentence to the 6<sup>th</sup> Circuit and is represented as of this filing by Elizabeth Arrick—a federal appointed appellate attorney. The State has been advised by Attorney Arrick that her representation of Inmate Autry is limited solely to the appeal of his federal conviction.
17. Inmate Autry entered a guilty plea to state gun charges in Benton County Circuit Court on **July 19, 2024**—represented by Billy Roe--to run concurrent with his parallel federal conviction. (*See attached Exhibit H*)
18. Petitioner is hopeful that Inmate Autry will appear in Hardin County Circuit Court on his behalf and testify contrary to his trial testimony thereby casting doubt on Petitioner's guilt.

19. For the reasons stated above, the State requests that in the interests of justice, counsel be appointed to Inmate Autry to advise him of his rights under the 5<sup>th</sup> amendment and advise him of any possible consequences should he testify in the case at bar. Inmate Autry is currently housed in federal custody in Pine Knot, Kentucky.
20. In the interests of judicial economy and the victim's bill of rights, the State requests that if an attorney is appointed, he or she be advised that meeting with Inmate Autry can be accomplished in person or via video conferencing to make the initial determination of whether Inmate Autry will waive his 5<sup>th</sup> Amendment rights, testify and be subject to cross examination.
21. Given the conflict Petitioner's attorneys have in providing objective, unbiased advice to Inmate Autry, the State requests that Petitioner's attorneys be precluded from any contact with Inmate Autry until such time as an independent, objective, unbiased attorney can articulate to Inmate Autry the decision before him, the consequences of his decision and report such back to this Court.

Respectfully Submitted:

/s/ Amy P. Weirich /

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/s/ Christopher V. Boiano /

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been emailed to Douglas Bates IV and Crystal Etue, attorneys for Petitioner Adams, on this 7<sup>th</sup> day of March, 2025.

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**/s/ Amy P. Weirich /**

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Amy P. Weirich