

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER

VS.

STATE OF TENNESSEE

NO. 17-CR-10-PC

**PETITIONER RENEWED MOTION TO SUBPOENA and DEPOSE IF NECESSARY
and SCHEDULE TESTIMONY FROM ATTORNEYS AND PRIVATE
INVESTIGATORS**

Comes now the Petitioner, by and through Counsel, and renews in substantial part its previous Motion to request the Court to order the scheduling of depositions or trial testimony for the following witnesses the Petitioner seeks to subpoena to testify via deposition or trial testimony:

1. Michael Scholl;
2. Michael Flanagan;
3. ADA Paul Hagerman
4. Clark Chapman (Private Investigator for Mr. Autry; he was not part of the original motion)

A drafted copy of the subpoena duces tecum were attached to the motion. All three attorneys were sent this motion and the drafted subpoena. Should they wish to participate in any hearing on this motion, then Petitioner welcomes their presence.

These witnesses are necessary to testify regarding the perjured testimony that Mr. Autry presented to this Court and the ways in which he became a state agent in doing so and other issues, all of which are addressed in the petition and amended petition for post conviction relief

FILED 7 DAY OF March, 2025 AT 8:30 (AM) PM
TAMMIE WOLFE, CLERK
BY Tammie Wolfe (CLERK)

filed by Mr. Adams. The three attorneys are exempt from a subpoena for the hearing, but are obligated to stand for a deposition pursuant to T.C.A. § 24-9-101a. Tenn. Sup. Ct. R. 28 §8(C) states that the Court can allow affidavit or deposition testimony under T.C.A. § 40-30-110(a) (which governs situations in which the Petitioner is incarcerated out of State); however 28§(C)(3) states that “each party shall have the right to subpoena witnesses for appearance at the evidentiary hearing.” Initially, it would appear the attorneys involved would be subject to subpoena powers of this Court to appear in person.

However, under T.C.A. § 24-9-101, the attorneys may (and probably will) rely upon their ability to stand for a deposition instead of appear in person at the evidentiary hearing. Counsel would further request the depositions take place via zoom if Petitioner or the State elect wish to have their appearance through zoom; though if in person, it is understood that the attorneys will be deposed in either their home office or an agreeable place in the county of their employment. To the extent there is any logistical issue scheduling these depositions, then the Petitioner requests such deposition testimony be reserved and the Court reserve ruling until such time as can be finalized.

Further, much of the information regarding Mr. Flannagan, Mr. Chapman and Scholl’s testimony will be potentially protected attorney-client privilege or private investigator-privilege, but such can be waived by the holder of the privilege, Mr. Jason Autry. Thus, the Petitioner would request the Court to schedule these depositions after a hearing to determine if Jason Autry waives the attorney client and private investigator privilege.

This Motion was presented to the Court previously and it was ruled moot because no subpoena had been issued to the State and the Court did not know if Mr. Autry would waive this privilege. A hearing was scheduled for Mr. Autry on March 18th, 2025. However, the State

declined to issue any transport order per the writ and the Court did not require the State to do so. Thus, not only is Mr. Autry's testimony in limbo, but so too is everything else that could potentially hinge on Mr. Autry's potential waiver. The Court recently advised that it would schedule Mr. Autry's testimony to be with the rest of the trial, thus the Petitioner requests the Court accommodate

Thus, the Petitioner seeks the following:

1. An order authorizing the issuance of the previously attached subpoenas duces tecum to the attorneys listed above and one to Mr. Chapman consistent with the ones to Mr. Chapman.
2. For the court to order the hearing for Jason Autry's waiver to take place before such depositions (or live testimony) or in the alternative set the attorneys/background private investigators testimony only after Mr. Autry either waives attorney client privilege or if he declines to, for the Court to rule whether he has or not;
3. For the Court to order the parties work in good faith scheduling these depositions if so requested;
4. Should the witness elect to testify in person instead of the deposition, then every effort will be made to accommodate their schedule.

RESPECTFULLY SUBMITTED:



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NOTICE

**THIS MOTION IS SET TO BE HEARD ON MARCH 21ST, 2025 AT 9:00 A.M. ON THE
CIRCUIT COURT MOTION DOCKET HEARD AT THE HARDIN COUNTY
COURTHOUSE IN SAVANNAH, TENNESSEE.**

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 6 day of MARCH 2025,
sent a true and correct copy of the following to the person(s) listed below in compliance with the
Tennessee Rules of Civil Procedure, Rules 5 and/or 5A, by the following indicated method(s):

Amy Weirich
Email: apweirich@tndagc.org

Michael Scholl
Email: mike@scholl-law-firm.com

Michael Flanagan
Email: attorney@tennlawyer.com

Paul Hagerman
Email: info@scdag.com
Fax: 901-222-1300

- ☐ U.S.P.S., first-class postage pre-paid
- ☐ Via Fax
- ☒ Via Email
- ☐ Hand-delivery by:
- ☐ Certified Mail, Return Receipt Requested



DOUGLAS THOMPSON BATES, IV