

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS,
PETITIONER,

vs.

STATE OF TENNESSEE,
RESPONDENT.

No. 17-CR-10-PC

STATE OF TENNESSEE'S RESPONSE TO PETITIONER ADAMS'S
PETITION FOR POST-CONVICTION RELIEF (*PRO SE*) AND
SECOND AMENDED PETITION FOR POST-CONVICTION RELIEF

COMES NOW, the State of Tennessee, by and through undersigned counsel, and responds to Petitioner Adams's Petition for Post-Conviction Relief (*pro se*) and Second Amended Petition for Post-Conviction Relief, as stated below.

I. Answer to Petitioner for Relief from Conviction or Sentence, filed *pro se* by Petitioner Adams on July 31, 2023.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted in part. Petitioner Adams was convicted of first-degree premeditated murder; two (2) counts of first-degree felony murder; two (2) counts of especially aggravated kidnapping, and three (3) counts of aggravated rape.
6. Admitted.
7. Admitted.

FILED 18 DAY OF Feb. 2025 AT 4:00 AM PM
BY TAMMIE WOLFE, CLERK
Tammie Wolfe
CLERK

8. Admitted.

9. Admitted.

10. **[Appeal]**

(a)(1). Admitted.

(a)(2). Admitted.

(a)(3). Admitted.

(a)(4). Grounds Raised on Appeal:

A. **[Sufficiency of the Evidence]**. Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

B. **[Motion to Recuse]**. Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

C. **[Disqualification of Defense Counsel]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

D. **[Tennessee Rule of Evidence 404(b) – Jason Autry]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

E. **[Tennessee Rule of Evidence 404(b) – Rebecca Earp]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

F. **[Prior Inconsistent Statement]** Admitted that Petitioner Adams raised this

issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

G. **[Hearsay Evidence / Confrontation Rights]** Admitted that Petitioner Adams raised these issues in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

H. **[Impeachment Evidence]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

I. **[Witness Reactive Conduct Evidence]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

J. **[Undisclosed Witness]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

K. **[Cumulative Error Doctrine]** Admitted that Petitioner Adams raised this issue in his direct appeal to the Tennessee Court of Criminal Appeals, W2020-01208-CCA-R3-CD.

11. No statement made by Petitioner Adams in this paragraph.

12. No statement made by Petitioner Adams in this paragraph.

13. No statement made by Petitioner Adams in this paragraph.

14. No statement made by Petitioner Adams in this paragraph.

15. No statement made by Petitioner Adams in this paragraph.

16. **[Grounds for Petition]**

(9) Grounds Raised for Denial of Effective Assistance of Counsel

1. Under claim for relief one, that trial counsel failed to sufficiently review discovery materials, the State of Tennessee denies this claim and demands strict proof thereof.
2. Under claim for relief two, that trial counsel failed to request a change of venue further away from Decatur County than Hardin County, the State of Tennessee denies this claim and demands strict proof thereof.
3. Under claim for relief three, that trial counsel failed to investigate an alibi defense from evidence located on Petitioner Adams's deceased grandmother's computer in preparation for trial, the State of Tennessee denies this claim and demands strict proof thereof.
4. Under claim for relief four, that trial counsel failed to send an appropriately worded *Touhy* letter concerning the testimony of U.S. Marshall John Walker, thereby limiting the scope of his trial testimony, the State of Tennessee denies this claim and demands strict proof thereof.
5. Under claim for relief five, that trial counsel failed to adequately investigate a partial palm print found on the victim's car in preparation for trial, the State of Tennessee denies this claim and demands strict proof thereof.
6. Under claim for relief six, that trial counsel Jim Simmons filed an *Ex Parte Motion to Withdraw* that violated Petitioner Adams's rights under the Sixth Amendment of the U.S. Constitution and Article 1, Section 9 of the Tennessee Constitution, and violated attorney-client privilege, the State of Tennessee denies this claim and demands strict proof thereof.
7. Under claim for relief seven, that ADA Jennifer Nichols improperly cross-

examined Rita Austin at trial concerning a letter written by Shane Austin, the State of Tennessee denies this claim and demands strict proof thereof. Furthermore, the State avers that this ground is waived for failure to raise this issue on appeal pursuant to T.C.A. § 40-30-106. Post-conviction is not intended to serve as an additional avenue to raise evidentiary issues when those issues were not raised or raised and ruled on by an appellate court.

(10) Grounds Raised for Newly Discovered Evidence

1. The State of Tennessee denies this claim and demands strict proof thereof. Furthermore, this claim does not contain specific factual allegations required under T.C.A. § 40-30-106(d) and as such, does not state a colorable claim.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. No statement made by Petitioner Adams in this paragraph.

II. Answer to Petitioner's Second Amended Petition for Post Conviction Relief filed on December 12, 2024.

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted in part. No answer was filed by the State of Tennessee as of December 12, 2024, due to an understanding between the parties that Petitioner Adams would be filing a Second Amended Petition for Post-Conviction Relief.
9. Admitted in part. There is an evidentiary hearing set for March 18, 2025, as well as for May 19 – May 25, 2025.
10. The allegations contained in Paragraph 10 of the Second Amended Petition, including all subparts, are admitted.
11. Denied as stated.
12. The allegations contained in Paragraph 12 of the Second Amended Petition are denied and the State demands strict proof thereof.
13. The allegations contained in Paragraph 13 of the Second Amended Petition are denied and the State demands strict proof thereof.
14. The allegations contained in Paragraph 14 of the Second Amended Petition are denied and the State demands strict proof thereof.
15. The allegations of ineffective assistance of counsel contained in Paragraph 15 of the Second Amended Petition, including all subparts, are denied and the State demands strict proof thereof.
16. The allegations contained in Paragraph 16 of the Second Amended Petition are denied and the State demands strict proof thereof.

17. The allegations contained in Paragraph 17 of the Second Amended Petition are denied and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 17 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.
18. The allegations contained in Paragraph 18 of the Second Amended Petition, including all subparts, are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 18 (including all subparts) set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.
19. The allegations contained in Paragraph 19 of the Second Amended Petition, including all subparts, are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 19 (including all subparts) set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.
20. The allegations contained in Paragraph 20 of the Second Amended Petition are denied and the State demands strict proof thereof.
21. The allegations contained in Paragraph 21 of the Second Amended Petition are denied and the State demands strict proof thereof.
22. The allegations contained in Paragraph 22 of the Second Amended Petition are denied and the State demands strict proof thereof.

23. The allegations of ineffective assistance of counsel contained in Paragraph 23 of the Second Amended Petition, including all subparts, are denied and the State demands strict proof thereof.
24. The allegations of ineffective assistance of counsel contained in Paragraph 24 of the Second Amended Petition are denied and the State demands strict proof thereof.
25. The allegations of ineffective assistance of counsel contained in Paragraph 25 of the Second Amended Petition are denied and the State demands strict proof thereof.
26. The allegations of ineffective assistance of counsel contained in Paragraph 26 of the Second Amended Petition are denied and the State demands strict proof thereof.
27. The allegations of ineffective assistance of counsel contained in Paragraph 27 of the Second Amended Petition are denied and the State demands strict proof thereof.
28. The allegations of ineffective assistance of counsel contained in Paragraph 28 of the Second Amended Petition are denied and the State demands strict proof thereof.
29. The allegations of ineffective assistance of counsel contained in Paragraph 29 of the Second Amended Petition, including all subparts, are denied and the State demands strict proof thereof.
30. The allegations of ineffective assistance of counsel contained in Paragraph 30 of the Second Amended Petition are denied and the State demands strict proof thereof.
31. The allegations of ineffective assistance of counsel contained in Paragraph 31 of the Second Amended Petition are denied and the State demands strict proof thereof.
32. The allegations of ineffective assistance of counsel contained in Paragraph 32 of the Second Amended Petition are denied and the State demands strict proof thereof.

33. The allegations contained in Paragraph 33 of the Second Amended Petition are denied and the State demands strict proof thereof.
34. The allegations contained in Paragraph 34 of the Second Amended Petition are denied and the State demands strict proof thereof.
35. The allegations of actual innocence contained in Paragraph 35 of the Second Amended Petition, including all subparts, are denied, and the State demands strict proof thereof. The allegations of ineffective assistance of counsel contained in Paragraph 35 of the Second Amended Petition, including all subparts, are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 35 (including all subparts) set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.
36. The allegations set forth in Paragraph 36 were dismissed by this Court's January 16, 2025, order.
37. The allegations of actual innocence contained in Paragraph 37 of the Second Amended Petition are denied, and the State demands strict proof thereof. The allegations of ineffective assistance of counsel contained in Paragraph 37 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 37 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.
38. The allegations of ineffective assistance of counsel contained in Paragraph 38 of the Second Amended Petition, including all subparts, are denied, and the State

demands strict proof thereof. The allegations of constitutional violations contained in Paragraph 38 of the Second Amended Petition, including all subparts, are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 38 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

39. The allegations contained in Paragraph 38 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 39 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

40. The allegations of ineffective assistance of counsel contained in Paragraph 38 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 40 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

41. The allegations contained in Paragraph 41 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 41 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

42. The allegations contained in Paragraph 42 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews

all objections previously raised concerning Paragraph 41 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

43. The allegations contained in Paragraph 43 of the Second Amended Petition are denied, and the State demands strict proof thereof.

44. The allegations contained in Paragraph 44 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 44 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

45. The allegations contained in Paragraph 45 of the Second Amended Petition are denied, and the State demands strict proof thereof. Additionally, the State renews all objections previously raised concerning Paragraph 45 set forth in its *Motion to Dismiss Post-Conviction Claims*, which were held under advisement per this Court's January 16, 2025, order.

WHEREFORE, premises considered, the State of Tennessee prays for the following:

1. That an evidentiary hearing on the claims of ineffective assistance of counsel be conducted.
2. That this Court rule on the State's *Motion to Dismiss Post-Conviction Claims* at the appropriate time to determine if certain claims raised in Petitioner Adams's *Second Amended Petition* are (a) previously determined; (b) failing to satisfy *Dellinger*; and/or (c) were waved.
3. Any general or specific relief that the State of Tennessee is entitled to.

Respectfully submitted,

/s/ Amy P. Weirich /

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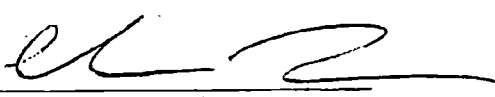
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed to Douglas Bates IV and Crystal M. Etue, attorneys for Petitioner Adams, on this 18th day of February 2025.

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