

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'S RESPONSE TO PETITIONER'S MOTION TO COMPEL
PRODUCTION OF PHOTOS AND VIDEOS AND
PETITIONER'S MOTION TO SHOW GOOD CAUSE TO RELEASE THE
INVESTIGATIVE SUPOENA AND AFFIDAVIT UNDER T.C.A. § 40-17-123

COMES NOW, the State of Tennessee, by and through the undersigned attorneys, and files this response to Petitioner Adams's *Motion to Compel Production of Photos and Videos* and *Motion to Show Good Cause to Release the Investigative Subpoena and Affidavit Under T.C.A. § 40-17-123*. The State of Tennessee would show the following:

A. Petitioner Adams's assertions to this Court that neither his trial counsel nor post-conviction counsel have had possession of the ATM Video at issue are categorically false and absurd.

1. On or about June 19, 2015, Jennifer Thompson signed a Receipt of Discovery acknowledgment that confirmed the physical delivery of an external hard drive to Petitioner Adams's trial counsel. See attached **Exhibit "A"** for June 15, 2015, Rule 16 Discovery letter.
2. Once Attorney Bates was appointed by this Court as Petitioner Adams post-conviction counsel, Jennifer Thompson "offered to surrender her file to counsel [Attorney Bates], which Counsel [Attorney Bates] accepted."

3. From January 7 – 9, 2025, undersigned counsel traveled to Attorney Bates's office in Centerville, Tennessee to review and copy all of Jennifer Thompson's case file materials. Among Jennifer Thompson's case file materials included an external hard drive, which the Tennessee Bureau of Investigation digitally copied then returned to Attorney Bates.
4. On the main root directory of Jennifer Thompson's external hard drive is a folder named "~1 Jackson TBI". *See* attached **Exhibit "B"** for Step 1.
5. Contained within the "~1 Jackson TBI" folder is another folder named "IR #1845". *See* attached **Exhibit "B"** for Step 2.
6. Contained within the "IR #1845" folder is another folder named "Video". *See* attached **Exhibit "B"** for Step 3.
7. Contained within the "Video" folder is another folder named "V8". *See* attached **Exhibit "B"** for Step 4.
8. Contained within the "V8" folder are three (3) video files, and one (1) executable application named "Install this first to view video". *See* attached **Exhibit "B"** for Step 5.
9. If a user double clicks on the "install this first to view video" executable application, a DV Player installation window will appear prompting directions on how to install the program. *See* attached **Exhibit "B"** for Step 6 – Step 7.
10. After DV Player program installation is finished, a user will be able to launch DV Player and view the ATM video at issue. *See* attached **Exhibit "B"** for Step 8 – Step 10.

11. The State is prepared to show this Court that Jennifer Thompson had possession of an external hard drive containing the ATM video since approximately June 19, 2015, until such time that she surrendered Petitioner Adams's trial file to Attorney Bates.
12. The State is prepared to show this Court that Attorney Bates provided Jennifer Thompson's same external hard drive to the Tennessee Bureau of Investigation in early January 2025 for copying and review by undersigned counsel.
13. Furthermore, T.B.I. issued an administrative subpoena under T.C.A. § 38-6-102 and secured physical control of the ATM hard drive, which was mirror image copied and provided to Attorney Bates on August 26, 2024. *See* attached **Exhibit "C"** for signed receipt for ATM hard drive.
14. Lastly, the State has not objected to Attorney Bates or Attorney Etue meeting with their client over zoom. The State did have (and will continue to have) serious concerns about anyone other than Petitioner Adams's attorneys of record to use TDOC's zoom conference technology to communicate with their client, especially those that deliberately circumvent established TDOC rules and procedures. The State addressed these concerns directly with Petitioner Adams's counsel and this Court, resulting in an order being drafted by Attorney Bates and Attorney Etue stating explicitly that "Crystal Etue and Douglas Bates IV, shall have the privilege of meeting with Mr. Adams through zoom technology. **This privilege is not extended to anyone in these proceedings beyond Ms. Etue and Mr. Bates, the attorneys of record for Adams.**" *See* attached **Exhibit "D"** for February 28, 2025, Order Regarding TDOC Zoom Calls.

Wherefore, premises considered, the State of Tennessee respectfully requests that this Court deny Petitioner's *Motion to Compel Production of Photos and Videos* and *Motion to Show Good Cause to Release the Investigative Subpoena and Affidavit Under T.C.A. § 40-17-123*.

Respectfully Submitted:

/s/ Amy P. Weirich /

Amy P. Weirich, BPR (#014441)
Special Counsel
25th Judicial District
P.O. Box 38
Somerville, Tennessee 38068
(901) 465-7351
apweirich@tndagc.org

/s/ Christopher V. Boiano /

Christopher V. Boiano, BPR (#030076)
Assistant Attorney General
18th Judicial District
113 West Main Street
Cordell Hull Building, 3rd Floor.
Gallatin, Tennessee 37066
(615) 451-5810
cvboiano@tndagc.org

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 20th day of March, 2025.

Douglas Thompson Bates, IV
Bates & Bates Law Office
406 W. Public Sq., 2nd Floor,
Bates Building, P.O. Box 1
Centerville, TN 37033
dtbates4@bates.law

Crystal M. Etue
Attorney at Law
219 3rd Ave N.
Franklin, TN 37064
crystal@etuelaw.com

/s/ Christopher V. Boiano /

Christopher V. Boiano

EXHIBIT A



OFFICE OF THE DISTRICT ATTORNEY GENERAL

30th JUDICIAL DISTRICT ~ SHELBY COUNTY, TENNESSEE
201 Poplar Avenue, Third Floor, Memphis, TN 38103-1947
Tel. 901-222-1300 ~ Fax 901-222-1305
www.scdag.com

AMY P. WEIRICH
District Attorney General

RE Adams, Autrey, Adams NO. 15-CR-30

June 15, 2015

Dear Ms. Thompson, Mr. Herbison and Mr. Maddox:

Please find attached hereto one external hard drive and one disc. Contained therein is discovery pursuant to Rule 16 as well as additional material provided in the interest of moving this case forward. There is an index to TBI's Investigative Reports (IRs) contained on the disc. The IRs are numbered 1 through 2986. The first IR refers to the initial complaint/investigation and is dated April 14, 2011. Obviously there is information included in your discovery that is not referenced in the aforementioned index. Please treat this material in a confidential manner pursuant to Judge McGinley's instructions at the last court setting and in the manner mandated by the Rules of Professional Responsibility, Rules of Evidence and Rules of Criminal Procedure.

Physical evidence associated with this case is stored at four separate locations. Specifically, there are items located at the TBI office in Jackson, at TBI Headquarters in Nashville, at the Memphis TBI office and finally there are vehicles stored at Decatur County Sheriff's Office lot. The bulk of physical evidence is in Nashville at TBI Headquarters.

The physical evidence will be made available to you for inspection. Nashville will be the first inspection site. Please coordinate with the other defense attorneys and come up with three or four dates when all of you are available to meet in Nashville. I will coordinate with TBI to select a date from the choices you provide to me. Be aware, it apparently will take all day in Nashville so we want to do this one time. After the Nashville inspection, we will select another date and follow the same process for viewing the additional evidence in Jackson, Decatur County and Memphis.

We are aware of our continuing duty to provide ongoing discovery and anticipate there will be supplements provided as we move forward. As you can see, I copied Judge McGinley on this letter and thus will provide the court with a copy of this letter, the signed receipt of discovery from each of you and a copy of the external hard drive and disc. I will ask that an Order be signed and entered so that the discovery will be filed under seal. Let me know if you have questions.

Sincerely,



JENNIFER NICHOLS

Deputy District Attorney General

Receipt of Discovery

I hereby acknowledge receiving one external hard drive and one disc as discovery in this matter. Said hard drive and disc were hand delivered by Jennifer Nichols and Ray Lepone on behalf of the State of Tennessee on 6/15 day of June 2015.



Ray Lepone
Ray Lepone

cc: The Honorable

EXHIBIT B

.fseventsd

.Spotlight-V100

~1 Jackson TBI

~2 Art Viveros External Drive

~3 Terry Dicus External Drive

12 Decatur Files

161129 JLT_Case Issues

161214 notes from hearing_Adams

Bobo Discovery 14 10 01 Adams-Jackson

BOBO TIPS EMAILS not worked

Conversation with Alison Weiner re Adams case.band

Correspondence

Correspondence 2

Correspondence and photos regarding evidence review and discovery

Discovery 14 10 03

Discovery 15 06 18

Discovery 15 06 18 IRs

Discovery 16 04 01

Discovery 16 06 16 Benjamin Hendricks

Discovery 16 08 17 Bobo Lab Reports and attached images #0 thru #16 copied 8 16 16 recd in court 8 17 16

Discovery 16 08 17 received in court

Discovery 16 09 07 CD with IRs

Discovery 16 11 07 DVD Christopher Swift interview on 10 17 16 recd from JAS 11 15 16

Discovery 16 11 15 ZA calls photos maps diagrams

Discovery 16 12 05 phone records M Scholl gave JAS

Discovery 17 01 11 Item FH Jason Autry Mail Covers 2014 2015 2016 recd at evidence review w TBI and ADA

Discovery 17 01 11 NA99C000744 received at evidence review w TBI and ADA

Discovery 17 01 24 emailed from P Hagerman - missing from discovery given 8 17 16 in court

Discovery 17 02 01 received in court 5 CDs

Discovery 17 03 01 PROTECTIVE ORDER RESTRICTING SAID DISCLOSURE - DO NOT GIVE COPY TO DEFENDANT - FOR ATTOR...

9/20/2024 ... File folder

9/20/2024 ... File folder

3/24/2015 ... File folder

6/26/2017 ... File folder

3/24/2015 ... File folder

3/30/2015 ... File folder

6/29/2017 ... File folder

10/2/2017 ... File folder

5/17/2017 ... File folder

5/11/2015 ... File folder

2/8/2017 5... File folder

7/2/2018 1... File folder

2/13/2017 ... File folder

8/11/2017 ... File folder

2/13/2017 ... File folder

9/18/2017 ... File folder

2/27/2017 ... File folder

1/9/2017 1... File folder

1/9/2017 1... File folder

1/13/2017 ... File folder

1/9/2017 1... File folder

1/24/2017... File folder

1/18/2017 ... File folder

1/13/2017 ... File folder

2/27/2017 ... File folder

1/18/2017 ... File folder

9/18/2017 ... File folder

1/24/2017 ... File folder

2/27/2017 ... File folder

3/2/2017 1... File folder

Step 1: Open the "~1 Jackson TBI" folder on the external hard drive

Name	Date modified	Type	Size
Binder B-2	3/24/2015 2:39 PM	File folder	
Binder B-3	3/24/2015 2:39 PM	File folder	
Binder B-4	3/24/2015 2:39 PM	File folder	
Binder B-5	3/24/2015 2:39 PM	File folder	
Binder B-6	3/24/2015 2:39 PM	File folder	
Binder B-7	3/24/2015 2:39 PM	File folder	
Binder B-8	3/24/2015 2:39 PM	File folder	
Binder B-9	3/24/2015 2:40 PM	File folder	
Binder B-10	3/24/2015 12:00 PM	File folder	
Binder B-11	3/24/2015 12:00 PM	File folder	
Binder B-12	3/24/2015 12:00 PM	File folder	
Binder B-13	3/24/2015 12:00 PM	File folder	
Binder B-14	3/24/2015 12:00 PM	File folder	
Binder B-15	3/24/2015 12:00 PM	File folder	
Binder B-16	3/24/2015 12:00 PM	File folder	
Binder B-17	3/24/2015 2:39 PM	File folder	
Binder B-18	3/24/2015 2:39 PM	File folder	
Binder B-19	3/24/2015 2:39 PM	File folder	
Bobo Box 1	3/24/2015 2:40 PM	File folder	
Bobo Box 2	3/24/2015 2:40 PM	File folder	
Bobo Box 3	3/24/2015 2:40 PM	File folder	
Bobo Lead Box	3/24/2015 2:41 PM	File folder	
Charts and Maps	3/24/2015 2:41 PM	File folder	
Clinical SW	3/24/2015 2:41 PM	File folder	
Decatur Co Files	3/24/2015 2:41 PM	File folder	
Decatur SO Files	3/24/2015 3:02 PM	File folder	
DYLAN ADAMS ONLY	3/24/2015 3:02 PM	File folder	
Filed Under Seal	3/24/2015 12:00 PM	File folder	
First Bank Surveillance Discs	3/24/2015 12:03 PM	File folder	
IR #1845	3/24/2015 1:02 PM	File folder	

Step 2: Open the "IR #1845"
folder on the external hard drive






Name	Date modified	Type	Size
Audio	3/24/2015 12:04 PM	File folder	
Britt	3/24/2015 12:27 PM	File folder	
Data	3/24/2015 12:32 PM	File folder	
Floppy Drives	3/24/2015 12:33 PM	File folder	
Misc	3/24/2015 12:56 PM	File folder	
Photos	3/24/2015 1:02 PM	File folder	
Video	3/24/2015 1:57 PM	File folder	
IR# 1845	3/24/2015 12:33 PM	Adobe Acrobat D...	185 KB

Step 3: Open the "Video"
folder on the external hard drive

Name	Date modified	Type	Size
V1	3/24/2015 1:02 PM	File folder	
V2	3/24/2015 1:14 PM	File folder	
V3	3/24/2015 1:55 PM	File folder	
V4	3/24/2015 1:56 PM	File folder	
V5	3/24/2015 1:56 PM	File folder	
V6	3/24/2015 1:56 PM	File folder	
V7	3/24/2015 1:56 PM	File folder	
V8	3/24/2015 1:57 PM	File folder	
V9	3/24/2015 1:57 PM	File folder	
V10	3/24/2015 1:05 PM	File folder	
V11	3/24/2015 1:06 PM	File folder	
V12	3/24/2015 1:07 PM	File folder	
V13	3/24/2015 1:10 PM	File folder	
V14	3/24/2015 1:10 PM	File folder	
V15	3/24/2015 1:13 PM	File folder	
V16	3/24/2015 1:14 PM	File folder	
V17	3/24/2015 1:14 PM	File folder	
V18	3/24/2015 1:14 PM	File folder	
V19	3/24/2015 1:14 PM	File folder	
V20	3/24/2015 1:15 PM	File folder	
V21	3/24/2015 1:15 PM	File folder	
V22	3/24/2015 1:16 PM	File folder	
V23	3/24/2015 1:16 PM	File folder	
V24	3/24/2015 1:18 PM	File folder	
V25	3/24/2015 1:21 PM	File folder	
V26	3/24/2015 1:22 PM	File folder	
V27	3/24/2015 1:22 PM	File folder	
V28	3/24/2015 1:51 PM	File folder	






Step 4: Open the "V8" folder
on the external hard drive

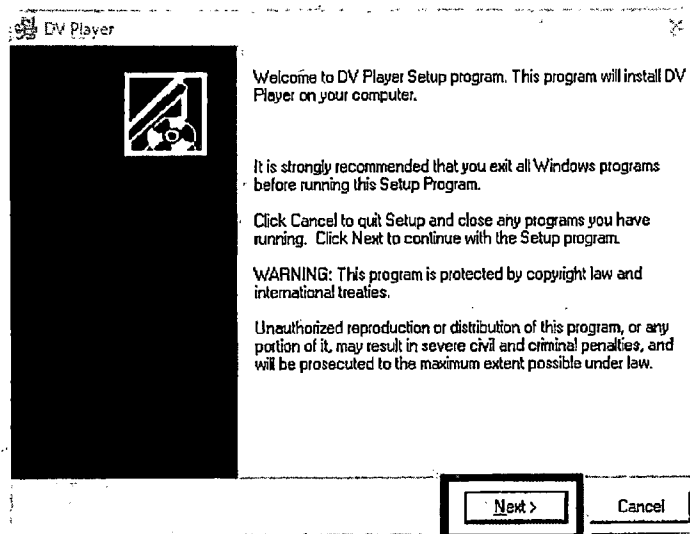


Name	Date modified	Type	Size
 BP 4-12.mjp	3/24/2015 1:57 PM	MJP File	214,407 KB
 BP 4-13.mjp	3/24/2015 1:57 PM	MJP File	96,129 KB
 BP 4-14.mjp	3/24/2015 1:57 PM	MJP File	102,476 KB
 BP 4-15.mjp	3/24/2015 1:57 PM	MJP File	194,221 KB
 Install this first to view video	3/24/2015 1:57 PM	Application	1,281 KB

Double click on the "install this first to view video" application in red box






Step 5: Double click on the application file "Install this first to view video"

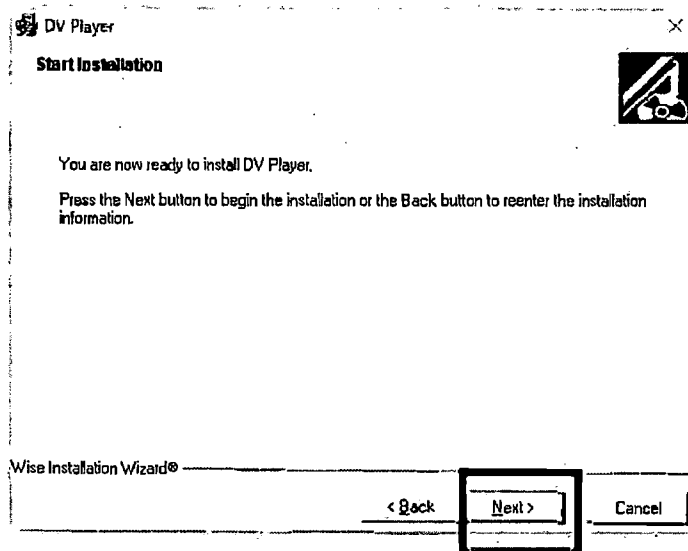
Name	Date modified	Type	Size
 BP 4-12.mjp	3/24/2015 1:57 PM	MJP File	214,407 KB
 BP 4-13.mjp	3/24/2015 1:57 PM	MJP File	96,129 KB
 BP 4-14.mjp	3/24/2015 1:57 PM	MJP File	102,476 KB
 BP 4-15.mjp	3/24/2015 1:57 PM	MJP File	194,221 KB
 Install this first to view video	3/24/2015 1:57 PM	Application	1,281 KB



Click "Next" button

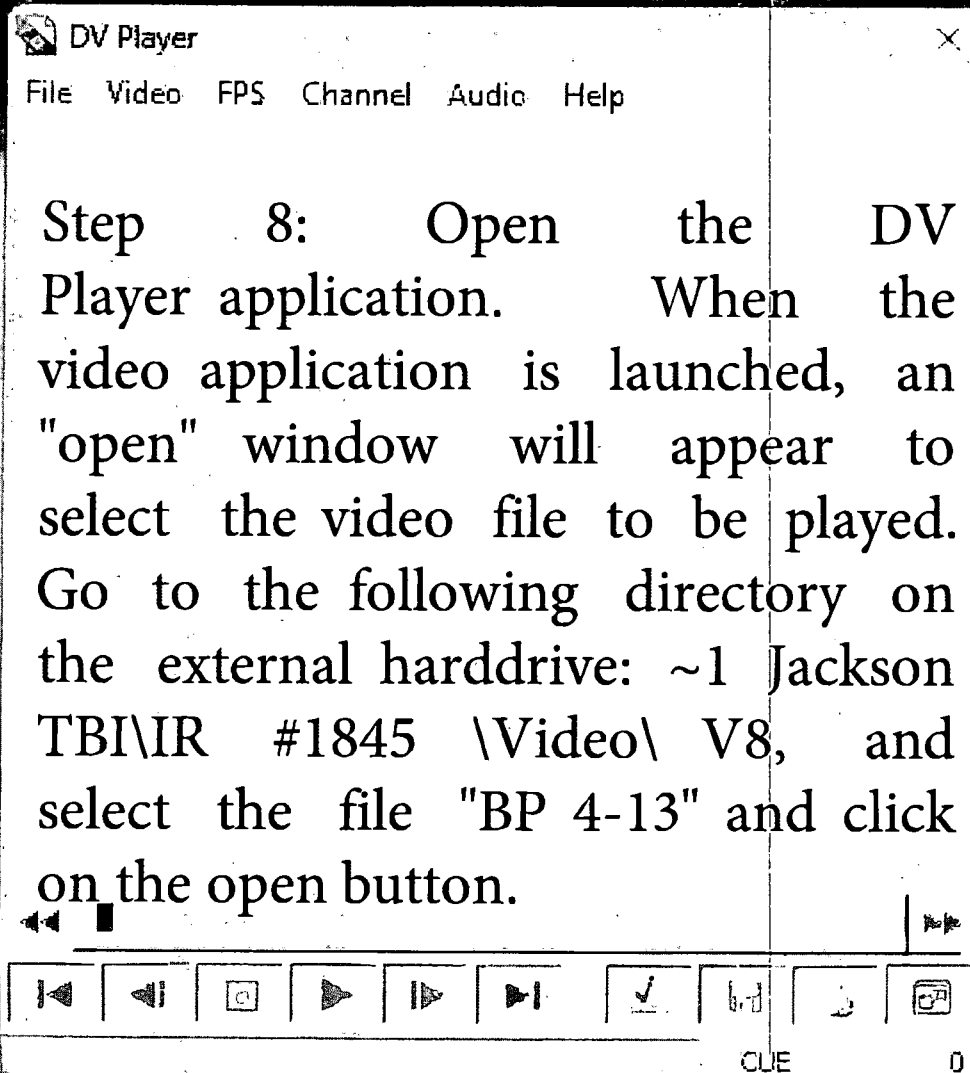
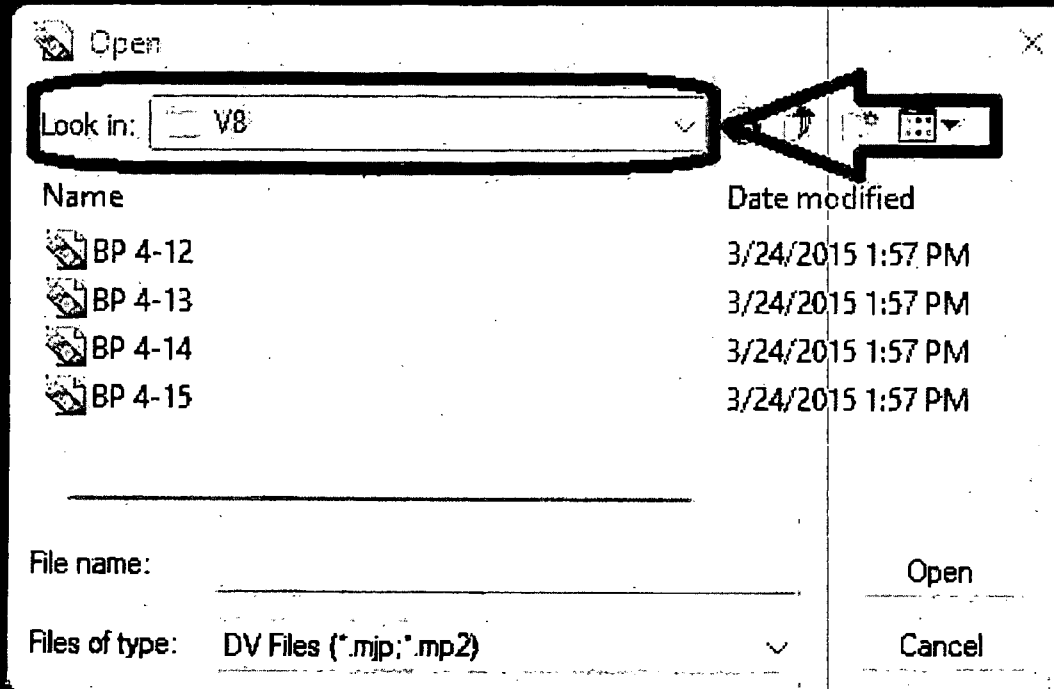
Step 6: When the DV Player application install window appears, click the "Next" button

Name	Date modified	Type	Size
 BP 4-12.mjp	3/24/2015 1:57 PM	MJP File	214,407 KB
 BP 4-13.mjp	3/24/2015 1:57 PM	MJP File	96,129 KB
 BP 4-14.mjp	3/24/2015 1:57 PM	MJP File	102,476 KB
 BP 4-15.mjp	3/24/2015 1:57 PM	MJP File	194,221 KB
 Install this first to view video	3/24/2015 1:57 PM	Application	1,281 KB



Click "Next" button

Step 7: Click the "Next" button
to install the DV Player program



DV Player - [Parsons Main-REMOTE 3] EA~1 Jackson TBINR #1845\Video\V8\BP 4-13.mjp

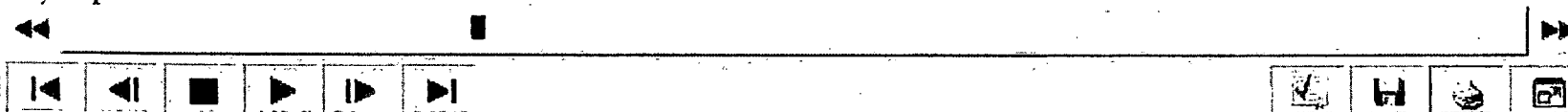
File Video FPS Channel Audio Help



Step 9:

jump to this time mark -->

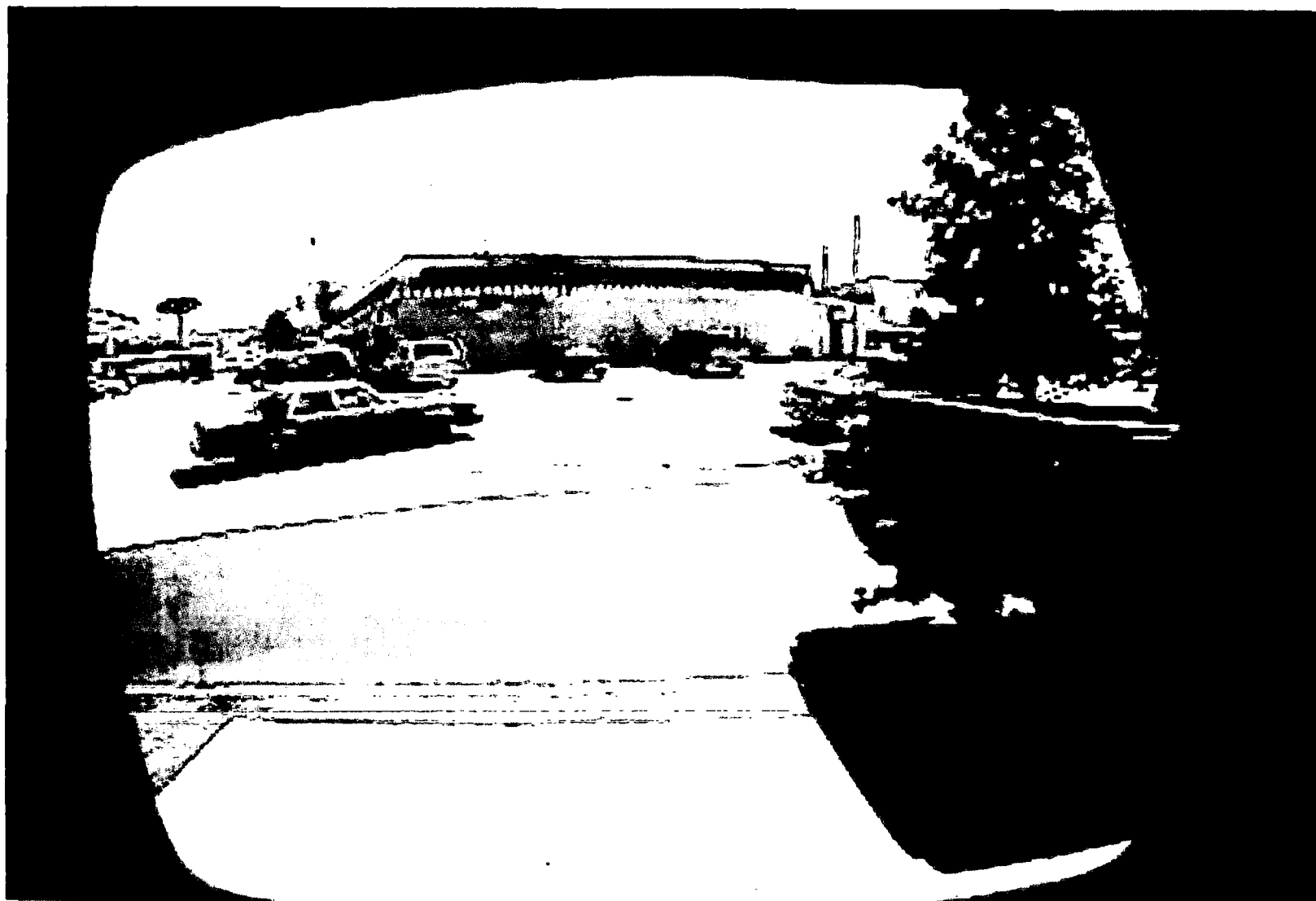
[4/13/2011 11:12:12 AM] [704x480] [091.0K] [00.5FPS] [ALARM] [AZTECH]



Paused : 806 of 2913 frames

CUE

1



Step 10

[4/13/2011 11:12:16 AM][704x480][082.4K][00.5FPS][ALARM][AZTECH]



Paused : 808 of 7913 frames

CUE

Exhibit C



TENNESSEE BUREAU OF INVESTIGATION

RECEIPT / RELEASE FORM

TBI Case # SA 904-000005 (If Applicable)Date: 08/26/24

TBI CI # _____ (If Applicable)

On the above date, X Farrah Rotgers, received from SA Cathy L. Ferguson
Print Name of Receiver Print Name of Releasor
the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation.

No.	Quantity	Description of Items	Identifying Number
1	1	Barracuda / Seagate 2TB external hard drive (ZF15R6W4)	Item 1

Continued on Additional Form ☐

1. [Signature] Cathy L. Ferguson
Released By: Released To:
SA Alan Paul SA
Title (Print) Title (Print)

2. Cathy L. Ferguson X Farrah Rotgers
Released By: Released To:
SA 8-25-24 8-25-24
Title (Print) Title (Print)

3. _____
Released By: Released To:

Title (Print) Title (Print)

(Serial Stamp)

BATES & BATES
LAW OFFICE

DOUGLAS T. BATES, III*

Tele. No. (931) 729-4085
*of Counsel

DOUGLAS T. BATES, II
(1912 - 1981)

406 W. Public Square - 2nd Floor Bates Building
P.O. Box 1
Centerville, Tennessee 37033
Fax No. (931) 729-9888

DOUGLAS T. BATES, IV

Tele. No. (931) 729-1510

August 23, 2024

Via: Hand-Delivery

**RE: ZACHARY RYE ADAMS V. STATE OF TENNESSEE
HARDIN COUNTY CIRCUIT COURT
NO. 17-CR-10-PC**

To Whom It May Concern:

Farrah Rotgers is my legal assistant and is duly authorized to collect any documents from the TBI, other lawyers, agencies, law offices, clerk's offices, and any other similar entities in her official capacity as my assistant.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Bates', with a long horizontal line extending from the end of the signature.

Douglas T. Bates, IV

Exhibit D

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER

VS.

STATE OF TENNESSEE

NO. 17-CR-10-PC

FILED 28 DAY OF FEB, 2025 AT 9⁰⁰ PM
BY Tammie Wolfe, Deputy TAMMIE WOLFE, CLERK
CLERK

ORDER


On February 26th, 2025, the Petitioner's attorney Douglas Bates IV filed a motion to allow him to meet with his client over zoom. The Court finds that the motion is well taken to the extent that either or both Crystal Etue and/or Douglas Bates IV may meet with Mr. Zachary Rye Adams. It is therefore **ORDERED, DECREED and ADJUDGED:**

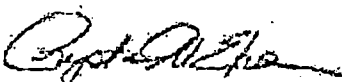
1. Mr. Zachary Rye Adams' attorneys of record, Crystal Etue and Douglas Bates IV, shall have the privilege of meeting with Mr. Adams through zoom technology. This privilege is not extended to anyone in these proceedings beyond Ms. Etue and Mr. Bates, the attorneys of record for Adams.
2. All further issues are reserved until further orders of this Court.

Entered this 28th day February 2025.

/s/ J. Brent Bradberry
JUDGE

PREPARED FOR ENTRY:


DOUGLAS THOMPSON BATES, IV (#027089)
ATTORNEY FOR ZACHARY RYE ADAMS
BATES & BATES LAW OFFICE
P.O. BOX 1
CENTERVILLE, TN 37033
TEL: 931-729-4085 FAX: 931-729-9888
EMAIL: dtbates4@bellsouth.net


CRYSTAL M. ETUE (# 035999)
CO-COUNSEL FOR ZACHARY RYE ADAMS
LAW OFFICES OF CRYSTAL ETUE, PLLC
2219 3RD AVE NORTH
FRANKLIN, TN 37069
TEL: (615) 721-7983
EMAIL: crystal@etuelaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 27 day of FEBRUARY 2024, 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):

EMAIL ONLY:

ADA Amy Weirich
ADA Chris Boiano

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


DOUGLAS BATES IV