

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 ISSUE A WRIT OF
APPEARANCE FOR INMATE JOHN DYLAN ADAMS

Comes now, the State of Tennessee through the undersigned attorneys and in response to Petitioner's Motion to Issue a Writ of Appearance for Inmate John Dylan Adams submits the following:

1. Petitioner alleges several areas in which his trial counsel erred relative to indicted co-defendant Dylan Adams.
2. It is difficult to decipher exactly what Petitioner claims *his* attorneys did wrong relative to Dylan Adams. But it appears that he is bothered by the fact that his attorneys did not call Dylan Adams as a witness and/or do more to establish *Dylan Adams'* innocence. The State submits that the issues before *this* Court pertain to Zach Adams and whether he was denied the assistance of counsel that our Constitution promises him.
3. At the time Petitioner chose to exercise his right to a trial by jury, Dylan Adams was an indicted co-defendant whose charges were pending.

FILED 21 DAY OF March, 2025 AT 7:15 (AM/PM)
BY Tammie Wolfe TAMMIE WOLFE, CLERK (CLERK)

Consequently, Dylan Adams enjoyed the benefits, privileges and protections of the 5th Amendment. He was represented by counsel. One whom, under no circumstances, would have sat silently had Petitioner's trial attorneys "called" Dylan Adams to the stand. One whom, under no circumstances would have allowed his client (Dylan Adams) to take the stand without a one-on-one discussion about the possible consequences of testifying for the Petitioner. Additionally, Petitioner's trial attorneys understood they could not speak to Dylan Adams without going through his attorney.

4. For the sake of this response, one must hypothesize that Petitioner requests Dylan Adams appearance before this Court to offer an alibi for the Petitioner. It belies reason to argue that *if* Zach Adams had an alibi his dogged, relentless, tireless attorneys chose to ignore it. Had Dylan Adams been able to credibly alibi his brother, the State submits Petitioner would have never been charged, much less convicted.
5. Petitioner perhaps hopes to present Dylan Adams' testimony to continue this false narrative about the "new" ATM video. Again as the State has mentioned previously----there is no new ATM video. The ATM video that Petitioner and his attorneys reference was provided to Petitioner's trial attorneys on June 19, 2015. (See attached **Exhibit "A"** for Jennifer Thompson discovery receipt letter) They possessed every second of every

bit of video footage gathered in this case long before jury selection began. The State would not be surprised if Petitioner's attorneys possessed video footage that the State did not and does not currently possess. Petitioner's trial attorneys were provided countless hours of video footage through discovery. Additionally, Petitioner's attorneys—on their own—issued subpoenas for video footage from the bank's ATM and other businesses around the bank. Again, it's likely that Petitioner's attorneys—at the time of trial—had even more footage from the area than the State did. But given that no proof was presented regarding any of it from the defense—the video footage was not and is not exculpatory. It did not and does not help Petitioner's claim of innocence. Consequently it is irrelevant to a claim of ineffective assistance of counsel. Not only does the State know it was *given* to Petitioner's attorneys (and has been in Mr. Bates possession since his representation began) ---Petitioner's attorneys' files contain communications *about* the video. Petitioner's continued attempts at characterizing this video as either something “new” or something no one took the time to view are disingenuous at best. Petitioner's dogged, tireless and relentless trial attorneys did not pursue either the ATM video or using Dylan Adams as a witness because to do so would have either made the State's case even stronger or been intellectually inconsistent with the defense they presented.

6. Again, Petitioner's current attorneys have the ATM video. They have had it since they started representing petitioner and gained access to the State's files and the files of Ms. Thompson and Mr. Simmons. The video establishes nothing beyond a truck is at the ATM at 11:12 am the morning Holly Bobo was kidnapped, raped and murdered. To claim that it casts doubt on Petitioner's guilt is to ignore every single piece of testimony and evidence in this case. Any testimony from Dylan Adams on this issue is irrelevant to the issues before this Court.
7. Petitioner also alleges that his trial attorneys failed to call a handwriting expert to show that Dylan Adams' "*written statement was fraudulently*" obtained. The State does not know what this is in reference to. Dylan Adams did not provide a hand-written statement in this case. The handwriting that Petitioner may be referencing is the *handwriting of the TBI agent* who interviewed Dylan Adams on several occasions resulting in several statements from Dylan Adams—but *none of them written by Dylan Adams*. The practice followed by TBI in all cases is that the agent writes the statement in the first person as if the person being interviewed is writing. The statement is reviewed by the person being interviewed. They can make corrections to the statement and those corrections are initialed. In fact, Dylan Adams did that in this case. The person being interviewed then signs

the statement. Dylan Adams' statement was taken in this manner and adopted by him and signed by him. Dylan Adams-on a separate occasion-gave a statement that was video-recorded. At the time of Dylan Adams' statement TBI prohibited the recording of statements *unless* it was an extreme circumstance, *and* a supervisor approved. Dylan Adams' statement met those criteria. It belies logic to accuse Petitioner's attorneys of *not* calling a witness to opine about something that does not exist.

For the foregoing reasons, Petitioner's motion to issue a writ of appearance for inmate John Dylan Adams should be denied as all testimony from inmate John Dylan Adams is wholly irrelevant to the issues at hand as discussed above.

Respectfully Submitted:

/s/ Amy P. Weirich /

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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 20th day of March, 2025.

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/s/ Amy P. Weirich /

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EXHIBIT A



OFFICE OF THE DISTRICT ATTORNEY GENERAL

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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 19th day of June 2015.



Ray Lepone
Ray Lepone