

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER,

vs.

STATE OF TENNESSEE
RESPONDENT.

No. 17-CR-10-PC

FILED 7 DAY OF Nov 2024 AT 2²⁵ AM RM
TAMMIE WOLFE, CLERK
BY Terri Wright, Deputy CLERK

MOTION TO ACCESS DEFENSE COUNSELS CLIENT FILE AND
INTERVIEW ALL DEFENSE TRIAL COUNSEL

COMES NOW, the State of Tennessee, by and through the undersigned counsel and moves this Honorable Court for an order for the following:

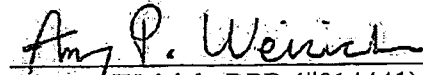
1. In Tennessee, when a petitioner in a post-conviction proceeding challenges their attorney's representation, it can result in an implied waiver of the attorney-client privilege.
2. This waiver allows the State of Tennessee to access information from the defense attorney that is vital to its defense in the post-conviction action. Specifically, the State of Tennessee needs to interview Petitioner Adams's trial attorneys about the advice given to the Petitioner Adams regarding his rights, as this information is material to the issues raised by Petitioner Adams in his post conviction allegations.
3. If the client attacks the competency of his attorney, the privilege is viewed as waived regarding the representation in issue. *See Bryan v. State*, 848 S.W.2d 72, 80 (Tenn. Crim. App. 1992), *quoting Tasby v. United States*, 504 F.2d 332 (8th Cir. 1974).
4. Petitioner Adams filed a Petition for Post Conviction Relief on August 18, 2023, in which he attacks, on multiple grounds, the competency of his trial attorneys.

5. Furthermore, Petitioner Adams filed an Amended Petition for Post Conviction Relief on January 22, 2024, in which he raised additional grounds attacking the competency of his trial attorneys.
6. The State of Tennessee seeks an order from this Court allowing undersigned counsel to review Jennifer Lynn Thompson, James Simmons, and Jerry Gonzales trial file for Petitioner Adams.
7. The State also requests that this Court ordered that Jennifer Lynn Thompson, James Simmons, and Jerry Gonzales, speak with the State of Tennessee in preparation for the post-conviction claims no later than November 30, 2024.

Wherefore, premises considered, the State of Tennessee respectfully requests that this Honorable Court order:

1. That Petitioner Adams's attorney-client privilege with his trial attorneys, being Jennifer Lynn Thompson, James Simmons, and Jerry Gonzales are waived as a result of Petitioner Adams filing his post-conviction relief claims.
2. That undersigned counsel shall be allowed to review Jennifer Lynn Thompson, James Simmons, and Jerry Gonzales' trial file.
3. That Jennifer Lynn Thompson, James Simmons, and Jerry Gonzales speak with the State of Tennessee in preparation for the post-conviction relief claims raised by Petitioner Adams.
4. Any other general or specific relief the State of Tennessee may be entitled to.

Respectfully submitted,



Amy P. Weirich, BPR (#014441)

Special Counsel

25th Judicial District

P.O. Box 38

Somerville, Tennessee 38068

(901) 465-7351

apweirich@tndagc.org

Sign by person

Christopher V. Boiano

BPR (#030076)



Christopher V. Boiano, BPR (#030076)

Assistant Attorney General

18th Judicial District

113 West Main Street

Cordell Hull Building, 3rd Floor

Gallatin, Tennessee 37066

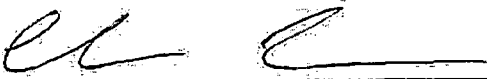
(615) 451-5810

cvboiano@tndagc.org

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed and mailed to Douglas Thompson Bates IV, attorney for Petitioner Adams, on this 7th day of November, 2024.

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 ✓



Christopher V. Boiano