

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER

VS.

STATE OF TENNESSEE

NO. 17-CR-10-PC

MOTION TO SUBPOENA and DEPOSE and SCHEDULE DEPOSITIONS OF
SUBPOENAED LAWYERS AND ALLOW ZOOM DEPOSITIONS

Comes now the Petitioner, by and through Counsel, and moves the Court to order the scheduling of depositions for the following witnesses the Petitioner seeks to subpoena to testify via deposition:

1. Michael Scholl;
2. Michael Flanagan;
3. ADA Paul Hagerman

A drafted copy of the subpoena duces tecum is attached to this motion. All three attorneys are being 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 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

FILED 25 DAY OF Nov., 2024 AT 5:35 AM PM
BY TAMMIE WOLFE, CLERK
Tammie Wolfe (CLERK)

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. Flannigan and Scholl’s testimony will be potentially protected attorney-client 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.

Thus, the Petitioners seeks the following:

1. An order authorizing the issuance of the attached subpoenas duces tecum to the attorneys listed above;
2. For the court to order the hearing for Jason Autry’s waiver to take place before such depositions (or live testimony);
3. For the Court to order the parties work in good faith scheduling these depositions;

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:



DOUGLAS THOMPSON BATES, IV (#027089)
ATTORNEY FOR ZACHARY RYE ADAMS
BATES & BATES LAW OFFICE
406 W. PUBLIC SQ., 2ND FLOOR, BATES BUILDING
P.O. BOX 1
CENTERVILLE, TN 37033
TEL: 931-729-4085 FAX: 931-729-9888
EMAIL: dtbates4@bates.law

NOTICE

**THIS MOTION IS SET TO BE HEARD ON TBD 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 25 day of NOVEMBER 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):

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

Circuit Court Hardin County Savannah, Tennessee	SUBPOENA <i>DUCES TECUM</i>	Case Number 17-CR-10PC
ZACHARY RYE ADAMS VS. STATE OF TENNESSEE		

To:

Paul Hagerman
201 Poplar Avenue
Memphis, TN 38103-1945

Under penalty prescribed by law, you are commanded:

☒ 1. **Subpoena for Attendance at Hearing or Trial** – to appear personally before the Circuit Court of Hardin County, Savannah, Tennessee, on January 14th and 15th, 2025, at 9:00 a.m. and give testimony, pursuant to Rule 17 of the Tennessee Rules of Criminal Procedure; when you arrive, you must remain at the court until the judge or a court officer allows you to leave;

☒ 2. **Subpoena for Production of Documentary Evidence (e.g. Papers, Documents, Statements and/or Reports, etc.)** – to produce and permit inspection, copying, testing, or sampling of the following designated papers, documents, statements, reports, electronically stored information, or tangible things: See Attached Exhibit 1 and to swear or affirm that the things produced are authentic to the best of your knowledge, information, and belief, and to state whether all responsive things have been produced, pursuant to Rule 17 of the Tennessee Rules of Criminal Procedure; the subpoenaed items must be produced to Douglas Thompson Bates, IV within twenty one (21) days of receipt of subpoena; by mail at P.O. Box 1, Centerville, TN 37033, by fax at (931) 729-9888 or by email at dtbates4@bates.law.

☐ 3. **Subpoena for Inspection of Premises** – to permit inspection of the following premises: _____
on _____ at _____ a.m./p.m., pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; and/or

☐ 4. **Subpoena for Deposition Testimony** – to appear personally at _____ in _____, Tennessee, on _____
at _____ a.m./p.m., then and there to testify by deposition in this matter, and to bring the following items: _____
_____, pursuant to Rule 45.04 of the Tennessee Rules of Civil Procedure.

Notice for a subpoena for production of documentary evidence (#2 above) or for a subpoena for deposition testimony (#4 above): The failure to serve an objection to this subpoena within twenty-one days after the day of service of the subpoena waives all objections to the subpoena, except the right to seek the reasonable cost for producing books, papers, documents, electronically stored information, or tangible things.

This subpoena is issued on behalf of Plaintiff ☒ or Defendant ☐. The name, address, and telephone number of the issuing party's attorney are: Douglas Thompson Bates, IV, P.O. Box 1, Centerville, TN 37033, Tel: (931) 729-4085.

Signature of issuing party's attorney: _____

Date Issued: _____

Signature of Clerk/Deputy Clerk

For Americans With Disabilities Act (ADA) assistance only,
call: Martha Smith, Tel: 731-925-8166.

**NOTICE: YOU CAN BE FOUND IN CONTEMPT OF COURT FOR FAILING TO COMPLY WITH THIS SUBPOENA
AND IF FOUND GUILTY OF CONTEMPT YOU MAY BE FINED, IMPRISONED, OR BOTH.**

Circuit Court Hardin County Savannah, Tennessee	SUBPOENA <i>DUCES TECUM</i>	Case Number 17-CR-10PC
ZACHARY RYE ADAMS VS. STATE OF TENNESSEE		

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the _____ day of _____ 2024, sent a true and correct copy of the following to the person(s) listed below in compliance with the Tennessee Rules of Criminal Procedure, Rule 49, by the following indicated method(s):

Amy P. Weirich
16814 Hwy
P.O. Box 38
Somerville, TN 38068-0038

- ☐ 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
Attorney for Zachary Rye Adams

RETURN OF SERVICE

Check one of the following boxes: Box 1 or Box 2 is only for the return by an authorized officer, by an attorney, or by an attorney's agent; pursuant to Tenn. Code Ann. § 23-2-105, the return by an attorney or the attorney's agent must be sworn to. Box 3 is only for the person named in the subpoena (or the authorized representative of an organization named in the subpoena) who acknowledges service, and such person must sign in the signature box below.

- ☐ 1. I certify that on the date indicated below I served a copy of this subpoena on (state the identity of the person served, and the place and manner of service): _____
- ☐ 2. I was unable to serve a copy of this subpoena on the person named in the subpoena because _____
- ☐ 3. I acknowledge being served with this subpoena on the date indicated below.

FOR RETURN BY ATTORNEY OR ATTORNEY'S AGENT:

DATE OF SERVICE: _____

Sworn to and subscribed before me on this ____ day of _____, 20 ____.

☐ Notary Public or ☐ Deputy Clerk:

PLEASE PRINT: SIGNATURE OF OFFICER, ATTORNEY OR ATTORNEY'S AGENT, OR PERSON ACKNOWLEDGING SERVICE:

Signature

My Commission Expires: _____

Agency Address

PUBLIC NOTICE

The Americans with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Tennessee Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its judicial programs. In accordance with the Americans with Disabilities Act, if necessary, the Tennessee Judicial Branch will provide reasonable modifications in order to access all of its programs, services and activities to qualified individuals with disabilities.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

If you need assistance, have questions or need additional information, please contact your Local Judicial Program ADA Coordinator:

**Martha Smith
465 Main Street
Savannah, TN 38372
Tel: 731-925-8166**

If you need assistance, have questions or need additional information, you may also contact the Tennessee Judicial Program ADA Coordinator by mail, telephone or email as follows:

**ADA COORDINATOR
511 Union Street, Ste. 600
Nashville, TN 37219
(615) 741-2687 OR (800) 448-7970
adacoordinator@tncourts.gov**

The Tennessee Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, as well as a Request for Modification form may be found online at www.tncourts.gov.

EXHIBIT 1—PAUL HAGERMAN

Definitions

1. Written communication(s)" include all written correspondence emails, letters, notes, text messages or similar written communications through apps utilized by prisoners.
2. "Negotiation(s)" means all discussions with any agent of the State of Tennessee regarding any resolution of the applicable case beyond a trial on the merits. This includes all manner of consideration from both the State and the Defense and further includes each and ever part of the case that could be resolved by the negotiation.
3. "The State" means any agent in any capacity of the State of Tennessee in their apparent agency or actual agency authority in the applicable case as the prosecuting or investigating party against an individual.

Items to bring to your Deposition or Trial Testimony Pursuant to the Subpoena Duces Tecum:

1. All written communications you have had with anyone on behalf of Jason Autry (including former attorneys, co counsel, family members of Jason Autry or other person with whom you discussed Jason Autry's case on his behalf) from April 13th, 2011 until the current regarding his case.
2. All written communications you have had with other attorneys or private investigators (whether for co defendants, Jason Autry, the United States or the State) regarding all criminal cases, both Federal and State, in which Jason Autry was accused, investigated and/or prosecuted by either the State of Tennessee or United States of America.
3. All written communications you have had with any other attorney representing Jason Autry discussing any negotiation, negotiated plea deal, or discussion of forthcoming possible testimony with Jason Autry.
4. All documents created by your in any form regarding all criminal cases, both Federal and State, in which Jason Autry was accused, investigated and/or prosecuted by either the State of Tennessee or United States of America. This does not include any matter of discovery received from the State of Tennessee or pleading or order that was part of any court file.
5. At the plea of Jason Autry, Mr. Scholl used a phrase called "formal offers" regarding what you had *just* received a month prior to Mr. Autry's plea deal in 2020. To the extent not addressed above, all written documents and/or communications of all "informal offers" or otherwise negotiations with the State of Tennessee that you have had since April 13th, 2011 with any attorney representing Mr. Jason Autry.
6. All discussions with any agent of the State of Tennessee or United State Government since January 1st, 2022, regarding Zach Adams' writ of error coram nobis and/or post conviction relief. This specifically includes now Judge Jennifer Nichols.

7. All discussions with any current or former agent of Jason Autry, Dylan Adams or Zach Adams since January 1st, 2022, regarding Zach Adams' writ of error coram nobis and/or post conviction relief. This specifically includes now Judge Jennifer Nichols.

Circuit Court
Hardin County
Savannah, Tennessee

SUBPOENA *DUCES TECUM*

Case Number
17-CR-10PC

ZACHARY RYE ADAMS VS. STATE OF TENNESSEE

To:

Michael Scholl
253 Adams Ave
Memphis, TN 38103-1921

Under penalty prescribed by law, you are commanded:

☒ 1. **Subpoena for Attendance at Hearing or Trial** – to appear personally before the Circuit Court of Hardin County, Savannah, Tennessee, on January 14th and 15th, 2025, at 9:00 a.m. and give testimony, pursuant to Rule 17 of the Tennessee Rules of Criminal Procedure; when you arrive, you must remain at the court until the judge or a court officer allows you to leave;

☒ 2. **Subpoena for Production of Documentary Evidence (e.g. Papers, Documents, Statements and/or Reports, etc.)** – to produce and permit inspection, copying, testing, or sampling of the following designated papers, documents, statements, reports, electronically stored information, or tangible things: See Attached Exhibit 1 and to swear or affirm that the things produced are authentic to the best of your knowledge, information, and belief; and to state whether all responsive things have been produced, pursuant to Rule 17 of the Tennessee Rules of Criminal Procedure; the subpoenaed items must be produced to **Douglas Thompson Bates, IV** within twenty one (21) days of receipt of subpoena; by mail at P.O. Box 1, Centerville, TN 37033, by fax at (931) 729-9888 or by email at dtbates4@bates.law.

☐ 3. **Subpoena for Inspection of Premises** – to permit inspection of the following premises: _____
on _____ at _____ a.m./p.m., pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; and/or

☐ 4. **Subpoena for Deposition Testimony** – to appear personally at _____ in _____, Tennessee, on _____
at _____ a.m./p.m., then and there to testify by deposition in this matter, and to bring the following items: _____
_____, pursuant to Rule 45.04 of the Tennessee Rules of Civil Procedure.

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This subpoena is issued on behalf of Plaintiff ☒ or Defendant ☐. The name, address, and telephone number of the issuing party's attorney are: Douglas Thompson Bates, IV, P.O. Box 1, Centerville, TN 37033, Tel: (931) 729-4085.

Signature of issuing party's attorney: _____

Date Issued: _____

Signature of Clerk/Deputy Clerk

For Americans With Disabilities Act (ADA) assistance only,
call: Martha Smith, Tel: 731-925-8166.

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The undersigned certifies that he has on the _____ day of _____ 2024, sent a true and correct copy of the following to the person(s) listed below in compliance with the Tennessee Rules of Criminal Procedure, Rule 49, by the following indicated method(s):

Amy P. Weirich
16814 Hwy
P.O. Box 38
Somerville, TN 38068-0038

- ☐ 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
Attorney for Zachary Rye Adams

RETURN OF SERVICE

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☐ 2. I was unable to serve a copy of this subpoena on the person named in the subpoena because _____

☐ 3. I acknowledge being served with this subpoena on the date indicated below: _____

FOR RETURN BY ATTORNEY OR ATTORNEY'S AGENT:

Sworn to and subscribed before me on this _____ day of _____, 20 ____.

☐ Notary Public or ☐ Deputy Clerk:

My Commission Expires: _____

DATE OF SERVICE: _____

PLEASE PRINT: SIGNATURE OF OFFICER, ATTORNEY OR ATTORNEY'S AGENT, OR PERSON ACKNOWLEDGING SERVICE:

Signature

Agency Address

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**ADA COORDINATOR
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Nashville, TN 37219
(615) 741-2687 OR (800) 448-7970
adacoordinator@tncourts.gov**

The Tennessee Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, as well as a Request for Modification form may be found online at www.tncourts.gov.

EXHIBIT 1—Michael Scholl

Definitions

1. "Written communication(s)" include all written correspondence emails, letters, notes, text messages or similar written communications through apps utilized by prisoners.
2. "Negotiation(s)" means all discussions with any agent of the State of Tennessee regarding any resolution of the applicable case beyond a trial on the merits. This includes all manner of consideration from both the State and the Defense and further includes each and ever part of the case that could be resolved by the negotiation.
3. "The State" means any agent in any capacity of the State of Tennessee in their apparent agency or actual agency authority in the applicable case as the prosecuting or investigating party against an individual.
4. "Case(s)" means any criminal prosecution, either from the State of Tennessee or United States Government in which Mr. Autry is a charged party or person of interest.

Items to bring to your Deposition or Trial Testimony Pursuant to the Subpoena Duces Tecum:

1. All written communications you have had with Jason Autry from April 13th, 2011 until the current regarding any of his cases.
2. All written communications you have had with anyone on behalf of Jason Autry (including former attorneys, co counsel, family members of Jason Autry or other person with whom you discussed Jason Autry's case on his behalf) from April 13th, 2011 until the current regarding any of his case.
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4. All written communications you have had from other attorneys representing Jason Autry discussing any negotiation, trial tactic or strategy, with Jason Autry.
5. All documents created by your or any member of your law office in any form regarding all criminal cases, both Federal and State, in which Jason Autry was accused, investigated and/or prosecuted by either the State of Tennessee or United States of America. This does not include any matter of discovery received from the State of Tennessee or pleading or order that was part of any court file.
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7. All discussions with any agent of the State of Tennessee or United State Government since January 1st, 2022, regarding Zach Adams' writ of error coram nobis and/or post conviction relief. This specifically includes now Judge Jennifer Nichols.
8. All discussions with any current or former agent of Jason Autry, Dylan Adams or Zach Adams since January 1st, 2022, regarding Zach Adams' writ of error coram nobis and/or post conviction relief. This specifically includes now Judge Jennifer Nichols.
9. All campaign contributions you or your law office or immediate family members have made to any campaign in which Jennifer Nichols was a candidate since April 13th, 2011.

Circuit Court Hardin County Savannah, Tennessee	SUBPOENA DUCES TECUM	Case Number 17-CR-10PC
ZACHARY RYE ADAMS VS. STATE OF TENNESSEE		

To:

Michael Flanagan
Cavalier BLDG
95 White Bridge Pike, Ste 512
Nashville, TN 37205-1490

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Signature of issuing party's attorney: _____

Date Issued: _____

Signature of Clerk/Deputy Clerk

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Amy P. Weirich
16814 Hwy
P.O. Box 38
Somerville, TN 38068-0038

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☐ Via Fax
☐ Via Email
☐ Hand-delivery by:
☐ Certified Mail, Return Receipt Requested

DOUGLAS THOMPSON BATES, IV
Attorney for Zachary Rye Adams

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FOR RETURN BY ATTORNEY OR ATTORNEY'S AGENT:

DATE OF SERVICE: _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

☐ Notary Public or ☐ Deputy Clerk:

PLEASE PRINT: SIGNATURE OF OFFICER, ATTORNEY OR ATTORNEY'S AGENT, OR PERSON ACKNOWLEDGING SERVICE:

My Commission Expires: _____

Signature

Agency Address

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Nashville, TN 37219
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adacoordinator@tncourts.gov**

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EXHIBIT 1—Michael Flannigan

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1. All written communications you have had with other attorneys or private investigators (whether for co defendants, Jason Autry, or the State) regarding the *State v. Jason Autry* case for his alleged kidnapping, murder and rape of Holly Bobo from April 13th, 2011, until the current.
2. All written communications you have had from other attorneys representing Jason Autry discussing any negotiation, trial tactic or strategy, with Jason Autry.