

IN THE CIRCUIT COURT OF HARDIN COUNTY  
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS,  
PETITIONER,

vs.

STATE OF TENNESSEE,  
RESPONDENT.

No. 17-CR-10-PC

RESPONSE IN PARTIAL OPPOSITION TO PETITIONER ADAMS'S  
MOTION TO FILE SECOND AMENDED PETITION FOR  
POST-CONVICTION RELIEF

COMES NOW, the State of Tennessee, by and through undersigned counsel of record, and files this *Response in Partial Opposition to Petitioner Adams's Motion to File Second Amended Petition for Post Conviction Relief*. For cause, the State would show as follows:

1. In general terms, the State of Tennessee is not opposed to Petitioner Adams's filing a Second Amended Petitioner for Post-Conviction Relief. Petitioner Adams's First Amended Petition for Post-Conviction Relief, filed on January 22, 2024, did not contain a signed Certification of Counsel required under the Rule 28, § 6 of the Supreme Court of Tennessee Rules of Post Conviction Procedure. If Petitioner Adams's counsel now presently believes that the Second Amended Petition has raised all non-frivolous grounds constitutional grounds by existing law or a good faith argument for the extension, modification, or reversal of existing law for appropriate Post-Conviction Relief, the State has no objection.
2. However, the State of Tennessee does object to Petitioner Adams raising any *coram nobis* claims in his Second Amended Petition for Post-Conviction Relief. The State

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objects to the following claims on this basis and asks this Court to strike same from the

Second Amended Petition:

- a. Paragraph 17;
  - b. Paragraph 19, 19(a), 19(b), and 19(c);
  - c. Paragraph 35, 35(a),
  - d. Paragraph 36;
  - e. Paragraph 37;
3. Furthermore, the State of Tennessee objects to all claims set forth in the Second Amended Petition that Petitioner Adams's could have presented for determination at the trial or at direct appeal and failed to do so. *See* T.C.A § 40-30-106(g). These claims are deemed waived for purposes of post-conviction relief. The State objects to the following claims on this basis ask this Court to strike same from the Second Amended Petition:
- a. Paragraph 38.
  - b. Paragraph 39.
  - c. Paragraph 40.
  - d. Paragraph 41.
  - e. Paragraph 42.
  - f. Paragraph 43.
  - g. Paragraph 44.
  - h. Paragraph 45.

**WHEREFORE**, based on the foregoing, the State respectfully requests that this Honorable Court allow Petitioner Adams to file his Second Amended Petition for Post-Conviction Relief, with the above specified paragraphs removed from the petition

Respectfully submitted,

/s/ Amy P. Weirich /

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/s/ Christopher V. Boiano /

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been emailed and mailed to Douglas Bates IV, attorney for the Petitioner, on this 1<sup>st</sup> day of December 2024.

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/s/ Christopher V. Boiano /

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Christopher V. Boiano