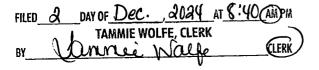
IN THE CIRCUIT COURT OF HARDIN COUNTY AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS,)	1
PETITIONER,)	
)	
vs.)	No. 17-CR-10-PC
)	į
STATE OF TENNESSEE,)	
RESPONDENT.)	1

RESPONSE TO PETITIONER ADAMS'S MOTION TO CONDUCT ZOOM HEARING/IN PERSON HEARING WITH JASON AUTRY TO DETERMINE IF HE WAIVES ATTORNEY CLIENT PRIVILEGE

COMES NOW, the State of Tennessee, by and through undersigned counsel of record, and files this Response to Petitioner Adams's Motion to Conduct Zoom Hearing/In Person Hearing with Jason Autry to Determine If He Waives Attorney Client Privilege. The State would show as follows:

- 1. As set forth in Tenn. Sup. Ct. R. 28 § 8(C)(3) on Post-Conviction Procedure, "each party shall have the right to subpoena witnesses for appearance at the *evidentiary* hearing [emphasize added]." No authority exists in Tenn. Sup. Ct. R. 28 or Tenn. Code Ann. § 40-30-110 that would allow Petitioner Adams to compel Jason Autry to testify in any hearing outside the post-conviction evidentiary hearing.
- 2. Counsel for Petitioner Adams can easily communicate his questions regarding Jason Autry waiving the attorney-client privilege with his trial counsel by contacting Jason Autry's current attorney, Ms. Elizabeth Anne Arrick, who is presently handling Mr. Autry's direct appeal in the United States Court of Appeals for the Sixth Circuit. This appeal concerns Jason Autry's 279-month (over 23 years) sentence imposed by the



United States District Court for the Western District of Tennessee. *See* attached **Exhibit**"A" for Ms, Arrick's contact information.

3. Lastly, this Court should consider appointing an independent and disinterested attorney to represent Jason Autry to ensure that he intelligently understands any decision to waive attorney client privilege with his trial counsel.

WHEREFORE, based on the foregoing, the State respectfully requests that this Honorable Court deny Petitioner Adams's Motion to Conduct Zoom Hearing/In Person with Jason Autry to Determine If He Waives Attorney Client Privilege. Furthermore, the State requests that Jason Autry be appointed an independent and disinterested attorney to ensure that he intelligently understands any decision to waive attorney-client privilege with his trial counsel.

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 Douglas Bates IV, attorney for the Petitioner, on this	
Douglas Thompson Bates, IV	!
Bates & Bates Law Office	i
406 W. Public Sq., 2 nd Floor, Bates Building	
P.O. Box 1	
Centerville, TN 37033	
dtbates4@bates.law	1
/s/ Christopher V. Boiano	
Christopher V. Rojano	

Exhibit "A"

CASE NO. 24-5607

IN THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,)
Appellee, vs.)) U.S. District Court for the) Western District of Tennessee) Case No. 1:20-cr-10063-1
JASON WAYNE AUTRY,	
Appellant.)

On Appeal from the United States District Court for the Western District of Tennessee

APPELLANT JASON WAYNE AUTRY'S BRIEF ON APPEAL

Elizabeth A. Arrick (KY 97587)
Casey Bailey & Maines, PLLC
3151 Beaumont Centre Circle,
Suite 200
Lexington, Kentucky 40513
(859) 243-0228
earrick@cbmlaw.net

Counsel for Appellant Jason Wayne Autry