

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 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

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TAMMIE WOLFE, CLERK

BY

Tammie Wolfe

CLERK

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

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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 _____ day of December 2024.

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/s/ Christopher V. Boiano

Christopher V. Boiano

Exhibit "A"

CASE NO. 24-5607

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA,

Appellee,

vs.

JASON WAYNE AUTRY,

Appellant.

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)
)
) U.S. District Court for the
) Western District of Tennessee
) Case No. 1:20-cr-10063-1
)
)
)
)

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

APPELLANT JASON WAYNE AUTRY'S BRIEF ON APPEAL

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