

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

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

**THE STATE OF TENNESSEE’S POST-HEARING RESPONSE TO THE COURT’S
REQUEST FOR ADDITIONAL INFORMATION**

COMES NOW, the State of Tennessee, by and through the undersigned counsel, to file this *Response* to this Court’s request on June 14th, 2024, for further information on whether the unsworn statements attributed to Lisa Sanders in paragraph 7 of the Petition for Writ of Error Coram Nobis were reported to the TBI tip hotline. The State would state as follows:

TBI’s Tracking of Leads

Initially, a Virtual Command Center (VCC) leads management system was utilized to track leads concerning Holly Bobo. The VCC is an FBI database that allows leads to be easily entered and updated in an Excel spreadsheet format. This system is organized to track what has been done and what needs to be done. The layout consists of one spreadsheet that shows all leads, who cleared each lead, any follow-up needed, and when the lead was closed. The first VCC was open from 04/13/2011 through 04/28/2012. The second VCC was open from 02/26/2014 through 05/09/2014. Leads continued to come in (at a lesser volume) after each VCC was closed.

However, tips came in a variety of ways. TBI used the following system to track, organize, and verify leads during this investigation:

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TAMMIE WOLFE, CLERK
BY Tammie Wolfe (CLERK)

1. Phone calls arrived via the tipline at 1-800-TBI-FIND (only 1-800 # established during this investigation to receive tips) and emailed to tipstotbi@tn.gov. Tips were then recorded in the VCC and assigned to be investigated by agents. A physical lead sheet was created and given to the agent, or an email of lead/tip was sent to an agent from analysts in the Fusion Center, TIES, or other intelligence areas at TBI HQ. If a new lead was then generated as a result of the first lead, it would be assigned a new lead number, recorded into the VCC, and then assigned/worked/resolved. Each lead would be worked until a resolution was reached. The resolution of the lead would then be documented in the VCC.
2. Some leads were reported directly to TBI agents or law enforcement agencies outside of TBI. When this occurred, a lead sheet was created, and a new lead number was assigned and recorded in the VCC. An agent worked to resolve each lead, and the resolution was recorded in the VCC.
3. After the VCC was closed, tips continued to come in through the above-listed means; however, no lead management system was used. No matter how the tips came in, they were forwarded to the investigative team for assignment to be worked, resolved, and documented in an IR. All leads worked were documented in the master case file.
4. Most leads have been documented multiple times. For example, the second VCC was closed in May 2014. IR #2537 references the closure, and the VCC spreadsheet is an attachment to that IR. The VCC spreadsheet was also on a CD, and a copy of that CD was provided as part of the discovery. Additionally, each lead from that VCC that involved an Agent investigating the lead would have been documented in a separate IR.

Lisa Sanders

In his *Petition for Writ of Error Coram Nobis*, Petitioner Adams alleges that Lisa Sanders can proffer testimony that amounts to “newly discovered evidence.” See *Petition for Writ of Error Coram Nobis*, paragraph 7, for Sanders’ statement. Furthermore, Petitioner Adams’ Petition alleges that Lisa Sanders told a friend named Bonnie Hamm about the events set forth in paragraph 7, who then purportedly reported this information to law enforcement by calling the TBI hotline.

Based on this Court’s inquiry into whether Bonnie Hamm, in fact, called the TBI hotline and reported Lisa Sanders’ allegations, the undersigned counsel instructed TBI to search the VCC spreadsheets. The resulting search of the VCC spreadsheets concluded that there is no record of Bonnie Hamm calling the TBI hotline.

Argument

The State has previously set forth in its *Motion to Dismiss Petitioner Adams's Petition for Error Coram Nobis without an Evidentiary Hearing* and *Reply* legal arguments questioning the validity and reliability of the statements attributed to Lisa Sanders and Jason Autry in the context of coram nobis proceeding. The State incorporates those same arguments into this *Post-Hearing Response*. Petitioner Adams has already conceded that his coram nobis petition was not filed promptly within the statute of limitations. Therefore, this petition would have to contain facts to support equitable tolling of the statute of limitations to avoid being summarily dismissed.

The statute of limitations may be tolled if a petition for a writ of error coram nobis seeks relief based upon new evidence of actual innocence discovered after the expiration of the limitations period...[and] to be entitled to equitable tolling, a prisoner must demonstrate with particularity in the petition: (1) that the ground or grounds upon which the prison is seeking relief are “later arising” grounds that arose after the point in time when the applicable statute of limitations normally would have started to run; [and] (2) that, based on the facts of the case, the

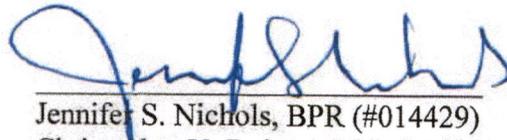
strict application of the statute of limitations would effectively deny the prisoner a reasonable opportunity to present his or her claims....A prisoner is not entitled to equitable tolling to pursue a patently nonmeritorious ground for relief.” *Nunley v. State*, 552 S.W.3d 800, 829 (Tenn. 2018).

Due process tolling is not warranted based on Lisa Sanders's unsworn statements. The reliability of any unsworn witness statement should be of concern to this Court, especially considering *Nunley*'s affidavit requirements in a coram nobis proceeding. Furthermore, the petition's factual allegations attributed to Lisa Sanders are not “new evidence of [Petitioner Adams'] actual innocence.” The events described by Sanders fail to allege why Sanders observing a man driving a truck miles away from the crime scene shows that Petitioner Adams is innocent. Likewise, his petition fails to state *when* Lisa Sanders's unsworn statements were obtained and *why* such evidence justifies equitable tolling. As established in *Nunley*, equitable tolling claims must be specifically pled in a coram nobis petition. *Id.* at 829. The petition fails to state a single piece of evidence that demonstrates actual evidence. Lisa Sanders's statements themselves are suspect. Sanders gives a general description of a man in a truck that she indicated she was able to identify four (4) years later.

Conclusion

For the reasons stated in its *Motion to Dismiss, Reply*, and this *Post Hearing Response*, the State requests that this Court should dismiss Petitioner Adams' coram nobis petition without an evidentiary hearing for being time-barred, failing to allege specific facts showing entitlement to equitable tolling and/or alternatively because the information contained in the petition is not newly discovered evidence. Ultimately, Petitioner Adams cannot show actual innocence and is not entitled to relief from this Court.

Respectfully Submitted,

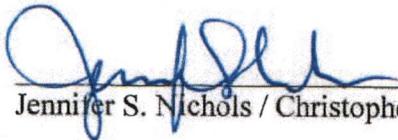


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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed and mailed to Douglas Thompson Bates IV, attorney for Petitioner Adams, on this 21st day of June 2024.

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Jennifer S. Nichols / Christopher V. Boiano

Tammie Wolfe - Adams v. State of TN - Hardin County Circuit Court No. 17-CR-10PC | State's Post Hearing Response

From: "Christopher V. Boiano" <cvboiano@tndagc.org>
To: 'Tammie Wolfe' <Tammie.Wolfe@tncourts.gov>, 'Terri Wright' <Terri.Wright...
Date: 6/21/2024 4:21 PM
Subject: Adams v. State of TN - Hardin County Circuit Court No. 17-CR-10PC | State's Post Hearing Response
Cc: "dtbates4@bates.law" <dtbates4@bates.law>, "Kristy.Edgin@tncourts.gov" <...
Attachments: Adams, Zach Res Post Hearing 240621.pdf

Good afternoon,

I am attaching the State of Tennessee's *Response Post Hearing Response to the Court Request for Additional Information* to this email.

Could we have a stamp filed copy emailed back to us?

Thank you so much.

Best,



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