

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER

VS.

STATE OF TENNESSEE

NO. 17-CR-10-PC

ADDITION TO PROPOSED SECOND AMENDMENT ¶35(B) AND ¶38

Comes now the Defendant/Petitioner¹, and adds to the proposed second amendment as follows:

35.

b. The evidence of Mr. Zach Adams on the CB&S Bank ATM recorder is scientific evidence in nature such that proves actual evidence and is ripe for this post conviction proceeding pursuant to *Dellinger v. State*, 279 S.W.3d 382 (Tenn. 2009). *To the extent it is deemed to have been waived because Mr. Adams Counsel did not bring this issue up at trial*, then such was because of the ineffective assistance of counsel.

38. In December of 2023, Mr. Jason Autry provided new information in this case to show that Mr. Adams's constitutional rights were violated by the State's prosecution of him based on various theories espoused below that a void and/or voidable and/or unreliable result occurred because of the abridgement of certain rights guaranteed to him by the Constitution of Tennessee and/or the Constitution of the United States. This includes ultimately his procedurally due process rights under the XIV Amendment and Article I of the United States Constitution, Section 8 and 9 of the Tennessee Constitution based upon

¹ Counsel will refer to Mr. Adams as either Defendant when referring to him in the trial level proceedings and Petitioner in context of this writ.

FILED 2 DAY OF Dec. 2024 AT 9:00 AM PM

TAMMIE WOLFE, CLERK

BY

Tammie Wolfe

CLERK

the principles of prosecutorial misconduct and violations of *Brady v. Maryland*, both of which were revealed in Jason Autry's December 2023 hearing. At no point were these issues waived because the Defendant did not have access to this information during his trial or appellate process. Nor has any court addressed the merits of these claims in a full and final hearing. Mr. Autry thus revealed that (a) the State prosecution and him engrained themselves to such a degree that Mr. Autry became an agent of the State in presenting false testimony; (b) the State prosecution did in fact convey through his attorney sufficient enough of an understanding what Mr. Autry's sentence would be if and when he testified and that should have been disclosed. The recorded interview factually the following:

- a. He admitted to concocting the entire story in his cell at jail while reviewing the discovery and in discussions with his attorney about the best way to avoid spending the rest of his life in prison. This story was what he presented at trial.
- b. He admitted that it was all false that he used the extensive cell phone data provided in discovery to create a story around it.
- c. He said he just recreated his day and "added Holly to it." He acknowledged it was all to get him out of jail at the express guidance from his attorney.
- d. At one point, he said "we put it together in 3 days." It is unclear exactly who "we" were, but it is believed that at the very least, his attorneys and/or private investigators were involved. Further, per his recorded interview, there were discussions between his attorneys and State and the State spent days with him

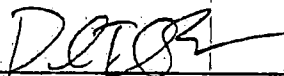
in investigating his “story” and forthcoming testimony—which we *now* realize is false based on the December 2023 interview.

- e. Mr. Autry further explained how details of his story came to light, including parts of the story how he created the story about the gun from an incident with Terry Britt.
- f. The Court said Mr. Autry’s testimony was some of the most credible and persuasive testimony the Court has ever seen. Further, Mr. Autry said he was very well trained by ADA Jennifer Nichols, whom he referred to as the “boss of it all.”

Mr. Autry’s Plea Deal

- g. Most importantly, at Jason Autry’s plea deal which occurred just after Mr. Adams’ Motion for New Trial was Denied, Assistant District Attorney General Paul Hagerman said that Mr. Autry’s testimony “answered a many questions that were left open factually in the investigation and many questions Karen and Dana had with what happened to their daughter and it was a very important piece of getting justice for Holly.”
- h. During this plea deal, the Court stated that Mr. Autry’s Counsel told him “we will NOT need a trial date” though it clarified Defense Counsel became incredibly technical saying the state has provided no “**formal** offer,” saying nothing as to what was informally offered. It is submitted that the “informal” offer and plea discussion (referenced below as to what the State was prepared to enter) was Brady material that was unknown at the time of the trial and not subject to appellate review.

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

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 1 day of DECEMBER 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):

ADA Amy Weirich
ADA Christopher Boiano

- ☐ 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