

IN THE CIRCUIT COURT OF HARDIN COUNTY, TENNESSEE
AT SAVANNAH

ZACHARY RYE ADAMS,
Petitioner,

v.

STATE OF TENNESSEE.

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Case No. 17-CR-10-PC

MOTION FOR A COURT ORDER APPROVING COMMUNICATION WITH JASON
AUTRY

Comes now, Petitioner, ZACHARY RYE ADAMS, by and through counsel, and hereby moves this Honorable Court for a court order approving, if not objected to by Jason Autry, for Mr. Adams' attorneys to confer with witness, Jason Wayne Autry, either in person or via zoom. The purpose of this communication is to prepare for the evidentiary hearing currently set for March 21, 2025 on whether he will invoke his V Amendment Right and/or refuse to answer any questions under oath at this post conviction relief petition hearing and/or waive his attorney client and/or private investigator privilege.

In the zoom hearing conducted on February 26, 2025, this Court advised it would not Order the State of Tennessee to issue a transport request for Mr. Autry per the instructions received by USP McCreary. The State advised Mr. Autry was a "dangerous" individual and they were uncomfortable signing the order to transport him. The irony should not be lost on the Court as the State in 2017 transported him throughout the State to prepare for trial and then to testify at trial.

The State of Tennessee has advised in a zoom conference that they would not voluntarily issue the transport request and 10-point letter to USP McCreary where Mr. Autry is currently incarcerated. The Court advised it would not hold Mr. Autry's testimony by zoom to answer the important credibility question. The Court then advised it would be best to just see if Mr. Autry is

willing to testify and suggested he be available at the March 21st, 2025, hearing by zoom to advise everyone.

Although, the Petitioner does not necessarily require permission from this Court to confer with a witness, Petitioner is requesting leave as a courtesy in consideration of this process and further from the State's request on March 7th, 2025, that no Counsel talk with Mr. Autry before their pending motions can be heard—which would in effect freeze any communication between Counsel and Mr. Autry before he appears on zoom. Undersigned counsel would like to meet with Mr. Autry, preferably via zoom, in order to understand his potential testimony in this case and determine his willingness his willingness to testify at the March 21, 2025 hearing. In no event will undersigned Counsel demand that Mr. Autry meet with them as it is strictly within Mr. Autry's purview. Furthermore, if Mr. Autry advises he is represented by Counsel in this matter regarding his testimony against Zach Adams and his recantation and everything surrounding his charge and conviction for crimes against Ms. Bobo, then the communication will cease.

The Rules of Professional Conduct states:

Rule 4.3. Dealing with an Unrepresented Person.

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are, or have a reasonable possibility of being, in conflict with the interests of the client.

Rule 4.2 Communications with a Person Represented by Counsel.

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the

matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Comment 5 and 6 to Rule 4.2 further state:

[5] Communications with represented persons may be authorized by specific constitutional or statutory provisions, by rules governing the conduct of proceedings, by applicable judicial precedent, or by court order.

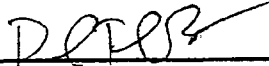
[6] A lawyer who is uncertain whether a communication with a represented person is permissible may seek a court order. A lawyer may also seek a court order in exceptional circumstances to authorize a communication that would otherwise be prohibited by this Rule, for example, where communication with a person represented by counsel is necessary to avoid reasonably certain injury.

Rule 28 § 6 states that, “[a]ppointed counsel shall be required to...interview relevant witnesses, including petitioner and prior counsel, and diligently investigate and present all reasonable claims.”

Counsel anticipates the federal facility recording the conversation and providing the same to the State of Tennessee. Should the court wish for Counsel to record the conversation, then the Court will comply; though Petitioner’s counsel is unsure of the authority of this under Rule 16. Further, Counsel will read the rules of professional conduct 4.3 that specifically states Counsel cannot give him any legal advice as the inquiry is for Mr. Autry to provide information to Counsel, not Counsel to Mr. Autry.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays for leave of this Court to speak and confer with Jason Wayne Autry, in person or via zoom, for the purpose of preparing Mr. Adams’ case.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, CRYSTAL ETUE, hereby certify that a true and exact copy of the foregoing *Motion for Leave to Speak with Jason Autry* has been served by electronic mail on this to all parties and/or their attorneys in this case in accordance with Rule 5.02 of the Tennessee Rules of Civil Procedure on this the 7th day of March, 2024, to the following address:

ADA Amy Weirich – apweirich@tndagc.org
ADA Christopher Boiano – cvboiano@tndagc.org



CRYSTAL M. ETUE / DOUGLAS BATES IV