

**CIRCUIT COURT OF HARDIN COUNTY  
AT SAVANNAH, TENNESSEE**

<b>ZACHARY RYE ADAMS,</b> Petitioner,  vs  <b>STATE OF TENNESSEE,</b> Respondent  <b>In Re: Subpoenaed Counsel Jerry Gonzalez and Jennifer Thompson</b>	Case No. 17-CR-10-PC Hon. Bradberry  FILED <u>11</u> DAY OF <u>March</u> , <u>2025</u> AT <u>10<sup>05</sup></u> <u>AM</u> PM TAMMIE WOLFE, CLERK BY <u>T. Wright, Deputy</u> CLERK
---	--

**MOTION TO QUASH SUPBOENA  
and  
OBJECTION TO SUBPOENA**

Former Counsel for Petitioner, Jerry Gonzalez and Jennifer Thompson, jointly move to quash subpoenas issued on them for their entire records and computer systems as overbroad and outside the limitations of the Tennessee Rules of Criminal Procedure and this Court's order.

Former trial counsel, Jerry Gonzalez, the undersigned, and lead trial counsel, Jennifer Thompson, have been subpoenaed for "Production of Documentary Evidence (Books, Papers, Documents, etc.)" on behalf of Respondent State of Tennessee by Amy P. Weirich, Special Counsel, 25<sup>th</sup> Judicial District.<sup>1</sup> The subpoena includes reference to a "list" of "items to produce" that must be produced "at Bates and Bates Law Office" in Centerville, Tennessee, before "March 7, 2024 at 1:30 p.m." The subpoena also states that "failure to serve an objection to this subpoena within twenty-one days after the day of service of the subpoena waives all objections..."<sup>2</sup>

---

<sup>1</sup> The subpoena typeface is so small as to be barely legible. The signature of the "issuing party's attorney" is completely illegible.

<sup>2</sup> Complying with this deadline is impossible. March 7, 2024, has already passed.

The attached “list” of “Items to Produce” includes the “complete case file”, “[a]ll statements and memos relating to witnesses or potential witnesses or persons”, “[a]ll documents, tape recordings, and other writings memorializing or in any way recording or reflecting words ... with or by Zachary Rye Adams”, “[a]ny and all letters, notes, emails, ... or writing of any kind...”, and “[a]ll computers, laptops, hard drives, backups, and computer information storage devices that you have in your possession related to any legal work performed by you in” the case. This list is grossly over broad.

First, an Order of this Court, dated February 21, 2025 and filed in the record on March 3, 2025” ruled that the State’s Motion to Deem Attorney-Client Privilege Waived for Post Conviction Relief Issues is “GRANTED IN PART as to the issue raised by Petitioner Adams in his post-conviction petition ... .” The list of items to produce is far more broad than this Court’s order and is not limited to the boundaries set by the Court. This Court’s order limits disclosure to only those records dealing with attorney-client privilege. It says nothing about work product of attorneys, which enjoys a separate and distinct protection from production. See, *Boyd v Comdata Network, Inc.*, 88 S.W. 3d 203, 219 (Tenn. App. 2002) (holding the work product doctrine “now applies to both civil and criminal litigation.”)

Rule 17(d)(2) provides that a subpoenaed person may move the court to “quash or modify the subpoena if compliance would be unreasonable or oppressive.” The subpoena demands these counsel to produce at the office of Bates and Bates *their entire computer system*. That is, “all computers”, including backups, and all “storage devices” in their possession related to any legal work performed in the Adams case. This would encompass *the entire computer system* (“all computers”) without limitation, including computers and hard drives that contain hundreds and hundreds of files related to other cases in other courts. Such would effectively shut down these

counsel's entire practice for the duration of their computers' absence, require them to spend thousands of dollars to purchase a duplicate computer system, spends many hours attempting to scrub the produced computers of other case files or expose to the State of Tennessee and to Bates and Bates the protected work product and privileged files of hundreds of other clients. This is simply unprecedented and an outrageous demand and totally unreasonable. These counsel simply cannot comply with such a demand and would be required to appeal to as high authority as possible to limit such a universal disclosure of protected information. Additionally, the undersigned backs up his files to a cloud service. How is he supposed to produce those hard drives, likely contained in massive server facilities in the East Coast of the United States and/or Canada?

Rule 17(d) also provides that the "court may condition denial of the motion on the advancement by the party in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or other objects." A very conservative estimate of such cost would be in the range of **\$10,000 to \$15,000** for each subpoenaed counsel herein to cover a new computer system, monitors, time to scrub the computers of other client files and cost to hire technical support to set up the new computer with duplicate software.

For these reasons, the subpoena issued by the State should be quashed. If this motion is denied, then these counsel move for a temporary stay or extension of time to comply so that they may appeal to higher authority.

Respectfully submitted,

  
/s/ Jerry Gonzalez

Jerry Gonzalez (18379)

8000 Hwy 99, #456

Rockvale TN 37153

615-360-6060

jgonzalez@jglaw.net

### **CERTIFICATE OF SERVICE**

I certify that a true and exact copy of the foregoing was emailed to the following with delivery and read receipt requested:

Douglas Thompson Bates, IV  
Bates & Bates Law Office  
406 W. Public Sq., 2nd Floor, Bates Building  
P.O. Box 1  
Centerville, TN 37033  
dtbates4@bates.law

Amy P. Weirich, BPR (#014441)  
Special Counsel  
25th Judicial District  
P.O. Box 38  
Somerville, Tennessee 38068  
apweirich@tndagc.org

This 5<sup>th</sup> day of March, 2025.

/s/ Jerry Gonzalez

<b>Circuit Court</b> Hardin County, Savannah Tennessee	<b>SUBPOENA</b>	Case Number <b>17-CR-10-PC</b>
<u>Zachary Rye Adams</u> vs. <u>State of Tennessee</u> [Plaintiff's Name] [Defendant's Name]		

To:

Jerry Gonzales  
6002 State Hwy 59, Rockvale, TN 37153  
Phone: (615) 380-8080 | Email: jgonzales@iglaw.net

Under penalty prescribed by law, you are commanded:

☐ 1. Subpoena for Attendance at Hearing or Trial – to appear personally before the Circuit Court of Hardin County, 465 Main Street in Savannah Tennessee, on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., and give testimony, pursuant to Rule 45.01 and 45.05 of the Tennessee Rules of Civil Procedure; when you arrive, you must remain at the court until the judge or a court officer allows you to leave;

☒ 2. Subpoena for Production of Documentary Evidence (Books, Papers, Documents, etc.) – to produce and permit inspection, copying, testing, or sampling of the following designated books, papers, documents, electronically stored information, or tangible things: Please see attached list "SUBPOENA DUCES TECUM ITEMS TO PRODUCE" and to swear or affirm that the things produced are authentic to the best of your knowledge, information, and belief, and to state whether all responsive things have been produced, pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; the subpoenaed items must be produced at Bates & Bates Law Office 406 W. Public Sq., 2nd Floor, Bates Building, on or before March 7, 2024 at 1:30 p.m. a.m./p.m.; Centerville, TN 37033 | Tel: 931-729-4085

☐ 3. Subpoena for Inspection of Premises – to permit inspection of the following premises: \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., pursuant to Rule 45.02 of the Tennessee Rules of Civil Procedure; and/or

☐ 4. Subpoena for Deposition Testimony – to appear personally at \_\_\_\_\_ in \_\_\_\_\_ Tennessee, on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., then and there to testify by deposition in this matter, and to bring the following items: \_\_\_\_\_, pursuant to Rule 45.04 of the Tennessee Rules of Civil Procedure.

**Notice for a subpoena for production of documentary evidence (#2 above) or for a subpoena for deposition testimony (#4 above):** The failure to serve an objection to this subpoena within twenty-one days after the day of service of the subpoena waives all objections to the subpoena, except the right to seek the reasonable cost for producing books, papers, documents, electronically stored information, or tangible things.

This subpoena is issued on behalf ☒ Petitioner ☐ Respondent ☐ The name, address, and telephone number of the issuing party's attorney are: Amy P. Weirich, Special Counsel, 25th Judicial District, P.O. Box 38, Somerville, TN 38068 | 901-465-7351 | apweirich@indagc.org  
Christopher V. Bolano, ADA, 18th Judicial District, 113 West Main Street, Cordell Hull Building, 3rd Floor, Gallatin TN, 37066 | 615-451-5810 | cvbolano@indagc.org  
 Signature of issuing party's attorney: [Signature] 2024 N 620173

Date Issued: 2-14-25

Tammie Wolfe  
 Signature of Clerk/Deputy Clerk

For Americans With Disabilities Act (ADA) assistance only,  
 call: 731-925-8166

**NOTICE: YOU CAN BE FOUND IN CONTEMPT OF COURT FOR FAILING TO COMPLY WITH THIS SUBPOENA AND IF FOUND GUILTY OF CONTEMPT YOU MAY BE FINED, IMPRISONED, OR BOTH.**

(This is a general form subpoena. The party issuing the subpoena is responsible for complying with any provision of law imposing additional notice requirements that apply to the pending case or to the type of records being sought under this subpoena.)

FILED 14 DAY OF Feb., 2025 AT 4 AM/PM  
TAMMIE WOLFE, CLERK  
 BY Tammie Wolfe (CLERK)

IN THE CIRCUIT COURT OF HARDIN COUNTY  
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS,  
PETITIONER,

vs.

STATE OF TENNESSEE,  
RESPONDENT.

No. 17-CR-10-PC

---

SUBPOENA DUCES TECUM ITEMS TO PRODUCE

---

TO: Jerry Gonzales  
Attorney at Law  
8000 State Hwy 99  
Rockvale, TN 37153  
[jgonzalez@jglaw.net](mailto:jgonzalez@jglaw.net)

1. The complete case file relating to *State of Tennessee vs. Zachary Rye Adams*, Hardin County Circuit Court Case No. 17-CR-10.
2. All statements and memos relating to any witnesses or potential witnesses or persons connected with *State of Tennessee vs. Zachary Rye Adams*, Hardin County Circuit Court Case No. 17-CR-10.
3. All documents, tape recordings, and other writings memorializing or in any way recording or reflecting any words, statements, declarations, conversations, or other communications with or by Zachary Rye Adams.
4. Any and all letters, notes, emails, memoranda, or writing of any kind related to *State of Tennessee vs. Zachary Rye Adams*, Hardin County Circuit Court Case No. 17-CR-10.
5. All computers, laptops, hard drives, backups, and computer information storage devices that you have in your possession related to any legal work performed by you in *State of Tennessee vs. Zachary Rye Adams* (Hardin County Circuit Court Case No. 17-CR-10).

**IN THE CIRCUIT COURT OF HARDIN COUNTY  
AT SAVANNAH, TENNESSEE**

**ZACHARY RYE ADAMS,**  
**PETITIONER,**

**vs.**

**STATE OF TENNESSEE,**  
**RESPONDENT.**

**No. 17-CR-10-PC**

FILED 3 DAY OF March 2025 AT 10<sup>00</sup> PM  
BY Tammie Wolfe CLERK  
Tammie Wolfe CLERK

---

**ORDER**

---

This matter came to be heard on November 26, 2024, before the Honorable J. Brent Bradberry, Judge for the Circuit Court for Hardin County, Tennessee upon the State of Tennessee's *Motion to Deem Attorney-Client Privilege Waived for Post Conviction Relief Issues*. Counsel for both parties were present in Court. Based upon the statements and arguments of counsel, along with the entire record, the Court finds as follows:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the State of Tennessee's *Motion to Deem Attorney-Client Privilege Waived for Post Conviction Relief Issues* as to **JERRY GONZALEZ** is **GRANTED IN PART** as to the issues raised by Petitioner Adams in his post-conviction petition, alleging that his trial attorneys' representation was ineffective.

The Clerk shall file this order and provide a filed copy to counsel.

**IT IS SO ORDERED THIS 21<sup>st</sup> DAY OF FEBRUARY 2025.**

  
**JUDGE J. BRENT BRADBERRY**

### CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed and mailed to the following on this 3 day of ~~February~~ March 2024.

Douglas Thompson Bates, IV  
Bates & Bates Law Office  
406 W. Public Sq., 2<sup>nd</sup> Floor, Bates Building  
P.O. Box 1  
Centerville, TN 37033

Amy P. Weirich, BPR (#014441)  
Special Counsel  
25<sup>th</sup> Judicial District  
P.O. Box 38  
Somerville, Tennessee 38068

Christopher V. Boiano, BPR (#030076)  
Assistant Attorney General  
18<sup>th</sup> Judicial District  
113 West Main Street  
Cordell Hull Building, 3<sup>rd</sup> Floor.  
Gallatin, Tennessee 37066



IN THE CIRCUIT COURT OF HARDIN COUNTY  
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS,  
PETITIONER,

vs.

STATE OF TENNESSEE,  
RESPONDENT.

No. 17-CR-10-PC

FILED 3 DAY OF March, 2025 AT 10<sup>00</sup> AM  
BY Tami Wolfe, Clerk  
TAMMIE WOLFE, CLERK  
CLERK

ORDER

This matter came to be heard on November 26, 2024, before the Honorable J. Brent Bradberry, Judge for the Circuit Court for Hardin County, Tennessee upon the State of Tennessee's *Motion to Deem Attorney-Client Privilege Waived for Post Conviction Relief Issues*. Counsel for both parties were present in Court. Based upon the statements and arguments of counsel, along with the entire record, the Court finds as follows:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the State of Tennessee's *Motion to Deem Attorney-Client Privilege Waived for Post Conviction Relief Issues* as to JENNIFER THOMPSON is **GRANTED IN PART** as to the issues raised by Petitioner Adams in his post-conviction petition, alleging that his trial attorneys' representation was ineffective.

The Clerk shall file this order and provide a filed copy to counsel.

**IT IS SO ORDERED THIS 21<sup>st</sup> DAY OF FEBRUARY 2025.**

  
JUDGE J. BRENT BRADBERRY

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed and mailed to the following on this 3 day of February 2024.  
MAY 25

Douglas Thompson Bates, IV  
Bates & Bates Law Office  
406 W. Public Sq., 2<sup>nd</sup> Floor, Bates Building  
P.O. Box 1  
Centerville, TN 37033

Amy P. Weirich, BPR (#014441)  
Special Counsel  
25<sup>th</sup> Judicial District  
P.O. Box 38  
Somerville, Tennessee 38068

Christopher V. Boiano, BPR (#030076)  
Assistant Attorney General  
18<sup>th</sup> Judicial District  
113 West Main Street  
Cordell Hull Building, 3<sup>rd</sup> Floor.  
Gallatin, Tennessee 37066