

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER

VS.

STATE OF TENNESSEE

NO. 17-CR-10-PC

PETITIONER'S MOTION TO DETERMINE VALIDITY OF STATE'S DISCOVERY
RULE 16 OBLIGATIONS

Comes now the Defendant, by and through Counsel, and moves the Court to determine the validity of the State's Discovery Response AS it relates to the Defendant's obligations under Rule 16—while acknowledging the Petitioner will voluntarily provide the documents it intends to rely upon at trial. Nevertheless, the State's efforts to circumvent Rule 16. For cause, the Defendant would show unto the Court:

1. The Petitioner's Counsel was appointed in this case and then ADA Nichols (now Judge Nichols) offered for Counsel to come and review her file in Gallatin. After this time, the Petitioner's Counsel received a better offer—instead of just reading documents and returning them, Ms. Thompson offered to surrender her file to Counsel, which Counsel accepted.
2. The State in December provided a purported response, which included the following:

FILED 7 DAY OF March, 2025 AT 8:30 AM PM

TAMMIE WOLFE, CLERK

BY Tammie Wolfe (CLERK)


This is the State's discovery response in the referenced case. If other discoverable information becomes available, it will be provided. The State's Demand for Notice and Reciprocal Discovery is found below.

Post-Conviction Discovery Materials

- All materials contained in State of Tennessee vs. Zachary Rye Adams case file, previously made available to Douglas Bates by ADA Jennifer Nichols;
- All materials obtained from Tennessee Administrative Office of the Courts by subpoena related billing records for Jennifer Thompson, Jim Simmions, and Jerry Gonzales, previously made available to Douglas Bates by ADA Jennifer Nichols;
- Tennessee Comptroller Comprehensive Report on Jennifer Thompson's Administrative Office of the Courts billing records related to all work performed/billed for State of Tennessee vs. Zachary Rye Adams. See attached Exhibit "A".

3. *Johnson v. state*, 2018 Tenn. Crim. App. LEXIS 369 (Tenn. Ct. Crim. App. 2018) makes clear that Rule 28 and T.C.A. 40-30-109 "clearly imposes upon the State an affirmative duty to provide discovery materials to the petitioner as part of the post-conviction proceeding, citing *Braylen Bennett v. State*, 2019 Tenn. Crim. App. LEXIS 65 (Tenn. Ct. Crim. App. 2018). In *Johnson*, a public records act request contained many documents already supplied to the Petitioner. The Court did not absolve the State's obligation from providing discovery because it had already supplied many of these documents.
4. Thus in this case, the Petitioner would request the State, should it want to act as if it has complied with Rule 16, to provide the Petitioner with all documents that was not in Jennifer Thompson or Jim Simmons file that the State has reviewed or deem the State to have not complied with Rule 16.

RESPECTFULLY SUBMITTED:


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NOTICE

**THIS MOTION IS SET TO BE HEARD ON MARCH 21ST, 2025 AT 9:00 AM IN THE
CIRCUIT COURT MOTION DOCKET HEARD AT THE HARDIN COUNTY
COURTHOUSE IN SAVANNAH, TENNESSEE.**

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 6 day of MARCH 2025,
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):

Amy Weirich: apweirich@tndagc.org
Christopher Boiano: cvboiano@tndagc.org

- ☐ 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