

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS
PETITIONER

VS.

STATE OF TENNESSEE

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NO. 17-CR-10-PC

PETITIONER's MOTION TO SHOW GOOD CAUSE TO RELEASE THE
INVESTIGATIVE SUBPOENA and AFFIDAVIT UNDER T.C.A. §40-17-123

Comes now the Petitioner, by and through Counsel, and moves this Court to order the Court to find good cause to release the Investigative Subpoena and supporting Affidvit to Mr. Mayfield and/or CB&S/Community South Bank. For cause, the Petitioner would show unto the Court:

1. Mr. Adams was with Mr. Austin on April 13th, 2011, and not committing the crimes for which he was convicted.
2. Certain alibi evidence was gathered by his defense counsel in part and other alibi evidence was not procured.
3. One such crucial piece of evidence was the ATM video from Community South Bank that showed where they were and when they were there. Upon information and belief, such a video will establish the impossibility of the State's evidence in this case.
4. Mr. Adams' legal team attempted to gather this video from CB&S Bank (which bought Community South Bank) with the attached subpoena, see Exhibit 1. In response to this subpoena, Ms. Myra Taylor provided a letter that stated, "[u]pon

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

BY Tammie Wolfe TAMMIE WOLFE, CLERK

CLERK

diligent search of our records, no videos were found for the ATM withdrawal at Comm South Parsons M-Parsons TN on April 13, 2011.”

5. Counsel for Petitioner has travelled upon the theory that thus no video existed because of this response. However, General Boiano has advised that the State has it and Petitioner’s Counsel trusts the General completely at his word. A separate motion is sought to recover this video.
6. For reasons unknown to Petitioner, the State of TN subpoenaed without notice to Petitioner the entire ATM found by Mr. Mayfield with CB&S Bank after Mr. Mayfield discussed matters with Counsel and Mr. Adams’ agent Dr. Spirko. The reason such approach was peculiar is apparently the State already had its contents, thus it seems to be carrying the coals to Newcastle.
7. On January 16th, 2025, the State acknowledged that it issued a subpoena through law enforcement, presumably through T.C.A. §40-17-123.
8. T.C.A. §40-17-123¹ provides that the affidavit upon which the subpoena was issued can be issued for good cause. The Court seemed to imply on January 16th, 2025 that it would have been prudent to provide Petitioner with a copy of the subpoena.
9. The State has still not provided this subpoena and supporting affidavit. To be clear, since January 16th, 2025, the State has:
 - a. Objected to Counsel meeting with his client over zoom;

¹ T.C.A. §40-17-123(e) The affidavit filed in support of any request for the issuance of a subpoena pursuant to this section shall be filed with and maintained by the court. If a subpoena is issued as the result of an affidavit, the affidavit shall be kept under seal by the judge until a copy is requested by the district attorney general, criminal charges are filed in the case, or the affidavit is ordered released by a court of record for good cause.

- b. Stated to the Court “it might have to issue a subpoena to Mr. McClendon” or words to this effect—a transcript is forthcoming;
 - c. Issued a subpoena to Dr. Spirko, despite stating in prior pleadings she acted as an agent from 2023 until February 2024;
 - d. Advised the Court they would not transport Jason Autry to any trial because he was “too dangerous” to transport—despite the prosecutors spending *days* with Mr. Autry preparing for the 2017 trial;
10. But at no time the past almost two months could they provide the petitioner with this subpoena’s affidavit wherein presumably law enforcement advised they were “investigating” a crime—the same crime the State continually advises the Court is settled because of the jury verdict.
11. Petitioner submits the above establish many things; the least of which is good cause to release the affidavit and subpoena pursuant to T.C.A. §40-17-123(e).

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: cyboiano@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



April 07, 2016

James A Simmons, Atty
PO Box 2934
Henderson, TN 37077

To Whom It May Concern:

This is in answer to the Subpoena order on Case # 15-CR-30 Adams. Upon diligent search of our records, no videos were found for the ATM withdrawal at Comm South Parons M-Parsons TN on April 13, 2011.

Should you have any questions, please feel free to call me at 256-332-1710.

Sincerely,

Myra Taylor

Myra Taylor
Support Operations Specialist

P.O. Box 910 • Russellville, Alabama 35653 • 256-332-1710
Member FDIC  Equal Housing Lender





April 7, 2016

James A. Simmonds, Attorney
P O Box 2934
Henderson, TN 37077

Customer Name: Defendant: Zackery Rye Adams
Case Number: 15-CR-30

In response to the above mentioned subpoena, I have searched our records and the findings are enclosed. Below is a breakdown of the charge for this research.

Research	<u>1</u> hours @ \$25.97 per hour	\$ <u>25.97</u>
Image/Photo Copies	<u> </u> copies @ \$1.97 per page	<u> </u>
Account Statements	<u>1</u> statements @ \$3.97 per statement	\$ <u>3.97</u>
Shipping Charges		\$ <u>7.23</u>

Total Due \$37.17

PD - 4/7

If you have any questions, please contact me at (256) 332-1710.

Sincerely,

Myra Taylor
Support Operations Representative

P.O. Box 910 • Russellville, Alabama 35653 • 256-332-1710
Member FDIC  Equal Housing Lender

Deposits/Credits	1 Credits	300.00
Checks/Debits	11 Debits	294.20
Ending Balance	5/10/11	5.80

OVERDRAFT / RETURN ITEM FEES

	Total for	Total	
	this Period	Year to Date	
Total Overdraft Fees	.00	.00	
Total Returned Item Fees	.00	.00	

Credits/Deposits

Date	Amount	Description
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4/11	300.00	Deposit
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Other Debits

Date	Amount	Description
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Shayne Austin

30 Yellow Springs Rd

5/10/11

Holladay TN 38341

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Account Number

D 3168034

Protect yourself from identity theft. Never respond to anyone calling you, claiming to be from "the Bank" asking for your personal information. If you receive such a call, simply hang up and call your local Community South branch at the number that you know belongs to the Bank and report the incident. Community South, "A Better Way to Bank", Member FDIC

TYPE OF ACCOUNT--Free Checking Account

Statement Summary

Beginning Balance: 4/08/11

.00 1

JAMES A. SIMMONS

Attorney at Law


Telephone: 615-477-9987
Facsimile: 615-264-2628

Hazel Path Mansion
105 Hazel Path
Hendersonville, TN 37075

MAILING ADDRESS
Post Office Box 2934
Hendersonville, TN 37077

DATE: March 29, 2016

TO: Custodian of the Records

FROM: James A. Simmons, Attorney 

RE: State of Tennessee V. Zackary Adams Decatur County Case No. 15-CR-30

Attached is a Subpoena Duces Tecum (Order to appear and produce documents). You may avoid appearing in court on June 1, 2016 by proving the records to the following address prior to the court date:

James A. Simmons, Attorney
P.O. BOX 2934
Hendersonville, TN 37077

If, after a diligent search, the records cannot be located or have been destroyed, please respond in writing to the above address stating what efforts have been made to locate the requested records and that the records cannot be produced as ordered. Should you have any questions please do not hesitate to contact my office at 615-477-9987.

4/13	120.00	Atm Withdrawal Comm South Parsons M - Parsons Tr
4/13	22.02	Pos Purchase At Shell Service Statio - Holladay Tr
4/13	10.00	Pos Purchase At Mapco Exp#2012 - Parsons Tr

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Shayne Austin

30 Yellow Springs Rd

5/10/11

Holladay TN 38341

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Account Number

D 3168034

Other Debits

Date	Amount	Description
4/13	9.84	Pos Purchase At Shell Service Statio - Parsons Tn
4/13	6.78	Pos Purchase At Sonic Drive In #2753 - Parson Tn
4/14	62.50	Atm Withdrawal 13781 Hwy 61 - Holladay Tn
4/14	22.50	Atm Withdrawal 13781 Hwy 61 - Holladay Tn
4/14	2.07	Pos Purchase At Shell Oil 5414155002 - Holladay Tn
4/15	20.48	Pos Purchase At Shell Oil 5414155002 - Holladay Tn
4/18	12.00	Pos Purchase At Shell Oil 5414155002 - Holladay Tn
4/22	6.01	Pos Purchase At Shell Oil 5414155002 - Holladay Tn

Daily Balance Information

Date	Balance	Date	Balance	Date	Balance
Beginning	.00				
4/11	300.00	4/13	131.36	4/14	44.29
4/15	23.81	4/18	11.81	4/22	5.80