

IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS,

vs.

STATE OF TENNESSEE,
RESPONDENT.

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No. 17-CR-10-PC

STATE OF TENNESSEE'S RESPONSE TO PETITIONER ADAMS'
MOTION FOR SANCTIONS AND TO COMPEL THE STATE TO PROVIDE
ALL "INVESTIGATORY SUBPOENAS"

COMES NOW, the State of Tennessee, through the undersigned attorneys and submits this *Response to Petitioner Adams' Motion for Sanctions and to Compel the State to Provide all Investigatory Subpoenas*. The State requests said *Motion* be denied and in support thereof submits the following:

1. Opposing counsel omits relevant information from his motion. Petitioner Adams' trial attorneys received an external hard drive from the State on June 15, 2015. Jennifer Thompson acknowledged receipt of said hard drive. See attached **Exhibit "A"** for Signed Receipt. This hard drive contained, among other views from the bank's cameras, the view from the ATM line and the image at issue in Petitioner's motion for sanctions.
2. It is disingenuous at best and misleading in the worst light to call the video exculpatory. Using that word repeatedly as opposing counsel does and has does not make it so.
3. What is visible on the video is the following: **a truck**. Nothing or no one is identifiable inside the truck. There are no unique identifying or distinguishing marks on the truck. It is simply a video of a truck at the ATM window. A video of a truck that petitioner's trial attorneys received on June 15, 2015, and that post-conviction attorney received

FILED 15 DAY OF May, 2025 AT 1:56 AM/PM
BY Tammie Wolfe, CLERK
Tammie Wolfe (CLERK)

from Jennifer Thompson in the Fall of 2023. The time stamp on the video is April 13, 2011, at 11:12 a.m.

4. Neither the defense nor the State utilized this video at trial.
5. On January 22, 2024, Katie Spirko filed a declaration with the Court along with her curriculum vitae outlining her work in neuropsychology and false confessions. She further advised that Attorney Douglas Bates discussed retaining her to “review any particular evidence regarding Inmate Autry’s testimony and provide appropriate perspective.”
6. In the months following that filing, the State became aware of actions by Ms. Spirko that did not seem consistent with an expert in neuropsychology.
7. The State learned that Ms. Spirko video recorded a conversation with Inmate Autry and sent said conversation to ABC News 20/20. Ms. Spirko misrepresented to the Shelby County Division of Corrections the reason she needed to bring in a recording device. Counsel for Inmate Autry had not been informed of the meeting between Autry and Spirko and counsel was forced to withdraw his representation because of the recording.
8. Janet Britt executed an affidavit on April 11, 2024, that Ms. Spirko visited her and advised that Terry Britt, Janet Britt’s spouse, will be charged with the murder of Holly Bobo and that Janet Britt could be charged as an accomplice. *See attached Exhibit “B” for Janet Britt Affidavit.*
9. Ms. Spirko visited Lisa Sanders under the guise of working to obtain Jason Autry’s release from prison.
10. Counsel for Petitioner Adams advised the Court that he had concerns about Ms. Spirko’s tactics and methods and was no longer utilizing her services on this case. One

of the reasons cited by Mr. Bates was that Ms. Spirko planned to meet with Dylan Adams-without counsel and without counsel's permission.

11. TBI Agent Cathy Ferguson then heard a prison call between Ms. Spirko and Petitioner Adams in which Ms. Spirko claimed that there was bank footage that cleared Petitioner Adams that "TBI refused to get." Given Agent Ferguson's knowledge of this case and the work done by TBI, Agent Ferguson took issue with the allegation and began investigating.
12. Based upon her investigation and out of an abundance of caution, TBI issued two administrative subpoenas to the bank—May 7, 2024, for DVD labelled "4-13-2011" and on May 13, 2024, for recording devices used by Citizens South Bank, Community Bank and/or CB + S Bank in Parsons, TN on 4-13-2011. The return of said subpoenas yielded the identical recording provided to trial attorneys in 2015 and referenced in paragraph 1 of this response.
13. Based upon the State's growing concerns about Ms. Spirko's conduct, her unclear role in this case and opposing counsel's own statements about her, the State felt obligated to secure this information, protect it, and ensure that all parties have access to it.
14. TBI mirror image copied and provided to Petitioner's attorney on August 26, 2024 what they received from their administrative subpoenas. *See* attached **Exhibit "C"** for Signed Receipt.
15. Petitioner cites *Lindsay v. Allen* as "authority" for the idea that the responsibilities of the State of Tennessee end at conviction of a criminal defendant. *Lindsay* does not hold that and nothing could be further from the truth. To take Petitioner's argument to the illogical conclusion it presents would mean that prosecutors would sit quietly by at all

post-conviction proceedings resting on their laurels of a conviction. Our duties never stop. Both in protecting valid convictions and preventing abuse of the judicial system. We-unlike any other category of attorneys-are ministers of justice. We must and do act when faced with valid, reliable information pointing toward an accused's innocence. We likewise must and do act when confronted with those whose motives are not aligned with seeking truth. The *Lindsay* decision cited by Petitioner is a contempt of court case in Chancery Court interpreting "an act to preserve the purity of elections." At issue was whether individuals could be forced to testify regarding contested elections and what consequences the statute allowed for refusal to testify.

16. Petitioner has been provided the investigate subpoenas issued in this case by the State of Tennessee.

WHEREFORE, PREMISES CONSIDERED, the State of Tennessee would respectfully request that this Honorable Court:

1. Deny Petitioner Adams' *Motion to Release Katie Spirko from State's Witness List or Compel the State to Call her as a Witness if Sequestered*.
2. For any general or specific relief that the State of Tennessee is entitled to.

Respectfully Submitted:

/s/ Amy P. Weirich /

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/s/ Christopher V. Boiano /

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed to Douglas Bates IV and Crystal M. Etue, attorneys for Petitioner Adams, on this 15th day of May, 2025.

Douglas Thompson Bates, IV
Bates & Bates Law Office
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dtbates4@bates.law

Crystal M. Etue
Attorney at Law
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Franklin, TN 37064
crystal@etuelaw.com

/s/ Christopher V. Boiano /

Christopher V. Boiano

Exhibit A



OFFICE OF THE DISTRICT ATTORNEY GENERAL

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AMY P. WEIRICH
District Attorney General

June 15, 2015

RE Adams, Autrey, Adams NO. 15-CR-30

Dear Ms. Thompson, Mr. Herbison and Mr. Maddox:

Please find attached hereto one external hard drive and one disc. Contained therein is discovery pursuant to Rule 16 as well as additional material provided in the interest of moving this case forward. There is an index to TBI's Investigative Reports (IRs) contained on the disc. The IRs are numbered 1 through 2986. The first IR refers to the initial complaint/investigation and is dated April 14, 2011. Obviously there is information included in your discovery that is not referenced in the aforementioned index. Please treat this material in a confidential manner pursuant to Judge McGinley's instructions at the last court setting and in the manner mandated by the Rules of Professional Responsibility, Rules of Evidence and Rules of Criminal Procedure.

Physical evidence associated with this case is stored at four separate locations. Specifically, there are items located at the TBI office in Jackson, at TBI Headquarters in Nashville, at the Memphis TBI office and finally there are vehicles stored at Decatur County Sheriff's Office lot. The bulk of physical evidence is in Nashville at TBI Headquarters.

The physical evidence will be made available to you for inspection. Nashville will be the first inspection site. Please coordinate with the other defense attorneys and come up with three or four dates when all of you are available to meet in Nashville. I will coordinate with TBI to select a date from the choices you provide to me. Be aware, it apparently will take all day in Nashville so we want to do this one time. After the Nashville inspection, we will select another date and follow the same process for viewing the additional evidence in Jackson, Decatur County and Memphis.

We are aware of our continuing duty to provide ongoing discovery and anticipate there will be supplements provided as we move forward. As you can see, I copied Judge McGinley on this letter and thus will provide the court with a copy of this letter, the signed receipt of discovery from each of you and a copy of the external hard drive and disc. I will ask that an Order be signed and entered so that the discovery will be filed under seal. Let me know if you have questions.

Sincerely,

JENNIFER NICHOLS

Deputy District Attorney General

Receipt of Discovery

I hereby acknowledge receiving one external hard drive and one disc as discovery in this matter. Said hard drive and disc were hand delivered by Jennifer Nichols and Ray Lepone on behalf of the State of Tennessee on 15th day of June 2015.

Ray Lepone
Adams

Exhibit B

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

**ZACHARY RYE ADAMS,
PETITIONER,**

vs.

**STATE OF TENNESSEE,
RESPONDENT.**

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No. 17-CR-10-PC

AFFIDAVIT OF JANET BRITT

I, JANET BRITT, having personal knowledge of the facts contained in this affidavit and being competent to testify to them, hereby testify as follows:

- 1. My name is Janet Britt and I live in Decatur County, Tennessee.**
- 2. My husband is Terry Britt, and he is currently incarcerated.**
- 3. At one time during the investigation into the disappearance of Holly Bobo, my husband was a suspect.**
- 4. He was not charged with any crime associated with Holly Bobo's disappearance.**
- 5. We were aware that Terry was a suspect, our home and property were both searched, and we provided the Tennessee Bureau of Investigation with a receipt showing where Terry was at the time of Holly's disappearance.**
- 6. On December 17, 2023, a person who introduced herself as Katie Spirko, came to my house.**
- 7. We did not have an appointment.**
- 8. Ms. Spirko told me that she was working for the new attorney representing Zach Adams.**

9. She asked questions about the evidence taken from my home by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation during the search warrant served on my home.
10. Katie Spirko told me there was new evidence in the case. She wanted to show me this evidence and discuss it with me. I asked her if she would leave the new evidence with me to review, but she said she could not, but she wanted to come back to show it to me.
11. Afterwards, Ms. Spirko began texting me.
12. On Sunday, December 17th, and December 18th, 2023, I received several text messages from Katie Spirko and some follow-up messages. I provided her text messages to Brent Booth and Cathy Ferguson, Special Agents with the Tennessee Bureau of Investigation. The text messages I received and my responses to them are attached as **Exhibit "A"** to this affidavit.
13. On Wednesday evening, April 3, 2024, Katie Spirko showed up at my house again. We did not have an appointment and I was not interested in speaking to her. She stayed at my house for approximately 10-15 minutes.
14. During her visit on April 3rd, Katie Spirko told me that she was working "pro bono", and she knew that Zach Adams was innocent.
15. We talked outside in my yard, and during that conversation, Katie Spirko told me that that my husband, Terry Britt, will be charged for Holly Bobo's murder.
16. Katie Spirko also told me that I can be arrested as an accomplice, but that she can help get me an attorney. She went on to tell me that I need to get an attorney that will look out for my best interests, because my husband, Terry, would not.

17. The large vehicle came back to my house and picked Katie Spirko up.

18. I do not know if she recorded our conversations, if she did, it will reflect what is in this affidavit.

FURTHER THE AFFIANT SAYETH NOT.

Jane Britt
JANET BRITT

Sworn to and subscribed before me this 11 day of April, 2024.

Devon Curtis
NOTARY PUBLIC

My Commission Expires: 7-28-2026

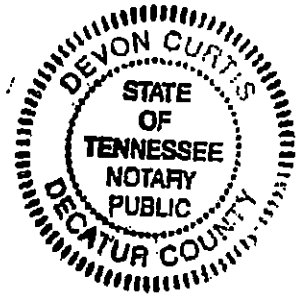


Exhibit C




TBI Case # SA 90A-000005 (If Applicable)

Date: 08/24/24

TBI CI # _____ (If Applicable)

On the above date, X Farrah Rogers, received from SA Cathy L. Ferguson
 Print Name of Receiver Print Name of Releasor
 the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation.

[illegible]Continued on Additional Form ☐

1. 
Released By:
SA Alan Paul
Title (Print)

Released To: SA
Title (Print) _____

2. Chas. L. Ferguson x Farral Rotgers
Released By: 8-25-91 Released To:
SA 8-26-24 Farral Rotgers
Title (Print) Title (Print)

3. Released By: _____	Released To: _____
Title (Print) _____	Title (Print) _____

(Serial Stamp)

BATES & BATES
LAW OFFICE

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DOUGLAS T. BATES, IV
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DOUGLAS T. BATES, II
(1912 - 1981)

August 23, 2024

Via: Hand-Delivery

RE: ZACHARY RYE ADAMS V. STATE OF TENNESSEE
HARDIN COUNTY CIRCUIT COURT
NO. 17-CR-10-PC

To Whom It May Concern:

Farrah Rotgers is my legal assistant and is duly authorized to collect any documents from the TBI, other lawyers, agencies, law offices, clerk's offices, and any other similar entities in her official capacity as my assistant.

Very truly yours,



Douglas T. Bates, IV