IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE

ZACHARY RYE ADAMS	]	
PETITIONER	]	
	]	
VS.	]	**NO. 17-CR-10-PC**
	]	
STATE OF TENNESSEE	]	

FILED 22 DAY OF Jan 2024 AT 250 AM PM
TAMMIE WOLFE, CLERK
BY Jessica Hayes Deputy CLERK

PETITION FOR WRIT OF ERROR CORAM NOBIS

Comes now the Defendant/Petitioner[1], with the assistance of the undersigned Counsel[2], and pursuant to T.C.A.§40-26-105 files the following writ of error coram nobis:

I.

PROCEDURAL HISTORY AND JURISDICTION

1. The Defendant was indicted on a multi-count, multi-defendant indictment on May 19th, 2015, and went to trial between September 9th, 2017 and September 23rd, 2017. A Jury issued a finding of guilt on all counts and the Defendant appealed to the Court of Criminal Appeals after the Defendant's Motion for New Trial and/or for Judgment of Acquittal was denied at a hearing on August 11th, 2020 with order dated August 20th, 2020.
2. The Court of Criminal Appeals upheld the Defendant's convictions on all counts.

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[1] Counsel will refer to Mr. Adams as either Defendant when referring to him in the trial level proceedings and Petitioner in context of this writ.

[2] Counsel has just been appointed in a pending post conviction relief petition. He is filing this petition pro bono and will further request the Court either allow him to proceed pro bono or just will not request attorney fees for trial representation in ~~this~~ the PCR case.

3. The Defendant is serving a life sentence without the possibility of parole, plus 50 years, for his convictions as outlined above for first degree murder, especially aggravated kidnapping, and aggravated rape.
4. The Defendant filed a pro se application to this Court on July 31st, 2022, alleging both ineffective assistance of counsel and new evidence.
5. Counsel was appointed by this Court on the pending post conviction relief petition based on the ineffective assistance of Counsel claim and/or new evidence.

II.

NEW EVIDENCE

6. Pursuant to Exhibit 3, Defendant's Counsel relied upon the work of Dr. Katie Spirko to work on this case in a variety of components that ultimately led her to discuss two foundationally important items of new evidence that exonerate and exculpate the Defendant from any guilt in this case.
7. The first is the proffered testimony of Lisa Sanders, who was an unknown witness who would have testified that on April 13th, 2011, she was taking children to school and saw a truck driven by a man in black, wavy hair, mustache and wearing camouflage. He was a burly man per Ms. Sanders. Per Ms. Sanders, he was definitely trying to hide something. While driving, he made a move to conceal whether he had a passenger or not. The vehicle was a tan small truck heading west on Stokes Road in the Benton/Decatur County area. Ms. Sanders then later saw the same man on a 4-wheeler around her home about 2-3 days later. The man had a white box on the back of his 4-wheeler. Ms. Sanders followed him to Prospect Cemetery where the 4-wheeler was sitting, but the man was not present at the 4-wheeler and instead in the woods. Ms. Sanders told a friend, Bonnie

Hamm, who called the information in to the referenced hotline. She later saw this man at a grocery store and saw the truck he was in at another house later and has never seen the truck since. Ms. Sanders later saw the individual while the case was on TV and she remembered seeing the eyes and thinking, something "ain't right" the day of April 13th, 2011. She confirmed it was Terry Britt. A recording of this statement is provided as Exhibit #1 on a thumb drive.

8. This testimony would have further corroborated FBI's agent Art Viveros and TBI's agent Terry Dicus investigation against Terry Britt and provided perhaps the only eye witness to the abduction that positively matched Terry Britt to driving with the victim. Further, it would have been evidence contrary to his alibi.

9. **Further and importantly, Dr. Spirko met with Jason Autry in which Mr. Autry recanted his entire testimony at trial.**

10. Based upon Exhibit, 2A,B(1)(2),(C) on an attached thumb drive, Jason Autry made the entire story up to avoid what his attorney told him was 95% certain of a conviction. It is submitted that both Mr. Autry's testimony and Ms. Sander's was incapable of being procured by Defense Counsel and the Defendant was without fault. This allegation is presented in the event the Court finds the Defendant was with fault in failing to present both. Some brief highlights from Mr. Autry's testimony:

    a. He admitted to concocting the entire story in his cell at jail while reviewing the discovery and in discussions with his attorney about the best way to avoid spending the rest of his life in prison. This story was what he presented at trial.

    b. He admitted that it was all false that he used the extensive cell phone data provided in discovery to create a story around it.

c. He said he just recreated his day and "added Holly to it." He acknowledged it was all to get him out of jail at the express guidance from his attorney.

d. At one point, he said "we put it together in 3 days." It is unclear exactly who "we" were, but it is believed that at the very least, his attorneys were involved in knowingly presenting such a false story.

e. Mr. Autry further explained how details of his story came to light, including parts of the story how he created the story about the gun from an incident with Terry Britt.

III.

WRIT of ERROR *CORAM NOBIS*

11. T.C.A. §40-26-105(a)

> Upon a showing by the defendant that the defendant was without fault in failing to present certain evidence at the proper time, a writ of error coram nobis will lie for subsequently or newly discovered evidence relating to matters which were litigated at the trial if the judge determines that such evidence may have resulted in a different judgment, had it been presented at the trial.

12. The Defendant would show that it is wholly without fault in failing to present the certain evidence above at the proper time. Specifically as it relates to Jason Autry's testimony, consider the following:

13. On March 1st, 2017, Jennifer Thompson, Defendant's Counsel, was accused of being unethical for merely trying to record the hearsay statements of Jason Autry before trial that were introduced through her attorney, Michael Scholl. Ms. Thompson then requested the ability to meet with Mr. Autry directly and was unable to.

14. Both Mr. Autry and Mr. Adams have been incarcerated ever since they were indicted and thus, they had no opportunity to discuss this case.

15. In truth, the decision to wholly and completely recant his testimony has rested fully with Mr. Jason Autry. He chose to in late December of 2023 and the Defendant is without fault in just realizing this.

16. Further, the Defendant and his Counsel were without fault in failing to find Lisa Sanders and her very helpful testimony that shifted guilt to Mr. Terry Brit.

17. Insofar as whether Mr. Autry's testimony being revealed as perjury, consider the following:

    a. At the conclusion of Jason Autry's testimony, the trial court implied that the parties might want to re-enter plea negotiations (Vol. 38; pg. 1453). The implication was that the Defendant was going to be found guilty because of Mr. Autry's testimony (which the record will bear out was perjury).

    b. The Court said Mr. Autry's testimony was some of the most credible and persuasive testimony the Court has ever seen. It is not surprising because Mr. Autry has clarified he concocted the story over months and months of examining the discovery and as he said, he already had a story of what they did that day, he just added Holly to it (See Exhibit 2). Further, Mr. Autry said he was very well trained by ADA Jennifer Nichols, whom he referred to as the "boss of it all."

    c. Most importantly, at Jason Autry's plea deal, Assistant District Attorney General Paul Hagerman said that Mr. Autry's testimony "answered a many questions that were left open factually in the investigation and many questions Karen and Dana had with what happened to their daughter and it was a very important piece of getting justice for Holly." This is, respectfully to the District Attorneys' office, staggering in that it indicted all four defendants with "many questions left open."

Putting that issue aside, no greater corroboration of the importance this testimony had on the result than the DA and Court's comments on it.

d. During this plea deal, the Court stated that Mr. Autry's Counsel told him "we will NOT need a trial date" though it clarified Defense Counsel did not say anything was worked out. This is a difficult to reconcile with how quickly the Court wanted to press the case forward. Incidentally, during the same hearing, the trial court said if it was involved in the case, it would be a race to the District Attorney General's Office. A recording of this entire hearing is as follows: https://www.youtube.com/watch?v=K0lFfyWftvM

18. Taken as a whole, it cannot credibly be argued otherwise that the same DA's office that said Mr. Autry's testimony answered "a lot of questions that were left open factually" cannot be left now with those same unanswered questions without his testimony. The issue is not whether a different trial result will occur (it most undoubtedly will); but whether the State can even present the case.

19. The Defendant submits that Constitutional due process requires the tolling of a limitations period when a petitioner would otherwise be denied an opportunity for the presentation of claims at a meaningful time and in a meaningful manner. See *Wlodarz v. State*, 361 S.W.3d 490 (Tenn. 2012) (overturned as it relates to whether plea guilty defendants are entitled to the writ by subsequent Tennessee Supreme Court case of *Frazier v. State*, 495 S.W.3d 246, (Tenn. 2016).

WEREFORE, PRESMISES CONSIDERED, DEFENDANT PRAYS UPON THIS COURT TO:

1. For the Court to grant this writ of error *coram nobis* and set aside the Defendant's every conviction in the above style cause of action.
2. For the Court to work with Counsel for Defense and the State on scheduling this matter within a reasonable time frame in light of the voluminous record and transcript the Court must read.
3. For the Court to allow the Defendant to use the subpoena powers of this Court prior to the hearing in this matter.
4. For the Court to allow all prosecutors involved to stand for cross examination and to be compelled to produce requested documents under the subpoena powers of this Court.
5. For such further and general relief to which the Defendant is entitled.

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I, Zacharry Rye Adams, hereby swear and affirm under threat of penalty of perjury that the information submitted above is true to the best belief and information I have available as indicated or upon my factual knowledge and belief of the same.

Zachary Adams 1-19-24

ZACHARY RYE ADAMS DATE

State of TN]
County of HICKMAN]

Sworn to me and subscribed this 19 day of JANUARY, 2024.

DOUGLAS THOMPSON BATES IV NOTARY STATE OF TENNESSEE PUBLIC HICKMAN COUNTY

DTB 11/30/25

NOTARY PUBLIC **Comm. Expires**

RESPECTFULLY SUBMITTED:

DTB

DOUGLAS THOMPSON BATES, IV (#027089)
ATTORNEY FOR ZACHARY RYE ADAMS

[redacted]

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 22 day of JANUARY 2024, 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):

ADA Jennifer Nichols
District Attorney General
[redacted]

☑ U.S.P.S., first-class postage pre-paid
☐ Via Fax
☑ Via Email
☐ Hand-delivery by:
☐ Certified Mail, Return Receipt Requested

DTB

DOUGLAS THOMPSON BATES, IV