

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE TWENTY-FOURTH JUDICIAL DISTRICT  
AT SAVANNAH

**ZACHARY RYE ADAMS,**  
Petitioner,

v.

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

**STATE OF TENNESSEE,**  
Respondent

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**ORDER GRANTING PERMISSION FOR INTERLOCUTORY APPEAL  
UNDER TENN. R. APP. P. 9**

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Before the Court is the Petitioner's oral request for an order granting him an interlocutory appeal under Rule 9 of the Tennessee Rules of Appellate Procedure. On May 19, 2025, this Court heard argument on the State's Motion in Limine #1 to exclude a video recorded interview of codefendant Jason Autry dated December 22, 2023, wherein Mr. Autry says his trial testimony was false. The Petitioner asserts he intended to use the statement, not only as substantive evidence, but also in the examination of various witnesses. This Court granted the State's motion by an oral ruling from the bench and subsequent written order filed May 22, 2025. This Court finds that an interlocutory appeal is appropriate for the reasons set forth below. The question certified for appeal is: whether this Court erred in excluding from evidence co-defendant Jason Autry's video-recorded interview, dated December 22, 2023.

Further, to the extent the Petitioner plans to present proof unrelated to Mr. Autry's statement, this Court will not stay the post-conviction hearing pending resolution of whether the Tennessee Court of Criminal Appeals will grant the appeal.

The Court finds that an interlocutory appeal, pursuant to Rule 9 of the Tennessee Rules of Appellate Procedure, is appropriate for the following reasons:

FILED 23 DAY OF May, 2025 AT 12 AM PM  
BY Tammie Wolfe TAMMIE WOLFE, CLERK CLERK

**1. *An interlocutory appeal is needed to prevent irreparable injury, and review upon entry of final judgment will be ineffective. Tenn. R. App. P. 9(a)(1).***

By separate order, this Court has ruled that Mr. Autry's video-recorded statement is excluded from the evidence presented in this post-conviction hearing. The Court received the video as an offer of proof, marked as Exhibit 1 to the post-conviction hearing.

Absent an interlocutory appeal, the Court would proceed to the merits of Mr. Adams' petition without considering the content of Mr. Autry's video-recorded statement. But if the Petitioner were to appeal a final judgment favorable to the state, the appellate court might disagree with this Court's evidentiary ruling and, if so, remand for re-litigation of the petition with Mr. Autry's statement as substantive evidence. This would harm the State by needlessly prolonging litigation in this fourteen-year-old case that occurred in 2011.

Thus, absent interlocutory appeal, there is a risk of irreparable harm. Tenn. R. App. P. 9(a)(1) supports an interlocutory appeal in this case.

**2. *Interlocutory review is needed to prevent needless, expensive, and protracted litigation. Tenn. R. App. P. 9(a)(2).***

Having an appellate court definitively resolve the evidentiary question presented will prevent the expense and additional time that would be incurred if this Court's ruling is found to be erroneous and the case is remanded for relitigation. This Court's determination of the merits based on all properly admitted evidence promotes judicial economy, efficiency, and efficacy. If the appellate court rules that the statement of Mr. Autry should be considered, the Court should do so in the first instance.

Thus, it is proper to grant an interlocutory appeal of this Court's written Order dated May 22, 2025, and to certify whether the Court erred in excluding Mr. Autry's video-taped interview dated December 22, 2023.

This Court will not stay the proceedings pending the appellate court's decision whether to grant the appeal. *See* Tenn. R. App. P. 9(f). Witnesses have been subpoenaed, and costs associated with their appearance and this proceeding have been incurred. The Petitioner shall proceed to present witnesses and evidence unrelated to Jason Autry's statement.

**3. *Timeline of this proceeding.***

Also, this post-conviction proceeding will not be completed within the next 90 days. Two attorneys who were subpoenaed as witnesses have yet to be deposed, and proof is not anticipated to be complete until additional hearings are held at later dates. The Court anticipates that a decision from the Court of Criminal Appeals will be rendered, or a stay issued, before the hearings are complete.

WHEREFORE, it is Ordered, Adjudged, and Decreed, in accordance with Rule 9 of the Tennessee Rules of Appellate Procedure, that the Petitioner, Zachary Rye Adams, is granted leave to act as the Appellant and to appeal the Court's Order of May 22, 2025, excluding Mr. Autry's statement. The following legal issue is certified as appropriate for such an appeal:

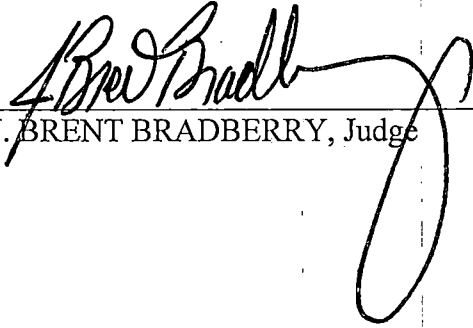
Whether this Court erred in excluding from evidence co-defendant Jason Autry's video-recorded interview, dated December 22, 2023.

Appellant Adams shall file the appropriate application in the Court of Criminal Appeals to perfect this interlocutory appeal. Appellant Adams is directed to notify the Court as soon as possible of the final disposition of appellate proceedings concerning this Court's evidentiary Order.

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The **Clerk of Court** shall prepare the record on appeal in accordance with the attached Designation of the Record on Rule 9 Appeal.

**IT IS SO ORDERED** on the 22<sup>nd</sup> day of May 2025.

  
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J. BRENT BRADBERRY, Judge

***Zachary Rye Adams v. State, No. 17-CR-10-PC***

**DESIGNATION OF THE RECORD ON RULE 9 APPEAL**

| <b>Filed Date</b> | <b>Document</b>                                                                                                                                                  |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| July 31, 2023     | [Pro Se] Petition for Relief from Conviction or Sentence                                                                                                         |
| December 12, 2024 | Petitioner's Second Amended Petition for Post-Conviction Relief                                                                                                  |
| January 7, 2025   | Moton to Dismiss Post-Conviction Claims                                                                                                                          |
| February 13, 2025 | CFR Title 28                                                                                                                                                     |
| February 13, 2025 | [Petitioner's] Notice of Filing Proposed Order                                                                                                                   |
| February 13, 2025 | [Proposed] Order for Writ of Habeas Corpus Ad Testificandum                                                                                                      |
| February 18, 2025 | State of Tennessee's Response to Petitioner Adams's Petition for Post-Conviction Relief ( <i>Pro se</i> ) and Second Amended Petition for Post-Conviction Relief |
| March 7, 2025     | State's Motion Requesting the Court to Appoint Counsel for Jason Autry with Exhibits                                                                             |
| March 7, 2025     | Motion for Amended Writ of Habeas Corpus Ad Testificandum and to Compel the State of Tennessee                                                                   |
| March 7, 2025     | [Proposed] Amended Order for Writ of Habeas Corpus Ad Testificandum                                                                                              |
| March 20, 2025    | State's Response to Petitioner's Motion for Amended Writ of Habeas Corpus Ad Testificandum and to Compel the State of Tennessee                                  |
| March 31, 2025    | Order on March 21, 2025 Hearing                                                                                                                                  |
| April 3, 2025     | Order Appointment of Counsel to Jason Autry                                                                                                                      |
| April 11, 2025    | Notice of Intent Jason Autry                                                                                                                                     |
| May 2 2025        | Petitioner's Proposed Addition to Second Amended and Supplemental Petition for Post-Conviction Relief                                                            |
| May 15 2025       | State of Tennessee's Response to Petitioner Adams' Motion for Leave to Add Amendment to Post-Conviction Relief Petition                                          |
| May 15, 2025      | State of Tennessee's <i>Motions in Limine</i> 1-3                                                                                                                |
| May 19, 2025      | Petitioner's Response to Motion in Limine 1-3                                                                                                                    |
| May 19, 2025      | Transcript of Post-Conviction Proceeding – motions hearing                                                                                                       |
| May 19, 2025      | Offer of Proof, Exhibit 1 – flash drive with Jason Autry's videotaped statement dated December 22, 2023                                                          |
| May 19, 2025      | Collective Exhibit 2 – flash drive with three audio files and transcripts                                                                                        |

***Zachary Rye Adams v. State, No. 17-CR-10-PC***  
**DESIGNATION OF THE RECORD ON RULE 9 APPEAL**

| <b>Filed Date</b> | <b>Document</b>                                                                                                            |  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------|--|
| May 20, 2025      | Transcript of Post-Conviction Proceeding – ruling from the bench on Rule 9 motion                                          |  |
| May 22, 2025      | Order on the State’s Motion to Exclude Jason Autry[’s] Video Interview Recorded on December 22, 2023 (Motion in limine #1) |  |
| May 23, 2025      | Order Granting Permission for Interlocutory Appeal Under Tenn. R. App. 9                                                   |  |