

**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 PROPOSED ADDITION TO SECOND AMENDED AND
SUPPLEMENTAL PETITION FOR POST-CONVICTION RELIEF**

Comes now the Petitioner, Zachary Rye Adams¹, by and through undersigned counsel, and pursuant to Tennessee Code Annotated § 40-30-101 et seq., respectfully submits this Proposed Addition to his Second Amended Petition for Post-Conviction Relief. Petitioner moves this Court to consider the newly discovered evidence, constitutional violations, and legal arguments set forth below in support of his request for relief.

VI. INCORPORATION

46. Petitioner incorporates by reference all statements of fact, grounds for relief, and requests for relief set forth in his original Petition and in the Second Amended Petition previously filed in this matter.

**VII. UNITED STATES AND TENNESSEE CONSTITUTIONAL VIOLATIONS
REVEALED BY ATM VIDEO SHOWING PETITIONER AT COMMUNITY
SOUTH BANK IN PARSONS AT 11:12 A.M. ON APRIL 13, 2011**

47. Contrary to the testimonial evidence fabricated by the State's witnesses whose lives and liberties were threatened until they adopted a narrative presented by the State to justify a conviction against Zach Adams, there is one undisputed piece of

¹ Mr. Zach Adams is referred to throughout as both the Petitioner and the Defendant. He is the Petitioner in the Post Conviction Relief proceeding but was the Defendant in the trial proceedings. The two will be used in the appropriate context throughout.

physical evidence of the Petitioner Mr. Adams' exact² whereabouts at a time certain on the morning of April 13th, 2011—a video from an ATM. This video has a history in this case shrouded in obfuscation and deceit, not the least of which was the State's refusal to produce it until the night before it was to be called to account in open court. This video destroys the State's timeline at trial; corroborates the veracity of the cell phone data presented at trial by testifying expert Mr. Reeves that Mr. Adams was not travelling backroads with the remains of Ms. Holly Bobo; and reveals the depths the State has been and is willing still to go to get and preserve a conviction—*any conviction*—in this case.

48. Petitioner brings to this Court's attention newly reviewed video evidence from then Community South Bank (now CB&S) in Parsons, Tennessee, timestamped at 11:12 a.m. on April 13, 2011. This video directly contradicts the State's timeline presented at trial and supports both the cell tower location data introduced by defense expert Mr. Reeves, and the multiple reports provided to law enforcement by Zach Adams and his co-defendants regarding their whereabouts and activities on the day in question. It establishes that Petitioner was not engaged in the abduction or transport of Holly Bobo at the time alleged and was, in fact, documented on surveillance video at a location inconsistent with the State's theory. A careful review of the State's own investigatory records reveals their nefarious intentions:

² Mr. Reeves at trial adequately detailed Mr. Adams whereabouts in relation to cell phone tower coverage; but nothing like the video that shows Mr. Adams's exact whereabouts at the relevant time. Moreover, the ATM video refutes the State's far-fetched theory that the defendants were not with their cell phones, despite the cell phones being in use throughout the time period in question.

a. IR #1845: on September 20th, 2013, the TBI listed "CDs, DVDs, and flash drives containing digital media, obtained during the course of this investigation. All the below will remain stored at the Jackson TBI Office." Part of these data were in folders labelled "Video" and included videos labeled V1, V2, etc.

- i. V3, 4 were simply labelled "BP April 2011"
- ii. V4 was labelled "BP at I 40 April 2011"
- iii. V7 was "BP-Hwy 412 4/13/11"
- iv. V8 was labelled "BP/Comm South Bank ATM-April 2011."

Eventually IR #1845 was provided in digital evidence and V8 had become only "BP" (i.e., the gas station neighboring the bank ATM); leading one to assume the bank ATM files were missing, thus the longstanding effort on the part of the Petitioner by and through counsel to acquire and review the ATM bank footage. It was in these incorrectly labeled files where the ATM bank footage was stored in file formats Petitioner's trial counsel was unable to open.

b. Search Warrant: A search warrant was issued on September 22nd, 2014, for the 2006 Chevrolet Silverado that belonged to John Dylan Adams. Agent Joe Walker of the TBI provided an affidavit and stated the vehicle was being held by the Decatur County Sheriff's Department. Per the affidavit, Agent Walker was relying on Dylan Adam's statement – subsequently proven completely false - that between 0935 and 1000, Zachary Rye Adams and Jason Wayne Autry were at 256 Adams Lane in the Silverado with Holly Lynn Bobo. Then, according to this false confession, Dylan Adams, Zach Adams, and Jason Autry all had forcible sex

with the victim, Dylan purportedly doing so at gun point at the behest of his brother. Then, per the affidavit and Dylan's so-called confession "between one and two hours later, Zachary Rye Adams and Jason Wayne Autry exited Zachary Rye Adams bedroom physically supporting Holly Lynn Bobo." Commentary: this narrative not only contradicts Jason Autry's testimony, but more importantly, it is impossible to be true based on the following:

- i. Cell phone activity of the co-defendants is irreconcilable with the narrative.
- ii. Video footage of the defendants and Dylan's truck at the ATM and elsewhere in Parsons reveals them to be elsewhere at the time.
- iii. TBI performed an exhaustive search of the Petitioner's home after Dylan Adams reported observing a large amount of blood on the floor and furniture. Extensive scientific analysis performed by the TBI yielded no DNA or other physical evidence that Holly Bobo had ever been harmed or otherwise present in the home, also yielding no evidence of any attempt to clean or conceal such evidence.
- iv. Likewise, no physical evidence linking to Holly Bobo was discovered in Dylan Adams's truck, nor any vehicle owned or operated by Mr. Adams and his co-defendants, all of whom had their vehicles ceased, searched, and forensically analyzed.

These “questions left open” as the State’s agent remarked, serve as the shaky foundation of fabrications and falsehoods upon which this entire investigation was built.

c. IR 2743: Agent Joe Walker issued a subpoena for the bank records of Shayne Austin from CB&S Bank, Inc. Pursuant to the application, Agent Walker swore to the fact that “[t]hrough his own statements, Shayne Kyle Austin admits he was with Zachary Rye Adams and John Dylan Adams on April 13, 2011.”

d. Agent Walker received the bank records and reported as follows:

The transactions for April 13, 2011 were as follows: \$120 from the ATM at Community South Bank, \$22.02 from Shell Service Station in Holladay, \$10 from Mapco #2012 in Parsons, \$9.84 Shell Service Station in Parsons and \$6.78 from Sonic Drive in Parsons.”

A check of video recordings from that date is to be done when a player is obtained for the Mapco and a BP video from 641. *The other places were not covered by our videos. [emphasis added]*

e. **The TBI never advised of anything further on these videos, despite the fact multiple videos are exculpatory, particularly considering the corroborative bank records.**

Despite its obvious significance, the ATM video (along with other security camera videos in the area, as we have recently become aware and intend to present) was deliberately withheld or mislabeled during trial discovery. The State failed to provide usable access to defense counsel, and data from the DVD labeled 'BP/Community South Bank ATM – April 2011' were effectively hidden under inaccurate metadata. Only years later, and after extensive effort by Petitioner’s counsel, was the video’s existence recovered and eventually disclosed. The State ultimately obtained the original device via investigative

subpoena and did not alert defense counsel or co-defendant's counsel within the timeline required by T.C.A. §40-30-123.³ This conduct violates the State's constitutional obligations under *Brady v. Maryland* and its progeny.

49. At trial, the following evidence was entered:

- a) Mr. Adams's cell phone was "pinging" off the Birdsong Cell Tower for parts of the morning. Based on Jason Autry's recanted statement, he and Mr. Adams were probably doing drugs together in that area. The route their cell phones "pinged" and timeframes therein, as illustrated by Mr. Reeves, demonstrate they were travelling by interstate back to the Yellow Springs Rd./Adams Lane property (See Exhibit 240).
- b) The timeframe and route Mr. Autry testified he and Mr. Adams had driven, namely the winding backroad journey from under the Tennessee River/I-40 bridge to the point at which Mr. Autry purportedly returned to his PT Cruiser, would take approximately 32 minutes and require passage through the 39078 cell phone sector, where their phones never registered. **It is impossible to reconcile Mr. Autry's testimony, and for that matter, Mr. Adams's involvement in this crime, with Mr. Adams's and the co-defendants' cell phone records.** (see generally Jason Autry's testimony and Exhibit 237 at trial).

³ The reason: "an ongoing criminal investigation JA-90A-000005." Perhaps the most troubling behavior yet from the State though—the TBI provided to the person served the subpoena a document that read, "You are not to disclose the existence of this request. Any such disclosure could impede the investigation and therefore interfere with the enforcement of law."

- i. Mr. Adams's cell phone registered on the northeast 39077 cell tower sector at 10:32 a.m.
 - ii. Mr. Adams's cell phone registered on the northwest 39079 cell tower sector at 10:35 a.m., a mere three minutes later, entirely bypassing the south 39078 sector of the tower. Upon information and belief, over 3.5 miles of this alleged route would be covered under tower 39078 and would take at best 10 minutes to travel.
 - iii. Mr. Adams's cell phone then registers on his home tower and sector at 10:38 a.m., another three minutes later. This cell tower sector path in the observed timeframe of Mr. Adams's cell phone on the morning of April 13, 2011 is only possible by interstate travel South to Parsons on I-40.
- c) The Parsons ATM is approximately minutes away from Mr. Austin's home on Yellow Springs Road passing through Mr. Adams' home at 256 Adams Lane, Holladay, TN.
- d) Pursuant to a newly run, and recklessly run, route, from the approximate location of the 10:32 am cell tower to Mr. Austin's driveway (but not down it) and to Mr. Adams' home and then to the cell phone, it is absolutely impossible to make this route by 11:12 am—not taking into consideration a single second for stopping, dropping off and picking up the various people. Thus, the commute time is already impossible without adding the additional time necessary to carry out any of the activities as laid out in Mr. Autry's testimony.
- e) Mr. Adams was in his brother's 2006 Chevrolet Silverado at 11:12 a.m. with Mr. Austin and Dylan Adams.
- f) **But, wait – there is more: the State's narrative includes Mr. Adams putting his truck in Victor Dinsmore's garage/pole barn *before the alleged meeting with Mr. Dinsmore in the early afternoon.* In order for Mr. Adams to carry out this additional task before traveling with Shayne Austin and Dylan**

Adams to the ATM, a couple gas stations, and Sonic, the following would have to be possible:

- i. Per Victor Dinsmore's trial testimony, Mr. Adams would have had to find additional time to take his Nissan Truck and hide it in Victor Dinsmore's garage, first talking with Victor's wife, Sandy, about it, and then moving a set of four "rims" out of the garage to make space for the truck.
- ii. Given the absence of any physical evidence in the vehicle and its general condition, Mr. Adams would have had to extensively clean the Nissan and then re-clutter it with his belongings and various debris. For reference, a photo of the pitiful condition of the Nissan Truck when impounded and thoroughly tested will be submitted, and the Court can draw its own conclusions about the cleaning capabilities of Mr. Zach Adams.
- iii. Mr. Adams stayed in Parsons until 12:35 p.m. that afternoon, per his cellphone activity.

52. Mr. Dinsmore provided critical testimony regarding some key aspects of the State's narrative regarding this case:

- i. As aforementioned, Mr. Dinsmore testified that Zach Adams parked his Nissan truck in Mr. Dinsmore's pole barn on the day of Holly Bobo's abduction.
- ii. Mr. Dinsmore testified that Shayne Austin, Jason Autry, Zach Adams, and Dylan Adams showed up at his work on that same afternoon to purchase drugs, with Mr. Adams and Mr. Austin purportedly getting into an altercation about

“who was going to hit it first” (note that this future tense reference means that Holly Bobo was presumably still alive, which would have been inconsistent with the State’s theory) *or* was about the drugs they were purchasing.

iii. Mr. Dinsmore testified that Shayne Austin later sold him the supposed murder weapon, a .32 caliber revolver eventually tossed into a creek by Mr. Dinsmore’s wife and then recovered by Ms. Nichols and TBI agents in 2017, mere months before the trial.

53. As with Mr. Autry, Mr. Dinsmore’s reflections on April 13th, 2011, changed fundamentally over time. Also, like Mr. Autry, Mr. Dinsmore was interviewed multiple times, implicated without any evidence connecting him to the crime, and threatened with incarceration and even the death penalty if he did not “cooperate” with TBI. Again, like Mr. Autry, Mr. Dinsmore eventually provided testimony that was in stark contradiction to his multiple previous statements but in line with the State’s narrative of the case. And finally, like Mr. Autry, Mr. Dinsmore was spared prosecution for a crime he had nothing to do with in the first place, in exchange for testimony implicating Zach Adams.

54. **Enter Dennis Benjamin.** Upon information and belief, Mr. Benjamin and his wife offered services to the Bobo family as some kind of private detectives of sorts with an affiliation with TBI. Mr. Benjamin created an ersatz friendship with John Dylan Adams while Dylan was in prison in Obion County in 2013 on charges brought by part-time Assistant US Attorney Beth Boswell—who incidentally was the full-time Assistant District Attorney General in Decatur County whose office, led by Hansel McAdams whose political capital was diminishing greatly the longer an arrest in this case did not take place (The TBI had moved on from the man, Terry Britt, who admitted to the

Federal Marshall that he did it; a point of apparent minor consequence to the State perhaps because Mr. Britt should have been incarcerated already for the 2008 rape of Tequila Jones. But Mr. Britt was not incarcerated because at his preliminary hearing, Ms. Jones failed to appear, and the case was dismissed for lack of prosecution. Ms. Jones was in jail on a misdemeanor drug possession charge, and the State failed to bring her to Court that day.).

55. Of profound oddity, Dylan Adams, a young man with documented intellectual deficits and known to be susceptible to suggestion and manipulation due to these deficits, then went to live with Dennis Benjamin, the retired Memphis cop working as an unlicensed PI for the Bobo family, actively pursuing the Adams brothers as culprits for this crime. Several weeks into living arrangement, Dennis Benjamin coerced a "confession" out of Dylan Adams that served as the basis for the charge, but not the conviction in this case. Of significance, Dylan's story was demonstrably false based on the testimony of Agent Frizzell, the attendant cell phone records, and a complete lack of physical evidence that would have been apparent had his story been true.

56. Dennis Benjamin's activities did not stop with Dylan Adams. In 2015, he travels to Indiana to visit Victor Dinsmore and told him that Victor was going to receive the death penalty if he did not tell Dennis where the body was. During this conversation, Dennis Benjamin identifies himself as holding an influential position with both the Bobo family and the TBI, commenting that he was part of a recent meeting to determine Dinsmore's fate and can get ASAC Vanhooser on the phone, asserting he has authority to offer Victor Dinsmore a deal to avoid getting charged for Holly's murder if he provides testimony to implicate Zach Adams in the crime. Mr. Benjamin's exact words will be

submitted to the Court and suffice it to say, they will make Dinsmore's "testimony" understandable—he was also testifying to save his life after being treated terribly by the State and their quasi-agents. Thus, at some point, Victor Dinsmore chose saving his own life over the truth, and with the track record of this case, perhaps the Court will be sympathetic to Mr. Dinsmore's approach when innocent men were being threatened with crimes they did not commit.

58. Dinsmore gave a series of statements to both the TBI and FBI. Eventually some of these statements gave details that the State happily accepted into the story they were creating about April 13, 2011. The problem was though, they became at odds with the version of truth the State decided to settle on when Mr. Autry had finished pouring over the discovery sufficiently to tell the tale he did. Several examples:

a. Mr. Dinsmore at some points denied the Defendants were at Dottie Cooley's Home with him on April 13th, 2011 (July 21st, 2011). By 2014, Mr. Dinsmore provided (apparently; all we have is what TBI reduced to their own IR and the accuracies of these will be revealed for what they are) a statement that stated now definitively that Zach, Shayne and Jason were there on April 13th, 2011. At this point, Dinsmore apparently stated that "Zach hid his grandfather's white Nissan post abduction. Victor recalled Zach telling him the truck was hid because of an arrest Zach had been involved with where park police caught him with methamphetamine and Zach tried to run them over in the truck. Victor speculated the truck was hid because it was used in (V) Bobo's abduction/murder." A polygraph was submitted by Mr. Dinsmore on two questions—both of which were whether Mr. Dinsmore did he see the victim on April 13th, 2011 (he did not).

b. In August of 2015, Dinsmore gave a new statement (IR 3000) where he now trots out the belief that Autry, Adams and Austin were arguing about who was going to have sex with the victim, and that that he assumed they had the victim stashed away in the house or cabin. This is an amalgamation of the habitual liar Dinsmore's original lie that he had heard Zach told Carl Stateler while at Johnny's Bar one night that he had let Shanye "hit it" in reference to allowing Shayne to rape (V) BOBO after she was abducted." (IR 2009 dated 3/5/2014).

c. In February of 2017, Mr. Dinsmore and his wife flew down to TN for purposes of showing the agent the location where Sandy had placed "the gun", which was characterized by him as several things—the question calls into this court the veracity of both the TBI agent who created the IR whose name need not be presented here. In an IR whose activity was generated on 2/17/2017 but not reported until 6/12/2017 after the alleged gun in question was found, Mr. Dinsmore said that the gun that was thrown away was a "revolver possibly a 38 or 357 caliber and he had given it to his wife to carry for her safety." (IR 3139). However, in a follow up meeting on May 19th, 2017, Mr. Dinsmore said, "Shayne traded me a black 38 revolver" that "was one you could switch the cylinder make a .357." Dinsmore went further to state that this gun was thrown out by his wife; however, Mr. Dinsmore testified that there was a "junky piece of s*** .32 revolver." This was the same thing that when it ended, the TBI officer said, "everything you said is the truth and it ain't nothing I done to put words in your mouth" and then Dinsmore said, "all you have done is jog our memories." Of interesting note, during the trial, the witness testified fundamentally differently on whether the TBI Agent did jog his memory:

1 Q. And then once again, you go through this, and
2 then you begin to change your memory; don't you?

3 GENERAL NICHOLS: Judge, I am sorry,
4 she's testifying and telling him that he's changing
5 his memory. You've told her three times if there's a
6 question to ask it.

7 MS. THOMPSON: That's a question.

8 GENERAL NICHOLS: That's a comment.

9 MS. THOMPSON: You changed your memory;
10 didn't you?

11 THE COURT: Okay. Ask your question.

12 BY MS. THOMPSON:

13 Q. You began to change your memory; didn't you?

14 A. After my wife and I talked, some things came
15 back around, and she mentioned some things that
16 reminded me of things that happened.

17 Q. But by the time you finished talking to [REDACTED]
18 [REDACTED] that day, you had recovered that memory; hadn't
19 you?

20 A. That was before that. We just told him that.

21 Q. Okay. So what you're saying now is you had
22 already recovered the memory that Zach had put his
23 truck in your shop, but you started out slow with
24 Brent Booth and just were telling him, no, he hadn't
25 put the truck there?

1 A. I wasn't sure at first, like I said, until my
2 wife and I talked. And that's when we figured out,
3 yes, it was there, and my daughter confirmed it, so.
4 Q. So I am not understanding. When did you and
5 your wife talk, before or after Brent Booth came to
6 talk to you May 18, 2017?
7 A. We talked before, after. We talked last
8 night. We talked on the way to court this morning.
9 Q. But when did you and your wife talk about the
10 fact that that white Nissan truck was parked in your
11 shop?
12 A. Before [REDACTED] came up.
13 Q. Before [REDACTED]?
14 A. Yeah.
15 Q. Was it that time before [REDACTED] came up that
16 you had been -- realize that, yes, in fact, the white
17 Nissan was parked there?
18 A. Yes. But I just didn't remember them saying
19 they had to move some tires out. I had a big shop.
20 I didn't think there was any reason. But then my
21 wife clued me in and said, yes, they moved tires.
22 And then I remembered I had some tires off of a van
23 that I scrapped the van, I kept the wheels and tires
24 laying in the way.

d. The State did not object to this blatant perjury. Mr. Adams' attorney did not request a mistrial for prosecutorial misconduct, and such was ineffective assistance of Counsel under the US and State Constitution.

e. To be clear—the tomfoolery really began in May of 2017 prior to the trial. The day before, the same TBI officer who was involved in prior statements came to serve the subpoena on Mr. Dinsmore for trial. This is where the State did several things: (a) fabricate evidence (b) begin suborning perjury and (c) create a timeline that was and would remain completely impossible under the facts known by the state at the time.

59. May 18th, 2017 is when the TBI officer came to Mr. Dinsmore. This officer was referred to by Mr. Dinsmore as “buddy.” A transcript and recording of this conversation will be submitted as evidence. Several highlights:

a. TBI officer says, “there’s been some developments. Let me talk to you....Jason has rolled...And let me tell you what’ll be testified to...this might help you remember. He says in the part that involves you when he came over to you....and he said Zach got out and first thing he done was punched Austin right in the face.” (Transcript or recording page 4-6).

b. At this point, Mr. Dinsmore has not been read on the story the State will present to the trial because he says totally inconsistent with what will be produced at trial, “yeah, they started scrapping. Now, I remember what they was saying. They were fighting over who was going to hit that little bitch first when they got back. That’s what they were saying. So that was Holly.’

c. TBI goes on, “He says that also Zach had taken his truck and put it in your garage and then he told you or he had seen you when he brought it over there.

- d. Sandy Dinsmore says, "Me?"
- e. TBI continues unphased, "He (Adams) saw you when he put the truck in the garage. And I know the truck was there—know it wasn't there, because I've pulled—we've pulled recordings and pulled tapes from 911 and Dick—Dick says that the truck—he didn't have his truck that afternoon—that it was—he had taken to your house—your garage."
- f. Victor Dinsmore: It wasn't—**yeah, it wasn't at our house, bud. Mm-mm. No way.** (emphasis added)
- g. TBI starts scratching around: "Could he have done that and you not known? It ain't going to matter. I just need to—I need to nail this down because this is what's going to be testified to."
- h. Dinsmore: "No, I know it's not going to matter."
- i. More and denial by Dinsmore takes place; they talk about the gun that the Dinsmores threw away. Then back to this Nissan Truck in the garage...
- j. Sandy Dinsmore said she remembered that in an unrelated issue with Natchez Trace, Zach left the white truck outside and not inside. TBI was not happy and responded, "well, supposedly that's what he—that's what he says. That's what he's—what's going to be testified to. They had to move four rims to get it in there and that he—(interrupted by the question four rims?)saw you when he was putting it in there and you knew it was—you saw him putting it in there. But you didn't know nothing. It ain't nothing wrong with it. I'm must trying to—trying to nail it down."
- k. Dinsmore starts to crack and says, "I don't know."

- l. TBI seizes the opening, "You wouldn't have thought nothing about him putting it in there."
- m. Dinsmore right on cue, "By God, he might have no, [REDACTED] damn it."
- n. And then Dinsmore adds great credibility to his memory, "You know, I was doing a lot of dope right then, ok? And I mean, the meth and stuff, so—but he might have."
- o. TBI circles back, "According to what his—what Jason is going to testify to is he told you that—that when he pulled up over there at Dottie's, he said I put my truck in your garage. I saw Sandy and she knows it's in there. I had to move four rims to get it in there."
- p. This testimony requires that by the time Autry and Adams see Dinsmore, the truck has been hidden and Dinsmore's wife told as much – the State cannot now rearrange the events.
- q. Dinsmore responds to TBI by saying, "No that didn't"—that—that—that didn't happen." His wife adds, "I don't remember nothing like that." Mr. Dinsmore responds, "No, she would remember that. That didn't happen."
- r. TBI unphased continues, "Could it have happened?"
- s. Dinsmore never missing the cue, "It could have happened."
- t. Relieved, TBI says, "Okay."
- u. Dinsmore: "It could have happened man. I—you know, I can't say no, dammit."
- v. TBI in a true statement says, "I know."

w. Dinsmore, "You know, I was smoking weed. I was drinking liquor. I was doing meth and I didn't—I just didn't want to be here no more...[s]o I can hardly remember, so.

x. TBI: It helps me. It helps this case if you can remember. The more pressure I put on him, the more you all can remember, the more it helps push this damn case to where it may get a plea. That's what I'm saying. May get a damn plea." When asked if there is any chance Adams and Autry "gets out," TBI says, "[w]ell you know, you never know—what a damn jury's going to do, but I've got to know. It's got—the more—More I—details that I can nail down, the better I am."

y. Dinsmore's next response: **"put that truck in my garage."**

z. A little bit later, Dinsmore adds, **"Yeah. Yeah. Let's say it happened."**

60. The Petitioner would query if this Court could ever come across more blatant coaching of a witness and more fabricating evidence than this May 18th, 2017 encounter. It was so bad, the next day the same TBI officer was apparently concerned enough (or his boss/DA was so concerned) that the TBI officer started the recorded part of the conversation as stated above to say, "I didn't want to put words in your mouth." Which is exactly what happened.

61. The State was unconcerned and put the following testimony in evidence:

24 Q. Is that the shop that Zachary Adams hid his
25 grandfather's white Nissan?

1510

1 A. Yes. He hid the Nissan in the double door
2 right there (indicating).

3 Q. Okay. Thank you. And I take it that you
4 indicated you do not recall there being a discussion
5 about that Nissan on the day of the 13th, but that
6 you know that truck was hidden --

7 A. Yes.

8 Q. -- in that shop --

9 A. Yeah.

10 Q. -- after Holly went missing?

11 A. Yes.

12 Q. You freely gave that information to law
13 enforcement when they asked you?

14 A. Yes.

62. The State intentionally asked, "[y]ou **freely** gave that information (that Zack Adams hid the Nissan Truck in the garage on April 13th, 2011) to law enforcement when they asked you?" . At no point did the ineffective counsel, Jennifer Thompson, ask for a mistrial based on this question and answer.

63. But for the ineffective cross examination and failure to ask for a mistrial, this issue would perhaps never be known to be fundamentally and demonstrably proven to be the lie it was. Because we now know that on the morning of April 13th, 2011, at the northeast east sector, Mr. Adams had to travel from 10:32 a.m. and do the following:

a. Travel back to drop Jason Autry off the approximate 25-30 minutes; **This alone creates an impossible timeline as the route needed from the river to dropping Jason Autry off, to picking up Shayne Austin and then Dylan Adams and get to Parsons.**

b. From the theoretical timeline, it would appear this is the window that Mr. Adams and crew then somehow drove to where the remains were eventually located (but again, the victim's cell phone had already been there from 8:30 a.m. to 9:00 a.m., and then the cell phone was found later at Gooch Creek in a route one would exactly expect if its final destination along a route that began at the Bobo's Swan Johnson home, continued to the where the remains and an untested .380 casing were found next to it, and ended at the home of Terry and Janet Britt.

c. This would take a sufficient amount of time that further makes the timeline absolutely impossible under any timeline imaginable. But it gets more and more impossible the more one has to consider that the proof submitted and State's theory of the case is that the victim was removed from the Nissan Truck well before Adams sees Victor Dinsmore in the early afternoon. Thus the Defendants would have had to do all of this before the trip to Parsons and before the encounter with Victor Dinsmore.

d. Further complicating the State's theory absolutely falls apart when you review the afternoon of the Defendants' cell phone activity, Victor Dinsmore's testimony and Jason Autry's testimony. There is virtually no scenario imaginable whereby the Defendants

somehow went back to where the victim's remains were found that afternoon in time to then put the truck in Victor Dinsmore's pole barn/garage and also run into Victor Dinsmore and have a fight (with Shayne Austin, who was presumably still in his home drinking beer per the State's own witness the Satellite installer).

e. It is impossible for the remains to have been removed from the truck, then the Defendants clean the truck to remove every trace of DNA particles (though it could be argued possibly the truck was bloody and Sandy while not only never remembering the truck going in the garage, she never remembered a truck with blood going in the garage; then clean out Dinsmore's garage to move the truck in, talk to Sandy about this, all while Shayne Austin is at home per the testimony of Satellite Installer (State's witness) and corroborating cell phone records of Shayne Austin.

VIII. LEGAL GROUNDS FOR RELIEF

1. New Scientific Evidence of Actual Innocence

64. The ATM video timestamped at 11:12 a.m. on April 13, 2011 constitutes new scientific evidence demonstrating Petitioner's actual innocence. The State previously represented that this transaction was not captured on video and later misrepresented or mislabeled critical discovery material, rendering the exculpatory footage effectively inaccessible to defense counsel. Petitioner's trial counsel was unaware of this evidence reflected on the video due to these acts of concealment, and thus the claim has not been waived.

65. This evidence, viewed alongside corroborating cell tower data and testimony that places Petitioner far from the alleged crime scene, meets the standard under Tennessee law for actual innocence. Under *Dellinger v. State*, 279 S.W.3d 282 (Tenn.

2009), Petitioner is entitled to relief where clear and convincing new evidence proves innocence. The newly disclosed ATM footage conclusively supports that claim, proves the state used perjured testimony, and proves that the state violated constitutional rights to a fair trial, and proves that Mr. Adams' trial counsel was ineffective.

2. Brady Violation and Prosecutorial Misconduct

66. The prosecution's failure to timely disclose materially exculpatory evidence—the ATM video—violates *Brady v. Maryland*, 373 U.S. 83 (1963), and its Tennessee counterparts. The State not only failed to provide this evidence upon request, effectively buried the exculpatory evidence in a digital mountain of irrelevant evidence and also misrepresented its nature and failed to fulfill constitutional obligations to provide the exculpatory evidence when defense counsel indicated they were unable to access it.

67. The State knowingly presented materially false testimony from Victor Dinsmore and Jason Autry regarding Petitioner's whereabouts and actions on the morning of April 13, 2011. This conduct violated the Due Process Clause of the Fourteenth Amendment and Article I, §§ 7, 8, and 9 of the Tennessee Constitution. This includes specifically the irreconcilable difference between Jason Autry's "route" he and Zach Adams must have taken and the timing it required to do so and be in Parsons at the CB&S Bank at 11:12 a.m.

68. Before an accused is entitled to relief under this theory, he must establish several prerequisites: (a) the defendant requested the information, unless the information was obviously exculpatory; (b) the prosecution must have suppressed the evidence; (c) the evidence suppressed must have been favorable to the accused; and (d) the evidence

must have been material. *State v. Edgin*, 902 S.W.2d 387, 389 (Tenn. 1995) (citations omitted).

69. Because trial counsel was unable to know truly the falsity of this evidence because it did not have the ability to watch the referenced video, it was not waived.

Alternatively, to the extent it was, then this argument falls to the ineffective assistance of counsel ground.

3. Ineffective Assistance of Counsel

70. To the extent that this Court finds the ATM and cell data evidence and the perjured testimony of state's witnesses could have been discovered, revealed, and/or admitted at trial, Petitioner asserts ineffective assistance of counsel. Trial counsel failed to file an effective motion to compel access to video discovery or to establish a concrete evidentiary timeline. Counsel also failed to move for a mistrial following multiple instances of prosecutorial misconduct, including the use of perjured testimony. Under *Strickland v. Washington*, 466 U.S. 668 (1984), and *Baxter v. Rose*, 523 S.W.2d 930 (Tenn. 1975), Petitioner was deprived of effective counsel, rendering the trial fundamentally unfair. These failings, both individually and cumulatively, entitle Petitioner to a new trial.

71. Any effective defense counsel would have pierced through this all at trial and acquitted Mr. Adams. The Petitioner thus has a conviction that rests upon the denial of effective trial counsel that resulted in an unreliable or fundamentally unfair result under both the US Constitution VI Amendment and the Tennessee Constitution Art. I, §9. This statement applies to each and every allegation individually and collectively above to the extent the stand alone claims fail. They have not been waived and are ripe for this Court's ruling.

IX. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that this Court:

1. Vacate and set aside the jury's verdict and judgment of conviction;
2. Order a new trial or, in the alternative, dismiss all charges with prejudice;
3. Grant such further relief as the Court deems just and proper.

I, Zachary Rye Adams, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge, information, and belief.

ZACHARY RYE ADAMS

DATE

State of Tennessee]

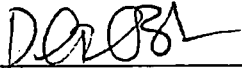
County of _____]

Sworn to and subscribed before me on this ____ day of _____,
2025.

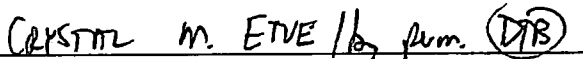
NOTARY PUBLIC

Commission Expires: _____

RESPECTFULLY SUBMITTED:



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ATTACHED EXHIBIT INDEX

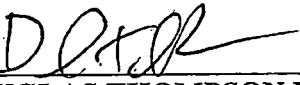
Exhibit A: Comprehensive Timeline – April 13, 2011 and Related Developments
Exhibit B: Summary of Witness Coaching – Victor Dinsmore and the Tennessee Bureau of Investigation

CERTIFICATE OF SERVICE

The undersigned certifies that he has on the 2 day of May 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):

ADA Amy Weirich
ADA Christopher Boiano

- ☐ 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

Exhibit A: Comprehensive Timeline – April 13, 2011 and Related Developments

This timeline integrates verified data, disputed witness claims, procedural milestones, and post-trial discoveries from the original and amended post-conviction filings. It is organized by category and presented in chronological order to illustrate the breakdown between the State's narrative and the documented facts surrounding the Holly Bobo investigation.

I. Verified Evidence Based on Digital Records and Video Footage

08:30–09:00 a.m. – Holly Bobo's cell phone pings near the site where her remains are later found. This undermines the theory that the victim was in Zach Adams' possession during the timeframe alleged by the State.

10:32 a.m. – Zach Adams' phone pings at tower 39077 in the northeast sector, placing him far from the route described by Jason Autry.

10:35 a.m. – Adams' phone pings tower 39079 in the northwest sector, confirming westward movement along I-40, not backroads.

11:12 a.m. – ATM footage shows Zach Adams, Dylan Adams, and Shayne Austin at Community South Bank in Parsons in a Silverado. This single video undermines the State's entire trial timeline.

12:35 p.m. – Zach Adams' cell phone activity continues in Parsons, confirming he remained in the area until at least mid-afternoon.

II. Disputed or Recanted Testimony from State Witnesses

9:35–10:00 a.m. – Dylan Adams falsely claims Zach Adams and Jason Autry were with Holly Bobo at 256 Adams Lane. No physical evidence supports this; cell and video records refute it.

Jason Autry – Trial Testimony – Jason Autry's backroad route from the Tennessee River to Yellow Springs Road is 32 minutes long and unsupported by any cell tower data. His timeline is physically impossible.

Victor Dinsmore – TBI Interview, May 18, 2017 – Under the pressure of a TBI SA, Dinsmore changes his testimony from total denial to stating, 'Let's say it happened,' about the truck allegedly being in his garage.

Shayne Austin – Transaction Records – Bank records confirm Austin's transactions at multiple locations, placing him in town and away from the alleged abduction path. These records are consistent with the verbal statements of Shayne Austin, Zach Adams, and Dylan Adams to law enforcement regarding their whereabouts and activities on April 13, 2011.

III. Procedural and Investigative Milestones

Sept. 20, 2013 – TBI logs digital evidence labeled 'BP/Community South Bank ATM – April 2011' as part of IR #1845, but later mislabels it.

Sept. 22, 2014 – Search warrant for Dylan Adams' Silverado is obtained based on a false confession. No evidence of Holly Bobo is found in the vehicle.

2016 – CB&S Bank responds to defense subpoena stating no ATM video was located—a statement later proven false by its existence in TBI's possession.

May 13, 2024 – State issues subpoena for ATM recording devices and asks bank not to disclose it, violating expected discovery courtesy.

June 12, 2024 – State finally acknowledges possession of ATM video during post-conviction litigation.

March 20, 2025 – State admits ATM footage had been labelled as 'BP' video during trial discovery.

**Exhibit B: Summary of Witness Coaching – Victor Dinsmore and the Tennessee
Bureau of Investigation**

This exhibit summarizes documented evidence of improper witness influence involving the Tennessee Bureau of Investigation (TBI) and Victor Dinsmore. The events described occurred primarily on May 18–19, 2017, and were central to the prosecution's theory that Zachary Rye Adams stored the Nissan truck used in the alleged abduction in Dinsmore's garage. The TBI's actions constituted coaching, psychological pressure, and manipulation of a key witness—actions which raise grave concerns under due process principles.

Timeline and Content of Witness Coaching

May 18, 2017 – A TBI officer visits Victor Dinsmore and informs him that Jason Autry 'has rolled' and is now cooperating. The agent explicitly tells Dinsmore what Autry is going to testify to and says, 'Let me tell you what'll be testified to...this might help you remember.'

Same Day – Key Allegation – TBI informs Dinsmore that Autry will testify Adams stored a white truck in Dinsmore's garage after moving four rims. Dinsmore emphatically and repeatedly denies the event, saying, 'That didn't happen.'

Response to Denial – The TBI agent presses further, suggesting it could have happened without Dinsmore knowing. Dinsmore continues to deny until the agent intensifies pressure: 'It helps me. It helps this case if you can remember... The more pressure I put on him, the more you all can remember.'

Dinsmore's Shift – Eventually, Dinsmore says, 'By God, he might have...' and later concedes, 'Yeah. Yeah. Let's say it happened.'

Corroboration – Dinsmore admits he was using drugs at the time and had difficulty remembering anything clearly. He says, 'I was doing a lot of dope... I can hardly remember.'

May 19, 2017 – The following day, the TBI agent—now concerned—begins the recorded portion of the follow-up meeting by stating: 'I didn't want to put words in your mouth,' implicitly acknowledging the prior day's conduct.