

W2020-01208-CCA-R3-CD

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

3 _____
4 STATE OF TENNESSEE

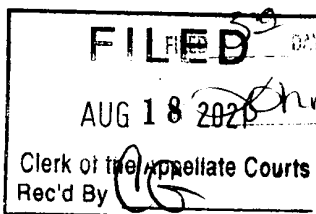
5
6 VS. Case No. 17-CR-10

7
8 ZACHARY RYE ADAMS
9 _____

10 TRANSCRIPT OF EVIDENCE
11 VOLUME III
12 SEPTEMBER 11, 2017
13 _____

14 This case came on to be heard and
15 was heard on the 11th through the 23rd
16 days of September, 2017, before the
17 Honorable C. Creed McGinley, Judge,
18 holding the Circuit Court for Hardin
19 County, at Savannah, Tennessee, and a
20 jury of twelve and three alternates.

21 AMY MAYS
22 COURT REPORTER
23 MADISON COUNTY CRIMINAL JUSTICE COMPLEX
24 JACKSON, TENNESSEE 38301
25 (731)423-6036



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ORIGINAL
Vol. 30

1 APPEARANCES

2 Before the Honorable:

3 JUDGE C. CREED MCGINLEY

4 For the State:

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7 MR. ERIC CHRISTENSEN

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12 For the Defendant:

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1 THE COURT: Just to memorialize
2 what I've already told you folks, there
3 are very minor changes in the charge that
4 came late, so they just put the notebooks
5 together. If you want the initial
6 paragraph that's actually part of the
7 pattern, I've charged it some in the
8 past. At first I said I wasn't going to
9 do it because of the inconvenience of the
10 notebooks, but they were able to
11 accommodate. That lady and that lady.
12 So, you owe them thanks, if you think
13 it's important. I don't think they were
14 material changes at all.

15 The other one, we agreed on
16 Saturday, as far as mentioning the venue,
17 we made the charge consistent with
18 "commenced" or "consummated". We made
19 the entire charge consistent. Yours was
20 to add a paragraph on the credibility of
21 the witnesses. That has been done. So,
22 I just wanted to memorialize that on the
23 record.

24 So, we can bring our jury in now
25 and then we'll let Mr. Gilkey open court.

1 (The jury was brought
2 into open court, and
3 the following proceedings
4 were had:)

5 THE COURT: Did somebody hint to
6 y'all that it would be more convenient if
7 you would file in in the order in which
8 you were seated? Somebody told you that?
9 Because I've done this a long time. If
10 we don't tell you that, it's usually the
11 second day of a trial before the jury
12 figures out, hey, if we line up, we don't
13 have to stumble across everybody.

14 First of all, let's get one of
15 the things out of the way. You were
16 instructed not to view, listen to any
17 news reports, not to make any independent
18 investigations, to avoid social media, so
19 forth and so on. If you followed the
20 Court's instruction, please raise your
21 hand.

22 Let the record reflect we've got
23 15 people that raised their hand in the
24 affirmative.

25 Okay. We're getting ready to

1 start the trial. Do you want to check
2 witnesses? Are we ready for the jury to
3 be sworn?

4 MS. NICHOLS: Well, Your Honor,
5 we'd like to just make sure there's no --
6 We had subpoenaed several people. We
7 wanted to see if anyone was actually in
8 the courtroom that had responded to
9 subpoena. If so, could they please step
10 outside? We have somebody to meet you.

11 THE COURT: When she says that,
12 she is essentially calling for the rule
13 of sequestration of witnesses as the
14 State would also. If you are a witness
15 in this case, first of all, you are to be
16 excused from the courtroom. You are not
17 to listen to the testimony of any witness
18 that testifies. You are not to discuss
19 with any witness testimony that's been
20 given in the open courtroom. The State
21 has designated as their representative
22 Ms. Bobo. She'll be allowed to stay in
23 the courtroom, and they say if she is
24 called, she'll be called towards the
25 front of their witness list, correct?

1 MR. HAGERMAN: Correct.

2 THE COURT: All right. In this
3 case, State of Tennessee v. Zachary Rye
4 Adams, State ready to proceed?

5 MS. NICHOLS: We are, Your Honor.

6 THE COURT: Defendant ready to
7 proceed?

8 MS. THOMPSON: Yes, Your Honor.

9 THE COURT: All right. Let the
10 record so reflect that both sides have
11 indicated ready to proceed.

12 What we will be doing, first of
13 all, you've got a notebook in your chair.
14 In that notebook, there are the
15 preliminary instructions that I will read
16 to you in just a moment. They're very
17 generic. If you've sat on cases that
18 I've done -- Any of you set on cases I've
19 done in the past? Okay. I've been doing
20 this for 30 years, so you've been
21 fortunate. But a lot of times I'll
22 charge more. There are some very generic
23 things in that initial charge that
24 hopefully will guide you concerning
25 credibility of witnesses, some other

1 generic things. Later after the
2 conclusion of evidence, we will get your
3 notebooks back. We will then put behind
4 a divider another section of charge that
5 will include the elements of the offenses
6 as well as any possible lesser included
7 offenses and some other items that based
8 upon what the proof develops, the Court
9 will give you further instructions on.
10 After that, the attorneys will make their
11 closing statements, and you will get a
12 final just very brief final instruction
13 that will be behind the next tab in
14 there. The other thing you have in
15 there, I told her to do fresh notebooks.
16 They're small notebooks. Some people
17 take voluminous notes. Some people just
18 kind of get the highlights to remind
19 themselves. You've got that in there.
20 It's your personal preference. There's a
21 pencil and a notebook, and probably the
22 first thing I would do in those
23 notebooks, the cover sheet, why don't you
24 pull that up just a little and write your
25 name on it. It's behind the plastic

1 there. You've got extra pencils and
2 extra notebooks. So, if your pencil
3 breaks or you run out of lead, I hope you
4 don't, then if you need another writing
5 instrument, we'll take care of you, okay?

6 All right. We're ready to
7 commence the trial. State ready to read
8 the indictment?

9 MS. NICHOLS: We are, Your Honor.

10 THE COURT: All right. If the
11 State will read the indictment. The
12 indictment is the formal written
13 accusation that charges the defendant
14 with a crime.

15 Madam Clerk, if you'll swear the
16 jury to try the cause. Let the record
17 reflect we've got three built-in
18 alternates. The names will be drawn at
19 the random. Hopefully everyone will
20 remain safe. Ready.

21 THE COURT: Thank you. All
22 right. The formal reading of the
23 indictment, please.

24 MS. NICHOLS: The State of
25 Tennessee versus Zachary Rye Adams, Jason

1 Lee Autry and John Dylan Adams.

2 Count 1: The State of Tennessee,
3 Henry County, Circuit Court, May 2015
4 term.

5 The Grand Jurors of the State of
6 Tennessee duly selected, impaneled, sworn
7 and charged to inquire for the body of
8 the County of Decatur in the State
9 aforesaid upon their oath present that
10 Zachary Rye Adams, Jason Lee Autry, and
11 John Dylan Adams heretofore to wit:
12 between April the 12th --

13 May I approach, Judge?

14 THE COURT: Yes.

15 (There was a conference
16 at the bench, out of
17 the hearing of the
18 jury, as follows:)

19 MS. NICHOLS: Do you want me to
20 continue reading all three Defendants?

21 THE COURT: No.

22 MS. NICHOLS: Okay.

23 THE COURT: Don't read all three
24 Defendants.

25 MS. NICHOLS: All right.

1 THE COURT: Just read one.

2 MS. NICHOLS: I assumed, but
3 before I went any further ...

4 THE COURT: She's already read
5 all three of them.

6 (End of bench conference.)

7 MS. NICHOLS: I'm going to start
8 over.

9 The Grand Jurors of the State of
10 Tennessee duly selected, impaneled, sworn
11 and charged to inquire for the body of
12 the County of Decatur in the State
13 aforesaid upon their oath present that
14 Zachary Rye Adams heretofore between
15 April the 12th, 2011 and September the 8th
16 of 2014, before the finding of this
17 indictment, in the county and state
18 aforesaid, did unlawfully and with the
19 intent to commit kidnapping, kill Holly
20 Lynn Bobo in the perpetration of or
21 attempt to perpetrate kidnapping thereby
22 committing the offense of first degree
23 murder in violation of Tennessee Code
24 Annotated Section 39-13-202, against the
25 peace and dignity of the State of

1 Tennessee.

2 Second count: The Grand Jurors
3 of the State of Tennessee duly selected,
4 impaneled, sworn and charged to inquire
5 for the body of the County of Decatur in
6 the State aforesaid upon their oath
7 present that Zachary Rye Adams heretofore
8 to wit, between April the 12th, 2011 and
9 September the 8th of 2014, before the
10 finding of this indictment in the county
11 and state aforesaid, did unlawfully and
12 knowingly remove or confine Holly Lynn
13 Bobo so as to interfere substantially
14 with the liberty of said Holly Lynn Bobo,
15 and the removal or confinement was
16 accomplished with a deadly weapon or by
17 display of an article used or fashioned
18 to lead said Holly Lynn Bobo to
19 reasonably believe the article to be a
20 deadly weapon thereby committing the
21 offense of especially aggravated
22 kidnapping in violation of Tennessee Code
23 Annotated Section 39-13-305, against the
24 peace and dignity of the State of
25 Tennessee.

1 Third count: The Grand Jurors of
2 the State of Tennessee duly selected,
3 impaneled, sworn and charged to inquire
4 for the body of the County of Decatur in
5 the State aforesaid, upon their oath
6 present that Zachary Rye Adams heretofore
7 to wit, between April the 12th, 2011 and
8 September the 8th of 2014, before the
9 finding of this indictment in the county
10 and state aforesaid, did unlawfully and
11 knowingly remove or confine Holly Lynn
12 Bobo so as to interfere substantially
13 with the liberty of Holly Lynn Bobo and
14 that she did suffer serious bodily injury
15 thereby committing the offense of
16 especially aggravated kidnapping in
17 violation of Tennessee Code Annotated
18 Section 39-13-305, against the peace and
19 dignity of the State of Tennessee.

20 Fourth count: The Grand Jurors
21 of the State of Tennessee duly selected,
22 impaneled, sworn and charged to inquire
23 for the body of the County of Decatur in
24 the State aforesaid upon their oath
25 present that Zachary Rye Adams heretofore

1 to wit, between April the 12th, 2011 and
2 September the 8th of 2014, before the
3 finding of this indictment in the county
4 and state aforesaid, did unlawfully and
5 with the intent to commit rape kill Holly
6 Lynn Bobo in the perpetration of or the
7 attempt to perpetrate thereby committing
8 the offense of first degree murder in
9 violation of Tennessee Code Annotated
10 Section 39-13-202, against the peace and
11 dignity of the State of Tennessee.

12 Fifth count: The Grand Jurors of
13 the State of Tennessee duly selected,
14 impaneled, sworn and charged to inquire
15 for the body of the County of Decatur in
16 the State aforesaid upon their oath
17 present that Zachary Rye Adams heretofore
18 to wit, between April the 12th, 2011 and
19 September the 8th of 2014, before the
20 finding of this indictment in the county
21 and state aforesaid, did unlawfully and
22 intentionally, knowingly or recklessly
23 sexually penetrate Holly Lynn Bobo by the
24 use of force or coercion armed with a
25 weapon or an article used in a manner to

1 lead Holly Lynn Bobo to reasonably
2 believe it to be a weapon thereby
3 committing the offense of aggravated rape
4 in violation of Tennessee Code Annotated
5 39-13-502, against the peace and dignity
6 of the State of Tennessee.

7 Sixth count: The Grand Jurors of
8 the State of Tennessee duly selected,
9 impaneled, sworn and charged to inquire
10 for the body of the County of Decatur in
11 the State aforesaid upon their oath
12 present that Zachary Rye Adams heretofore
13 to wit, between April the 12th, 2011 and
14 September the 8th of 2014, before the
15 finding of this indictment in the county
16 and state aforesaid, did unlawfully and
17 intentionally, knowingly or recklessly
18 sexually penetrate and cause bodily
19 injury to Holly Lynn Bobo thereby
20 committing the offense of aggravated rape
21 in violation of Tennessee Code Annotated
22 Section 39-13-502, against the peace and
23 dignity of the State of Tennessee.

24 Seventh count: The Grand Jurors
25 of the State of Tennessee duly selected,

1 impaneled, sworn and charged to inquire
2 for the body of the County of Decatur in
3 the said state -- in the State aforesaid
4 upon their oath present that Zachary Rye
5 Adams heretofore to wit, between April
6 the 12th, 2011 and September the 8th of
7 2014, before the finding of this
8 indictment in the county and state
9 aforesaid did unlawfully and
10 intentionally, knowingly or recklessly
11 sexually penetrate Holly Lynn Bobo by the
12 use of force or coercion while being
13 aided and abetted by one or more other
14 persons thereby committing the offense of
15 aggravated rape in violation of Tennessee
16 Code Annotated Section 39-13-502, against
17 the peace and dignity of the State of
18 Tennessee.

19 Eighth count: The Grand Jurors
20 of the State of Tennessee duly selected,
21 impaneled, sworn and charged to inquire
22 for the body of the County of Decatur in
23 the State aforesaid upon their oath
24 present that Zachary Rye Adams heretofore
25 to wit, between April the 12th, 2011 and

1 September the 8th of 2014, before the
2 finding of this indictment in the county
3 and state aforesaid did unlawfully,
4 intentionally, and with premeditation
5 kill Holly Lynn Bobo thereby committing
6 the offense of murder first degree in
7 violation of Tennessee Code Annotated
8 Section 39-13-202, against the peace and
9 dignity of the State of Tennessee.

10 This eight-count indictment was
11 returned a true bill by the foreperson of
12 the Grand Jury on May the 19th, 2015.

13 THE COURT: How does the
14 Defendant plead?

15 MR. GONZALEZ: Not guilty of all
16 charges.

17 THE COURT: All right. As I was
18 doing some of my paperwork, it came to
19 mind, today is September 11th. 16 years
20 ago, our country changed forever. Is
21 there anyone here that does not remember
22 what you were doing on 9/11 when the
23 towers went down? That's how important
24 that event is, and as I said, it changed
25 our lives forever, so we need to give

1 thought to the people that lost their
2 lives on that day and continue to have
3 our thoughts and prayers for the people
4 that are still affected.

5 As you noticed as she read the
6 indictment, reference was made, Decatur
7 County. I'm sure it does not escape you
8 that the Court had to change where we
9 selected jurors from because in the
10 Court's opinion, it would have been
11 absolutely impossible to get fair jurors,
12 there. There might be some, but it would
13 be extremely difficult, and I thought
14 impossible, to draw the jury from Decatur
15 County. So, it has legally been changed
16 here. The physical venue, as I will
17 charge you, is Decatur, but the venire
18 is, the word for the jurors, has been
19 selected from Hardin County. So, there
20 has been a change of venue for purposes
21 of selecting a jury. Each of you
22 understand that? Okay. Thank you.

23 If you wish to follow along, I'll
24 be reading a portion of the charge, then
25 we'll get into opening statements. The

1 first page of your book there, I'm going
2 to go back through that. These are the
3 admonitions.

4 In order to assure the parties of
5 a fair trial, jurors are asked to conform
6 their conduct to the following rules. Do
7 not form or express an opinion on the
8 case until instructed by the Court to do
9 so. Do not discuss the case with anyone,
10 not even your fellow jurors, until the
11 case is submitted to you for your final
12 consideration. Do not allow the case to
13 be discussed in your presence. Ignore,
14 as I've told you from the outset, any
15 news reports, avoid conversations with
16 parties, witnesses or attorneys, and
17 report promptly to the Court any
18 violation of these rules. I had added to
19 that to tell you not to be on the
20 internet, not to make any independent
21 investigation. I think your access to
22 internet has been terminated, so that
23 shouldn't provide any problem, and I
24 apologize for doing it, but that's the
25 only way that we can safely take this

1 case to its conclusion without having to
2 worry about outside influence. So, I
3 hope you appreciate that and some of you
4 might get fidgety not having these
5 devices, but you'll have to endure that
6 hardship. I don't use mine as much as a
7 lot of people but I've discovered that I
8 don't have my cellphone, I usually will
9 turn around and go back home and get it,
10 so it's become an important way of life
11 for us. So, I apologize for doing that.

12 Now, if you'll turn the page,
13 this is only eight pages. If you wish to
14 follow along, you may do so.

15 Members of the jury, the
16 Defendant Zachary Rye Adams is charged in
17 Hardin County Case Number 17-CR-10 with
18 the following offenses:

19 Counts 1 and 4 charge first
20 degree felony murder under alternative
21 theories. Counts 2 and 3 charge
22 especially aggravated kidnapping under
23 alternative theories. Counts 5, 6, and 7
24 charge aggravated rape under alternative
25 theories. Count 8 charges first degree

1 premeditated murder.

2 The Defendant pleads not guilty
3 to each and every offense embraced in the
4 indictment.

5 You have been selected and sworn
6 to serve as the jury in this case. Prior
7 to the presentation of the evidence, I am
8 going to give you some instructions to
9 help guide you in applying the law and
10 evaluating the evidence that is
11 presented.

12 The order in which these
13 instructions are given is no indication
14 of their relative importance, and you
15 should not single out one or more of them
16 to the exclusion of another or others but
17 you should consider each one in light of
18 and in harmony with the entire charge or
19 set of instructions.

20 The law which applies to this
21 case is stated in this charge, and it is
22 your duty to carefully consider all of
23 the instructions in arriving at your
24 decision.

25 Whenever the singular of a word

1 is used in these instructions, it may be
2 taken equally to mean the plural.

3 The indictment in this case is
4 the formal written accusation charging
5 the defendant with a crime. It is not
6 evidence against the defendant and does
7 not create any inference of guilt.

8 At times during the trial, I will
9 rule upon the admissibility of evidence.
10 You must not concern yourself with these
11 rulings. Neither by such rulings, these
12 instructions or any other remarks which I
13 make do I mean to indicate any opinion as
14 to the facts or as to what your verdict
15 should be.

16 Statements, arguments and remarks
17 of counsel are intended to help you in
18 understanding the evidence and applying
19 the law, but they are not evidence. If
20 any statements are made that you believe
21 are not supported by the evidence, you
22 should disregard them.

23 As to any question to which an
24 objection may be sustained, you must not
25 speculate as to what the answer might be

1 or as to the reason for the objection,
2 and you must assume that the answer would
3 be of no value to you in your
4 deliberations. You must not consider for
5 any purpose any offer of evidence that is
6 rejected or any evidence that is stricken
7 out by the Court. Such matters shall be
8 treated as though you never knew it. You
9 must never speculate to be true any
10 insinuation suggested by a question asked
11 a witness. A question is not evidence
12 and may be considered only as it supplies
13 meaning to the answer.

14 You, as jurors, must decide this
15 case based solely on the evidence
16 presented here within the four walls of
17 this courtroom. This means during the
18 trial, you must not conduct any
19 independent research from any source
20 about this case, the matters in this case
21 and the individuals involved in this
22 case.

23 As you know, you will be
24 sequestered for the duration of this
25 trial. As a result, you will not have

1 access to reference materials or the
2 internet. Again, do not try to find out
3 information from any source outside the
4 confines of this courtroom. Until you
5 retire to deliberate at the close of all
6 the proof, you may not discuss the case
7 with anyone, even your fellow jurors.
8 When you retire to deliberate, you may
9 begin discussing the case with your
10 fellow jurors, but you cannot discuss the
11 case with anyone else until you have
12 returned a verdict and the case is at an
13 end. I hope that for all of you this
14 case is interesting and noteworthy. You
15 also must not talk to anyone about this
16 case or communicate electronically with
17 anyone about the case. This includes
18 your family and friends. You, as jurors,
19 must base your decision solely on the
20 evidence you hear in the courtroom.

21 You are the exclusive judges of
22 the facts in this case. Also, you are
23 the exclusive judges of the law under the
24 direction of the court. You should apply
25 the law to the facts in deciding this

1 case. You should consider all of the
2 evidence in the light of your own
3 observations and experience in life.

4 A person accused of a crime is
5 presumed to be innocent. This means that
6 you must start with the presumption that
7 the defendant is innocent. This
8 presumption continues throughout the
9 trial, and it entitles the defendant to a
10 verdict of not guilty unless you are
11 satisfied beyond a reasonable doubt that
12 he is guilty. The defendant is not
13 required to prove his innocence or to do
14 anything. Every crime is made up of
15 parts called elements. The State must
16 prove each element of the crime beyond a
17 reasonable doubt. If you find that the
18 State has not proven every element beyond
19 a reasonable doubt, then you must find
20 the defendant not guilty.

21 Reasonable doubt is that doubt
22 engendered by an investigation of all the
23 proof in the case and an inability after
24 such investigation to let the mind rest
25 easily as to the certainty of guilt.

1 Absolute certainty of guilt is
2 not demanded by the law to convict of any
3 criminal charge, but moral certainty is
4 required, and this certainty is required
5 as to every element of proof necessary to
6 constitute the offense.

7 If you find the State has not
8 proven every element of the offense
9 beyond a reasonable doubt, then you
10 should find the defendant not guilty.

11 The State must prove beyond a
12 reasonable doubt all of the elements of
13 the crimes charged. In addition, the
14 burden is upon the State to prove by a
15 preponderance of the evidence that this
16 offense was commenced or consummated in
17 Decatur County, Tennessee.

18 Proof by a preponderance of the
19 evidence means that the greater weight of
20 the evidence must be in support of the
21 State's contention.

22 Venue of the offense lies in the
23 county where the offense was commenced or
24 consummated. If you find that the State
25 has failed to prove by a preponderance of

1 the evidence that this offense was
2 commenced or consummated in Decatur
3 County, Tennessee, then you must return a
4 verdict of not guilty.

5 During this trial, you may take
6 notes concerning the evidence presented
7 in court. The notes are simply to assist
8 you in remembering what transpired in
9 court. The notes are not evidence or a
10 transcript of testimony. They are not a
11 substitute of your recollection of the
12 evidence you saw or heard in court. If
13 you do choose to take notes, do not let
14 your note-taking interfere with your
15 attention to the evidence presented in
16 the case. You must watch and listen
17 carefully to the evidence.

18 You may use your notes during
19 deliberations to the extent that you
20 think that they are helpful, but the fact
21 that a particular juror has taken notes
22 does not mean that juror's views should
23 be given any greater weight than those of
24 any other juror.

25 It is your job to decide what the

1 facts of this case are. You must decide
2 which witnesses you believe and how
3 important you think their testimony is.
4 You do not have to accept or reject
5 everything a witness said. You're free
6 to believe all, none or part of any
7 person's testimony. In deciding which
8 testimony you believe, you should rely
9 upon your own common sense and everyday
10 experience. There is no fixed set of
11 rules for judging whether you believe a
12 witness, but it may help you to think
13 about these questions:

14 Was the witness able to see or
15 hear clearly?

16 How long was the witness watching
17 or listening?

18 Was anything else going on that
19 might have distracted the witness?

20 Did the witness seem to have a
21 good memory?

22 How did the witness look and act
23 while testifying?

24 Did the witness seem to be making
25 an honest effort to tell the truth or did

1 the witness seem to evade the questions?

2 Has there been any evidence
3 presented regarding the witness'
4 intelligence, respectability or
5 reputation for truthfulness?

6 Does the witness have any bias,
7 prejudice, or personal interest in how
8 the case is decided?

9 Have there been any promises,
10 threats, suggestions or other influences
11 that affected how the witness testified?

12 In general, does the witness have
13 any special reason to tell the truth or
14 any special reason to lie?

15 All in all, how reasonable does
16 the witness' testimony seem when you
17 think about all of the other evidence in
18 the case?

19 Sometimes the testimony of
20 different witnesses will not agree, and
21 you must decide which testimony you
22 accept. You should think about whether
23 the disagreement involves something
24 important or not and whether you think
25 someone is lying or is simply mistaken.

1 People see and hear things differently,
2 and witnesses may testify honestly but
3 simply be wrong about what they thought
4 they saw or remember. It's also a good
5 idea to think about which testimony
6 agrees best with the other evidence in
7 the case. However, you may conclude that
8 a witness deliberately lied about
9 something that is important to how you
10 decide the case. If so, you may choose
11 not to accept anything the witness said.
12 On the other hand, if you think the
13 witness lied about some things but told
14 the truth about others, you may simply
15 accept the part you think is true and
16 ignore the rest.

17 A witness may be impeached by
18 proving that they have made material
19 statements out of court which are at
20 variance with their evidence on the
21 witness stand. However, proof of such
22 prior inconsistent statements may be
23 considered by you only for the purpose of
24 testing the witness' credibility and not
25 as substantive evidence of the truth of

1 the matter asserted in such statements.
2 Further, a witness may be impeached by a
3 careful cross-examination involving the
4 witness in contradictory, unreasonable,
5 and improbable statements. However,
6 immaterial discrepancies or differences
7 in the statements of witnesses do not
8 affect their credibility unless it should
9 plainly appear that some witness has
10 willfully testified falsely. When a
11 witness is thus impeached, the jury has
12 the right to disregard their evidence and
13 treat it as untrue except where it is
14 corroborated by other credible testimony
15 or by the facts and circumstances proved
16 on the trial.

17 The rules of evidence provide
18 that if scientific, technical or other
19 specialized knowledge might assist the
20 jury in understanding the evidence or in
21 determining a fact at issue, a witness
22 qualified as an expert by reason of
23 special knowledge, skill or experience
24 may testify and state opinions concerning
25 such matters and give reasons for his

1 testimony. Merely because an expert
2 witness has expressed an opinion does not
3 mean, however, that you are bound to
4 accept this opinion. The same as with
5 any other witness, it is up to you to
6 decide whether you believe this testimony
7 and choose to rely upon it. Part of that
8 decision will depend upon your judgment
9 about whether the witness' background or
10 training and experience is sufficient for
11 the witness to give the expert opinion
12 that you heard. You must also decide
13 whether the witness' opinions were based
14 on sound reasons, judgment and
15 information. You are to give the
16 testimony of an expert witness such
17 weight and value as you think it
18 deserves, along with all of the other
19 evidence in the case.

20 There are two kinds of evidence:
21 direct and circumstantial. Direct
22 evidence is direct proof of a fact such
23 as testimony of a witness about what the
24 witness personally observed.
25 Circumstantial evidence is indirect

1 evidence that gives you clues about what
2 happened. Circumstantial evidence is
3 proof of a fact or a group of facts that
4 causes you to conclude that another fact
5 exists. It is for you to decide whether
6 a fact has been proved by circumstantial
7 evidence. Do not assume that direct
8 evidence is always better than
9 circumstantial evidence. Either type of
10 evidence can prove a fact if it is
11 convincing enough. A defendant may be
12 convicted on direct evidence,
13 circumstantial evidence or both. When
14 the evidence is entirely circumstantial,
15 then before you would be justified in
16 finding the defendant guilty, you must
17 find that all the essential facts are
18 consistent with the theory of guilt, and
19 the facts must exclude every other
20 reasonable theory except that of guilt.
21 You are to consider both direct and
22 circumstantial evidence. So, I'll permit
23 to you to give equal weight to both, but
24 it is for you to decide how much weight
25 to give to any evidence. In making your

1 decision, you must consider all of the
2 evidence in the light of reason,
3 experience, and common sense.

4 If the defendant testifies on his
5 own behalf, his credibility will be
6 determined by the same rules by which the
7 credibility of other witnesses is
8 determined, and you will give his
9 testimony such weight as you may think it
10 is entitled.

11 If the defendant does not take
12 the stand to testify as a witness, you
13 shall not place significance on this
14 fact. The defendant is presumed innocent
15 and the burden is on the State to prove
16 guilt beyond a reasonable doubt. He is
17 not required to take the stand in his own
18 behalf, and his election not to do so
19 cannot be considered for any purpose
20 against him, nor can any inference be
21 drawn from such fact.

22 This concludes my opening
23 instructions. I will give you further
24 instructions after the presentation of
25 evidence concerning the charged offenses

1 and any lesser included offenses, as well
2 as other principles of law.

3 Let me say this. I have asked
4 that our officers maintain order. There
5 will be no going and coming, except
6 during recesses. The exception is if
7 you've got an emergency and you need to
8 leave. I mean, there might be something
9 urgent that somebody needs to leave. You
10 can go, but you won't come back in until
11 the next -- until we begin again. So,
12 everybody needs to be aware, we're doing
13 this so that there's not a lot of
14 distractions and everyone can listen and
15 -- and pay attention as we go through the
16 evidence in this case.

17 At this time, we're ready for
18 opening statements. I've been through
19 this during jury selection, but the State
20 has the burden of proof, so they will go
21 first at each stage of the trial. So,
22 they will do their opening followed by
23 the Defendant's opening. I remind you
24 again that what the attorneys say is not
25 evidence, but opening statement gives

1 them the opportunity to essentially lay
2 out their respective theories of the
3 case.

4 So, at this time, opening
5 statement for the State, please.

6 MR. HAGERMAN: He took her. He
7 raped her. He killed her. He discarded
8 her. He covered it up. He bragged about
9 it. And he almost got away with it. He
10 took her. He raped her. And he killed
11 her. He discarded her. He covered it
12 up. He bragged about it. And he almost
13 got away with it. He bragged about it.
14 Zach Adams. He bragged about it. "I
15 couldn't have picked a prettier bitch.
16 It was fun. The world may never know
17 what happened to Holly Bobo. I couldn't
18 have picked a prettier bitch. It was
19 fun. The world may never know what
20 happened to Holly Bobo". Holly Bobo. 20
21 years old. Nursing school, working hard
22 and doing good. A boyfriend that she
23 loved, Drew Scott. She lived with her
24 mom, Karen; her father, Dana; and her
25 brother, Clint. Dana wakes up every

1 morning real early to go to work. Karen
2 wakes up early to go teach school. She's
3 a school teacher. She is known in the
4 community as Ms. Karen. Clint, five
5 years older than Holly, 25 at the time,
6 went to school and had a job. And that
7 was the family. And they lived in a
8 little house, a little house that Dana
9 built with his dad. The house is on a
10 small street named Swan Johnson off
11 another smaller street, Miracle Town
12 Road, outside of Parsons in Decatur
13 County. That's where Holly and Clint
14 grew up. That's where they were still
15 living. That's where they were supposed
16 -- they were supposed to be safe. It was
17 their home. "I couldn't have picked a
18 prettier bitch. It was fun. The world
19 will never know what happened to Holly
20 Bobo."

21 Zach Adams, older than Holly,
22 lived in the world of meth then morphine,
23 and the dark, dark things that go along
24 with them. Meth then morphine and the
25 dark, dark things that went along with

1 them. That was his life. His friends,
2 Jason Autry, older than Zach. Zach
3 looked up to him. He was just like Zach,
4 meth then morphine and the dark, dark
5 things that went along with it. Shayne
6 Austin, the same. Meth then morphine and
7 the dark, dark things that went along
8 with it. And his brother, John Dylan
9 Adams, who lived with his grandfather
10 right across the way from the house that
11 Zach lived in, the younger brother, that
12 they treated badly but the same, meth,
13 morphine, and the dark, dark things that
14 went along with it. As dark as this life
15 was, in the immediate days, April 11th,
16 April 12th of 2011, it was even darker for
17 Zach Adams. Meth, then morphine had
18 become more and more and more. His
19 girlfriend had been away for some time
20 trying to leave him, trying to break up,
21 trying to get away, on top of the meth
22 and morphine, now rage. Now rage. Zach
23 Adams in the days right before. "I
24 couldn't have picked a prettier bitch.
25 It was fun. The world may never know

1 what happened to Holly Bobo." April 13th,
2 2011. April 13th, 2011, that's the day on
3 Holly's headstone. That is the day she
4 was taken.

5 She woke up a little earlier
6 Wednesday morning, middle of the week,
7 real early to study for a test and to
8 prepare note cards that she had to turn
9 in that morning. It was a test that she
10 wanted to do real good on, and she was up
11 real early in her little house on Swan
12 Johnson with the family to study for and
13 to do her work. Dana was up early to go
14 to work. He sees her light on and the
15 door shut. She's studying. He sees her
16 light on, and he talks to her through the
17 door. Her dad didn't see her. The door
18 was shut. He'll never talk to her again.
19 Karen Bobo wakes up to get ready for
20 school where she teaches. She helped
21 Holly pack her lunch. Fixes a little
22 breakfast. She sees her and she gets to
23 talk to her. She gets to help her.
24 She'll never see her daughter again.
25 Clint Bobo, this is the one day of the

1 week that he doesn't work or go to
2 school. He's at home in the bed asleep.
3 Drew Scott, the boyfriend that she loved,
4 that morning, he had to go to work, too,
5 but before he was going hunting with his
6 dad and his dad's friends. He was
7 texting Holly back and forth,
8 boyfriend/girlfriend, about 7:42 a.m.
9 About 7:42 a.m. is the last text that
10 Holly sends. He'll never hear from her
11 again.

12 Minutes after 7:42 a.m.,
13 Wednesday morning, April 13th, 2011, Holly
14 walked out of that carport door to that
15 little house, her home, where her car was
16 to leave to go to school to turn in -- to
17 turn in these note cards and to take a
18 test, and that's when it happened.

19 The neighbor hears a scream and a
20 call for help. Clint wakes up and hears
21 voices in the garage, a male voice. He
22 gets the flash of a man in camouflage
23 walking with his sister into the woods,
24 and there she goes forever. Gone. The
25 only trace of her, the only evidence of

1 her for anyone, drops of blood right
2 there at the back carport door leading to
3 her car. Drops of her blood right there,
4 right there at the -- at her car. Gone.
5 Just gone.

6 For three and a half years, about
7 the same amount of time you send your son
8 or your daughter off to college. For
9 three and a half years, September 7th,
10 2014, her skull, teeth, some ribs, found
11 in the woods off the interstate near a
12 cellphone tower between two sawmills just
13 four or five miles from Zach Adams'
14 house. Those three and a half years
15 didn't pass quick. It was eternity on
16 top of eternity for Karen and for Dana
17 and for Clint, her family, for the
18 community that volunteered and searched
19 and searched and searched. For the men
20 and the women in law enforcement who
21 searched and searched and searched and
22 followed lead after lead after lead after
23 lead. They searched every outhouse,
24 every well, every place they could
25 hoping against all hope that they could

1 bring her back to Dana and to Karen, that
2 maybe they could bring her back alive.
3 Three and a half years. During the
4 course of chasing lead after lead after
5 lead, they had an idea, not a bad idea,
6 but they had an idea. Let's check the
7 local sex offenders. Holly was a
8 beautiful girl. Let's check the local
9 sex offenders.

10 Law enforcement did, and they
11 concentrated on one man, a man by the
12 name of Terry Britt, a bad man, a man
13 with a history, a man who lived in the
14 same general area, and they ripped into
15 his life. They ripped into his life.
16 Talked to all of his friends, all of his
17 family, his wife, and searched his house
18 over and over, followed him, watched him,
19 tapped his telephones, tapped his house.
20 They ripped into his life, but every
21 time, absolutely nothing. Absolutely
22 nothing.

23 And so what did the men and women
24 of law enforcement do then? Did they
25 give up? They spent a year and a half

1 ripping into this man's life and they got
2 nothing. There was nothing there.
3 Nothing to it. Did they give up? Did
4 they just give up? No. They rolled
5 their sleeves up, they put their head
6 down, they retraced their steps, they
7 circled back, early leads in the
8 investigation. Zach Adams, Jason Autry,
9 Shayne Austin. Early leads from the
10 first days of the investigation. Zach
11 Adams, Jason Autry, Shayne Austin.
12 Mysterious scratches. Mysterious
13 scratches on Zach and Shayne. Suspicious
14 behavior. Alibis that didn't check out
15 at all. At all. A girlfriend, Zach's
16 girlfriend, the one that was trying to
17 leave him, who saw things, who heard
18 things and who within two days of this
19 bad thing happening was certain, certain
20 that her boyfriend Zach Adams had done
21 it. They rolled up their sleeves. They
22 rolled up their sleeves, and they went
23 into the dark world of meth and morphine
24 and Zach Adams' friends. Interview after
25 interview with people that we hope, we

1 wish we would never meet, and from them,
2 they heard about Zach Adams. They heard
3 about what he did and they heard about
4 what he said. "I'll do you like I did
5 Holly Bobo. I'll lie you in a hole next
6 to her. You have to kill a bitch to get
7 a two million dollar bond. I did it."
8 They talked to friends and they heard his
9 words. Those were his words. They
10 looked at these alibis, Zach and Jason,
11 and they were lies. After years, after
12 mistakes, after a desperate search, they
13 had him. They had Zach Adams, his own
14 words, his own lies. They had his
15 friends. They had him. They had him and
16 Jason Autry and Shayne Austin and John
17 Dylan Adams. They had them. But even
18 then they didn't stop because it wasn't
19 enough to know who did this. It wasn't
20 enough to know who did this.

21 They rolled their sleeves up a
22 little higher. They put their heads down
23 a little bit more and they said, we're
24 going to get some answers as to what
25 exactly happened to this girl, what they

1 did to her. So if you want to find out
2 about that bad day, eventually, sooner or
3 later, you got to go talk to a bad, bad
4 man, and after years of denying and after
5 years of lying, they went to Jason Autry,
6 and he told them what happened to that
7 girl.

8 He describes phone calls he had
9 with Zach Adams the morning of April the
10 13th, 2011. He describes how he wanted
11 morphine and Zach wanted help. He needed
12 Jason's help with something. This man
13 that Zach looked up to, older. Jason
14 came to him. Shayne was trailing, Shayne
15 Austin, Zach's friend. When Jason got
16 there, there's Shayne, Zach and Dylan.
17 Something crazy is happening. Everybody
18 is acting crazy. Shayne is yelling.
19 Zach is dark, very dark. And Jason sees
20 a blanket in the bed of Zach's truck.
21 There's a body. He sees three of them,
22 Zach, Shayne and Dylan, and a body in a
23 blanket in the back of Zach's truck. It
24 had been give or take an hour and 15
25 minutes of Holly Bobo being taken. Zach

1 tells Jason, "I need your help. I've got
2 to get rid -- I've got to get rid of
3 her." Jason's a bad, bad man. Jason is
4 who he looks up to. Jason is the leader.
5 At that point, that point forward that
6 morning, Jason will tell you, he was in
7 charge. We're going to take her to the
8 river to a place that Zach knew very
9 well, under the I-40 bridge, the
10 Tennessee River near Birdsong, and we're
11 going to gut her, gut her so she doesn't
12 float up, and we're going to put her in
13 the river. Jason is a bad, bad man. At
14 that point that morning, he is in charge.
15 Him and Zach load the truck and they
16 drive to that place. They pick up the
17 blanket in the back of the truck.
18 Getting it out of the truck, they put it
19 on the ground in some rocks, and when
20 they do, she makes a sound. She moves.
21 She's still alive. It's a time for
22 grace. She's still alive now. Zach
23 walks to the truck. He goes to the side
24 and he comes out with a gun. He walks
25 toward her, but she's wrapped up in a

1 blanket. Jason says, whoa, whoa, not to
2 stop him. Not to stop him. whoa, I need
3 to go look out and make sure nobody's
4 down here. A bad, bad man. He walks
5 fast, probably about 20 or 30 yards,
6 probably go about 20 or 30 yards so he
7 could look down to see a long gravel road
8 that comes this way, so you'd know
9 whether or not somebody's coming or not
10 coming. He looks down and sees nothing.
11 He turns around. He starts back. He
12 gives Zach the nod. Is it time for
13 grace? No. Zach feels down into the
14 blanket, finds her head and fires a shot
15 into her head and kills her. There'd be
16 no grace. Jason and Zach were talking on
17 the way back, their own words, How did
18 this bitch end up in the back of your
19 truck? Zach will tell them, We took her.
20 And Shayne, we took her, shot her up with
21 drugs. We raped her. We thought we had
22 killed her.

23 So now after years, after years
24 of searching, after years of leads, false
25 leads, after years of going to dark

1 places and talking to dark people, not
2 only did they not fool them, but they
3 know what happened to that girl. "We
4 couldn't have picked a prettier bitch.
5 It was fun. And the world may never know
6 what happened to Holly Bobo." You can
7 understand that talk, you can understand,
8 the world will never know what happened
9 to Holly Bobo, because he had years, he
10 had years to destroy evidence, to scatter
11 evidence, to get rid of crime scenes, to
12 build lies on lies. He had a year and a
13 half, two-year head start. You can
14 understand why he was so confident that
15 he'd never get caught. No DNA. Didn't
16 leave fingerprints behind. Crime scenes
17 long, long, long, long gone. For years
18 the police were looking at the wrong
19 person. You can understand why he -- You
20 can understand what he was saying. He
21 thought he had gotten away with it, but
22 we didn't give up. He took her, he raped
23 her, he killed her, he discarded her, he
24 covered it up, he bragged about it, and
25 he almost got away with it, but he didn't

1 because we're here now. The crime scene
2 is long gone; no DNA, no fingerprints, a
3 body that decomposed in the woods for
4 years. Oh, yeah, that gun, too. The
5 gun. You see, when investigators talk to
6 a bad, bad man like Jason Autry, it
7 doesn't stop there. They check into the
8 things he says. They check what he's
9 saying against the facts and the
10 witnesses. And over and over, the facts
11 will corroborate what he said happened
12 happened and happened and happened and
13 happened. And he told us something else,
14 too. He told them about the gun that was
15 used to kill her. He told them who they
16 sold it to. And the investigators found
17 the gun. And six -- over six years after
18 this thing happened, and investigators
19 literally dug and dug and dug by a little
20 stream, a little creek by a little rural
21 road in Holliday, Tennessee, two or three
22 miles from Zach Adams' house, and found
23 the buried gun, the buried gun that had
24 been there for years and years that Zach
25 Adams had used to kill Holly Bobo. The

1 crime scene has been destroyed. Yeah.
2 He had years to lie. Yeah. He scattered
3 evidence and destroyed evidence, but
4 we're here now. We're here now.

5 And this week, or these weeks,
6 we're serious men and we're serious women
7 to do serious things. We can't undo and
8 we can't stop what happened to that girl,
9 what happened to Holly, but here in this
10 week, we can do what is serious, what is
11 hard and what is right.

12 THE COURT: I'm going to take a
13 recess. I don't like to break up
14 argument, but I've promised people that
15 we're not going to be going and coming
16 except, and we're a little bit after
17 10:00, so we're going to take -- going to
18 try to hold it to 15 minutes, but the
19 bailiffs will let me know when we're
20 cleared with the restrooms. You'll find
21 goodies up there. Follow the admonitions
22 I gave you at the outset. The jury can
23 file out, the jurors. Counsel stay with
24 me a moment.

25 (The jury was excused)

1 from open court, and
2 the following proceedings
3 were had:)

4 THE COURT: All right, let me
5 have counsel's attention. This isn't
6 that big a thing. I just want to make
7 the record clear. The jury's filed out.
8 Neither side exhausted their preemptory
9 challenges yesterday. I'm showing that
10 the State -- There were 17 rounds. The
11 State challenged 9 people; the defense
12 challenged 16. So I just wanted the
13 record to reflect that. Okay?

14 (After a recess, the
15 jury returned into
16 open court, and the
17 following proceedings
18 were had:)

19 THE COURT: Be seated, please.
20 Finished the State's opening statement.
21 Defendant ready to proceed with opening
22 statements?

23 MS. THOMPSON: Yes, sir.

24 THE COURT: Okay.

25 MS. THOMPSON: Members of the

1 jury, Zachary Rye Adams is innocent of
2 the eight charges that he is facing here
3 today. And it's worth saying it one more
4 time, Zachary Rye Adams is innocent of
5 all these charges.

6 So, how is it that we got here
7 today? As a matter of fact, not only did
8 Zachary Rye Adams -- he did not murder
9 Holly Lynn Bobo, he did not kidnap Holly
10 Lynn Bobo, he did not abduct Holly Lynn
11 Bobo, he did not rape Holly. He did not,
12 as a matter of fact, know Holly Bobo and
13 had never even laid eyes on her.

14 The District Attorney has already
15 hit on the -- has already spoken about
16 the fact that Holly Bobo was a good
17 person, and this is a case that has
18 certainly captured everybody's attention,
19 because from all appearances, Holly Bobo
20 was the All-American girl. She was a
21 good student. She was a good daughter.
22 She had a boyfriend that she loved. She
23 was working very hard to be a nurse. She
24 was a quiet, shy girl. She was kind to
25 others. She -- Basically she loved her

1 family, her country and the Lord, and she
2 was a good person, and we all like to
3 think that if we're good people and we
4 don't put ourselves in a bad situation,
5 then nothing bad will happen to ourself
6 or our family, and this happens to be one
7 of those tragedies in which somebody who
8 was a good person, something bad happened
9 to that person. However, Zach Adams is
10 not the person who's guilty of this
11 crime. And in the beginning and perhaps
12 also what has really captured everybody's
13 attention about this crime is the fact
14 that it was caught so early. And you'll
15 hear testimony, the proof is going to
16 come in, that you'll hear testimony that
17 basically the police were called within
18 minutes of Holly's brother and the
19 neighbor having heard -- the neighbor
20 heard a scream. Holly's brother was
21 outside looking around. He had looked
22 through the window and seen something
23 happening, and basically the police are
24 called within minutes. The police are at
25 the house within probably about 15

1 minutes, perhaps 20 minutes of the -- of
2 the scream first being heard and Holly's
3 last text that she sent out, and from
4 that point on, however, they just were
5 not able -- even though the police
6 reacted so quickly, through a series of
7 events, they were not able to find her
8 that morning, and so after that very
9 first initial few hours when they were
10 looking for her, what happened is, law
11 enforcement, the TBI came in very quickly
12 on this. They basically had interviewed
13 every person in Decatur County, many of
14 these people twice, but they have gone
15 through -- It's almost just like trying
16 to drink from a fire hydrant, all the
17 information they got. They opened up the
18 TBI hotline and people called in, and
19 they had thousands and thousands of
20 telephone calls from across the country,
21 from -- international calls where people
22 were calling in with tips with possible
23 sightings here. They had numerous,
24 numerous psychics that called in, people
25 who had had dreams about where she was,

1 people who had their own theories about
2 where she was, and law enforcement was
3 working very, very hard to try to find
4 Holly. One, hoping against hope that
5 they could return her to the family, but
6 they were also trying to solve the
7 mystery of what had happened to Holly
8 that morning, the morning of April the
9 13th, 2011. And so from there they began
10 to interview everybody. For years they
11 worked to solve the crime, and I think
12 that the -- the government touched on the
13 fact that they had interviewed and talked
14 to and investigated this person, Terry
15 Britt, but that is not where the case
16 started.

17 So first of all, there's the
18 next-door neighbor, James Barnes, who
19 heard a scream that morning. He heard
20 somebody screaming from the direction of
21 the Bobo house, and James Barnes -- and
22 he lived on the next door neighbor's
23 property with his mother, Kathy Wise, and
24 the first people that the State really
25 looked into was James Barnes. They

1 investigated him. They searched his
2 whole house. They spent months and
3 months really combing over there and
4 making the Barnes family the -- a big
5 suspect in their investigation. They got
6 their phone records. They just
7 investigated them completely. And also
8 in the days before Holly had disappeared,
9 James Barnes had had a friend over. His
10 name was Keith Clark. Keith Clark had
11 been at the house. The State
12 investigated Keith Clark with a vigorous
13 fury. They got his phone records. They
14 checked into everything about him.

15 Then the next person that the
16 State turned an eye against was John
17 Dodd. John Dodd was a -- a grandson of
18 some people that lived down the road from
19 where Holly lived. Somebody that morning
20 said that they had spotted him in his
21 white pickup truck right there in the
22 area, and he had a four-wheeler also in
23 the area, and there was some talk that
24 maybe the person that took Holly had gone
25 through the woods on a four-wheeler with

1 her, and so they turned all their
2 investigative powers on James Dodd, and
3 they absolutely tore his life up. It was
4 hard on him because he suddenly became
5 the suspect that everybody was looking at
6 as the one who had taken Holly Bobo. And
7 in a community that small, everybody's so
8 very, very interested in what had
9 happened to Holly, people were genuinely
10 very concerned about what had happened to
11 Holly that then they all -- I mean,
12 rumors and just what was going on, this
13 spread like wildfire. So as soon as one
14 person is rumored to have been involved,
15 it was terrible, but -- but the law
16 enforcement investigations did all kinds
17 of affidavits to get things on John Dodd.
18 They searched his computers. They
19 searched his telephone. They looked at
20 his Facebook page. They were looking at
21 his car. They investigated all of his
22 property. Matter of fact, they even had
23 dogs that hit on his property and -- and
24 had traced -- had allegedly traced Holly
25 Bobo's scent to his -- his driveway, or

1 his grandparent's driveway. So he was
2 thoroughly investigated at some point.

3 Then there was another person who
4 was investigated thoroughly, Blake
5 Barnett, and they turned all their
6 attention to Blake Barnett and at one
7 point were putting a lot of energy into
8 him.

9 Next they looked at Terry and
10 Janet Britt; the State of Tennessee
11 looked at Terry and Janet Britt. They
12 really investigated them. They got
13 subpoenas. They searched their house.
14 They did wire taps on them. They looked
15 at them very closely. However, with --
16 through the wiretaps and through the
17 subpoenas, -- And they even put listening
18 devices in their house. They lived in a
19 trailer that had a metal roof. They were
20 never able to get any type of, quote,
21 confession from them. What they were
22 wanting was some type of confession, some
23 type of discussion between the couple
24 where they were acknowledging perhaps
25 that they had done this. They weren't

1 able to get that, even though they did
2 get a lot of circumstantial evidence in
3 that case.

4 Then law enforcement turned to
5 Jerry Evans. Jerry Evans was a man that
6 lived down the road near Five Forks just
7 down the road from Holly's house, and
8 they turned to this man, Jerry Evans.
9 They did a thorough search on his house.
10 They did all kinds of affidavits on him
11 to get all kinds of information. They
12 looked at him.

13 There's another man who may or
14 may not come to testify in this case
15 named Michael Alexander. At one point
16 they were very suspicious that Michael
17 Alexander was involved in this.

18 There's another man that they
19 investigated, Jason Nickel, and the
20 morning that Holly disappeared, one of
21 the -- And again, like I said, this case
22 has been an absolute fire hydrant of
23 information coming in. One of the things
24 they did is they got all the cellphone
25 records from all the cellphone towers

1 where Holly Bobo's cellphone pinged that
2 morning. They got all the records of
3 everybody else's phone who pinged at the
4 same time her phone did. Jason Nickel
5 came up as a person who was a registered
6 sex offender. He -- His phone pinged
7 that morning and his wife's phone also
8 pinged that morning on two different
9 towers where Holly's phone was. They
10 investigated Jason Nickel, and matter of
11 fact, he had had a -- a potential
12 possible kidnapping of another woman one
13 week to the day earlier, and he'd also
14 had some -- he had accosted several women
15 at the Hickory Mall, the Old Hickory Mall
16 in Jackson, Tennessee. So they -- they
17 turned their focus on Jason Nickel at
18 some point.

19 And then, of course, one of the
20 more tragic things that the State did is
21 they turned their investigation on Clint
22 Bobo. At some point the Bobos retained
23 an attorney to represent Clint because
24 the State of Tennessee was absolutely
25 determined to show that Clint Bobo was

1 somehow involved in this case, and they
2 got all kinds of records on Clint Bobo.
3 They got phone records. They treated --
4 oftentimes treated the Bobo family as
5 though they were involved, limiting any
6 kind of information that they shared with
7 the Bobo family because they were
8 treating them as though they were
9 suspects in this case. And so all of
10 that came up, and yet, at the end of --
11 at the end of the -- Clint Bobo they
12 really focused on at the end of 2012.

13 All this has transpired. Now as
14 they're heading into 2013, they're into
15 the fall of 2013 headed into 2014, it's
16 been two and a half, almost three years,
17 and they still do not have a suspect that
18 they can firmly go after. They don't
19 have anybody that they've narrowed it
20 down at this point as to who it is that
21 has committed this crime. And at this
22 point, and as it's been said many times
23 by the TBI, this was the most expensive
24 and most exhaustive investigation in the
25 history of the State of Tennessee, and

1 yet, when they came to 2013, they had
2 nothing. They had a great big goose egg.
3 They'd paid all this money, and they had
4 absolutely nothing to show for it. And
5 the citizens of Decatur County, the
6 family of Holly Bobo and the public at
7 large all wanted answers to how such a
8 crime could happen, how the police could
9 be involved right away and still after
10 all the resources and all the information
11 they had, they could have absolutely
12 nobody charged by that point. And it's
13 also important to keep in mind that in
14 the beginning of 2014 -- 2014 is an
15 election year. Who's coming up for re-
16 election in 2014? The District Attorney.
17 The District Attorney who was in office,
18 who had been in office for awhile, Hansel
19 McCadams. He is coming up for re-
20 election. Who else is coming up for re-
21 election? The Sheriff of Decatur County,
22 Decatur County Sheriff. Because at that
23 time actually, all the judges, all the
24 District Attorneys and all the law
25 enforcement is all coming up for re-

1 election. So, there is some additional
2 pressure at that point. And, Matt Stowe
3 has just -- has just announced that he
4 will be running against Hansel McCadams
5 for District Attorney General of the 24th
6 Judicial District. So, what happens at
7 this point? And the Bobo family had been
8 estranged at some point at this time from
9 the TBI. So the Bobos reached out to a
10 person that they knew, a man named Dennis
11 Benjamin, who went to their family
12 church, and he was a retired police
13 officer through Memphis. He was a
14 retired Memphis police officer. So the
15 Bobos reached out to him. They -- And
16 many people had been volunteering to try
17 to help the Bobos also, but this Dennis
18 Benjamin came forward and was wanting to
19 try to help the family. So Mr. Benjamin
20 went around and made some inquiries as to
21 what was going on, and definitely one of
22 the people's names who had come up,
23 several people's names had come up in the
24 investigation, and it was Jason Autry,
25 Zach Adams, Shayne Austin. Their names

1 had come up because, as I said, there
2 were lots and lots of people's names who
3 had come up during the investigation.
4 But one of the people -- And there's a
5 man named Victor Dinsmore, and one of the
6 things that Victor Dinsmore specifically
7 told, because he's -- Victor Dinsmore has
8 a -- a past rape conviction, and so
9 Victor Dinsmore was one of the people
10 that they -- that the police had looked
11 at, and lived close to where the body was
12 -- where they eventually found Holly
13 Bobo's body. Victor Dinsmore lived over
14 there. Victor Dinsmore lived on Yellow
15 Springs Road, and on the east side of his
16 home and on the west side of his home,
17 they found some of Holly Bobo's personal
18 property thrown out on the road. And
19 Victor Dinsmore tells Dennis Benjamin,
20 well, you know, I think that maybe Zach
21 Adams did it. Victor Dinsmore had heard
22 that Zach Adams was trying to use Victor
23 Dinsmore as a alibi for that day, and --
24 and Victor was disturbed at that point.
25 I think he was erroneously told that Zach

1 Adams had used him as an alibi, that one
2 of the law enforcement had told him that.
3 So, at that point, he was irritated,
4 said, You know, I think that you ought to
5 try to look at Zach Adams, and he says,
6 Zach Adams has a brother. You want to
7 get anywhere with this case, what you
8 need to do is talk to Zach Adams' brother
9 because Zach Adams has a brother named
10 Dylan Adams. And I want to be
11 politically correct here, I don't want to
12 say things and I don't want to be
13 offensive, but Dylan Adams has a low IQ.
14 He has low intelligence. All through
15 elementary school and high school, he was
16 in special education classes. He was --
17 He has low intelligence and he also has
18 some problems processing information. He
19 is not -- he's not very smart. And so
20 Victor Dinsmore even says to Dennis
21 Benjamin, You know, it's -- the brother
22 is not very smart, and, you know, his
23 slow brother, and if you want to get
24 anywhere with this, you need to go talk
25 to him.

1 So, at some point, there -- And
2 the case is complicated. Again, like I
3 said, there's a lot of people involved
4 and a lot of information, but at some
5 point it turns out that Hansel McCadams,
6 -- and this is before the election, and
7 Hansel McCadams has a woman, an Assistant
8 District Attorney that works for him.
9 Her name is Beth Hall, and Beth Hall
10 works as a part-time State prosecutor for
11 the District Attorney's Office, and she
12 works part-time as a federal prosecutor,
13 and she works for the federal United
14 States Attorney's Office prosecuting
15 federal crimes. So, Dylan Adams has been
16 charged in a series of federal crimes,
17 federal drug crimes. Dylan has not been
18 convicted of a felony and -- however, he
19 gets a -- he's arrested, along with a
20 friend of his. The friend is a felon,
21 and he's arrested in possession of some
22 weapons, and so Dylan is arrested then on
23 some very serious gun charges relating to
24 the fact that his friend had -- his
25 friend is a felon and is in possession of

1 a weapon, and Dylan may or may not have
2 supplied weapon. I think they're
3 arrested for burglary of the friend's
4 mother's house. They broke into the
5 mother's house and took some guns from
6 her, and so they're arrested on these
7 charges. The prosecutor in this case is
8 Beth Hall, who's also the assistant
9 prosecutor working on the disappearance
10 of Holly Bobo. So she has a dual role
11 there. So she charges Dylan through the
12 United States Attorney's Office on some
13 federal gun charges, and Dylan is in
14 federal custody awaiting trial on those
15 charges, and the most amazing thing
16 happens. Dylan, who is facing 120
17 months, and that's federal talk, it's a
18 10-year sentence, but he's facing 120
19 months, and this is a crime -- the crimes
20 he is facing are crimes that you cannot
21 get probation for. Probation is not
22 allowed on those crimes. If you are
23 convicted of those crimes, those are
24 going to be sentences to serve in federal
25 prison, and federal prison does not have

1 a parole system. And so the most amazing
2 thing happens. Dylan Adams has a guilty
3 plea. He pleads guilty to these federal
4 charges. He is -- pleads to lesser --
5 lesser charges. They -- They modify the
6 charges. He is released with no
7 jail/prison sentence to serve at all. He
8 is released on supervised release, but
9 one of the conditions of his release is
10 that he must go live with Dennis
11 Benjamin. This is -- This is a condition
12 that is agreed to by Beth Hall, United
13 States Attorney. At the time, Dylan
14 Adams had a federal attorney who he had
15 switched -- different people within the
16 federal defender's services were
17 representing him, but he had an attorney
18 who had agreed to this, and Jeff Jackson,
19 who's one of the prosecutors in this
20 case, Brent Booth and -- not prosecutor,
21 sorry, who is the TBI investigator, two
22 of the lead TBI investigators in this
23 case, Jeff Jackson and Brent Booth, both
24 are very aware of the fact that Dylan
25 Adams is now going to go live with Dennis

1 Benjamin, a friend of the Bobo family who
2 has been investigating the disappearance
3 of Holly. And at this time, they've
4 already had a series of interviews with
5 Dylan Adams, and most of those -- They'd
6 had a series of interrogations, excuse
7 me, with Dylan Adams. Most of those
8 interrogations had been where Dylan had
9 no attorney present. So they've taken
10 this man who has low IQ, they've had
11 multiple, perhaps even as many as 15
12 interrogations, with the police. They've
13 used the information that Dylan's been
14 giving them or information that they've
15 gotten through interrogations to go ahead
16 and get an indictment started on Zach
17 Adams, and that's in the spring of 2014.
18 They've gotten a basic indictment for
19 homicide. This is before they found
20 Holly's remains. They got an indictment
21 for homicide. Dylan is then released in
22 August of 2014 to go live with Dennis
23 Benjamin, a man that Dylan Adams does not
24 know. He's not related to Dylan Adams.
25 He is not a friend of Dylan Adams. He is

1 released to go live with Dennis Benjamin.
2 So, Dylan goes to live with Dennis, and
3 five weeks later after having lived with
4 Dennis Benjamin, Dennis calls the 911
5 system and announces over the 911 -- to
6 the 911 operator, I have somebody at my
7 house who's here wanting to confess to
8 the murder of Holly Bobo and what
9 happened to Holly Bobo. So they bring
10 Dylan in for additional questioning.
11 This time they videotape it; they
12 videotape what he said. And based on
13 what Dylan says at this -- during this
14 interrogation, they get their indictment.
15 This is when they get their next
16 indictment, an indictment for the rape,
17 the murder and the kidnapping of Holly
18 Bobo, and it's after this final session
19 with Dylan Adams that they go ahead and
20 they file their notice of death penalty.
21 So now they have several people
22 charged. They have charged Jason Autry.
23 They go ahead and charge Dylan Adams with
24 rape, murder and kidnapping of Holly
25 Bobo. And they charge Zach Adams with

1 this. So now they have their
2 indictments, and they file their notice
3 of death penalty. Well, turns out that
4 there's some really big problems with
5 this. One of the really big problems is
6 that when they were getting Dylan Adams
7 to do all this confessing, a lot of what
8 he's confessed to doesn't match the
9 physical evidence. After all, when they
10 first start talking to Dylan Adams, they
11 haven't done any searches on the Zach
12 Adams' property. Really, Zach Adams has
13 a house that he inherited when his father
14 died, and it's right next door to his
15 grandfather's house, and he owns it in
16 part with his brother, Dylan, but Dylan
17 lives with the grandfather because
18 Dylan's really not up to living on his
19 own. So he lives -- but they all live at
20 the end of the same driveway in a -- very
21 close to each other. And so after Dylan
22 begins to talk to them first while he's
23 still in federal jail awaiting these
24 federal charges, they go ahead and they
25 get extensive search warrants to search

1 that property, and a lot of it was even
2 broadcast on TV. They had helicopters
3 out there. And you'll hear testimony in
4 -- in this trial about all of the
5 searches they did.

6 They went through Zach Adams'
7 house and they took over 500 items out of
8 that house. They took all the material
9 off of all of the mattresses. They took
10 giant chunks of carpeting out of that
11 house. They took whole pieces of
12 furniture, upholstered chairs, leather
13 couches, all kinds of ottomans and
14 pillows and blankets and shelving. They
15 went in to Zach Adams' house, and in the
16 living room, they cut a hole in the floor
17 that's as big as a car, and they took
18 that floor down to the joists. I mean,
19 you can see dirt. So, they took the
20 flooring out. They took the vinyl
21 flooring that was under the wood floor.
22 They took the sub-flooring out, and they
23 left a hole to the dirt in that house.
24 They took over 500 objects. They brought
25 in backhoes. They searched through Dick

1 Adams' half. They searched some property
2 across the street. They seized -- I
3 think they seized one, two, three cars
4 from the Adams family. Four cars. They
5 seized four cars from the Adams family
6 and went through all the cars. They went
7 through everything. They also got all
8 kinds of cellphone/telephone records from
9 them. They had terabytes of discovery in
10 this case to provide just of all the
11 information that they had.

12 Well, turns out, the State has a
13 terrible problem in this case, and their
14 terrible problem is is that the story
15 that Dylan Adams has told does not match
16 the physical evidence in the case because
17 after they finished going through that
18 all whole house, they -- there's no DNA
19 that matches Holly to the house. There
20 are no fingerprints that match Holly to
21 the house or to the cars. There is no
22 hair from Holly that matches Holly to Mr.
23 Adams' house, and the cellphone records
24 don't jive with what it is that Dylan
25 Adams says that day.

1 So, now the State -- by now
2 there's been an election. Hansel
3 McCadams is out. Matt Stowe has been
4 elected. And then at some point, Matt
5 Stowe has declined or recused himself,
6 and the Memphis District Attorney's
7 office has been brought in. You know,
8 the Memphis District Attorney's office
9 didn't start this case, but they've been
10 brought in to finish the case. And so at
11 this point then, the State has a problem,
12 and the problem is, they have a story
13 with a man, with his special education
14 from school, the story doesn't jive with
15 the evidence, and they are going to have
16 real problems going forward with this
17 case. The State needs something.

18 And it is at this point, this
19 point that they then decide they are
20 going to buy and pay for testimony from
21 somebody. They need to have somebody
22 else to come in and testify. And what
23 did they do? They buy. So Jason Autry
24 basically sells his death penalty. He
25 sells his death penalty to the State of

1 Tennessee in the hopes that he will be
2 released in a few months from now, by
3 Christmas. That's his hope. He's going
4 to get released, and he no longer has a
5 death sentence on him because he has now
6 come forward and he has a story. He has
7 a story that's different than Dylan's
8 story, but he has come forward with his
9 own story. And Jason Autry has had --
10 presumably he's had access to the
11 discovery in this case for several years
12 because he doesn't come forward with his
13 story until January 20th, around January
14 20th of this year. And remember, this
15 case started back in March of 2014, was
16 when Zach Adams was initially indicted.
17 Jason Autry now comes forward with his
18 story. And his story, like I said is
19 different than Dylan's story, but this
20 story does kind of -- you might liken it
21 to somebody who's already had a floor
22 plan of a building. Let's say it's not
23 this building. They want to break into
24 the office building. They have the floor
25 plan. They know where all the cameras

1 are. So they're able to kind of walk
2 through the -- the rooms of the building,
3 a museum maybe. If you know where all
4 the detectives are going to be, you kind
5 of walk around it, kind of like Jason
6 Autry's, quote, confession is because
7 Jason Autry's confession basically skirts
8 around all the known evidence and the
9 facts that can't be changed. It embraces
10 some of the facts that are accurate and
11 true, and then basically he says, yes, I
12 was there for the killing part, the part
13 that is death penalty eligible, yes, I
14 happened to be there, I happened to see
15 the killing part. I can't explain to you
16 the mysteries early in the morning of how
17 Holly is kidnapped. You know, I can't
18 really -- I wasn't there for that, so I
19 really can't explain the real mystery
20 that everybody wants solved, is, you
21 know, who kidnapped her, how did she get
22 taken, where was she taken right after
23 she was kidnapped, how did that happen.
24 He's like, I can't really solve all those
25 problems for you, but what I can do is I

1 can be your witness for the murder. So,
2 that's what he does. He comes in. But
3 there's real problems with his story
4 because again, the -- the cellphone
5 records in this case, which in a way, the
6 State wants you to believe, well the
7 cellphone records are accurate because
8 the cellphone records show that Jason
9 Autry and Zach Adams are together that
10 morning for a period of time, and it --
11 it's over some area of the Tennessee
12 River. So Jason Autry says, yes, I was
13 with him at the Tennessee River, but the
14 problem is is the cellphone records,
15 which is -- in this case is the real
16 evidence, the really strong evidence that
17 they had about where the phones were that
18 morning, the cellphone records do not
19 jive with people having their cellphones
20 and also being the ones that take Holly
21 Bobo from her home because none of the
22 four participants, none of the four
23 people that are accused of being involved
24 in this crime, Dylan Adams, Jason Autry,
25 Zach Adams or Shayne Austin, their phones

1 are not in the same area and travel
2 together with Holly Bobo's phone, who
3 Holly Bobo's phone travels around that
4 morning and they know where her phone
5 was. So their phones are not with them.
6 So the State wants you to, as they're
7 going to tell you their evidence, well,
8 yes, you need to rely on the cellphones
9 when it matches what Jason says, that
10 they're at the river that morning, but
11 don't you worry about the cellphones when
12 it shows that Holly's phone is moving
13 independently of the other people's
14 phones. And that's something you're
15 going to want to look very closely at, is
16 the cellphone evidence.

17 But as we go through, you're
18 going to want to listen very, very
19 closely to what Jason Autry has to say
20 because Jason Autry for years was
21 innocent-man-walking, and then suddenly,
22 January 20th, he's -- he has sold his
23 death penalty sentence, his death
24 sentence to the State for what he hopes
25 is going to be very little additional

1 time to serve in jail, and that's going
2 to be the true evidence in this case, as
3 it shows -- all the evidence will show
4 that Zach Adams is not guilty of these
5 eight charges that he stands facing
6 today.

7 THE COURT: Okay. Let's start
8 the proof. Call your first witness for
9 the State, please.

10 MS. NICHOLS: Your Honor, the
11 State calls Dana Bobo.

12 DANA BOBO was called and being
13 first duly sworn, was examined and
14 testified as follows:

15 THE COURT: Be seated. State
16 your name for the record and spell it for
17 the court reporter.

18 THE WITNESS: Dana Bobo. And I
19 live at 681 Swan Johnson Road, Darden,
20 Tennessee.

21 THE COURT: Spell your name for
22 the court reporter, please.

23 THE WITNESS: Dana, D-A-N-A, B-O-
24 B-O.

25 THE COURT: Thank you.

1 MS. NICHOLS: May I proceed, Your
2 Honor?

3 THE COURT: You may.

4 DIRECT EXAMINATION

5 BY MS. NICHOLS:

6 Q Mr. Bobo, I'm going to ask that
7 you speak up. If you have to lean
8 forward, we'll get you to.

9 THE COURT: I was fixing to say,
10 that mic -- that mic is quiet, so if you
11 need to lean up to it, you may do so.

12 THE WITNESS: Oh, lean up to it,
13 okay.

14 Q Just if you'll direct your
15 answers to the jury because every single
16 one of them needs to hear what you have
17 to say.

18 A Okay.

19 Q Okay?

20 A All right.

21 Q And speak up because you're soft-
22 spoken.

23 A Okay.

24 Q You're Dana Bobo, correct?

25 A Yes.

1 Q All right. And I believe you
2 just told the jury or the court reporter
3 what -- where your address was back in
4 2011.

5 A Yes. 681 Swan Johnson Road,
6 Darden, Tennessee.

7 Q And where is Darden compared to
8 Parsons? Because I've heard both names.

9 A It's -- It's about three -- We
10 live actually about three miles out of
11 Parsons going toward Lexington and then
12 three miles off of 412.

13 Q And that's in Decatur County?

14 A Decatur County.

15 Q Of Tennessee?

16 A Yes.

17 Q Okay. I want to ask you some
18 questions, a little bit about yourself
19 and your family. Who are you married to?

20 A Karen Bobo.

21 Q And is Karen in the courtroom?

22 A Yes.

23 Q All right. And do you have
24 children?

25 A Yes.

1 Q And what -- what are your
2 children's names?
3 A Clint Bobo, he's 25, and Holly --
4 Q He's 25?
5 A He -- He was 20. I'm sorry.
6 Q Oh, I --
7 A At the time.
8 Q Are you nervous?
9 A A little bit, yes.
10 Q Okay, let's go back. It's okay.
11 A Okay.
12 Q You've never been in this
13 position.
14 A Right.
15 Q You said Clint was 20 at the
16 time.
17 A Clint was 20. Holly was 20 at
18 the time.
19 Q All right. So what I want you to
20 do is just take your time and just answer
21 the questions as I ask them, okay?
22 A Okay.
23 Q All right. You said you had two
24 children.
25 A Yes.

1 Q Your son was named ...
2 A Clint.
3 Q And where did Clint live in 2011?
4 A He lived with us at 681 Swan
5 Johnson Road.
6 Q And your daughter?
7 A Holly Bobo.
8 Q And how old was Holly?
9 A Holly was 20.
10 Q At that time, I want you to sort
11 of describe for the jury what your family
12 life was. For instance, did you have a
13 job?
14 A Yes.
15 Q And where did you work?
16 A I worked for McKenzie Tree
17 Service in Parsons.
18 Q And what did you do for McKenzie
19 Tree Service?
20 A I drove a mowing machine at the
21 tree cutting company and -- I drove the
22 mowing machine.
23 Q And did Karen have a job?
24 A Yes.
25 Q And what was Karen's job?

1 A She was a teacher for Henderson
2 County Schools.
3 Q What schools specifically did she
4 teach at?
5 A She was at -- at Scotts Hill
6 Middle School I guess you call it.
7 Q And what grade did she teach? Do
8 you remember?
9 A No. She's taught so many
10 different grades, I don't remember at
11 that time.
12 Q That's all right. And what did
13 -- what was Clint doing back then?
14 A He was a social worker.
15 Q Did he -- was he still in school
16 taking some classes?
17 A I think he was taking some
18 classes and working part-time.
19 Q And what about Holly?
20 A Holly was in nursing -- was in
21 the nursing school.
22 Q And was she in school full-time?
23 A Yes.
24 Q Now, you said that all of you
25 lived together on Swan Johnson Road?

1 A Yes.

2 Q Was it 681 Swan Johnson Road?

3 A Yes, ma'am.

4 Q How long had you lived at that

5 house?

6 A Me and Karen have been there

7 since 1982.

8 Q Who built the house?

9 A Me and my dad and one more guy,

10 and Karen.

11 Q And Karen?

12 A And Karen.

13 Q All right. Were both -- When

14 both of your children came home from the

15 hospital, is that the house they moved

16 into?

17 A Yes.

18 Q And Holly was born in 1990?

19 A '90.

20 Q What was her birthday?

21 A October the 12th, 1990.

22 Q So is it fair to say for her

23 entire life, that's the only home she'd

24 ever known?

25 A It is.

1 Q You said she was in nursing
2 school. Did she go to school about every
3 day?
4 A Yes.
5 Q And how did she get to school?
6 A She drove her own car.
7 Q And what kind of car did she
8 have?
9 A She had a Mustang.
10 Q And in addition to her family,
11 was there somebody in her life that was
12 very, very special to her?
13 A Yes, ma'am.
14 Q Who's that?
15 A Drew Scott.
16 Q And who is Drew Scott?
17 A Who?
18 Q Who was Drew Scott? A friend or
19 a boyfriend?
20 A That was her boyfriend.
21 Q Okay.
22 A Yes.
23 Q And was Drew Scott a familiar
24 face in your house?
25 A Yes.

1 Q In and out about every day?

2 A Most of the time, yes.

3 Q All right. And I want to draw

4 your attention, please, back to a

5 particular date in April of 2011, okay?

6 A Yeah.

7 Q April the 13th, do you remember

8 that day?

9 A Yes, clearly. Pretty clearly.

10 Q Is that a day you'll ever forget?

11 A Yes, ma'am.

12 Q You will forget it?

13 A No, I'll never forget that day.

14 Q Okay. It was a Wednesday, wasn't

15 it?

16 A Wednesday morning.

17 Q Did you work that day?

18 A Yes.

19 Q At what time did you get up to go

20 to work?

21 A 5:30.

22 Q You got up at 5:30 to be at work

23 at what time?

24 A 6:30.

25 Q All right. So when you got up

1 that morning, was Karen already up or did
2 she get up after you?

3 A She got up -- I got a little
4 routine where I feed the dogs and stuff
5 like that and then I'll take my shower,
6 and I met her as I was getting close to
7 being ready to leave the house to go to
8 work. I met her in the house.

9 Q When you say you met her in the
10 house, meaning you passed by her?

11 A Yeah, hallway or whatever.

12 Q Okay. So she had gotten up while
13 you were in the shower.

14 A Yes.

15 Q Did you see Holly that morning?

16 A I didn't see her that morning.

17 Q Do you know where she was in your
18 house?

19 A I knew where she was because the
20 bathroom is across the room from her
21 door, --

22 Q Uh-huh.

23 A -- and I seen her light on as I
24 come out of the shower getting ready to
25 go to work.

1 Q And did you -- when you noticed
2 her light on under the door, did you say
3 anything to her?

4 A I spoke to her. I asked her if
5 she needed any lunch money or anything
6 that day or gas money or whatever, and
7 she said, yes, and I said, I'll leave you
8 a \$20.00 bill on the kitchen bar.

9 Q After having that, I guess,
10 exchange with Holly, how did you end the
11 conversation?

12 A That pretty much ended the
13 conversation with Holly that morning.

14 Q Did you tell her bye?

15 A Yeah, I told her bye and I loved
16 her. That's just normal for our house.

17 Q So after you told Holly goodbye
18 and I love you, did you go and put the 20
19 in the kitchen?

20 A Yes.

21 Q Where you told her you'd put it?

22 A Yes, uh-huh.

23 Q Was that the first time you had
24 done something like that or --

25 A No.

1 Q -- is that kind of --
2 A No, ma'am.
3 Q -- routine?
4 A I do that all the time -- done
5 that all the time.
6 Q And did you go onto work?
7 A Yes.
8 Q And when you left your house that
9 morning, which door did you leave?
10 A The front door; I always used the
11 front door of the house.
12 Q And where did you park?
13 A I usually parked out front. I
14 don't park mine in the garage.
15 Q And I'm going to ask you some
16 questions about where people in your
17 family parked in a minute. Are you the
18 only person that was parking in the front
19 at that time, parking your truck?
20 A Yeah.
21 Q So --
22 A Yes.
23 Q -- everybody else was in the
24 back.
25 A Yeah.

1 Q How far from your house to
2 McKenzie Tree Service?
3 A Probably about, I'm going to
4 guess, five miles.
5 Q And when you got to work, did you
6 all stay there at McKenzie Tree Service
7 or did you and a crew go somewhere else?
8 Because you said you were a mower.
9 A Yeah. When we get there, what we
10 normally do, we'll load up, we'll fuel up
11 our trucks for our machine, our pickups
12 that we're driving to work. We'll fuel
13 them up, and if we have to pick up any
14 parts we need that day to work with, we
15 get them. We're usually there like 30,
16 40 minutes in the morning. That's why we
17 get there a little early before we leave
18 out --
19 Q All right. So --
20 A -- to get everything ready.
21 Q -- did y'all go somewhere?
22 A Yeah.
23 Q Where did you go?
24 A We went to -- At that time we was
25 working on the other side of Linden,

1 leaving Linden probably about five miles,
2 I think it's east going towards
3 Lobelville, Tennessee.

4 Q And did you drive your personal
5 vehicle or did you take a -- in a company
6 truck?

7 A No, we always took a company
8 truck.

9 Q So you said this -- this work
10 site you were at was -- was in Linden?

11 A It was about five miles, I think
12 it's east of Linden, toward Lobelville.

13 Q And were y'all supposed to work
14 there all day long?

15 A Yes.

16 Q Did you actually stay at that
17 work site all day long or --

18 A No, ma'am.

19 Q -- just for -- You have to let me
20 finish. Or did something happen?

21 A No, something happened.

22 Q I'm not going to ask you what
23 time because I assume you weren't -- you
24 know, keeping up down to the minute, but
25 was it before or after lunch that

1 something happened?

2 A Way before lunch.

3 Q Had you actually been there very

4 long when something happened or was it

5 pretty early?

6 A It was early on in the morning.

7 Q What happened?

8 A I got a phone call. I can't tell

9 you exactly what time. I got a phone

10 call from Terri Brumley.

11 Q Okay. Let me ask you this.

12 Terri Brumley?

13 A Yes. Terri Brumley is my --

14 Q Is Terri Brumley here in the

15 courtroom, too?

16 A Yeah.

17 Q Okay. You got a call -- a phone

18 call from somebody named Terri Brumley.

19 A Yes.

20 Q Was that usual or commonplace for

21 Ms. Brumley to call you?

22 A No, ma'am.

23 Q All right. So what happened?

24 A I got a phone call from her, and

25 I had some guys around me there talking,

1 and she told me that -- that I needed to
2 come back home because Holly had been
3 taken, and I said, what? And the guy
4 beside me talking, I had to holler at him
5 and tell him to quieten down, or I forgot
6 what I said, but he quietened down, and
7 she told me for the second time, and she
8 was crying when she told me the second
9 time, and I understood her the second
10 time what she said, Holly had been taken.

11 Q "Holly has been taken."

12 A Yeah.

13 Q Four words?

14 A Yeah.

15 Q What sort of an impact did,
16 "Holly has been taken," have on you at
17 that moment?

18 A That was the -- That was the
19 worst feeling you could possibly feel,
20 that something bad has happened to one of
21 your kids.

22 Q So you're out there, outside of
23 Linden without your own car. Dana, what
24 did you do?

25 A I have what you call a point man

1 that he usually drives me to work and
2 back in a single cab company truck, and I
3 hollered at Danny, he was the one that
4 drove me, and I told him that -- I forgot
5 what words was, he had to carry me back
6 to -- to the office quick.

7 Q And so did he drive you back to
8 McKenzie Tree Service?

9 A Yes, ma'am.

10 Q Were y'all going slow or were
11 y'all going fast?

12 A He was going so fast in that
13 Chevrolet truck that the motor was
14 cutting off, off and back on. We passed
15 everything from -- from work back to
16 Parsons, McKenzie.

17 Q Other than those four words,
18 "Holly has been taken," did you have any
19 more information?

20 A That's it.

21 Q So that whole trip back to
22 McKenzie, you -- you didn't know
23 anything.

24 A Didn't know anything. I wanted
25 to know but I didn't.

1 Q So when you got back to your
2 office, what did you do?

3 A I got in my truck. I think I
4 hollered and told Danny to tell Dennis,
5 my boss at the time, what was going on,
6 and I run from the company truck and got
7 in mine and went home the back way.
8 That's the quickest way I know to get
9 back to the house.

10 Q This time you were alone, and did
11 -- did you see at some point whether
12 somebody was following you or not?

13 A Yes. As soon as I was pulling
14 out from McKenzie Tree Service, my boss,
15 Dennis McKenzie, was in his pickup right
16 on my bumper you might as well say.

17 Q You said you took the back way
18 home. You know we're sitting in Hardin
19 County and people aren't familiar with
20 maybe the roads --

21 A Right.

22 Q -- back there. Are these very
23 populated roads or are they deserted
24 roads, gravel roads, narrow roads,
25 winding roads?

1 A Some of them, they're definitely
2 winding roads and some of them's narrow
3 roads. One of them is a popular road.
4 Q When you got close to your house,
5 did you notice or see something that was
6 going on that you had never seen before?
7 A Yes, ma'am.
8 Q Can you explain to the jury what
9 you saw?
10 A Before I even got to the house, I
11 could see the yard. From where I was
12 coming in, the yard's on the left from
13 the direction I come in. I don't know --
14 I'm going to guess 50 to 100 people. The
15 road was full of cars; it was cop cars,
16 it was regular cars. The yard was full
17 of people, cops and people, and I had to
18 drive on past there. I was in a terrible
19 big hurry, and I had to drive on past all
20 that and go down on the side of the road
21 to where the county used to park their
22 work equipment, and I had to park down
23 there and run back to the house.
24 Q Now is that because the road you
25 live on is one of the narrow roads?

1 A It's a very narrow road --
2 Q And it --
3 A -- in front of our house.
4 Q I'm sorry?
5 A In front of our house, it's a
6 very narrow road.
7 Q So Swan Johnson Road was so
8 narrow, cars are already lined up, you
9 had to actually pass --
10 A I had to kind of weave in between
11 them to get past them where I could pull
12 over somewhere and park.
13 Q So you parked your truck.
14 A Uh-huh.
15 Q Right?
16 A Yeah.
17 Q And then went back to the house.
18 A Yeah, I run back to the house.
19 Q You said run back to the house.
20 Did you run fast, fast as you could?
21 A I run as fast as I could go.
22 Q And as you got down the road and
23 hit your driveway, did you have a plan?
24 I mean, did you even know what you were
25 going to do, supposed to do?

1 A The only thing I was thinking is
2 get back up to the house and see somebody
3 else, family member or somebody that
4 could tell me more about what I had heard
5 had happened.

6 Q Do you remember who the first
7 person you saw was once you ran up the
8 driveway?

9 A I saw a lot of people, and some
10 of them was friends and neighbors, some
11 of them was cops that I guess I knew.
12 The first person that I saw that I
13 thought I needed to talk to though was --
14 was my son, Clint.

15 Q I'm not going to ask you what
16 Clint said, but after you talked to
17 Clint, do you remember the very next
18 thing you did?

19 A I talked to Clint and left him,
20 and I think -- I'm pretty sure that Terri
21 Brumley was the next person that I seen
22 that I thought would have some
23 information for me.

24 Q Okay.

25 A And I talked to her.

1 Q All right. And again, I'm not
2 going to ask you what Ms. Brumley said,
3 but after you talked to Terri Brumley,
4 what's the next thing that you did?
5 A I saw Karen and I talked to her.
6 Q So now you've talked to Clint,
7 Ms. Brumley, who called you.
8 A Yeah.
9 Q And Karen.
10 A Yeah.
11 Q Then what did you do?
12 A I went from Karen and straight
13 into the front door of the house, and I
14 went inside and I found my pistol, and I
15 come back outside with the pistol.
16 Q Was the pistol loaded?
17 A Yes, ma'am.
18 Q What was it? What were you --
19 A Nine-millimeter Beretta.
20 Q You said there were cops all over
21 the place. Did anybody try to take your
22 gun away from you?
23 A No, ma'am.
24 Q You just had it?
25 A I had it in my hand. I didn't

1 even own a holster for it at the time.

2 Q And how long did you wander
3 around your yard with a loaded pistol in
4 your hand that morning?

5 A I don't know how long, but it
6 seemed like hours.

7 Q Initially you said there were 50
8 to 100 people. Did more people just keep
9 coming and coming and coming?

10 A It seemed like there was more
11 coming.

12 Q Do you remember what all or what
13 agencies were represented by law
14 enforcement? You said there were some
15 local ones. Did other agencies come as
16 well?

17 A Yes. Several more agencies that
18 -- that -- that morning come.

19 Q Did TBI come?

20 A TBI was there.

21 Q Was -- Did FBI come?

22 A FBI was there; US Marshals was
23 there.

24 Q So US Marshals, FBI, TBI.

25 A A SWAT team; I remember them

1 pulling up.

2 Q Were there helicopters in the air
3 that morning?

4 A Somebody told us, yes, there was
5 a helicopter come in and circled the
6 house and set down on the pond levee.

7 Q How much property do you own
8 around your --

9 THE COURT: Where did you -- "Set
10 down on the ..."

11 THE WITNESS: On the pond levee.
12 We have a --

13 THE COURT: Okay.

14 THE WITNESS: -- pond to the
15 right side of our house, and it set down
16 over there at the open place for it to
17 set down.

18 Q And I should have already asked.
19 This -- How many acres do you own?

20 A 23.

21 Q Okay. And that's all right there
22 around that house?

23 A Yes.

24 Q Were people wandering around in
25 your front yard, your back yard, your

1 house, your woods?

2 A It was people wandering and
3 standing, piddling, just like -- like
4 nobody -- it was kind of like nobody knew
5 what to do. That's the way I took it at
6 the time.

7 Q At some point in the middle of
8 the morning, did you lose patience with
9 an FBI agent and tell him what he should
10 go do? What did you say?

11 A I -- I couldn't tell you who it
12 was.

13 Q That's all right.

14 A I told him -- I told him, "If
15 y'all think one of us done it," -- I was
16 talking about me and Clint and Karen that
17 was still left there. I said, "If y'all
18 think one of us done it, ten of y'all
19 stay here with us and the rest of you go
20 do something." And it probably wasn't
21 that nice of words when I said it.

22 Q But you wanted somebody to do
23 something.

24 A Something, yes, ma'am.

25 Q You wanted Holly.

1 A Yes.

2 Q Back.

3 A Immediately.

4 MS. NICHOLS: Your Honor, I'm

5 going to pass forward a photograph

6 previously shown to defense counsel.

7 THE COURT: Okay.

8 MS. NICHOLS: May I approach or

9 do you --

10 THE COURT: Just hand it to the

11 bailiff.

12 Q Who is that a picture of?

13 A My daughter, Holly Bobo.

14 Q And is that -- does that

15 accurately depict what she looked like in

16 2011?

17 A If I ain't mistaken, this picture

18 was took about two weeks or less from the

19 time she was kidnapped.

20 MS. NICHOLS: I'd like to mark

21 that as Exhibit 1, Your Honor.

22 THE COURT: All right. Be moved

23 into evidence Exhibit 1.

24 (Exhibit 1 was marked

25 and entered.)

1 THE COURT: Would you like to
2 display this to the jury?
3 MS. NICHOLS: I'm going to put it
4 on the overheard, with Your Honor's
5 permission.
6 THE COURT: Okay, okay.
7 MS. NICHOLS: Mr. Ragland's going
8 to help us keep the pictures up so that
9 we can move along.
10 THE COURT: I didn't want to pass
11 it individually. This will work better.
12 Q And for the record, Dana, I'm
13 going to ask you to look over your left
14 shoulder and tell the jury who that's a
15 picture of.
16 A That's Holly Bobo, my daughter.
17 Q I've asked you a number of
18 questions about your house and your
19 property, and I want to show you -- I
20 want to pass forward -- I'm going to pass
21 forward a group of 12 photographs.
22 A Okay.
23 Q What I'm going to ask you to do,
24 Mr. Bobo, I'm going to ask you to keep
25 them in that order, look at each one of

1 them and tell me when you're finished.

2 A Okay. The first picture is of

3 our house and driveway.

4 Q Mr. Bobo, I just want you to look

5 at each one of them and tell me when

6 you're finished.

7 A Oh, okay. I'm sorry.

8 Q You don't have to tell me what

9 they are yet.

10 A Okay. Okay, I'm finished.

11 Q So I'm going to ask you the same

12 questions about those photographs as a

13 whole, and then we'll talk about them

14 individually. Do you recognize what is

15 portrayed in each of those 12 pictures?

16 A Yes.

17 Q Okay. And generally speaking,

18 what are those pictures of?

19 A That's all pictures of our house

20 at 681 Swan Johnson Road.

21 Q The house that you built.

22 A Yes.

23 Q And do those pictures accurately

24 reflect what your house looked like in

25 2011?

1 A Yes.

2 MS. NICHOLS: Your Honor, at this
3 time, I'd ask that those be marked
4 individually 2 through 13.

5 THE COURT: Okay. Let's let them
6 be marked first and then ...

7 (Exhibits 2, 3, 4, 5,
8 6, 7, 8, 9, 10, 11, 12
9 and 13 were marked and
10 entered.)

11 MS. NICHOLS: And if you'll pass
12 them to Mr. Ragland.

13 With the Court's permission, I'll
14 publish and ask questions.

15 THE COURT: Okay.

16 MS. NICHOLS: We'll do it at one
17 time.

18 THE COURT: Okay. Start with
19 Exhibit 2.

20 You can just give them to Mr.
21 Ragland.

22 Q Mr. Bobo, I want to -- I want to
23 ask you now not only to speak up so they
24 can hear you, but I need you to look over
25 your shoulder for the next few minutes.

1 A Okay.

2 Q What is that a picture of?

3 A That's a picture of the front of

4 our house.

5 Q From what -- And we're looking at

6 what's been marked as Exhibit 2. From

7 what angle?

8 A That's from the road out in front

9 of our house looking back -- looks like

10 kind of to the right to the front of our

11 house.

12 Q So looking back just a little

13 bit.

14 A Yes.

15 Q Okay. Exhibit 3. You can just

16 put them on top of one another to keep

17 you from -- What is Exhibit 3 showing?

18 A That's a picture of our house

19 sitting right at the end of the driveway

20 looking straight at the front of the

21 house.

22 Q All right. So a minute ago -- I

23 put the pointer over there. A minute ago

24 the picture was taken from looking back a

25 little bit, right?

1 A Yes, kind of -- kind of to -- to
2 your right.

3 Q But if you were to sit directly
4 at the base of your driveway on Swan
5 Johnson, --

6 A Yeah.

7 Q -- that's what you see.

8 A That's a straight shot of it from
9 the end of our driveway.

10 Q All right. The next one, please.
11 What is that?

12 A That's a picture of the front of
13 our house, probably, I'm going to guess,
14 30 feet from the front of the house
15 sitting in the driveway.

16 Q Is your house an L-shaped house?

17 A Yes, ma'am.

18 Q Right here to the left of the --

19 A Yeah, that -- that goes back to
20 the left.

21 Q Now, a moment ago the jury saw a
22 straight shot up the driveway. If you
23 come up -- Look where my pointer is.

24 A Okay.

25 Q When you get to the top of your

1 driveway, how do you get to the back of
2 your house, by going left or by going
3 right?

4 A You'll have to go around the
5 right.

6 Q So does the driveway continue
7 this way around the side of the house?

8 A Yes, around the right side of the
9 house like you're pointing.

10 Q Okay. Next one, please. If you
11 followed the driveway around the right
12 side of the house, is this what you would
13 see?

14 A Yes, ma'am.

15 Q In fact, there's this truck
16 parked there. Whose truck is that; do
17 you know?

18 A That is Kathy Wise's truck, our
19 neighbor at the time.

20 Q Okay. And so Kathy -- if Kathy
21 Wise's truck had followed on around, this
22 is where she would go?

23 A Yes.

24 Q And that would be-- this is the
25 back of your house.

1 A Yes.

2 Q Okay. Next one. And I'm going
3 to ask you the same questions. There was
4 a pool in the last picture. Is this the
5 driveway as it goes on around behind the
6 pool?

7 A Yes, ma'am.

8 Q Okay. And what is this building?
9 And I'm -- I'm holding it -- Looks like a
10 double door --

11 A That's the detached garage from
12 our house.

13 Q Okay. Whose truck is that?

14 A That's my dump truck at the time.

15 Q And the pool.

16 A Yes.

17 Q Does this driveway stop right
18 here or can you go on around?

19 A It goes on around the pool to
20 your left and pulls into the carport in
21 the back of the house.

22 Q Okay. Next picture. With
23 respect to the same pool, correct? On
24 your left?

25 A Yeah.

1 Q Is this the detached garage that
2 they just saw?
3 A Yes.
4 Q And you said it pulls on into the
5 carport.
6 A Yeah.
7 Q Is this your carport?
8 A That's the carport.
9 Q Okay. When you got home the
10 morning of April the 13th, was this crime
11 scene tape already stretched between your
12 house and the building?
13 A No, ma'am.
14 Q Did you take steps for some
15 reason to block off something that you
16 thought was important?
17 A I did.
18 Q Tell the jury what you did before
19 law enforcement.
20 A Okay. When I was standing around
21 in the front yard, it was sometime after
22 I told some law enforcement to do
23 something. I went back to the back.
24 People was wandering around as they
25 pleased all in the yard. Some of them

1 was headed back toward the back of the
2 house. Sometime before that, I had
3 walked to the back of the house and I
4 seen Holly's car still sitting in the
5 garage.

6 Q Okay, let me stop you here. Was
7 Holly's car parked in this -- this
8 detached garage or was Holly's car parked
9 in the carport?

10 A I'm going to call it the carport,
11 the one on the back of the house.

12 Q Okay. So you had seen Holly's
13 car still there.

14 A Yes.

15 Q And so what -- what did you do
16 once you saw people wandering around?

17 A Once I seen Holly's car still in
18 there and something in the garage floor
19 and people wandering around as they
20 pleased, -- I used -- I used to cut
21 timber on the side and I always kept pink
22 tape. I took two lawn chairs off the
23 back deck right there. Right there.

24 Q Okay.

25 A And I put them across the -- The

1 garage at that time did not have a -- a
2 door on it. It was an open garage. I
3 took two lawn chairs off the back there,
4 and I set them on each side of the garage
5 opening and I stretched pink tape across
6 the lawn chairs to keep people from
7 walking in the garage.

8 Q Okay. And then later on, law
9 enforcement added this crime scene tape
10 that you're --

11 A Yeah.

12 Q -- that we can see?

13 A That -- That was added after I --

14 Q Okay.

15 A -- after -- later that morning, I
16 suppose.

17 Q Gotcha. Next one, please. And
18 what is -- what is this?

19 A That's the front of the detached
20 garage, the left-hand side of it.

21 Q Whose truck is this backed in?

22 A That is Clint Hunter Bobo's
23 truck, my son.

24 Q Okay. And what is this vehicle
25 next to it?

1 A That is one of our -- We had two
2 four-wheelers at home. That's a Honda
3 four-wheeler.

4 Q You mentioned that a carport
5 didn't have doors on it. Did this
6 detached garage have a -- have a door?

7 A That detached garage has always
8 had two doors on it.

9 Q Is that what I've got the pointer
10 on now?

11 A Yes.

12 Q Like does it just roll down?

13 A Yeah.

14 Q Okay. Do you remember now
15 whether when you got home and when you
16 blocked off the carport, was that garage
17 door up or was it down?

18 A Down.

19 Q Next picture. Okay. This is a
20 different view. You mentioned a deck --

21 A Yeah.

22 Q -- a few minutes ago.

23 A Yes.

24 Q Tell me where to put the pointer.

25 A Tell you what?

1 Q Where's the deck?

2 A The deck is on the right side of
3 the pool attached to the back of the
4 house.

5 Q All right. So this structure
6 right here on the far right is the
7 carport; is that correct?

8 A Yes, that's the front left-hand
9 side of the carport if you pull in it.

10 Q And there's a deck between this
11 above-ground pool and the house.

12 A Yes.

13 Q All right. And if you will,
14 looking there in the background, --

15 A Uh-huh.

16 Q -- what is the jury looking at?

17 A That's the treeline and the
18 woods, separates our yard from the woods,
19 and that's the playhouse that me and
20 Karen built for the kids, and to the
21 right of it is a swing set we bought and
22 set up for the kids.

23 Q All right. And you've mentioned
24 this treeline. Was this your property
25 beyond the playhouse --

1 A That -- The tree --
2 Q Hang on a second.
3 A Okay.
4 Q Because she tries to write down
5 everything we say.
6 A Okay.
7 Q I know you have 20-plus acres.
8 Is your land back behind the treeline or
9 is your land the other way?
10 A Our land is this side of the
11 treeline.
12 Q Okay. So is the treeline -- is
13 that the edge of your property?
14 A Yes, ma'am.
15 Q Okay. Next one. So this is a
16 little I guess nearer view; is that
17 correct? Of the tree line and the woods?
18 A Yes.
19 Q And where your truck was parked.
20 Okay. Now we can see the edge of the
21 swing set that was in the pictures. This
22 treeline, if -- if one were to walk back
23 there, is -- is the terrain about the
24 same, sort of hilly with trees filling
25 out because it's April? Is that about

1 what it looked like?

2 A Yes.

3 Q Okay. Next one, please. And

4 what's this?

5 A That's our back deck on the

6 house.

7 Q That's a better picture of the

8 deck. And is there -- I know it's dark,

9 and the jury will have these pictures

10 later, but can you see from the deck into

11 the carport?

12 A Yes.

13 Q And how is that? You said there

14 was no door on the front, but how can you

15 see there on the side?

16 A The carport there is kind of on

17 the right of your picture above that

18 shrub.

19 Q Right.

20 A You can walk straight in off the

21 deck. There's an open -- I'm going to

22 say four- to five-foot open cased-out

23 door opening that has no door on it. So,

24 yes, you can see from right there plumb

25 in the garage.

1 Q Okay. One more. What is this a
2 picture of?

3 A That's our carport on the back of
4 the house.

5 Q Whose car is that?

6 A That is Holly's car with the
7 trunk lid open.

8 Q What kind of car was it?

9 A A 2006 black Mustang.

10 Q You said earlier in your
11 testimony that you parked in the front.
12 You just showed us where Clint was
13 parked. Where did Karen park every day?

14 A She parked in the vacant place on
15 the right right there where you're
16 pointing.

17 Q So Holly parked on the left.

18 A Yes.

19 Q Karen parked on the right.

20 A Yes.

21 Q And was that a habit that pretty
22 much everybody followed? That's your
23 spot and that's just where you put your
24 car.

25 A That was their spots.

1 Q At some point on April the 13th,
2 were you asked to leave your own home?
3 A Yes.
4 Q Okay. I'm not asking
5 specifically who asked you, but was it
6 law enforcement that asked you to leave
7 your home?
8 A Yes.
9 Q And was it just you they asked to
10 leave, or did they ask you to take Karen
11 and Clint and Terri Brumley and everybody
12 else that was there?
13 A Yes, ma'am.
14 Q What was your understanding of
15 why you needed to leave?
16 A I think they told us they was
17 going to process the crime scene.
18 Q So where did you go?
19 A We went to my youngest sister's
20 house next road over.
21 Q So as close as you could be to
22 home --
23 A Yes.
24 Q -- but somewhere else.
25 A My mom lived at town, which was

1 six miles away, and my sister lived mile,
2 mile and a half from us back behind us,
3 next road over.

4 Q Is it fair to say that from the
5 time you got that call on April the 13th
6 of 2011, your life changed as you knew
7 it?

8 A Yes, ma'am.

9 Q How long was it before you went
10 back to work?

11 A It was either seven or eight
12 weeks.

13 Q And during the seven or eight
14 weeks after April the 13th, what did you
15 do every day?

16 A We searched for our daughter 24
17 hours a day, 7 days a week.

18 Q What kind of places did you look?

19 A In my mind, I looked at every
20 place that I think she could have
21 possibly been.

22 Q Like what?

23 A I went to vacant houses, I went
24 to vacant buildings, I went to houses
25 that was occupied. I went everywhere I

1 thought she might be looking for her.

2 Q Did you look in barns?

3 A I looked in everywhere.

4 Q Did you look in sheds?

5 A Yes, ma'am.

6 Q Did you look in the woods?

7 A Yes.

8 Q Did you look in other woods?

9 A Yes.

10 Q Did you go to places outside of

11 your immediate area, your road?

12 A Yes, ma'am.

13 Q Do you know whether your phone

14 number -- Y'all's private phone number,

15 was it out there broadcast to the public

16 so that people could call you with tips

17 and leads, or Karen's?

18 A Karen's phone was.

19 Q Okay. And as a result of that,

20 I'm not asking what anybody said, but as

21 a result of that, did your family

22 actually get phone calls from people

23 saying, go look here, go look there?

24 A Yes, ma'am.

25 Q When you got those kind of phone

1 calls, what did you do?

2 A We took them down. It might have
3 been two or three days after we -- we was
4 taking phone calls. I think two FBI
5 ladies come and stayed with us after --
6 I'm not sure on the time, maybe a day or
7 two into it. We was taking the calls
8 ourself. We had a house phone at the
9 time, so calls was coming in to our house
10 and calls was coming into her cellphone
11 once it got out there for somebody to
12 call it.

13 Q And would you turn the calls or
14 the leads over to the FBI or did you just
15 handle it yourself?

16 A We -- After a day or two, we
17 started writing it down when we kind of
18 come to our senses what we need to be
19 doing. Every call that we got was turned
20 into the TBI daily, just minutes after we
21 took it.

22 Q Now, Dana, you said that you went
23 in places that appeared to you to be
24 abandoned and that you went into places
25 that appeared to you not to be abandoned.

1 A Yes, ma'am.

2 Q And when you did that, did you
3 keep that a secret or did you self-report
4 that to law enforcement?

5 A I -- TBI was at our house a lot
6 of time during the daytime, and they was
7 there every night briefing us. I told
8 everybody everything I done that day.

9 Q And at some point, did you stop
10 going into houses and sheds and -- and
11 stick to just knocking on doors and
12 looking in the woods?

13 A Yes.

14 Q Okay. What made you I guess
15 change? Because that's -- that's your
16 daughter, that's your baby. What made
17 you go from one way of doing things to
18 another?

19 A We searched for I -- I guess it
20 was -- I don't know how long. We
21 searched forever it seems like, in the
22 woods, sides of the roads, buildings and
23 stuff, and there come -- come a time, I
24 don't know how long it was later that we
25 -- we had searched everything seemed like

1 three or four times with dog teams and
2 all, and you wouldn't believe how many
3 people was helping us and come from out-
4 of-state and all, but we searched,
5 searched, searched, and there come a time
6 when we just started going out as far as
7 bunches gathering, and we was talking to
8 people and knocking on doors everywhere
9 and talking to people.

10 Q When did you stop doing that?

11 A I couldn't tell you. A long time
12 we searched the woods and --

13 Q Did anybody ask you to stop doing
14 that?

15 A No, ma'am.

16 Q Law enforcement never asked you
17 to stop knocking --

18 A They told me to quit searching
19 like I was doing.

20 Q That's what I'm asking.

21 A Numerous times.

22 Q All right. And so at some point,
23 did you stop doing that?

24 A Yes.

25 Q What day did you give up hope for

1 the very first time?

2 A It was about three years into it,
3 give or take, that the TBI come to our
4 house, there was a whole bunch of them,
5 and sat me and Clint and Karen down in
6 the living room and told us that that was
7 Holly, that Holly had been found, that
8 was her remains.

9 Q And until that moment, were you
10 looking?

11 A Yes.

12 Q Still hoping?

13 A Until that moment.

14 Q I don't have anymore questions
15 for you. The defense attorneys might.

16 A Okay.

17 Q Okay?

18 MS. THOMPSON: Your Honor, we
19 have no questions.

20 THE COURT: All right. Step
21 down. You may now remain in the
22 courtroom if you'd like. You're not to
23 discuss your testimony with anyone, okay?

24 THE WITNESS: Okay. Thank you.

25 THE COURT: They said they'll

1 have lunch about 12. Do you have a brief
2 witness?

3 MS. NICHOLS: I do.

4 THE COURT: Okay.

5 MS. NICHOLS: I do. Drew Scott.

6 DREW SCOTT was called and being
7 first duly sworn, was examined and
8 testified as follows:

9 THE COURT: Be seated. State
10 your name for the record and spell it,
11 first and last.

12 THE WITNESS: Drew Scott, D-R-E-W
13 S-C-O-T-T.

14 THE COURT: Thank you.

15 All right.

16 DIRECT EXAMINATION

17 BY MS. NICHOLS:

18 Q Mr. Scott, I'm going to ask you
19 to keep your voice up and direct your
20 answers over here to the jury, okay?
21 Okay?

22 A Yep.

23 Q Will you direct your answers over
24 here?

25 A Yes, ma'am.

1 Q Okay. The Judge asked you your
2 name. You're Drew Scott; is that
3 correct?
4 A Yes.
5 Q I'm not asking what your address
6 is, but what -- what -- where do you
7 live?
8 A Parsons, Tennessee.
9 Q And how long have you lived in
10 Parsons?
11 A All my life.
12 Q How old are you?
13 A 26.
14 Q And what is your birthday?
15 A July the 13th, 1991.
16 Q Do you know a man by the name of
17 Dana Bobo?
18 A Yes.
19 Q Do you know a lady by the name of
20 Karen Bobo?
21 A Yes, ma'am.
22 Q Do you see them in the courtroom?
23 A Yes.
24 Q Do you know Clint Bobo?
25 A Yes.

1 Q And how did you know --
2 THE COURT: Did you say -- 7/13
3 date of birth, what?
4 THE WITNESS: '91.
5 THE COURT: '91, okay.
6 Q And how did you know -- or how do
7 you know Dana, Karen and Clint Bobo?
8 A I was buddies with Clint, and
9 probably just out of high school and --
10 Q Well did you also know them
11 through another person?
12 A Yeah, we -- through Holly; yes.
13 Q Okay. And who's Holly?
14 A Holly Bobo, their daughter.
15 Q And what was your relationship to
16 Holly?
17 A We were dating.
18 MS. NICHOLS: I'm going to ask
19 that Exhibit 1 be put on the overhead.
20 Q Just if you'll turn around and
21 look at the screen. Who's that?
22 A That's Holly.
23 Q You said you were dating. Did
24 you love her?
25 A Yes, ma'am.

1 Q You're a little bit younger than
2 she was?
3 A Yes.
4 Q Just less than a year?
5 A Yes.
6 Q Did y'all actually go to school
7 together or no?
8 A We did not go to school together.
9 Q Did you go to a totally different
10 school or just a different year,
11 different grade?
12 A A different school.
13 Q Do you remember when you started
14 dating her relative to when she
15 disappeared?
16 A I was just freshly out of high
17 school.
18 Q And when she disappeared, you
19 would have been 19 then.
20 A Uh-huh.
21 Q Your birthday was in July; is
22 that right?
23 A Yes, ma'am.
24 Q How serious were you about her?
25 A Serious.

1 Q In fact, did you give her a gift
2 for Christmas?
3 A Yes, ma'am.
4 Q Before she disappeared.
5 A Yes, ma'am.
6 MS. NICHOLS: May I approach,
7 Your Honor?
8 THE COURT: You may.
9 Q I'm going to hand you a box and
10 ask you to open it up. What is that?
11 A That's a ring I bought her for
12 Christmas.
13 Q Was it a special ring?
14 A Yes, ma'am.
15 Q What did she call that ring or
16 what do you call it?
17 A A promise ring.
18 Q Did Holly wear that ring?
19 A Yes, ma'am.
20 Q Did she wear it every single day,
21 as best you knew?
22 A Yes.
23 MS. NICHOLS: And, Your Honor,
24 I'm not going to introduce it into
25 evidence. Frankly I hope to return it to

1 the family, but I would like it to be
2 passed, if nobody objects.

3 THE COURT: Let's do this. We'll
4 make it an exhibit, but I will allow you
5 to substitute a photo.

6 MS. NICHOLS: Okay.

7 THE COURT: Okay? Will that
8 work?

9 MS. NICHOLS: That's perfect. So
10 for the time until I substitute it, I'd
11 ask that be marked as the next numbered
12 exhibit.

13 THE COURT: All right. Be
14 Exhibit 14.

15 (Exhibit 14 was marked
16 and entered.)

17 MS. NICHOLS: And then permission
18 to pass it to the jury.

19 THE COURT: All right. You can
20 pass it to the jury, and you can continue
21 your questioning while it's being passed.

22 Q I want to ask you, Mr. Scott, do
23 you remember back in the spring of 2011
24 what your routine was with Holly? Like
25 how frequently did you see her?

1 A Every night.

2 Q Did you come to her house?

3 A Yes.

4 Q She was in school then, right?

5 A Yes.

6 Q Did that keep her pretty busy?

7 A Yes.

8 Q Did you have more time on the

9 weekend, more time to spend with her on

10 the weekends?

11 A Yes.

12 Q Did you spend the time with her

13 on the weekends?

14 A Yes.

15 Q When you weren't with her at

16 night or weren't with her on the

17 weekends, did the two of you talk and

18 text frequently back and forth?

19 A Yes, ma'am.

20 Q I want to draw your attention to

21 the early morning hours of April the 13th,

22 2011. Do you remember where you were

23 that morning?

24 A Yes, ma'am.

25 Q Where were you?

1 A I was on a piece of her
2 grandmother's land turkey hunting.
3 Q Okay. And her grandma -- her
4 grandmother that's back here?
5 A Yes, ma'am.
6 Q Okay. You said on a piece of her
7 grandmother's land. Where was it?
8 A Bath Springs.
9 Q Okay. How far away from Holly's
10 house was this piece of land?
11 A 20 miles, 25 miles.
12 Q Far. And what were you doing?
13 A Turkey hunting.
14 Q Were you supposed to go to work
15 that day?
16 A Yes, ma'am.
17 Q And did you go to work that day?
18 A Yes, ma'am.
19 Q So despite -- what time were you
20 supposed to be there at work?
21 A 8:00.
22 Q Despite having to be at work at
23 8:00, you still turkey hunted that
24 morning.
25 A Yes.

1 Q With whom?

2 A My father.

3 Q And on this piece of land owned

4 by Holly's grandma, did you come -- did

5 you see people that morning?

6 A Yes, ma'am.

7 Q And do you know who those people

8 are?

9 A I knew one of them.

10 Q But you actually had a exchange

11 with them about hunting?

12 A Yes.

13 Q And after this exchange with

14 them, -- Because you were on grandma's

15 land, right?

16 A Yes.

17 Q Was there a series of calls or

18 texts back and forth between you and

19 Holly and Karen about your permission to

20 hunt on grandma's land?

21 A Yes.

22 Q And you had permission to be

23 there.

24 A Yes.

25 Q Do you remember the last text or

1 -- that you got from Holly that morning,
2 what time it was? And if you don't, it's
3 okay.

4 A I -- I don't.

5 Q Was it before you went to work
6 though?

7 A Yes.

8 Q And you had to be at work at 8?

9 A Yes.

10 Q Were you early to work that
11 morning?

12 A Yes, ma'am.

13 Q So the first -- the last time you
14 heard from Holly would have been before
15 you even got to work.

16 A Yes, ma'am.

17 Q And where did you work then?

18 A City of Parsons.

19 Q Do you still work there?

20 A Yes.

21 Q When's the last time you actually
22 saw Holly?

23 A The night before.

24 Q After that last text on the
25 morning of the 13th, you said you went on

1 to work.

2 A Yes.

3 Q At some point in the morning, did

4 something happen?

5 A Yes.

6 Q What happened?

7 A My foreman got a phone call, and

8 he came to me and had told me what

9 happened.

10 Q And what did you do when you got

11 the information about Holly?

12 A I left work and went to where my

13 dad worked and left from there.

14 Q Did your dad go with you?

15 A Yes, ma'am.

16 Q And where did y'all go?

17 A We went to the Bobos.

18 Q And over the next days and weeks,

19 were you over at the Bobos a lot?

20 A Yes, ma'am.

21 Q At some point in time, did law

22 enforcement come and ask you where you

23 were that morning, that kind of thing?

24 A Yes.

25 Q And you -- have you always been

1 cooperative with them?

2 A Yes.

3 Q And you were 20 miles away

4 hunting with your dad?

5 A Yes.

6 Q Talking with some other people?

7 A Yes.

8 Q And texting with Holly.

9 A Yes.

10 MS. NICHOLS: One moment, Your

11 Honor?

12 THE COURT: Yes.

13 Q Drew, I don't have any further

14 questions. Defense may.

15 THE COURT: Cross-examination.

16 MS. THOMPSON: One second, Your

17 Honor.

18 MS. NICHOLS: I'm sorry. I

19 apologize. Can I put this sack with the

20 box for later? The bag that it -- that I

21 took it out of?

22 MR. GONZALEZ: Your Honor, I

23 don't think the exhibit number was

24 actually read into the record for the

25 ring.

1 THE COURT: It was Exhibit 14. I
2 announced that it would be filed as
3 Exhibit 14. I think I did.

4 CROSS-EXAMINATION

5 BY MS. THOMPSON:

6 Q Mr. Scott, do you remember back
7 in April of 2011 what your telephone
8 number was?

9 A No, ma'am.

10 Q Would it have been, let's see, 7
11 -- start with area code (731)733-3933?

12 A No, ma'am.

13 Q Do you remember what it was?

14 A Not at the moment, no.

15 MS. THOMPSON: No more questions.

16 THE COURT: None?

17 MS. NICHOLS: No, sir.

18 THE COURT: All right. You can
19 step down, sir. You can remain in the
20 courtroom or you're free to be excused.

21 We're going to recess. 12:00
22 straight up and down. How about that?
23 Let's allow one hour for lunch. They're
24 going to bring it in, so that should be
25 adequate time. Have your next witness

1 ready to go at 1.

2 All right. Gentlemen that are
3 going to guard the jury, raise your right
4 hand, please.

5 (The jury was excused
6 from open court,
7 court officers were
8 duly sworn, and the
9 following proceedings
10 were had:)

11 THE COURT: All right. Start
12 right down here, state your name into the
13 record, please.

14 CURTIS MANSFIELD, JR.: Curtis
15 Mansfield, C-U-R-T-I-S, Mansfield, M-A-N-
16 S-F-I-E-L-D, Jr.

17 THE COURT: All right.

18 RICKY BRATTON: Ricky Bratton, R-
19 I-C-K-Y B-R-A-T-T-O-N.

20 DWAYNE STANFORD: Dwayne
21 Stanford, D-W-A-Y-N-E, Stanford, S-T-A-N-
22 F-O-R-D.

23 MARK AZBILL: Mark Azbill,
24 M-A-R-K A-Z-B-I-L-L.

25 THE COURT: All right.

1 (After a recess for
2 lunch, the jury returned
3 into court, and the
4 following proceedings were
5 had:)
6 THE COURT: All right. Be
7 seated, please. Are you folks reasonably
8 comfortable, as far as temperature? Like
9 I say, I'm hot-natured. I'd freeze you
10 to death if I got it where I wanted it.
11 All right, State call your next
12 witness.
13 MS. NICHOLS: Your Honor, the
14 State calls James Barnes.
15 THE COURT: When you get a
16 chance, photograph Exhibit 14 where we
17 can substitute a photo.
18 JAMES BARNES was called and being
19 first duly sworn, was examined and
20 testified as follows:
21 THE COURT: Be seated. State
22 your name, first and last, and spell them
23 for the court reporter.
24 THE WITNESS: James Barnes.
25 J-A-M-E-S B-A-R-N-E-S.

1 THE COURT: All right, thank you.

2 MS. NICHOLS: May I proceed, Your
3 Honor?

4 THE COURT: You may.

5 DIRECT EXAMINATION

6 BY MS. NICHOLS:

7 Q Mr. Barnes, you actually go by
8 Ed; is that right?

9 A (Witness nodded)

10 Q Is that your -- You have to
11 answer out loud.

12 A Not really. I mean, not since I
13 was a kid.

14 Q I've heard some people call you
15 Ed. Do you prefer James?

16 A My mother.

17 THE COURT: His mother, okay.

18 Q Gotcha. Well that's probably
19 where I heard it. I'm not asking you for
20 your address, your current address, but
21 what city do you live in?

22 A Darden, Tennessee.

23 Q How long have you lived in
24 Darden?

25 A About 14 years now.

1 Q Do you know a family by the name
2 of -- the Bobo family that lived on Swan
3 Johnson Road?
4 A Yes, they're right next door.
5 Q And when you lived next door, was
6 that -- did that encompass a period of
7 time in 2011?
8 A Yeah.
9 Q And I asked you about the Bobo
10 family in general. Do you know the -- I
11 guess the husband and father in the
12 house, Dana Bobo?
13 A Yes, ma'am.
14 Q And the mother was who?
15 A Karen.
16 Q Karen. And do you know their
17 children by any chance?
18 A Clint and Holly.
19 Q Okay. You didn't go to school
20 with them, did you?
21 A No, ma'am.
22 Q Was your relationship basically
23 just knew them because they were your
24 neighbors?
25 A Yes, ma'am.

1 Q You didn't socialize with them.
2 You weren't going back and forth --
3 A No.
4 Q -- grilling out or anything like
5 that?
6 A No.
7 Q I want to draw your attention to
8 probably about 7:45 in the morning
9 approximately on April the 13th of 2011,
10 and ask whether you were home that
11 morning.
12 A Yes, ma'am.
13 Q And you said you lived next door
14 to the Bobos. Is that next door like you
15 can reach out and touch your neighbor, or
16 is there some distance between the
17 houses?
18 A No, it's about 750 feet.
19 Q Okay. And who all lived at your
20 house or on your property?
21 A At the time, just me and my ex-
22 wife, Cassie Bates.
23 Q Was there a child there as well?
24 A Yes, Everett. I'm sorry.
25 Q And was that a young child?

1 A Yes.

2 Q A baby?

3 A He was --

4 Q Toddler?

5 A -- four I think.

6 Q Okay.

7 A Four or five.

8 Q And did your mother stay around

9 there as well?

10 A Yeah. I don't think she had

11 moved off at the time yet.

12 Q So what does that mean? You

13 don't think she had moved off?

14 A Yeah. She moved up here to

15 Lawrence County.

16 Q Okay. So at that time though she

17 was --

18 A Yeah, I think she was still

19 there.

20 Q -- on the property.

21 A Yeah.

22 Q All right.

23 A But she wasn't currently there

24 that morning though.

25 Q She was not?

1 A No.

2 Q Okay. But were there two places
3 that you could live there, like a trailer
4 and a house?

5 A Yes, ma'am.

6 Q Which one did you stay in with
7 your ex-wife and the child?

8 A The trailer.

9 Q Couldn't hear you.

10 A The trailer.

11 Q Okay. And your mom, when she was
12 there, did she stay in the house?

13 A Yes.

14 Q And were they close to one
15 another?

16 A Yeah.

17 Q In addition to the trailer and
18 the house, were there any other I guess
19 buildings there on your property, like a
20 barn or a shed or anything that --

21 A Not at the time I don't think.

22 Q I'm sorry?

23 A Not at the time.

24 Q Now you're going to have to speak
25 up because I'm having trouble hearing

1 you.

2 A I'm sorry.

3 Q It's all right. You get in this

4 big room and your voice kind of goes

5 away. Were you working at the time?

6 A Yes, ma'am.

7 Q Where did you work?

8 A For myself.

9 Q Doing what kind of work?

10 A Construction, contracting.

11 Q And were you in the middle of a

12 project that April?

13 A Yes.

14 Q And did that cause you to get up

15 and leave normal time, 7:30, 8:00 in the

16 morning every morning?

17 A Yes, ma'am.

18 Q Did you and your ex-wife have one

19 or more cars?

20 A Just one.

21 Q And because you had one car, does

22 that mean y'all shared one?

23 A Yes.

24 Q In other words, you would take

25 her places or the --

1 A Yes, ma'am.

2 Q -- child places? And what was
3 your habit in terms of getting your --
4 her child to daycare?

5 A We took him to different places,
6 his grandmother's, to the daycare center
7 in Parsons, a couple of different places.

8 Q Well on April the 13th, do you
9 remember where he was going at that time?

10 A Yeah, we were taking him to his
11 grandmother's in Perry County.

12 Q His grandmother's in what county?

13 A Perry County.

14 Q Perry County. Now, do you
15 remember something that sort of
16 interrupted the morning routine with
17 getting you and your ex-wife and the
18 child to the right places? Did something
19 happen?

20 A Yeah.

21 Q Would you tell the jury? Because
22 they want to hear it.

23 A Okay. About 7:50, sometime like
24 that, I heard some arguing going on next
25 door, so -- so I kind of looked through

1 the trees to see what was going on and
2 couldn't see anything at all, and she
3 started screaming a little and then she
4 quit, and my girlfriend came outside, so
5 -- so I told her to get in the truck and
6 we went down, and we sat at the end of
7 the driveway for a few minutes and didn't
8 see or hear anything, so we went ahead
9 and went on to work.

10 Q All right. Before you go any
11 further, were you out -- you were outside
12 when you first heard the screaming?

13 A Yes, ma'am.

14 Q Do you remember what you heard or
15 what words you heard?

16 A Sounded like she was arguing with
17 somebody, and she said, "Stop. I said
18 stop."

19 Q "Stop. I said stop."

20 A Yeah.

21 Q And at that -- when you heard
22 that, did it sound frantic to you, or did
23 you just think someone was messing
24 around?

25 A No. It sounded like she was

1 arguing with somebody she knew. I mean,
2 it didn't sound nothing serious really.
3 I mean ...

4 Q At that point.

5 A Yeah.

6 Q Okay. Did something happen or
7 did you hear additional screams later
8 that made you actually walk to the tree
9 line?

10 A Yeah. She kind of cut out mid-
11 scream, and it just didn't sound right,
12 and so -- and my dogs were raising Cain.
13 So, I kind of went over there to see what
14 was going on, and like I said, I couldn't
15 see anything from where I was at.

16 Q How long did the screaming last?

17 A Maybe a minute, minute and a
18 half. I mean ...

19 Q And other than No and Stop, did
20 you hear anything -- And you said "her."
21 Did it sound like it was a female's
22 voice?

23 A Yeah.

24 Q Other than the No and the Stop,
25 did you hear any other words?

1 A No.

2 Q You've got to answer for the
3 court reporter.

4 A No.

5 Q Thank you. All right. Now you
6 said that you finished loading up your
7 car with your ex-wife and the child and
8 that you went down your driveway; is that
9 correct?

10 A Yes, ma'am.

11 Q And went to the base of the
12 Bobo's driveway?

13 A Yes, ma'am.

14 Q Did you actually turn up in the
15 driveway?

16 A Just barely; I just kind of
17 pulled my truck up in there and stopped.

18 Q And did you pull your truck up in
19 it but still aiming like you were going
20 to be driving down the road, or did you
21 pull it up facing the house?

22 A Well actually pulled up facing
23 the house.

24 Q Okay. And how long did you sit
25 there?

1 A About two or three minutes.

2 Q Did you hear anything else?

3 A Nothing. We turned the engine

4 off. There were no vehicles, no nothing.

5 Q So at that point, you didn't have

6 anything to worry about I guess.

7 A Well I thought so.

8 Q I'm sorry?

9 A I thought so.

10 Q Okay. And so did then you

11 continue on your way?

12 A Well, we -- we left, and we made

13 it about to Parsons and -- which is about

14 four or five minutes away, and me and my

15 girlfriend just wouldn't drop it, so we

16 called my mom and had her call Ms. Karen.

17 Q You said you called your mom.

18 Did you ask your mom whether or not she

19 had heard anything?

20 A Yeah. I asked her if she had

21 heard them arguing earlier that morning.

22 Q And had she?

23 A No.

24 Q And you said you had your mom or

25 asked -- well, asked your mom to call Ms.

1 Karen. Did you know where Ms. Karen
2 worked?
3 A Yes.
4 Q And actually your mom used to
5 work there as well.
6 A Yes, and my previous ex-wife.
7 Q Okay. Your previous ex-wife.
8 A Yeah.
9 Q So everybody kind of knew
10 everybody. All right.
11 A Number two.
12 Q And after getting your mother or
13 telling your mother that information, did
14 you go on to work?
15 A Yes.
16 Q And later on in the day, did you
17 I guess receive some information that you
18 thought was probably related to what you
19 heard?
20 A Yeah, the -- the TBI said that
21 they needed me to come home because they
22 had to question me immediately.
23 Q You got to speak up.
24 A The TBI told me that I had to
25 come home because they had to question me

1 immediately.

2 Q Okay. And did you do that?

3 A Yes.

4 Q All right.

5 A I got there at 11:50.

6 Q And I think it's pretty obvious

7 from the fact that -- who you were with

8 and the baby, you dropped the baby off

9 and your -- your ex-wife to work and were

10 on the job, but you didn't have anything

11 to do with what happened to Holly Bobo.

12 A No, ma'am.

13 Q All right. Just you happened to

14 have heard something, told your mom and

15 your mom called Karen Bobo.

16 A Yes.

17 Q Let me pass forward two -- two

18 pictures.

19 MS. NICHOLS: May I approach,

20 Your Honor?

21 THE COURT: You may.

22 Q Two photographs. Take a look at

23 the first one. Do you recognize what

24 that is?

25 A Sort of.

1 Q What does it look like?

2 A It's the side of their garage or
3 their house.

4 Q Speak up.

5 A The side of their garage or their
6 house.

7 Q All right. And does it show the
8 edge of where your property might start,
9 or the direction that your property would
10 be in?

11 A I think I'd be more over here.

12 Q Okay. Let me show you the second
13 picture. Do you recognize this?

14 A Yeah. I would be right here,
15 right below those two pine trees.

16 MS. NICHOLS: Your Honor, I'm
17 going to ask that these two photographs
18 be marked as the next numbered exhibit.

19 THE COURT: All right. It'll be
20 Exhibit 15 and 16.

21 (Exhibits 15 and 16 were
22 marked and entered.)

23 Q I'm going to ask Mr. Ragland to
24 put the first picture up on the screen,
25 and if you'll still speak up, I want you

1 to tell the jury what you were telling
2 me. What do you recognize the side of
3 this building to be?
4 A I said I think that's their
5 garage.
6 Q Okay. And would your house be to
7 the left or to the right?
8 A Over there.
9 Q This way?
10 A Yes, ma'am.
11 Q That my pointer is?
12 A Yes, to -- to the right.
13 Q And what is between the two
14 houses?
15 A A pond.
16 Q A pond. Now I'm going to ask
17 that the next exhibit be published. And
18 what do you recognize this to be?
19 A A picture facing over towards my
20 house.
21 Q All right. I'm going to pass you
22 the pointer and ask if you can show the
23 jury. It's that button right there.
24 A Yeah.
25 Q If you can show the jury where

1 your house is.

2 A Well, my house is about right
3 there, but when the event happened, I was
4 standing in the treeline about right
5 there, right below those two pine trees.

6 Q All right. And so from that
7 distance, you said it was about 750 feet?

8 A Somewhere in there.

9 Q It's quiet there.

10 A Yeah.

11 Q And you were --

12 A Especially in the morning.

13 Q All right. And you were able to
14 hear the screams from the area of the
15 Bobo house.

16 A Yes, ma'am.

17 Q And you said your dogs heard
18 them, too.

19 A Yes. Oh, you ain't getting it
20 back.

21 MS. NICHOLS: One moment.

22 Q Mr. Barnes, I don't have anymore
23 questions. The defense probably does.

24 THE COURT: All right, Cross-
25 Examination, please.

1 MS. THOMPSON: Yes, Your Honor.
2 Can we turn this off just because it
3 shines so brightly in my eyes?
4 CROSS-EXAMINATION
5 BY MS. THOMPSON:
6 Q Mr. Barnes, my name is Jennifer
7 Thompson, and I am representing Zach
8 Adams in this case who's the Defendant.
9 Now, I wanted to clarify a few things
10 from your testimony. Maybe I couldn't
11 hear you; you're somewhat soft-spoken.
12 A I'm sorry.
13 Q Or maybe I misunderstood, but, in
14 fact, your mother was on your -- she was
15 at your house that morning or on the
16 property that morning, wasn't she?
17 A Yeah, she had left pretty early
18 that morning.
19 Q But she was -- well first let me
20 just go through. You gave multiple
21 statements to the police and different
22 law enforcement --
23 A Yeah.
24 Q -- agencies over time, didn't
25 you?

1 A Yes.

2 Q Matter of fact, you were
3 interviewed that very same day that Holly
4 disappeared, April the 13th.

5 A Yes, ma'am.

6 Q And you'd agree with me that your
7 memory and your statement that you gave
8 that morning is probably the most
9 accurate of all the statements, wouldn't
10 you?

11 A Yes.

12 Q Because it was so fresh in time.

13 A Yeah.

14 Q To the incident. And in that
15 statement, you agree that it was around
16 7:45 that you were loading tools into
17 your pickup truck.

18 A Yes, ma'am.

19 Q What kind of truck did you have
20 on that day?

21 A A really old '87 F150.

22 Q And what color was it?

23 A Black.

24 Q Okay. And it had space in the
25 truck for the car seat, you and your

1 wife.

2 A Yes.

3 Q And it was when you were -- You
4 were outside when you're loading these
5 tools in the truck, weren't you?

6 A Yes, ma'am.

7 Q And it's while you were loading
8 the tools in the truck that you began to
9 hear a girl screaming.

10 A Yes.

11 Q And it sounded like it was coming
12 in the direction -- from the direction of
13 the neighbor's house.

14 A Yes, ma'am.

15 Q Okay. And your first thought was
16 it was someone was playing or chasing a
17 girl around.

18 A Yes, ma'am.

19 Q And maybe even that they had a
20 snake because of the way that the girl
21 was screaming.

22 A Yes, ma'am.

23 Q And the girl was screaming, Stop,
24 Stop, Don't, Don't; is that correct?

25 A (Witness nodded head)

1 Q Okay. And when you heard this,
2 you walked a little closer to the
3 property and the treeline, didn't you?
4 A Yes, ma'am.
5 Q You looked through the trees, but
6 you did not see anything at the time.
7 A Nothing.
8 Q And the screaming seemed to last
9 for just one or two minutes.
10 A (Witness nodded)
11 Q Sometime after the screaming
12 stopped, your ex-wife, Cassie Bates, came
13 outside; isn't that right?
14 A Yes, ma'am.
15 Q She got in your truck, and you
16 asked her if she had heard screams.
17 A Yes.
18 Q And she said no, and you started
19 to leave.
20 A (Witness nodded)
21 MS. NICHOLS: Your Honor, the
22 witness didn't answer that question.
23 Q Sorry. You -- I think you nodded
24 your head.
25 A I said yes.

1 Q Okay. She said no, and you
2 answered ...

3 A What -- what did I say to Cassie?

4 Q Okay. Strike that.

5 A Is that what you're asking me?

6 Q I just wanted you -- you to
7 repeat your last answer. I think your
8 last answer was no.

9 A What did you say? I'm sorry,
10 could you please repeat it?

11 Q Okay. That's where it gets
12 confusing. She entered the truck, you
13 asked her if she -- she had heard
14 anything, and she answered ...

15 A No, she didn't hear anything.

16 Q All right. And there were two
17 different ways that you could have taken
18 off that morning to go to drop your
19 stepson off at daycare, weren't there?

20 A Yes, ma'am.

21 Q One way was the direction away
22 from the Bobo home and one way was where
23 you would pass the Bobo home; is that
24 right?

25 A Yes, ma'am.

1 Q And usually you took the other
2 direction away from the Bobo home, didn't
3 you?

4 A Yeah, 'cause it's a gravel road
5 and --

6 Q Right.

7 A -- junky.

8 Q But because of what you had heard
9 that morning, and it was so unusual, you
10 decided to change your normal course of
11 behavior, didn't you?

12 A Immediately.

13 Q Because after the way that your
14 -- your dogs, -- I mean, your animals
15 there around you even reacted to the
16 screams they were hearing, didn't they?

17 A Yes, ma'am.

18 Q Matter of fact, they put their
19 ears back and they kind of cowered down,
20 didn't they?

21 A Yes.

22 Q And that meant something to you,
23 too, also, didn't it?

24 A Yeah.

25 Q So you decided you would drive

1 past the Bobo house.

2 A Yes, ma'am.

3 Q And when you drove past the Bobo

4 house, you slowed down to look, didn't

5 you?

6 A And I pulled in their driveway.

7 Q Pulled in their driveway and

8 paused for a few minutes.

9 A Turned the engine off.

10 Q What?

11 A I turned the engine off.

12 Q Okay. Turned the engine off.

13 A So that way I could hear anybody.

14 There was nothing.

15 Q Because had you heard anybody at

16 that moment, you would have gone and

17 further investigated, wouldn't it?

18 A Oh, yeah.

19 Q And even when you heard someone

20 screaming, you did not ever hear this

21 woman that was screaming yell Help, did

22 you?

23 A No, ma'am.

24 Q If you'd have heard somebody yell

25 Help, you would have gone to help;

1 wouldn't you have?

2 A Yes, ma'am.

3 Q Okay. And so you heard nothing

4 when you paused in the driveway and

5 turned off the engine, did you?

6 A Nothing.

7 Q And there were no cars in the

8 driveway.

9 A Nothing.

10 Q And from the time that you were

11 in your driveway, you didn't see any cars

12 pass your house, did you?

13 A No, absolutely nobody came out

14 even going the opposite direction from

15 their house because I kept an eye on the

16 place from the time that I went from the

17 place where I was getting the tools 'til

18 I got in the vehicle to go down there.

19 Q Okay. And so after you pass the

20 Bobo's house, there's not another street

21 between your house and the Bobo house, is

22 there?

23 A No, ma'am.

24 Q I mean, there's no T-bone or

25 cross street or anything.

1 A No.

2 Q And after you pass the Bobo's
3 house, there's a small logging road on
4 the --

5 A Left-hand.

6 Q -- left-hand side as you're
7 driving north.

8 A Yes, ma'am.

9 Q Okay. And did you look down that
10 logging road?

11 A Yes, ma'am.

12 Q Did you see anything?

13 A Nothing.

14 Q And did you see any cars on the
15 right-hand side of the road?

16 A No.

17 Q Okay. And then just a little
18 further down, you get to a stop sign,
19 don't you?

20 A (Witness nodded)

21 Q Does that -- Does that area there
22 have -- that road down there have a name?

23 A Five Forks is what --

24 Q Five Forks.

25 A -- they call it.

1 Q Okay. And did you see any cars
2 there?

3 A No, ma'am.

4 Q And that's where you turned when
5 you went on your way towards Perry
6 County, isn't it?

7 A Yes, ma'am, through Parsons.

8 Q Through Parsons, yes. And then
9 -- But it's when you got to the Five
10 Forks corner that you stopped and made a
11 telephone call, isn't it?

12 A Yes, ma'am.

13 Q Because even though you had seen
14 nothing and you had heard nothing, you
15 were still so disturbed by the screaming
16 that you wanted to let your mother know
17 about it.

18 A Yeah, it didn't seem right.

19 Q And so you called your mother and
20 asked her to call Karen Bobo.

21 A Yes, ma'am.

22 Q And you used a cellphone that
23 morning to make that call.

24 A Yes.

25 Q And are you aware that that call

1 was made at 7:47?

2 A I didn't know what time it was.

3 Q If your cellphone records show

4 that it was made at 7:47, would that be

5 accurate?

6 A Yeah, I would say so.

7 Q Because I think initially at some

8 point, you said that you had heard that

9 screaming sometime between 7:40 and 7:45,

10 was when you heard the initial screams.

11 A I was outside at the time. I

12 don't know exactly what time it was. I

13 went outside about 7:15 to start loading

14 up. I mean ...

15 Q Okay.

16 A The best I can do is give you a

17 guess of what time it was. I mean ...

18 Q Because you weren't wearing a

19 watch, you weren't keeping --

20 A No.

21 Q -- track of time. Okay. And at

22 some point later that morning, your

23 mother called you and told you to return

24 home.

25 A Well, actually I had numerous

1 messages from her and the TBI and several
2 others.

3 Q Okay.

4 A Others indicating that I had to
5 come home for questioning.

6 Q Okay. And so you -- you left and
7 you came back to your house.

8 A Yes, ma'am.

9 Q And I know you said you heard
10 somebody yelling, Stop, Stop, Don't,
11 Don't, but at some point, you even
12 acknowledged that you had heard the
13 person yelling, Stop, goddammit, stop it.

14 A Yeah, that --

15 Q Do you remember that?

16 A When it started escalating
17 towards the end, yes.

18 Q So there were actually some curse
19 words that were coming out.

20 A One.

21 Q Okay. And so eventually you were
22 questioned multiple times by the TBI and
23 the FBI over this incident, weren't you?

24 A Yes, ma'am.

25 Q At some point you became a -- a

1 prime suspect in this matter, didn't you?

2 A Yes, ma'am.

3 Q And one of the reasons that they

4 didn't believe you is because they

5 thought that you --

6 MS. NICHOLS: Your Honor, I'm

7 going to object about how can he possibly

8 know why they --

9 THE COURT: why they didn't

10 believe him. Improper question.

11 Objection sustained.

12 Q Okay. Was there an issue that

13 they questioned about your testimony or

14 your version of the story?

15 MS. NICHOLS: And I'm going to

16 object to hearsay if she's asking what a

17 TBI agent questioned him about.

18 MS. THOMPSON: The questions I

19 think are specific --

20 THE COURT: Objection sustained.

21 MS. THOMPSON: They're excluded

22 by the hearsay rule.

23 THE COURT: Objection abstained

24 -- sustained.

25 Q So --

1 A If it helps you any, I don't know
2 why.
3 Q what?
4 A I said, if it helps you any, I
5 don't know why anyway.
6 THE COURT: After all that, okay.
7 Q Okay.
8 A You can ask four different ways.
9 Q But you were brought in and
10 actually at some point, you were
11 questioned for hours.
12 A Several times.
13 Q Several times in a small room.
14 A Yes, ma'am.
15 Q And the TBI and the FBI
16 continually came to your house and to
17 your mother's house.
18 A Yes, ma'am.
19 Q Do you remember that dogs that
20 day were tracking Holly's scent over to
21 your house?
22 A With my dogs?
23 Q No, no, other tracking dogs --
24 A Oh, yes, ma'am.
25 Q -- followed a scent to your house

1 that day.

2 A Yes, ma'am.

3 Q Okay. When the whole time, you
4 were not involved in the disappearance of
5 Holly Bobo, were you?

6 A No, ma'am.

7 Q And you were simply trying to be
8 a good Samaritan by -- by calling the
9 neighbor, weren't you?

10 A Yes, ma'am.

11 Q And you heard someone that you
12 thought sounded like they were in
13 trouble, and you were trying to help
14 them, weren't you?

15 A Yes.

16 Q The TBI eventually had you write
17 out a statement, didn't they?

18 A Yes, ma'am.

19 Q In the statement you wrote:
20 "My name is James Barnes. I've
21 provided a written --"

22 MS. NICHOLS: Your Honor, I'm
23 going to object. That's an improper way
24 to ask a question. We don't read
25 statements.

1 THE COURT: Unless it's prior
2 inconsistent or something like that, it's
3 not used.

4 MS. THOMPSON: Well, I can ask
5 him if these -- if these statements are
6 true, or, I'd like to ask you if these
7 things are true.

8 THE COURT: All right. Then
9 don't go by the statement. Just ask him
10 if it's true.

11 A I thought I already had to sign
12 something to that effect --

13 Q Okay. And I'm going to just --

14 A -- saying that my statement was
15 true under penalty of law.

16 MS. THOMPSON: If the witness
17 will not --

18 THE COURT: Wait, wait, wait.

19 MS. THOMPSON: If the witness --

20 THE COURT: If there's an
21 objection, you need to just hold on for a
22 minute, okay? Because I might not allow
23 the question, I might. Okay?

24 THE WITNESS: Okay.

25 THE COURT: Thank you.

1 MS. NICHOLS: What I was going to
2 say is, she said she wanted to know if
3 these things are true. She can ask him
4 any question. If he answers
5 inconsistently --

6 THE COURT: That's what I just
7 said.

8 MS. NICHOLS: Yeah.

9 THE COURT: Okay. Let's move on.

10 Q You recognized the scream that
11 morning as being that of a young girl.

12 A Yes, ma'am.

13 Q You had met Holly before.

14 A Yes, ma'am.

15 Q You recognized it as what you
16 thought was Holly's voice.

17 A Yes, ma'am.

18 Q You were outside by yourself.

19 A Yes, ma'am.

20 Q Cassie Bates was still inside.

21 A Yes, ma'am.

22 Q And your mother, Kathy Wise, was
23 at home also.

24 A No, she wasn't home at the time.

25 Q She was in her home.

1 A No.

2 Q So your mother, Cassie Bates, not
3 -- your mother, Kathy Wise, you're now
4 saying she was not at home?

5 A I don't think she was at home.

6 Q Where do you think now she was?

7 A I think she had went to town for
8 something.

9 Q Okay.

10 A If she had been home, she would
11 have been out there helping me load up
12 tools. I know her.

13 Q Now, she didn't live in town, did
14 she?

15 A No.

16 Q She lived on the property?

17 A Between there and her new place
18 in Lawrenceburg.

19 Q Okay. Okay. When she lived on
20 the property, did she live in the barn
21 behind your house?

22 A . Yes, ma'am.

23 MS. THOMPSON: Okay. So now I'd
24 like to ask about a prior inconsistent
25 statement, Your Honor.

1 THE COURT: All right. Does it
2 follow what you just asked him?
3 MS. THOMPSON: Yes, Your Honor.
4 THE COURT: Okay, you may.
5 Q So, when you made your written
6 statement, didn't you in fact say that:
7 "My mother, Kathy Wise, was in
8 her home, the barn behind my house."
9 A I don't know what I put in the
10 written statement. That was six years
11 ago. But if -- if she was home and I
12 said she was in there, then she may have
13 been, but I don't recall her being home.
14 Q Okay. So now it's just a fuzzy
15 memory for you.
16 A That's what seven years does.
17 Q Yes. And just in case not
18 everybody knows, Perry County is east of
19 Parsons, Tennessee; isn't that right?
20 A Yes, ma'am, the next county over.
21 Q Towards the Tennessee River.
22 A Yes.
23 Q Do you remember what your
24 telephone number was at the time?
25 A No.

1 Q Okay. At some point things grew
2 very uncomfortable between your family
3 and the Bobo family; didn't they?
4 A Yes.
5 Q And grew uncomfortable between
6 your mother and the Bobo family; didn't
7 it?
8 A Yes.
9 Q Do you still live on that
10 property?
11 A Yes.
12 Q Does your mother live there
13 anymore?
14 A No.
15 Q And she -- you said earlier she'd
16 moved to Lawrence County.
17 A She was in the process of it.
18 Q Okay.
19 A I'm not sure what part of the
20 process she was at at that time. I don't
21 remember. Like I said, it's been a long
22 time ago.
23 Q Okay.
24 MS. THOMPSON: If I could have
25 one second.

1 Q Would it be accurate to say that
2 for over a year, the TBI continually came
3 around your house to attempt to get you
4 to confess?

5 A Yes, ma'am.

6 MS. THOMPSON: No further
7 questions.

8 THE COURT: Anything else?
9 Further Direct?

10 MS. NICHOLS: Yes, sir, very
11 briefly.

12 REDIRECT EXAMINATION

13 BY MS. NICHOLS:

14 Q Would it also be accurate to say
15 that you didn't have anything to do with
16 it?

17 A Yes, ma'am.

18 Q All right. One last question
19 about the series of questions about how
20 you perceived the screams. They were
21 frightening enough to you that when you
22 heard them or when it stopped, you
23 actually got a cold chill.

24 A Oh, yeah. My hair stood up
25 everywhere, and I looked around and every

1 one of my dogs, they were on the ground,
2 their ears were up, and Cassie walked
3 outside right then, and I just told her,
4 I screamed at her, and I said, "Get in
5 the truck now," and she thought she had
6 done something wrong or something.

7 Q It was that --

8 A But we got down there within
9 about 45 seconds.

10 Q It was that impactful to you
11 though.

12 A Yes, ma'am.

13 MS. NICHOLS: That's all, Your
14 Honor.

15 THE COURT: Anything else?

16 MS. THOMPSON: Nothing further.

17 THE COURT: All right. You can
18 step down, Mr. Barnes. You're free to be
19 excused or you can remain in the
20 courtroom.

21 Call your next.

22 MS. NICHOLS: Karen Bobo.

23 THE COURT: Karen Bobo. Oh, she's
24 here. I forgot she's your representative.

25 END OF VOLUME III.