

W2020-01208-CCA-R3-CD

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

4
5 STATE OF TENNESSEE

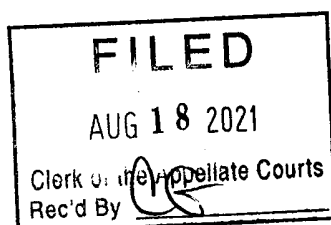
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7 vs. Case No. 17-CR-10

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9 ZACHARY RYE ADAMS

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11 TRANSCRIPT OF EVIDENCE
12 VOLUME IV
13 SEPTEMBER 11, 2017

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TABLE OF CONTENTS

VOLUME IV

| | | | |
|----|-----------------------------|------|-----|
| 3 | KAREN BOBO | | |
| 4 | Direct Examination | Page | 436 |
| 5 | Cross-Examination | Page | 516 |
| 6 | CLINT BOBO | | |
| 7 | Direct Examination | Page | 521 |
| 8 | Cross-Examination | Page | 568 |
| 9 | Redirect Examination | Page | 582 |
| 10 | JOHN BABB | | |
| 11 | Direct Examination | Page | 586 |
| 12 | TONY WEBER | | |
| 13 | Direct Examination | Page | 603 |
| 14 | Cross-Examination | Page | 616 |
| 15 | CERTIFICATE OF THE REPORTER | Page | 633 |
| 16 | CERTIFICATE OF THE COURT | Page | 634 |

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| | | |
|----|------------------------------|----------|
| 1 | <u>EXHIBIT INDEX</u> | |
| 2 | <u>VOLUME IV</u> | |
| 3 | EXHIBIT 17, CD | Page 455 |
| 4 | EXHIBIT 18-25, Photographs | Page 460 |
| 5 | EXHIBIT 26, Panties | Page 467 |
| 6 | EXHIBIT 27 & 28, Photographs | Page 470 |
| 7 | EXHIBIT 29, Paper | Page 477 |
| 8 | EXHIBIT 30, Lunch Box | Page 479 |
| 9 | EXHIBIT 31, Purse | Page 480 |
| 10 | EXHIBIT 32, Camera | Page 481 |
| 11 | EXHIBIT 33, Key Ring | Page 482 |
| 12 | EXHIBIT 34, wallet | Page 483 |
| 13 | EXHIBIT 35, Photographs | Page 542 |
| 14 | EXHIBIT 36, Map | Page 598 |

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1 KAREN BOBO was called and being
2 first duly sworn, was examined and
3 testified as follows:

4 THE COURT: Be seated. State
5 your name for the record and spell first
6 and last.

7 THE WITNESS: Karen Bobo. K-A-R-
8 E-N B-O-B-O.

9 THE COURT: Let me see counsel up
10 here just a minute.

11 (There was a conference
12 at the bench, out of
13 the hearing of the
14 jury, as follows:)

15 THE COURT: There's two things I
16 want to cover at this time. First of
17 all, I think I've made it abundantly
18 clear earlier that there's to be no
19 mention of polygraph concerning anybody,
20 anything. Now I think everybody's on the
21 same page with that. And we're going to
22 have a motion in limine by the State
23 concerning this witness that's still in
24 place. Okay. You know what I'm talking
25 about?

1 MS. THOMPSON: Yes, sir.
2 THE COURT: Okay. Let's go.
3 (End of conference at
4 the bench.)
5 THE COURT: I think everybody
6 already knew what I mentioned.
7 But did you spell your name for
8 her?
9 THE WITNESS: I did, sir.
10 THE COURT: Was it -- Is it a K?
11 THE WITNESS: It is a K.
12 THE COURT: Okay. Thank you.
13 DIRECT EXAMINATION
14 BY MS. NICHOLS:
15 Q Just breathe. You were in THE
16 court -- present in court earlier when
17 Dana Bobo testified.
18 A Yes, ma'am.
19 Q And that's your husband?
20 A It is.
21 Q How long have y'all been married?
22 A 35 years.
23 Q You have children together?
24 A Two children, Clint and Holly.
25 Q And Holly's date of birth?

1 A 10/12/90.

2 Q And the whole time that she was
3 alive, where did you live?

4 A At our home, 681 Swan Johnson
5 Road, Darden.

6 Q And you also -- I'm going to ask
7 you speak up. I know it's hard, but I
8 want everybody over here to be able to
9 hear, okay?

10 A Yes, ma'am.

11 Q Had Holly ever moved out of the
12 house or did she -- once she graduated
13 from high school and started college, did
14 she stay in your house?

15 A Yes, she had always stayed in our
16 house. She never moved out.

17 Q There's been some mention today
18 about her being in a nursing program. So
19 let me ask you, when did she graduate
20 from high school?

21 A She graduated in '09.

22 Q Did she go to college first?

23 A She did. She actually took a
24 couple of classes in high school, college
25 classes, and then after graduating high

1 school, she went to college for a year.

2 Q And where did she go?

3 A Jackson State, Lexington campus.

4 Q And after that year, did she

5 transfer to a different program?

6 A She did. They -- It was a

7 bridging program, a 12-month program,

8 that bridged into the RN program, and

9 they were hand-picked, I believe 25, and

10 they called and asked her if she would be

11 in that program.

12 Q Okay. And where did she take

13 classes after her first year at Jackson?

14 A The nursing class was at UT

15 Martin Parsons campus.

16 Q And how far away from your home

17 was this UT Martin Parsons?

18 A About six miles.

19 Q And was it a rigorous program?

20 A Very rigorous.

21 Q How many days a week did Holly go

22 to school?

23 A Holly went to school four days a

24 week. She was off on Friday.

25 Q How did she spend her Fridays?

1 A She spent her Fridays house
2 cleaning. She would usually get up
3 pretty early, clean the house so she
4 could have the afternoon to do something
5 else.

6 Q What were Dana's hours back in
7 that time?

8 A To the best of my memory, he
9 probably left home around 5:30 and got
10 home around 5:30 or 6 in the afternoon.

11 Q And he was working for McKenzie
12 Tree Service?

13 A Yes, ma'am.

14 Q And what about you? How did you
15 spend your days?

16 A I spent my day teaching second
17 grade at Scotts Hill Elementary School.
18 I usually tried -- My goal was always to
19 leave at 7, by 7:00, and I got home
20 around 3:30 every day.

21 Q And what about Clint?

22 A Clint was working part-time and
23 going to school at UT Martin in Martin
24 two days a week, Tuesdays and Thursdays.

25 Q Your husband said that he was a

1 social worker. Was he already a social
2 worker at that time?

3 A No, ma'am. He was working at the
4 nursing home.

5 Q Studying to be what?

6 A Studying to be a social worker.

7 Q So is it fair to say that during
8 the day, you know, Monday through Friday,
9 except when Holly was off on Fridays,
10 generally was everybody gone?

11 A Yes, ma'am.

12 Q Who left first most days, Holly
13 or Clint?

14 A Most days -- Tuesdays and
15 Thursdays, Clint left early, like at
16 6:00. I think his first class was at 8
17 at Martin. And then on Monday and
18 Wednesday, I believe Holly left first.

19 Q And this routine, this -- this
20 family life, was that pretty -- does it
21 just repeat itself week after week?

22 A Yes, ma'am.

23 Q You guys going to work, Holly
24 going to school, Clint doing both?

25 A Yes, ma'am, very routine.

1 Q You saw me put a picture of a
2 young lady up on the overheard earlier.
3 who is that?

4 A That's my daughter, Holly.

5 Q And I want to draw your attention
6 to April the 13th of 2011, okay, and ask,
7 do you remember what day of the week that
8 was?

9 A Wednesday.

10 Q And was that Wednesday very much
11 like every other Wednesday in your
12 household?

13 A It was.

14 Q Do you remember if Holly had
15 anything special going on in school?

16 A When I got up that morning,
17 Holly's door was closed, Clint's door was
18 open. So I closed his door. He snores,
19 plus he had a surround sound. I think
20 the television was on and the surround
21 sound, so I closed his door and opened
22 hers, and she was sitting on the bed
23 studying. I think she told me she had
24 been up since 4:30 that morning studying.
25 So I went on about my business getting

1 ready. And then later I packed her lunch
2 and then she asked me to get her some
3 muffins.

4 Q All right. Let me stop you here.

5 A Yes, ma'am.

6 Q So this conversation that -- that
7 you had with her when she was sitting on
8 her bed, did she seem herself?

9 A Yes, ma'am.

10 Q Everything was normal?

11 A Everything was very normal.

12 Q And you said she was studying for
13 a test?

14 A She was. They had a test just
15 about every day but depending on what
16 they were studying as to how much she had
17 to study extra.

18 Q Right.

19 A So it must have been something
20 pretty hard.

21 Q Because she was already up.

22 A Because she was already up.

23 Q Okay. Now you said you went on
24 about your business. At some point, did
25 Holly leave her bedroom and go somewhere

1 else in the house?

2 A She did. She left her bedroom
3 and evidently had taken a shower and put
4 her clothes on.

5 Q And why do you say that?

6 A Because when I left, she was
7 sitting at the dining room table
8 studying, and she asked me could I grab
9 her some muffins, because I usually fixed
10 muffins every morning -- every other
11 morning, and I remember telling her yes,
12 and I got them out of the refrigerator
13 and put them in the microwave, and I
14 said, just heat them up, I'm in a hurry,
15 got to go.

16 Q You said you made her lunch.
17 What did you do with that?

18 A I think I stuck it back in the
19 refrigerator. That's what I did every
20 morning, made her lunch and then stuck it
21 back in the fridge.

22 Q And did you notice or see
23 lunch/gas money that had been left
24 somewhere in the kitchen by your husband?

25 A Yes. At some point in time, I

1 picked up the \$20.00 bill, and I guess
2 Holly must have been in the shower
3 because I went into her bedroom, and I
4 was afraid she would forget it because
5 that's just how I was, always doing
6 everything, making sure nobody forgot
7 anything, so I took the money, and I
8 actually put it in her wallet in her
9 purse.

10 Q And did you tell her goodbye?
11 A I did. Told her goodbye and I
12 loved her. That was --

13 Q Where was she when you told her
14 that?

15 A She was sitting at the dining
16 room table studying.

17 Q Do you remember what time you
18 left for work?

19 A Around 7.

20 Q And when you left, what door did
21 you go out of?

22 A I went out the back door, the
23 door I always used.

24 Q Now there have been some pictures
25 of an attached carport. Did you see

1 those pictures today?

2 A I did.

3 Q Is that the area that you parked

4 your car in?

5 A Yes, ma'am.

6 Q If you are -- If we are standing

7 outside of the carport looking at the

8 cars, you parked where?

9 A Holly parked on this side.

10 Q Left or right if we're looking at

11 the rear of the cars?

12 A If you're looking at the rear of

13 the cars, hers would be on the left and

14 mine would be on the right. So I had to

15 walk past her car to get to my car.

16 Q Was her car there?

17 A Her car was there.

18 Q Everything seem normal in your

19 garage or in your carport?

20 A Yes.

21 Q Did you see or hear anything that

22 concerned you?

23 A No.

24 Q You said you left approximately

25 7. When you got -- How long did it take

1 you to get to school?

2 A Takes me about 25 minutes.

3 Q Did you do anything special while

4 you were in the car driving?

5 A I talked to a friend of mine,

6 Tina Crews, on the phone.

7 Q And frankly, was that something

8 you did nearly every day?

9 A Yes. She had a long drive, I had

10 a long drive, so we usually talked every

11 morning on the way to school.

12 Q And did anything, any texts or

13 any calls, come in while you were talking

14 to Tina that interrupted that

15 conversation?

16 A Yes, Holly tried to call me.

17 Q Did you hang up with Tina or did

18 you not pick up on -- with Holly?

19 A I can't remember if I waited 'til

20 I got to school to call Holly and pulled

21 in the parking lot or if I let Tina go

22 and talked to Holly then.

23 Q But you talked to Holly on the

24 phone after you left your house, about

25 the time you were getting to school?

1 A Yes.

2 Q Okay. Did you talk to Holly once
3 or more than once?

4 A More than once.

5 Q And what in the world were y'all
6 talking about since she had a test and it
7 was time for you to go to work?

8 A Well she told me that she had
9 spoken with Drew, she had talked to Drew
10 on the phone, and that he was on my mom's
11 property turkey hunting and he had run
12 into my cousin's son, and that they had
13 questioned him and wanted to know who
14 gave him permission to hunt.

15 Q So he had permission to hunt,
16 right?

17 A He did. It was just kind of a
18 blanket permission.

19 Q So based on that conversation,
20 did you make some other calls, like reach
21 out and call your mother or do that kind
22 of thing?

23 A Yes. I don't remember in which
24 order, but I called Drew and asked him
25 was everything okay, and he told me that

1 Bo had asked him about who gave him
2 permission and he told him that Holly's
3 grandmother and told him that he was
4 Holly's boyfriend, and then I called my
5 mom and told her that Drew was over there
6 hunting, and then I called Holly back and
7 told her everything was okay.

8 Q And when you called her back to
9 say everything was okay, did you know at
10 that time whether she was still at home
11 or did you think she had left for school?

12 A No, she was still -- I think she
13 was still at home.

14 Q That's not -- You didn't ask her.

15 A I didn't ask her, no, but by the
16 time -- by the timing, I thought she was
17 still at home.

18 Q So, did all of these sort of back
19 and forth calls with your mom and Holly
20 and Drew, -- did that cause you to be a
21 minute late to get into your classroom or
22 to get into the school?

23 A Yes, it did, and we're not
24 supposed to have our cellphones with us,
25 so I left my phone in my room and I

1 walked to the cafeteria where my students
2 already were, and the other second grade
3 teacher was watching both classes.

4 Q And so the other teacher had
5 actually had to carry your kids to the --

6 A Yes.

7 Q -- to the cafeteria.

8 A Yes.

9 Q All right. And you said you left
10 your phone in your room.

11 A Yes.

12 Q Your classroom.

13 A Yes, ma'am.

14 Q And do you remember about what
15 time breakfast at Scotts Hill -- Is it
16 elementary?

17 A Yes, ma'am.

18 Q Okay. Like what time was that
19 when you were in the cafeteria with the
20 kids?

21 A We usually went to breakfast I
22 think about 7:35 or 7:40, somewhere
23 around there.

24 Q So they were already there and
25 you walked in.

1 A Yes.

2 Q Nevertheless, was it before 8?

3 A Yes, ma'am.

4 Q Was the -- Was your plan that you
5 would be the one to take the kids back to
6 the classroom?

7 A Yes, ma'am.

8 Q All right. Did you do that?

9 A No.

10 Q Tell the jury what happened.

11 A I hadn't been in the cafeteria
12 very long and the secretary of the school
13 came to the cafeteria, and she said that
14 the neighbor had called and said she
15 didn't want to alarm me, but she thought
16 she heard screams coming from my house.
17 So, that's not a phone call that I got
18 every day. I've never gotten a phone
19 call like that. So, I almost instantly
20 got into a panic at that point, walking
21 pretty fast back to the -- in the school
22 because our cafeteria is outside the
23 school. So I go back inside the building
24 and I -- I went and used the phone, and I
25 called --

1 Q Where did you go? You said you
2 go back in the building. Where; do you
3 remember?

4 A To the library.

5 Q Okay.

6 A To the closest phone I could get
7 to, which was -- normally would have been
8 the office phone, but I must have looked
9 over there and there were parents
10 bringing their kids in, so that's why I
11 used the library phone. But I called
12 Clint and I asked my son, Clint, "What's
13 going on," and he said, "Did Holly not
14 have school today," and I said, "Yes,
15 why," and he said, "Well, I think she's
16 out here with Drew." And I -- I don't
17 know what made me say it, I just -- this
18 instant panic came over me, and I said,
19 "That's not Drew. Call all the
20 neighbors," I think is what I said, and
21 then I ran over to the office and I
22 called 911. I don't remember exactly
23 what I said, but I remember they said it
24 was Henderson County. We live in Decatur
25 County, so I hung up. I think I fell on

1 the floor at that point. I guess I
2 called Clint back, but I don't really
3 remember now if it was from the library
4 phone or the office phone, and he was
5 still talking about was Holly not going
6 to school today, was she turkey hunting
7 with Drew, and I said, "That's not Drew,"
8 and at some point, I said, "Get a gun and
9 shoot him," and I remember Clint saying,
10 "You want me to shoot Drew?" And then a
11 friend of mine and co-worker, Terri
12 Brumley, I -- I think she pulled me up
13 out of the floor and she was pulling me
14 to her. We were trying to get to her
15 vehicle, and as soon as we got to her
16 vehicle, I called 911 again and I got
17 Decatur County that time.

18 Q So Terri Brumley is a friend and
19 a co-worker?

20 A Friend, co-worker, Holly's basket
21 -- used to be Holly's basketball coach.

22 Q So somebody that had known Holly
23 for --

24 A Since she was in sixth grade
25 maybe.

1 Q You said "she", being Ms.
2 Brumley, was pulling you towards where?
3 A Toward the gym. She parked in
4 front of the gym.
5 Q So she was going to take you.
6 A Yes, ma'am.
7 Q Were you in any shape to drive at
8 that point?
9 A No.
10 Q Did you have your cellphone?
11 A I didn't.
12 Q Because?
13 A Because it was down in my room.
14 Q Did Terry start heading back
15 towards your house?
16 A Yes.
17 Q And it's a -- you said 25 minutes
18 if you're not speeding.
19 A Yes, ma'am.
20 Q And you made another phone call.
21 Whose phone did you use?
22 A Terri's.
23 Q And who did you call?
24 A I called 911 with her phone.
25 Q And you got somebody that time on

1 the phone?

2 A I did.

3 Q Ask you to look at the disc and

4 see if you can tell us if you recognize

5 it or not.

6 A Yes, ma'am.

7 Q How do you recognize this disc as

8 opposed to every other disc?

9 A Because I initialed it.

10 Q What is it?

11 A It's my 911 call.

12 MS. NICHOLS: Your Honor, ask

13 that be marked as the next numbered

14 exhibit.

15 THE COURT: We are 17. Moved

16 into evidence, Exhibit 17.

17 (Exhibit 17 was marked

18 and entered.)

19 Q You said you initialed it. Did

20 you initial it after -- after listening?

21 A Yes, ma'am.

22 Q And does this truly reflect what

23 you told the 911 operator on your way

24 back home?

25 A Yes, ma'am.

1 MS. NICHOLS: Permission to
2 publish, Your Honor?

3 THE COURT: Yes.

4 (Exhibit 17 was played
5 in the presence and
6 hearing of the jury,
7 after which the following
8 proceedings were had:)

9 Q Did Terri drive you on home?

10 A Yes, she did.

11 Q When you got there, what was
12 going on at the house?

13 A I think I remember seeing two --
14 I remember seeing Jeremy -- Jeremy Pratt
15 because I knew him; he went to church
16 with us.

17 Q Who is that?

18 A He was a police officer for
19 Decatur County. And he told me I
20 couldn't go around to the back of the
21 house, I couldn't go in the woods, and I
22 remember just slinging him off of me and
23 I took off running; Terri and I both took
24 off running. I do remember seeing Clint
25 when I got there. I -- I think he was

1 standing out beside the cop car. I
2 remember seeing Kathy Wise, my neighbor.
3 I remember her saying, You can't go
4 around to the back of the house, and I
5 think I fell down then, too.

6 Q As the morning wore on, did more
7 people come?

8 A More people came.

9 Q Did more law enforcement come?

10 A They did.

11 Q You have any idea how many people
12 were out there at your house, in the
13 yard, the roads, the woods?

14 A I don't know.

15 Q At some point that day, were you
16 asked to leave your house so that law
17 enforcement could do some work there?

18 A Sometime; I think it was around
19 lunch maybe.

20 Q Did y'all do that?

21 A We did.

22 Q How long was it before you went
23 back to the house?

24 A Friday night. That was on
25 Wednesday, and we didn't even -- well we

1 went back and got some clothes maybe the
2 next day, but we didn't stay at our house
3 again until late that Friday night.

4 Q You said you wanted -- you took
5 off running through the woods with Terry.
6 What -- what were you doing? What were
7 you trying to do?

8 A I was just trying to find Holly.

9 Q And is that what you devoted
10 yourself to from that moment forward?

11 A Yes, ma'am.

12 Q Over the next days and weeks, did
13 your life change dramatically from what
14 it was when you got up on that Wednesday
15 morning?

16 A It did. It went from just a
17 average family, very routine, to there
18 was -- it was day and night and that's
19 about it. We didn't keep up with the
20 time. We were just looking for Holly.
21 And our house was full of people once we
22 got back home, and then I started keeping
23 notebooks and keeping notes, and we would
24 turn all the tips and leads in, but then
25 we would also follow up on them, too.

1 And we went to people's homes, questioned
2 them, and then if people weren't home,
3 when we thought a building look abandoned
4 or something, we would just go in it. We
5 were just constantly searching day and
6 night.

7 Q Not just you though, right?

8 A No, it was ...

9 Q A lot of people.

10 A A lot of people. I don't think
11 my sister or some of my teacher friends
12 went back to school the rest of that
13 year. And then we searched all summer,
14 and then I didn't go to work -- I didn't
15 go back that whole next year.

16 Q You said you didn't go back. You
17 mean you didn't go back to work?

18 A No, I didn't. And my mom moved
19 in with us and lived with us because I
20 wasn't capable of taking care of myself
21 basically.

22 Q I'm going to pass you a stack of
23 eight pictures. Keep them in this order
24 and look at them and tell me when you've
25 finished, okay?

1 A Okay.

2 Q Do you recognize what is in each
3 of those pictures?

4 A Yes, ma'am.

5 Q What do they show?

6 A They show the inside of our
7 house.

8 Q Just parts of the inside of your
9 house or all of it? Just a couple of --

10 A No, just parts of it.

11 MS. NICHOLS: Your Honor, I'm
12 going to ask that those be marked as the
13 next numbered exhibits.

14 THE COURT: 18 through -- what's
15 8?

16 MS. NICHOLS: Where did we leave
17 off, 18? 26.

18 THE COURT: 18 though 26. Okay.
19 (Exhibits 18 through 25
20 were marked and entered.)

21 Q If we can begin with Number -- If
22 we can begin with Number 18. I want you
23 to look over your left shoulder.

24 MS. NICHOLS: We may need to dim
25 the lights a little.

1 THE COURT: Yes.
2 No, they're out in the hallway.
3 I told her yesterday to get a clear --
4 and mark where we -- I think it was
5 yesterday.
6 Q Looking at -- while they're
7 fixing the lights, looking at what's been
8 marked as Exhibit 18, what is the jury
9 looking at right in this room?
10 A That's our living room.
11 Q And this door?
12 A That's our front door.
13 Q All right. So if you come in the
14 front door, you walk directly into the
15 living room?
16 A Yes.
17 Q What is this open door and the
18 rear --
19 A That's --
20 Q -- toward the left?
21 A -- my and Dana's bedroom.
22 Q On the other side of this wall is
23 what, if you were to go around?
24 A That's our bedroom and then
25 bathroom and closet.

1 Q where is the carport in relation
2 to this room?
3 A Behind the -- At the back, going
4 that way, at the back of the living room.
5 Q Okay.
6 MS. NICHOLS: Next one, please.
7 Q Is this -- Is Exhibit 19 the same
8 room but from a different angle?
9 A That's the same room. That's our
10 front door.
11 Q what is this right here?
12 A That -- There were side lights on
13 each side of the door.
14 Q And you're saying the word "side"
15 lights?
16 A Side lights, yes.
17 Q And was -- was this structure on
18 both sides?
19 A Yes.
20 Q And you could stand on the inside
21 and see outside?
22 A Yes.
23 Q without opening the door?
24 A Yes.
25 Q And what is this room down here?

1 A And that's our den.

2 Q Okay.

3 MS. NICHOLS: Next one.

4 Q Again, is this the front?

5 A Yes.

6 Q The same front door?

7 A Yes, ma'am.

8 Q Only different -- different side

9 light?

10 A Yes.

11 Q What's through this door?

12 A That's where you walk into the

13 kitchen, then dining room, then the other

14 bathroom and Clint and Holly's bedrooms.

15 MS. NICHOLS: Next one.

16 Q This doorway, what -- whose room

17 are we looking into?

18 A That's Holly's bedroom.

19 Q And is this the view you have

20 from standing -- standing in the hall?

21 A Right when you walk through the

22 door.

23 MS. NICHOLS: Next one.

24 Q What is this?

25 A That's her bed and --

1 Q Are these -- And what's this?

2 A That's where she was -- had her
3 pillows up against the wall studying that
4 morning, and that's her comforter and her
5 cowboy hat.

6 Q And is this the way her bedding
7 and -- and room looked when you last saw
8 her sitting there?

9 A Yes.

10 Q Before she moved to the kitchen
11 table?

12 A Yes, ma'am.

13 Q Okay. You mentioned the bathroom
14 that --

15 A That would be the bathroom that
16 Clint and Holly used, and if you come out
17 of the bathroom, you can see into Holly's
18 bedroom.

19 Q This door frame right here, --

20 A Yes.

21 Q -- looking into Holly's?

22 A Yes, ma'am.

23 Q Okay.

24 MS. NICHOLS: And the next one.

25 Q And what is this?

1 A And that's the dirty clothes
2 hamper beside the vanity in Clint and
3 Holly's bathroom.

4 Q Who pretty routinely left her
5 hair dryer there on top of the dirty
6 clothes?

7 A That would be Holly.

8 Q And is this the way, -- I guess
9 what this looked like to the right of the
10 vanity, is this where she actually put
11 her dirty clothes?

12 A Yes.

13 MS. NICHOLS: And the last one.

14 Q You didn't put that -- that
15 yellow placard there, did you?

16 A No, I did not.

17 Q Were you asked -- But
18 nevertheless, this is the same dirty
19 clothes basket?

20 A Yes, that's the same one. That's
21 Holly's jeans and that's -- that pink,
22 that's her t-shirt.

23 Q All right.

24 MS. NICHOLS: And if we could
25 turn the lights back up.

1 Q Were you asked to retrieve
2 something -- Were you asked to retrieve
3 something out of Holly's belongings or
4 out of the dirty clothes basket by law
5 enforcement?
6 A Yes.
7 Q What were you asked to find?
8 A They asked me to -- I think they
9 asked me to get a pair of her panties.
10 Q And did you find a pair of her
11 panties?
12 A Yes, I did.
13 Q Out of that basket.
14 A Yes, ma'am.
15 Q Did you provide those to law
16 enforcement?
17 A I did.
18 MS. NICHOLS: I'm looking for
19 gloves. I'm sorry, Your Honor. One
20 moment.
21 Q I'm going to pass forward a bag
22 and gloves. If you don't have to take
23 them out, you don't have to, but look in
24 there and tell me if you recognize ...
25 A Those are Holly's panties.

1 Q Are those the panties that you
2 provided to law enforcement?
3 A Yes, it is.
4 MS. NICHOLS: Your Honor, I ask
5 this be marked as the next numbered
6 exhibit.
7 THE COURT: No objection, Exhibit
8 27.
9 MS. NICHOLS: Is it 26 or 27?
10 MR. GONZALES: We have 26.
11 COURT REPORTER: It's 26.
12 THE COURT: Somebody added and
13 added ...
14 MS. NICHOLS: I probably said it.
15 THE COURT: Somebody told me --
16 MS. NICHOLS: I think I did.
17 THE COURT: -- 8 plus 18 would be
18 26, but if it starts with 18, it's
19 actually 25. so this is 26.
20 (Exhibit 26 was marked
21 and entered.)
22 Q And were you -- did you know why
23 they wanted that particular item of
24 clothing from Holly?
25 A I did not.

1 Q They just asked you for it and
2 then you -- you turned it over to them.
3 A I did.
4 Q I asked you a few minutes ago how
5 you -- or what door you left when going
6 to work that morning.
7 A The back door.
8 Q If you walk out your back door,
9 are there any steps down into the carport
10 or is it smooth?
11 A You walk out onto the back deck,
12 and then directly to your left as you're
13 going out, you'll go down two steps into
14 the carport.
15 Q To get to your car, did you -- or
16 how did you get to your car? What did
17 you pass by?
18 A I passed by Holly's car.
19 Q And in passing -- to get to
20 Holly's car, did you go down those steps?
21 A I went down those steps and in
22 front of her car around to my car.
23 Q I want to pass forward two
24 photographs. Do you recognize the steps
25 and the concrete in the front of -- in

1 the front of the car?

2 A I do.

3 Q In fact, the front of one of the
4 cars is -- is it a license plate or tag
5 that you recognize?

6 A Yes.

7 Q And what -- what are these
8 pictures of; whose house, whose carport?

9 A That's ours.

10 Q And are these steps that you
11 walked down to to get to your car on
12 April the 13th?

13 A Yes.

14 MS. NICHOLS: Ask that these be
15 marked as the next numbered exhibits,
16 Your Honor.

17 THE COURT: I take it you wish to
18 publish the last two or not?

19 MS. NICHOLS: I thought we had
20 published.

21 MR. RAGLAND: We did. We did.

22 THE COURT: 27 and 28 hadn't been
23 published.

24 MR. RAGLAND: That's these.

25 MS. NICHOLS: Are these already

1 marked? Yeah. We've got to get -- if we
2 can get a sticker on them first.

3 THE COURT: All right.

4 MS. NICHOLS: And then, yes, sir.

5 THE COURT: 27 and 28.

6 (Exhibits 27 and 28 were
7 marked and entered.)

8 Q Placing Exhibit 27 on the
9 overhead. Karen, when you went down the
10 steps that morning, --

11 A That blood was not there.

12 Q When you walked -- Are these the
13 steps you talked about?

14 A Those are the steps, but that
15 blood was not there. But I did see it
16 later that day.

17 Q When you left that morning, this
18 is directly how you walked?

19 A Yes, ma'am.

20 Q You would have seen it?

21 A I would have seen that blood. It
22 was not there.

23 Q All right.

24 MS. NICHOLS: Next exhibit,
25 please.

1 Q So this is the way you came out
2 the back door, walked down the deck; is
3 that correct?

4 A Yes, ma'am.

5 Q Steps down?

6 A Yes.

7 Q What about these drops?

8 A They weren't there.

9 Q I can't hear you.

10 A They weren't there.

11 Q You said that over the next weeks
12 and months, you didn't go back to school,
13 you just sort of did a lot of searching
14 and following up on leads; is that right?

15 A Yes.

16 Q That you actually looked in
17 abandoned buildings and structures that
18 weren't abandoned, just whatever you
19 could look, you looked.

20 A Yes.

21 Q Was your number, your cell
22 number, like out there in the public? I
23 mean, had it been --

24 A Yes, I think I even had it put on
25 a card at some point in time.

1 Q So that people could call you.

2 A So that people could call.

3 Q And at some point, did you get a

4 call from a young lady that identified

5 herself as Nisha Brasher?

6 A Yes, I did.

7 Q Can you describe that phone call

8 for the jury?

9 A She called me and she said, I

10 think I have Holly's -- this is Holly's

11 -- I'm -- I'm not sure exactly what she

12 said, but she -- I think she said, Is

13 this Holly's mom, and I said, Yes, and

14 she said she had Holly's SIM card, and so

15 I told Dana and Clint, and they -- they

16 agreed to go meet her.

17 Q Okay. Let me ask you this. When

18 you got that, did you actually think that

19 somebody did have her SIM card?

20 A I did but Dana didn't.

21 Q And so did Dana go some place to

22 meet this woman who had called, the young

23 lady that had called?

24 A Yes. Him and -- Him and Clint

25 went and --

1 Q Did they return with something?

2 A They did, and while they was

3 gone, I called -- I don't remember if I

4 called the TBI or the local law

5 enforcement and told them about it.

6 Q And did the law enforcement come

7 to your house?

8 A They did. They came and got the

9 SIM card that night.

10 Q And so you sort of answered my

11 next question. Did they bring a SIM card

12 back?

13 A Yes, they did.

14 Q And then you turned it over to

15 law enforcement that night.

16 A Yes.

17 Q Did you -- Did you put it in a

18 phone or -- or check it out to see if it

19 was hers or not?

20 A No.

21 Q You just turned it over.

22 A Yes.

23 Q Did you -- In the course of I

24 guess trying to help law enforcement look

25 for Holly, did you even provide them a

1 list of things that were in her purse?

2 A I did.

3 Q How did you know what was in her

4 purse?

5 A Because I had put the money in

6 her purse that morning, and I knew what

7 was in her purse, because her wallet, she

8 and I bought when we went to Maurice's

9 together and her purse. I'm sure I

10 probably bought the pencil bag or we had

11 gotten it together, because Holly, she

12 never wanted to go -- she hated to shop.

13 So usually if she shopped, we went

14 together or I'd just pick up something

15 and it was fine with her.

16 Q So you -- were you able to give

17 law enforcement a whole list of things

18 that they should be on the lookout for

19 that would have been in her purse?

20 A Yes, ma'am.

21 Q Did you also describe for them

22 what she was wearing that morning since

23 you saw her studying at the kitchen

24 table?

25 A Yes, I did.

1 Q And what was she wearing?

2 A She was wearing a pair of jeans
3 and a Girly Girl t-shirt.

4 Q What does that mean, Girly Girl?

5 A That's a name brand, and I think
6 -- and the back of it said -- I think it
7 said *Don't Squat With Your Spurs On*, and
8 then I didn't know what kind of shoes she
9 was wearing because she didn't have her
10 shoes on, but when I went to her closet,
11 I was able to tell them by what pair was
12 missing, and I didn't, of course, see her
13 in her bra and panties, but I was also
14 able to tell them what bra and panties
15 was missing because I did most of the
16 laundry. Even though Holly house-
17 cleaned, she didn't do much laundry.

18 Q And what -- what kind of shoes
19 did you tell law enforcement that Holly
20 was wearing?

21 A A pair of black Old Navy flip
22 flops.

23 Q So --

24 A And we had actually talked about
25 that that morning because she had -- not

1 that she was going to wear flip flops,
2 but she had asked me what -- what the
3 weather was going to be. I said I think
4 it's kind of going to be cool this
5 morning but hot in the afternoon.

6 Q And that was during the time when
7 she was studying for her test?

8 A Yes.

9 Q Do you remember today what kind
10 of test it was or what she had to turn in
11 that day?

12 A No, I don't.

13 Q I want you to look at one
14 document and ask if you recognize it.

15 A I do.

16 Q What is that?

17 A That's her -- when she had to
18 study for her drug -- names of different
19 drugs, I think, but that is definitely
20 her handwriting.

21 Q Is there a date on the paper?

22 A 4/13/11.

23 MS. NICHOLS: Your Honor, ask
24 that this be marked as the next numbered
25 exhibit.

1 THE COURT: All right, be 29.
2 (Exhibit 29 was marked
3 and entered.)
4 MS. NICHOLS: And if we can
5 publish it.
6 THE COURT: They're not going to
7 be able to see it unless the lights are
8 dimmed.
9 Q You said -- while we're doing
10 that, you said she had been working on
11 some note cards for different drugs, and
12 this says *drug card grade sheet*; is that
13 correct?
14 A Yes, ma'am.
15 Q Whose writing is this?
16 A That's Holly's writing.
17 Q And what's the date?
18 A 4/13/2011.
19 Q And that's the last morning you
20 saw her.
21 A That is.
22 Q You said you --
23 THE COURT: Let me inform the
24 jury, when you go for deliberations,
25 you'll have -- all these physical

1 exhibits will go with you. So, I mean,
2 if you can't see it as clearly as you'd
3 like, you'll actually have the exhibit up
4 there.

5 Q You said you packed her lunch
6 that day?

7 A I did.

8 Q What did her lunch box look like?

9 A I remember it had polka dots on
10 it, and it had -- it had her initials.

11 Q Pass a sack and ask you to look
12 at the contents of the sack. Pull it
13 out.

14 A That's her lunch box.

15 Q That's Holly's lunch box?

16 A Yes, ma'am.

17 Q I want you to unzip it. Is that
18 the sandwich you made for her?

19 A Yes.

20 Q Is that her lunch?

21 A Yes, ma'am.

22 Q When you left that morning, that
23 was in the refrigerator.

24 A (Witness nodded)

25 MS. NICHOLS: Your Honor, I'm not

1 going to pass it. May I have permission
2 just to hold it up?

3 THE COURT: Yes.

4 MS. NICHOLS: Ask it be marked as
5 the next numbered exhibit.

6 (Exhibit 30 was marked
7 and entered.)

8 Q I asked you a little while ago
9 whether you were able to provide law
10 enforcement with a list of things that
11 Holly had with her in her purse, if -- if
12 her purse was with her, right?

13 A Yes.

14 Q And you felt pretty comfortable
15 that you -- what the items or what you
16 told them that she had; is that right?

17 A Yes, ma'am.

18 Q Now, show you one more item.
19 What is this?

20 A That -- That looks like her
21 purse.

22 Q Is that her purse?

23 A That's her purse.

24 Q The straps are gone, but you
25 recognize that as being --

1 A Uh-huh.

2 Q -- her purse.

3 MS. NICHOLS: Ask that this be

4 marked as the next numbered exhibit.

5 THE COURT: Moved into exhibit --

6 into evidence as Exhibit 31.

7 (Exhibit 31 was marked

8 and entered.)

9 MS. THOMPSON: Your Honor, I'm

10 sorry, but I'm having a hard time

11 hearing. I know it's very emotional, but

12 it's -- it's hard to hear.

13 THE COURT: You might have to get

14 a little closer to the mic.

15 A That is her purse, and it's very

16 hard to look at all that stuff all

17 tattered and torn because it didn't look

18 like that that morning. But that's her

19 purse.

20 Q Did you tell TBI that there would

21 a camera in her purse?

22 A I did.

23 Q Do you recognize this?

24 A That's her camera.

25 MS. NICHOLS: Next numbered

1 exhibit, Your Honor.

2 THE COURT: Be 32.

3 (Exhibit 32 was marked

4 and entered.)

5 Q Holly's car was still there

6 though, right? At your house when you

7 got back?

8 A Yes, it was.

9 Q But did you tell TBI that she had

10 keys -- she had a key ring in her purse?

11 A Yes, she did.

12 Q Did you describe for them or can

13 you describe what her --

14 A It was --

15 Q -- key chain looked like?

16 A It had -- It was a big H and it

17 had like rhinestones and -- and the

18 Browning symbol.

19 Q And the what symbol?

20 A The Browning, like she had on the

21 back of her car, the pink Browning

22 symbol, and the H. That's her keys.

23 Q Is this her car key?

24 A Yes, ma'am.

25 MS. NICHOLS: Permission just to

1 hold it up, Your Honor.

2 THE COURT: Yes.

3 MS. NICHOLS: If we could mark

4 that, please.

5 (Exhibit 33 was marked

6 and entered.)

7 Q You mentioned earlier in your

8 testimony that you told them about her

9 wallet because she was there -- you were

10 there when she purchased it.

11 A Yes. That is her wallet.

12 Q I'm going to open it. There

13 appear to be several cards in here. Is

14 that --

15 A That's her prescription card,

16 medicine card.

17 Q What is this one?

18 A That's her Jackson State ID.

19 That's her doctor -- when she goes to the

20 doctor.

21 Q Her insurance card?

22 A Her insurance card. And that's

23 -- that's her driver's license.

24 MS. NICHOLS: Ask that this be

25 marked as --

1 THE COURT: 33. 33, unless I'm
2 off.
3 Amy?
4 COURT REPORTER: Yes, sir. The
5 car key was --
6 THE COURT: Oh, car keys, yeah.
7 33 is the keys. This is 34, wallet and
8 contents.
9 (Exhibit 34 was marked
10 and entered.)
11 MS. NICHOLS: And permission to
12 publish, Your Honor?
13 THE COURT: Yes.
14 MS. NICHOLS: I'm going to ask
15 that the wallet be passed back to -- but
16 not the contents, passed back to Ms.
17 Bobo.
18 Q And I want you to look in it and
19 tell me if there's a \$20.00 bill where
20 you put one that morning.
21 A No, there's nothing in it.
22 Q Did Holly have an inhaler?
23 A Yes, she did.
24 Q Did she have asthma?
25 A Can we take just a minute? I'm

1 feeling sick.

2 THE COURT: Let's -- Let's take a
3 recess. And I want everyone to remain
4 with me while the jury files out, please.

5 Need a nurse

6 MEMBER OF THE AUDIENCE: I'm a
7 nurse.

8 THE COURT: Come on.

9 Let's -- Let's let the jury go
10 ahead and file out. Get some lights.
11 Lights, clerk, please. Everyone else
12 remain with me, please.

13 All right. Let's close the media
14 down, please. No more media.

15 (After a time off the
16 record, the following
17 proceedings were had:)

18 THE COURT: All right. Everyone that's
19 in this courtroom, you are not to be on
20 any type of social media identifying any
21 of these jurors. That's absolutely
22 prohibited. We've had a little breach.
23 It wasn't a media member that did it.
24 We're taking care of it. But I want each
25 of you to understand, you don't identify

1 jurors. Their privacy is very, very
2 important.

3 (After a time off the
4 record, out of the
5 hearing and presence of
6 the jury, the following
7 proceedings were had:)

8 THE COURT: Defense counsel
9 indicated that they wanted a jury-out.
10 Be glad to hear anything.

11 MR. SIMMONS: Your Honor, Jim
12 Simmons on behalf of Zachary Adams. At
13 this point, we would ask for -- make a
14 motion for a mistrial. I'd like the
15 record to reflect that at the time that
16 Ms. Bobo was being cross-examined, Ms.
17 Nichols was at the --

18 THE COURT: She wasn't being
19 cross-examined, direct examination.

20 MR. SIMMONS: Direct examination,
21 she was being handed certain items, very
22 personal items, and at that time,
23 apparently Karen Bobo suffered a panic
24 attack. She passed out in front of the
25 jury. She required medical attention.

1 And under these facts, I think it's going
2 to be impossible for her to get a fair --
3 for Mr. Adams to get a fair trial in
4 front of an impartial jury. I think
5 they're so tainted at this point that the
6 proceedings should be stopped and a new
7 jury should be called.

8 THE COURT: All right. Let me
9 say this. The witness was within five
10 feet of the Court. She first started --
11 She said words to the effect that she was
12 not feeling well. Before I could get a
13 recess called, -- And we had a little
14 problem I was trying to solve media-wise,
15 that I had almost called a recess. I
16 dealt with that during the recess. But
17 before I could get a recess called, she
18 in fact had a medical event, and she
19 passed out cold. They -- This chair is
20 fixed, so they had some difficulties
21 extricating her. The jury was in
22 passing -- or filing out the door at that
23 time. This was clearly a medical event.
24 There's no question. This was not
25 something faked to gain sympathy. This

1 lady had a medical issue. Had a couple
2 of -- A nurse came up immediately, thank
3 you whoever that was, and then we quickly
4 -- They've had paramedics on call. The
5 Sheriff has been -- he's had them here
6 arranged since day one. They won't give
7 us an ambulance, but they will give us
8 paramedics close. They have dealt with
9 her. They feel that she's ready to go
10 now. They said extremely low blood
11 pressure when they first started as I
12 understand, very rapid heartbeat, the
13 types of things that are consistent with
14 synoptic events, okay? And I know
15 because I've had them, and they're --
16 they're no fun. But this was not
17 something that was done in an effort to
18 achieve any type of sympathy or anything.

19 If you want me to, I'll instruct
20 the jury that they are not to give any
21 sympathy whatsoever because of the fact
22 that Ms. Bobo apparently had a medical
23 event, but your motion for mistrial is
24 overruled.

25 MR. SIMMONS: Your Honor, --

1 THE COURT: Do you want me to
2 instruct them to that?

3 MR. SIMMONS: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. SIMMONS: I would ask. And
6 also, Your Honor, after they finish their
7 direct examination, we would like, of
8 course, to have an opportunity for cross-
9 examination. Because of the medical
10 event, we would ask that we have a recess
11 until in the morning to begin our cross-
12 examination.

13 THE COURT: I'm not going to do
14 that. I -- I will continue to watch.
15 Basically, the paramedics have given me
16 the thumbs up at this time. So, I'm
17 trying to march this case toward
18 conclusion. I don't know any reason to
19 lose that kind of time. I'll make sure
20 that you have an adequate opportunity to
21 cross-examine, okay?

22 MR. SIMMONS: Thank you, Your
23 Honor.

24 THE COURT: All right. Let me
25 just say further, there's no manifest

1 necessity to grant a mistrial at this
2 time. I will give a curative
3 instruction, very short. Okay?

4 MR. SIMMONS: Could we approach,
5 Your Honor?

6 THE COURT: The jury's not even
7 in here. Yeah, okay. Yes.

8 MR. SIMMONS: Your Honor, the
9 issue about the cellphone and the juror
10 being identified, -- the issue about the
11 -- apparently somehow has gotten on
12 social media that some of the jurors that
13 are identified, and that we want to
14 inquire to the Court as to whether there
15 are going to be contempt proceedings, or
16 how do we --

17 THE COURT: That's up to the
18 Court. Let me tell you, first of all,
19 it's more, as I understand, a violation
20 of the spirit of the law rather than the
21 letter. He wasn't naming names, but he
22 was giving descriptions that in a small
23 town would lend itself to identification.
24 His Rule 30 credentials have been pulled.
25 He'll not be back in the courtroom, okay?

1 (End of conference
2 at the bench.)
3 (Out of the presence
4 and hearing of the jury,
5 the witness Karen Bobo
6 returned to the witness
7 stand, and the following
8 proceedings were had:)
9 THE COURT: Okay. Ms. Bobo, are
10 we good to go now?
11 MS. BOBO: Yes, sir.
12 THE COURT: All right. Let me
13 also say, hold your finger up if you feel
14 something. We'll move a little quicker,
15 okay?
16 MS. BOBO: Yes, sir.
17 THE COURT: All right. Let's
18 bring our jury in.
19 (The jury returned
20 into open court, and
21 the following proceedings
22 were had:)
23 THE COURT: Let me say this.
24 We've been on recess about 30 minutes.
25 Immediately prior to that recess, the

1 witness had a medical event that
2 necessitated us getting a recess.
3 Everything should be good to go now. I
4 want to tell you and -- and instruct you
5 that you're to have no sympathy or
6 prejudice for either side of this case.
7 The mere fact that she had a medical
8 event, please don't sympathize with that
9 side of the case because of that. Listen
10 to the testimony, give it the weight you
11 think that it deserves, but just
12 basically set aside the fact that she had
13 a medical event. Okay? Will each of you
14 do that? All right. Thank you.

15 All right. You can continue.

16 And I've instructed the attorneys
17 to speak up.

18 Ms. Bobo, you might have to get
19 on that mic, okay?

20 THE WITNESS: Yes, sir.

21 MS. NICHOLS: May I have one
22 moment, Your Honor?

23 THE COURT: I had my hearing
24 checked last Wednesday to make sure I
25 wasn't going -- going down, and believe

1 it or not, it was pretty good. But I've
2 lost a little bit of high frequency and
3 said it might affect hearing of higher
4 pitched females or said something like
5 your grandkids. I said, you don't know
6 my grandkids. There is no problem
7 hearing them.

8 All right. Go.

9 Q Ms. Bobo, you --

10 THE COURT: Did we get 34 marked?

11 COURT REPORTER: Yes, sir.

12 THE COURT: The belongings?

13 Okay.

14 COURT REPORTER: Yes, sir.

15 Q You indicated that during -- in
16 the weeks and months that followed that
17 you were tracking down a number of leads.

18 A Yes, ma'am.

19 Q Or tips or people that became of
20 interest to you or that you heard from;
21 is that true?

22 A Yes, ma'am.

23 Q Included in those people that you
24 talked to, did that list of people
25 include Zachary Adams?

1 A Yes, it did.

2 Q And do you see him in the
3 courtroom?

4 A Yes, I do.

5 Q would you point him out for the
6 jury, please?

7 A Right there.

8 Q There's a number of people
9 sitting on this side of the courtroom.
10 Where is he sitting?

11 A He would be sitting second from
12 the podium.

13 THE COURT: For the record, the
14 Defendant.

15 Q And where did you encounter him?

16 A Clint and I went to his house.

17 Q Did you go -- Are you familiar
18 with Adams Lane?

19 A I wasn't.

20 Q Okay. But you became familiar
21 with Adams Lane?

22 A Yes, ma'am.

23 Q Is that like a long driveway, and
24 at the top there's two houses?

25 A Yes, ma'am.

1 Q who lives in one house?
2 A The first house you get to is
3 Zach's house and then his granddad's
4 house.
5 Q And what is the first house that
6 you went to at the end of that driveway?
7 A We went to Zach's house, and he
8 didn't come to the door, and that was me
9 and Dana and Clint I believe, and so we
10 went on to his granddad's house, and
11 Dylan was there and his granddad, and I
12 asked him was Zach at home. He said he
13 was at home, and I said well he didn't
14 come to the door. He said, well maybe he
15 left.
16 MS. THOMPSON: Your Honor, I'm
17 going to object to the hearsay.
18 MS. NICHOLS: And we're not
19 offering this for the truth. It's just
20 simply --
21 THE COURT: All right.
22 MS. NICHOLS: -- to show what her
23 response was.
24 THE COURT: What she did.
25 MS. NICHOLS: Yes.

1 THE COURT: All right. It's not
2 hearsay. Objection overruled.

3 Q All right. So you said you
4 knocked on Zach's door, he wasn't there,
5 then you go next door to Dylan and Dick
6 Adams' house?

7 A Yes, ma'am.

8 Q Okay. And who answered the door?

9 A I don't remember.

10 Q One of the two of them?

11 A One of the two of them.

12 Q All right. Did you have a
13 conversation with them?

14 A We had a conversation with both
15 of them.

16 Q Okay. Did you ask about Zach?

17 A I did ask about Zach.

18 Q All right. And what did they
19 say?

20 A I don't remember too much about
21 what they said. I just --

22 Q And I'm talking about whether
23 they said he was home or not.

24 A Dylan said he was at home, and I
25 said he didn't come to the door.

1 Q Okay. And then what happened
2 with respect to Zach?

3 A I left my phone number and told
4 Dylan that I wanted to talk to Zach.

5 Q And did Dylan indicate that he
6 would give Zach that message?

7 A Yes, he did.

8 Q And do you remember when this
9 happened, how early in the investigation?

10 A I believe it was July.

11 Q July of what year?

12 A July of 2011.

13 Q So despite the fact no arrests
14 were made for quite some time, you in
15 investigating leads had already gone to
16 that house?

17 A Yes, ma'am.

18 Q Okay. So you leave the message
19 with Dylan. Did you ever hear back?

20 A Yes.

21 Q Did he call you?

22 A Zach called the next day and --

23 Q Did you know him before -- Did
24 you know Zach Adams?

25 A I had Zach in the fourth grade.

1 I was his fourth-grade school teacher.

2 Q Okay. So when you left a message
3 for him to call you, it was call -- call
4 Karen Bobo, you're somebody he knew.

5 A That's correct.

6 Q Okay. So you said he called you
7 when?

8 A He called the next day.

9 Q And what, if anything, did he
10 say/you say?

11 A He said, I hear you're wanting to
12 talk to me, and I said, Yes, and he said,
13 well, you can come on over to my house,
14 and I said, well I'll be bringing my son,
15 because that was a workday. Dana was at
16 work. And so Clint and I went over
17 there, but I called Dana's boss to tell
18 him that we were going over there.

19 Q Okay. So --

20 A Dana, I believe, was working in
21 Benton County at the time, around
22 Holladay.

23 Q So -- But Dana didn't get there
24 in time to go with you and Clint.

25 A No, I didn't even tell Dana we

1 were going.

2 Q You just told his boss?

3 A Yes.

4 Q Okay. So, did you and Clint

5 actually go to Zach Adams' house?

6 A Yes, we did.

7 Q And you say that was in what

8 month?

9 A July 2011.

10 Q And what happened when you got

11 there?

12 A When we got there, I can't

13 remember if he came to the door or the

14 front door was open, and so he invited us

15 in, and we went in just the living room

16 part. I -- And we sat down. I don't --

17 I'm not sure he ever sat down. He was --

18 His behavior was -- His voice was low one

19 minute and loud the next. I don't

20 remember a whole lot about what he said,

21 but two things stand out to me that he

22 said.

23 Q All right. Now what is the first

24 one?

25 A He asked Clint to describe what

1 the person looked like who took -- who
2 walked away with Holly, and when Clint
3 described him, he said that was Shayne.
4 Q Okay.
5 A And I just found that odd.
6 Q Okay. Did you know who Shayne
7 was?
8 A I did.
9 Q Did you have him in school as
10 well?
11 A No, I did not.
12 Q You just knew who he was. All
13 right. What was the second thing that he
14 said?
15 A He told me, this is just out of
16 the blue, that he could call someone with
17 his phone and make it look like it was
18 coming from my phone.
19 Q And so did he use the word
20 "spoofing," or is that a word/term you're
21 familiar with?
22 A He did use the -- that word, but
23 I didn't have a clue what it meant.
24 Q So those are the two things that
25 he -- that you remember him saying.

1 A Yes, ma'am.

2 Q Did you have any other
3 encounters with him -- I should have
4 asked. Did you go there to ask about
5 your daughter?

6 A Yes, I did.

7 Q Okay. And that's the information
8 you came away with, was he described one
9 individual as -- as being Shayne.

10 A Yes.

11 Q Okay. Now you know that there
12 were other people charged with raping and
13 kidnapping Holly and --

14 A Yes, ma'am.

15 Q -- killing her? Did you meet
16 with any of those people in the course of
17 doing your own investigation?

18 A Yes, all of them.

19 Q And you say, "all of them."

20 A All four of them, the first one
21 being Shayne.

22 Q You talked to Shayne first.

23 A Yes.

24 Q On one or more occasions?

25 A More than one.

1 Q Do you know Shayne's parents
2 even?

3 A I do know Shayne's parents, yes.
4 I had Shayne's sister in school; I did
5 not have Shayne.

6 Q So you talked to Shayne. What is
7 his last name?

8 A Shayne Austin.

9 Q Okay. And who else did you talk
10 to?

11 A I -- We talked to Jimmy and Rita
12 Austin.

13 Q Okay.

14 A We went to their house because we
15 thought Shayne lived with them, and his
16 mom told me that they had to move him out
17 because they would come home and their
18 house would be full of drugs and people
19 on drugs.

20 Q All right. So, after talking to
21 her and you talked to Shayne at some
22 point, I'm not going to ask what he told
23 you, what about Dylan? Now you've told
24 the jury that when you went to see Zach
25 the first time, you actually had a

1 conversation with Dylan and with his
2 grandfather, Dick; is that correct?
3 A Yes.
4 Q Is that the only time that you
5 talked to Dylan?
6 A Yes, it is.
7 Q Did you know Dylan before going
8 to the house that day?
9 A I knew what he looked like, but I
10 didn't have Dylan in school.
11 Q Okay. What about Jason Autry?
12 A I had Jason in the seventh grade
13 at Parsons.
14 Q And did you go and talk to him?
15 A Yes, we did.
16 Q How many times did you talk to
17 Jason Autry?
18 A At least twice.
19 Q And will you tell the jury where
20 those conversations took place?
21 A The first time we were getting
22 ready to walk out the door to go to early
23 church, and we got a phone call from a
24 girl at the Shell station I believe, and
25 she said she had someone she wanted us --

1 MS. THOMPSON: Your Honor, I'm
2 going to --
3 A -- to speak with.
4 THE COURT: Wait. Wait.
5 Objection?
6 MS. THOMPSON: To the hearsay,
7 Your Honor.
8 THE WITNESS: It's not a hearsay.
9 I was there.
10 THE COURT: You're describing a
11 conversation someone had with you?
12 THE WITNESS: Yes, sir.
13 THE COURT: Is it being offered
14 for the truth?
15 MS. NICHOLS: It is not. It's
16 offered for what she did when she got --
17 THE COURT: All right.
18 MS. NICHOLS: -- the information.
19 THE COURT: Your objection's
20 overruled. By definition, that's not
21 hearsay.
22 Q You understand -- You got some
23 information from a lady over the phone
24 that said she was at a Shell station?
25 A Said she worked at the Shell

1 station, and so we went there.

2 Q Okay. And when you got there,
3 was anyone there? Did you encounter
4 somebody?

5 A There was some guy that she
6 wanted us to meet.

7 Q Okay.

8 A So we went out searching all day,
9 and then we were hot and tired. This was
10 in August and --

11 Q August of what year?

12 A 2011.

13 Q Okay.

14 A And so we go back to one of those
15 gas stations, I'm not sure which one, to
16 get us something to drink, and we're
17 getting ready to check out, and I think
18 Dana said, look coming there, and it was
19 Jason Autry. So he gets in line behind
20 us to check out, and I turn around and
21 tell him I want to talk to him.

22 Q Okay. Now can't -- you can't say
23 what he said, but did you talk to him
24 that day?

25 A Yes, I did.

1 Q Okay. Did you also go and talk
2 to him on another day at his house, or
3 his mom's house?

4 A Yes. People kept calling and
5 turning in their names to us, all four of
6 their names, so we went back to Jason's
7 house. I'm not sure when that was. I'm
8 not even sure it was 2011.

9 Q Okay. But the first --

10 A We went to his mother's house.
11 The first time was August 2011.

12 Q So between April of 2011 and
13 August of 2011, had you talked to all
14 four of them?

15 A Yes, ma'am.

16 Q And when I say "you", you with
17 Clint and/or Dana.

18 A Yes, ma'am.

19 Q There have been questions and
20 statements made about pressure put on law
21 enforcement to solve this case. Let me
22 ask you a couple of questions along those
23 lines, okay?

24 A Yes, ma'am.

25 Q Do you know who I guess the case

1 officer or the chief investigator for TBI
2 was in the beginning?

3 A Yes, I do.

4 Q Who is that?

5 A Terry Dycus.

6 Q And when this case started being
7 investigated and as it continued the
8 weeks and months, did you have contact
9 with Terry Dycus frequently or
10 infrequently?

11 A Frequently. Daily.

12 Q Daily?

13 A Daily just -- Probably.
14 Sometimes multiple times during the day.

15 Q Do you know whether Terry Dycus
16 wanted to close this case, wanted it to
17 be done?

18 A He did. He did very much so.

19 Q Did he make certain promises to
20 you?

21 A Yes, he did.

22 MS. NICHOLS: And, Your Honor,
23 again, I'm not going to offer this for
24 the truth.

25 THE COURT: All right.

1 MS. NICHOLS: It'll become
2 obvious.

3 Q What statements did Terry Dycus
4 make to you about your daughter?

5 A He told me that he would have my
6 daughter home before her 21st birthday,
7 which was in October, and then when that
8 date rolled around, he told me he would
9 have her home before Thanksgiving, and
10 when that date rolled around, he told me
11 he would have her home before Christmas,
12 and when that date rolled around and she
13 wasn't home, he said he would have her
14 home before Valentine's.

15 Q Holly didn't come home, did she?

16 A No, she did not.

17 Q And do you remember a time, boy,
18 nearly exactly three years ago, September
19 the 7th of 2014, -- did you receive
20 certain information?

21 A Yes, I did.

22 Q And who was the information from?

23 A From TBI Jack Van Hooser.

24 Q And was Jack Van Hooser Terry
25 Dycus' boss; do you remember?

1 A Yes.

2 Q And where were you when you got
3 the information?

4 A When I got the phone call that
5 they had found human remains in northern
6 Decatur County, I was checking out at
7 American Eagle in the mall.

8 Q Okay. Did you go home?

9 A Went straight home.

10 Q And then later on that evening,
11 did -- or the next day, did -- did a
12 group of TBI agents come to your house?

13 A They did.

14 Q Is that when you learned that the
15 remains that were found were Holly?

16 A Yes, ma'am. I believe it was --
17 That happened on a Sunday when they
18 called and told us they had found human
19 remains, and they said it might be
20 several days, but I believe they came
21 back Monday night and told us that it was
22 Holly.

23 MS. NICHOLS: Your Honor, I don't
24 have any further questions.

25 THE COURT: Cross-examination.

1 MS. THOMPSON: Yes, Your Honor.
2 First, I'd ask for Jencks material for
3 this.
4 THE COURT: Okay. Anything?
5 MS. NICHOLS: We've turned over,
6 as Your Honor knows, every statement and
7 whatnot that we've ever --
8 THE COURT: I asked you hopefully
9 to do that where we wouldn't have to
10 take, after each witness, breaks.
11 MS. NICHOLS: Yeah, we did it
12 during the course of discovery. I
13 haven't turned over anything today
14 because she has -- they have it. I don't
15 have anything else.
16 MS. THOMPSON: Weren't there some
17 text messages that were going back and
18 forth with the family? I thought there
19 was some text messages. I'd ask for
20 those also.
21 MS. NICHOLS: I have no idea what
22 she's talking about. May we approach?
23 Text messages between who and who?
24 THE COURT: Take the jury out
25 just a moment.

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

5 THE COURT: State saying they've
6 turned over all Jencks material, any
7 statements that this witness has made?

8 MS. NICHOLS: I don't -- I
9 honestly don't know what she's talking
10 about. You know, we've turned over the
11 hard drive. We've had multiple, you
12 know, discovery hearings. We have, you
13 know, -- I know that we've provided the
14 IRS that have her statement. So she'll
15 have to tell me what text messages.

16 MS. THOMPSON: Well, I just want
17 to make sure there's not any text
18 messages that were going back and forth
19 between Ms. Karen Bobo and members of the
20 TBI. If Ms. Karen Bobo's texting them,
21 then those would also be statements that
22 she's making, Your Honor. I'd like
23 copies of those.

24 MS. NICHOLS: I don't -- I don't
25 have them. If that happened, then I

1 don't have them, so ...

2 THE COURT: Okay. They don't
3 have them.

4 MS. THOMPSON: Okay. Well, did
5 they exist and she -- I say the State has
6 a duty to ask the agents also if there --
7 if there were text messages. If there
8 were text messages, they have a duty to
9 preserve them, and I'm asking that they
10 be turned over or that I either be given
11 notice that they -- that they existed.
12 At one point there were texting going on
13 between Ms. Bobo and TBI agents, and
14 they're no longer preserved.

15 MS. NICHOLS: All of the agents
16 that have anything to do with this case
17 have reported to us that if they are an
18 agent that texted with Ms. Bobo, that
19 they don't retain, you know, text
20 messaging from their phones.

21 THE COURT: I just deleted a
22 bunch on mine today.

23 MS. NICHOLS: Right. And so --

24 MS. THOMPSON: Well, I think --

25 MS. NICHOLS: If I can finish.

1 Mr. Hagerman, I think has gotten the
2 report from all of them.

3 MR. HAGERMAN: All TBI, all the
4 witnesses, all the TBI agents.

5 MS. NICHOLS: Oh, all the TBI
6 agents. Witnesses?

7 MR. HAGERMAN: Yeah.

8 MS. NICHOLS: He handled that
9 part.

10 THE COURT: So there are none.

11 MR. HAGERMAN: Yes. The TBI
12 agents responded to us that they did not
13 retain any of their text messages.

14 THE COURT: All right.

15 MS. THOMPSON: So they destroyed
16 them, Your Honor. And I say they had a
17 duty to preserve those -- those text
18 messages with witnesses. If they've
19 destroyed them, then I'm going want some
20 type of instruction to the jury about
21 evidence that's been destroyed.

22 MS. NICHOLS: For all we know, it
23 could be text messages about, I'm coming
24 to your house at 7 to talk to you.

25 THE COURT: I was fixing to say,

1 meet me at 3:00 at the Shell station.

2 MS. NICHOLS: Yeah. So --

3 MS. THOMPSON: But we don't know

4 because I can't --

5 THE COURT: They've given you

6 everything they've got. Let's go. Bring

7 the jury in.

8 MS. THOMPSON: Your Honor, I'd

9 also ask for a curative instruction.

10 They -- They've allowed in things that

11 people said, it wasn't for the truth of

12 the matter, and like a curative

13 instruction just to tell the jury that --

14 that whatever was repeated as what people

15 said is only to put into perspective what

16 happened next, and they're not to

17 consider what they said as being

18 truthful, such as the fact that the

19 Austin family said if people were over

20 there, they'd have -- there'd be full of

21 drug people and drug --

22 THE COURT: That's a legal issue.

23 I don't think we're -- I've tried to

24 explain hearsay to attorneys.

25 MS. THOMPSON: But I do believe

1 --

2 THE COURT: There's seven out of
3 ten attorneys don't know the definition
4 of hearsay.

5 MS. THOMPSON: I believe that
6 there is an instruction available that
7 says that that limited use on what those
8 statements come in as, Your Honor. And a
9 curative instruction with respect to what
10 the lady at the Shell station told her,
11 that's fine, that's nothing. A curative
12 instruction with respect to Dylan saying,
13 I'll give him the message, that's fine.
14 A curative instruction as to what Zach
15 told her, of course, would be
16 inappropriate because that was offered
17 for the truth because --

18 THE COURT: I can't --

19 MS. THOMPSON: I'm not talking
20 about Zach.

21 THE COURT: I can't give a
22 curative instruction on every time I rule
23 on some type of objection.

24 MS. THOMPSON: Right. We could
25 have a general one.

1 THE COURT: You probably
2 shouldn't have objected, because as an
3 attorney, you should know the definition
4 of hearsay.

5 MS. THOMPSON: I do know the
6 definition of hearsay, and until it comes
7 out, I don't know if it's for the content
8 of the -- simply because the State says
9 I'm not doing it for the truth of the
10 matter doesn't mean that's not why it's
11 coming in.

12 THE COURT: I'll tell the jury --
13 I'll take care of it.

14 Bring the jury out.

15 (The jury returned into
16 open court, and the
17 following proceedings
18 were had:)

19 THE COURT: All right. Let me
20 say, earlier there were some objections
21 based upon hearsay. I'm not going to
22 send you to law school, but I'm going to
23 tell you generally that hearsay is an
24 out-of-court statement made by somebody
25 that is offered for the truth of what is

1 being said. So everything someone else
2 says is not necessarily hearsay by
3 definition. If that is simply being
4 shown to offer why someone did what they
5 did in response to it, it's not hearsay,
6 okay? Everybody kind of generally
7 understand? And that's that first year
8 of law school that you learn that. Some
9 attorneys never learn it, so you folks
10 are up on it. Okay? All right.

11 CROSS-EXAMINATION

12 BY MS. THOMPSON:

13 Q Good afternoon, Ms. Bobo. I'm
14 Jennifer Thompson. You may have seen me
15 at hearings, but I know we haven't talked
16 before.

17 A That's correct.

18 Q And I recognize that today is a
19 very difficult day for you, and it's been
20 a hard afternoon. I want to be very
21 respectful of you, but there's some
22 questions I wanted to ask you this
23 evening that I think only you -- or you
24 would be the person to answer these
25 questions.

1 One, I wanted to ask you about, I
2 found somewhere in one of the reports
3 that you had discussed Janet Britt and
4 the fact that she had worked at Joe's
5 Video. That's the topic I'm going to go
6 to. So, in Parsons, Tennessee, there was
7 a video rental store called Joe's Video;
8 is that right?

9 A Yes, ma'am.

10 Q And your family had a membership
11 there, didn't they?

12 A Yes, ma'am.

13 Q And as a matter of fact, you all
14 would go there and rent movies regularly.

15 A I wouldn't say regularly but
16 sometimes.

17 Q Okay. And a woman named Janet
18 Martin Britt worked at Joe's Video.

19 A Not at night, April the 13th,
20 2011; no, she did not.

21 Q But at one point in the past,
22 Janet Martin Britt had worked at Joe's
23 Video.

24 A Yes, she had.

25 Q And she -- at one point, you had

1 said that she recognized your family.
2 A I had her son in school also.
3 Q Okay. And so, when you would go
4 to the rental store, she didn't have to
5 look up your membership number; she knew
6 what it was.
7 A That's correct.
8 Q And she knew your two children,
9 Clint Bobo and Holly Bobo, didn't she?
10 A I'm not sure. I never discussed
11 that with her.
12 Q Okay. Didn't you, in fact, at
13 some point tell the investigators that
14 Jan knew -- had known Clint and Holly
15 their entire life?
16 A I'm not sure. Do you have that
17 where I can see that? I don't remember
18 making that statement.
19 Q Okay. Well, I'm happy to pass
20 this up.
21 THE COURT: All right.
22 MS. NICHOLS: May I see what
23 you're passing forward?
24 MS. THOMPSON: It's an IR.
25 MS. NICHOLS: I don't -- It's not

1 her statement, Your Honor.

2 MS. THOMPSON: It's not her
3 statement. It's a --

4 MS. NICHOLS: Yeah. So, --

5 MS. THOMPSON: -- statement that
6 was taken by --

7 MS. NICHOLS: If I can finish.
8 My objection would be, it's not Ms.
9 Bobo's statement. It's something
10 somebody else has said that she said. So
11 that person --

12 THE COURT: You can ask her if
13 she said it.

14 MS. THOMPSON: Right. And --

15 THE COURT: That's what you've
16 done. You might have to call someone
17 else that authored that statement, if you
18 intend to use it for impeachment.

19 MS. THOMPSON: Yes. This might
20 --

21 THE COURT: Okay.

22 MS. THOMPSON: -- refresh her
23 memory, so I was going to just pass it up
24 to her and see if it would refresh her
25 memory at all.

1 A I do not remember making that
2 statement.

3 Q Okay. That's fine. And the
4 conversation that you had with Mr. Adams
5 in July of 2011, you, in fact,
6 interviewed lots and lots of people in
7 Decatur County, didn't you?

8 A Some.

9 Q You taped a lot of the
10 conversations you had with people.

11 A Yes, I did.

12 Q And you turned over dozens of
13 interviews to the TBI, didn't you?

14 A Probably.

15 Q And the conversation that you had
16 with Zachary Adams that day was, in fact,
17 recorded.

18 A Yes, it was.

19 Q Okay. And that's a recording
20 that you had turned over to the TBI.

21 A Yes.

22 Q Along with dozens of other
23 recordings.

24 A Not at that time.

25 Q But over the course of the

1 investigation, you had turned over --

2 A Yes, ma'am.

3 Q -- dozens of recordings.

4 MS. THOMPSON: No further

5 questions, Your Honor.

6 THE COURT: Anything else?

7 MS. NICHOLS: Maybe. Nothing.

8 THE COURT: All right. Step

9 down, Ms. Bobo.

10 Call your next witness.

11 MR. HAGERMAN: The State calls

12 Clint -- Clint Bobo.

13 THE COURT: All right.

14 CLINT BOBO was called and being

15 first duly sworn, was examined and

16 testified as follows:

17 THE COURT: Be seated. State

18 your name for the record and spell first

19 and last name for the benefit of the

20 court reporter.

21 THE WITNESS: Clint Bobo. C-L-I-

22 N-T B-O-B-O.

23 THE COURT: Okay. Proceed.

24 DIRECT EXAMINATION

25 BY MR. HAGERMAN:

1 Q Clint, we have met your mom.
2 We've met your dad. We've heard about
3 your sister. When I ask you questions, I
4 want you to keep your voice up so I can
5 hear you back here, okay?

6 A Okay.

7 Q Can you do that?

8 A Yes.

9 Q Maybe a little bit louder.

10 A Yes.

11 Q How old are you?

12 A I'm 32 years old.

13 Q What kind of job do you have now?

14 A I am a social worker.

15 Q Do you have a family now?

16 A I do.

17 Q A wife?

18 A I have a wife.

19 Q Do y'all have kids yet?

20 A No, no kids.

21 Q Just you and your wife.

22 A That's right.

23 Q We're going back six, seven
24 years, going back to April the 13th of
25 2011. Okay?

1 A Okay.

2 Q Where were you living back then?

3 A At that time I lived at 681 Swan

4 Johnson Road, Darden, Tennessee.

5 Q Who else lived there?

6 A It was me, my sister Holly, my

7 dad Dana, and my mom Karen.

8 Q And you were a little older than

9 Holly; is that right?

10 A About five years.

11 Q Were you working back then?

12 A I was.

13 Q Where were you working?

14 A Well, I had a part-time job at

15 nursing homes, and I worked at three

16 different nursing homes at that time.

17 Q Were you going to school?

18 A I was.

19 Q Where were you going to school?

20 A University of Tennessee at

21 Martin.

22 Q Working, going to school at the

23 same time, a 25-year-old, right?

24 A That's right.

25 Q Probably every bit of it.

1 A Yes.

2 Q That morning, April 13th, 2011, is
3 it a morning that you've thought a lot
4 about?

5 A Yes, I have.

6 Q Is it a morning that you've been
7 questioned a lot about?

8 A Yes.

9 Q By your friends?

10 A Yes.

11 Q By your family?

12 A Yes.

13 Q By law enforcement?

14 A Yes.

15 Q Attorneys?

16 A Yeah.

17 Q We're going back to it again.

18 A Okay.

19 Q That morning, how'd you wake up?
20 When did you wake up?

21 A I woke up hearing the sound of
22 our house dog, Rascal, barking.

23 Q What kind of dog is he?

24 A He is a shih tzu poo.

25 Q He's a little thing.

1 A Yeah.

2 Q He barks a lot?

3 A He's pretty small. He -- He --

4 He barks pretty often.

5 Q That woke you up?

6 A Yes.

7 Q And what did you do?

8 A I went back to sleep.

9 Q All right. So you woke up --

10 A Yeah.

11 Q -- by a dog barking, but you --

12 do you even get out of bed?

13 A No.

14 Q Okay. So you wake up, dog

15 barking. Did it stop barking?

16 A Well, yeah. I waited -- I guess

17 I was awake for a few seconds and then I

18 tried to go back to sleep, but maybe he

19 stopped barking at some time -- point in

20 time and then he started barking again.

21 Q And did something wake you up

22 again?

23 A Just the sound of him continuing

24 to bark.

25 Q Okay. So the little dog's still

1 barking.

2 A Uh-huh.

3 Q What do you do?

4 A I decided I would get up, that he

5 probably wasn't going to stop barking, so

6 I would go ahead and get up and go to try

7 to find out what he was barking at.

8 Q And what did you expect to find?

9 A I expected something -- to see a

10 utility vehicle outside, like a water

11 meter reader or an electric meter reader

12 or something, or a delivery truck.

13 Q You expected something normal.

14 A Yeah.

15 Q Normally the dog barks if there's

16 something like that.

17 A Yes. Yes, he does, any time

18 someone comes up, or even if there's a

19 loud vehicle sometimes that travels down

20 the road he would bark.

21 Q And then what did you do? Where

22 did you go?

23 A Well, I got up and I walked into

24 the den or the -- at that time I walked

25 through the kitchen into like the foyer,

1 and I looked out the front windows that
2 were next to the front door.

3 Q Were those some side windows?

4 A Yeah, side lights is what we call
5 those.

6 Q And y'all say that fast. It
7 sounds like satellites or something.

8 A That's right.

9 Q But side lights?

10 A Side lights.

11 Q I'm going to show you what's been
12 previously marked as Exhibit 19 and 20.
13 It's going to be behind you.

14 A Okay.

15 Q Is that the foyer you're talking
16 about?

17 A It is.

18 Q I'll show you Exhibit Number 20.
19 I'm not good at that. What do you see in
20 Exhibit 20?

21 A That's the foyer area with the
22 front door open.

23 Q All right. You've got the front
24 door and you've got those side lights?

25 A That's right.

1 Q All right. You looked out there
2 and what did you see?
3 A I didn't see anything. I didn't
4 see any vehicles. Didn't see anything.
5 Q Okay. What did you do next?
6 A Well, I looked out. I walked
7 over to the window that overlooks the
8 attached garage, the carport, and as I
9 was approaching that way -- I didn't look
10 at anything really, but as I was
11 approaching that window, I heard voices
12 in the -- in --
13 Q So is this -- Let me interrupt
14 you. I'm going to interrupt you a few
15 times, okay?
16 A Okay.
17 Q Is this a window that is in the
18 house or is it in the door?
19 A It's in the house.
20 Q Okay. So there's a -- there's a
21 window in the back of the house?
22 A Yes.
23 Q That looks into the carport or
24 looks out at the detached garage?
25 A It looks into the carport

1 attached to the house.

2 Q So you're looking out an interior
3 window into the carport.

4 A That's right.

5 Q Is that right?

6 A That's right.

7 Q Are you able to see anything?

8 A well, I raised the blind slightly
9 and I saw the silhouette of two
10 individuals underneath that window knelt
11 down.

12 Q Was it dark in that carport or
13 was it light?

14 A It was fairly dark.

15 Q There were blinds down in the
16 window?

17 A Yes.

18 Q Did you pull them all the way up
19 or did you just --

20 A No, I just very slightly opened
21 one of the blinds enough where I could
22 see out.

23 Q Why did you do it like that?

24 A Because I heard the voices out in
25 the carport.

1 Q At this time in the morning, you
2 had just woken up, right?

3 A That's right.

4 Q What information do you have?
5 Did you know where your mom was?

6 A I assumed that she was at school,
7 at work.

8 Q You assumed.

9 A Yeah.

10 Q You didn't see her leave.

11 A No.

12 Q Did you know where your dad was?

13 A I assumed that he was also at
14 work.

15 Q But you didn't see him leave.

16 A No.

17 Q Did you know where your sister
18 was?

19 A No.

20 Q So you're fresh out of sleep to a
21 barking dog. The front of the house
22 there's nothing, so you walk to the back.

23 A Right.

24 Q And you look in this dark
25 carport.

1 A Right.

2 Q Now you were describing that you
3 saw like the silhouettes of people. Did
4 you see these silhouettes or did you hear
5 voices first?

6 A I was going by what I heard, and
7 I was going by the voices. I heard the
8 voices first, and then I raised the blind
9 to try to look out the window.

10 Q Describe -- Describe the voices
11 to me.

12 A Well, it was a male's voice and a
13 female's voice.

14 Q Did you actually recognize either
15 of the two voices?

16 A At first I didn't recognize
17 either voice, but as I listened for just
18 seconds, I could recognize my sister's
19 voice and what I thought was her
20 boyfriend Drew's voice.

21 Q And why did you think it was her
22 boyfriend Drew's voice?

23 A Well, because he was the only
24 male figure in Holly's life besides
25 myself and my dad.

1 Q So you were making an assumption.
2 A That's right.
3 Q Did you know Drew very well?
4 A Yes.
5 Q Y'all are good friends actually,
6 right?
7 A Yes.
8 Q Did y'all go hunting together?
9 A We did.
10 Q Ride four-wheelers together?
11 A We did.
12 Q And you assumed it was his voice.
13 A Yes.
14 Q How were the two voices talking
15 to each other? In what manner were they
16 talking?
17 A The male voice sounded somewhat
18 aggravated, and the female voice sounded
19 -- would just answer back and sounded
20 upset.
21 Q Could you actually hear the words
22 that were being spoken?
23 A No, I wasn't able to make out
24 what they were saying.
25 Q So you're -- were you going by

1 the tone and volume or something like
2 that --

3 A That's right.

4 Q -- of the voices?

5 A That's right.

6 Q And is all this happening over
7 the course -- Because we talk about it
8 here and it sounds like it's happening
9 over the course of minutes, but, in fact,
10 it's happening over the course of what?

11 A Oh, this was taking place just
12 within a few minutes.

13 Q Okay. These voices, how long do
14 you listen to them?

15 A Well, I would say just less than
16 minutes. I would say seconds.

17 Q So you're fresh out of sleep.

18 A Yeah.

19 Q The barking dog, nothing out
20 front, and looking out to the carport and
21 you hear these voices.

22 A That's right.

23 Q For seconds.

24 A Yes.

25 Q So what do you see when you lift

1 up the blind a little bit?

2 A I see the silhouette of two
3 individuals knelt down underneath that
4 window.

5 Q Can you see their faces?

6 A No.

7 Q Can you tell which one the male
8 is and which one the female is?

9 A By their voices mostly I can.

10 Q And what do you mean by that?

11 A The female voice that I heard,
12 which I later recognized as Holly's
13 voice, was on the right-hand side, and
14 the male voice who I thought was Drew was
15 on the left-hand side.

16 Q What happens next?

17 A I try to call my mom and --

18 Q Why did you try to call your mom?

19 A I was going to ask her if Holly
20 didn't have school today, because I knew
21 that she was still at the house.

22 Q Well let me ask you, if you
23 assumed that that male voice may be Drew
24 and he's a friend of yours, why didn't
25 you open up that door and check?

1 A I don't know.

2 Q Have you thought about that
3 question?

4 A Not really.

5 Q You could have opened up the
6 door, right?

7 A That's right.

8 Q Were Drew and Holly having any
9 sort of relationship problems that they'd
10 be fighting in the morning?

11 A Not that I was aware of.

12 Q Do you get involved in their
13 relationship problems?

14 A No, I stay out of ...

15 Q Is that something you'd want to
16 walk into?

17 A No.

18 Q And so you tried to call your
19 mom.

20 A Yes.

21 Q And why do you try to call your
22 mom?

23 A I was going to ask her if Holly
24 didn't have school that day.

25 Q Were you able to reach your mom?

1 A I was unable to reach her on the
2 first try.

3 Q Were you able to get through to
4 her?

5 A Immediately after the phone call
6 that I made, I also text her, call me
7 ASAP.

8 Q Okay. Did you get a response?

9 A She called back about 20 seconds
10 after I sent the text.

11 Q So this is all still happening
12 really fast.

13 A Yeah.

14 Q As we're waiting for her to text
15 back, call back or whatever it is, what
16 are you doing?

17 A I'm trying to kind of listen to
18 the voices.

19 Q During this time, are you still
20 thinking it's Drew and are you still
21 thinking it's Holly?

22 A Yes.

23 Q Does your mom reach back to you?

24 A She does. She calls me right
25 back after I sent that text message.

1 Q And what do you tell her?

2 A I asked her, Did Holly not have
3 school today because her car is still
4 here.

5 Q Did you tell her about the voices
6 in the carport?

7 A I don't recall.

8 Q What did she say when you asked
9 about Holly not having school?

10 A She said, Yes, she has school.

11 Q She actually had a test even.

12 A Yeah. I was unaware of that at
13 that time.

14 Q Is that how the phone call with
15 you and Karen, the first one ends, or do
16 y'all talk some more?

17 A Well, I forgot to mention, I did
18 see Holly's car in the garage whenever I
19 looked out the window.

20 Q When you look out of this window,
21 the carport's right there.

22 A Yes.

23 Q So, --

24 A Yes.

25 Q -- these figures would have been

1 right there.

2 A Yes, right underneath the window.

3 Q And her car would have been right

4 there.

5 A Right there underneath it as

6 well.

7 Q So you heard the voices, you saw

8 the car.

9 A Uh-huh.

10 Q You asked your mom did Holly not

11 have school; no, Holly does have school.

12 A She has school.

13 Q And what next?

14 A The reason I asked is, at some

15 point briefly before this, Holly's car

16 wouldn't start one more morning, I think

17 the battery was dead or something, so we

18 had to -- I guess -- I don't know if my

19 dad did it or somebody had to, you know,

20 jump the car off to get it started, so

21 I'm not -- I thought that maybe it just

22 didn't start and someone was coming to

23 pick her up.

24 Q Sure. But what did your mom say?

25 I mean, what did y'all say to each other

1 after it was established she did have
2 school?

3 A She said she did have school.
4 And I believe at that point I said, well,
5 her and Drew are out here in the garage.

6 Q And what did she say in response
7 to that?

8 A I believe she said, That's not
9 Drew. Call all the neighbors.

10 Q Now, she knew -- she was working
11 with different information than what you
12 had.

13 A That's right.

14 Q She knew that wasn't Drew.

15 A Right.

16 Q Because she knew where Drew was
17 because she had talked to Drew that
18 morning.

19 A That's right.

20 Q Holly had talked to Drew that
21 morning. But did you know where Drew was
22 that morning?

23 A I didn't. I assumed that he was
24 turkey hunting somewhere, but I was
25 unsure of where.

1 Q All right. "That's not Drew."
2 Okay. That's what she says?
3 A Yes.
4 Q And what happens next?
5 A She called back. I don't
6 remember how much time had passed, but
7 immediately at this time, I could no
8 longer hear the voices. So, I left where
9 I was standing and I walked over to the
10 back door, and that's when I saw a male
11 and a female walking towards the woods,
12 and I recognized the female as my sister
13 and at this time still thought the male
14 was Drew. And he was wearing camouflage.
15 Q Could you see his face?
16 A No, I couldn't see either of
17 their faces.
18 Q Were they just a few feet from
19 you or are they many feet from you?
20 A They were several feet from where
21 I was.
22 Q You say "several". In fact,
23 later on -- we're going to skip forward
24 and come back to this in a minute and
25 have you tell the rest of the story, but

1 later on, did TBI get with you in that
2 house, have you look out into that yard
3 and have people stand there as if they
4 were this man and as if they were Holly?
5 I think it was -- actually had your mom
6 because she's the same height. Did that
7 happen?

8 A It did. We did that.

9 MR. HAGERMAN: May I approach,
10 Your Honor?

11 THE COURT: You may.

12 Q Let me have you look at this
13 picture. Tell me if you recognize that.

14 A I do.

15 Q All right. What is that?

16 A That is a viewpoint from the back
17 door of our house up towards the woods
18 where I last saw them walking.

19 Q Okay. And, in fact, is this a
20 picture from that -- I guess you can call
21 it a demonstration?

22 A Yes.

23 Q Where you were standing at this
24 window telling them where to be so that
25 everybody could see what you saw.

1 A It is.

2 MR. HAGERMAN: I'd offer this as
3 the next numbered exhibit.

4 THE COURT: 35?

5 COURT REPORTER: 35, yes, sir.
6 (Exhibit 35 was marked
7 and entered.)

8 Q Good shot of back window you're
9 talking about?

10 A It is.

11 Q So you'd be standing inside the
12 house right here at this back window,
13 right?

14 A That's -- Yeah, the back door.

15 Q All right. After you heard the
16 voices and now you finally see something;
17 is that right?

18 A That's right.

19 Q A figure here?

20 A Yes.

21 Q It's impossible to see with these
22 lights on, but this exhibit will be
23 passed around. But a figure here?

24 THE COURT: You want them dimmed?

25 MR. HAGERMAN: Let's try that.

1 Q This seems a little bit better.
2 A figure here; is that right?
3 A That's right.
4 Q And if we looked a little bit
5 closer at this picture, we could see the
6 figures wearing camouflage. Can you tell
7 that from where you are right now?
8 A Yes.
9 Q And then a figure right here in
10 the pink shirt like Holly was wearing.
11 A That's right.
12 Q So here's the first figure with
13 camouflage, and here's a second in blue
14 jeans and a pink shirt. That's actually
15 your mom --
16 A Yes.
17 Q -- for this demonstration playing
18 the role of Holly; is that right?
19 A That's right.
20 Q And is this the view that you got
21 that morning, the flash that you got of
22 that man in camo --
23 A It is.
24 Q -- and your sister?
25 A It is.

1 Q You told us before that you were
2 several feet away, but that's -- to me,
3 that's more than several feet.

4 A It's quite a ways.

5 Q It's all the way across your back
6 yard.

7 A Right.

8 Q This is the treeline, right?

9 A That's right.

10 Q The playground area that your dad
11 built and everything for y'all that's --
12 that would be out this way, right?

13 A Yes, it's just to the right of
14 where they're standing.

15 Q That detached garage would be way
16 over here, right?

17 A That's right.

18 Q So this is as much as you saw of
19 the man in camo.

20 A Yes.

21 Q And of your sister.

22 A That's right.

23 Q What are you thinking when you
24 saw that? What are you thinking that
25 morning when you saw that, when you had a

1 flash like this from all these feet away
2 of the man and your sister?

3 A Well, I -- at -- at that time, I
4 thought why are they -- why is Holly
5 wearing a pink shirt if they're walking
6 into the woods. Obviously he's wearing
7 camouflage and she has on a pink shirt.

8 Q Did you think they were going
9 hunting or something?

10 A Well, I was unsure. I thought it
11 was a possibility.

12 Q Is any of this stuff making sense
13 to you?

14 A Not really.

15 Q Did you still think that person
16 could be Drew?

17 A It was at this time that his size
18 seemed to be -- he seemed to be larger
19 than Drew.

20 Q When you say "larger", what do
21 you mean? Do you mean taller? You mean
22 stockier? You mean both? What do you
23 mean?

24 A Wider and heavier, stockier.

25 Q This flash from all these feet

1 away across this yard, you say he looks
2 heavier, stockier, wider --
3 A Yes.
4 Q -- than Drew.
5 A That's right.
6 Q So what were you thinking when
7 you noticed that difference?
8 A It occurred to me at that time I
9 thought, no, that's not Drew, that's
10 Richie.
11 Q And who's Richie?
12 A Richie is our cousin.
13 Q All right, y'all's cousin Richie.
14 Because you didn't see the face, did you?
15 A That's right.
16 Q But you're going on like body
17 type.
18 A Yes.
19 Q Were you still trying to make
20 sense of what you were hearing and what
21 you were seeing?
22 A Yes.
23 Q It doesn't sound like you were
24 doing a very good of it though, --
25 A No, I was --

1 Q -- right?

2 A I was very confused.

3 Q Where do they go?

4 A The last I seen them was about at

5 the part -- about at the spot where

6 they're standing in that picture.

7 Q Off into the woods?

8 A I didn't see them enter the

9 woods, but that's about the last view

10 that I saw of them.

11 Q Why didn't you see them enter the

12 woods?

13 A I'm unsure. It could have been

14 that -- that that second phone call from

15 my mom came in at that time and I looked

16 down at the phone. I'm really unsure as

17 to why I didn't see them enter the woods.

18 Q They enter the woods and then you

19 don't see them anymore.

20 A That's right.

21 Q Is there anything in those woods

22 behind your house?

23 A Yes, there's a trail just in

24 front of where they're walking, and that

25 trail leads up to an old logging road.

1 Q And there's actually a road
2 that's -- I don't know. How many yards
3 would you say it's off into those woods?
4 A From the trail to the logging
5 road?
6 Q From where they're standing right
7 there to the logging road.
8 A Probably going to be about eight
9 to ten steps.
10 Q Eight to ten steps to get to the
11 trail.
12 A The entrance to the trail, and
13 then the --
14 Q But how long down the trail to
15 the logging road?
16 A I think that we walked it; it was
17 about 60 yards from the trial entrance --
18 Q 60 yards.
19 A -- to the logging road.
20 Q So about 70 or 80 yards into
21 these woods, you get to the logging road.
22 A That's right.
23 Q That you can have a vehicle and
24 you can take off driving.
25 A Yes.

1 Q What do you do when you see them
2 disappear into the woods?
3 A Well, I talked to my mom again on
4 the phone. She called me back.
5 Q How was she acting?
6 A She's panicked at this point.
7 Q Panicked. And what is she
8 telling you?
9 A She said, "Oh my God, Clint.
10 That's not Drew. Get a gun and shoot
11 him."
12 Q "That's not Drew. Get a gun and
13 shoot him."
14 A That's right.
15 Q You've woken up to something.
16 The voices, flash of this, your mama
17 yelling at you to get a gun and shoot
18 somebody.
19 A Right.
20 Q What do you do?
21 A Well, I didn't do that. I was
22 still thinking that it's either Drew or
23 it's Richie. There's no reason for me to
24 get a gun and shoot. I wouldn't shoot
25 Drew. I wouldn't shoot Richie. I have

1 not seen anything to indicate that I need
2 to be trying to shoot anyone. So I
3 didn't do that.

4 Q What did you do?

5 A I think it was at this point that
6 I was at the back door, or I went back to
7 the back door. I think I was already
8 standing there, but I opened the door up
9 I guess just to listen, or I'm not sure
10 what I was about to do, go outside I
11 guess, and then I come -- I felt how cold
12 it was that morning, and I was still in
13 my pajamas, so I come back inside --

14 Q Let me ask you something. Let me
15 interrupt you. We can tell at this point
16 in the morning that you're confused.

17 A Yeah.

18 Q Would you admit that?

19 A Yes.

20 Q Confused by what you heard, what
21 you had seen and then later what you saw.

22 A Yes.

23 Q Would you admit that you were
24 also kind of scared of what was going on?

25 A Just unsure.

1 Q So you open that door, and you
2 don't run out and chase these two people
3 into the woods, do you?

4 A No.

5 Q What do you do?

6 A I opened the door and I felt how
7 cold it was and I realized I'm in my
8 pajamas, so I went and put on some pants
9 and a jacket and some socks and a pair of
10 shoes, and then I went out the back door.

11 Q Gun or no gun?

12 A No, I also went -- I also went
13 and grabbed the .38 Colt revolver before
14 I went out the door, and I also had my
15 cellphone.

16 Q You got dressed, you got a phone,
17 you got a gun. Now what are you going to
18 do?

19 A I guess I'm going to go and look
20 and walk up to the logging road to see if
21 I can see them or hear them.

22 Q What do you do?

23 A I walk out, and then I look to my
24 left where they were knelt down under
25 that window, and there's a pool of blood

1 in the garage.

2 Q There's a garage and there's a
3 carport.

4 A Carport.

5 Q Which one is it?

6 A It's a carport attached to the
7 house.

8 Q It's the one that you lifted up
9 that blind peeking into, right?

10 A That's right.

11 Q And you were seeing silhouettes
12 of your sister and --

13 A Yeah.

14 Q -- somebody.

15 A Yes.

16 Q And there's a pool of blood.

17 A Yes, just below where they were
18 knelt down.

19 Q And what are you thinking at this
20 point?

21 A I'm -- Really I'm even more
22 confused, because I'm thinking now, if it
23 is Drew or if it is Richie, they've
24 killed a turkey, they've brought it up
25 here to the house and laid it on the

1 carport and it's been bleeding, and --

2 Q You're still not thinking that

3 some man or some men came to your house

4 that morning and abducted your sister and

5 dragged her off in the woods.

6 A Absolutely not.

7 Q Had that even crossed your mind

8 at all?

9 A No.

10 Q If that had crossed your mind,

11 what would you have done?

12 A Well the situation would have

13 been much different. I would have -- I

14 would have probably not called anyone. I

15 would have just got a gun and tried to

16 kill the person that was with my sister.

17 It would have been either him --

18 Q You walked outside with the gun

19 and the phone and now you're dressed.

20 What do you see, other than the pool of

21 blood, after that?

22 A Okay. I walk -- I go ahead and

23 close the back door and I walk across the

24 deck, because obviously I don't want to

25 walk down into the garage. So I walk --

1 I take a right and I walk across the back
2 deck and into the driveway and I make a
3 left and I walk up through the back yard
4 up to the entrance of that -- of that
5 trail.

6 Q Sort of like over to the left of
7 that playground structure.

8 A That's right.

9 Q To the edge of where they walked
10 in.

11 A Yes.

12 Q And what did you see?

13 A I -- I stopped walking just in
14 front of where they are in that -- in
15 that photograph at the --

16 Q Okay.

17 A -- at the wood line, and I was
18 just looking and listening, and I didn't
19 see or hear anything. In fact, it was
20 unusually quiet. I didn't hear any birds
21 chirping, the wind wasn't blowing.

22 Q It's just real quiet.

23 A Yes.

24 Q No man in camouflage anymore.

25 A Right.

1 Q No voices anymore.

2 A Right.

3 Q No Holly.

4 A Right.

5 Q How long do you sit there or

6 stand there listening and looking?

7 A I stood there for maybe like 30

8 seconds, and then I heard a vehicle

9 coming up our driveway.

10 Q Okay. What happened then?

11 A Well, I recognized the vehicle as

12 Kathy Wise, Kathy Wise's Ford pickup

13 truck.

14 Q All right. And who is Kathy

15 Wise?

16 A She was our neighbor at that

17 time.

18 Q As you're looking at the front of

19 your house, they live off to the right;

20 is that correct?

21 A That's right. That's right.

22 Q Kathy and James Barnes?

23 A Yes.

24 Q And his girlfriend or ex-wife,

25 whatever --

1 A I was unsure.

2 Q What did you think when you saw
3 Kathy Wise's truck drive up?

4 A Well, I was still very confused
5 because she never comes up to the house.

6 Q That's not something that
7 normally happens.

8 A Right.

9 Q Okay. Well maybe it's something
10 that could explain what was going on.

11 A Yeah.

12 Q So did you talk to her?

13 A Yeah. She parked her truck, and
14 then she got out and approached me, and
15 she saw I had a revolver in one hand and
16 cellphone in the other hand, so, I was
17 holding both the objects out. Well I put
18 the barrel of the revolver in my pocket,
19 just to indicate that I don't intend to
20 harm -- you know, I don't intend any harm
21 with the gun, and then she walks up and
22 approaches me closer, and she says,
23 "What's going on up here? My husband,
24 Ed, heard screams about 15 or 20 minutes
25 ago."

1 Q And Ed is the same thing as James
2 Barnes.
3 A Well, Ed is actually Kathy Wise's
4 husband as far as I know.
5 Q But somebody had heard screams?
6 A Yes.
7 Q What did you say?
8 A I didn't -- I didn't say any- --
9 I don't think I said anything back to her
10 at that time. I had my cellphone, and
11 then it was at that point that I went
12 ahead and called 911.
13 Q All right. So at this point we
14 have heard voices, we've seen a flash of
15 man in camouflage, your sister in the
16 woods, drops or pooled blood in the
17 carport.
18 A Yes.
19 Q And now, the neighbors talking
20 about screams.
21 A Yes, which was new information to
22 me.
23 Q Had you ever heard screams?
24 A No.
25 Q And so now what do you do?

1 A I go ahead and called 911 as my
2 mom had told me, instructed me to do
3 earlier.

4 Q Your mom instructed you earlier
5 to go out there and shoot whoever it was,
6 right?

7 A Right.

8 Q Your mom instructed you earlier
9 to call 911 and call all the neighbors.

10 A That's right.

11 Q And now you do it.

12 A Yes.

13 Q As you're talking to 911, does
14 anybody else arrive?

15 A I'm on the phone with 911, and
16 they -- they -- Actually what happened
17 was, I called 911 and it went to
18 Henderson County. Well we lived in
19 Decatur County. So they said, hold on
20 the line and I'll transfer you to Decatur
21 County. So I hold on the line briefly,
22 and then they transfer me to Decatur
23 County, and I talked to the individual in
24 Decatur County, tried to explain -- I
25 guess I tried to explain what --

1 Q You tried to explain something
2 you couldn't explain.
3 A Right. Basically.
4 Q What did you tell them?
5 A I was still very confused at this
6 point. I believe I told them that I
7 thought that my sister was missing.
8 Q Did you tell them that you had
9 thought that she was with her boyfriend,
10 Drew?
11 A I don't remember going into any
12 of those details.
13 Q While you're on the phone with
14 911, other policemen arrive; is that
15 right?
16 A Yes. They -- They must have
17 already been dispatched because I was on
18 the phone with 911 briefly, and then I
19 heard an engine of the car speeding
20 toward our house.
21 Q Policemen get out?
22 A Police car pulled up and -- and a
23 deputy got out, asked me what was going
24 on, but, you know ...
25 Q Did you tell him?

1 A Yes. I think I told him what I
2 had saw and what I had heard that
3 morning, and he told me that he needed me
4 to write out a statement. So he handed
5 me a statement, and I don't -- I don't
6 remember him handing me an ink pen or a
7 pencil, and I don't remember him handing
8 me anything to lay the statement on to
9 write it, just a piece of paper.

10 Q Gave you some paper.

11 A Yeah.

12 Q And he says write down what you
13 just told me.

14 A Yeah. So I went back to his
15 patrol car and laid the paper on his hood
16 and asked for an ink pen, and I started
17 writing my statement.

18 Q All right. You started writing
19 your statement about what you saw that
20 morning.

21 A That's right.

22 Q But other people started coming.

23 A Yes. This was --

24 Q More police?

25 A Yes. Another Decatur County --

1 This was a Decatur County officer that
2 arrived first. Another Decatur County
3 officer arrived, who is someone that I
4 know. He arrived and got out, asked me
5 what happened, kind of the same scenario.
6 Q Did you talk to him?
7 A Yeah, briefly.
8 Q How about your mom and Ms.
9 Brumley; did they get there?
10 A I remember my mom and -- and Ms.
11 Terri Brumley arriving shortly after the
12 second deputy.
13 Q And tell us about your mom --
14 A They --
15 Q -- and Ms. Brumley.
16 A They got out of the car, the
17 vehicle, and then my mom approached me,
18 and I think that she grabbed me by both
19 arms and kind of shook me and said, "why
20 didn't you do something," very upset.
21 Q You understand she was just
22 upset.
23 A Yes.
24 Q And what did you say?
25 A I don't think I said anything at

1 that point.

2 Q And then more police?

3 A Yes.

4 Q How about people from the

5 community, do they start showing up?

6 A Yes. A deputy from Henderson

7 County I believe showed up next, and I'm

8 not familiar with the exact order, but

9 policemen continued to show up. People

10 from the community started showing up in

11 large numbers, and everyone that showed

12 up walked up to me and asked me what

13 happened, and I would try to go through

14 just briefly, you know, what I saw and

15 heard, and I was unable to write my

16 statement because of all of the people

17 coming up and talking to me. So I

18 decided that I would stop writing the

19 statement on the hood of the patrol car

20 and I would get in the back of the patrol

21 car and try to write my statement there.

22 So that's what I did.

23 Q She was gone.

24 A Yes.

25 Q She never came back.

1 A Right.

2 Q Your mom told us how she

3 searched, and your dad told us how he

4 searched.

5 A Yes.

6 Q How about you?

7 A I searched with them as well.

8 Q This changed your mom's life and

9 your dad's life. Did it change yours?

10 A Yes.

11 Q Did you ever know Zach Adams?

12 A Not until after this happened.

13 Q I'm talking about as of April

14 13th, 2011, --

15 A No, I did not.

16 Q -- did you know Zach Adams?

17 A No, I did not.

18 Q Did you know Shayne Austin?

19 A No, I did not.

20 Q Did you know Dylan Adams?

21 A I knew of Dylan Adams. I think I

22 had seen Dylan Adams at my grandmother's

23 house on -- on possibly one or two

24 occasions.

25 Q Had you ever hung out with him?

1 A No.

2 Q Under what circumstances would he
3 have been at your grandmother's house?

4 A He was friends with my cousin,
5 Brent Carnett.

6 Q Did you know Jason Autry?

7 A No.

8 Q Since April 13th, 2011, have you
9 seen them, all four of those people?

10 A Yes.

11 Q Your mom told us how you -- y'all
12 went and interviewed people.

13 A We did.

14 Q Right?

15 A We did.

16 Q Now as that man is walking into
17 the woods there and you're noticing that
18 he's wider or stockier, whatever it is,
19 than your cousin Richie -- or, no, --

20 A Than Drew.

21 Q Than Drew.

22 A Yes.

23 Q That he's about the same size as
24 your cousin --

25 A Yes.

1 Q -- Richie. Would you agree with
2 me that -- well what height and weight
3 would you assign them, if you had to?
4 A The man that I saw, I would
5 describe as about 5'10", 5'11" in height
6 and about 200 pounds in weight.
7 Q Would you agree with me that that
8 is not the same physical size or stature
9 of Zach Adams?
10 A I would.
11 Q That it's not, correct?
12 A That it's not.
13 Q That's not the same size, because
14 he's real tall, of Jason Autry; is that
15 correct?
16 A That's -- That's correct.
17 Q But how about Shayne Austin?
18 A When I first seen Shayne Austin,
19 that does fit the description of size and
20 weight of -- of Shayne Austin.
21 Q Do you know if the male voice you
22 heard in the garage is the same person as
23 the camouflage man?
24 A That is something that stood out
25 to me, because the voice I heard in the

1 garage sounded a certain way, and then
2 the man that I saw walking away with
3 Holly looked a certain way, and I don't
4 know if anyone would understand this, but
5 those -- the voice didn't match their
6 body type.

7 Q You don't know how many people
8 were out there, do you?

9 A I don't.

10 Q At least one.

11 A Yes.

12 Q But the voice could have been a
13 different voice.

14 A It could have been.

15 Q There could have been people you
16 didn't see and you didn't hear.

17 A That's right.

18 Q But you're here today telling us
19 what you heard and what you saw.

20 A That's correct.

21 Q And you've given this account. A
22 lot of people have asked you to tell them
23 what you saw and what you heard.

24 A Yes, many times.

25 Q In fact, would you acknowledge

1 that there have been some heated
2 conversations between you and the TBI and
3 law enforcement?
4 A There have been.
5 Q They've confronted you, correct?
6 A They have.
7 Q They've told you, we don't
8 understand why you didn't go out there.
9 A Definitely.
10 Q They told you they were
11 frustrated that you couldn't identify the
12 person.
13 A Yes.
14 Q But have you always told the
15 truth?
16 A I have.
17 Q Do you regret what you didn't do
18 that morning?
19 A Yes, I do.
20 Q If you had had more information,
21 if you'd known for certain that Drew was
22 out hunting, if you had recognized the
23 other voice as a stranger's, if you had
24 seen not just the man walking in the
25 woods but another man and another, what

1 would you have done?
2 A I would say that everything would
3 be different and we wouldn't be here
4 today.
5 Q But that's something you live
6 with, right?
7 A If I had had more information, I
8 would have definitely reacted to the
9 situation differently.
10 Q Did you love your sister?
11 A Yes.
12 MR. HAGERMAN: Pass the witness,
13 Your Honor.
14 THE COURT: Cross?
15 MS. THOMPSON: Yes, Your Honor.
16 CROSS-EXAMINATION
17 BY MS. THOMPSON:
18 Q Mr. Bobo, my name is Jennifer
19 Thompson and I represent Zach Adams.
20 A Okay.
21 Q I'd like to ask you some
22 questions.
23 A Okay.
24 Q You gave -- You've given multiple
25 statements in this case.

1 A I have.

2 Q And you gave a statement on the
3 same day that your sister disappeared.

4 A I did.

5 Q Or multiple statements actually.

6 A Several statements that day.

7 Q One of the statements you gave
8 was to FBI Special Agent Clark Bivrose.
9 Do you remember Mr. Bivrose?

10 A Yes.

11 Q And so that was the statement
12 that you made very close in time to when
13 the event occurred.

14 A I don't recall --

15 Q When your sister disappeared.

16 A Yes. I don't recall the time of
17 that, but I did sit down and talk to Mr.
18 Arthur that morning just after the --
19 just after my sister was taken.

20 Q And at that time, you said that
21 initially you had received a call at 7:33
22 in the morning from Chad Marshall. Do
23 you remember --

24 A I remember Chad calling that
25 morning. I don't remember the exact

1 time, but I was asleep, and I just simply
2 picked my phone up and silenced the call
3 and went back to sleep.

4 Q Okay. And it wasn't until about
5 7:40 that you woke up because your indoor
6 dog was barking.

7 A Sometime around that time; that's
8 correct.

9 Q Yes. And you were up for a few
10 minutes. You said you were up for about
11 10 minutes when you heard the voices from
12 the carport. Do you remember saying
13 that?

14 A Not really.

15 Q Okay. You told them that at
16 first you thought people were trying to
17 break into your house.

18 A I don't remember telling anyone
19 that.

20 Q Okay. Do you remember telling
21 him that you walked to the windows that
22 face the carport? You pushed out the
23 Venetian blinds? You pushed them open
24 and observed two people squatting down?

25 A I do.

1 Q You could only see the tops of
2 their heads; is that right?

3 A The tops of their heads and maybe
4 one -- the top part or portion of their
5 shoulder, I think is what I told them.

6 Q Okay. And the female had blonde
7 hair.

8 A Yes.

9 Q But you weren't sure who they
10 were because you couldn't see their
11 faces.

12 A Right.

13 Q One of them sounded male and
14 seemed to be giving orders to the female.

15 A That's right.

16 Q They both sounded white.

17 A Yes.

18 Q By that I'm -- I'm assuming
19 you're just talking about the intonation
20 in their voices.

21 A Yeah. Mr. Arthur and some of the
22 other FBI agents and TBI agents asked me
23 if I knew the ethnicity of the person
24 that I heard.

25 Q The female seemed to be agreeing

1 with what the man was telling her to do.
2 A That's right.
3 Q And you thought it was Holly, but
4 it didn't quite sound like her.
5 A I don't remember saying that.
6 Q Okay. And you assumed at that
7 time that the male must have been Holly's
8 boyfriend.
9 A Yes, I did.
10 Q Even though you didn't go
11 outside, it was an odd enough situation
12 that you called your mother.
13 A Yes.
14 Q Okay. And you -- then when you
15 couldn't reach her, you texted her.
16 A That's right.
17 Q When you couldn't hear the voices
18 outside any longer, that's when you
19 looked out the kitchen window and saw
20 people walking towards the woods; isn't
21 that right?
22 A The kitchen door; that's correct.
23 Q Okay. Okay, the glass window in
24 the kitchen. If you said glass window in
25 the kitchen, you would have meant the

1 door with the window in it.

2 A That's right.

3 Q Okay. And as you looked at the
4 woman, it looked like the size and shape
5 of Holly; is that right?

6 A That's correct.

7 Q And do you remember what she was
8 wearing?

9 A She was wearing a pink t-shirt
10 and blue jeans.

11 Q Okay. And again, you assumed
12 still at that point that the male was
13 Drew.

14 A I did.

15 Q Drew Scott, the boyfriend. And
16 you thought that the reason that they
17 were going into the woods was because
18 Drew had shot a turkey and he was taking
19 Holly to go see a turkey.

20 A I thought that was a possibility
21 at that time, yes.

22 Q Okay. And so there was nothing
23 about the way they were walking that
24 alarmed you at that time.

25 A That is correct.

1 Q There were some perhaps reports
2 that -- that she was being drug into the
3 woods, but you didn't see any evidence
4 that she was being drug into the woods.
5 A That's right, and those reports
6 were false.
7 Q If you had seen your sister being
8 drug into the woods, you would have
9 jumped into action.
10 A That's correct.
11 Q Okay. And the man you said had
12 on camouflage pants, a camouflage shirt
13 and a hat.
14 A To the best of my memory, I -- I
15 think that he had on a lot of camouflage.
16 I know I reported full camouflage, but he
17 did have on -- he did have on camouflage.
18 Q Okay. Do you happen to remember
19 what the camouflage pattern was?
20 A At first, I remember it looking
21 -- it appeared to be Mossy Oak Breakup.
22 Q Okay. Because actually there's
23 different companies; Mossy Oak is a
24 company of camouflage.
25 A Uh-huh.

1 Q And each company has different
2 camouflage patterns that they use.

3 A Right.

4 Q Okay. And Mossy Oak, you said
5 Mossy Oak Breakup.

6 A That's correct.

7 Q And that would be a camouflage
8 pattern you might use if you were going
9 turkey hunting.

10 A That's right.

11 Q Okay. And you said at first you
12 thought that. Upon further reflection,
13 did you decide it might be something
14 else?

15 A Yes. I did say that it could
16 have been Leafy-wear, which is something
17 that turkey hunters wear.

18 Q Okay. Was it just because it was
19 too far away for you to really determine?

20 A Yes, it -- it was.

21 Q And you said you thought that you
22 saw in the person's right hand something
23 that looked to you like a turkey call.

24 A Yes. I think I described it as
25 maybe a deer grunt call.

1 Q A deer grunt call?

2 A That's right.

3 Q And what would that look like?

4 A It's a black pipe, plastic pipe,
5 that's about seven or eight inches long,
6 and it has like a flexible end on it.

7 Q Okay. And how do you make noises
8 with it? Do you move it around?

9 A No, you blow through it.

10 Q Okay.

11 MS. THOMPSON: Your Honor, excuse
12 me just one minute.

13 Q I get nervous, too, and I ...
14 Okay. And so --

15 THE COURT: Kill the light. I
16 don't mouth well enough. I tried
17 mouthing it and they couldn't read my
18 lips. All right. Thank you.

19 Q Now, that morning, you had parked
20 your car in the garage that day, and that
21 was somewhat unusual; is that correct?

22 A I had backed my pickup truck in
23 the -- in the detached garage, and that
24 was somewhat unusual because that parking
25 spot was unavailable for a few months

1 prior to that night.

2 Q It had been full with things.

3 A Yes. My dad had a project car

4 that he was working on, and he had the

5 car on one side and parts and tools on

6 the other side.

7 Q Okay. So if somebody had been --

8 observed -- That was the first time you

9 had parked your car in the garage for a

10 while?

11 A That's right.

12 Q So if somebody had been observing

13 the house on other occasions, they would

14 have seen your car outside.

15 A Yes.

16 Q And that night, the garage door

17 to the detached garage was closed also,

18 wasn't it?

19 A That's correct.

20 Q So you wouldn't have been able to

21 see your truck.

22 A That's right.

23 Q Right? So if somebody had been

24 watching your house for a while, they

25 might have assumed that you were not

1 there.

2 A That is a possibility.

3 Q And on Tuesdays and Thursdays

4 that spring of 2011, you were gone before

5 Holly in the morning; isn't that right?

6 A On some days that I -- on some

7 days I was.

8 Q Yes. Now, do you remember also

9 telling law enforcement that the person's

10 hair, that you could see the man had dark

11 hair sticking out from under his cap?

12 A At some point in time, I do, yes,

13 remember that.

14 Q And you had said that the dark

15 hair was long enough that it appeared to

16 be touching the man's collar or down on

17 his collar.

18 A To cover his neck; that's

19 correct.

20 Q To actually cover his neck even.

21 A Yes.

22 Q And then, in fact, you had also

23 described the man's voice.

24 A Yes.

25 Q You described it as a very deep

1 low voice, didn't you?

2 A Yes.

3 Q And at some point, Terry Dycus
4 brought you voice samples of different
5 people's voices.

6 A He did.

7 Q And you were able to narrow the
8 voice samples down to two different
9 voices.

10 A I believe that's correct.

11 Q And to you, the two samples of
12 voices sounded identical.

13 A Yes, they sounded very similar.

14 Q You couldn't distinguish one
15 man's voice from the other.

16 A Yes.

17 Q And one of those men's voices was
18 Terry Britt's voice, wasn't it?

19 A That's what the TBI indicated,
20 yes.

21 Q At some point along the line, you
22 retained an attorney to represent you,
23 didn't you?

24 A Yes. Well, he was -- he was a
25 family -- he -- we obtained an attorney

1 to represent our family to give us some
2 family guidance, because our family's
3 never really been involved in any kind of
4 court issues.

5 Q Yes. And it was a new and
6 different situation to you.

7 A Yes.

8 Q But he actually accompanied you
9 when you were questioned by law
10 enforcement, didn't he?

11 A He later did.

12 Q Yes. And law enforcement put
13 great pressure on you to change your
14 story, didn't they?

15 A They did.

16 Q They continually accused you of
17 lying.

18 A Yes.

19 Q And they continually said that
20 you were somehow holding back on some
21 kind of information.

22 A Withholding information, yes.

23 Q And they again stressed again and
24 again that they would never be able to
25 solve the crime unless you would come

1 forward and tell everything you know.

2 A That's correct. To me that meant

3 that I was -- I was the one that could

4 solve the crime.

5 Q Right. And you can't solve this

6 crime, can you? No.

7 A No.

8 Q I mean, it wouldn't have mattered

9 to you in this situation if in the

10 beginning you had told some kind of fib.

11 In order to get your sister back, you

12 would have admitted to -- to that right

13 away; wouldn't you have?

14 A Admitted to if I had previously

15 lied?

16 Q If you had previously lied or if

17 you had been confused initially, --

18 A Yes; I would have admitted the

19 truth, yes.

20 Q You would have done anything to

21 get your sister back; wouldn't you have?

22 A I would not have lied.

23 Q No, no, but you would have

24 admitted faults on your own.

25 A Oh, yes.

1 Q You would have -- You would not
2 have tried to protect yourself and kept
3 yourself from getting in trouble if it
4 meant hindering the search for your
5 sister, would you?

6 A That's correct.

7 MS. THOMPSON: If I can have one
8 moment.

9 Your Honor, I have no further
10 questions.

11 THE COURT: Anything else?

12 MR. HAGERMAN: Just real quick,
13 Judge.

14 REDIRECT EXAMINATION

15 BY MR. HAGERMAN:

16 Q She asked about law enforcement
17 pressuring you to like change your
18 statement or something. Do you
19 understand the difference between
20 somebody confronting you about what you
21 said?

22 A I do.

23 Q About telling you that if it was
24 them, they would have rushed out there
25 and either they'd be dead or that man

1 would be dead?

2 A I heard something like that

3 numerous times, yes.

4 Q Again and again, they confronted

5 you with that.

6 A Yes.

7 Q And again and again, you've told

8 them the truth.

9 A Yes, all that I know.

10 Q And every time you tell them what

11 they know, what does law enforcement do?

12 A It seems like --

13 Q They write it down.

14 A Yes.

15 Q They write it down. Did they

16 ever try to change what you're saying?

17 A No, they didn't change what I was

18 saying. They just wanted me to add more

19 and give them more and give them more.

20 Q They're doing their job.

21 A Yeah.

22 Q They confronted you and

23 confronted you and confronted you, and

24 then they wrote down or wrote memos or

25 recorded or whatever it was every time

1 what you said.

2 A Yes.

3 Q They never made up lies of what

4 you said.

5 A No.

6 Q They never had you sign

7 statements that weren't true.

8 A No.

9 Q You saw a black -- what did you

10 call it again? I don't -- I don't hunt

11 that much.

12 A The object --

13 Q You see in his hands?

14 A The object in his hand? It

15 appeared to be a deer grunt call.

16 Q Because it was black?

17 A It was black, and it looked like

18 it was just kind of a matte black, and it

19 looked like it was about seven or eight

20 inches long, like a pipe or a tube.

21 Q And did you make any assumptions

22 that's what it was because he was in

23 camouflage and he was walking out in the

24 woods?

25 A Yes. I believe that that's -- of

1 course, he was a pretty good ways away
2 from me as well.

3 Q A very good ways. We saw the
4 pictures.

5 A Yeah.

6 Q Could that have been a gun?

7 A It could have been.

8 MS. THOMPSON: Your Honor, I
9 object to the speculation. I'd ask to
10 strike that.

11 THE COURT: No, he just said
12 could it have been; he said it could.
13 That's not speculation, it's just voicing
14 an opinion. Objection overruled.

15 None?

16 MR. HAGERMAN: Pass the witness.

17 THE COURT: Anything else?

18 MS. THOMPSON: No, Your Honor.

19 THE COURT: All right. Step
20 down.

21 Let's take a recess. It'll be
22 our last evening recess. The bailiffs
23 will let me know when everyone's finished
24 restroom and then we'll go a little
25 further into the evening yet.

1 (After a recess, the
2 jury returned into
3 open court, and the
4 following proceedings
5 were had:)
6 THE COURT: All right. Be
7 seated, please. Call your next.
8 MS. NICHOLS: John Babb.
9 JOHN BABB was called and being
10 first duly sworn, was examined and
11 testified as follows:
12 THE COURT: Be seated. State
13 your name and spell first and last name
14 for the court reporter, please.
15 THE WITNESS: John Babb. J-O-H-N
16 B-A-B-B.
17 THE COURT: Thank you, sir. All
18 right. You can proceed.
19 DIRECT EXAMINATION
20 BY MS. NICHOLS:
21 Q Good afternoon, Mr. Babb.
22 A Ma'am?
23 Q I'm going to ask you to speak up.
24 You're a little soft-spoken, and it's
25 sort of hard to hear in here.

1 THE COURT: That mic is hot, if
2 you need to get a little closer to it.

3 Q I'm not asking what your address
4 is, but where do you currently live?

5 A Collierville.

6 Q Okay. And where is Collierville?

7 A Collierville, Tennessee.

8 Q All right. And is that close to
9 Memphis?

10 A Yes.

11 Q And prior to moving to
12 Collierville, where did you live?

13 A In Lexington, Tennessee.

14 Q All right. And prior to living
15 in Lexington, where did you live?

16 A Kansas City.

17 Q At some point in there, did you
18 have a house/property on Swan Johnson
19 Road?

20 A I did. I did not live there, I
21 just owned the property there.

22 Q And what kind of property did you
23 own; a house, a lake? What?

24 A 150 acres of mostly woods, five
25 -- five lakes, recreational property.

1 Q And I asked you whether it was
2 close to Swan Johnson Road. Actually was
3 it right off of Swan Johnson Road?
4 A Right on Swan Johnson Road on the
5 east side.
6 Q All right. Are you familiar with
7 a family, last name Bobo?
8 A Very much so.
9 Q Karen Bobo, Dana Bobo, Clint --
10 A Certainly.
11 Q -- and Holly?
12 A And Holly.
13 Q Do you recall approximately when
14 you met their family?
15 A They were probably the first
16 family I met when I bought that property.
17 Q And when was that?
18 A 2004.
19 Q And having bought that property
20 in 2004, did you basically watch Clint
21 and Holly grow up?
22 A I did.
23 Q Did you ever do any business with
24 Dana or did he do some work for you
25 around your lakes?

1 A A great deal. He had heavy
2 equipment, and I needed a lot of heavy
3 equipment work done on the -- the lake
4 property. We worked together for about
5 10 years.

6 Q And how much interaction did you
7 have with Holly?

8 A Every now and then she -- I would
9 see her whenever I went over to their
10 house. In fact, she rode her horse on
11 our property from time to time.

12 Q And she rode her horse with your
13 permission I assume.

14 A Yeah, sure.

15 Q All right. You said you didn't
16 live there. Did you go there frequently
17 or infrequently?

18 A About three times a week.

19 Q Was there a place for you to
20 spend the night when you wanted to?

21 A There was; there's a small cabin
22 on the place.

23 Q I want to draw your attention,
24 please, sir, to April the 13th of 2011 and
25 ask you, do you remember that morning?

1 A I do.

2 Q Had you spent the night in your
3 cabin there on Swan Johnson the night
4 before?

5 A No.

6 Q How specifically do you remember
7 that morning?

8 A I was to go fishing with a good
9 friend of mine who had come in from
10 Atlanta. We spent the night at my home
11 in Lexington, came there the next
12 morning. I remember we were running a
13 little bit late. I looked at my watch
14 whenever I entered the gate. It was
15 about 7:30. Went down to the house. I
16 had to rig up a -- or put a boat on the
17 trailer and then hook up the trailer and
18 get our fishing gear together. I showed
19 my buddy a boat that I had built over the
20 winter. Then we went over to a lake, oh,
21 some three or four hundred yards away
22 from the cabin.

23 Q So all of the -- the activity
24 that you've described, when you said at
25 the time you went through the gate, that

1 was on that property.

2 A Yes.

3 Q The gate to -- to your --

4 A Right.

5 Q -- cabin and to your lake, the

6 ponds and lakes.

7 A Yes.

8 Q You sort of have given us some

9 specific time frames. Are you a person

10 that makes note of detail based on your

11 -- your history, your work history, your

12 career?

13 A I had to do that for many years,

14 yes.

15 Q And just so the jury understands

16 why you might be a person that pays

17 attention, what was your career?

18 A I worked for the U.S. Surgeon

19 General. I was an Assistant Surgeon

20 General and Rear Admiral in the Public

21 Health Service.

22 Q All right. And obtained the --

23 You were a Rear Admiral, weren't you?

24 A Yes.

25 Q And when did you retire?

1 A 2010.

2 Q So this point, this -- this April
3 of 2011 was really shortly after your
4 retirement?

5 A Yes.

6 Q You're enjoying yourself being
7 able to go fishing in the middle of the
8 week.

9 A Indeed.

10 Q Okay. Now, to go back to, you
11 entered the gate you said about 7:30?

12 A Around 7:30, yes.

13 Q And how much time did you spend
14 getting things ready, getting the boat on
15 the trailer and --

16 A I would say probably 20 minutes;
17 then we went over to the lake. My buddy
18 is a little bit decrepit, and -- I had my
19 stuff ready to go, he wasn't quite ready
20 yet. He was gathering his stuff
21 together. I was standing on the levee of
22 the lake. He was down next to the boat
23 at the lake surface there trying to get
24 his stuff ready, and that's why I saw
25 what I saw and he didn't see it.

1 Q All right. And so that the jury
2 understands I guess the -- the layout, if
3 you were standing where you were on the
4 levee and looked back towards the road,
5 what could you see? Could you actually
6 see Swan Johnson Road?

7 A Yes; for about a -- maybe 50-,
8 60-yard swath of road there, yeah.

9 Q And you said that he was not,
10 your buddy, -- And was that Mr. Williams?

11 A Bob Williams.

12 Q Bob Williams?

13 A Yes, uh-huh.

14 Q He was not able to see what you
15 did because of where he was.

16 A Right.

17 Q What did you see?

18 A Well first I heard something, a
19 motor revving up loudly on the road. I
20 looked over and a white truck came by
21 extremely fast, probably faster than any
22 car -- any vehicle I've seen on that road
23 before or since, probably traveling 55,
24 60 miles an hour, and I turned to my
25 buddy and said, "Man, that white truck

1 was flying." And, of course, he didn't
2 see it. That was the end of that
3 conversation.

4 Q Were you able -- other than
5 making the observation that it was a
6 white truck and going fast, were you able
7 to make any other observations about that
8 truck?

9 A I thought it was an extended cab
10 truck.

11 Q Okay.

12 A That by -- I don't know.

13 Q Did you think that it was -- may
14 have been a Ford as well?

15 A I thought it may have been a
16 Ford, but then it was 250 yards or so
17 away, so I couldn't tell for sure.

18 Q When you reported what you saw
19 though, you reported those things, that
20 you thought it was a -- an extended cab,
21 and you thought it was a Ford.

22 A Yes.

23 Q And Mr. Hagerman just reminded me
24 to ask, and I'm glad he did. Was it a
25 pickup truck?

1 A Yes.

2 Q Okay.

3 A Yes.

4 Q An actual pickup truck.

5 A Yes.

6 Q Other than hearing the truck and

7 -- And let me ask you which direction it

8 was going, and -- and we have a -- a map.

9 A The truck was going south, and

10 just at the very north end of the Bobo

11 property and my property, Swan Johnson

12 turns into a gravel road. So, I find it

13 inconceivable that somebody could have

14 been going that speed with any -- well,

15 that made any sense whatsoever after

16 coming off that gravel road unless they

17 were in one heck of a hurry. That's why

18 it -- it drew my attention.

19 Q Caught your attention. In

20 addition to hearing and then seeing the

21 white pickup truck, did you hear some

22 noises shortly before that that you

23 thought were cats fighting?

24 A I did. Two of the neighbors

25 owned quite a few cats, and I -- when I

1 heard it, I thought, that sounds like a
2 couple of cats fighting, and it was off
3 towards the -- the Bobo house. My buddy,
4 who is actually a cat person, said, "I
5 don't think that was cats," but that was
6 all we heard, and we didn't --

7 Q And did you --

8 A -- figure that out.

9 Q Did you hear what you thought at
10 the time were cats fighting, two cats
11 fighting, before or after you saw the car
12 speeding past?

13 A Well, I heard that as soon as we
14 got to the lake, so it was before the
15 car.

16 Q So, you heard the -- was it
17 screeching or yelling or crying or ...

18 A A screech or a squall like --
19 Like I say, I thought it was cats.

20 Q But your buddy told you it
21 wasn't.

22 A Right.

23 Q Do you remember when you were
24 kind enough to let me come to your home
25 and talk to you about what you saw and

1 heard?

2 A Yes, ma'am.

3 Q Okay. And in telling me,
4 describing for me the layout of your
5 property and the Bobo's, did you hand-
6 draw a map?

7 A Yes, I did.

8 Q Let me pass that forward to you.

9 MS. NICHOLS: And, Your Honor,
10 the defense has it.

11 THE COURT: You got a copy?

12 MS. THOMPSON: Yes.

13 Q And do you recognize that?

14 A Yes, ma'am.

15 Q And does that map, to the best of
16 your ability, truly and accurately
17 reflect sort of the layout of the road,
18 the land, the Bobo's that morning?

19 A It's a crude map, but, yes.
20 Yeah.

21 MS. NICHOLS: Your Honor, ask
22 this be marked as the next numbered
23 exhibit.

24 THE COURT: Should be 36 I think.
25 Is that correct?

1 COURT REPORTER: Yes, sir.
2 (Exhibit 36 was marked
3 and entered.)
4 Q I'm going to pass you -- I'm
5 going to pass you a pointer. Make sure
6 it's on. If you'll look over your left
7 shoulder --
8 THE COURT: Give us just a second
9 and we'll get them down. Pretty quick
10 study. It's 5:00 on Monday. We've
11 learned how to get the lights down.
12 Q All right. Mr. Babb, you have to
13 tell me, is it focused enough for you to
14 point out the writing or -- or not? I
15 can't tell.
16 THE COURT: It's hard to make out
17 the writing.
18 MS. NICHOLS: Okay.
19 A Okay. This point right here is
20 the levee on the lake where I was
21 standing. Right in here is where I saw
22 this truck speeding, coming -- coming
23 from that direction, and I saw the lake
24 for that time period right in here.
25 Q where do the Bobos live?

1 A There.

2 Q And what's -- what distance, if
3 you had to -- to tell us, down the road
4 for the Bobos to -- to where you saw the
5 car?

6 A Oh, from there to there, I would
7 say 150, 200 yards.

8 Q 150 to 200 yards. And the --
9 that -- the area on here where you
10 believe you heard two cats fighting or
11 screaming, where -- what -- where did
12 that sound come from?

13 A Just generally in this direction
14 here. This lady here had cats, and there
15 was a man that lived here who had 60
16 cats.

17 Q Oh, wow.

18 A 62 actually. So ...

19 Q But the sound wasn't from where
20 he lived.

21 A No, it wasn't coming from that
22 direction. It was back over in here.

23 Q Let me ask you, and tell me if,
24 -- either way, is it a possibility that
25 what you heard were voices or high-

1 pitched screaming as opposed to cats?
2 A It was --
3 MS. THOMPSON: Your Honor, I'm
4 going to object to the speculation.
5 THE COURT: The question's
6 proper. Overruled.
7 Q Let me ask that question again.
8 Is it a possibility that the sounds you
9 heard that morning was someone crying or
10 screaming as opposed to cats fighting?
11 A I didn't think of it in that
12 terms whenever I heard it. I wish I had
13 under the circumstances, but, no, I
14 didn't think of it that way, but it's
15 certainly possible that it was.
16 Q Now, this information that you
17 have shared with the jury, at what point
18 did you tell someone in law enforcement
19 what you had seen regarding that white
20 possibly Ford extended cab pickup?
21 A Well, the first -- first thing
22 that happened that I knew anything had
23 gone on over there was that Dana --
24 THE COURT: Are we through with
25 the map?

1 MS. NICHOLS: Yes, sir.

2 THE COURT: All right. Lights

3 up.

4 A Dana Bobo called me, I'm not

5 sure, somewhere around 9:00.

6 Q That morning or that evening?

7 A That morning. To ask me what the

8 age requirement to report the -- oh,

9 what's the --

10 Q Amber Alert?

11 A Amber Alert. What the age

12 requirement was for an Amber Alert, and I

13 said, I think it's 21, but I'm not sure.

14 And then he said, "Well, Holly's been

15 taken."

16 Q I'm sorry. There was a -- a

17 thump. Holly's been what?

18 A He said, "Holly has been taken,"

19 and he tried to explain what was going

20 on, and so -- well, I said, I'm -- he

21 said, "Are you at the lake," and I said

22 yeah, and so I then stopped fishing and

23 went to all of the buildings on the

24 property there, to be sure that nobody

25 had come over there to our side of the

1 road, and then I went directly over to
2 Swan Johnson Road, walked up to his
3 house. There were police cars, et
4 cetera, all up and down the road, and I
5 talked to the Sheriff of Decatur County
6 and the Sheriff of Henderson County who
7 were together on the roadway there and
8 told them what I had seen, and directly,
9 somebody from Homeland Security and the
10 FBI came over to the cabin and -- and
11 talked to me, and then later on that
12 evening, they asked me to come to the
13 command trailer and I spoke to them again
14 there.

15 Q So, from within I guess an hour
16 and a half or so after you heard and saw
17 this, you were making -- taking steps to
18 report it.

19 A Yes, but I didn't know there was
20 anything to report until --

21 Q Until you talked to Dana.

22 A -- Dana's telephone call, right.

23 MS. NICHOLS: Thank you, sir.

24 I don't have any further
25 questions.

1 THE COURT: Cross?

2 MS. THOMPSON: No further
3 questions.

4 THE COURT: All right. Thank
5 you, Mr. Babb. You're free to go or you
6 can be in the courtroom with us.

7 Call your next.

8 MR. HAGERMAN: Tony Weber.

9 TONY WEBER was called and being
10 first duly sworn, was examined and
11 testified as follows:

12 THE COURT: Be seated. State
13 your name and spell your first and last
14 name for the court reporter.

15 THE WITNESS: Tony Weber. T-O-N-
16 Y, W-E-B-E-R.

17 THE COURT: Thank you. You can
18 proceed.

19 DIRECT EXAMINATION

20 BY MR. HAGERMAN:

21 Q Mr. Weber, I want to recall your
22 attention back to April of 2011, okay?

23 A Yes, sir.

24 Q Where were you working back then?

25 A Decatur County Sheriff's Office.

1 Q All right. And how long were you
2 a deputy there?

3 A Law enforcement in Decatur County
4 approximately 15 years.

5 Q 15 years.

6 A Yes, sir.

7 Q All right. And now you've got a
8 new job though, right?

9 A Yes, sir.

10 Q Got a new and better job.

11 A Yeah.

12 Q Making a little more money
13 probably.

14 A Yes, sir.

15 Q April 13th, 2011, did you have
16 occasion to respond to the crime scene on
17 Swan Johnson?

18 A Yes, sir, I did.

19 Q Tell me how that came about.

20 A That morning we were leaving, or
21 I was leaving the high school. I had
22 been working traffic patrol, just trying
23 to detour speeders through a school zone.
24 After that, I had went to 911 dispatch
25 center and was made aware of the call. I

1 then responded emergency traffic to the
2 Swan Johnson Road address.

3 Q And you responded emergency
4 traffic, is that what you said?

5 A Yes, sir.

6 Q Does that mean fast?

7 A Lights and siren, yes, sir.

8 Q Lights and siren.

9 A Yes, sir.

10 Q Was it just you or was anybody
11 with you?

12 A It was just me in my car.

13 Q Tell us what you saw when you
14 arrived there.

15 A When I arrived at the address, as
16 I was pulling in the driveway, I noticed
17 two -- two people standing in front of a
18 residence; one was later identified as
19 Clint Bobo, the other was a neighbor. I
20 believe her name was Kathy Wise.

21 Q Okay. So you pull up that long
22 driveway at Swan Johnson, lights and
23 sirens, and you see Clint Bobo and the
24 neighbor here.

25 A Yes.

1 Q What did you do?

2 A I exited my vehicle. I went up
3 and was kind of trying to determine what
4 was going on, if a crime had occurred or
5 the nature of the call, what exactly had
6 been going on.

7 Q This call was some type of
8 kidnapping call, right?

9 A They said that Holly Bobo had
10 been taken, or a female had been taken
11 into the woods.

12 Q That doesn't happen every day.

13 A No, sir.

14 Q Did you talk to Clint Bobo?

15 A I did.

16 Q Did he give you a brief version
17 of what was going on?

18 A Yes, sir. He said that somebody
19 in camouflage had taken his sister into a
20 wooded area behind the -- behind and to
21 the right of the house from where we
22 were.

23 Q So what do you do in response to
24 that?

25 A We began to walk towards the area

1 where he had said that his sister was
2 taken into the woods.

3 Q Who is "We"?
4 A Mr. Bobo and I.
5 Q Okay.
6 A I don't remember at that time
7 whether the neighbor had come with us.

8 Q Gotcha.

9 A We started walking back through
10 there and just -- again, just generally
11 asking him questions. Are you sure, you
12 know, this is what happened? Are you
13 sure there's nothing going on? I
14 actually asked him, I said, "Are you sure
15 she didn't get a ride to school?"
16 Because I believe he had made comment
17 that she was supposed to be going to
18 college that morning. And I asked him,
19 "Are you sure she didn't get a ride?" He
20 said -- He was sure she did not get a
21 ride to school. Kept saying that she was
22 taken into the woods.

23 Q Okay.

24 A I asked to see where her vehicle
25 was. At some point, we ended up over

1 near her Mustang in the carport and --

2 Q And what did you see in the

3 carport?

4 A That's when I noticed there was

5 blood spatter and a puddle of blood on

6 the floor.

7 Q This is previously marked State's

8 Exhibit Number 27. Let me show you 28

9 first. Do you recognize that?

10 A Yes, sir. It appears to be the

11 carport of the Bobo's residence.

12 Q And was that car there?

13 A Yes, sir, it was.

14 Q That's her car. Is this the

15 blood you were talking about?

16 A It appears to be, yes, sir. It's

17 in the general location for sure.

18 Q And I've got a close-up of at

19 least part of that Exhibit 27. Right

20 there at the base of those steps, right?

21 A Yes, sir.

22 Q Things are serious.

23 A At that point, I -- I realized it

24 was more serious than I was first made

25 aware, yes, sir.

1 Q First made aware of or expected?
2 A Expected I guess. Well, I guess
3 just the demeanor of the persons when I
4 first encountered. I wasn't expecting to
5 find a scene of that magnitude or that --
6 Q People weren't --
7 A -- of that nature.
8 Q -- running around frantically.
9 A No, sir, they were not.
10 Q Were other law enforcement there
11 about the time you found the blood?
12 A I believe. I don't -- I don't
13 know exactly what time, but I do know
14 that Deputy Jeremy Pratt had arrived
15 sometime therein, and also Ricky Inman
16 with the sheriff's office had arrived
17 sometime at that point.
18 Q Do you stay there for a little
19 bit, there at the house?
20 A Initially I did. When I found
21 the -- the blood in the carport, I had
22 actually at that point tried to get Clint
23 Bobo to write me out a statement
24 realizing how serious, you know. Hey, I
25 need to get something on paper. I need

1 to get you -- get some facts. Tell me
2 what you saw for sure. Write it down.
3 Q Did you get him some paper?
4 A I did.
5 Q Where he could write it down.
6 A Yes, sir.
7 Q Other officers get there.
8 A Yes, sir.
9 Q These other officers have various
10 responsibilities.
11 A Yes, sir.
12 Q Other people get there.
13 A Yes, sir.
14 Q Do you remember Ms. Karen getting
15 there?
16 A Yes, sir, I do. We spoke briefly
17 in the front driveway. I believe I was
18 coming back from roping off the area
19 around the carport with sheriff's tape
20 and met her in front. Again, it was
21 brief. I started asking her specific
22 questions about Holly, trying to get a
23 little bit more information. I believe
24 at that point is when I realized that she
25 had her cellphone with her still.

1 Q Okay. The fact that she has her
2 cellphone with her, or at least it's not
3 there, --

4 A Yes, sir.

5 Q -- does that mean something to
6 you?

7 A Yes, sir. That means that
8 there's a good possibility that we can
9 actually start using that data off of
10 that to triangulate some sort of
11 location.

12 Q Try to figure out where her
13 cellphone is.

14 A Correct.

15 Q And maybe that's where she is.

16 A Correct.

17 Q And maybe we can go get her.

18 A Right.

19 Q So what do you do?

20 A I contacted our 911 system and
21 asked them to contact the cellphone
22 carrier so they can initiate the -- the
23 tracking of the phone.

24 Q Under certain circumstances, can
25 law enforcement make contact with the

1 cellphone provider like AT&T?

2 A Yes, sir. Life and death
3 situations they can.

4 Q And was that process started?

5 A Yes, sir, it was.

6 Q To complete that process though,
7 what do they need?

8 A They needed a supervisor's
9 signature.

10 Q So what did you do?

11 A I had to leave the residence and
12 get to the 911 center so I could fax a
13 copy of my signature and letterhead so
14 they would relay the information to me.

15 Q Lights and sirens again or just
16 plain old --

17 A I'm sure -- I'm sure I did, sir.

18 Q Did you sign that order or that
19 paperwork asking for this cellphone
20 information?

21 A Yes, sir, I did.

22 Q Now, when you ask for that sort
23 of cellphone information like from AT&T,
24 how does it come to you?

25 A They -- They actually emailed it

1 to my departmental email.

2 Q And in fact, AT&T that morning
3 emailed you several what I'm going to say
4 -- Nobody's asking about cellphone
5 expertise or anything right now. They
6 emailed you several pings of Holly's
7 phone; is that correct?

8 A That is correct, sir.

9 Q In what sort of form? They don't
10 send you a map with like --

11 A No, sir, it's a -- a lot of
12 numbers. Looks a lot more like longitude
13 and latitude stuff.

14 Q All right. Is that stuff you're
15 trained in or not trained in?

16 A I'm not trained in that, sir.

17 Q So what do you do when AT&T
18 emails you all these numbers that's a
19 cellphone ping?

20 A We were relaying them to TBI
21 agents, and also I believe highway patrol
22 or Jackson PD had a helicopter in the
23 area at that time, and we were relaying
24 that to them.

25 Q So AT&T starts sending you pings

1 from her phone and you start relaying
2 that information to whoever you can.

3 A Yes, sir.

4 Q But including the TBI.

5 A Yes, sir.

6 Q Do you actually go chasing these
7 cellphone pings?

8 A No, sir.

9 Q Okay. So what are your
10 responsibilities once these cellphone
11 pings start coming in?

12 A My responsibilities at the time
13 were to follow those until they stopped
14 or until she was found.

15 Q Those pings stopped, and we'll
16 hear testimony about it, a few hours into
17 that day.

18 A Yes, sir.

19 Q Were you tasked later that day or
20 during that day with going out, trying to
21 investigate a little bit or try and talk
22 to people a little bit?

23 A Yes, sir. After we realized that
24 there were no more pings coming through
25 on the cellphone, I was given a job along

1 with Deputy Jeremy Pratt to go and
2 interview our local sex offenders
3 throughout the county.

4 Q In your travels that day, you had
5 to drive from place to place I assume.

6 A Yes, sir.

7 Q In any of those travels -- First,
8 do you know Zach Adams?

9 A I do know Zach Adams.

10 Q Do you know Shayne Austin?

11 A I did know Shayne Austin.

12 Q In your travels that day from
13 place to place and wherever to wherever,
14 did you ever encounter Zach Adams?

15 A No, sir, not to my -- not that I
16 recall. No, sir.

17 Q Well would you recall?

18 A I believe I would have recalled;
19 but, no, sir, I don't recall.

20 Q Did you ever encounter Shayne
21 Austin?

22 A No, sir.

23 Q Either Zach Adams or Shayne
24 Austin ever talk to you that day?

25 A No, sir, not that I can recall.

1 MR. HAGERMAN: Thank you, Mr.
2 Weber.
3 THE COURT: Cross-Examination?
4 MS. THOMPSON: Yes, sir.
5 CROSS-EXAMINATION
6 BY MS. THOMPSON:
7 Q Hello, Mr. Weber. I am Jennifer
8 Thompson. So you were the first officer
9 on the scene that day.
10 A Yes, ma'am.
11 Q And to be clear, you never walked
12 back into the woods first thing looking
13 for Holly, did you?
14 A The initial thing? No.
15 Q Yes.
16 A No, I did not.
17 Q Matter of fact, you had Clint
18 Bobo come over and begin to fill out some
19 paperwork.
20 A We spoke briefly and walked
21 around the house, yes, ma'am.
22 Q So, when you first got there, he
23 was standing in the front of the house?
24 A Clint Bobo, yes, ma'am.
25 Q Okay. Did he tell you that there

1 was some blood over in the carport?

2 A I don't remember that ever coming
3 out until we had already made it around
4 the house.

5 Q Okay. But you didn't see the
6 blood yourself, did you?

7 A Yes, ma'am, I did.

8 Q Well, initially when you made
9 your first day report, you said you
10 didn't see the blood but told Inman about
11 it.

12 A I don't know how --

13 Q Do you remember that?

14 A No, ma'am, I don't. I don't know
15 how I could have told him about it if I
16 hadn't seen it.

17 Q Well, Clint told you, you told
18 Inman.

19 A No, ma'am, I don't believe that's
20 right.

21 Q So you said you did walk over and
22 look at the blood.

23 A Yes, ma'am, I did.

24 Q So, you walked all the way
25 through the carport to look at the blood?

1 A No, I stepped into the carport.
2 Without seeing a picture, there's a -- a
3 breezeway, I guess you could say, from
4 the back porch area going over there, and
5 you could see down in through there.

6 Q Okay. And you weren't the first
7 person to put up tape that morning around
8 the crime scene, were you?

9 A Yes, ma'am, I was.

10 Q Dana Bobo had already put up some
11 pink ribbon to block off the carport,
12 hadn't he?

13 A Ma'am, Dana Bobo was not there
14 when I got there.

15 Q Okay. So it's your testimony
16 that you're the first person that put up
17 crime scene tape around in the carport.

18 A Yes, ma'am, it is.

19 Q Okay. How long after you arrived
20 did it take for Mr. -- Officer Pratt to
21 arrive?

22 A Ma'am, I don't know.

23 Q Can you give us a guesstimate?

24 A The 911 log would probably show.
25 I -- I honestly don't know.

1 Q Okay. So, at what point did you
2 walk back in the woods looking for Holly?

3 A I don't know. It would have been
4 after -- after we -- it might have been
5 about the time that Karen and I had
6 spoken up front, and I remember some of
7 our last words, she hollered at me to
8 find her daughter, so ...

9 Q Okay. She actually ran into the
10 woods looking for Holly before you did,
11 didn't she?

12 A I don't know. I didn't see her
13 do that, no.

14 Q You never saw Karen Bobo run into
15 the woods?

16 A No, ma'am.

17 Q Now, Karen Bobo got there after
18 you go there, didn't she?

19 A She did.

20 Q Okay. And so, that's something
21 you did not observe that morning?

22 A No, ma'am, I did not see her do
23 that.

24 Q Okay. So you think that you
25 maybe walked into the woods after Karen

1 Bobo arrived?

2 A I don't know. Again, I never saw
3 her go into the woods, so I couldn't tell
4 whether she did after I had been or not.
5 I don't know.

6 Q Okay. So when you walked into
7 the woods, did you run through the woods
8 or did you just --

9 A No, ma'am.

10 Q -- walk?

11 A No, ma'am. It wasn't a run. We
12 -- We walked through the woods.

13 Q Okay. And what did you observe?

14 A Honestly, we were looking for any
15 sort of blood trail at that point,
16 because I had already noticed the blood
17 in the carport. I was looking for any
18 sort of disturbances that I might find,
19 potentially even her.

20 Q So when you say "disturbance",
21 what were you looking for disturbance-
22 wise?

23 A Disturbances in the leaves, drag
24 marks through dirt, anything like that.

25 Q Did you find anything like that?

1 A No, ma'am, I did not.

2 Q Did you take any photographs as
3 you were walking through the woods?

4 A I don't recall having taken any
5 photographs, no, ma'am.

6 Q So when you walked through the
7 woods, where did you -- how long did you
8 walk and where did you come out?

9 A I come out on -- it may have been
10 Swan Johnson Road. I believe it cuts
11 right through there.

12 Q And did you take any pictures of
13 the logging road that was back in there?

14 A No, ma'am, I did not.

15 Q Okay. So, did you make any kind
16 of observations about tire prints or tire
17 tracks back in there?

18 A No, ma'am, I did not.

19 Q When you were walking around in
20 the carport area, did you have any kind
21 of booties on or anything to prevent you
22 from leaving footprints?

23 A I didn't walk through the
24 carport. I walked up to the threshold of
25 the door.

1 Q How about when you were walking
2 on the trail? Did you do anything to
3 prevent yourself from leaving --

4 A No, ma'am, I did not.

5 Q Did you do anything to try to
6 preserve footprints that were on the
7 trail?

8 A I didn't observe any footprints
9 on the trail.

10 Q Did you put out any kind of
11 information about getting the roadblock?

12 A No, ma'am, I don't recall doing
13 that.

14 Q Okay. Did you send out messages
15 that somebody should go and start
16 checking roads or intersections?

17 A Not that I recall, no, ma'am.

18 Q Okay. So, when you finally
19 called and started to get the pings, you
20 didn't call to get the first ping and get
21 the paperwork in until just a few minutes
22 before 9:00; isn't that right?

23 A I don't -- I don't remember. I
24 remember calling Henderson County
25 Sheriff's Office for some assistance; I

1 believe they had a tracking dog. That
2 was during the time I was at the house
3 also, but to say at what point, that was
4 during the whole ordeal that morning. I
5 couldn't specify a time.

6 Q So that's just a detail you don't
7 remember today?

8 A Excuse me?

9 Q That's a detail you don't
10 remember today, when you got --

11 A The time?

12 Q The time you got your first --
13 you started to get the first ping?

14 A No. I'm sure it's documented,
15 the time of the first ping.

16 Q Do you have that documentation
17 with you today?

18 A No, ma'am, I don't. They
19 collected all of my case file that I --
20 Anything that I was involved with, the
21 TBI picked up, so ...

22 Q So you don't even have your case
23 file with you?

24 A No, ma'am.

25 Q In order to testify today, did

1 you review the case file?

2 A No, ma'am, I has not -- I have
3 not.

4 Q So when was the last time you
5 reviewed the case file?

6 A About the last time I was
7 involved with it before the TBI took it
8 I'm sure.

9 Q And the TBI, did they take it
10 that very day?

11 A It was within the first early
12 days of it, yes, ma'am.

13 Q Okay. So, you're saying it's
14 been a good seven-plus years since you
15 reviewed the materials.

16 A No, ma'am, it's six years.

17 Q Okay. Six years since you
18 reviewed the material, sorry.

19 A Yeah. It's probably not been
20 exactly six, but it's getting pretty
21 close.

22 Q Okay. If I were to tell you that
23 the first ping came in at 8:56 and you
24 actually got a no-hit back on the first
25 ping, would that refresh your memory on

1 that?

2 A It wouldn't mean anything to me,
3 ma'am. I don't know anything about what
4 all that data and what all that pinging
5 is supposed to do. I know that they're
6 supposed to be able to use that
7 information to triangulate a location off
8 of it. Somebody way smarter than I am.

9 Q If I were to tell you the second
10 ping came in at 8:57, would that refresh
11 your memory on that?

12 A No, ma'am.

13 Q And that there actually was a hit
14 on the 8:57 ping. You recognize that
15 you're the person that told AT&T -- You
16 had to -- You -- You fill out a form and
17 mail it into a fax number; isn't that
18 right?

19 A Yes, ma'am, an exigent
20 circumstances form.

21 Q Okay. And it's actually a --
22 kind of a warrant saying, we have
23 emergency circumstances and we believe
24 that if you can give us the location of
25 this ping, we can stop a crime in

1 progress or save a life.

2 A Yes, ma'am.

3 Q Those are kind of the two exigent
4 circumstances that they need to do a
5 ping.

6 A Yes, ma'am.

7 Q And you're the person, you've
8 already testified, that filled out the
9 paperwork to get that ping and faxed it
10 over.

11 A Yes, ma'am.

12 Q Okay. And you do remember that
13 the AT&T call that you made was recorded
14 on the 911 system, right?

15 A I'm sure it is. All the 911
16 lines are recorded.

17 Q And AT&T actually asked you how
18 often do you want to get a ping back on
19 the phone. Do you remember that they
20 asked you that?

21 A No, I don't remember the
22 specifics of the conversation.

23 Q Do you remember you telling them
24 you just would get one every 15 minutes?

25 A I don't remember that.

1 Q Did you recognize it would have
2 been possible to get one every one
3 minute?

4 A No, I did not know that.

5 Q So, after this happened, you were
6 assigned the job of going around and
7 looking for the sex offenders that day.

8 A Yes, ma'am.

9 Q Do you have a memory that there's
10 over 90 sex offenders that lived within a
11 short distance of the Bobo home?

12 A I remember there were several.
13 To say a specific number, ma'am,
14 honestly, -- I had a yellow legal pad,
15 and it was full of people that we made
16 contact with, so ...

17 Q Okay. But several is different
18 than saying it was close to a hundred.

19 A Okay. I don't remember the
20 specific number, ma'am, but I know it was
21 a lot.

22 Q Okay. And you were given -- they
23 actually kind of just set you up on a
24 road, and you kind of started on one road
25 and started just going -- going in order;

1 isn't that right?

2 A No, ma'am. Deputy Pratt and I
3 decided that we would start closest to
4 the Bobo residence and start working a
5 spiral grid outward from that.

6 Q Okay. I'm -- I'm sorry, but what
7 I meant was, you had a list of where
8 everybody lived and what their address
9 was, and you were going in address order
10 when you were checking on people.

11 A I was not going in address order.
12 I was going in proximity to the Bobo
13 home.

14 Q Okay. Maybe I'm not phrasing it.
15 You weren't doing it alphabetically. You
16 started at the Bobo home, and you were
17 kind of moving from house to house
18 getting further away.

19 A I would say that's correct, yes.

20 Q Okay. And so, do you have a
21 memory now that one of the people that
22 you were to check on was a man named Eric
23 Christianson who lived on Jeanette
24 Holladay Road, 2700 Jeanette Holladay
25 Road?

1 A I'm sure we did. I don't
2 remember his specific name, no, ma'am.

3 Q Okay. So, what you're saying now
4 is you have absolutely no memory of that.

5 A I remember speaking to a lot of
6 people that day, ma'am.

7 Q Okay.

8 MS. THOMPSON: Your Honor, if I
9 could a few minutes. I'd like to pull
10 together some of the materials I have
11 from his case file so that I can -- can
12 hand it up to him to see if it refreshes
13 his memory.

14 THE COURT: Do it. Do it.

15 MS. THOMPSON: I didn't know that
16 he was going to be called today, so I
17 don't have my materials ready. We just
18 got his -- Your Honor, I was just told he
19 was being called a few minutes ago.

20 THE COURT: How long will it take
21 you?

22 MS. THOMPSON: It's probably
23 going to take me about 15 minutes. I
24 have -- I do have significant more
25 questions to ask him once -- if I can get

1 his memory refreshed on some of the
2 materials.

3 THE COURT: Let's break for the
4 evening at this point then. We'll
5 continue tomorrow. I want you to be
6 ready to go like that. Okay?

7 MS. THOMPSON: It is difficult
8 when I don't know which witness is going
9 to be called in advance, Your Honor.

10 THE COURT: The order in which
11 they call their witnesses is up to them.
12 If you call witnesses, the order in which
13 you call is up to you. I want our
14 bailiffs to be apprised so that they can
15 kind of have them in waiting. Okay?

16 5:30. You folks are going to
17 have to get settled in, so it won't hurt
18 us to break for the evening. They'll
19 feed you. Not going to identify by name,
20 but we've got one of our jurors that has
21 a birthday on Thursday. I want that
22 juror to be treated very favorably on the
23 birthday, okay? And like I say, I'm not
24 going to identify who it is. The
25 sheriff's department will know that.

1 MR. HAGERMAN: We may have a
2 birthday tomorrow, too.

3 THE COURT: Oh, there's one
4 tomorrow? Maybe I had the wrong date.
5 All right. Mine's Friday. Okay? I'll
6 still be here Friday. But the birthday's
7 tomorrow. I want her to be treated
8 special, okay? All right.

9 Your admonitions, don't -- just
10 put this out of your mind as best you
11 can, okay? Do not form or express an
12 opinion. Keep an open mind on the case
13 until you're instructed to do so. Do not
14 discuss the case with anyone, not even
15 your fellow jurors, until the case is
16 submitted to you for your final
17 consideration. Do not allow the case to
18 be discussed in your presence. Ignore
19 any news reports. Avoid conversations
20 with parties, witnesses or attorneys, and
21 promptly report any violations of these
22 rules to the Court.

23 The jury may now be excused. You
24 can leave your notebook in the seat. The
25 courtroom will be secured overnight.

1 (Court was adjourned at
2 5:33 p.m., to be reconvened
3 at 9:00 a.m. on September
4 12, 2017.)

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1 CERTIFICATE OF THE COURT

2 THIS IS TO CERTIFY THAT THE
3 TRANSCRIPT OF EVIDENCE ADDUCED AT THE
4 HEARING OF THIS CAUSE HAS BEEN FILED WITH
5 THE CLERK OF THE COURT.

6 The Court has examined this
7 Transcript of Evidence and has found it
8 to be a true and accurate record of the
9 proceedings.

10 Therefore, it is Ordered, Adjudged
11 and Decreed that the Transcript of
12 Evidence is hereby approved by the Court
13 and will be part of the record on appeal
14 in this case.

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JUDGE

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DATE

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