

W 2020 - 01208 - CCA - K3 - CD

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

STATE OF TENNESSEE,

Plaintiff,

vs.

Case No. 17-CR-10

ZACHARY ADAMS,

Defendant.

ORIGINAL

JURY TRIAL

SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

VOLUME IX OF XVII

This cause came to be heard and was heard on
the 9th - 23rd days of September, 2017, before the
Honorable C. Creed McGinley, Judge, holding the
Circuit Court for Hardin County, at Savannah,
Tennessee.

3rd Nov 2020 11³⁰
Johnne Poon

Reported by:
ERIN ANGEL
Court Reporter

FILED

AUG 18 2021

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1 **VOLUME IX**

2 **DAY 5**

3 **THURSDAY, SEPTEMBER 14, 2017**

4
5 (WHEREUPON, the jury returned to the
6 courtroom, after which the following proceedings were
7 had:)

8 THE COURT: Be seated.

9 You want to bring Mr. Autry back in? Have a
10 seat, please, sir.

11 THE WITNESS: Yes, sir.

12 THE COURT: Cross-examination for the
13 defendant.

14
15 **CROSS-EXAMINATION**

16 **QUESTIONS BY MS. THOMPSON:**

17 Q. Mr. Autry, I am a Jennifer Thompson. I think
18 we've been in court together before.

19 A. That is correct.

20 Q. I want to go back over this story with you.
21 And I think that one of the first things you did was
22 you began to explain to the jury that you were from
23 the Parsons area.

24 So you -- your mother is actually from the
25 Parsons area, also; isn't she?

1 A. That's correct.

2 Q. And her name?

3 A. Shirley King.

4 Q. Okay. And she has some sisters that live in

5 the area?

6 A. That's correct.

7 Q. And does she have a brother, also?

8 A. She does not.

9 Q. What -- and you said your maternal

10 grandmother lived in the area?

11 A. That is correct.

12 Q. So you have an Aunt Rita who lives actually

13 on Pugh Road?

14 A. 790 Pugh Road.

15 Q. You have an Aunt Judy that lives there?

16 A. 900 Yellow Springs Road, I believe, is the

17 exact --

18 Q. She's actually moved into your grandmother's

19 house?

20 A. That is correct.

21 Q. And then you have another aunt that lives

22 there. Can you tell the jury?

23 A. Carrie Hickerson that lives in Holladay.

24 Q. Okay. Holladay, which is very close to the

25 area, right?

1 A. That is correct.

2 Q. Holladay being just north of Interstate 40 --

3 A. That is correct.

4 Q. -- is that right?

5 And actually, Rita and Jimmy Austin, is their

6 mailing address Holladay?

7 A. That is correct.

8 Q. And your Aunt Judy, her mailing address would

9 be Holladay?

10 A. That is correct.

11 Q. So your other aunt, Ms. Hickerson, she's in

12 Holladay?

13 A. I believe her actual last name is Christian.

14 Q. Christian?

15 A. Yeah.

16 Q. And your grandmother, what was her name?

17 A. Juanita Hickerson.

18 Q. Juanita Hickerson.

19 Do you remember exactly when she died?

20 A. The day, I don't.

21 Q. Okay. Did she die around the first of March?

22 A. I don't recall the date.

23 Q. Okay. She died that spring of 2011; isn't

24 that correct?

25 A. If you say so.

1 Q. Well, I thought you testified on direct that
2 she had died --

3 A. She had died before -- she had died before
4 April 13th.

5 Q. Okay.

6 A. I don't know the date or the month. I didn't
7 visit them probably not like a grandson ought to.

8 Q. Okay. It's just a fact you don't quite
9 remember now; is that right?

10 A. I don't recall the exact date.

11 Q. Okay. And you said you don't recall the
12 exact month your grandmother died either; is that
13 right?

14 A. That's correct.

15 Q. And your father, he's from the area, too;
16 isn't he?

17 A. 1333 Bear Creek Road.

18 Q. His name is Gary Autry?

19 A. That is correct.

20 Q. Matter of fact his -- his mother was from the
21 area; wasn't she?

22 A. She lived in the same house he does now.

23 Q. Okay. A little white house on Bear Creek
24 Road?

25 A. Brick house, brick house on Bear Creek Road.

1 Q. At one time your grandmother had lived in a
2 white house on Bear Creek Road; hadn't she?

3 A. That is correct.

4 Q. And Bear Creek Road actually runs into Five
5 Forks Road; doesn't it?

6 A. That's correct.

7 Q. So it's over there close to the Bobo home?

8 A. That is correct.

9 Q. Because the Swan Johnson Road runs into Five
10 Forks Road; doesn't it?

11 A. That is correct.

12 Q. And your father's mother, her name is Sooty
13 Autry?

14 A. That is correct.

15 Q. Sooty Autry's sister happens to be Ruby Bobo;
16 doesn't she?

17 A. Half sister.

18 Q. Half sister. Half sister is Ruby Bobo?

19 A. That's correct.

20 Q. Ruby Bobo happens to be Dana Bobo's mother?

21 A. That is correct.

22 Q. When you were a kid, you spent a lot of time
23 with your grandmother, Sooty Autry; didn't you?

24 A. That's correct.

25 Q. At one point your mom and dad lived in that

1 little white house that she had moved out of on Bear
2 Creek Road?

3 A. No. Yeah, yeah, you're right. You're right.

4 Q. Okay.

5 A. They lived there and in a trailer there on
6 the place.

7 Q. Okay. Because they had split up when you
8 were pretty young, right?

9 A. Real young.

10 Q. Okay. So I'd like to go back through your
11 version of events that day. You say the night before
12 you spent the night at Angela Smith Scott's house?

13 A. I believe I testified to that, yes.

14 Q. Okay. And you started driving down that
15 morning, you said -- what time did you begin -- do
16 you remember what time you made your first phone call
17 that day?

18 A. To Mr. Adams?

19 Q. No. Just the first phone call. You were so
20 clear about your times that you were making phone
21 calls. Do you remember what time you made your first
22 phone call that morning?

23 A. I believe I made my first phone call to Mr.
24 Adams, I believe.

25 Q. Okay. And so your first -- now, would you

1 agree with me there's a little difference between
2 text and telephone calls, right?

3 A. Yes.

4 Q. And, I mean, when you testified on direct,
5 you were pretty clear about the phone calls that you
6 had made to Mr. Adams; isn't that right?

7 A. That's correct.

8 Q. I mean, you testified like that was a clear
9 memory you had and not anything that you were
10 confused or fuzzy in your mind; didn't you?

11 A. The two conversations were clear.

12 Q. Clear. Okay. So that morning you actually
13 spoke to Angela Scott before you spoke to Mr. Adams;
14 doesn't that sound about right?

15 A. It's possible I sent a text.

16 Q. No. I am talking about a telephone
17 conversation. You had a 2 minute, 32 second
18 telephone conversation with Angela Scott that
19 morning?

20 A. If your records reflect that, that would be
21 true.

22 Q. So it's something you don't quite remember,
23 the phone call you had with Angela Scott?

24 A. No, you're right.

25 Q. Okay. And then you called Jay Taylor that

1 morning?

2 A. I did.

3 Q. You called Jay Taylor before you called Zach
4 Adams; didn't you?

5 A. If your records show that, that's true.

6 Q. Jay Taylor is one of the guys you said you
7 did cattle work for; isn't that right?

8 A. Construction.

9 Q. I'm sorry, construction work for Jay Taylor.

10 A. That's correct.

11 Q. And when you said that you had jobs that
12 weren't government jobs, does that mean they were
13 jobs you weren't paying taxes on?

14 A. That's correct.

15 Q. Okay. You didn't mean that you were actually
16 working for the government?

17 A. That's correct.

18 Q. You just kind of got paid here and there.
19 Was it usually cash or checks?

20 A. Contract labor.

21 Q. Okay. And you didn't get any kind of 1099 on
22 that contract labor; did you?

23 A. I paid no taxes.

24 Q. Okay. Of course, you're aware you're
25 supposed to be paying taxes; aren't you?

1 A. I suspect so.

2 Q. And so that morning, you also sent -- you had
3 some text messages going on. The first time you
4 texted Angela Scott, it was at 6:50 in the morning;
5 does that sound about right?

6 A. If your records show that.

7 Q. Okay. And then you texted her a second time
8 at 6:51 in the morning?

9 A. If your records show that.

10 Q. Okay. And then she texted you back at 6 --
11 scratch that.

12 Then you text -- you are the one that first
13 texted Zach at 8:19 in the morning. So you made the
14 first contact with him; is that right?

15 A. I believe that's what I testified to.

16 Q. But the first contact you had with him was
17 not a telephone call, it was a text message; wasn't
18 it?

19 A. If your records reflect that, that's true.

20 Q. That's a fact that you don't remember quite
21 so clearly?

22 A. I was reaching to establish contact.

23 Q. Okay.

24 A. I don't think the State asked every call that
25 I made that day. She asked -- she was precise in

1 what she asked.

2 Q. Explain to me, again, why you were going to
3 make contact with Zach Adams?

4 A. I was looking to purchase a Morphine pill.

5 Q. Okay. So you -- why didn't you then just
6 contact him at 6:50 in the morning.

7 A. As I testified I went down in the river,
8 river bottom to give everybody time to wake up and
9 get to moving.

10 Q. But if you really wanted some Morphine that
11 morning, why didn't you just go ahead and call him,
12 he might have been awake, right?

13 A. I guess it's possible, but that's how it
14 played out.

15 Q. You would agree with me that a lot of times
16 people that are on methamphetamines are awake at all
17 times of the day and night?

18 A. That's true.

19 Q. So your idea was to get a Morphine pill. How
20 much did you usually pay for Morphine pills?

21 A. \$50 for 100 mg.

22 Q. Okay. How long would a 100 mg pill last you?

23 A. I got two shots out of it, two shots.

24 Q. So what does shots mean? You had two, like,
25 servings?

1 A. Cocktails.

2 Q. Cocktails of methamphetamine.

3 A. That is correct.

4 Q. So if you took one cocktail of

5 methamphetamine, how long would that last? Not

6 methamphetamine, Morphine.

7 A. It depends on your tolerance. If you're a

8 beginner, it lasts longer. If you're a heavy user,

9 it lasts less.

10 Q. Okay. Well, I'm talking about you.

11 A. I was a heavy user.

12 Q. So how long would it last?

13 A. The intensity probably an hour.

14 Q. Okay. And then --

15 A. Maybe less. The effects would carry on, but

16 the intensity of it was probably 45 minutes to an

17 hour.

18 Q. Okay. And you shot these up? You shot up

19 your Morphine?

20 A. That is correct.

21 Q. Did you have your own needle that you used,

22 syringe?

23 A. That is correct.

24 Q. Did you reuse the same syringe each time or

25 did you get a fresh one?

1 A. I just -- I did it as -- if I had access to a
2 new one, I'd use it. If I had a used one, I used it.

3 Q. Okay. So your goal was to shoot up. You
4 said you had some methamphetamine already?

5 A. That's correct.

6 Q. Where had you gotten your methamphetamine
7 from?

8 A. Richie Pinkley.

9 Q. Okay. And when had you got your
10 methamphetamine?

11 A. Maybe a day or so before that.

12 Q. So when you would buy methamphetamine, how
13 much would you usually buy?

14 A. Depend on the amount I had in my pocket.

15 Q. At that time when you bought methamphetamine,
16 how much did you have to buy?

17 A. Maybe a 16th.

18 Q. A 16th?

19 A. Meaning half an eight ball.

20 Q. Half an eight ball. How much did that cost
21 you?

22 A. \$150.

23 Q. \$150?

24 A. That is correct.

25 Q. Okay. So -- and how long would that last

1 you, a quarter of an eight ball, half an eight ball?

2 A. It depend on how much you give away or how
3 much you done in one day. Generally speaking, two,
4 three, four days if I was greedy with it, sometimes a
5 week.

6 Q. Okay. Your methamphetamine, you shot that up
7 also?

8 A. Mixed with the Morphine.

9 Q. Okay. So would you do it in the same shot?
10 You'd mix them together and do it in the same shot?

11 A. That's correct.

12 Q. Yes?

13 A. That's correct.

14 Q. So where was it that you had your
15 methamphetamine with you that day? Where did you
16 keep it?

17 A. In my pocket.

18 Q. Wrapped up in plastic?

19 A. In a sack in my pocket, in my shirt pocket,
20 pants pocket.

21 Q. So what were you wearing that day?

22 A. Well, I was wearing a pair of Levis, pair of
23 Red Wing boots, and a Levi shirt.

24 Q. Now, did you say probably, or do you know for
25 sure?

1 A. I pretty much dressed the same. I knew what
2 I wore.

3 Q. So you have a good memory of what you were
4 wearing that day?

5 A. Yes, ma'am.

6 Q. You're saying you dressed the same, that mean
7 you wore the same shirt and pants every day?

8 A. I dressed the same, not with the same
9 clothes, but in the same fashion. I wore Levis
10 shirts, whether they be cut off or long sleeve for
11 the winter, Levi pants and Red Wing boots all the
12 time working.

13 Q. Okay.

14 A. So it just become accustom that that's what I
15 wore throughout the day.

16 Q. So if you called Jay Taylor that day, that's
17 because you were looking for work with him; isn't
18 that right?

19 A. If he testified to that, yeah. I mean --

20 Q. I am asking you why would you call Jay
21 Taylor.

22 A. Maybe just to have a conversation with him,
23 to see when the next job, see when the next -- see
24 when we were going to work maybe.

25 Q. Would you agree with me that your meth habit

1 and your Morphine habit were fairly expensive habits?

2 A. I would.

3 Q. If you have a Morphine habit and one pill
4 costs \$100 and you get two sessions out of it, it
5 wears off after one hour, then basically each \$100
6 pill only lasts you a couple three, four hours?

7 A. I testified that the pill cost \$50.

8 Q. Oh, I'm sorry.

9 A. It was 100 mg pill.

10 Q. Okay. So a \$50 pill is going to last you
11 just half a day; is that fair to say?

12 A. A day.

13 Q. One day?

14 A. That's correct.

15 Q. Okay. So -- so it was important for you to
16 work so that you could keep the money coming in to
17 support your drug habit; is that right?

18 A. That's correct.

19 Q. So that morning you sent a text to Zach
20 Adams -- let me find it -- at 8:19, and then you
21 texted him again -- you texted Angela Scott at 8:30.
22 And right after that, you got a text back from Zach
23 Adams.

24 GENERAL NICHOLS: Your Honor, I am going
25 to object. If she's asking a question, allow him to

1 answer.

2 BY MS. THOMPSON:

3 Q. Is that right? Does that sound right to you?

4 A. If your record reflects that, that's true.

5 Q. Okay. So at 8:37 Zach Adams texted you back;
6 does that sound right to you?

7 A. If your records reflect that.

8 Q. And then you texted Zach Adams at 8:38; does
9 that sound right?

10 A. If your records reflect that.

11 Q. So what was the contents of those text
12 messages that you had -- when you first texted him,
13 what would have been the content of your text message
14 to him?

15 A. I was trying to get a location to meet him
16 where I could get a pill.

17 Q. Okay.

18 A. Trying to get a fixed location as I
19 testified.

20 Q. And you said that then -- when he texted back
21 to you at 8:30, 8:37, do you have any memory at all
22 of what it is he said to you?

23 A. I don't know if I read the text or not.

24 Q. Okay. So then the next thing you do is you
25 call him at 8:50?

1 A. That's correct. If your records reflect
2 that, yeah.

3 Q. Okay. 8:52 you call him. And at this point,
4 you're already in the Coxburg area?

5 A. The where?

6 Q. I'm sorry. You're already south of
7 Interstate 40 at that point; aren't you?

8 A. If your records say so.

9 Q. I mean, you recognize that with the cell
10 phone records, the cell phone records in this case
11 can show the cell tower that your particular phone
12 was using on that day and time, you know that, right?

13 GENERAL NICHOLS: Your Honor, I am going
14 to object. My objection is unless she can establish
15 that Jason Autry understands cell phones and that he
16 has some knowledge of what -- how phones bounce off
17 of towers --

18 THE COURT: She can ask.

19 BY MS. THOMPSON:

20 Q. So you're aware that the records in this case
21 can give some information about which cell phone
22 towers the phone was using that day?

23 A. I don't understand the workings of towers.

24 Q. Okay.

25 A. I mean, if you say so, I'm not one to argue

1 it. I mean --

2 Q. Okay.

3 A. Maybe you're more knowledged of it than I,
4 but I am not knowledged of it (sic).

5 Q. Okay. Well -- so that morning you were also
6 communicating a lot with your girlfriend, Angela
7 Scott. That's correct; isn't it?

8 A. If your records reflect that, that's true.

9 Q. Okay. And then so tell us -- you get a --
10 you speak with Zach Adams on the telephone, and I
11 think you said on direct that he said he would call
12 you back when he got to a location?

13 A. That's correct.

14 Q. Okay. Do you remember his exact words that
15 he said?

16 A. He said that he needed to see me.

17 Q. So you called him, and what did you tell him
18 when you called him?

19 A. I called him trying to establish a buy on
20 Morphine and figure out where they was.

21 Q. Okay. So tell me --

22 A. He told me that they were busy at the moment,
23 that he would call me back, I believe is what I
24 testified.

25 Q. You said he would call you back?

1 A. Text back, you know.

2 Q. Okay.

3 A. You said that there was a volley of texts.

4 Q. But it's clear in your mind that there was a
5 telephone conversation between the two of you?

6 A. That's correct.

7 Q. You said, I need to see you?

8 A. That is correct.

9 Q. And he said he would telephone you back?

10 A. That's correct, that they were busy.

11 Q. Okay. And he was busy, and you tell them --

12 A. That he needed to see me.

13 Q. He needed to see you?

14 A. That is correct.

15 Q. Okay. And then you called him back again.

16 If that was at 8:40, you called him -- that was at
17 8:52, you called him --

18 GENERAL NICHOLS: Your Honor, I am going
19 to object. If that's a question, then ask the
20 question instead of just making a statement, that was
21 at 8:42. He hasn't answered whether he knows the
22 time. She's reading records.

23 THE COURT: Rephrase your question.

24 BY MS. THOMPSON:

25 Q. So the next phone record shows that Mr. Adams

1 called you at 8:53 that morning, but he reached
2 voicemail, does that sound right to you?

3 A. If your records reflect that.

4 Q. Okay. Then the records reflect, would you
5 agree with me, that the next phone call is you to Mr.
6 Adams at 8:55 a.m.?

7 A. Yes.

8 Q. Now, is that the phone call that you're
9 saying he called you -- okay. What happened in the
10 second phone call then that when --

11 A. Maybe the voicemail picked up, and I dialed
12 right back.

13 Q. Okay.

14 A. Possibly that.

15 Q. Okay. So what happened in this second phone
16 call that you had that morning at 8:55?

17 A. That's when they told me they were at Cuz's,
18 meaning 30 Yellow Springs Road.

19 Q. Okay. Did he say anything else besides he
20 was at cousin's?

21 A. Said he needed to see me.

22 Q. Again he said he needed to see you?

23 A. That's correct.

24 Q. And --

25 A. And I headed that direction.

1 Q. Okay. So it's your testimony then that after
2 8:55 you headed that direction. Do you remember
3 where you were when you had that conversation with
4 Mr. Adams?

5 A. Probably -- probably in the general location
6 of the interstate, somewhere in that -- maybe not
7 directly sitting at the interstate but in that
8 general location.

9 Q. Okay. So how long would it have taken you to
10 get to Shane Austin's trailer?

11 A. I am not directly sure. I mean, precisely
12 the minute, I -- you know, 10, 15 minutes maybe.

13 Q. Okay. 10 to 15 minutes?

14 A. Maybe.

15 Q. You've driven it before?

16 A. That's correct, but this is six years ago.

17 Q. Right. But you have a good memory of a lot
18 of things that happened in this case?

19 A. That's correct.

20 Q. There were many times that you went to Shane
21 Austin's trailer?

22 A. That's correct.

23 Q. And many times you went there from your
24 mother's house?

25 A. That's correct.

1 Q. And from Angela Scott's house?

2 A. That's correct.

3 Q. So once you get to the interstate, you can

4 guesstimate how long it would take you to get from --

5 and when you say the interstate, you're talking about

6 641 and I-40 --

7 A. Well --

8 Q. -- isn't that right?

9 A. Well, I was coming from Birdsong.

10 Q. So --

11 A. I come down Birdsong Road.

12 Q. Okay.

13 A. Coming that direction.

14 Q. Explain that to me then. Where would you

15 have been in Birdsong Road?

16 A. As I testified, around 8:00 of making the

17 call at Palmer's Tool and Die, I got on Birdsong Road

18 and proceeded south over to what you said was Coxburg

19 Road.

20 Q. Okay. So where would you have been at this

21 wildlife refuge? Where is it?

22 A. That's in Camden.

23 Q. Okay. Is it on the river?

24 A. It is.

25 Q. And so it's north of Interstate 40?

1 A. It is.

2 Q. Is it directly up 641?

3 A. It's off Highway 70, I believe it's west
4 going into New Johnsonville.

5 Q. Okay. And if I were to provide you with a
6 map a little bit later, you would be able to point
7 out on the map where this area is that you were that
8 morning?

9 A. That is correct.

10 Q. And then you said you traveled down Birdsong.
11 So tell me how is it that then you went over -- what
12 direction would you have -- what route would you have
13 taken to get from the wildlife refuge to Shane
14 Austin's trailer?

15 A. If you leave the refuge, you have to get on
16 70 east to turn by Palmer Tool and Die, which is --
17 that's not Birdsong Road right there. That's a cut
18 through over to Birdsong Road. Birdsong Road runs
19 south from Benton County to Decatur County.

20 Q. Okay. So where is Palmer Tool and Die?

21 A. It's on 70.

22 Q. And is it at the intersection of another
23 highway?

24 A. It's not.

25 Q. Okay.

1 A. Its intersection of -- there's a road beside
2 it.

3 Q. Okay.

4 A. That cuts through to Birdsong Road.

5 Q. Okay. So you would cut through there, and
6 then where would you have gone next?

7 A. South on Birdsong Road.

8 Q. Okay.

9 A. Toward Decatur County.

10 Q. Okay. And then where would you have gone
11 after that?

12 A. At some point in there it was determined
13 where they was, and I proceeded to make my way to 30
14 Yellow Springs Road.

15 Q. How did you make your way over there?

16 A. Maybe through Coxburg west, comes through at
17 Eagle Creek.

18 GENERAL NICHOLS: Your Honor, at this
19 point I am going to object to when the witness says
20 probably, if he doesn't know, I am going to object to
21 him just guessing and speculating about which way he
22 went. He said that several times --

23 THE COURT: If you don't recall, you can
24 say, I don't recall, okay?

25 THE WITNESS: Yes, sir.

1 BY MS. THOMPSON:

2 Q. Do you recall that bit of information that
3 morning about how you got to 30 Yellow Springs Road?

4 A. At Eagle Creek on Birdsong Road, I cut
5 through and headed toward the interstate at 641.

6 Q. Okay.

7 A. At Eagle Creek, that's Coxburg Road.

8 Q. Okay.

9 A. There's a Coxburg Road North, there's a
10 Coxburg Road West. There's several Coxburg Roads.

11 Q. Okay. So you cut through and you got on 641.
12 Then from 641 how did you go?

13 A. Coxburg Road comes over to -- is it McIllwain
14 Road, I believe. McIllwain Road runs into 641, 641
15 crosses the interstate bridge to -- I can't think of
16 the name of the road. It comes out beside my
17 grandmother's, Hohammer Road, it may be. Hohammer
18 Road comes out at Yellow Springs Road, take a right,
19 30 Yellow Springs is one mile away. That's the
20 route.

21 Q. Okay. Very good. And so do you have an
22 estimate of what time you reached Shane Austin's
23 trailer?

24 A. After 9:00.

25 Q. After 9:00?

1 A. (Nodded head affirmatively.)

2 Q. When you got there, you said you see the
3 white Nissan pickup truck parked down by the trailer?

4 A. That's correct.

5 Q. And you said there's a gate there. I am
6 assuming the gate is closed, because they have a dead
7 body on the other side?

8 A. The gate was open.

9 Q. The gate was open, okay.

10 You have a specific memory of that?

11 A. I mean, the gate was open.

12 Q. Okay.

13 A. I mean --

14 Q. And so you go in, what do you do next?

15 A. I pull up behind the white Nissan 4x4, step
16 out, I view a fire burning, large fire, Dylan Adams
17 standing at the door without a shirt on. Shane
18 Austin running around hollering, y'all need to hurry
19 up and get the goddamn hell out of here.

20 Q. I don't want you to say any hearsay.

21 GENERAL NICHOLS: Your Honor, she --
22 there's no -- she asked the question.

23 MS. THOMPSON: No, I didn't. I didn't
24 say -- ask what people say. I said, what did you do
25 next.

1 THE COURT: He's generally describing the
2 scene. He can't go into hearsay.

3 BY MS. THOMPSON:

4 Q. Okay. And then you said -- describe this
5 burn barrel to me.

6 A. Describe the burn barrel.

7 Q. Yes.

8 A. 55 gallon barrel with all the paint off of it
9 with flames shooting out the top of it, three to four
10 foot high.

11 Q. Flames are three to four feet high?

12 A. With a strong smell of fuel and the
13 components of meth burning in the air.

14 Q. Okay. So what do you do next?

15 A. I purchase the pill.

16 Q. Who did you purchase the pill from?

17 A. Shane Austin.

18 Q. And how much did Shane Austin charge you for
19 the pill?

20 A. \$50.

21 Q. So what did you say to Shane Austin to
22 purchase the pill?

23 A. Can I buy -- I am here. Can I buy a pill?
24 Can I get the pill? I am ready to get high.

25 Q. Did you know for sure he would have one?

1 A. I did.

2 Q. How did you know he would have one?

3 A. In the conversations that we had --

4 Q. With Zach?

5 A. -- with Zach, and I may have even had some

6 conversations through texting back and forth with

7 him.

8 Q. So you think --

9 A. I knew that they were together --

10 Q. Right.

11 A. -- is what I am getting at.

12 Q. So you have a memory of texting Shane Austin

13 that morning about pills?

14 A. That's correct.

15 Q. Okay. And so you knew one would be

16 available?

17 A. Once I was told that they were at Cuz's

18 house, I mean...

19 Q. Now, you notice --

20 A. Self-explanatory.

21 Q. Okay. You notice the body in the back of the

22 truck right when you pulled up; isn't that right?

23 A. That's incorrect.

24 Q. So you didn't notice that there was a body in

25 the back of the truck?

1 A. I purchased the pill and went and got high.

2 Q. Okay.

3 A. And then come back, and asked Mr. Adams what
4 he needed assistance with. At that time, he said
5 burying this body. And I told him that I hate -- I
6 said, goddamn, I ain't know about little Joe. He
7 said, Jason, it's not Joe Joe, it's Holly Bobo.

8 Q. I want to pass up a piece of blank paper to
9 you. Can you please sketch for me what it would have
10 looked like that day? I can get you a pen.

11 THE COURT: What it?

12 MS. THOMPSON: What the scene looked like
13 that day, where the trailer was.

14 THE COURT: Okay.

15 MS. THOMPSON: Where the car -- let me
16 get you a smaller pen. Where the Nissan truck was,
17 where the burn barrel was.

18 THE WITNESS: You want my view from the
19 road?

20 BY MS. THOMPSON:

21 Q. Yes. What you see when you pull up from the
22 driveway.

23 A. Do you want this in great detail or just a
24 sketch?

25 Q. Yes, I'd like it in enough detail that it

1 includes where the burn barrel is, where the gate is,
2 where the cars are.

3 A. Wait a minute. The trailer, burn barrel,
4 truck, what else, gate?

5 Q. Where is your car?

6 A. Gate?

7 Q. Gate, yes.

8 A. PT.

9 Q. Yes. Your PT Cruiser. Where is your PT
10 Cruiser?

11 A. What else do you want on there?

12 Q. Where is the front door to the trailer?

13 A. All right. Let me get caught up right here.
14 (Drawing.) You said the front door?

15 Q. Yes, the front door to the trailer.

16 A. Trailer, burn barrel, gate, PT, 30 Yellow
17 Springs Road, burn barrel.

18 Q. Did you label these things?

19 A. I did.

20 Q. Very good, okay. Mr. Autry --

21 A. It's in a rough. It's in a rough. I done as
22 fast as I could.

23 Q. Now, Mr. Autry, you're aware that I had
24 wanted to meet with you before trial; aren't you?

25 A. No, I wasn't aware of that.

1 Q. You weren't aware that I had requested
2 through your attorneys to meet with you?

3 A. I was not. If they brought it up, I don't
4 recall it.

5 GENERAL NICHOLS: Your Honor, I am going
6 to object to any conversations --

7 THE COURT: He said he wasn't aware, and
8 then he --

9 THE WITNESS: Which attorneys did you
10 make an attempt through?

11 BY MS. THOMPSON:

12 Q. Mr. Scholl and Mr. Parris.

13 A. All right.

14 THE COURT: He said he wasn't aware,
15 okay?

16 MS. THOMPSON: Right.

17 THE WITNESS: I mean, forgive my artwork
18 there.

19 BY MS. THOMPSON:

20 Q. So here's the road, Yellow Springs Road right
21 here (indicating)?

22 A. That is correct.

23 Q. And then here's the gate, it blocks the
24 driveway.

25 A. That was open.

1 Q. Okay. Here's where you parked your PT
2 Cruiser is the last --
3 A. That is correct.
4 Q. And then here's where the pickup truck is.
5 A. Generally -- that is correct.
6 Q. So the pickup truck would have been somewhat
7 sideways to you; is that right?
8 A. I guess.
9 Q. If you're parked behind it, and if the road's
10 turning, you're almost looking at the pickup truck
11 from an angle not from straight behind it?
12 A. Yeah.
13 Q. Okay. Is this -- this little round circle
14 right here is the burn barrel?
15 A. That's correct.
16 Q. And then this is the trailer and the front
17 door?
18 A. That is correct.
19 Q. Okay. So when you go to shoot up, you're
20 going to mix up the Morphine. How do you mix up the
21 Morphine in order to shoot it up?
22 A. You crush it and squirt water on it, heat it,
23 pull the liquid off.
24 Q. Where did you do this activity?
25 A. In the front of the PT Cruiser, in the

1 driver's side seat.

2 Q. That PT Cruiser belongs to your mother; is
3 that right?

4 A. I believe it's registered to Steven Duprist
5 (phonetic).

6 Q. Okay.

7 A. Titled to Steven Duprist. Perry County,
8 Tennessee.

9 Q. So where did you get the water to mix up the
10 Morphine?

11 A. I had it with me.

12 Q. Okay. You mix up the Morphine. And then how
13 long do you have to cook it?

14 A. 30 seconds.

15 Q. Okay.

16 A. You just heat it in a metal spoon. It
17 releases whatever, I don't know the chemical or how
18 it releases, but once it comes to a boil, you throw
19 the cotton on it, and you can pull the fluid off.
20 The Morphine becomes liquid. The cotton screens away
21 the buffering or whatever is in the...

22 Q. Okay. And then you put it in the syringe?

23 A. You use a syringe to pull it with.

24 Q. Okay.

25 A. You pull it in the same syringe you're going

1 to use.

2 Q. Did you have an arm that you usually use to
3 shoot up the Morphine with?

4 A. Yeah, I did.

5 Q. Which arm?

6 A. Right arm.

7 Q. So you've said it makes two shots worth. So
8 does that mean you just use half of the syringe at
9 the time?

10 A. I used half of the pill.

11 Q. Okay. So you have the other half still left
12 for later?

13 A. That is correct.

14 Q. So how long do you sit in your car now once
15 you've had -- you've injected the Morphine?

16 A. The entire process, less than 10 minutes.

17 Q. Do you cook the Morphine and the meth
18 together in the spoon?

19 A. You do not.

20 Q. So you load the Morphine into the syringe and
21 then --

22 A. Just either way you want to -- either way --
23 you can go either one. There's no scientific method
24 about which way needs to go first. Either way you
25 want to do it.

1 Q. So then you -- do you remember that day which
2 one you did first?

3 A. I do not. My goal was to get it in the arm.

4 Q. So how long did you say you sat there after
5 you injected yourself?

6 A. I think I testified that the entire process
7 lasted about 10 minutes.

8 Q. So can you estimate for me now about what
9 time it is that you're finished sitting there and
10 getting high?

11 A. Once that -- once that euphoria kicked in,
12 you could probably say that my track of time was
13 affected, altered.

14 Q. So you're saying that this -- these drugs
15 affect your mind and your thinking?

16 A. Yeah, yeah.

17 Q. So you get back out of your car. What's the
18 next thing you do or say?

19 A. I get out of the car, PT Cruiser, Zach
20 standing at the door.

21 Q. Who's standing at the door?

22 A. Zach is standing at the door of the Nissan
23 4x4. I asked him what he needed my assistance in.

24 Q. I didn't hear that.

25 A. I asked him what he needed my assistance in.

1 Q. Okay. What did he respond?

2 A. To bury the body.

3 Q. Okay. Is that when you notice that there's a

4 body in the back of the truck?

5 A. That is correct.

6 Q. What is that body -- you said it's wrapped up

7 in something. What is the body wrapped up in?

8 A. Multi-colored, maybe like an old farm,

9 handmade quilt.

10 Q. Do you remember what colors it is?

11 A. Multi-colored.

12 Q. Okay.

13 A. There was multiple colors.

14 Q. Is there one color that was predominant over

15 the others?

16 A. I mean, I don't recall if there was one color

17 present more than the other.

18 Q. Okay. So it's a fact you're not clear on?

19 A. It's a fact that I don't know which color was

20 dominant.

21 Q. Okay. So he says he needs help getting

22 rid -- burying a body?

23 A. That's correct.

24 Q. What was your response?

25 A. I made a statement that I hated little Joe

1 Joe had been killed.

2 Q. Okay. So you just jumped to the assumption
3 that this is little Joe Joe?

4 A. Prior to that it was being discussed.

5 Q. Well, but you jumped to the assumption,
6 because he didn't say it was little Joe Joe that he
7 needed help burying?

8 A. He did not say that. He said he needed help
9 burying the body.

10 Q. Okay.

11 A. Burying the body.

12 Q. How did you reply?

13 A. I said, damn, I hate that little Joe Joe got
14 killed.

15 Q. And he responded?

16 A. It's not Joe Joe, Jason, it's Holly Bobo.

17 Q. And then, what was your follow-up response?

18 A. I said -- I agreed. And I said, we're going
19 to have to leave here, because I don't want Shane or
20 Dylan knowing that I am involved.

21 Q. So you said -- I thought at some point you
22 said who is Holly Bobo?

23 A. (Shook head negatively.) That was on the
24 ride back from the river when I asked how she got --
25 who.

1 Q. So there is a person, a female in the back of
2 the car. He says I need help burying this body, you
3 are all in at that point. You're like, okay, I don't
4 want Shane and Dylan to know I am involved, but I am
5 all up for helping you bury the body of an unknown
6 female to me?

7 A. That is correct.

8 Q. Okay. And so do you whisper to him meet me
9 up at the church?

10 A. Talking like I am talking here.

11 Q. How do you keep Shane and Dylan from knowing
12 what you were doing?

13 A. They were not -- Dylan was inside the house,
14 he never came out. Shane was throwing shit in the
15 barrel. He was over here.

16 Q. Okay. So at that point you get in your car
17 and you --

18 A. I tell him that I want to take the car to
19 Yellow Springs Church. At that time, I parked at
20 Yellow Springs Church.

21 Q. Okay.

22 A. When I got out of the car, walked out to the
23 road, he was pulling out of the driveway heading my
24 direction.

25 Q. Okay. And so he's -- and Yellow Springs

1 Church is just a very short distance from Shane's
2 trailer; isn't it?

3 A. Less than a mile.

4 Q. But now when you park at Yellow Springs
5 Church, because the church is on a hill and there's
6 all those built-in tables around it, you can't park
7 in the back where no one can see the car, can you?

8 A. I parked right beside the pavilion.

9 Q. But it's clear -- and Yellow Springs Church
10 actually sits on a corner; doesn't it?

11 A. The car was in plain view.

12 Q. Plain view right there.

13 A. Excuse me.

14 Q. So you parked the car there. How further
15 behind you is Zach Adams?

16 A. When I got out of the car and walked to the
17 road, he was pulling out of 30 Yellow Springs Road
18 coming this way.

19 Q. Okay.

20 A. Coming toward Yellow Springs Church.

21 Q. So you could see all the way down the road,
22 see him coming?

23 A. From the church, you could see the driveway.

24 Q. Okay.

25 A. During the fall when the leaves is off there.

1 Q. Okay.

2 A. You can see a vehicle down there.

3 Q. Okay. So he comes up, does he even pull into
4 the driveway, or are you just standing on the road
5 and get in?

6 A. I am at the road.

7 Q. Okay. You get in the truck. I am assuming
8 it's an extended cab, right, front seat, back seat?

9 A. Nissan 4x4 extended cab, white in color.

10 Q. So you get in the --

11 A. Passenger side.

12 Q. Passenger side, okay.

13 You say that's when you notice that there's a
14 gun riding around on the floor?

15 A. In the floorboard on the driver's side.

16 Q. At some point did you think it was dangerous
17 riding with a gun floating around on the floorboard?

18 A. In my line of life, it's quite common.

19 Q. Okay. So you all start heading, and you're
20 going to go bury this body. Is there any talk at all
21 before he pulls out, because he doesn't even pause at
22 the church, you're in the road, he stops, you get in.
23 You don't even sit and park and discuss anything for
24 a minute, do you, you start driving?

25 A. Yeah, you're correct.

1 Q. Okay. And you've got a body in the back,
2 just wrapped up in a quilt?

3 A. Holly Bobo is what he said.

4 Q. Yes. So you start driving, and you're headed
5 towards the river?

6 A. Not in the beginning.

7 Q. Okay.

8 A. I raised the question that there were no
9 shovels or pickaxes. When I looked in, I seen
10 nothing to dig with.

11 Q. Okay.

12 A. A conversation ensued about I didn't know
13 where you could go with a dead body and find stuff
14 like that.

15 Q. What about Shane's house, Shane's trailer?

16 A. What about it?

17 Q. Did you try to get a shovel or pickax from
18 Shane's trailer?

19 A. I did not.

20 Q. Did you consider at that time sending Zach
21 back to go get a shovel and pickax at Shane's
22 trailer?

23 A. No, I mean, I did not.

24 Q. Okay. I'd like to look at the route.

25 MS. THOMPSON: Your Honor, at this time,

1 can we take this diagram that he's made and have it
2 marked as an exhibit? I'd like to --

3 THE COURT: Be 183.

4 MS. THOMPSON: -- have it admitted.

5 (WHEREUPON, the above-mentioned diagram
6 was marked as Exhibit Number 183.)

7 BY MS. THOMPSON:

8 Q. Okay. So as you're leaving the -- I'd like
9 to just show here, show you a map here. This is a --
10 starts with Pugh Road. After you leave the church,
11 where do you go next?

12 A. Let me find my location here.

13 Q. I think -- I don't think the church is going
14 to be on there.

15 A. Do you want me to trail that with a pen --

16 Q. Sure.

17 A. -- that you gave me?

18 Q. Sure, yes.

19 A. To the best of my ability. Where -- can I --

20 THE WITNESS: Your Honor, can I ask a
21 question?

22 THE COURT: Yes.

23 THE WITNESS: Where do you want me to
24 start?

25 BY MS. THOMPSON:

1 Q. Here I found one right here.

2 A. I don't understand where north, south, east,
3 and west. I believe I've got a pretty good idea.

4 Q. How about we start with this map, because
5 this map is going to have Yellow Springs Road on it.
6 Yellow Springs Road is going to be around over in
7 here (indicating).

8 A. Whereabouts?

9 Q. (Indicating to the witness.)

10 Here's Yellow Springs Road and here's Pugh
11 Road, so the church would be right there at that
12 intersection.

13 A. So you're saying right here is the church at
14 the forks of the road?

15 Q. Well, because it's at the corner of Pugh Road
16 and Yellow Springs Road, right, where the road kind
17 of forks there?

18 A. Well, no. We're actually at 30 Yellow
19 Springs Road right here (indicating) if that's where
20 you said, because Charley Daughtery runs into Pugh
21 Road and Yellow Springs Road. So this mark that I've
22 got where you pointed is 30 Yellow Springs Road. The
23 church is -- if you'll step back over here, I'll show
24 you.

25 Q. Okay. Sure.

1 A. The church is actually right in here
2 (indicating). This is the road.

3 Q. Okay. Right.

4 A. You know there's three roads right there.

5 Q. Right, right. Where it --

6 A. Yeah, correct.

7 Q. -- kind of forks there, yes.

8 A. So right there would be the church
9 (indicating).

10 Q. Okay. Can you just put a C there then.
11 Okay. And put -- for Shane's trailer, why don't you
12 just put a SA for Shane Austin.

13 GENERAL NICHOLS: Judge, I think at this
14 point we need to not have a conversation there
15 allowed. If she wants him to make certain marks,
16 let's do it in the form of a legit request.

17 MS. THOMPSON: Would it be possible for
18 him to sit over by the projector, and he can make
19 marks on the map as the jury can see?

20 THE COURT: Any problem with that?

21 GENERAL NICHOLS: None.

22 THE COURT: Mr. Autry, you can step down.

23 THE WITNESS: Yes, sir. I've got what --

24 THE COURT: There's a chair right there
25 by the projector. You put the piece of paper on the

1 projector, it will reflect in the same direction as
2 put on.

3 THE WITNESS: Right there is the route,
4 the house, the church.

5 MS. THOMPSON: If you'll just sit down,
6 you can even point.

7 THE WITNESS: Where is the pointer?

8 MS. THOMPSON: No, I mean point with your
9 finger even.

10 GENERAL NICHOLS: Mr. Autry, you can
11 point on the overhead. You can actually use your
12 finger on the overhead.

13 THE WITNESS: Okay. I'm sorry. I am
14 confused.

15 MS. THOMPSON: That's all right.

16 BY MS. THOMPSON:

17 Q. You don't even have to look at the screen,
18 you can just look right there on the paper.

19 A. Okay.

20 Q. So will you point to Shane's trailer for me?

21 A. (Pointing.)

22 Q. Okay. And then point to the church.

23 A. (Pointing.)

24 Q. So when you're in the pickup with Mr. Adams,
25 which direction do you go from there?

1 A. (Pointing.)

2 Q. It's down Pugh Road. So you go straight

3 across. When you get to 641, would you point to 641

4 for me?

5 A. (Pointing.)

6 Q. Right here. So you're going to go straight

7 across 641, and that's Duck Town Road; isn't it?

8 A. Duck Farm Road.

9 Q. Duck Farm Road.

10 So when you're on Duck Farm Road, then my map

11 runs out, and I have an extension of that.

12 A. I believe you're looking where Duck Farm runs

13 into McIllwain Road maybe.

14 Q. Sure. So here I have a second map. If you'd

15 look at the second map, it's -- kind of picks up

16 where that map left off going east with Duck Farm

17 Road.

18 A. Let's locate Duck Farm Road, somewhere here.

19 Q. In this area?

20 A. Right here (indicating).

21 Q. If you can move that all the way onto the

22 screen where the jury can see where you're pointing.

23 A. Can I go ahead and map out the route on this

24 page, Your Honor?

25 Q. Sure.

1 A. (Marking.) What is -- I gone over here
2 (indicating).
3 Q. Now you're at Sugar Tree.
4 A. Well, right here (indicating), take this way
5 here, this being the center of Sugar Tree where the
6 three roads connect, right?
7 Q. Yes.
8 A. Is that what you're saying?
9 Q. Yes.
10 A. Okay. (Marking.) We head this way.
11 Q. Let me pass you the next map. What road are
12 you on now? Are you on Morgan Creek Road?
13 A. I believe you're correct, because Morgan
14 Creek runs to 133. Do you have that?
15 Q. I believe so. 133 being -- you're talking
16 about the Birdsong Road exit?
17 A. Morgan Creek running right -- nah, we -- this
18 right here (indicating) is the 133. I'm assuming
19 this probably ends at our destination.
20 Q. Okay. So now, can you start with the first
21 sheet on the bottom, and then --
22 A. I am sorry.
23 Q. We've already gone on this one. You were on
24 Duck Creek Road (sic). So now let's start with --
25 A. We're right here (indicating).

1 Q. Yes, just right there. If you'll just show
2 the jury where you were on Duck Creek Road (sic). If
3 you'll point down here. All you have to do is look
4 down here.

5 A. These arrows reflect the route.

6 Q. That you took, okay.

7 So tell me what road you were on, Morgan --
8 you're Duck Farm Road, you said?

9 A. Well, I think we got off Duck Farm Road and
10 got on McIllwain Road.

11 Q. McIllwain Road is next. And then where do
12 you go next?

13 A. Let's see here. We come to Sugar Tree, take
14 a left. We go over to Morgan Creek Road over to
15 Birdsong Road.

16 Q. Okay. And then let's see the next sheet of
17 paper.

18 A. This is Morgan Creek, runs into Birdsong,
19 Birdsong runs into 133, which is the interstate
20 bridge.

21 Q. Okay.

22 A. This being the location of the murder, and
23 this being the Tennessee River.

24 Q. Okay.

25 A. There's no -- absent of your maps, the

1 details of the gravel roads.

2 Q. Okay.

3 A. This being -- this being the slew that I am
4 talking about, the rock pile right here (indicating).

5 Q. So I'll pass you this. This is a satellite
6 image.

7 A. It's probably a little better.

8 Q. So you can see the -- it's Ward Hill Road
9 that you turn on to get over to the river, right?

10 A. Well -- well, you see this road right here
11 (indicating)?

12 Q. Yes. That's Ward Hill Road; isn't that
13 right?

14 A. I don't know. According to this map, it's
15 not. If you see right here, it's Ward Hill Road on
16 this map. So right here on this map is Ward Hill
17 Road according to what you got.

18 Q. Would you agree with me that right around in
19 this area (indicating) on Ward Hill Road, there's a
20 big gate and a road that goes off to the left-hand
21 side?

22 A. I would.

23 Q. And that gate is closed actually between
24 November 15 and March 15. They don't allow you to go
25 down there in the wintertime; do they?

1 A. That is correct.

2 Q. And so you have to turn there, you go left,
3 and that's when you snake around through the water
4 right there (indicating). You kind of go over this
5 way, and then you meet up with this road right here,
6 and you snake around; don't you?

7 A. That's incorrect. 133 right there on the
8 bridge, the gravel road runs parallel to the road.
9 It doesn't snake around off on Ward Road. You go to
10 Ward Road when you get to the bottom and take a
11 right, I am assuming.

12 Q. Right.

13 A. This road right here (indicating) --

14 Q. But I meant --

15 A. -- runs all the way -- this road right here
16 runs all the way parallel all the way up to 133.
17 Ward Road back up here, snakes off and goes to the
18 boat ramp.

19 Q. Okay.

20 A. This is just -- you're really too far -- you
21 really should have drew down a little bit further if
22 you wanted to be precise in my opinion.

23 Q. There's an even closer one.

24 A. That's correct. Right here would be -- this
25 is Interstate 40, Tennessee River bridge, where Jason

1 stood, looked down the straight, pulled the truck,
2 pulled around, we're unloading the body, where the
3 shot went (indicating).

4 Q. Right. So -- and this area right here is all
5 water. It's -- like you said, it's a slew, right?
6 This area here is water slew?

7 A. This is a slew. This is a slew, and the
8 Tennessee River bends right in here (indicating).

9 Q. There's actually a small area, a small pipe
10 that goes under the road right here, you can drive
11 over --

12 A. Exactly right.

13 Q. -- between these two slews?

14 A. Right there (indicating).

15 Q. Okay. And then if you go down further over
16 here, there's more rip-rap over in this area; isn't
17 there?

18 A. This whole bank underneath this green is
19 rip-rap.

20 Q. Yes. And then --

21 A. Even all the way around.

22 Q. Yes. More rip-rap there?

23 A. Yeah.

24 Q. And --

25 A. Even rip-rap over here for flood control of

1 the washing.

2 Q. Sure. And that's because the water levels
3 there vary a lot. It can flood that area, and
4 sometimes in the winter when they let the water down,
5 the whole area is dry; isn't that right?

6 A. This is never dry. I've never seen this dry.

7 Q. But it's closed in the wintertime?

8 A. You said from September to April?

9 Q. November --

10 A. You said November to --

11 Q. -- to March.

12 A. November to March, I'm sorry.

13 Q. And then even if you go further on that
14 little road right there, you go -- here's where --

15 A. Hey, there's --

16 Q. -- you're saying everything occurred. You
17 can actually go further. You can actually get all
18 the way to the deep part of the channel over here;
19 can't you?

20 A. That's correct. Right here is where I said
21 we turned around, looked at the beach, headed back
22 this way. Right here (indicating) is where the
23 murder occurred.

24 Q. Okay.

25 A. Right here is the culvert that you

1 testified -- that you stated. Right here's rip-rap,
2 here's rip-rap, here's rip-rap. Right here is this
3 (indicating).

4 Q. And this is all slew. Matter of fact, you
5 can see some tree stumps sticking out over here;
6 can't you?

7 A. You're absolutely correct, both sides.

8 Q. Both sides, tree stumps where it's been
9 flooded, and initially there had been trees; is that
10 right?

11 A. Originally there was a tie yard there back in
12 the day.

13 Q. Yes.

14 A. That's the name of it is tie yard.

15 Q. Yes. And so this whole area has one road in
16 and one road out, would you agree with me on that?

17 A. 100 percent.

18 Q. So it's -- and that road that we're looking
19 at, this whole gravel road, it is a very narrow
20 gravel road. It's not a wide --

21 A. It's wide enough for two vehicles to meet.

22 Q. But they have to go slowly when they meet.
23 If you're coming down there and you meet another car,
24 you have to go pretty slowly, because you would agree
25 with me, there's not any shoulder on either side of

1 the gravel road?

2 A. You're correct.

3 Q. Okay.

4 THE COURT: That was kind of a compound
5 question where you made a statement followed by a
6 question. You might break things up and ask direct
7 questions, please.

8 MS. THOMPSON: Yes, Your Honor.

9 BY MS. THOMPSON:

10 Q. So there's no shoulder on that road, is
11 there?

12 A. No, ma'am.

13 Q. Okay.

14 A. This is a better view of it right here. You
15 can see there's very little room. There's enough for
16 two cars to pass safely without scrubbing mirrors,
17 doors, boat. You can pull a boat trailer through
18 there. There's enough room for safe passage.
19 There's no, you got to stop and get out and watch or
20 nothing like that. There's enough room for safe
21 passage.

22 Q. Okay. So you said you were in the car. Now
23 that we got the map down on how you got there, you
24 say that you're in the car, and you are -- at first,
25 you take note, you're back at the church, you're

1 leaving the church, you take note that you have no
2 pickax or shovel?

3 A. Now wait a minute.

4 THE COURT: Is he done with the map? Is
5 he done with the map?

6 MS. THOMPSON: Okay. If you're done with
7 the map, let's -- will you hand them to me, and let's
8 get them, kind of, in order so that we can -- I'll
9 pass them to you just real quick, and we're going to
10 identify them.

11 So, Mr. Autry --

12 THE COURT: Probably stay there until you
13 identify them.

14 MS. THOMPSON: Yes.

15 THE COURT: She wants to file them as
16 exhibits. So once we get them filed as exhibits, you
17 can return back up here. But she's going to be
18 handing those to you, so just stay put.

19 THE WITNESS: Yes, sir.

20 BY MS. THOMPSON:

21 Q. I am going to start with this first one that
22 you have. That's the one with Shane's trailer on it.
23 Would you just mark that as a number 1 and put your
24 initials on it? Then the second map is the one that
25 goes across Duck Town -- Duck Farm Road.

1 A. Initial it?

2 Q. Yes, please.

3 A. (Complied.)

4 Q. The third one is the one that goes from Duck
5 Farm Road or Sugar Tree to the lake. Then we have
6 our satelllite pictures.

7 First is the overall view of the satelllite.

8 A. What number does this need to be?

9 Q. This will be four. Four is a big view of the
10 satelllite picture.

11 Three is somewhat closer up.

12 A. Is this number five?

13 Q. That's -- right. Sorry. Number five is
14 somewhat closer up. Six is even closer. And then
15 seven shows where the road dead ends.

16 A. (Witness writes numbers on all maps.)

17 Q. Thank you, sir.

18 THE COURT: Are you done with him down
19 there?

20 MS. THOMPSON: Yes, sir.

21 THE COURT: All right.

22 (WHEREUPON, the defendant returns to the
23 witness stand.)

24 MS. THOMPSON: If I can pass these
25 forward and have them marked as exhibits.

1 THE COURT: Let's -- you want to make
2 them collective since they've got individual numbers?

3 MS. THOMPSON: Yes, Your Honor, that's
4 fine.

5 THE COURT: All right. Be Collective
6 Exhibit 184.

7 You got a clip?

8 THE REPORTER: I do, yes, sir.

9 (WHEREUPON, the above-mentioned document
10 was marked as Collective Exhibit Number 184.)

11 BY MS. THOMPSON:

12 Q. Mr. Autry, would you agree with me that it
13 takes a good 30 minutes to get from Shane Austin's
14 trailer using the back roads to get over there to the
15 river?

16 A. No, I wouldn't agree to that.

17 Q. Would you agree it takes 25 minutes?

18 A. You would have to factor in time, speed. And
19 I mean, how fast was we going? I mean, I don't know,
20 you know? I would agree that the time span was 15 to
21 30 minutes.

22 Q. Okay. 15 to 30 minutes?

23 A. I would agree to that.

24 Q. Okay. So we have you back at the Yellow
25 Springs Church. It's the Yellow Springs Methodist

1 Church; is that correct?

2 A. That's correct.

3 Q. Okay. We have you there, you're driving away
4 from there, and you're discussing the fact that
5 there's no shovel and pickax, but Mr. Adams is
6 driving, you haven't discussed yet where you're
7 going?

8 A. No, ma'am.

9 Q. Okay.

10 A. I am assuming your client had done figured
11 that out, under the assumption.

12 Q. But I thought it was your suggestion that you
13 could gut a body and put it in the river to float.
14 You're the one that came up with that idea?

15 A. It was. It was not my idea to dig a hole or
16 bury it.

17 Q. Okay. So was there discussion between the
18 two of you that you were going to initially bury the
19 body at the Tennessee River?

20 A. That was the -- no.

21 Q. No, okay. What was the discussion initially?

22 A. The question was: Will you help me bury this
23 body?

24 Q. Okay.

25 A. There was no destination set, no place or

1 nothing else. I assumed that I was getting into a
2 vehicle and going to a predestined location.

3 Q. Okay. So how soon after you start driving do
4 you realize there's not a predestined location?

5 A. Are you saying time-wise?

6 Q. Yes.

7 A. Shortly. Shortly meaning before we made it
8 to Duck Farm Road. Duck Farm Road -- go ahead.

9 Q. I am fine for you to explain.

10 A. Before we made it to Duck Farm Road.

11 Q. Where were you going to say Duck Farm Road
12 was?

13 A. That's across from Pugh Road. We went across
14 from Pugh Road.

15 Q. So can you remember the best of your memory
16 what that conversation is like?

17 A. Which conversation?

18 Q. That you have in the car with Mr. Adams and
19 you say -- do you say, where is the shovel?

20 A. Yes.

21 Q. Okay.

22 A. I mean, you confused me. I'm sorry.

23 Q. I am not trying to confuse you. I'm trying
24 to understand.

25 A. I testified that I told him that I did not

1 see no pickaxes and shovels in the back of the truck.

2 Q. Because that was going to be pretty clear
3 from the moment you got in the truck, you knew there
4 wasn't a pickax or shovel in the bed of the truck;
5 isn't that right?

6 A. That's correct.

7 Q. Okay. And so clearly --

8 A. I recalled that from viewing the body at 30
9 Yellow Springs Road when I was asked.

10 Q. Okay. So at some point you drove by Mr.
11 Adams' house or very close to Mr. Adams' house, did
12 you think about going there to get a shovel or
13 pickax?

14 A. I wasn't driving.

15 Q. Did you make that suggestion?

16 A. I did not.

17 Q. So before you get across 641 and the road
18 name changes from Pugh Road to Duck Farm Road, what
19 has been the conversation at that point that now you
20 know you're not going to go bury the body?

21 A. That was the conversation. I mean, that's a
22 short -- that's a very short drive.

23 Q. Okay. So tell me the best of your memory
24 what that conversation is?

25 A. I told Mr. Adams that I did not see a shovel

1 and pickax in the back of the truck, and I did not
2 know to where we could go and get one --

3 Q. Okay.

4 A. -- with a dead body in the back of the truck.

5 Q. Okay. Did he respond?

6 A. I am not sure.

7 Q. So then what did you say next?

8 A. I started telling him about the body at the
9 river that I had seen in the past.

10 Q. So you're saying that in your past --

11 A. That -- that -- go ahead.

12 Q. In your past you saw a dead body at the
13 river?

14 A. Right there where you said the bushes were
15 that looked like they were flooded.

16 Q. Okay.

17 A. Floating.

18 Q. So when was that that you saw a dead body
19 there?

20 A. Early 2000.

21 Q. Okay. Did you report that body to anybody?

22 A. I did not.

23 Q. Did you ever hear in the news what happened
24 with that body?

25 A. Never did.

1 Q. And so one day you just happen to be at the
2 river, that same spot where you took Holly's body?
3 A. No. Where we.
4 Q. I meant you plural. Where you two took
5 Holly's body, happened to be a spot that 11 years
6 earlier you had also seen a dead body there?
7 A. That's correct.
8 Q. So when you had seen the dead body there
9 before, the body was floating?
10 A. That's correct.
11 Q. And clearly the turtles had not eaten that
12 body by the time you saw it; had they?
13 A. They were working it over.
14 Q. But there was enough of the body left from
15 the turtles that you were able to see it?
16 A. Determine, you're correct.
17 Q. Determine it was a body.
18 And right there in that slew, you would agree
19 with me that there's not a direct river current there
20 because it's a little slew off to the side; wouldn't
21 you?
22 A. It's still water, yes.
23 Q. Still water. Okay.
24 So what do you say -- you have this memory
25 that comes to you, how do you communicate this memory

1 to Mr. Adams?

2 A. How did I tell him about it?

3 Q. Yeah. How did you tell him about it?

4 A. I proceeded to tell him that back years ago
5 that I seen a body floating down there, and the only
6 thing holding it up was the guts and the gases. I
7 proceeded to tell him about the days on the Tennessee
8 River that I had spent multiple times seeing old dead
9 fish floating belly up, that the guts and gases until
10 that -- that was what was holding them up.

11 Q. Okay. And so what did you say next?

12 A. We begin a course that direction.

13 Q. So --

14 A. There was never -- there was never, let's go
15 down there and do it type of moment. That's just
16 where we ended up.

17 Q. So he just naturally began to drive towards
18 the river?

19 A. I guess. I can't read his mind, but I
20 assumed that he thought that was a good idea.

21 Q. So you have a conversation with him, you say,
22 listen, back in 2000, I saw a body floating in this
23 still water of this slew, and I've seen a lot of dead
24 fish, the fish are dead and the one thing I know
25 about them is they all float to the surface?

1 A. That's correct.

2 Q. Because of the gases in the -- inside of the
3 fish, so my suggestion is we go put a body in this
4 same spot?

5 A. I never made no suggestion that we go.

6 Q. Okay.

7 A. We just naturally --

8 Q. Go there?

9 A. Worked our way that way.

10 Q. Okay. And so when you get there, is there
11 other conversation in the car as you're driving
12 there?

13 A. There is. We talk about -- what was that?
14 The one road that you were -- Ward Road, Ward Road
15 runs to -- Ward Road runs over to a boat ramp.

16 Q. Yes.

17 A. We drove over there to make sure there was
18 nothing over there. We come back. We were
19 discussing -- we were discussing not being seen,
20 making sure that quote/unquote coast is clear.

21 Q. Let me show you another satellite photo.

22 A. Do you want me to come over there?

23 Q. I'll show it to you first.

24 THE COURT: I tell you what, let's take a
25 break. It's stuffy in here. Hopefully it will be a

1 little cooler up there. We will take an afternoon
2 break of 15 minutes.

3 (Short break.)

4 THE COURT: Call the court to order. Be
5 seated. Okay.

6 MS. THOMPSON: Your Honor, I'd like to
7 ask for Jenks material on Mr. Autry. I know the
8 government says that they've provided Jenks. But
9 there was a proffer session, I believe it was January
10 18th, 19th, and 20th. It took place without any law
11 enforcement there, but between the District
12 Attorney's Office and Mr. Autry, and I would like to
13 have copies of those notes, Your Honor, because Mr.
14 Autry has given so few statements, the notes that the
15 district attorney took are absolutely critical in
16 this case because of the fact that they are material
17 to me doing an effective cross-examination. Prior
18 inconsistent statements is what we have to impeach
19 Mr. Autry with.

20 I recognize that many times notes are
21 considered to be the work product of the District
22 Attorney's Office. However, there's actually case
23 law that says in special cases, it is possible that
24 they would be discoverable. I say that because the
25 District Attorney's Office set this meeting up

1 without law enforcement, because normally law
2 enforcement would be there and would write up, you
3 know, notes and reports from any encounter they had.
4 Because the District Attorney's Office set it up this
5 way, that they intentionally made their notes into
6 discoverable material.

7 If the Court is inclined to deny having the
8 District Attorney's Office turn over their notes from
9 the three-day proffer session, then I would ask that
10 those -- and those notes can be redacted in case
11 there's any work product like impressions that they
12 have of the witness or anything. But if not, I would
13 ask that those notes be filed under seal and made
14 part of the record, so that on appeal the Court of
15 Criminal Appeals could determine whether or not those
16 notes, in fact, were discoverable.

17 GENERAL NICHOLS: Whether they're
18 discoverable or not, we don't have notes.

19 THE COURT: Okay. End of it.

20 GENERAL HAGERMAN: To be clear, we didn't
21 take notes. It's not like --

22 THE COURT: All right. That's even more.
23 We don't have notes. We didn't take notes. I would
24 assume they're talking to every witness is just my
25 feeling. I am ready for the jury if they're ready.

1 (WHEREUPON, the jury returned to the
2 courtroom, after which the following proceedings were
3 had:)

4 THE COURT: Okay. Be seated. Get Mr.
5 Autry, please.

6 Who else had a birthday? I know you did.
7 Who else? Somebody had one this week. Who was it?
8 The attorney. I thought there was another juror.

9 A JUROR: Somebody this week.

10 THE COURT: I don't have one tomorrow.

11 A JUROR: You do. You get some golf
12 balls if I can go back home.

13 THE COURT: Not going to happen, okay.

14 My daughter went off to school, of course,
15 any time she played in a tournament, she'd win
16 something. There were two dozen Pro Vs on the coffee
17 table, and I told her mother, I said I am taking them
18 with my stuff because they'll be dry rotted before
19 she gets to play again when she's going off to
20 medical school.

21 All right. Let's continue.

22 BY MS. THOMPSON:

23 Q. Mr. Autry, I've put a map up there in front
24 of you. I believe it's another satellite picture.

25 A. Give me one second here.

1 Q. You were talking about the boat dock off of
2 Ward Hill Road?

3 A. That's correct.

4 Q. Do you see Ward Hill Road on that map?

5 A. I do not. I do not. This map is not big
6 enough. It's not like the -- can you show me?
7 There's -- is that Ward Hill? I thought that said
8 that's Stinson Hollow. This map says Stinson Hollow.

9 Q. Okay. Is that down -- do you see where the
10 boat dock is that you were talking about?

11 A. Is this right here where your -- is this what
12 you're calling the boat dock right here?

13 Q. Well, I am asking you if you see the boat
14 dock that you were talking about.

15 A. I can't testify that that being the boat dock
16 right there (indicating).

17 Q. You can't?

18 A. Not on this map, I can't. I can't see a boat
19 dock here.

20 Q. Okay. Let me pass up one other map. This is
21 not a satellite picture, but this is a map with some
22 roads labeled. See if up in that upper-right corner
23 you see a road marked Ward Hill.

24 A. I do.

25 Q. Now, if you look at that map and compare it

1 to the one, the satellite picture, can you tell in
2 the satellite picture with that same --

3 A. If this is the -- if this is the location
4 where the state or federal, whatever it is, boat ramp
5 is, if this is it, then that's where it is. I mean,
6 I cannot see a boat ramp here.

7 Q. Right. But do you see where a road is marked
8 Ward Hill?

9 A. I do.

10 Q. Now, when you look at the other map, on the
11 other map can you see where that same road is but
12 enlarged?

13 A. It says Stinson Hollow.

14 Q. Okay. Does it look like it's the same road
15 there?

16 A. Maybe.

17 Q. Um.

18 A. I don't know if this is --

19 Q. Well, that's fine. If you can't identify it,
20 that's fine.

21 A. I will say this, it's in the general
22 location, but the names is different. There's no
23 boat dock visible.

24 Q. That's fine. If I can --

25 Next -- we had talked earlier about the -- if

1 I could just have those maps back since you weren't
2 able to recognize them.

3 A. I think that --

4 Q. Let me just pass a map up to you. Now, I am
5 not familiar with this Camden Wildlife Refuge that
6 you were talking about. Is it anywhere on that map?

7 A. I believe, not 100 percent sure, that it's
8 Camden Landing Road that runs into 70 --

9 Q. Yes.

10 A. -- before you cross the Tennessee River --

11 Q. Yes.

12 A. -- is the general location of where that is.

13 Q. Okay. So that morning when --

14 A. It's not marked. This is not marked refuge,
15 Camden. I mean, this -- I am assuming that Camden
16 Landing Road is the road, and I don't know. I mean,
17 this is not --

18 Q. I don't want you to assume. I want you to
19 tell me where you were that morning. Let me pass you
20 this map, see if that map says it a little clearer.

21 A. This is just a replica of the one you sent up
22 here that has no more information than it did.

23 Q. Okay.

24 A. This has 70 road with Camden Landing Road,
25 except it's just in a different location on the map

1 is all it is.

2 Q. Okay.

3 A. There's no identifying factors to it.

4 Q. What is the first road that you hit that
5 morning when you were making your way from the
6 wildlife refuge to Shane Austin's trailer?

7 A. You would have to know the name of the road
8 beside Palmer Tool and Die.

9 Q. Okay. Do you know the name of the road
10 beside Palmer's Tool and Die?

11 A. I do not.

12 Q. There's a road on there, Palmer Road off of
13 interstate -- off of Highway 70. Do you see Palmer
14 Road?

15 A. I do.

16 Q. And Palmer Road goes down to Birdsong Road,
17 is that how you said you were going?

18 A. Capps Road also makes that. There's a couple
19 different roads there. I am assuming that Palmer's
20 Tool and Die is on Palmer Road. I mean, if that's
21 what -- if that's what you're looking for. I am
22 testifying that I don't know the name of the road
23 that runs beside Palmer Tool and Die, but there is
24 two routes here. One is Capps Road and one is Palmer
25 Road. So I took one of those roads.

1 Q. Okay. You took one of those roads. So you
2 don't even have a memory that morning of which road
3 you took?

4 A. I do have a memory of which road I took. The
5 road that runs beside Palmer Tool and Die.

6 Q. Okay.

7 A. What I don't know is if it's Palmer Road or
8 Capps Road.

9 Q. And you can't find it on that map?

10 A. I pointed to both of them right here
11 (indicating).

12 Q. Okay. Will you mark them?

13 A. Do you want me to mark it?

14 Q. Yes, please.

15 A. Can I have a pen? Is this number 8 and
16 initial it?

17 Q. Yes, it's number 8.

18 A. (Writing.)

19 Do you want me to mark Palmer's Road and
20 Capps Road?

21 Q. Yes, because you know -- you know you took
22 one of those two roads.

23 A. Well, on this map, they're right beside each
24 other, like they run parallel, adjacent to each
25 other. So what sign do you want me to put me on

1 there? Just a mark?

2 Q. How about P for Palmer Road and a -- what was
3 the other one, started with a C?

4 A. Capps Road. PR and CR.

5 Q. I think this map should be number 7.

6 A. No, we entered number 7 over there. This is
7 number 8.

8 Q. Okay. Would you finish marking your route
9 that you took that morning?

10 A. To Birdsong Road?

11 Q. To get to Mr. Austin's house.

12 A. On this map?

13 Q. Yes. If you'll mark it on that map.

14 Do you need a second part of a map to
15 continue?

16 A. I do. And the southern part of this map
17 would be 191. No. Yeah. I need 191 South, Birdsong
18 Road.

19 Q. So then if that's number 8, we'll mark this
20 one number 9.

21 A. This is -- this is not consistent with what I
22 am needing.

23 Q. Okay. How about this one? This one is even
24 south.

25 A. Do you want this one as number 9?

1 Q. No. The one -- the next one that is going to
2 be helpful is going to be number 9.

3 A. Oh. Nah, nah. We're all off here somewhere
4 or another. Okay. We have a great distance missing
5 from one map to the other.

6 Q. Let's try this one.

7 A. We're missing Birdsong. We're missing a
8 large portion of Birdsong Road.

9 Okay. Now this looks like right here. Maybe
10 this is number 9. Yeah, okay, okay. We're on target
11 now. To Eagle Creek Road, Eagle Creek to Coxburg,
12 Coxburg to Rockport, Rockport to 192. 192 to --

13 We need -- if we're going all the way to
14 Austin's, we need more maps. This one ends.

15 Q. Can you look at the other two I gave you?

16 A. We need to go further south to get to
17 Austin's.

18 Q. The other two I gave you, do they --

19 A. These are all coming south from Benton
20 County. These are coming from Benton County to
21 Decatur south, Birdsong Road. You need south of
22 Interstate 40 is what you need next.

23 Q. Here's one there. See if that one helps.

24 I'm sorry, I don't know which way you went,
25 so that's why it's hard for me to --

1 A. No problem. You're not bothering me. This
2 is not what you need.

3 Q. Then let's go back to the maps.

4 Did you retrace part of your steps that you
5 did?

6 A. I am here. I am here. I've made my way from
7 the refuge to North 40 right now. I need from North
8 40 to Shane Austin's house maps.

9 Q. Oh.

10 A. That's -- that's -- that's -- that's north of
11 all of this.

12 Q. Well, then let's get the exhibits that I put
13 in already.

14 THE COURT: 184 Collective.

15 MS. THOMPSON: Yes. Oh, I see where you
16 are now. Yes, those are already in. It's the 184
17 Collective, it's the little maps, the sheets.

18 THE WITNESS: We need Hohammer Road over
19 to Yellow Springs Road, that's what we need. We
20 need. South of Interstate 40.

21 BY MS. THOMPSON:

22 Q. Let me pass you up what you marked as number
23 2.

24 A. Okay. This is after we got in the vehicle
25 and headed toward the alleged, quote, dumpsite. This

1 map is -- is our tracks after I got in with --

2 Q. Yes. But you can make a mark on that map,
3 too. That's going to take you down over to Shane
4 Austin's house, right?

5 GENERAL NICHOLS: Can we maybe at least
6 make it a different color, Judge, since it's already
7 in evidence?

8 THE WITNESS: No, it doesn't. You need
9 Hohammer Road, Pugh Road, and Yellow Springs Road, is
10 what you need. We're right here, you see
11 (indicating). This is Duck Farm Road.

12 BY MS. THOMPSON:

13 Q. But you can get from here, you can go over to
14 here to Pugh Road, and then I'll hand you the second
15 map.

16 A. But I stopped on this map right here. We
17 need --

18 Q. Okay. So you can get to Pugh Road from here,
19 and then I'll hand you the next map.

20 A. Where is Pugh Road at on here?

21 Q. It's right there across from Duck Farm Road.

22 A. But see -- but you got to go down Hohammer
23 Road. I went down Hohammer Road before I got to Pugh
24 Road.

25 Q. Let me hand you all the maps.

1 A. Okay. Thank you.

2 Q. Do you see it?

3 A. I do not.

4 Q. Okay. We have part of the route marked out.

5 A. Hold on. I don't know your -- if you had --
6 if you had the east view of this map right here, the
7 eastern view, meaning this portion here (indicating).

8 Q. Western view?

9 A. Western view, eastern view, I am sorry.

10 Q. Okay.

11 A. That would be what we need to pinpoint the
12 exact location.

13 Q. Okay. Let's go over what you have. Map
14 number 8, this is from that morning before you spoke
15 with Zach Adams. And you're saying that you start --
16 you were over here somewhere by the river; is that
17 right? And let me focus it more.

18 A. I believe --

19 THE WITNESS: May I stand up, Your Honor?

20 THE COURT: You may.

21 THE WITNESS: Wait a minute. You're
22 about -- I believe that this is where you're speaking
23 right here (indicating). Can I have that pointer? I
24 just hate blocking everyone's view, including yours.

25 That is what we determined or decided or you

1 agreed to went down to the refuge.

2 BY MS. THOMPSON:

3 Q. Let me be clear. I don't know where the
4 refuge is. I'm asking you.

5 A. We never determined this being a refuge. We
6 decided that Camden Landing Road went to the river.

7 Q. Okay.

8 A. This is not marked the national refuge on
9 this map. We're just in joined agreement that this
10 could or possibly could be the spot.

11 Q. So next you are on Highway 70, is that right,
12 going west?

13 A. That's toward Terry Bill, that's back toward
14 Camden?

15 Q. Yes.

16 A. Yes, that's west.

17 Q. Okay. And then you turn -- you're going to
18 turn left on one of these roads, either Palmer Road
19 or Capps Road?

20 A. Or Capps Road. Yeah, if you see them right
21 there, they run adjacent right to the same location
22 right there. Palmer Tool and Die, Palmer Tool and
23 Die is in this general location right here
24 (indicating). Both of them roads runs to Highway 70.

25 Q. Okay.

1 A. As I testified, I do not know the name of the
2 road that I went down.

3 Q. Right.

4 A. I assumed, being as it was beside Palmer that
5 that was Palmer Road, but that's all an assumption.

6 Q. What you know for sure is next you get on
7 Birdsong Road; is that right?

8 A. That's right. Both of these roads run to
9 Birdsong Road. Actually Capps Road is real clear
10 about it. But I think you ought to make out some
11 type of detail there. It's not a very good map.
12 Over to Birdsong Road, and then we went south down
13 191.

14 Q. Okay.

15 A. That being in this direction here
16 (indicating).

17 Q. So next you travel down, further down
18 Birdsong Road?

19 A. Well, I am lost now.

20 Q. So you end up down here (indicating)?

21 A. Well, we're looking for 191 South.

22 Q. So this is 191 South.

23 A. Okay. Down to -- okay. Down to Eagle Creek,
24 as I testified, and over to Coxburg then to
25 McIllwain.

1 Q. Then after you get on to McIllwain?

2 A. Over down to 641, down to the interstate, and
3 this is where we run out at (indicating).

4 Q. Okay. Then once you get to the interstate,
5 you keep going down 641, further down the interstate?

6 A. That's incorrect.

7 Q. So you cut over on this little side road over
8 here (indicating)?

9 A. If you cross 641 South.

10 Q. Yes.

11 A. If you crossed going south --

12 Q. Yes.

13 A. -- there's a road, the first road to the
14 right.

15 Q. That's this little Spence Store Loop Road?

16 A. And it cuts over to Hohammer Road. Hohammer
17 Road runs to Yellow Springs Road. Yellow Springs
18 Road runs to Pugh Road. It's all in the location.
19 It's very small. It's just (indicating) you know,
20 just minutes on each road and it's the quickest way.

21 Q. So it's --

22 A. The roads ain't what they look like on here,
23 like long travel. Some of them ain't -- like down
24 Spence Road ain't 150 yards before you cut off on
25 another road.

1 Q. So Hohammer Road cuts over, are you saying it
2 runs along the interstate right here (indicating)?

3 A. Hohammer Road -- yeah, Hohammer Road runs
4 alongside the interstate down to --

5 Q. Right here (indicating) where my finger is,
6 it's running along the interstate, and then it goes
7 down over here to Yellow Springs Road?

8 A. I don't know that's Hohammer Road there
9 (indicating). I mean, that may be it right there, I
10 don't know. That may be it right there (indicating),
11 I --

12 Q. Because it's running all the way from up
13 here, it's going all the way from up here
14 (indicating).

15 A. That's correct.

16 Q. It follows the interstate until it finally
17 veers away and goes over to Yellow Springs Road.

18 A. I don't see the name of it, but I'll agree
19 with you if that's what -- I mean, I don't see no
20 name on there, Hohammer Road, Yellow Springs Road,
21 Pugh Road.

22 Q. Well, would you agree with me that sometimes
23 roads may have country names that don't necessarily
24 make the maps?

25 A. Yeah, I guess so. Yeah. I mean, I thought

1 every road was named and was on a map. I mean, the
2 little roads around the river there were, and you
3 know, they're --

4 Q. Yeah. I'd like to have --

5 A. This is State County Road. I mean, it should
6 be named, right?

7 MS. THOMPSON: I'd like to have these
8 maps 7, 8 -- I mean, 8, 9, and 10 made a collective
9 exhibit.

10 THE COURT: Let's just add them, 8, 9,
11 and 10 to the Collective Exhibit Number 184, part of
12 a continuing series more or less.

13 (WHEREUPON, the above-mentioned maps were
14 added to Collective Exhibit 184.)

15 BY MS. THOMPSON:

16 Q. So last week when we were in the process of
17 you telling your story, you had arrived at the river.
18 Now, you didn't go on the interstate, because you
19 wanted to go the back roads; is that right?

20 A. What? What?

21 Q. To go to the -- to the river that morning --

22 A. Explain. By myself, or are you talking about
23 Camden bottom?

24 Q. No, I am talking about when we were last
25 telling your story, you were telling your story

1 step-by-step about what happened on the morning of
2 the 13th. And before we took the break, you had got
3 to the point where you had got to the river that
4 morning with Mr. Adams, and there's a body in the
5 back of the truck.

6 A. What are you wanting to know?

7 Q. I am just pointing to you where we were.

8 A. Okay.

9 Q. So at that point you say that you arrive, and
10 you were telling us that you had driven down to the
11 boat dock. Did you drive to the boat dock?

12 A. I wasn't driving. I wasn't driving.

13 Q. You rode down to the boat dock?

14 A. That's correct.

15 Q. Which is actually the -- go off to the right
16 to get to the boat dock there, as you're going in
17 towards Ward Hill Road? Would that be yes? Can you
18 answer out loud?

19 A. Yes, yes.

20 Q. So tell me what did you do down at the boat
21 dock?

22 A. Made a circle and come back. Made a
23 circle -- made a circle and seen no one was there and
24 started the trip back.

25 Q. Okay. So what happens next?

1 A. We drive over to the location of the murder.

2 Q. Okay. And your -- because this is where
3 you've seen a body before, you clearly then at some
4 point communicate to Zach Adams where you think the
5 best location is; is that right?

6 A. I told him where the deepest part of that
7 slew was, the channel is what I testified to, the
8 channel.

9 Q. What's your testimony where the deepest part
10 of the slew was?

11 A. Do you got a map?

12 Q. Let's get the map back out.

13 A. I mean, I can sit here and say, but nobody is
14 going to -- I mean, I've pinpointed it once to the
15 State, but you're going to need a map that has --
16 probably going to need your map to be honest with
17 you. Them maps right there (indicating).

18 Q. Let's try first with this close-up that we
19 have here that we looked at earlier. Let me zoom out
20 some.

21 A. Just a little bit more.

22 Q. Would it help if the lights were down, could
23 you see better?

24 THE COURT: Go ahead and try it.

25 THE WITNESS: The jury can't see and

1 neither can I, the location that the State had drawn
2 up. Your map is not -- if --

3 BY MS. THOMPSON:

4 Q. Well, this is water up here.

5 A. I understand that.

6 THE COURT: This is number 6 on
7 Collective Number 184.

8 THE WITNESS: Are you in agreement that
9 there is a patch of land right there with a channel
10 through it? That's what I testified to. That map
11 just ain't -- there you go.

12 THE COURT: All right. Lights back up.

13 THE WITNESS: Right -- I believe right
14 there (indicating). I can't see it, but I believe
15 that's the one right there (indicating).

16 Your Honor, may I approach?

17 THE COURT: You can step down.

18 BY MS. THOMPSON:

19 Q. Will you put just a little X where you see --

20 A. Right there (indicating).

21 Q. -- the deepest part of the channel is? Get a
22 pen, just make a small X there.

23 A. Somebody going to have to give me one. They
24 come and got it.

25 This is the deepest part of that.

1 Q. Okay.

2 A. The water runs this way (indicating), and the
3 flow of it, the silt is all back down on this end.
4 It's all marsh on this end. This is the --

5 Q. The deepest part.

6 A. -- bluff side, so-to-speak. If you looked at
7 it, it's straight off bluff.

8 Q. Okay. So make a mark right there where you
9 say the deepest part is.

10 MS. THOMPSON: Okay. Very good. Next.

11 THE COURT: What exhibit number is that?

12 THE REPORTER: 182.

13 THE COURT: All right. He just made an X
14 on 182.

15 BY MS. THOMPSON:

16 Q. You don't still have a map up there; do you?

17 A. I do not.

18 Q. So you suggested to Mr. Adams where the
19 deepest part of the channel was; is that right?

20 A. That's correct. That's correct.

21 Q. So what happened next?

22 A. Excuse me. Where was we at? We were coming
23 down -- what happened next. I mean, we were coming
24 back that direction from Ward Road, right?

25 Q. Yes.

1 A. Is that where we was?

2 Q. Yes.

3 A. We pulled down that long gravel road that I
4 testified that I run out there and looked at. Went
5 underneath the bridge, went down to the river,
6 circled by the river bank, come back up, pulled in,
7 made a circle, backed into the rock pile, got out of
8 the vehicle. At that time, I grabbed Ms. Bobo by the
9 upper torso. Mr. Adams let down the tailgate, we
10 brought her out.

11 Q. You haven't mentioned your saying that you
12 needed to gut her. So where are you along the trip
13 when you mentioned that she'll need to be gutted?

14 A. I never told him that she needed to be
15 gutted.

16 Q. Okay. You just said that other things
17 floated --

18 A. Yeah.

19 Q. -- because of --

20 A. Yeah. I never once -- he was not acting
21 under my direct command.

22 Q. So you don't know for sure that he was going
23 to go get a knife and gut her?

24 A. When I walked away from the upper torso, he
25 was digging in the fanny pack in the back extended

1 cab of the truck.

2 Q. Okay. So you don't know what he was doing?

3 A. He was digging in the fanny pack in the back
4 seat of the extended cab truck.

5 Q. And then at some point you said, you all sat
6 her down on the rip-rap. How steep is that rip-rap
7 there?

8 A. Degrees-wise?

9 Q. Yes.

10 A. 25.

11 Q. 25 degrees?

12 A. Incline like this (indicating).

13 Q. Okay.

14 A. I don't know if that's 25 degrees, I mean, to
15 be honest.

16 Q. Okay. So you sat her down there. He walks
17 back. He's digging in the trunk, what do you observe
18 next? Not in the trunk, in the back seat of the
19 truck.

20 A. He goes around to the truck, I observe a foot
21 move, and I hear a sound.

22 Q. Okay.

23 A. A sound of distress.

24 Q. Okay.

25 A. What I believed to be a right foot. I then

1 walk to the passenger side of the 4x4 Nissan and say,
2 this fucking bitch is still alive.

3 Q. You said, this fucking bitch is still alive?

4 A. Those exact words.

5 Q. Okay. What did you say next?

6 A. It's -- everything stopped, and we met at the
7 front of the truck at the hood. And I looked at him,
8 and I said, she's heard my name and us speaking. At
9 that time --

10 Q. How would she have heard your name at that
11 point? She's in the back of the truck the whole time
12 this is going on.

13 A. We were discussing burying the corpse at
14 Shane Austin's.

15 Q. No, you didn't, because I specifically -- you
16 said he said he needed your help --

17 A. Burying the body.

18 Q. And I asked you specifically what was said.
19 You never said he said your name.

20 GENERAL NICHOLS: Your Honor, I object.

21 THE COURT: You can cross-examine, but
22 you can't make statements.

23 BY MS. THOMPSON:

24 Q. So far you have not mentioned at what point
25 he called out your name; have you?

1 THE COURT: That's a statement. All
2 right.

3 MS. THOMPSON: Have you?

4 THE COURT: Ask a question.

5 THE WITNESS: I don't think that I
6 testified to that. You're correct.

7 BY MS. THOMPSON:

8 Q. Okay. So now you're saying that there are
9 some things that you left out of your testimony,
10 conversation that was had, that you've left out;
11 aren't you saying that?

12 A. No. No, I am not.

13 Q. Okay.

14 A. No, I am not, I am just -- I am telling you
15 what a 6-year-ago conversation was in the best manner
16 that I can.

17 Q. Okay. I am trying to go slowly.

18 A. The truth.

19 Q. So can you then tell me at what point your
20 name was said?

21 A. No, I cannot.

22 Q. Okay. So you say you moved to the front of
23 the truck. She's over on the rip-rap. How far would
24 you say the truck is parked from where she's on the
25 rip-rap?

1 A. Like I testified to the jury, the distance
2 between this wood and the jury box.

3 Q. So --

4 A. Approximately.

5 Q. For the record, can you see in feet?

6 A. 4 to 6 foot.

7 Q. 4 to 6 feet from the front of the truck?

8 A. No. From the tailgate, from the back of the
9 truck. We backed in there.

10 Q. Right. But I thought you said you all moved
11 around to the hood of the truck to talk.

12 A. We did.

13 Q. So now how far is she from where you are at
14 the hood of the truck?

15 A. Whatever the length of a 4x4 Frontier Nissan
16 pickup is added to that footage.

17 Q. Well, I don't -- will you please --

18 A. 24, maybe 24, 22, 23 foot maybe. I don't
19 know the length of the truck.

20 Q. Okay. So you think you're maybe between 22
21 to 24 feet away from the body?

22 A. I suspect that's the amount. I am not just
23 100 percent sure how long that truck is.

24 Q. Okay.

25 A. I know the distance that we backed up to the

1 rip-rap. I don't know the length of that truck.

2 Q. So you've just said she's heard my name.

3 What else do you say? Can you be as --

4 A. I said she's heard me talking and heard my

5 name.

6 Q. Okay. Did you say anything else at that

7 point?

8 A. I did not.

9 Q. What was Mr. Adams' response?

10 A. Just a dead look. Just a thousand yards

11 stair, silence.

12 Q. So he says nothing?

13 A. Says nothing. He turns, goes around to the

14 driver's side -- to the driver's side door, gets the

15 pistol out of front floorboard. At that time, I tell

16 him hold up, let me go over here and look. I run to

17 the curb that I testified to.

18 Q. You testified earlier that at this point you

19 were angry; is that right?

20 A. I did not.

21 Q. I thought you said you were yelling at him?

22 A. I did not.

23 Q. The fucking bitch is still alive.

24 A. That's incorrect.

25 Q. Okay. So at this point you're not angry,

1 you're not upset?

2 A. I was on my way to the straightaway to look
3 and see if anything was coming.

4 Q. Okay.

5 A. Continue?

6 Q. Continue.

7 A. I looked down the straightaway, which was
8 approximately 200, maybe 250 yards, you could see
9 that way. I looked back, told him nothing was
10 coming. And at that time, the pistol went off
11 (indicating). I was underneath the bridge, and it
12 sound like multiple shots, boom, boom, boom, boom,
13 boom, down the river bottom like that.

14 And I looked up, because that stunned me. I
15 looked up, and Martins flew out from under my side of
16 the bridge. At that time, there was like dead
17 silence. I heard a boat, took out running back over
18 there, and I said somebody has seen us or heard us.
19 At that time, we placed Ms. Bobo back in the pickup
20 and proceeded to leave.

21 Q. Saying nothing else between the two of you?

22 A. Not until I said something about driving
23 erratic, and we need to slow down.

24 Q. And that's at the same point when then you
25 suddenly recognized that this could be a possible

1 federal offense?

2 A. Correct. I knew from previous experience
3 firearms are not allowed.

4 Q. So what was your previous experience?

5 A. I mean, I just was born and raised in the
6 south. I understand the rules and regulations of
7 federal property. Plus, it's posted on the entrance,
8 no firearms for everyone to see. Gun with a cross in
9 it.

10 Q. So where is that entrance where it's posted?

11 A. Generally at the entrance of a federal
12 property it's posted.

13 Q. Are you saying it was posted on that
14 particular property?

15 A. I don't know.

16 Q. Okay.

17 A. I know from previous times before at other
18 places, this ain't the only refuge I've ever been on.

19 Q. Where is another refuge you have been to?

20 A. Camden Bottom is a refuge. Duck River Bottom
21 is a refuge. Eagle Creek is a refuge. Bustletown is
22 a refuge. Mousetail is a refuge. I mean, the
23 government has property all over the state of
24 Tennessee. Each one you have rules and regulations
25 that they expect you to obey.

1 Q. And so you would have known all of this
2 before you headed out that day towards the river, is
3 that right, because you say it's all from past
4 experience?

5 A. I knew this before -- yes.

6 Q. So in trying to calculate what time you would
7 have gotten there that day, you said you arrived at
8 Shane Austin's house after 9:00 a.m.?

9 A. Sometime, yeah.

10 Q. You said it took you about five minutes to
11 get your pill and cook it up; is that accurate?

12 A. I think I testified to about ten minutes
13 inside the vehicle.

14 Q. So that would put it at about 9:10 to 9:15?

15 A. (Nodded head affirmatively.)

16 Q. Then you get out of the vehicle, you have a
17 short conversation?

18 GENERAL NICHOLS: Was there an answer? I
19 was looking down.

20 THE COURT: He nodded his head.

21 MS. THOMPSON: Can you answer out loud?

22 THE WITNESS: I'll agree with you.

23 BY MS. THOMPSON:

24 Q. So then you get to the river, would you agree
25 with me you get to the river no later than 9:35 or

1 9:40?

2 A. I would say -- I would say between 9:40 and
3 10:00.

4 Q. Okay. 9:40 and 10:00?

5 A. Would be my -- I believe that that's the
6 time. Keep in mind, I was high. So I mean, the
7 exact -- the exact minute I am not clear on.

8 Q. So being high then, does that affect your
9 memory?

10 A. That time I guess so, yeah. We're discussing
11 an event that happened six years ago.

12 Q. Okay. So in the middle of all this, you were
13 able to take a telephone call from your mother,
14 Shirley King, that morning at 9:42; weren't you?

15 A. If your records reflect that, that's true.

16 Q. You had an approximately 40-second call with
17 your mother; didn't you?

18 A. If your records reflect that.

19 Q. Your mother has a telephone number with an
20 area code of 901; doesn't she?

21 A. That's correct.

22 Q. And the last four digits are 5662; aren't
23 they?

24 A. That is her husband's -- her boyfriend's
25 sister's phone.

1 Q. Okay. But it's a phone you can call her on;
2 isn't that right?

3 A. That's correct.

4 Q. And then that morning at 10:35 you called
5 Angela Scott; didn't you?

6 A. If your records reflect that.

7 Q. And then at 10:36 Angela Scott called you
8 back?

9 A. If your records reflect that.

10 Q. So what time do you think you left the
11 Tennessee River that morning?

12 A. We were there less an hour. I would say
13 somewhere between 40, 35 to 45 minutes.

14 Q. Okay. So if you're there 9:45 to 10:00, then
15 if you're there 45 minutes, you're then leaving about
16 10:30; is that right? Is that the earliest you would
17 have left, 10:30?

18 A. Maybe. I don't know.

19 Q. Now, did you take the interstate to go back
20 home, back to Yellow Springs Church?

21 A. No, ma'am.

22 Q. Okay. So you took -- did you take the same
23 route you came to go back to Yellow Springs Church?

24 A. No, ma'am.

25 Q. Is there a different route you took?

1 A. Yes, ma'am.

2 Q. Okay. Can you tell me -- let me get the maps
3 back. Let's see if we can go through which way you
4 went back.

5 It's going to be using the same maps that we
6 already have; isn't it?

7 A. No.

8 Q. No, okay.

9 A. At some point we're going to run back into
10 one of the roads, though.

11 Q. Okay. Well, I am going to pass you back map
12 number 3, because it's the map where we ended up.
13 Let me see if I can get you a pen of a different
14 color. Back then was blue that you were using. Here
15 is a green pen.

16 A. Thank you. All right. You actually handed
17 me the right map. Thank you.

18 This is going to be rather simple. Do you
19 want me to date and sign? Do you want me to sign
20 this new route back to --

21 Q. No. For the record you're looking at map
22 number 3.

23 A. 3.

24 Q. And putting it in green pen.

25 A. That's correct.

1 Q. If you'll just draw arrows back the way you
2 came.

3 A. We -- yeah.

4 Q. Next let me hand you map number 2.

5 A. Okay.

6 Q. See if on map number 2 you can see where you
7 went.

8 A. We're -- we're -- this -- this same -- this
9 is good all the way back to -- I don't know what
10 starting point we had here marked, but to wherever
11 this ended, this is the path back. So ever where the
12 arrow points one way, the arrow pointing the opposite
13 way is the path back.

14 Q. So that part --

15 A. The only difference is is where the other
16 exhibit you had looped back around to Morgan Creek
17 Road.

18 Q. So what you're saying, instead of taking the
19 north route up here to go back, you took the north
20 route to go to the river, you took a southern route
21 to go back?

22 A. We took a route over to Morgan Creek Road on
23 that map that I marked green right there, down Ward
24 Road over to -- what was the other road? Over to
25 Morgan Creek Road.

1 Q. It goes over to Morgan Creek where
2 Birdsong --

3 A. And then back down the same path. All we
4 done, we bypassed the 133 exit. Instead of going
5 back up by the interstate and the same way we came
6 in, we went down back around by the landing out.

7 Q. Okay. So you meet up back over here again
8 where Birdsong Road runs into Morgan Creek Road?

9 A. Is that -- okay. Let me see here. Okay. If
10 you'll -- Nick's Landing. Ward Road is where we
11 decided maybe or maybe not the boat ramp was.

12 THE WITNESS: Your Honor, may I approach
13 the --

14 BY MS. THOMPSON:

15 Q. Do you not have your pointer?

16 A. Yeah, I do. I am sorry. Forgive me.

17 This road right here (indicating) marked down
18 through here, and I think -- what's the name of it,
19 Nick's Landing. Nick's Landing runs around to Morgan
20 Creek where it joins back in right here. And that
21 joins right there (indicating). What that is is it's
22 just a shorter path over to the -- just a different
23 route in, different route out. Different route out.
24 Quicker path out is what it is.

25 Q. Can I see the map in your hand?

1 A. That's traced back to, I believe, Interstate
2 40. I believe that's what we got marked on there.

3 Q. So this one, you're just going back the way
4 you came?

5 A. Yeah. Once we hit Morgan Creek Road, the
6 same roads we tracked in, we tracked out.

7 Q. Okay.

8 A. The only difference was was the shortcut
9 along the river road over to Morgan Creek Road
10 instead of the --

11 Q. Okay. And so does it take approximately the
12 same amount of time to get back using the --

13 A. Might even a little less.

14 Q. Little less, okay.

15 A. Maybe. I don't know the exact mileage, but I
16 know that one -- that the path back was shorter than
17 the path there.

18 Q. Okay. How much shorter would you say?

19 A. I don't know.

20 Q. Okay. So that morning then, 10:35 -- you
21 said on direct that you checked your phone and you
22 realized you were supposed to go have lunch with
23 Angela Scott?

24 A. That's correct.

25 Q. What time did you usually eat lunch with

1 Angela Scott?

2 A. 11:00.

3 Q. 11:00. And where would you go to eat lunch
4 with her?

5 A. Benton County Health Department.

6 Q. Benton County Health Department. Where is
7 that? What road is that on?

8 A. Maybe Hospital Lane. There's a hospital
9 there. Maybe it's called Hospital Lane. I don't
10 know.

11 Q. Why would you --

12 A. I don't know the road. I mean, I know where
13 it's at.

14 Q. Why were you eating lunch at the health
15 department?

16 A. Health department was about an eighth of a
17 mile from her job.

18 Q. Did you bring a lunch, or were you buying a
19 lunch at the health department?

20 A. I generally brought her lunch. I wasn't
21 buying no lunch at the health department. I bought
22 lunch at other places and met her at the health
23 department.

24 Q. Okay.

25 A. I've never met a --

1 Q. You never what?

2 A. I never bought lunch at the health
3 department.

4 Q. Okay. But this is up in the city of Camden;
5 is that right?

6 A. I don't know if it's the city limits or not.

7 Q. But it's kind of close to where the main town
8 is?

9 A. Yes, ma'am. It's off of 641 just precisely
10 right there off 641.

11 Q. Okay. And then at 11:40 you called Jay
12 Taylor again; don't you?

13 A. If your records reflect that.

14 THE COURT: What was the name I heard?

15 MS. THOMPSON: Jay Taylor.

16 THE WITNESS: Jay Taylor.

17 THE COURT: Okay. There was a chair
18 creaking about the time I was trying to hear.

19 BY MS. THOMPSON:

20 Q. 11:40 you called Jay Taylor; didn't you?

21 A. If your records reflect that, that would be
22 true.

23 Q. You had a 45-second telephone call with him?

24 A. If your records reflect that, that would be
25 true.

1 Q. And then at 12:06 Angela Scott called you?

2 A. If your records reflect that, that will be
3 true.

4 Q. And at 12:08 Angela Scott called you again.

5 A. If your records reflect that, that will be
6 true.

7 Q. And then Jay Taylor called you back at 12:09?

8 A. If your records reflect that, that will be
9 true.

10 Q. So you had multiple contacts with Angela
11 Scott during this day; didn't you?

12 A. I testified to the State that I didn't have
13 time to get there and take her lunch, and that we
14 spent the lunch hour talking and texting, that's
15 correct.

16 Q. So she usually only had a 30-minute lunch; is
17 that right?

18 A. That's correct.

19 Q. So if you met her, you said at 11:00 usually?

20 A. That's correct.

21 Q. So you'd only need from 11:00 to 11:30 to
22 have lunch with her; wouldn't you?

23 A. That is correct.

24 Q. So what time are you saying then that you saw
25 Zach Adams again?

1 A. I think I testified 2:30, around 2:30.

2 Q. How is it that you got back in touch with him
3 at 2:30?

4 A. I am not exactly sure. I believe that I made
5 the phone call.

6 Q. Well, let's -- that you called him?

7 A. I believe that's correct. I just -- I can't
8 remember the exact --

9 Q. So on the way back, it's your testimony that
10 Zach Adams had shot Holly Bobo. You've heard --
11 birds flew, you heard a boat start up. You never saw
12 the boat that you heard; did you?

13 A. That's correct.

14 Q. You hear a boat start up that you don't see.
15 You put the body back in the pickup truck, and Zach
16 starts driving fast. You tell him, whoa, whoa, you
17 need to slow down. And then as he's driving, you
18 look at your phone and you say, I need to go, I need
19 to meet Angela for lunch. Does that sound right?

20 A. That's correct.

21 Q. Okay. Can you tell me specifically how that
22 conversation went? Was there anything else to it?

23 A. There was not.

24 Q. No?

25 So he -- do you say, please take me back to

1 my car at some point?

2 A. I did not.

3 Q. So he just naturally took you back to your
4 car?

5 A. That's correct.

6 Q. You got out of the car, no conversation when
7 you got out of the car?

8 A. We had the conversation on the way back about
9 how allegedly -- how she -- how he knew her and how
10 she got back here.

11 Q. So tell me how that conversation unfolded.

12 A. I asked.

13 Q. You said, how did you know her?

14 A. That is correct.

15 Q. Were you more specific in your question or --

16 A. That's --

17 Q. Can you tell me --

18 A. -- as specific as it gets.

19 Q. Can you tell me as best you can word for word
20 what Mr. Adams said?

21 A. I can't tell you word for word.

22 Q. What's the best you can remember?

23 A. What I testified to.

24 Q. Can you tell me again, please?

25 A. Mr. Adams said Natalie Renfroe -- Natalie

1 Bobo was stripping at Interstate 40, prostituting,
2 selling her body for drugs and shit. She had been
3 coming down there to his house, having sex. And she
4 had showed pictures to Zach of victim Bobo, left the
5 impression that she would join them, or -- he also
6 said --

7 Q. Did Zach say that --

8 GENERAL NICHOLS: Your Honor, I object.
9 He was still talking.

10 THE COURT: Let him finish.

11 THE WITNESS: He also said that the
12 victim had been to his house.

13 BY MS. THOMPSON:

14 Q. Okay. So did Mr. Adams say it that way? Did
15 he say, Natalie Bobo left me with the impression that
16 the victim would have sex with me?

17 A. I testified that I didn't know exactly word
18 for word, but what I could remember of the
19 conversation. As I told you before, I couldn't
20 rehearse word for word. You asked me that. I can't.

21 Q. Okay. So that's the best you can remember?

22 A. That's my testimony, the truth.

23 Q. Okay. And you knew at that point that Zach
24 Adams had a girlfriend, Rebecca Urp?

25 A. That's correct.

1 Q. And you knew that Rebecca and Zach had been
2 living together for quite a while?

3 A. That's correct.

4 Q. And you knew that she lived there in his
5 house on Adams Lane?

6 A. That's correct.

7 Q. Had you ever had sex with Natalie Bobo?

8 A. Never.

9 Q. Had you ever had any contact with Natalie
10 Bobo?

11 A. Never. I couldn't -- I couldn't -- if you
12 showed me a picture of her, I couldn't testify to
13 that being her or not.

14 Q. And so he said that he had the impression
15 that Holly Bobo would join Zach and Natalie Bobo; is
16 that right?

17 A. He said she left the impression.

18 Q. Okay. And then what did he say next?

19 A. The conversation ended.

20 Q. So that's all he said is I was having sex
21 with Natalie Bobo. Did he say he was actually paying
22 for sex with her?

23 A. He said that she was working at the strip
24 club at Interstate 40, prostituting for drugs, just
25 as I testified to. And that victim Bobo had been

1 showed -- he'd been showed pictures of her, and the
2 impression had left that she was going to join them.

3 Q. Okay. But he said nothing else after that?

4 A. He also said that the victim had been there.

5 Q. At his house?

6 A. That's correct.

7 Q. Did he tell you when Holly Bobo had been to
8 his house?

9 A. I did not ask.

10 Q. Okay.

11 A. By this time we were -- the ride was just
12 about over. I mean, I was just about --

13 Q. So when you pull up at the church and you get
14 out, nothing further is said at that point; is that
15 right?

16 A. That's incorrect. No, you're correct. Yeah,
17 nothing said.

18 Q. Okay. So you got out of the car, got into
19 your car and you drove off?

20 A. When I pulled out, I seen him pulling in 30
21 Yellow Springs Road.

22 Q. Okay. So you saw him going back down over to
23 Shane's?

24 A. That's correct.

25 Q. Okay. So 2:00 or so you call Mr. Adams.

1 What do you say to him at 2:00?

2 A. I tried to establish -- excuse me. I tried
3 to establish a buy through Victor. I tried to get
4 another pill. I had done the other half, and I was
5 looking to re-up.

6 Q. When did you do the other half?

7 A. The time that I spent alone.

8 Q. Where were you during that time?

9 A. North of Interstate 40.

10 Q. So where north of Interstate 40?

11 A. I mean, you would have to get the maps back
12 out for me to show you probably every road I went
13 down. I spent a large portion of that day riding
14 around.

15 Q. So you're saying you're just driving around
16 north of Interstate 40?

17 A. That's correct.

18 Q. And while you're driving around, you shoot up
19 the methamphetamine, Morphine combo?

20 A. The rest of it.

21 Q. The rest of it?

22 A. The rest of that pill that I purchased
23 earlier.

24 Q. And you continued to drive around while you
25 were high?

1 A. That's correct.

2 Q. Okay. So you didn't pull over and stop
3 anywhere to shoot it up?

4 A. Well, yeah. Forgive me, yeah, I did. I
5 mean, obviously I had to stop to do it.

6 Q. Where did you stop to do it?

7 A. I am not exactly sure. Maybe -- maybe near
8 my trailer, mom's trailer, there's a back road that
9 cuts through. And a lot of times I got high in
10 there.

11 Q. Okay. So then you drive around. So it's
12 your testimony you never saw Angela Scott that day
13 during lunch?

14 A. That's correct.

15 Q. Okay. At 2:00 you call Mr. Adams, and you
16 try to arrange a buy. What does he say to you?

17 A. Come on.

18 Q. Okay. Come on. What do you do then?

19 A. I go to his residence.

20 Q. Okay. How long does it take you then to get
21 to his residence?

22 A. I arrived at his residence around 2:30.

23 Q. Okay. And so when you're at his residence,
24 what do you do there?

25 A. I parked -- when I pulled in to 235 Adams

1 Lane, Austin, Dylan Adams, and Zach Adams were
2 standing in front of Dylan's Silverado pickup. At
3 that time, we got in the Silverado. Me on the
4 passenger side, Shane in the middle, Zach driving,
5 Dylan in the extended cab.

6 Q. So why would you then call him at 2:35 if you
7 were already at his house?

8 A. Well, maybe I arrived at 2:38. I mean, I am
9 testifying that I got there around 2:35.

10 Q. So why would you call him if you were already
11 about to be there, why did you call him a second time
12 and talk to him? Why did you try to call him a
13 second time?

14 A. I don't recall that, but if your records
15 reflect that, I'll agree that I made that call.

16 Q. So how long does it take you to get over to
17 Dottie's?

18 A. Minutes.

19 Q. Okay. How long are you there before you get
20 your next pill?

21 A. Minutes.

22 Q. And do you use the pill there?

23 A. I do not.

24 Q. So then you -- as soon as you get the pill,
25 you leave?

1 A. We leave.

2 Q. Okay. And at that time there's no discussion
3 between you, Dylan, Shane, and Zach as to what
4 happened, is that right, not between you?

5 A. No. I testified about an argument and a
6 fight.

7 Q. Okay. But that wasn't involving you; isn't
8 that right?

9 A. That's correct.

10 Q. Where do you go when you leave there?

11 A. To Angela's.

12 Q. Okay.

13 A. To the quick mart, quick stop.

14 Q. What time did Angela usually get off work?

15 A. 3:30.

16 Q. Now, at some point that day you also texted
17 Michael Douglas; didn't you?

18 A. If your records reflect that, that would be
19 true. It's my boss. One boss I had.

20 Q. Did you ever work for Michael Douglas in the
21 evenings?

22 A. I worked when his schedule wanted me to work.
23 I mean, when he said work, I worked.

24 Q. So sometimes you would work for him in the
25 evenings?

1 A. I've worked all day for him many days into
2 the evening.

3 Q. Do you have any specific memory about what
4 your texting him was about that day on the 13th?

5 A. Work. I mean, he's a prominent man. He's
6 not into no criminal stuff. It would be clearly
7 work. Clearly work related. Any discussion that
8 pertains to him would be work related.

9 Q. Okay. So let's talk about the Birdsong Road
10 exit that you went to. You're saying that day you
11 went to the Birdsong Road exit for the purpose of
12 dumping a body; isn't that right?

13 A. Yeah, I guess so, yeah.

14 Q. But you'd also been to that same Birdsong
15 Road exit or the Tennessee River, you were also at
16 the Tennessee River on April 6th at 12:13 p.m.;
17 weren't you?

18 A. I don't know.

19 Q. It's possible you were there on April 6th at
20 12:13 p.m.?

21 A. I don't know.

22 Q. Is it possible that you were still there at
23 Birdsong Road exit at 2:00 p.m. or 1:56 p.m. on April
24 6th?

25 A. I don't know. I don't recall April 6th.

1 Q. April 9th, is it possible you were at the
2 Tennessee River area at 5:03 p.m.?

3 A. I don't recall that.

4 Q. Do you remember being there on April 9th as
5 late as 8:13 p.m. on April 9th?

6 A. I don't recall that. There obviously wasn't
7 nothing dramatic that happened that I would -- that I
8 would recall. I mean, if you got proof I was there,
9 I was there.

10 Q. Do you remember being there in the Tennessee
11 River location on April 11th with Zach Adams at 9:55
12 a.m.?

13 A. That's correct.

14 Q. So this is two days earlier you were there at
15 the river?

16 A. Well, two days earlier, there wasn't -- there
17 wasn't a murder, so I have no reason to -- I mean, if
18 your records show I was there, I was there.

19 Q. And there with Mr. Adams?

20 A. If the records reflect that, that's true.

21 Q. And do you remember being over there at the
22 Tennessee River on April 14th at 6:44 p.m.?

23 A. That's at 133, is that what you're saying.

24 Q. No. I am saying on April 14th, the next day,
25 you were over there at the Tennessee River at 6:44

1 p.m.

2 A. Where this occurred?

3 Q. In the Tennessee River area, yes.

4 A. Okay, yeah.

5 Q. You were there with Mr. Adams on that day?

6 A. That's incorrect.

7 Q. So if the records show you were both over by
8 the Tennessee River, that would be incorrect?

9 A. I am not saying he wasn't over there, but he
10 wasn't with me.

11 Q. Okay. So on the 14th, you weren't there from
12 approximately 6:44 p.m. until 10:30; does that sound
13 right?

14 GENERAL NICHOLS: Your Honor, I am going
15 to object to this point. I waited, but we've heard
16 four dates. She keeps saying, were you there.

17 THE WITNESS: I don't know.

18 GENERAL NICHOLS: I don't know -- I don't
19 understand the question. I don't understand how he
20 can know what there is. Somewhere by the river is a
21 big, big area. If she wants to ask him specifically,
22 you know, about a place.

23 THE COURT: Be more specific on your
24 dates and places.

25 MS. THOMPSON: Okay.

1 BY MS. THOMPSON:

2 Q. Being specific on the day, I'm saying on
3 April 14, 2011, were you in the -- by the Tennessee
4 River, Birdsong Road exit area, right there, and I am
5 talking about east of Birdsong Road? Were you over
6 in that area on the 14th at 6:44 p.m.?

7 A. If your records reflect that, that would be
8 true. If you have facts of that, that's true.

9 Q. Okay. And then you stayed there that evening
10 until quite late. You were there on the 14th until
11 at least about 10:30 p.m. at the Tennessee River area
12 off of Birdsong Road exit. That would be true;
13 wouldn't it?

14 A. If your records reflect that, yeah.

15 Q. And then on the 15th at 1:26 p.m. you are
16 back over there at the Birdsong Road exit area near
17 the Tennessee River?

18 A. There's one thing that you need to realize is
19 there's a bar less than a mile from there. So it's
20 possible that I am at this bar. I mean, I visited
21 Sunset Bar quite often. I don't recall all these
22 days sitting at the river that you're allegedly
23 saying I am there. Is it possible I am Sunset Bar?
24 Possibility. Got a lot of friends in that area. I
25 mean, I don't know -- just because you say I'm on the

1 river, I don't know where you're saying I am at. I
2 am lost.

3 Q. So it's possible you were over there at the
4 bar some of these times?

5 A. That's correct, yeah.

6 Q. That doesn't explain why you would be there
7 at 10:00 in the morning. The bar wouldn't be open at
8 10:00 in the morning; would it?

9 A. That's an old, redneck bar. It runs as long
10 as you got money.

11 Q. So then that might explain why you would be
12 over there on April 16th at 5:30 p.m., you could have
13 been at the old, Tennessee, redneck bar?

14 A. That's correct, yeah.

15 Q. The same with April 22nd at 1:58 p.m., you
16 could have been at the old, Tennessee, redneck bar;
17 couldn't you?

18 A. That's correct, yeah.

19 GENERAL NICHOLS: I'm sorry, what was the
20 last date?

21 THE WITNESS: I don't know.

22 MS. THOMPSON: April 22nd at 1:58 p.m.

23 BY MS. THOMPSON:

24 Q. It's possible you were there that day with
25 Zach Adams at that old, redneck bar, April 22nd?

1 A. That's incorrect.

2 Q. How about April 27th at 2:53 p.m.? It's
3 possible you were there at this redneck bar that day?

4 A. Yeah. It's possible, yeah. I mean, you're
5 discussing stuff that I don't even have a clue what
6 was going on April 27th. I mean, if your records say
7 that I was in that area, then I was in that area. I
8 am not going -- I am not going to sit and try to
9 argue the facts if you have facts. I mean, I don't
10 know. You're not presenting nothing to me where I
11 can see them.

12 Q. It's true that Terry Lynn Renfroe used to buy
13 stolen goods from you or trade you stolen goods and
14 give you drugs in exchange; isn't it?

15 A. That is correct.

16 Q. And a lot of times you would meet Terry Lynn
17 Renfroe off of the Birdsong Road exit to exchange
18 drugs for stolen items; isn't it?

19 A. That's incorrect.

20 Q. And you talked about the deer stand and when
21 the deer stand was stolen. And you said Zach Adams
22 stole a deer stand, and you stole the trail cam that
23 was there at the same place; isn't that correct?

24 A. That's correct.

25 Q. And now where you stole that from, that was

1 off of the Birdsong Road there by -- north of
2 Interstate 40; wasn't it?

3 A. That's correct.

4 Q. It's over by the Tennessee River?

5 A. It's on Eagle Creek.

6 Q. Is Eagle Creek right there by the Tennessee
7 River?

8 A. It's within five, six miles from it.

9 Q. And it's right there off of the Birdsong Road
10 exit?

11 A. There's multiple ways to get to it, but you
12 can get to Eagle Creek from 133.

13 Q. Okay. I'd like to ask you some questions.
14 First, let me -- I have a picture here.

15 GENERAL NICHOLS: Judge, I got a mugshot,
16 looks like of a younger Mr. Autry. I guess I need to
17 ask what the relevance would be. Generally, if she
18 wants to ask him about his record, you don't
19 introduce his mugshot. I don't know what she plans
20 to do with it.

21 MS. THOMPSON: I want to introduce how
22 tall he is, that he's 6 foot 7.

23 THE COURT: You can ask.

24 GENERAL NICHOLS: With that, which is
25 generally the way you do it without trying to

1 introduce a mugshot.

2 THE COURT: Yes.

3 BY MS. THOMPSON:

4 Q. So, Mr. Autry, how tall are you? You're 6
5 foot 7 inches tall; aren't you?

6 A. That's pretty close.

7 Q. And how much do you weigh about?

8 A. I guess about 250.

9 Q. And your hair is dark brown; is that right?

10 A. I thought it had a little gray in it.

11 Q. Its original color was dark brown; is that
12 right?

13 A. Yeah, I guess so.

14 GENERAL NICHOLS: Judge, we got to have a
15 jury-out.

16 THE COURT: All right. Take the jury
17 out. Let's give them about 10 minutes.

18 (WHEREUPON, the jury left the courtroom,
19 after which the following proceedings were had:)

20 GENERAL NICHOLS: Judge, I am going to
21 ask for the hearing to be outside the presence of the
22 media.

23 THE COURT: Y'all approach up here just a
24 minute.

25 (WHEREUPON, a conference was held at the

1 bench between counsel and the Court.)

2 GENERAL NICHOLS: I would like to have a
3 hearing on the relevance, but I don't want it on
4 television, because this is a letter from Jason Autry
5 to Ms. Thompson praising the Lord for the
6 representation of Mr. Adams, saying that Jennifer
7 Nichols is a hired assassin and talking about
8 somebody I have sitting on death row from 2011,
9 that's fixing to be overturned because I forged
10 documents. All of which, of course, is not --

11 THE COURT: That's not relevant to this
12 trial.

13 MS. THOMPSON: It is relevant, Your
14 Honor.

15 THE COURT: Wait, wait.

16 GENERAL NICHOLS: Before we go any
17 further, I don't believe it's relevant, but if it's
18 determined to be relevant, that's one thing. But if
19 the Court thinks it's not relevant, I would prefer
20 that kind of thing not be out there, because it's --
21 has absolutely no bearing on this case.

22 THE COURT: All right. So it's a letter
23 praising her.

24 GENERAL NICHOLS: From him, calling me an
25 old snake.

1 THE COURT: And criticizing you.

2 MS. THOMPSON: It's more than that. He
3 says --

4 GENERAL NICHOLS: Let the judge read it.
5 Please take your time.

6 THE COURT: (Reviews document.)
7 For what purpose are you offering?

8 MS. THOMPSON: If I can see the letter
9 again, I'll be -- maybe we can reach a solution by
10 redacting.

11 THE COURT: I don't see anything relevant
12 in this letter, his praises of you, nor his
13 assertions or criticism of her. I know that I said
14 assertions and hearsay, the inmate that was
15 criticizing or whatever.

16 GENERAL NICHOLS: Somebody that I put on
17 death row.

18 MS. THOMPSON: He talks about --

19 THE COURT: I don't care if he likes you
20 or dislikes you. I don't care if likes her or
21 dislikes her.

22 MS. THOMPSON: But he talks about how Mr.
23 Adams is innocent. I think that's important. He
24 says, please allow me to thank you for your firm
25 stance to continue to take on Mr. Adams --

1 THE COURT: His opinion whether he is or
2 is not --

3 MS. THOMPSON: It is because now he's
4 testifying he's guilty.

5 GENERAL NICHOLS: The solution here is to
6 ask him has he ever asserted all of their innocence,
7 which he has. This is almost comical. And what I
8 want is a copy of it.

9 THE COURT: His interview, I think that
10 they smuggled into Riverbend, he was saying
11 innocence.

12 MS. THOMPSON: Well, that's the next
13 thing I want to put in.

14 THE COURT: No.

15 MS. THOMPSON: So at the top he says
16 that --

17 THE COURT: You can ask him if he's ever
18 said that Zach Adams is innocent. That is it.

19 MS. THOMPSON: How about if he wrote to
20 me and said Zach Adams was innocent?

21 THE COURT: You can ask him if he did
22 that. This is not going to be -- it can be filed as
23 an offer of proof.

24 MS. THOMPSON: Okay. I'd like to file it
25 as an offer of proof.

1 GENERAL NICHOLS: Can it be filed under
2 seal?

3 THE COURT: It's not going to be passed
4 to the jury.

5 GENERAL NICHOLS: I don't want it sitting
6 out there where anybody with the media can come look
7 at it.

8 THE COURT: All right. It will be filed
9 under seal.

10 GENERAL NICHOLS: For my own reputation.

11 THE COURT: This will be Exhibit 184.

12 THE REPORTER: 185.

13 THE COURT: 185, I mean. It will be
14 filed under seal. Can you get this?

15 MS. THOMPSON: Can I get a copy of it?
16 Keep a copy of it.

17 THE COURT: Yeah. This is not to be
18 disclosed to the media.

19 MS. THOMPSON: I haven't disclosed it so
20 far, Your Honor. I've had it since 2015.

21 THE COURT: All right. Let's get that --
22 just show filed under seal, and she can put an
23 exhibit number on it.

24 All right. You got about five minutes.

25 (WHEREUPON, the above-mentioned document

1 was marked as Exhibit Number 185 under seal.)

2 (Short break.)

3 THE COURT: We'll bring the defendant in
4 and take up your Motion in Limine.

5 All right. We're going to take up outside
6 the presence of the jury. The State indicated
7 they've got a Motion in Limine that probably needs to
8 be addressed. I simply made inquiry. Do you really
9 intend to try to bring that up? She said she did.
10 The Motion in Limine will prohibit her from eliciting
11 any response from him concerning possible membership
12 in the Aryan Nation being incarcerated. Is that
13 essentially?

14 MS. THOMPSON: Yes, Your Honor. I'd like
15 to raise the issue of Jason Autry being in the Aryan
16 Nation, because part of what the Aryan Nation is is
17 they have these 88 truths, Your Honor. And one of
18 their mantras that they go by is that you're not to
19 rape any white women. And so based on the fact that
20 they're not to rape any white women, it gives Jason
21 Autry a motive to have concocted this story just as
22 he has, where he's concocted that he's present for
23 the murder, he's even complicit in the murder and a
24 responsible party in the murder, but yet at the same
25 time, he has exculpated himself from the rape of

1 Holly Bobo. I say he has a motive to do that,
2 because being in the Aryan Nation, if he's found to
3 have raped a woman, he would suffer these horrible
4 consequences in prison including possible death.

5 So that would be his motive for creating a
6 lie like this, Your Honor. I say that because we
7 have a right in a criminal case, it's a
8 constitutional right to put -- present a complete
9 defense. This is an element of our defense in that
10 we have all kinds of motives for Jason Autry to do
11 what he's doing, and because we're talking about --
12 we're using the third party defense in this case,
13 that is Mr. Adams is not guilty and another person
14 has done this, we have a right to bring this
15 information in.

16 THE COURT: Hear from the State.

17 GENERAL NICHOLS: In our opinion, Your
18 Honor, it's just an attempt on the part of the
19 defense to throw at Mr. Autry anything that they
20 think will cast some light. Being a member of this
21 horrible organization is, of course, something that
22 is bad, but it doesn't go to his credibility. It
23 doesn't going to truthfulness, untruthfulness. This
24 is not a case that involves race issues in that the
25 people accused are Caucasian, the people charged are

1 Caucasian, the investigators are Caucasian, and the
2 witnesses, for the most part, are all Caucasian.

3 I understand this leap that she's trying to
4 make. He can be asked all of these questions about,
5 you know, doing it, not doing it and all that without
6 getting into his membership or ex-membership, I
7 guess, in that organization.

8 THE COURT: The Court deems it irrelevant
9 whether or not he is or is not a member of Aryan
10 Nation, has nothing to do with the case of Zach Adams
11 that is on trial today. I don't see it as something
12 that should tarnish his credibility. You can ask him
13 things to impeach his credibility, but whether or not
14 he's a nation, that's a totally collateral issue.
15 We're having enough trouble concentrating on this
16 case without trying collateral cases, which is
17 exactly what that would be. So no, it's not coming
18 in.

19 MS. THOMPSON: Your Honor, for the record
20 it's my understanding the Court intends to go tonight
21 until I finish with Jason Autry.

22 THE COURT: I would like to, yes.

23 MS. THOMPSON: But I would like the
24 record to reflect, it's very hot in here. Right now
25 I'd say it's 80 degrees in here. I see the jury

1 sweating. Different people in the courtroom fanning
2 themselves.

3 THE COURT: I am hot, too. Everybody --
4 I've been watching this jury. They're ready to bring
5 this thing to a conclusion.

6 MS. THOMPSON: I recognize that, Judge,
7 and so by making us go late at night, the jury is
8 only going to be harboring ill feelings towards me.

9 THE COURT: I hope we don't go late at
10 night.

11 MS. THOMPSON: Well, I still have quite a
12 bit.

13 THE COURT: If you continue to go through
14 this, you do so at your own peril. Ask legitimate
15 cross-examine questions, but let's focus. We spent,
16 I guess, well over an hour on these maps. Certainly
17 that could have been done in a more succinct manner.
18 So let's try to focus. And I am not against you
19 bringing up legitimate points, but let's don't be
20 redundant. Let's don't be repetitive. I think it's
21 in everyone's best interest that we finish this
22 witness today.

23 Let's bring our jury in.

24 MS. THOMPSON: I would like to do an
25 offer of proof as to the Aryan Nation information,

1 Your Honor.

2 THE COURT: You need Mr. Autry out to do
3 that?

4 MS. THOMPSON: Yes, Your Honor.

5 THE COURT: All right. Bring Autry in.
6 (Witness returns to courtroom.)

7 THE COURT: All right. Go.
8

9 **DIRECT EXAMINATION ON OFFER OF PROOF**

10 **BY MS. THOMPSON:**

11 Q. Mr. Autry, you're a member of the Aryan
12 Nation; aren't you?

13 A. I was.

14 Q. One of the rules of the Aryan Nation is
15 you're not to rape white women; isn't that correct?

16 A. That's true.

17 Q. And so if you were found by members of the
18 Aryan Nation to have raped Holly Bobo, it would -- it
19 could bring you great harm in custody; isn't that
20 right?

21 A. That's correct.

22 Q. And so --

23 MS. THOMPSON: That's all my questions,
24 Your Honor.

25 THE COURT: Any follow-up?

1
2 **CROSS-EXAMINATION ON OFFER OF PROOF**

3 **BY GENERAL NICHOLS:**

4 Q. Isn't it also a tenet that you're not
5 supposed to be doing this this week?

6 A. That's correct.

7 Q. And to do so, you're doing so at your own
8 peril?

9 A. That's correct.

10 (End of Offer of Proof.)

11 THE COURT: All right. Bring the jury
12 in.

13 THE WITNESS: Do I need to stand?

14 THE COURT: It would be a show of
15 respect, yes.

16 THE WITNESS: Okay. I'm sorry, Your
17 Honor.

18 THE COURT: No, that's fine. Bring the
19 jury in, please.

20 (WHEREUPON, the jury returned to the
21 courtroom, after which the following proceedings were
22 had:)

23 THE COURT: Be seated, please. Ladies
24 and gentlemen of the jury, I would like if at all
25 possible for us to conclude the testimony of this

1 witness today. As a result, we'll be running a
2 little later. Defense counsel has an absolute right
3 to cross-examine the witness to cover any areas that
4 she feels appropriate. I've told both sides to
5 please try to focus their examination. So hopefully
6 we'll pick it up a little, but I would like to finish
7 this witness.

8
9 **CROSS-EXAMINATION CONTINUED**

10 **QUESTIONS BY MS. THOMPSON:**

11 Q. Mr. Autry, I wanted to review -- when you
12 said that you and Mr. Adams set the body of Holly
13 Bobo down on the rip-rap, I wanted to understand
14 exactly how you sat her down. You were holding the
15 quilt. You said the quilt is wrapped up, and you
16 just grabbed the quilt with your two hands?

17 A. That is correct.

18 Q. And you just lifted the quilt up and sat it
19 down on the rip-rap?

20 A. I drug the upper torso to the end. He let
21 the tailgate down. I proceeded out the tailgate, he
22 grabbed the feet. And at that time, we sat the body
23 down on what we decided was a 25-degree angle.

24 Q. As you lift it up, I am assuming that as you
25 lift up the body, the feet on one end, and you're

1 grabbing the torso on the other end and sat it over,
2 it's kind of folding in the middle; is that right?

3 A. That's correct.

4 Q. Then you sat it down. And you believe you
5 sat it down so that the torso is towards the top of
6 the rip-rap?

7 A. That's correct.

8 Q. The body, I guess, was kind of bending in
9 just a little bit with the feet down at the bottom?

10 A. That's correct.

11 Q. Near the ground; is that correct?

12 A. That's correct.

13 Q. Now, Mr. Autry, you are a prolific letter
14 writer; are you not?

15 A. That's correct.

16 Q. So if I had ten notebooks full of letters
17 that you've written while you were in jail, that
18 would sound about right to you; wouldn't it?

19 A. If that's what you got, yes, ma'am.

20 Q. I mean, you write a letter, two every day;
21 don't you?

22 A. That's correct.

23 Q. You're aware that the TDOC has been
24 collecting all your letters to give -- they've been
25 making copies of them?

1 A. That is correct.

2 Q. Matter of fact, your attorney has received
3 some copies of your letters; hasn't he?

4 A. You're asking me if I've ever mailed the
5 attorney a letter?

6 Q. No. I am saying, you know that your attorney
7 has got copies of letters you've written to other
8 people while you were in jail as part of discovery?

9 A. I suspect he has access to discovery, yeah.
10 I guess he has access to every letter I've ever wrote
11 if he wants it.

12 Q. Matter of fact, when talking about access to
13 discovery, when Fletcher Long was representing you --

14 GENERAL NICHOLS: Your Honor --

15 BY MS. THOMPSON:

16 Q. He even gave you a copy --

17 THE COURT: Wait just a second.

18 GENERAL NICHOLS: I have an objection as
19 to his prior representation, statements made between
20 the two. In fact, it was objected to when I wanted
21 to go into something about that earlier, and I don't
22 think it's fair at this time.

23 MS. THOMPSON: She hasn't let me ask the
24 question yet, Your Honor.

25 THE COURT: Ask the question.

1 MS. THOMPSON: He gave a copy of the
2 entire discovery disk to your mother; didn't he?

3 THE WITNESS: Answer?

4 THE COURT: You can answer.

5 THE WITNESS: Not that I am aware of.

6 BY MS. THOMPSON:

7 Q. You remember when you were arrested on this
8 case in March of 2014; don't you?

9 A. I think that I was just carried to a room at
10 Riverbend and given the warrants by two, maybe three
11 TBI agents. I don't think they ever arrested me.

12 Q. Okay. Well, they handed you a copy of the
13 indictment, I guess?

14 A. That is correct.

15 Q. And even before that, they had -- Jeff
16 Jackson had come to see you in Carroll County and had
17 taken you in for inquiry at that time; hadn't he?

18 A. That's correct.

19 Q. At that time you had complained to your
20 mother, because you said that they had almost broken
21 your fingers when they did that; didn't they?

22 A. That's correct.

23 Q. Your -- two of your fingers on your right
24 hand; didn't they?

25 A. That's correct.

1 Q. At that time, Jeff Jackson told you --

2 GENERAL NICHOLS: Objection, Your Honor,
3 hearsay.

4 THE COURT: Hearsay.

5 MS. THOMPSON: I am not offering it for
6 the truth that what Jeff Jackson said is true. I'm
7 just offering to show what effect it has on him.

8 THE COURT: You're not to consider it for
9 the truth.

10 BY MS. THOMPSON:

11 Q. Jeff Jackson told you that Zach Adams and
12 Shane Austin had already signed complaints or had
13 signed statements against you saying that you were
14 guilty; didn't he?

15 A. That's correct.

16 Q. And at some point Jeff Jackson told you that
17 the whole reason that this case started was that Zach
18 Adams and Shane had showed up at Clint Bobo's house
19 to make meth; didn't he tell you that?

20 A. That's incorrect.

21 Q. So if you wrote that in a letter to your
22 mother, that would not be accurate?

23 A. That's correct.

24 Q. So you would have lied to your mother about
25 that story?

1 A. That's correct.

2 Q. And what about a telephone call with your
3 mother?

4 A. As I testified earlier, I denied any
5 involvement until Mr. Parris and Mr. Scholl come on
6 board.

7 Q. They came on board in 2015; didn't they?

8 A. Yes, ma'am.

9 Q. They came on board about the time the State
10 filed the notice of intent to seek death penalty
11 against you; didn't they?

12 A. I guess so, yeah. I am not for sure the
13 exact date.

14 Q. You do remember giving an interview with Nick
15 Beres; don't you?

16 A. That's correct.

17 Q. In the interview with Nick Beres, you
18 specifically said that you were not a killer?

19 A. That's correct.

20 Q. You said that you had -- you were a drug
21 addict and a thief but not a killer; didn't you?

22 A. That's correct.

23 Q. You said you didn't want to speculate or make
24 any kind of rumors of what happened to girl --

25 A. That's correct.

1 Q. -- referring to Holly Bobo?

2 A. That's correct.

3 Q. He asked you, did you kidnap and kill Holly
4 Bobo, were you a part of that. And you said, by no
5 means, Nick, did I bother that girl.

6 A. That's correct.

7 Q. And you said I can't figure out why I've been
8 done like this; didn't you?

9 A. I don't know if I said them exact words or
10 not.

11 Q. Okay.

12 A. Do you have a transcript that says that?

13 Q. Yes. If I have a transcript that says that,
14 then would that be accurate?

15 A. If that's what the records reflect, I guess
16 so.

17 Q. And referring to Dylan Adams, you said that
18 he was lying to get out of trouble. He's down there,
19 he's waited all this time, you know, he ain't been
20 seen. He got himself in a little bit trouble. He's
21 down there in Obion County, and he don't want this
22 time, and he's making stuff up to get out of it.
23 Didn't you say that?

24 A. That's correct.

25 GENERAL NICHOLS: I'm sorry. Can we read

1 that one again? I missed the question.

2 THE COURT: All right. Do it again.

3 BY MS. THOMPSON:

4 Q. Okay. You said, and you were referring to
5 Dylan Adams, first of all, he's lying to get out of
6 trouble; didn't you say that?

7 GENERAL NICHOLS: That wasn't the whole
8 question.

9 MS. THOMPSON: I was just going to go
10 through it piece by piece.

11 THE COURT: Just do the whole question,
12 okay. We're trying to focus.

13 BY MS. THOMPSON:

14 Q. Okay. First of all you said, he's lying to
15 get out of trouble. He's down there and he's waited
16 all this time. You know, he ain't seen that. He's
17 got himself in a little trouble, and he's down there
18 in Obion County, and he don't want to do his time,
19 and he's making stuff up to get out of it. Didn't
20 you say that?

21 A. That's correct.

22 Q. And you said at the time that it was a try to
23 be to -- let me -- sorry.

24 You said, it was a try to be a forced move to
25 get me to bear false witness against Zach Adams;

1 didn't you?

2 A. If your records reflect that, I said that.

3 Q. Because at the time you were objecting to the
4 fact that the State was trying to get you to
5 cooperate; weren't you?

6 A. I had not spoke to the State at no time
7 during that period.

8 Q. You said --

9 A. Nor made any suggestions that would link
10 anybody to believe that I wanted to cooperate with
11 the State.

12 Q. Right. But you knew that there was pressure
13 to have somebody cooperate; didn't you?

14 A. I was under the assumption it was dealing.

15 Q. You knew law enforcement -- they tried to get
16 you to cooperate directly; didn't they?

17 A. When?

18 Q. Jeff Jackson came and talked to you and tried
19 to get you to cooperate before you had an attorney?

20 GENERAL NICHOLS: Is this before the
21 charges or during the investigation?

22 THE WITNESS: Yes, before the charges.

23 THE COURT: Interview process, I think,
24 is what she referred to earlier.

25 THE WITNESS: Before the charges, yeah.

1 Jeff Jackson wanted to know where the body was. That
2 was his focal point.

3 BY MS. THOMPSON:

4 Q. Right. And you said, I mean, I would have
5 taken five years and \$280,000 for my freedom if I
6 knew. If I knew, Nick, I'd tell them. You said that
7 in your interview; didn't you?

8 A. If your records reflect that, that's true.

9 Q. You said, no, sir, right hand before God, the
10 Father, Son, and Holy Ghost, I did not bother that
11 girl in no form or no fashion; didn't you?

12 A. And that's a fact.

13 Q. And you were asked, do you know who did. You
14 said, no, sir.

15 A. That's a lie.

16 Q. But didn't you say that?

17 A. That's correct.

18 Q. You said it had caused you a lot of sleepless
19 nights; didn't you?

20 A. If your records reflect that, that's true.

21 Q. And you told Nick Beres that you were kin to
22 Holly Bobo through your dad and her dad; didn't you?

23 A. I think that's correct.

24 Q. And you said that growing up, her mother was
25 your school teacher; didn't you?

1 A. I believe I said that. If your records
2 reflect that, that's true.

3 Q. And you said, it never dawned on me, you know
4 that some day I was going to be falsely accused of
5 this. Didn't you say that also?

6 A. If the records reflect that, that's true.

7 Q. And you've had a lot of telephone
8 conversations with your mother, Shirley King; haven't
9 you?

10 A. Numerous.

11 Q. And you know those telephone conversations
12 are recorded?

13 A. It tells you every time you pick up the
14 phone.

15 Q. You know that those telephone conversations
16 are being provided to everybody in discovery; don't
17 you?

18 A. It tells you that it's being recorded, yeah.

19 Q. You told your mom, mama, I didn't. I swear
20 right hand before -- you said, I mean, I'll testify
21 to what I know. I mean, and I am going to, but,
22 mama, I am innocent. That's right hand before God, I
23 am innocent. That's what you told your mother on the
24 telephone; isn't it?

25 A. I reckon that's what I am here doing.

1 Q. But you told your mother that on the
2 telephone specifically?

3 A. Yes.

4 Q. I mean, not just -- that's just one instance,
5 but you told your mother that time and time again;
6 didn't you?

7 A. That's correct.

8 Q. And you have actually a lot of people that
9 you are pen pals with in prison; aren't you? A lot
10 of people you're pen pals with in prison.

11 A. Yeah, I have a lot of them.

12 Q. A lot of women that write you letters, and
13 you write letters, too; don't you?

14 A. That's correct.

15 Q. I mean, you've always had a girlfriend in the
16 past; haven't you?

17 A. That's correct.

18 Q. Matter of fact, at the present time you're
19 still married to Lisa Autry?

20 A. That's correct.

21 Q. Recently you wrote letters to Lisa Autry or
22 last January saying that you would be home by this
23 Christmas; didn't you?

24 A. If your records reflect that, that's true.

25 Q. Okay. You said that initially you were going

1 to get back together with Lisa and go back home and
2 be a family by next Christmas; didn't you?

3 A. If the letter reads that way, I said that.

4 THE WITNESS: Your Honor, may I explain a
5 little bit to that?

6 THE COURT: You may.

7 THE WITNESS: A prior letter coming into
8 that was -- a response to that letter was -- it was
9 Christmastime, and the kids was feeling some kind of
10 way. And, you know, maybe that was an exaggeration.
11 I mean, it's difficult. It was a difficult position.
12 If your letters reflect that, that's what I did say.
13 I am not denying any if you have that on the mail.
14 In fact, I believe I recall writing it.

15 BY MS. THOMPSON:

16 Q. Your kids are grown. I mean, they're over
17 18.

18 A. That's correct.

19 Q. And you also have a relationship with a woman
20 named Linda Wallace, Linda Kimble Wallace; don't you?

21 A. That's correct.

22 Q. I mean, at this current time are you all
23 still planning on getting married when you get out of
24 prison?

25 A. I mean, you know, love letters have wild

1 endings, wild twists to them.

2 Q. But you've been writing to her saying she's
3 going to be a preacher's wife, and you all are going
4 to get married; haven't you?

5 A. I have told her that.

6 Q. And that you're expecting to get out of jail
7 soon, haven't you told her that?

8 A. That's correct.

9 Q. And right now I heard you say you're serving
10 a sentence. Has your federal time started currently?

11 A. I don't know.

12 Q. Okay.

13 A. I have no -- I assume it's running.

14 Q. You have a federal sentence that you're
15 facing?

16 A. 922g.

17 Q. That's a felon in possession charge; isn't
18 it?

19 A. 30.06 deer rifle.

20 Q. Okay. What kind of time do you have on that
21 sentence?

22 A. I don't know at what -- I don't know at what
23 period I am in. I don't know -- I've not been in
24 contact with a Federal Bureau of Prisons to know if
25 the clock's running or the clock's not.

1 Q. What did you get initially, how much time?

2 A. 100 months.

3 Q. And 100 months is?

4 A. 85.

5 Q. What?

6 A. 85 percent.

7 Q. Right. But 100 months is like eight years
8 and a third?

9 A. Well, it's 85 percent. 85 percent of a 100
10 would be 85 months, right?

11 Q. That's because prison has no parole?

12 A. Federal prison doesn't.

13 Q. Federal prison has no parole. And so if you
14 get a sentence, you have to serve at least 85 percent
15 of it; isn't that right?

16 A. (Nodded head affirmatively.)

17 Q. Can you answer out loud for the court
18 reporter?

19 A. Yes.

20 Q. And so if you have a 100-month sentence, you
21 still have that to serve at some point?

22 A. I assume I am serving it. I mean, a day is a
23 day. That's the way I've always understood it.

24 Q. In December you actually wrote to the federal
25 court asking --

1 GENERAL NICHOLS: December of what year?

2 BY MS. THOMPSON:

3 Q. December of 2016 you wrote to the federal
4 court asking how much time did you have remaining on
5 your sentence; didn't you?

6 A. If your records reflect that, that's true.

7 Q. Because in December, it became pertinent as
8 to when you might be getting out of custody; didn't
9 it?

10 A. I am curious after 60 -- 60 months how long
11 I've got and if the time is running for the
12 purpose of writing -- the purpose of writing the
13 letter was to find out if the clock was running or if
14 the clock wasn't running.

15 Q. So when you initially came into custody, you
16 came into custody in 2012; is that right?

17 A. September 22, 2012.

18 Q. At that time you got a state sentence to
19 serve; didn't you?

20 A. It was run concurrent with the federal
21 sentence.

22 Q. What was the state sentence to serve? How
23 long was that?

24 A. I believe it was three years for the theft of
25 the deer camera. Is that what you're speaking on?

1 Q. Yes.

2 A. I believe it was a three-year sentence run
3 concurrent with the federal sentence.

4 Q. Did you have any parole violations or
5 probation violations that were put into effect also?

6 A. I did not.

7 Q. Okay. So while you were at Riverbend, you
8 had complained bitterly about your treatment there;
9 haven't you?

10 GENERAL NICHOLS: Objection, relevance.

11 MS. THOMPSON: It's relevant because if
12 he's getting really bad treatment, that gives him a
13 motive to try to do a deal, Your Honor.

14 THE COURT: Ask the question.

15 BY MS. THOMPSON:

16 Q. You had real complaints about your treatment
17 while you were at Riverbend; didn't you?

18 A. That's correct.

19 Q. Matter of fact, they have had you in solitary
20 confinement; haven't they?

21 A. Yeah, that's correct.

22 Q. Solitary confinement is very hard to take;
23 isn't it?

24 A. I mean, I would rather be there than
25 Henderson County Jail. I have a TV, a radio, can go

1 outside. It's -- I don't know how you would -- I
2 mean, it's --

3 Q. So Henderson County Jail is also hard to
4 take; isn't it?

5 A. I think jail in general can be difficult.

6 Q. Okay. I mean, certainly if you were
7 considering spending a lifetime in jail, that could
8 be very difficult; couldn't it?

9 A. Yeah, I guess so.

10 Q. There's a lot of stress that comes knowing
11 that you have a potential death sentence hanging over
12 your head; isn't there?

13 A. That's correct.

14 Q. I mean, that has to bother you and eat at you
15 every day; doesn't it?

16 A. No, it doesn't. It actually doesn't, because
17 I bear a clear conscience. I know in my heart that I
18 did not kidnap her, I did not rape her, and I did not
19 kill her.

20 Q. You were right there wanting Holly Bobo
21 killed; weren't you?

22 A. That's correct.

23 Q. So it was your intent to see that she died
24 according to your story; isn't it?

25 A. It was not my intent to see that she died.

1 Q. Well, after you got there and you realized
2 that she had said your name or heard your name, it
3 was your intent then to make sure she was eliminated
4 as a witness against you?

5 A. That's incorrect. I was under the impression
6 that she was dead before I got in the truck, and we
7 never established that she heard my name. Remember
8 we had a -- we said it is possible.

9 Q. Oh, I remember that, but --

10 A. I mean, I'm just --

11 Q. But you're saying at the time when you
12 thought that she heard your name, you knew Zach
13 Adams, according to your story, was getting ready to
14 shoot her, you never said, stop, don't do it; did
15 you?

16 A. That's correct.

17 Q. You said, wait a minute, let me make sure
18 nobody's coming?

19 A. That's correct.

20 Q. So you did something to help him kill her
21 according to your story; didn't you?

22 A. I did, and I have lots of remorse for that.

23 Q. So -- but at the time, you were there,
24 according to you, to assist him in killing her;
25 weren't you?

1 A. No.

2 GENERAL NICHOLS: Your Honor, I object.
3 That is a mischaracterization of what he said.

4 THE COURT: We've been over and over and
5 over and over. Let's move on.

6 BY MS. THOMPSON:

7 Q. You've written letters where you said, they
8 don't have a case, I am innocent; didn't you?

9 A. If your records reflect that, that's true.

10 Q. You've written where you said, up front, I
11 have nothing to do with Holly Bobo, no form, no
12 fashion, right hand before God, that's the truth.
13 You said that; didn't you?

14 A. I testified earlier that I had lied multiple
15 times in the mail and on the phone calls.

16 Q. And you said, Mr. John, there is no way they
17 have a case. I am an innocent man. It's awful
18 funny, man, Ms. -- my attorney still hadn't got no
19 motion of discovery. 11 months and still no
20 evidence. Did you say that? At some point you did;
21 didn't you?

22 A. If your records reflect that, that's true.

23 Q. Okay.

24 A. I never -- I never got no portion of
25 discovery from Fletcher Long and John Hirsch.

1 Nothing.

2 Q. But it changed after you got your new
3 attorney, because he began to send you your
4 discovery; didn't he?

5 A. He sent me a small portion of them letters
6 that you're reflecting to.

7 Q. But he sent you -- he was printing for days
8 and days all kinds of materials to send you?

9 A. He did not.

10 Q. So --

11 A. He sent a very, very small portion.

12 Q. So you had materials of your discovery in
13 your cell; didn't you?

14 A. For probably a month or so. I was taken out
15 of the cell for painting and cleaning for about four
16 hours, and when I come back, a large portion of it
17 was missing. Over a month or so later, some guys
18 from TDOC come in and seized another large portion of
19 it. And that was sent, what wasn't kept, to Mr.
20 Scholl's office. So what I ended up with was a stack
21 of letters that I had wrote.

22 Q. So sometimes when your Aunt Rita and Uncle
23 Jimmy would come to visit you, you would bring them
24 portions of your discovery and show them through the
25 glass different areas you had highlighted; wouldn't

1 you?

2 A. I don't recall that.

3 Q. It's possible you did that?

4 A. What was it I showed them?

5 Q. Different items in your discovery where you
6 would highlight different things and show them
7 different --

8 A. I mean --

9 Q. -- different pages where people had made
10 statements, evidence that you thought was false.

11 A. I don't recall that.

12 Q. So in this case you have two agreements,
13 immunity agreements; don't you?

14 A. I do not.

15 Q. Okay. So you have an immunity agreement
16 through the federal courts from the Department of
17 Justice; don't you?

18 A. That's correct.

19 Q. And initially the prosecutor in this case was
20 a woman named Beth Hall, do you know Beth Hall?

21 A. I do.

22 Q. She was a State prosecutor when Hansel
23 McAdams was the district attorney; wasn't she?

24 A. I believe you're correct. I am not really
25 sure who the --

1 Q. She was your federal prosecutor when you had
2 your gun charge; wasn't she?

3 A. That's correct.

4 Q. You're aware that if you testify in a helpful
5 manner in this case, it would be possible for the
6 federal case, the sentence you've already received,
7 it would be possible to get that sentence reduced or
8 completely obliterated using a Rule 35 motion;
9 wouldn't it?

10 A. I am not familiar with what Rule 35 is.

11 Q. Are you familiar with the fact that if you
12 testify in a beneficial way to the State, they could
13 make a request that your federal sentence be reduced?

14 A. I don't know. You would ask my attorney
15 that. I am not aware of Rule 35 and how state and
16 federal stuff operate. I am sorry.

17 Q. So you're testifying here today, you're
18 telling the jury today that you have absolutely no
19 knowledge that what you do here might affect the
20 federal sentence that you have to serve of 100
21 months?

22 A. I do not. I have immunity with the federal
23 government, other than that, there's no deal. Plain
24 and simple.

25 Q. Right. But there's a potential deal. It

1 remains out there --

2 A. You're saying that, not me.

3 Q. I am asking you if you're aware that there is
4 a possible deal that could be made in the future.

5 A. Have you ever heard of it happening before?

6 Q. Yes. Have you?

7 A. Just then.

8 Q. So your federal deal, they -- you --

9 A. I thought there was a difference between
10 state court and federal court. Obviously I was
11 wrong.

12 Q. In your federal case -- I am sorry -- you
13 face a potential death sentence in a federal case if
14 this killing occurred on federal property; isn't that
15 right?

16 A. No, I've been given immunity.

17 Q. Well, that's what you were given immunity
18 from were any federal charges.

19 A. I don't know what I was given immunity for.
20 You'll have to ask Mr. Scholl. He's -- he's the
21 counsel that -- I did not handle that.

22 Q. And you have a federal immunity agreement?

23 A. I've never seen it. I mean, nor was I
24 present when it was worked out with the federal
25 government. That was -- that information I was

1 privileged enough to get through Mr. Scholl and Mr.
2 Parris.

3 Q. Well, I would like to pass this up to you and
4 have you look at this document and see if you
5 recognize it.

6 A. What is this?

7 Q. That's your federal immunity agreement. Is
8 that your signature on the second page along with Mr.
9 Scholl's signature?

10 A. It is.

11 Q. So you've signed that federal immunity
12 agreement?

13 A. That's correct.

14 Q. Now do you recognize it that you've looked at
15 it?

16 A. That's correct.

17 MS. THOMPSON: Your Honor, I would like
18 to offer that as an exhibit.

19 THE WITNESS: Do you want me to sign it?

20 MS. THOMPSON: No, you've already signed
21 it.

22 THE WITNESS: Who do I give this to?

23 THE COURT: Give it to the bailiff, give
24 it to the court reporter. That will be 186, correct?

25 THE REPORTER: Yes, sir.

1 (WHEREUPON, the above-mentioned immunity
2 agreement was marked as Exhibit Number 186.)

3 MS. THOMPSON: I'd like to pass up the
4 next one, too.

5 GENERAL NICHOLS: The next is his proffer
6 agreement with the State. It's not any kind of an
7 immunity. It's just saying he has to tell the truth
8 when he's talking to us. I don't really have an
9 objection I don't guess, but it's not an immunity
10 agreement. It's just him saying --

11 THE COURT: They said they have no
12 objection, you want it in?

13 MS. THOMPSON: Yes.

14 THE COURT: File it 187.

15 (WHEREUPON, the above-mentioned proffer
16 agreement was marked as Exhibit Number 187.)

17 BY MS. THOMPSON:

18 Q. This agreement that you have with the State
19 -- did you get a chance to look at it? Your
20 signature is on it. Do you have any reason to
21 believe it's not your signature on this agreement?

22 A. I do not.

23 Q. What this says is that anything --

24 GENERAL NICHOLS: May I ask what this is?

25 MS. THOMPSON: This immunity -- this --

1 THE COURT: Proffer.

2 MS. THOMPSON: -- proffer letter that you
3 have with the State of Tennessee.

4 GENERAL NICHOLS: And the proffer is for
5 the interview that we had with him. That was for --
6 that was an agreement between his counsel and my
7 office that we could talk to him. Period.

8 BY MS. THOMPSON:

9 Q. Yes. So what this says is anything that you
10 said, and it doesn't specifically say it's only for
11 one session. It just says the things that you tell
12 the State during a proffer session will not be used
13 directly against you; isn't that right?

14 A. If the letter reads that, that's correct.

15 Q. So -- well, you went over it with your
16 attorney, didn't you, Mr. Scholl and Mr. Parris?

17 A. I looked over it, that's correct.

18 Q. And so you understood that by going into that
19 proffer session what you say in that meeting, they
20 could not then turn around and use it directly
21 against you?

22 A. That's what the agreement states.

23 Q. Yes. And -- but what it does depend on is
24 you testifying honestly and cooperating with the
25 State from that point forward; doesn't it?

1 A. That -- me signing that paper wasn't
2 agreement to testify.

3 Q. No. It specifically does require that you
4 need to be honest in what you do; doesn't it?

5 A. That's correct.

6 Q. Matter of fact, it says, third, in the event
7 if your client becomes a witness in any judicial
8 proceeding, including the prosecution of him in any
9 criminal case, and offers testimony materially
10 different from any statements made during the
11 proffer, the State may -- may not cross-examine
12 concerning those statements made during the proffer.
13 However, if he's called to testify at trial against
14 any or both of his codefendants, then the substance
15 of this proffer and material differences shall be
16 disclosed to the other defendant or defendants.
17 Doesn't it say that?

18 A. Yes. I mean, if you -- you read it right off
19 there. Yeah. If that's what it reads, yes.

20 Q. It also says that they can take the
21 information that they get from this, and they can
22 make derivative use of it. Meaning, they can go out
23 and do their own investigation and then use that
24 information against you; doesn't it?

25 A. I guess so, yeah. I mean, I am not

1 understanding the full scope of what you're saying.

2 I am not disagreeing either. I mean, I am not an
3 attorney. I don't understand the language.

4 Q. So what happens to you in the future really
5 depends now on how your case goes; doesn't it?

6 A. That's an answer for the DA and counsel.

7 Q. But you recognize that if the district
8 attorney decided that you were quote, lying, they
9 could come back and continue prosecuting you; don't
10 you?

11 A. If you say so.

12 Q. And you're really expecting that you're going
13 to do little or no additional jail time after this
14 case is over; aren't you?

15 A. I testified at the beginning that I was
16 hoping for leniency.

17 Q. But by leniency, you wrote to your family
18 saying you were hoping to get out by Christmas;
19 didn't you?

20 GENERAL NICHOLS: May I ask the date of
21 that.

22 THE WITNESS: We all know that that's not
23 going to happen.

24 THE COURT: We've already crossed that.
25 He's answered that earlier. He actually offered a

1 further explanation. He wanted to explain it.

2 MS. THOMPSON: If I can have a minute.

3 BY MS. THOMPSON:

4 Q. Now, initially during your proffer session,
5 you specifically said that the gun that Shane Austin
6 had was a .38 or a .357; didn't you?

7 A. That's correct. That's what I was under the
8 impression of it being.

9 Q. That's before they found a gun in a creek;
10 isn't it?

11 A. The gun.

12 Q. And the gun they found in a creek is a .32;
13 isn't it?

14 A. If you say so.

15 Q. You don't know what caliber that gun is?

16 A. I do not.

17 Q. So you just eyeballed that gun, and you're
18 just pretty sure even though it's rusted, it's the
19 same gun?

20 A. That is the same gun.

21 Q. It's the same gun, but you have to admit it's
22 much rustier than it was when you claimed to have
23 originally seen it?

24 A. The blueing is off of it, and it's aged.

25 Q. So not only did you give an interview to Nick

1 Beres with Channel 5, you also wrote him some
2 letters; didn't you?

3 A. That's correct.

4 Q. You wrote him letters saying that Lisa Autry
5 was a wolf in sheep's clothing and lying; didn't you?

6 A. That's correct.

7 Q. And you knew that she was lying and a wolf in
8 sheep's clothing, because you had seen the discovery
9 that included reports of what she had told the
10 police; didn't you?

11 A. That's incorrect. I mailed her a letter. I
12 mailed Nick Beres a letter that Lisa had written me.
13 I've never seen nothing that links Lisa to the
14 discovery. Lisa wrote me a letter, a series of
15 letters claiming that she had --

16 Q. I don't want to hear what she said in the
17 letter. That would be hearsay.

18 So basically what you want this jury to
19 believe here today is that you're facing a death
20 sentence in this case, and that you've now come in
21 and you've testified before them about the, quote,
22 truth of what happened that day, but you only hope
23 for leniency, and you have no other expectation as to
24 what's going to happen to you?

25 A. I've come in here and admitted my wrongs.

1 Admitted where I've lied, testified to the truth, and
2 I hope for leniency, that's correct.

3 MS. THOMPSON: No further questions.

4 THE COURT: Further direct?

5

6 **REDIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL NICHOLS:**

8 Q. When you got to Shane Austin's house on April
9 13, 2011, you were asked to draw two cars in that
10 diagram for Ms. Thompson?

11 A. That's correct.

12 Q. What other cars were there or trucks?

13 A. Behind the house was a black S-10.

14 Q. Whose truck was that?

15 A. Mr. Austin's.

16 Q. What about Dylan's truck?

17 A. It was not there.

18 Q. You were asked what you were wearing on April
19 13, 2011, what was Zach Adam's wearing?

20 A. Camouflage.

21 Q. What was on his feet?

22 A. I don't recall.

23 GENERAL NICHOLS: Thank you. Nothing
24 else, Your Honor.

25 THE COURT: Anything else?

1 MS. THOMPSON: No, Your Honor.

2 THE COURT: All right. Going to recess
3 for the day. We're about an hour later than what I
4 would like to, but I wanted to finish this witness.
5 Follow the rules I gave you at the outset. Leave
6 your notebooks in here. They'll be secured. I'll
7 see you folks in the morning. Thank you.

8 (WHEREUPON, the jury left the courtroom,
9 after which the following proceedings were had:)

10 THE COURT: Let me see counsel.

11 (WHEREUPON, a conference was held at the
12 bench between counsel and the Court.)

13 THE COURT: I just don't want the press
14 overhearing this. I don't know after this testimony
15 if the State is willing to renew any offers.

16 GENERAL NICHOLS: I'm sorry.

17 THE COURT: Well, I particularly don't
18 want the press to hear it, but after the testimony
19 all day long of Mr. Autry, I didn't know if the State
20 is willing to renew any negotiations or if the
21 defendant wishes to entertain any. If you do, I want
22 no part of it, but that's up to y'all to discuss,
23 okay?

24 (WHEREUPON, the following proceedings
25 continued within the hearing of the courtroom:)

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THE COURT: All right. We're in recess.
(END OF VOLUME IX)