

W2070-01208-CCA-R3-CD

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

5 Plaintiff,

6 vs.

Case No. 17-CR-10

7 ZACHARY ADAMS,

8 Defendant.
9 -----

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME VII OF XVII
14 -----

15 This cause came to be heard and was heard on
16 the 9th - 23rd days of September, 2017, before the
17 Honorable C. Creed McGinley, Judge, holding the
18 Circuit Court for Hardin County, at Savannah,
19 Tennessee.
20

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1 All rise.

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

5 THE COURT: Juror number 14, let me thank
6 you again, you've been a gentleman throughout the
7 process. Okay. Be seated. And you noticed, I did
8 not address you by name. I am trying to protect you
9 folks, which brings us to our first order of
10 business. Are you folks familiar with the Latin term
11 mea culpa?

12 THE JURY: No, sir.

13 THE COURT: It's Latin. It means my
14 fault. Or as my kids would say, my bad. Have you
15 heard that? I told you yesterday we were going to
16 try to make arrangements for those that wanted to
17 attend the football game. I forgot we were on open
18 mic. That information went out to thousands of
19 people. As a result, I am not going to expose you
20 folks to possible mischief. So as I've said, it
21 might not have been that good of idea anyway, but I
22 am trying to protect you folks, trying to protect the
23 integrity of the trial.

24 So the sheriff has already told me, he is in
25 the process of making alternative means that you can

1 watch ball game or ball games, okay? So I hope
2 you'll understand. And ultimately, I think this is a
3 better way to go. And something very serious where
4 you folks had followed my admonitions to avoid any
5 reports or any exposure, then we need to make sure we
6 take this to conclusion.

7 Everybody have a reasonably good night? And
8 as I said at the outset, it's not like your own
9 place, I understand that. But are you being
10 reasonably accommodated?

11 THE JURY (in unison): Yes, sir.

12 THE COURT: Birthday, all right?

13 A JUROR: Delicious.

14 THE COURT: Okay. Mine probably will be
15 a hot dog, but that's all right.

16 A JUROR: I'll give you some of my cake I
17 got left.

18 THE COURT: I had a cousin of mine
19 brought me a chocolate pie yesterday. People are
20 feeling sorry for me. This is my job. I am used to
21 doing it. It's a little more intense, because we're
22 sequestered and got a lot of attention to this, but I
23 don't mind people feeling a little sorry for me. It
24 was a nice chocolate pie. I started on it yesterday.
25 I don't do that to make you jealous, but there's not

1 enough for 15 pieces, so you'll just have to be on
2 your own.

3 All right. We're ready to get started. And
4 I actually was off mic during that, so I remembered
5 that.

6 State call your next witness, please.

7 GENERAL HAGERMAN: Dennis McKenzie.

8 (The witness was sworn.)

9 THE COURT: Be seated there. And I want
10 you to state your name and spell first and last name
11 for the benefit of the court reporter.

12 THE WITNESS: Dennis McKenzie,
13 D-E-N-N-I-S M-C-K-E-N-Z-I-E.

14 THE COURT: All right. Thank you. You
15 may proceed.

16

17 * * *

18 DENNIS MCKENZIE,
19 was called as a witness and having first been duly
20 sworn testified as follows:

21

22 DIRECT EXAMINATION

23 QUESTIONS BY GENERAL HAGERMAN:

24 Q. We have heard your name twice in this trial,
25 okay.

1 A. Yeah.

2 Q. So let's start with April of 2011. What was
3 your job? What was your business?

4 A. McKenzie's Tree Service. I actually owned
5 McKenzie's Tree Service at the time, and Dana worked
6 for me, and was working for me.

7 Q. Did you have a lot of people working for you?

8 A. Had right at 100 employees.

9 Q. About 100 employees?

10 A. Yes, sir.

11 Q. Big operation?

12 A. Yes, sir.

13 Q. It was your business?

14 A. It was, yes.

15 Q. Did you know Dana?

16 A. I knew Dana, knew Dana and Karen both for a
17 long time.

18 Q. Just the work or socially, too?

19 A. Well, socially, I knew Karen when she started
20 doing student teaching up at Scotts Hill. I was
21 actually a senior in high school. She was up there
22 doing her student teaching. She graduated from
23 college. And then as we all got older and had kids,
24 you know, our kids played on the same T-ball team
25 together. Got to know them through that way. Of

1 course, we all live in a small, tight community, you
2 know. And then later on down the road, Dana got to
3 working for me. Did a real good job.

4 Q. When Holly went missing --

5 A. Yes, sir.

6 Q. -- did you help searching?

7 A. I did, yes, yes. It was myself and several
8 more employees did for several weeks there before I
9 finally had to let some of them go back to work.
10 They didn't want to go back to work, but some of us
11 had to. We were just trying our best to help find --
12 maybe put an end to what was a nightmare, so.

13 Q. How much searching did you do?

14 A. If I don't -- might mention me and Brian
15 probably was the two that stayed the most. I guess
16 we was by ourself a lot, probably 18 months, I guess.

17 Q. Did that mean getting out in the woods?

18 A. Yes, sir. We stayed in the woods about all
19 the time and creeks and the springs. And pretty much
20 that was an every weekend thing and a lot of
21 afternoons.

22 Q. I want to ask you about one particular day in
23 that searching, okay?

24 A. Okay.

25 Q. April 23 of 2011, did you have occasion to

1 participate in the search slash surveillance arranged
2 by Warren Rainey?

3 A. Yes, I did.

4 Q. What was your role in that?

5 A. Well, we was sent out there to observe Zach
6 after Warren had talked to him.

7 Q. Where were y'all set up at?

8 A. We were set up behind the house in the woods
9 out there, I think it's actually county property, I
10 think we was on.

11 Q. Were y'all hiding?

12 A. We was, yes.

13 Q. Were you in those woods for a long time?

14 A. I was that morning probably three to four
15 hours, I'd say.

16 Q. To watch Zach?

17 A. Watch Zach, yes, sir. See what his actions
18 were after Warren had talked to him.

19 Q. We've heard what Brian Young saw, so I am not
20 asking you what Brian Young saw.

21 A. Okay.

22 Q. But what did you see once Warren Rainey left?

23 A. Once Warren Rainey left, I seen Zach go from
24 his house to this, I call it a garage or shop, kind
25 in the back side of his house. And he vacuumed --

1 vacuumed for probably an hour, hour and a half in a
2 black truck. And after we observed that, Brian had
3 found those gloves, if I'm allowed to say that. And
4 he had told me he was going to go meet Warren.

5 MS. THOMPSON: Objection, Your Honor, to
6 the hearsay.

7 THE COURT: All right. You can't say
8 what someone told you.

9 THE WITNESS: Okay.

10 THE COURT: You can say what you
11 observed.

12 THE WITNESS: Okay.

13 THE COURT: Okay.

14 THE WITNESS: All right. Brian -- I had
15 seen Brian find the gloves, and he had come to me and
16 told me he need to take these --

17 MS. THOMPSON: Objection, Your Honor.

18 THE COURT: I don't know what he's going
19 to say, so I can't say --

20 BY GENERAL HAGERMAN:

21 Q. So you understand you said that you saw Brian
22 find the gloves or whatever?

23 A. Yeah, I seen Brian pick the gloves up. I was
24 with him.

25 Q. And then you started to say what he said or

1 something, so don't do that.

2 A. He told --

3 Q. No, don't do that.

4 THE COURT: No, you can't say what he
5 told you, okay?

6 THE WITNESS: All right.

7 BY GENERAL HAGERMAN:

8 Q. Do you understand?

9 A. All right.

10 Q. Okay. But did Brian leave at that point?

11 A. He did, yes.

12 Q. Or start leaving?

13 A. Yeah, he left to go see Warren, if I can say
14 that.

15 Q. What did you do then?

16 A. I stayed behind and I observed and watched
17 Zach. He stayed in there another probably 10 or 15
18 minutes in the shop vacuuming. He came out of the
19 shop, and the two mattresses on the kind of the
20 northeast end of the house was leaning up against the
21 back of the house. And he picked up the water hose
22 and went to rinsing off the mattresses. Which he
23 didn't stand there for a long time. It wasn't 15 or
24 20 minutes before or if it was probably about 5
25 minutes, just enough to wet down both mattresses

1 pretty good. Then he laid down the water hose and
2 went right back in to the shop and went right back
3 into vacuuming.

4 Q. Right back to vacuuming?

5 A. (Nodded head affirmatively.) Yes, sir.

6 GENERAL HAGERMAN: Nothing else, Judge.

7 THE COURT: Cross.

8

9

CROSS-EXAMINATION

10 **QUESTIONS BY MS. THOMPSON:**

11 Q. Mr. McKenzie, I am Jennifer Thompson. Now,
12 you just now testified that Zach Adams pulled out,
13 did you say, a water hose and began to wash these
14 mattresses?

15 A. Yes, ma'am, to spray them off.

16 Q. Pardon.

17 A. He was spraying them off.

18 Q. Spraying them off, okay.

19 A. Yes, ma'am.

20 Q. Now, you gave a statement regarding this to
21 the police in the past?

22 A. Yes.

23 Q. Okay. Matter of fact, you spoke with -- do
24 you remember speaking with Joshua Carter from the
25 TBI?

1 A. Yes, I've spoke to several. Yes.

2 Q. You gave a statement after Zachary Adams had
3 been arrested in this case?

4 A. Correct.

5 Q. Okay. And if I told you it was March 26,
6 2014, at 11:45 a.m., would that sound reasonable?

7 A. Yes, ma'am.

8 Q. Okay. And you knew that Zach Adams at that
9 point had been charged with a crime?

10 A. Yes, ma'am.

11 Q. You definitely wanted to help the Bobo family
12 find the killer of Holly Bobo?

13 A. Yes, ma'am.

14 Q. It's important to you; is that right?

15 A. Yes, it was. It was personal.

16 Q. Personal. Now, when you gave that statement
17 at the time, you specifically said that you saw Zach
18 Adams pull out the vacuum and vacuum the mattresses
19 that were outside; didn't you?

20 A. Yes, I did.

21 Q. Okay. So now you're saying that you remember
22 that he pulled out a water hose and washed the
23 mattresses?

24 A. He actually did both to be honest with you.

25 Q. Okay. So now you're saying that you left out

1 the vacuum part?

2 A. I did, yes.

3 Q. Okay. So now the way that you remember it is
4 he vacuumed the mattresses, and then he washed the
5 mattresses off?

6 A. That's correct, yes.

7 Q. But that's a detail that you left out when
8 you spoke to the police three years ago?

9 A. Right. It's been a long time, ma'am.

10 MS. THOMPSON: Okay. No further
11 questions.

12 THE COURT: Done?

13 GENERAL HAGERMAN: Nothing further,
14 Judge.

15 THE COURT: I'm looking -- all right.

16 GENERAL HAGERMAN: I know you were,
17 sorry. Nothing further.

18 THE COURT: All right. Step down.
19 You're free to go or you can come back in the
20 courtroom. Just don't discuss your testimony with
21 anyone, okay? Thank you, Mr. McKenzie.

22 (WHEREUPON, the witness was excused from
23 the stand.)

24 THE COURT: Next.

25 GENERAL NICHOLS: Jon Graves.

1 THE COURT: Jon?

2 GENERAL NICHOLS: Graves.

3 (The witness was sworn.)

4 THE COURT: Be seated. State your name
5 and spell first and last name for the benefit of the
6 court reporter, please.

7 THE WITNESS: Jon Graves, J-O-N
8 G-R-A-V-E-S.

9 THE COURT: Okay. You can proceed.

10

11 * * *

12 JON GRAVES,
13 was called as a witness and having first been duly
14 sworn testified as follows:

15

16 DIRECT EXAMINATION

17 QUESTIONS BY GENERAL NICHOLS:

18 Q. Mr. Graves, I am not asking for your address,
19 but where do you live?

20 A. I live on Gibson Road.

21 Q. Okay. What county is that in or what town?

22 A. Decatur County.

23 Q. Is that close, near to Parsons, in that area?

24 A. Yes. Probably about five miles north.

25 Q. Did you grow up in that area?

1 A. I did.

2 Q. You know a lot of people in the area?

3 A. Yes, ma'am.

4 Q. Prior to April of 2011, did you know a
5 family, last name Bobo?

6 A. I did.

7 Q. How did you know them?

8 A. Ms. Karen was my 7th grade school teacher
9 actually.

10 Q. Do you see her today in the courtroom back
11 there?

12 A. Yes, I do.

13 Q. What about her husband, did you know Dana?

14 A. I knew of Dana, yes.

15 Q. Other than being your 7th grade teacher, were
16 you, I guess, close friends?

17 A. Just acquaintances, yes.

18 Q. What about their children, did you know
19 Holly?

20 A. No, I did not.

21 Q. Do you recall -- what is your business?

22 A. Well, we're in the construction business in
23 Parsons.

24 Q. That's Graves?

25 A. Graves and Graves Construction, yes, ma'am.

1 Q. Is that a family business?

2 A. It is.

3 Q. Grandfather, father, and now you?

4 A. That would be correct, yes.

5 Q. Is it fair to say that because you're in the
6 construction business that you are very familiar with
7 most of the roads in and around the area?

8 A. Well, yes. And living there as well, yes.

9 Q. And do you recall April 13, 2011, when Holly
10 Bobo went missing?

11 A. Yes, I do.

12 Q. When you heard that news, did you immediately
13 know or hear that she was the daughter of Dana and
14 Karen?

15 A. Yes, ma'am.

16 Q. Over the next several days, or actually that
17 day and the next, did you become aware that there
18 were people searching for Holly?

19 A. Yes, ma'am, I did.

20 Q. How did you -- explain to the jury, please,
21 how you became aware of that.

22 A. Well, obviously in a small town and a setting
23 like we live in in Decatur County, you know, you
24 pretty well -- when something tragic like this
25 happens, you're aware of it. And actually, you know,

1 we knew that people were out looking for Holly. And,
2 of course, everybody wanted to do their part, because
3 it's like one of us.

4 Q. Did you have some property or a home where
5 searchers actually came to your property or home?

6 A. I did.

7 Q. Before you go any further, was that the day
8 of or the day after?

9 A. I think it was the day after.

10 Q. So that would be April 14, that Thursday?

11 A. Yes, ma'am.

12 Q. Okay. Tell the jury that happened.

13 A. Well, I got home that afternoon sometime
14 around 5:00, 5:30 or so. That's typically what time
15 I get home. When I got home, I noticed there's some
16 guys that work for us that live just adjacent to my
17 house, probably a couple hundred yards or so. There
18 was a big Suburban of people where they had been --
19 everybody was kind of going, you know, checking the
20 area of different barns and all that. They had been
21 out to some of our barns that lay in real close
22 proximity to the house.

23 Well, I knew, you know, adjacent on back
24 behind, there was some sheds that we had that you
25 couldn't access by vehicle just because it was a wet

1 time of year. It was in April or whatever time it
2 was. It was wet, and you couldn't do it by vehicle.
3 So I went in the barn and got my four wheeler out. I
4 said, well, I'll just check back here in some of our
5 barns back in the back in case, you know, something
6 might, you know, something might be back there or
7 something that you can't see and access by vehicle.

8 Q. All right. Now you said you lived on Gibson
9 Road?

10 A. Yes, ma'am.

11 Q. For those who aren't familiar with where
12 Gibson Road is, can you give us some landmarks or
13 some indication of where that might be?

14 A. Well, we own property between Gibson Road
15 and -- the Graves family owns property from Gibson
16 Road and Gooch Road. And then to the west of that,
17 Bible Hill Road kind of connects those two. So it
18 makes kind of a U.

19 Q. Okay. How much property, how much land is
20 encompassed in that U?

21 A. Well, it's somewhere around a thousand acres
22 or so.

23 Q. All right. So you're on Gibson, and Bible
24 Hill would be the bottom of the U, and Gooch would
25 run parallel?

1 A. Yes, ma'am.

2 Q. So these barns that you wanted to -- did you
3 just want to go look in there for yourself and make
4 sure Holly wasn't in one of those barns that nobody
5 had checked?

6 A. Yes. That -- that was my thought, because I
7 knew -- I said, you know, they're out -- by some
8 chance, you know, albeit, how remote it might be, you
9 know, somebody might have stashed her away in
10 something that, you know, nobody knows anything
11 about.

12 So here I tend to traipse through our farm.
13 You know, I check these barns up here close, which
14 they could see. And then I went back and checked one
15 of the other barns, didn't see anything. And then
16 there's a creek that goes along by Sumner Barns. I
17 kind of looked, you know, scanned down through there,
18 just casually driving by. You know, really not
19 expecting to see anything or whatever. Went to our
20 shed that kind of lays about halfway in between the
21 two roads and checked it, wasn't anything --

22 Q. When you say between the two roads, you mean
23 Gooch --

24 A. Gibson and Gooch, yes, ma'am.

25 Q. Okay.

1 A. And the whole time I am kind of approaching,
2 I am getting closer to Gooch Road. I am going away
3 from Gibson and going towards Gooch Road.

4 Q. At this point, are you off road or --

5 A. I am off road the whole time.

6 Q. Okay. All right.

7 A. I am pretty well off road the whole time. So
8 if you get on Gooch Road, we've got two cattle barns
9 that are right across one another, and it's got
10 gates. And that's -- I was just going to go out and
11 check those two barns and then get on Gooch Road and
12 then go back up to Bible Hill Road, just by a road
13 back around to my house.

14 Q. Okay.

15 A. So I checked those -- you know, checked the
16 sheds that's down in the bottom. I go up to the top
17 of the hill where there's two barns across from one,
18 check those, and everything was all clear. So then I
19 proceed to get on Gooch Road, going back west towards
20 Bible Hill Road. And I'm going down through there,
21 and there's a little creek about, I'd say, 100, 150
22 yards back east of Bible Hill Road. Back down the
23 hill from it, there's a little creek crossing there.
24 And as I was going by, I looked and I saw something,
25 you know, just casually, I'm just kind of looking.

1 And I look and in the stream, I -- I saw something
2 that caught my eye. And I was like, what was that,
3 you know, because it just -- it was something that
4 didn't seem like it belonged.

5 So I put my four wheeler in reverse and
6 backed up and just stopped. Of course, that road,
7 it's narrow. I mean, it's almost about, you know,
8 the width for -- you know, if you had two trucks that
9 met, one of them, you would have to get off on the
10 side of the road. I mean, if you got wide, you
11 wouldn't never go.

12 So I am stopping here in the road, no traffic
13 going through there, because it's not -- it's not
14 really heavily used. And I look, and I see
15 something, and I'm like, what is that. You know, I
16 think to myself, not expecting to find anything, mind
17 you, but just something looked out of place about it.
18 And I was like, wait a minute, that looks like
19 something new or newer or something that just gained
20 attention.

21 So there's -- there's a little field, a small
22 three or four acre field just past that. So I went
23 inside that field and stopped at the edge of the
24 woods, and there's about a 10 or 15, 25-feet or so
25 track of just scattered trees that you have to get

1 from the field over where the -- this little creek.
2 You know, it's a great, big ditch really. So I
3 walked over there, and I looked, and it was just a --
4 best I remember, it was just a square-looking
5 polka-dotted, like a lunch box or whatever. So I
6 took -- I took a tree limb, the one that was hanging
7 there, because it was about, you know, probably eight
8 or nine feet deep where it was. And I took a limb,
9 kind of raked it over to the side and kind of pulled
10 it up, and then I got it.

11 And I was like, what in the world is this.
12 So I opened it up and looked, and it had a sandwich
13 inside of it and something else. I remember
14 thinking, man, that's awful strange. So I zipped it
15 backed up, and when I flipped it over, it had an
16 embroidered H on it, the best I remember. And then
17 at that --

18 Q. Hang on a second.

19 A. Okay.

20 Q. I am going pass forward what was previously
21 marked as Exhibit 30, and ask if you recognize this.

22 A. Yes, ma'am.

23 Q. Is this what you found there?

24 A. Yes, ma'am.

25 Q. And you opened it up?

1 A. I opened it up.

2 THE COURT: Did you say it was in the
3 creek?

4 THE WITNESS: It was, yes.

5 THE COURT: Okay.

6 THE WITNESS: It was -- it was in the
7 creek. And the way that creek flows, there's a
8 little -- it made a little nook back to the left.
9 And the way the flow of the water was, it had carried
10 it over and it kind of got hung up on the side. So
11 anyway --

12 BY GENERAL NICHOLS:

13 Q. Let me back up. So you fished it out with a
14 stick out of the creek?

15 A. Yeah.

16 Q. So you're on -- you're on dry land?

17 A. That's right.

18 Q. All right. So you open it up there on the
19 ground, you see the sandwich and lunch?

20 A. Right.

21 Q. Then you see the H?

22 A. I did. Because when I picked it up, you
23 couldn't see the H. That was kind on the water side
24 down. And I had to open it up from this side, and
25 then when I, you know, I opened it up and looked, I

1 was like, you know, I said, wait a minute now this
2 has got uneaten food in it. Then when I turned it
3 over, I saw the H. And at that time, you know, I
4 kind of -- you know, something about this don't seem
5 right. But anyway, I made a phone call, because I
6 couldn't remember Holly's first name. Like I said, I
7 didn't know her. I knew Ms. Bobo and them, but I
8 didn't know their daughter. And I made a phone call,
9 and said, what was the young lady's name. And
10 whoever I talked to, the guy I talked to, he said --
11 he told me it was Holly. I was like, well, you need
12 to get ahold of somebody, we tried to get ahold of
13 the sheriff, Henderson County Sheriff. I said, they
14 can come on out, and I said, this may be nothing or
15 it may be something. And I said, I've handled it and
16 the whole nine yards at that time, so, but --

17 Q. So after you made that phone call, did people
18 come to you --

19 A. Yeah.

20 Q. -- there on the side off of Gooch Road?

21 A. Yes, ma'am.

22 Q. Did you just put the lunch box down, this
23 lunch box down on the ground there where you were?

24 A. Yeah. Close to the edge of the road. It was
25 actually, we got it over close to the road. So I

1 moved it some -- probably, you know, before I walked
2 out of the woods, and I just sat down right there by
3 the edge of the ditch.

4 Q. And so the jury understands, you didn't try
5 and put it back in the creek where you had found it?

6 A. No, ma'am. No, ma'am.

7 Q. Did they come out there?

8 A. They did.

9 Q. Were you present -- do you know whether they
10 tried to photograph the area?

11 A. I believe they did try to photograph the
12 area. But, you know, all the particulars, I can't
13 remember for sure.

14 Q. All right. I guess my question is, the
15 photographs weren't taken with the lunch box back in
16 the creek?

17 A. That's correct.

18 Q. They were taken --

19 A. The photographs were taken, and I made
20 mention of that, too. I said, you know, now, this is
21 not exactly where I found it. I found it in the
22 creek over here, you know, 30 yards in the ditch.

23 Q. I am going to pass forward a photograph and
24 ask, and it's dark because -- this was getting dark
25 time?

1 THE COURT: That's not a previous
2 exhibit?

3 GENERAL NICHOLS: No, sir.

4 THE COURT: Okay.

5 BY GENERAL NICHOLS:

6 Q. Do you recognize the area and what is
7 portrayed in that photograph?

8 A. Yes, ma'am.

9 Q. What is that?

10 A. That's the lunch box.

11 Q. Is that where you put it, where you sat it
12 back down?

13 A. Yes, ma'am.

14 Q. All right. I am going to put it on the
15 overhead. Can you see the creek that you described?

16 A. No.

17 Q. Because it's too dark?

18 A. That's right.

19 GENERAL NICHOLS: Your Honor, can I have
20 this marked as the next numbered exhibit?

21 THE COURT: Be Exhibit 66. Is that
22 correct?

23 THE REPORTER: Yes, sir.

24 (WHEREUPON, the above-mentioned
25 photograph was marked as Exhibit Number 66.)

1 BY GENERAL NICHOLS:

2 Q. Here's a laser pointer.

3 A. Okay.

4 Q. If you can show the jury where this creek is.
5 I know you were --

6 A. So the roadside ditch is here (indicating),
7 and the road is right here (indicating). You know,
8 this is --

9 MS. THOMPSON: I am sorry, I can't see.

10 THE WITNESS: Okay.

11 THE COURT: You can step around. Is this
12 an aerial photograph?

13 GENERAL NICHOLS: It's not. It's taken
14 from --

15 THE WITNESS: Yeah, just from the side of
16 the road.

17 BY GENERAL NICHOLS:

18 Q. Okay. For purposes of describing, when you
19 said the road was right here, are you talking -- as
20 we look at this exhibit, is it --

21 A. Yeah, this is like --

22 Q. -- you would be at the bottom of the picture?

23 A. Yes.

24 Q. Okay.

25 A. Yeah. The road would be running like this

1 (indicating). And there's a little road ditch
2 sitting, you know, between -- if where the picture
3 was taken and the purse.

4 Q. Gotcha.

5 A. And then the creek ditch, the creek runs, you
6 know, perpendicular to the road.

7 Q. All right. So if you're looking -- if you're
8 looking at this picture, as the jury all is, just use
9 your pointer to show us the direction.

10 A. Yeah, the creek would be running this way
11 (indicating). The road is running this way
12 (indicating).

13 Q. All right. So the creek would be running
14 from the bottom to the top --

15 A. That's right.

16 Q. -- area?

17 A. Yes, ma'am.

18 Q. All right.

19 A. This way (indicating), the road is running
20 this way (indicating).

21 Q. Gotcha. Thank you.

22 And until today, is that the last time that
23 you've seen the lunch box?

24 A. Yes, ma'am. Yes.

25 GENERAL NICHOLS: I don't have anything

1 further.

2 THE COURT: Cross-examination.

3
4 **CROSS-EXAMINATION**

5 **QUESTIONS BY MS. THOMPSON:**

6 Q. Mr. Graves, I am Jennifer Thompson. So you
7 testified that you saw the lunch box, and you picked
8 it up you said?

9 A. Yes, ma'am.

10 Q. Okay. Well, first you used a stick to scoop
11 it out of the water?

12 A. That's right, because it was too deep for me
13 just to reach down and grab.

14 Q. And by too deep, you don't mean that the
15 water was too deep, you mean --

16 A. The bank.

17 Q. -- the bank at the creek --

18 A. The bank, yes, ma'am.

19 Q. -- was too deep?

20 So when you scooped it out of the water, you
21 picked up the lunch box?

22 A. Uh-huh.

23 Q. You opened it up?

24 A. I did.

25 Q. And you looked to see what was inside of it?

1 A. Right.

2 Q. Then after that, you sat it back down on the
3 bank?

4 A. That's right. Well, I walked out -- back out
5 to the edge of the road, yes.

6 Q. And you have a clear memory of that today --

7 A. Yes.

8 Q. -- is that right?

9 A. Yes.

10 Q. And if I told you that this occurred on April
11 14 at 7:30 p.m., would that sound right to you?

12 A. Yes, ma'am.

13 Q. It was getting dark. I mean, you can tell by
14 the pictures --

15 A. Right.

16 Q. -- that it's getting dark or dark?

17 A. Okay.

18 Q. And you called -- did you call the TBI and
19 they came right away?

20 A. Actually I think I called a friend and called
21 one of the sheriff's departments. I can't remember
22 if it was Decatur County or Henderson County, one of
23 the sheriff's departments, but yes, they did come
24 out.

25 Q. Okay. And then you spoke at that time to

1 Special Agent Terry Dicus, who was with the TBI;
2 isn't that right?

3 A. That sounds accurate, yes.

4 Q. He interviewed you on the scene right there;
5 didn't he?

6 A. Correct.

7 Q. And he was taking notes as he spoke to you;
8 wasn't he?

9 A. I assume.

10 Q. Okay. And you were being cooperative with
11 him?

12 A. Yes.

13 Q. Okay. So when you talked to him, you
14 specifically told him that you had looked back and to
15 the left as you were driving --

16 A. That's right.

17 Q. -- and saw something in the creek?
18 It just caught your eye?

19 A. Yes.

20 Q. And then you told him you pulled up closer,
21 and you used a post to dip it out of the creek?

22 A. Yeah.

23 Q. Then you specifically told him you never
24 touched the lunch box?

25 A. No.

1 Q. You told him at the time --

2 GENERAL NICHOLS: Your Honor, I am going
3 to object. First of all, ask him the question
4 instead of just reading a statement. I let it go on,
5 but that's improper.

6 THE COURT: She can ask if he made that
7 statement.

8 GENERAL NICHOLS: Right.

9 THE COURT: She cannot say, you never
10 told him. Ask him if he made the statement, then you
11 can use the statement if you feel appropriate for
12 impeachment purposes.

13 BY MS. THOMPSON:

14 Q. Okay. So you never told -- you told him you
15 did not touch the lunch box; didn't you?

16 A. No, ma'am.

17 Q. Okay. So if he's put it in his report that
18 you said you did not touch the lunch box, the agent
19 is wrong?

20 A. I don't have any recollection of that,
21 because I did specifically touch the lunch box.
22 There was no ifs, ands, or ors about that.

23 Q. Okay. That's how you remember it today?

24 A. Yes.

25 Q. Your son told people he had Holly Bobo locked

1 up?

2 GENERAL NICHOLS: Your Honor, objection.

3 THE COURT: Wait.

4 MS. THOMPSON: I am not using it for the
5 truth, Your Honor. This is not --

6 GENERAL NICHOLS: If your son told
7 people.

8 THE COURT: Your son told people?

9 MS. THOMPSON: Your son --

10 GENERAL NICHOLS: And even if your son
11 said anything, Your Honor, we've got Jon Graves here.
12 Question -- anything that Jon Graves told somebody,
13 fair game.

14 THE COURT: If you want to call the son,
15 you can call the son.

16 MS. THOMPSON: Your Honor, I am not using
17 it to prove the truth. It's a hearsay statement, but
18 it meets an exception in that it's something that his
19 son said at the time, and he's very aware of it, Your
20 Honor, because he went to school --

21 THE COURT: Take the jury out.

22 (WHEREUPON, the jury left the courtroom,
23 after which the following proceedings were had:)

24 THE COURT: Ms. Thompson, I have no idea
25 where you're going. Sometimes people think I know

1 everything about the case, I assure you, I don't from
2 both sides.

3 MS. THOMPSON: Okay.

4 THE COURT: Where are you going?

5 MS. THOMPSON: Well, what I am trying to
6 show is that people in different --

7 THE COURT: No problem with the witness
8 being present while we're discussing this?

9 MS. THOMPSON: No, Your Honor.

10 THE COURT: Okay.

11 MS. THOMPSON: But I was trying to show
12 that --

13 THE COURT: He'll follow the Court's
14 ruling whatever I instruct.

15 MS. THOMPSON: -- different people who --
16 and the reason I would want to get in through him and
17 not the son, the son was only in second grade at the
18 time he said it. So he may or may not have been a
19 competent witness to testify.

20 THE COURT: Then that's all the more
21 reason it probably shouldn't come in.

22 MS. THOMPSON: But I am just trying to
23 show that there were people in the community saying
24 things that were not true.

25 THE COURT: Ostensively what did the son

1 say?

2 MS. THOMPSON: He said that his uncle had
3 Holly Bobo locked up at home, and they were trying to
4 convince him to let her loose.

5 THE COURT: What exception to hearsay is
6 this?

7 MS. THOMPSON: I am just trying to show
8 what effect it had on him, not that it was true. The
9 family didn't have Holly Bobo locked up. It was not
10 a true statement.

11 THE COURT: It lacks any indicia of
12 reliability. We're not going there. Bring the jury
13 in.

14 (WHEREUPON, the jury returned to the
15 courtroom, after which the following proceedings were
16 had:)

17 MS. THOMPSON: Before we do that, can I
18 do an offer of proof?

19 THE COURT: All right. Jury back out.

20 (WHEREUPON, the jury left the courtroom,
21 after which the following proceedings were had:)

22 THE COURT: All right. You'll answer her
23 questions. The jury is going to remain out, okay?

24 THE WITNESS: Okay.

25 BY MS. THOMPSON:

1 Q. At some point were you called on by an
2 investigator in this case regarding some statements
3 that your son had made while playing?

4 A. To be honest with you, I can't recall.

5 Q. Do you recall that in December of 2011, Terry
6 Dicus, again, came to meet with you regarding your
7 son, Jebb?

8 A. Terry could have come by. I mean, it's
9 possible.

10 Q. Do you recall that there was a day when the
11 kids were out of school due to weather, and they
12 had -- your son had found a glove somewhere, and they
13 were going around trying to decide who took Holly
14 Bobo?

15 GENERAL NICHOLS: I'm sorry, I don't
16 understand. The kids found a glove, and the kids
17 were going around? I just don't understand the
18 question for Terry Dicus.

19 BY MS. THOMPSON:

20 Q. Yes. The kids found a glove while they were
21 out of school because of weather, and they were
22 playing a little game where they were trying to
23 decide who took Holly Bobo. You remember that; don't
24 you?

25 A. It seems like I do remember something about a

1 glove at our office, and that -- yes.

2 GENERAL NICHOLS: A glove at your office,
3 not --

4 THE WITNESS: Not anywhere close to the
5 site. I mean, it's a worker's glove that was laying
6 on the ground. Like, we had nails and hammers.

7 GENERAL NICHOLS: So they were playing?

8 THE WITNESS: Right.

9 MS. THOMPSON: They were playing a game,
10 yes.

11 THE COURT: Let her ask the question.

12 THE WITNESS: Okay.

13 BY MS. THOMPSON:

14 Q. They were playing a game; weren't they?

15 A. I assume, yes.

16 Q. At some point, they were pretending like they
17 were trying to find out who took Holly Bobo; weren't
18 they?

19 A. I assume, yes.

20 Q. At some point your son just made a little
21 playing statement about the fact that his uncle had
22 Holly Bobo locked up?

23 GENERAL NICHOLS: Okay. At this point, I
24 am going to just interject. Was he present when this
25 statement was made? Otherwise it's asking to

1 speculate.

2 THE COURT: Were you present when any
3 such statement was made?

4 THE WITNESS: No.

5 THE COURT: Okay.

6 BY MS. THOMPSON:

7 Q. But at some point, it all came to your
8 attention and you talked to your son about it; didn't
9 you?

10 A. Really to be honest with you, I can't recall.

11 Q. So something as big as everybody -- agents
12 coming to your house to talk to you about this, this
13 isn't -- you have no memory of this at this point?

14 A. No.

15 MS. THOMPSON: No further questions.

16 THE COURT: All right. How old was your
17 son approximately at the time that this so-called
18 statement, that you didn't hear, was made?

19 THE WITNESS: He's 12 years old now as of
20 June. So whatever, how many ever years --

21 GENERAL NICHOLS: He was 5.

22 THE WITNESS: Yeah, 5.

23 THE COURT: 5 years old?

24 THE WITNESS: Yeah.

25 THE COURT: Okay. I am even more certain

1 that this is absolutely inappropriate. There's no
2 indicia of reliability. A 5-year-old to start with
3 is presumed not competent to testify unless the Court
4 qualifies. And some statement made during a
5 childhood game is miles away from relevance as far as
6 this case. So I am even more certain that this is
7 not appropriate.

8 MS. THOMPSON: The reason I was wanting
9 to offer it, Your Honor, is not because I think it's
10 reliable or I was trying to show that this happened.
11 What I was trying to show was that the community was
12 very, very sensitive at the time. So any time
13 anybody said anything about Holly Bobo or somebody
14 possibly having Holly Bobo, everybody overreacted.

15 THE COURT: A 5-year-old game has no
16 place.

17 MS. THOMPSON: Right. But people were
18 overreacting in the community at the time. If he
19 doesn't remember it, then it's not relevant.

20 THE COURT: We've already had legions of
21 testimony concerning the extent of involvement in the
22 community, and that is precisely the reason that I
23 granted change of venue is the emotional uproar --

24 MS. THOMPSON: Yes.

25 THE COURT: -- state in Decatur County

1 for a period. The last witness said he searched for
2 18 months. That's how deep the involvement is. So
3 whether a 5-year-old was saying something in a game
4 is totally irrelevant.

5 Let's bring our jury back in.

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

9 THE COURT: All right. Be seated.

10 MS. THOMPSON: I have no further
11 questions.

12 THE COURT: All right. Let me say, my
13 mic is off to make sure -- I am loud anyway, I know
14 that. And I don't want to take a chance on a jury
15 hearing something they shouldn't, so my mic is off,
16 and it won't be on unless someone feels it needs to
17 be. But I think I told you folks before, my first
18 grade teacher told me that my voice carried, and she
19 wasn't being nice when she told me that.

20 Okay. All right. No further questions over
21 here?

22 MS. THOMPSON: No further questions.

23 THE COURT: Anything else over here?

24 GENERAL NICHOLS: Yes.
25

REDIRECT EXAMINATION

QUESTIONS BY GENERAL NICHOLS:

Q. Ms. Thompson asked you a moment ago about the road and the fact that you were driving down Gooch Road and looking back to your left or to your right?

A. Left.

Q. And you had described for the jury, this is a pretty narrow road?

A. Correct, yes.

Q. Let me pass forward a photograph and ask if you can identify that, please.

A. Yes, ma'am.

Q. What is that?

A. It's the intersection of Gooch Road and Horny Head Creek Road.

Q. Gooch Road, the road that runs parallel with your road?

A. Yes, ma'am.

GENERAL NICHOLS: Your Honor, I ask this be marked as the next numbered exhibit.

THE COURT: All right. Be 67. That's Gooch and what?

THE WITNESS: Horny Head Creek Road.

THE COURT: One more time.

THE WITNESS: Horny Head Creek Road.

1 THE COURT: Horny Head?

2 THE WITNESS: Yes.

3 (WHEREUPON, the above-mentioned document
4 was marked as Exhibit Number 67.)

5 THE COURT: May have been the first time
6 I've heard the name of that road.

7 GENERAL NICHOLS: And then permission to
8 publish, Your Honor?

9 THE COURT: You may.

10 BY GENERAL NICHOLS:

11 Q. I am going to hand you the laser pointer
12 again. Is that narrow winding road indicative of
13 what you were driving down on your four wheeler?

14 A. Yes, ma'am.

15 Q. And does that intersection show the area, or
16 is the area where you actually found the lunch box
17 out of --

18 A. Well, it's not in view.

19 Q. Right. Can you show the jury which way it
20 would be where this creek is?

21 A. Well, this is -- Horny Creek would be back
22 (indicating).

23 Q. So in other words, the road, if you're
24 looking at, winds on around, and it would be --

25 A. That's right. It would be -- this is the

1 intersection of Gooch Road and Horny Head --

2 Q. Right.

3 A. -- so it would be back down Gooch Road.

4 Q. Okay. Use your pointer to show the direction
5 of travel. Were you coming from -- were you coming
6 towards the intersection?

7 A. Yes, I would be coming towards the
8 intersection.

9 Q. Okay. So the area where you found it was
10 before you got to this point?

11 A. Yes, ma'am.

12 GENERAL NICHOLS: Thank you. I don't
13 have anything further.

14 THE COURT: Anything else?

15 MS. THOMPSON: No, Your Honor.

16 THE COURT: Thank you. Your dad was
17 Danny?

18 THE WITNESS: Yes, sir.

19 THE COURT: I knew him. You're free to
20 go. Please don't discuss your testimony.

21 THE WITNESS: Yes, sir.

22 THE COURT: You can either come back in
23 the courtroom. You're free to go as you wish.

24 THE WITNESS: Thank you.

25 (WHEREUPON, the witness was excused from

1 the stand.)

2 THE COURT: Call your next.

3 GENERAL NICHOLS: Gerald Stephens.

4 (The witness was sworn.)

5 THE COURT: Have a seat. State your
6 name, and spell your first and last for the court
7 reporter.

8 THE WITNESS: My name is Gerald Stephens,
9 G-E-R-A-L-D S-T-E-P-H-E-N-S.

10 THE COURT: Thank you. You can proceed.
11 Did you say V or P-H?

12 THE WITNESS: P-H, sir.

13 THE COURT: All right. Thank you.

14
15 * * *

16 **GERALD STEPHENS,**
17 **was called as a witness and having first been duly**
18 **sworn testified as follows:**

19
20 **DIRECT EXAMINATION**

21 **QUESTIONS BY GENERAL NICHOLS:**

22 Q. Would you tell the jury, I guess, a little
23 bit about yourself, such as where you live and what
24 you do for a living?

25 A. I live in adjacent county in Henderson County

1 outside of Natchez Trace Park. Me and my father
2 there run a farming operation. We row crop, as well
3 as run quite a few cattle.

4 Q. And -- I'm sorry. I am going to pass some
5 pictures to the defense, different pictures.

6 And as a result, you said you run cattle and
7 have quite a bit of property; is that correct?

8 A. Yes, ma'am.

9 Q. Does your property, does your work include an
10 area, I guess, in Parsons, Darden --

11 A. We --

12 Q. -- Holladay, that area?

13 A. Yes, ma'am. We farm in three counties,
14 Henderson County, Benton County, as well as Decatur
15 County. So we have property that we either own or
16 rent in various locations. Most of our cattle are
17 run in Decatur County in the northern part of the
18 county, in what I call the Yellow Springs area, so --

19 Q. I was going to ask you that. Yellow Springs
20 is actually a road; is that correct?

21 A. Yes, ma'am. Yellow Springs is known as a
22 church and a community there with an adjacent road
23 that runs through there by that church.

24 Q. Does it actually sort of run alongside 40?

25 A. Not right alongside 40. It runs into another

1 road that does. But it's not very far from I-40.

2 It's on the south side of I-40.

3 Q. All right. Because you have business
4 dealings in three different counties, do you know a
5 family by the name of the Bobos?

6 A. Yes, ma'am, I have come to know that family.

7 Q. Before April 13, 2011, did you know them?

8 A. No, ma'am.

9 Q. Did you, nevertheless, become aware that
10 their daughter, Holly, had been reported as missing?

11 A. Yes, ma'am, I did become of aware of that
12 through a phone call from my sister who also lives in
13 Decatur County. She called that morning and notified
14 me and my family.

15 Q. When you heard that she had become missing,
16 did you also become aware that there were searches
17 going on all around?

18 A. Not at that very moment I was not aware.

19 Q. I didn't mean at that moment. I meant after,
20 like in the coming days?

21 A. Yes, ma'am. We -- on one of the farms we
22 were working, we saw helicopters, and other people
23 were traveling up and down the roads, stopping and
24 actually checking even some of our own property there
25 in Henderson County, yes, ma'am.

1 Q. Was that fine with you that they looked at
2 your property?

3 A. Absolutely. We -- we -- I not only supported
4 that, but we then began looking ourselves.

5 Q. And when you say they were checking your
6 property, do you mean like sheds and barns and
7 structures that were on different --

8 A. Yes, ma'am. They came and checked barns that
9 we have that are open, that are not being used, as
10 well as our main shop, our main area there where my
11 parents live, yes, ma'am.

12 Q. All right. At some point did you -- or on a
13 particular day, did you decide that you, yourself,
14 would search?

15 A. Yes, ma'am.

16 Q. Okay. If you'll describe for the jury why
17 you picked that particular day and how that came
18 about.

19 A. Well, we were busy in the fields spraying on
20 Wednesday and Thursday.

21 Q. Of the week -- of the week it happened?

22 A. Yes, ma'am.

23 Q. Okay.

24 A. And Thursday, Thursday night it rained, so we
25 were not able to go back and spray. I actually had

1 two guys spraying in the Yellow Springs area. So
2 everybody was back at the shop then, and we were
3 doing cattle work and shop work Friday because of the
4 rain.

5 I made a venture myself to head out and not
6 necessarily start looking, just start kind of
7 observing, just trying to put together in my mind if
8 me and my guys could be of any help.

9 Q. And you had this day available because you
10 basically had been rained out?

11 A. That's correct. That was on Friday.

12 Q. So this is the Friday after she went missing
13 on Wednesday?

14 A. Yes, ma'am.

15 Q. So what area did you decide to look or to
16 drive?

17 A. Well, I drove towards Parsons, and that's
18 when I identified a road to my left as I was
19 traveling toward Bible Hill and Parsons, as Gooch
20 Road with a tremendous amount of law enforcement,
21 lights and activity. It seems that the road was
22 either blocked or almost blocked off. I then
23 proceeded to Parsons and circled around to try to
24 orient where the Bobo location was. I had never been
25 to their house, and other than as a small child, had

1 never even been by that house.

2 At the driveway of their house, there were
3 law enforcement there. Someone who I knew personally
4 was coming out of the driveway, and so immediately I
5 stopped, and me and that person had a conversation.

6 Q. All right. I'm not asking -- in fact, you
7 can't tell the jury what the other individual said,
8 but did you inquire about or determine that you were
9 going to go to any particular area to look?

10 A. Yes, ma'am. And that person identified what
11 had been found to me on Gooch Road. And once -- once
12 I obtained that information, momentarily I left,
13 because in my mind because I am real familiar with
14 the north part of the county, because our cattle
15 being there, me or my guys are in the north part
16 every day. In my mind, if something was found on
17 Gooch Road, somebody was going north, and in my mind,
18 going towards the interstate. Because that would be
19 a back road to get to the north part of the county,
20 and in my mind to the interstate.

21 Q. And so with that information understanding
22 about the roads, you set off towards Gooch Road?

23 A. I did not travel on Gooch Road because of law
24 enforcement. I bypassed Gooch Road, picked up the
25 road just north of there and started traveling maybe

1 15 miles an hour, maybe 20, really slow just strictly
2 trying to observe. Because in the news media, I
3 guess, my wife had made me --

4 Q. You can't say what you heard on the news.

5 A. Okay.

6 Q. Were you looking for a particular color?

7 Were you looking for a particular thing?

8 A. Yes, ma'am. In my mind I was looking for
9 anything that looked really odd or might be of the
10 color pink.

11 Q. Okay. So you didn't get out of your car, you
12 just drove?

13 A. I drove relatively slow on as many as five or
14 six different roads.

15 Q. All right. So at any point during your
16 search -- was this in the morning or afternoon, or do
17 you remember?

18 A. It would have been close to lunch.

19 Q. Okay.

20 A. It would have been somewhere between 10:30
21 and 11:00, 11:00 when I started that.

22 Q. All right. At any point did you see
23 anything?

24 A. Yes, ma'am.

25 Q. Could you explain that to the jury, please?

1 A. I was traveling just south of Yellow Springs
2 Church in the Yellow Springs community. I had just
3 come off of Fred Junior Inman Road traveling then
4 what would be north and going really slow there.
5 Something appeared to be of the color pink on the
6 right side of the road. So I immediately stopped,
7 and it was a garment that was pink in color.

8 Q. All right. What garment was it?

9 A. It was a pair of pink panties.

10 Q. Okay. So you saw something pink, you
11 stopped. You stopped your car and got out of your
12 car at that point?

13 A. Yes, ma'am.

14 Q. All right. What did you do when you walked
15 over and saw what it was?

16 A. I immediately called the sheriff's office in
17 Decatur County, and they either put me through or
18 gave me another number to call the headquarters,
19 which was at that time at the fairgrounds. The
20 headquarters for the, I guess, the coordination for
21 the search for this girl. And the detective that
22 they put me on the phone with was Detective Ricky
23 Inman. He asked --

24 Q. Again -- well, if he asked you a question
25 such as where you were and that kind of thing, you

1 have to answer out loud.

2 A. Yes. He did ask me where I was and he asked
3 me what I had.

4 Q. All right. And I am assuming you responded?

5 A. I responded, but I did not disclose the item.
6 Over a cell phone, I didn't think that would be
7 proper.

8 Q. All right. So did somebody come out there
9 from law enforcement?

10 A. Yes, ma'am. Ricky Inman, as well as another
11 deputy, I do not know who that was, did come out.
12 Upon seeing what that was and the location, he
13 immediately made a phone call.

14 Q. Okay. I am going to stop you there. Oh,
15 excuse me. I am almost dropped my paper. I am going
16 to stop you there and pass forward two photographs,
17 and ask if you -- to look at those, please, and when
18 you're finished, tell me.

19 A. Yes, ma'am.

20 Q. Do you recognize what's in both of those
21 photographs?

22 A. Yes, ma'am.

23 Q. What's in the first one?

24 A. In the first photograph is the pair of pink
25 panties.

1 GENERAL NICHOLS: Your Honor, I ask that
2 be marked as the next numbered exhibit.

3 THE COURT: Exhibit 68.

4 (WHEREUPON, the above-mentioned
5 photograph was marked as Exhibit Number 68.)

6 BY GENERAL NICHOLS:

7 Q. What's in the next one?

8 A. The next one is the location of which that
9 garment was located when I first saw it and found it.

10 Q. All right. Is it actually shown in this
11 picture, or does this picture just give you landmarks
12 so that you know approximately where in the road it
13 was?

14 A. This picture actually is the landmark of
15 where it was, the actual location is not contained in
16 this picture.

17 GENERAL NICHOLS: All right. Your Honor,
18 I ask that the next -- this be marked as the next
19 numbered exhibit.

20 THE COURT: All right. Be 68.

21 THE REPORTER: 69.

22 THE COURT: Whoops, beg your pardon. I
23 can't read my writing.

24 (WHEREUPON, the above-mentioned
25 photograph was marked as Exhibit Number 69.)

1 GENERAL NICHOLS: If we can put the first
2 one, the pink panties up --

3 THE COURT: Go ahead and kill our lights,
4 please.

5 BY GENERAL NICHOLS:

6 Q. All right. What is the jury looking at?

7 THE COURT: Talk slow, they're killing
8 the lights where we can see better. Okay.

9 BY GENERAL NICHOLS:

10 Q. What is the jury looking at?

11 A. The jury is looking at the blacktop road
12 adjacent to the grass area on what would be the right
13 side of the road of which I saw pink panties.

14 Q. All right. When you saw them, were they
15 actually on the blacktop, or were they in the grassy
16 area?

17 A. They were just barely into the grassy area,
18 but not on the blacktop.

19 Q. Okay. Did you touch them?

20 A. No, ma'am, I did not touch them.

21 Q. So you just called law enforcement?

22 A. Yes, ma'am.

23 GENERAL NICHOLS: All right. Can I see
24 the next picture, please?

25 THE COURT: Be 69?

1 GENERAL NICHOLS: 69.

2 BY GENERAL NICHOLS:

3 Q. What road is this, please?

4 A. This is Yellow Springs Road.

5 Q. All right. I believe a few moments ago when
6 I asked you the question about whether or not the
7 area that you found the panties was actually
8 displayed in the photograph, you said it was not,
9 correct?

10 A. That's correct.

11 Q. Can you show the jury using the laser pointer
12 where they were and what direction they were?

13 A. Can I also say I was proceeding from the
14 south and heading this direction, which is north and
15 just a small amount north of this puddle. This area
16 here (indicating) is obviously for the mail carrier.
17 Just after you proceed north away from the mail
18 carrier route, there is where they were located, just
19 a few more feet north of that puddle there
20 (indicating).

21 Q. All right. Let me keep asking you some
22 questions, and we can raise the lights, again,
23 please.

24 THE COURT: Okay. Lights up.

25 BY GENERAL NICHOLS:

1 Q. Did you remain there on the scene until law
2 enforcement got there?

3 A. Yes, ma'am.

4 Q. All right. And you said that first the
5 sheriff's department came, and then they called other
6 law enforcement; is that correct?

7 A. That's correct.

8 Q. And what agency responded?

9 A. After the sheriff's detective was there, he
10 told me that he had called TBI.

11 Q. Okay. And did TBI come?

12 A. Yes, ma'am.

13 Q. Do you remember the agent that appeared?

14 A. The agent that appeared was Agent Brent Booth
15 with TBI.

16 Q. Okay. And while -- or once Brent Booth got
17 there, did you ever leave that -- did you ever leave
18 that spot, or did you walk up and down the road?
19 What did you do?

20 A. After Brent Booth was there, he made a phone
21 call for, I assume, other agents, and then while
22 waiting, me and Brent discussed, I guess, what to do
23 or the timeframe. Obviously, he was not asking me
24 what to do, I was asking him. And I suggested to him
25 that I would take a walk up the road just looking,

1 looking around as long as he was there. And he said
2 he was staying there until someone else got there.

3 Q. All right. And do you remember a time, I
4 think, last June maybe when you were kind enough to
5 meet me and look at some photographs?

6 A. Yes, ma'am.

7 Q. Let me pass forward one, and ask if you
8 recognize this particular photograph.

9 A. Yes, ma'am.

10 Q. All right. And what is that a picture of?

11 A. This is a picture of the exact location of
12 where the pink panties were. It's a picture taken
13 from the south looking back toward the north of which
14 I would have walked looking alongside the road.

15 Q. All right. And there are some markings on
16 it, I'm not going to ask you what they are yet, but
17 who placed the handwritten marks there on the
18 picture?

19 A. I, myself, Gerald Stephens, placed those
20 markings on the picture.

21 GENERAL NICHOLS: All right. I'm going
22 to ask that be marked as the next numbered exhibit.

23 THE COURT: All right. Be Exhibit 70.

24 (WHEREUPON, the above-mentioned
25 photograph was marked as Exhibit Number 70.)

1 GENERAL NICHOLS: And if we can -- we may
2 to need to adjust it a little bit.

3 THE COURT: Let's go ahead and kill the
4 lights.

5 GENERAL NICHOLS: The markings are not in
6 the picture, Mr. Ragland. No, sir, the other way.

7 THE REPORTER: Judge, my system is down.

8 THE COURT: Wait just a second. You're
9 down?

10 THE REPORTER: I'm down completely.

11 MR. GONZALEZ: It's a power surge. A
12 fuse went out or something.

13 (WHEREUPON, there was a power outage, and
14 the following proceedings were had:)

15 THE COURT: Well, I guess this is good
16 time to take a break; isn't it? When I said kill the
17 lights, I didn't mean to kill all the power. Follow
18 the instructions I gave you. We'll take 15 minutes
19 at this time. Get our problems corrected.

20 (Short break.)

21 THE COURT: All right. If you'll remain
22 standing for the jury to come in, please, out of
23 respect for them.

24 (WHEREUPON, the jury returned to the
25 courtroom, after which the following proceedings were

1 had:)

2 THE COURT: That break was probably a
3 little sooner than I would have, but we were
4 encountering some power problems. This courthouse
5 was built in 1950 or '51. I think it's one of the
6 prettiest courthouses or courtrooms in the state of
7 Tennessee. I am really proud of it, but they didn't
8 really envision the amount of electronics in 1950
9 that we have here today. I think we temporarily got
10 things going so we should be able to continue.

11 Let's get our witness back in. You want to
12 get Mr. Stephens back in. The power doesn't just go
13 out, it lets you know, it starts beeping and all
14 kinds of stuff.

15 All right. Come on back in, sir, have a
16 seat. Your testimony remains under oath. Proceed,
17 please.

18 GENERAL NICHOLS: When we had the power
19 surge, we had just gotten to the point of
20 publishing -- that's exhibit what?

21 GENERAL RAGLAND: 70.

22 THE COURT: 70.

23 BY GENERAL NICHOLS:

24 Q. Now, looking at this photograph, do you see
25 the area where you located the pink panties?

1 A. Yes, ma'am, in the bottom of the photograph,
2 this would be the pink panties. And they were just
3 in the edge of the grass adjacent to the blacktop
4 road.

5 Q. All right. When you took off walking, asking
6 or telling Special Agent Booth that you were just
7 going to look along the roadside, in which direction
8 did you go?

9 A. I continued moving north toward the church,
10 and approximately 3- to 400 feet just around the
11 curve in this area is where I located what appeared
12 to be a piece of paper.

13 Q. All right. And before you go any further, it
14 looks like there's a big circle, is that your circle
15 there on the edge under that, looks like, Cypress
16 tree?

17 A. Yes, ma'am.

18 Q. Okay. Is that the area that you're talking
19 about?

20 A. That is the area, and it's just around the
21 curve here, and that's the area that I circled, and
22 these are my initials.

23 Q. All right. And you said you located what
24 when you got that far?

25 A. Off in the grass, you know, approximately

1 four to five feet from the blacktop road appeared to
2 be a paper wad wadded up.

3 Q. Okay. What did you do with the paper wad?

4 A. I took out my knife and picked it up so that
5 I didn't touch it, having no idea if it was of any
6 importance. And I took it back to where Agent Booth
7 was located in the roadway at this area. He was
8 still here holding onto this area.

9 Q. And that piece of paper that's now displayed
10 in the roadway, is that the piece of paper? Is that
11 where you put it down or whether --

12 A. When the photograph was taken, that may be
13 after Agent Booth opened it up.

14 Q. Right.

15 A. I was in this area (indicating) when Agent
16 Booth opened up the paper. I did not open the paper
17 up.

18 Q. Okay. Let me pass forward another
19 photograph, and ask if you recognize.

20 A. Yes, ma'am, that's the paper that when Agent
21 Booth unfolded it, that's exactly what I saw in the
22 paper.

23 Q. And there appears to be a knife in the
24 photograph as well, whose knife is that?

25 A. It's not my knife, ma'am.

1 Q. That's not the knife you carried back?

2 A. No, ma'am, that is not my knife.

3 Q. All right. But you were there when he
4 unfolded it?

5 A. Yes, ma'am.

6 GENERAL NICHOLS: Ask that be marked as
7 the next numbered exhibit.

8 THE COURT: All right. Be 71.

9 (WHEREUPON, the above-mentioned
10 photograph was marked as Exhibit Number 71.)

11 GENERAL NICHOLS: And then if we could
12 put that on the overhead, please.

13 BY GENERAL NICHOLS:

14 Q. Will you -- is that the piece of paper that
15 was unfolded in your presence?

16 A. Yes, ma'am, it is. And the first and most
17 memorable thing that I saw was the name and address
18 of the person, Holly Bobo, on the top, left corner of
19 the paper.

20 Q. I want to pass you an item of evidence, and
21 ask you to take out the piece of paper in there and
22 don't display it to the jury yet, but just look at
23 it. And do you recognize that?

24 A. Yes, ma'am.

25 Q. What is that?

1 A. Appears to be the paper of which was
2 unfolded.

3 Q. Is it titled the same, instructor one? Is it
4 this?

5 A. Yes, ma'am.

6 GENERAL NICHOLS: Your Honor, I ask that
7 be marked as the next numbered exhibit.

8 THE COURT: Be Exhibit 72.

9 (WHEREUPON, the above-mentioned document
10 was marked as Exhibit Number 72.)

11 THE COURT: Are you republishing the
12 photo?

13 GENERAL NICHOLS: I am fixing to publish
14 this.

15 THE COURT: Okay.

16 BY GENERAL NICHOLS:

17 Q. And you indicated that when you found it, it
18 was wadded up. And having had this piece of paper in
19 your hand a few minutes ago, does it appear to you to
20 have been wadded up?

21 A. Yes, ma'am. The paper that we're looking at
22 there, that I just took a look at, appears to have
23 been wadded up. And when I picked up the wad of
24 paper, there was no way to identify anything about it
25 related to a person or where it came from at all.

1 GENERAL NICHOLS: I am going to put --
2 ask that the photograph of the road with the mailbox
3 be put back on the overhead. I don't remember which
4 exhibit.

5 GENERAL RAGLAND: 69.

6 GENERAL NICHOLS: 69 be put back.

7 BY GENERAL NICHOLS:

8 Q. I am using my pointer to point at the two
9 mailboxes that are there in the view. Do you know
10 who lives here?

11 A. In that drive, I have met the people numerous
12 occasions, but I do not know the name of the people
13 in that particular drive.

14 Q. Do you know who lives back here (indicating)?

15 A. Are you pointing to the next drive down the
16 road?

17 Q. I am.

18 A. Yes, ma'am.

19 Q. Who?

20 A. I did not know at the time, but it became
21 known to me that that was --

22 MS. THOMPSON: Your Honor.

23 THE COURT: He can say if he knows.

24 THE WITNESS: Person who lived in that
25 mobile home was Shane Austin.

1 BY GENERAL NICHOLS:

2 Q. All right. Now, is it fair to say that after
3 discovering --

4 GENERAL NICHOLS: And you can turn the
5 light out now so it doesn't bother people when we
6 raise the lights.

7 THE COURT: All right.

8 BY GENERAL NICHOLS:

9 Q. In the weeks and months that followed your
10 discovery of that piece of paper with Holly's name on
11 it, did you continue to be interested and try to
12 assist in the investigation and the location of
13 Holly?

14 A. Yes, ma'am. Not only myself but my family,
15 as well as the people that work with us on our
16 farming operation.

17 Q. All right. And you indicated earlier that
18 you didn't know the Bobos before, but came to know
19 them during the course of the investigation; is that
20 right?

21 A. Yes, ma'am, that is correct.

22 Q. You talked to law enforcement when they
23 wanted to talk to you?

24 A. Yes, ma'am, I did.

25 Q. Gave them information whether it turned out

1 useful or not if you thought they needed to know it.

2 A. If I saw anything that appeared to be odd of
3 any nature in the coming weeks and months, yes,
4 ma'am, I made a phone call to law enforcement.

5 GENERAL NICHOLS: All right. I don't
6 have anything else, Your Honor, thank you.

7 THE COURT: Cross?

8 MS. THOMPSON: No cross-examination, Your
9 Honor.

10 THE COURT: All right. Step down, you're
11 free to go. Please don't discuss your testimony with
12 anyone, okay? You can come back in the courtroom if
13 you'd like to, or you're free to go.

14 (WHEREUPON, the witness was excused from
15 the stand.)

16 THE COURT: Call your next.

17 GENERAL NICHOLS: Suzanne Pratt.

18 (The witness was sworn.)

19 THE COURT: Be seated. State your name,
20 and spell first and last for the benefit of the court
21 reporter.

22 THE WITNESS: Emily Suzanne Pratt,
23 E-M-I-L-Y P-R-A-T-T.

24 GENERAL NICHOLS: May I proceed, Your
25 Honor?

1 THE COURT: Yeah, I was going to -- what
2 happened to our little box?

3 GENERAL NICHOLS: I'll get a box.

4 GENERAL RAGLAND: It's right here.

5 THE COURT: If we're done with this, it
6 kind of --

7 GENERAL NICHOLS: We are for a few
8 minutes, Judge.

9 THE COURT: All right. Kind of blinds
10 the witness when they come in. I thought her hair
11 was blue actually. Let the record reflect, it's not
12 blue.

13 All right, proceed.

14

15 * * *

16 **EMILY SUZANNE PRATT,**
17 **was called as a witness and having first been duly**
18 **sworn testified as follows:**

19

20 **DIRECT EXAMINATION**

21 **QUESTIONS BY GENERAL NICHOLS:**

22 Q. Ms. Pratt, you told me you were nervous. Are
23 you still nervous?

24 A. Sure.

25 Q. Okay. I am going to ask that you speak up,

1 because you're soft spoken. The jurors on this end
2 of the box need to hear what you have to say, okay?
3 So direct your answers to them.

4 A. Okay.

5 Q. All right. Let's hear you say yes so they
6 can hear you.

7 A. Yes.

8 Q. There you go.

9 Where do you live? Not asking for your
10 address, but what area do you live in?

11 A. Parsons, Tennessee, north of -- north Decatur
12 County.

13 Q. How long have you lived there?

14 A. Since I was in high school, 1980.

15 Q. I'm sorry.

16 A. 1980.

17 Q. You'll have to speak up.

18 A. 1980.

19 Q. Okay. You're married and have a family?

20 A. I am.

21 Q. Did you know the Bobo family?

22 A. I do.

23 Q. How do you know the Bobos?

24 A. I've always known them. My husband is
25 related to them.

1 Q. Related to whom?

2 A. To Dana.

3 Q. Okay. And who is Jeremy Pratt?

4 A. Jeremy is my son.

5 Q. All right. Jeremy Pratt, at least in 2011,

6 was law enforcement; is that correct?

7 A. He was. He was a deputy for the county.

8 Q. Did you know Holly Bobo?

9 A. I did.

10 Q. How long did you know Holly?

11 A. I've always known Holly.

12 Q. When you say that, her whole life?

13 A. Her whole life --

14 Q. Okay.

15 A. -- I've known her, because I've known the

16 Bobos, and we went to church together. We ended up

17 in school together, nursing school.

18 Q. And I want to ask you about that. Were you

19 in school with her when she went to Jackson State for

20 the year or when she started going actually in the

21 nursing program?

22 A. No, we entered the LPN program together.

23 Q. Is that a large or small, relatively small

24 class?

25 A. Relatively small class.

1 Q. How many?

2 A. 20-ish.

3 Q. Okay. And was it a rigorous program?

4 A. Very.

5 Q. Did you guys have study groups and whatnot?

6 A. We did.

7 Q. Was Holly?

8 A. She and I were in the same study group.

9 Q. What about clinicals where you would actually
10 go out to other facilities?

11 A. Same clinical group. We were together all
12 the time.

13 Q. That was my next question. Because you were
14 in the same study group, and you were in the same
15 nursing program and in the same clinical group, how
16 much time did you spend with Holly?

17 A. We were together all the time.

18 Q. And the two of you, there's a difference in
19 your ages, correct?

20 A. There is.

21 Q. And did that interfere at all with your
22 friendship, or did you have sort of a surrogate
23 mother-daughter sort of thing?

24 A. None, because --

25 Q. None what?

1 A. I loved her -- she was just like one of my
2 own kids. We were classmates. Just really close.

3 Q. All right. Do you remember the day that you
4 and everyone else heard that Holly had been -- was
5 gone?

6 A. Yes, very well.

7 Q. Do you remember where you were when you heard
8 that?

9 A. In class. We just completed a test.

10 Q. So I want to draw attention to that morning
11 of April 13. That was a Wednesday, correct?

12 A. Yes.

13 Q. And you said something about a test. You had
14 a test that morning?

15 A. We did.

16 Q. What time were you and Holly and the rest
17 supposed to be at school?

18 A. We were supposed to be there at 8:00, and we
19 started our testing promptly after that. We waited.
20 I don't remember how long, but we waited a few
21 minutes because she was late, and she was never late.
22 She didn't come, so we went ahead and started the
23 test.

24 Q. Was that a pretty big deal for somebody not
25 to show up for a test?

1 A. It was. That's why we waited.

2 Q. And at some point, the instructor went ahead
3 and started?

4 A. Yes.

5 Q. Did you complete your test?

6 A. We did.

7 Q. Was Holly there when you completed your test?

8 A. No.

9 Q. Did you learn something after that?

10 A. We did. She waited until everybody turned in
11 their papers, and then she told us what she had
12 learned.

13 Q. When you say she --

14 A. The instructor, sorry.

15 Q. And when the instructor gave you that
16 information, what did you do?

17 A. I left and went to the area of her home.

18 Q. Did you actually go to her home?

19 A. Not to her home, we couldn't go that close.
20 But we -- some of the other students and I began
21 walking the road. I am not -- I don't remember the
22 name of the road but in that area surrounding her
23 home.

24 Q. Were you just walking to take a walk, or were
25 you walking to look for Holly?

1 A. We were looking for anything that we
2 thought -- just anything that we may see.

3 Q. So from April 13 forward, did you continue to
4 try and help?

5 A. Every day.

6 Q. And when you say every day, tell the jury
7 what you were doing every day?

8 A. In the woods every day. Just somewhere every
9 day.

10 Q. By yourself or with groups?

11 A. Sometimes by myself and sometimes with a
12 group.

13 Q. I want to jump forward a couple of weeks. Do
14 you remember when Easter was?

15 A. Yes.

16 Q. Easter Sunday was in 2011?

17 A. Yes, yes, I do.

18 Q. Do you remember the day of the month?

19 A. Yes, I remember that day.

20 Q. What day was it?

21 A. I don't remember the date, but I just
22 remember going to church and them announcing --
23 someone announcing that we needed to go search that
24 day.

25 Q. Okay. When you said you went to church with

1 the Bobos?

2 A. Yes.

3 Q. All right. If I said April 24, does that
4 ring a bell?

5 A. Probably.

6 Q. But it was Easter Sunday?

7 A. Easter Sunday.

8 Q. After church, where did you go?

9 A. We went to McKenzie Tree Service and started
10 there and walked.

11 Q. What road is McKenzie Tree Service on?

12 A. On 641 North.

13 Q. Okay. When you say we went, you, or was this
14 a day when a group was going?

15 A. This was a group. I know a group from our
16 church, but I believe it wasn't -- it was more than
17 just a group from our church.

18 Q. Were you guys going to walk 641, or did you
19 have --

20 A. Yes.

21 Q. -- a different plan to load up on a bus and
22 go somewhere else?

23 A. As far as I knew, we were going to search 641
24 North. Go north on 641 North. That's as far as I
25 went.

1 Q. Okay. On four wheelers, walking?

2 A. Walking, elbow to elbow walking.

3 Q. Did you start doing that --

4 A. Yes.

5 Q. -- from McKenzie Tree Service?

6 A. From McKenzie Tree Service.

7 Q. What, if anything, did you find?

8 A. At -- I believe the name of the business was

9 Fast Co, we were walking the ditch beside or out in

10 front of that business, and at the culvert there was

11 a phone laying on top of the culvert.

12 Q. Are you good with distances? If you're not,

13 I'll ask someone later.

14 A. I am not sure how far from the road we were.

15 Q. I was going to ask, how far from the Bobo's

16 house is it to McKenzie Tree Service, if you know?

17 A. As the crow flies or --

18 Q. As the crow flies. Let's go that way.

19 A. I am just guessing five miles, but I really

20 don't know.

21 Q. Okay. But not a great distance?

22 A. Not a great distance, no.

23 Q. You said a phone was laying on a culvert?

24 A. On the top of the culvert, like it was placed

25 there actually. Just laying on the top of it.

1 Q. You didn't see anyone place it there?

2 A. No.

3 Q. That's just how it appeared to you?

4 A. Sure.

5 Q. Okay. And what did you do when -- were you

6 alone or with another person who spotted the phone at

7 about the same time you did?

8 A. There were several people there, probably

9 three or four right beside me. I can't remember -- I

10 know one person that I can name, but other than that.

11 Q. Okay. Who was there?

12 A. Danny Lomax (phonetic).

13 Q. What did you and Mr. Lomax do when you

14 spotted the phone?

15 A. We called for some of the law enforcement to

16 come and see what we found.

17 Q. And did law enforcement come to you all

18 there?

19 A. They did.

20 Q. You said it was a driveway or two away from

21 McKenzie Tree Service?

22 A. Yeah, I believe it was one driveway away. I

23 am not sure.

24 Q. Did anything stand out in your mind about the

25 phone like when you saw it?

1 A. Well, I had used Holly's phone just
2 previously, and it looked like the phone that she
3 had.

4 Q. I am going to pass forward as a collective
5 exhibit. I haven't collated it yet, but look at two
6 photographs and see if that appears to be or what
7 that appears to be.

8 A. It appears to be the phone that I used that
9 Holly had.

10 Q. Okay. Is that the phone that you found?

11 A. Yes, yes.

12 GENERAL NICHOLS: Your Honor, I ask that
13 together they be marked as the next numbered exhibit.

14 THE COURT: Let's do consecutive numbers.
15 It will be 73 and 74.

16 (WHEREUPON, the above-mentioned
17 photographs were marked as Exhibit Numbers 73 and
18 74.)

19 GENERAL NICHOLS: Can we staple them or
20 something?

21 THE COURT: I made them consecutive
22 numbers, unless there's a particular reason --

23 GENERAL NICHOLS: No. One of them is the
24 front and one of them is the back. I was just going
25 to make --

1 THE COURT: Just make them consecutive
2 numbers.

3 GENERAL NICHOLS: Okay. You can just put
4 the first one on, please.

5 THE COURT: Okay. We're going to run him
6 to death. Give him just a second. Okay.

7 BY GENERAL NICHOLS:

8 Q. Ms. Pratt, a lot of people have the same
9 kinds of phones, but when you spotted that phone, you
10 said you knew that that looked like Holly's phone?

11 A. It looked like it.

12 Q. You had actually used her phone before?

13 A. I had.

14 Q. On one or more occasions?

15 A. Uh-huh.

16 Q. On one or more occasions?

17 A. Yes, yes. We went --

18 Q. Yes, one time?

19 A. Once, yes, once.

20 Q. Gotcha. Though you only used her phone once,
21 had you seen her with the phone --

22 A. Yes.

23 Q. -- on many occasions?

24 A. Yes.

25 GENERAL NICHOLS: All right. That's all

1 I have. Thank you for the picture.

2 BY GENERAL NICHOLS:

3 Q. And I ask you about the test that you took
4 that day. Did the teachers there or the instructor
5 call off homework, or did sometimes you have homework
6 due on the same day that you had a test?

7 A. We had a test first thing in the morning,
8 took a break, started something new. She lectured
9 all day, we studied that night, tested the next day.
10 Is that what you're asking?

11 Q. But you did sometimes have homework on the
12 same day?

13 A. I had homework every night.

14 Q. Was there a particular project that you guys
15 had to do sometimes that involved the oversized note
16 cards?

17 A. Yes.

18 Q. Okay. And tell the jury about that.

19 A. We had drug cards of specific classes of
20 drugs. Every so often we would have to turn in drug
21 cards of different drugs, and it would have
22 contraindications, what class of drugs.

23 Q. You got to --

24 A. I'm sorry. Contraindications, classes of
25 drugs that they were, and things like that.

1 Q. So just a variety of drugs --

2 A. Yes.

3 Q. -- and about them?

4 A. Uh-huh.

5 Q. Were they turned in in a particular format?

6 A. Yes. We turned in a paper that had -- on the
7 front of the paper it would say how the grading was
8 broken down, and then we folded the paper, put the
9 cards on the inside, clipped it together, turned it
10 in --

11 Q. Right.

12 A. -- and that's how we got it back.

13 Q. I am going to pass forward a picture, and see
14 if you can recognize what that might be.

15 A. Yes. That's the paper that we turned in with
16 the drug cards.

17 Q. All right. Now, whose paper does that appear
18 to be?

19 A. That's Holly's.

20 Q. Do you recognize her writing?

21 A. Yes.

22 GENERAL NICHOLS: Your Honor, I ask that
23 be marked as the next numbered exhibit.

24 THE COURT: Be Exhibit 75.

25 (WHEREUPON, the above-mentioned

1 photograph was marked as Exhibit Number 75.)

2 GENERAL RAGLAND: Put it up?

3 GENERAL NICHOLS: Yes.

4 THE COURT: Give us a second.

5 BY GENERAL NICHOLS:

6 Q. I am going to ask you to look over your left
7 shoulder. You indicated that you guys would turn in
8 a grade sheet, and the cards would be folded inside;
9 is that correct?

10 A. Yes.

11 Q. Were they -- were there particular rules like
12 you were supposed to collate them with a clip kind of
13 a thing?

14 A. Yes. We would fold the paper in half, the
15 cards went in the paper, and then clipped it together
16 so that they stayed together.

17 GENERAL NICHOLS: You don't have to --
18 just leave them off.

19 BY GENERAL NICHOLS:

20 Q. I am going to pass forward what's previously
21 marked -- you've got your glasses. What's that
22 exhibit?

23 A. 29.

24 Q. 29. Do you recognize that?

25 A. Yes.

1 Q. What is that?

2 A. It is a grade sheet that -- this would be
3 turned in.

4 Q. Ask you to compare the date on this grade
5 sheet and the date over on the -- over here on the
6 overhead.

7 A. It's 4/13/11.

8 Q. Now I am going to pass forward, ask you to
9 remove that card, and ask, is this -- if you
10 recognize that.

11 A. Yes.

12 Q. And I don't mean specifically what's written
13 but what that is.

14 A. It is a drug card.

15 Q. Is it similar to the drug cards that you guys
16 had to turn in --

17 A. Would turn in, yes.

18 Q. -- on April 13, 2011?

19 A. Yes.

20 Q. That's the kind of information that was on
21 it?

22 A. Yes.

23 Q. Those are the kind of cards that would be
24 under that grade sheet?

25 A. Yes.

1 GENERAL NICHOLS: Your Honor, I am going
2 to ask this be marked for identification only, the
3 next numbered exhibit.

4 THE COURT: All right. Be 76 for ID.

5 (WHEREUPON, the previously mentioned
6 document was marked for identification as Exhibit
7 Number 76.)

8 GENERAL NICHOLS: I don't have anything
9 else. Thank you.

10 THE COURT: Are you going to need the
11 overhead?

12 MS. THOMPSON: No, Your Honor.

13 THE COURT: All right. Let's bring the
14 lights up. Turn the overhead off.

15 GENERAL RAGLAND: Yes, sir.

16 THE COURT: Cover the end with a box.

17 GENERAL RAGLAND: I will.

18 THE COURT: Proceed with
19 cross-examination.

20

21 **CROSS-EXAMINATION**

22 **QUESTIONS BY MS. THOMPSON:**

23 Q. Hello, I am Jennifer Thompson.

24 Now, you remember giving a statement to an
25 FBI agent, Art Vivarose. Do you remember that?

1 A. I remember the name.

2 Q. And I think you gave it to him on the same
3 day that you found the phone?

4 A. Okay.

5 Q. Because, of course, as soon as you find the
6 phone, everybody was very interested in getting as
7 much information as possible --

8 A. Right.

9 Q. -- weren't they?

10 A. Right.

11 Q. So at the time then they interviewed you
12 about where you found it and what it was?

13 A. Uh-huh.

14 Q. And then, again, you gave another statement
15 to a woman named Valerie Trout, I believe she came
16 out to your house in 2013 and spoke to you and did a
17 report?

18 A. (Nodded head affirmatively.)

19 Q. Okay. And so today you testified that when
20 you found the phone, you remembered that it looked
21 like Holly's phone, and you suspected that it was
22 Holly's phone, is that what you're saying?

23 A. Uh-huh.

24 Q. Yes?

25 A. It did look like the phone that I used of

1 hers.

2 Q. Okay. Can you answer out loud, because the
3 court reporter is writing down your answers?

4 A. It looked like the phone that I used of hers.

5 Q. Okay. Now, previously when you spoke with
6 Valerie Trout, you specifically told her that when
7 you found the phone on April 24, it did not look like
8 the phone that you recall using of Holly Bobo's. Do
9 you remember telling her that?

10 A. (Shook head negatively.) No.

11 Q. So you can't quite remember what you told
12 her --

13 GENERAL NICHOLS: She's shaking her head
14 no.

15 MS. THOMPSON: She said no out loud.

16 THE COURT: I didn't hear it either, but
17 that's all right.

18 BY MS. THOMPSON:

19 Q. So your memory is kind of fuzzy of your
20 conversation with Valerie Trout; is that right?

21 A. I remember her name.

22 Q. Okay.

23 A. I do remember the name. I talked to so many.

24 Q. So it's possible that when she came to visit
25 you in 2013, you told her that it didn't look like

1 the phone that you remember using of Holly's?

2 GENERAL NICHOLS: Your Honor, I'm going
3 to object. She said she didn't say that.

4 THE WITNESS: I don't remember saying
5 that.

6 MS. THOMPSON: She said she doesn't
7 remember, so I am asking, is it possible that you did
8 say it?

9 THE COURT: All right.

10 THE WITNESS: I don't remember saying
11 that.

12 BY MS. THOMPSON:

13 Q. Is it possible, though, that you said it, is
14 my question?

15 GENERAL NICHOLS: Objection.

16 THE COURT: All right. She has responded
17 to your question two or three times, let's move on.

18 BY MS. THOMPSON:

19 Q. Okay. So it's clear that somewhere there is
20 a mistake, would you agree with me on that?

21 A. Sure.

22 Q. That either you misspoke, said something, or
23 possibly Valerie Trout wrote it down in her report
24 incorrectly?

25 A. Could be.

1 Q. You would agree with me that 2011 was six
2 years ago and a lot of time has passed since then?

3 A. That's right.

4 Q. And memories fade, would you agree with that?

5 A. Right.

6 MS. THOMPSON: No further questions.

7 THE COURT: Done?

8 GENERAL NICHOLS: Yes, sir. No further
9 questions.

10 THE COURT: All right. Ms. Pratt, you
11 can be excused. Please don't discuss your testimony
12 with anyone. If you want to, you can come back in
13 the courtroom or you're free to go.

14 THE WITNESS: Thank you.

15 (WHEREUPON, the witness was excused from
16 the stand.)

17 THE COURT: Call your next.

18 GENERAL NICHOLS: Ednesha Brasher.

19 (The witness was sworn.)

20 THE COURT: Be seated, state your name,
21 first and last, then spell it for the court reporter.

22 THE WITNESS: My name is Ednesha Brasher,
23 E-D-N-E-S-H-A, Brasher, B-R-A-S-H-E-R.

24 GENERAL NICHOLS: May I proceed, Your
25 Honor?

1 THE COURT: You may.

2
3 * * *

4 EDNESHA BRASHER,

5 was called as a witness and having first been duly
6 sworn testified as follows:

7
8 DIRECT EXAMINATION

9 QUESTIONS BY GENERAL NICHOLS:

10 Q. Ms. Brasher, you're soft spoken, and a lot of
11 people are. I am going to ask you to lean forward
12 into that microphone, because it's important that
13 everyone all the way to the end can hear what you
14 have to say, okay?

15 A. Yes, ma'am.

16 Q. I am not asking for your address, but where
17 do you live?

18 A. In Martin, Tennessee.

19 Q. How long have you lived in Martin?

20 A. About four years now.

21 Q. I'd like to draw your attention, please, back
22 to 2011 and ask where you lived at that time.

23 A. At that time I was living in Memphis,
24 Tennessee.

25 Q. And did you periodically visit Decatur County

1 and those surrounding counties?

2 A. Yes, ma'am. That's where I am from. And I
3 went to school there in Memphis.

4 Q. In Memphis?

5 A. Yes, ma'am.

6 Q. I asked if you visited like Parsons and
7 Decatur County and that area?

8 A. Yes, ma'am.

9 Q. So which one are you from?

10 A. I am from Parsons.

11 Q. Okay. Gotcha. I am sorry. I misunderstood.
12 So you're from Parsons. So you would go back
13 and forth from school in Memphis to home?

14 A. Right.

15 Q. I want to draw your attention to a specific
16 day, May 3, 2011, and ask whether sometime prior to
17 that date you had become aware that a young lady by
18 the name of Holly Bobo had come up missing?

19 A. Yes, ma'am.

20 Q. All right. Even though you were in school,
21 you knew about that?

22 A. Yes, ma'am.

23 Q. Did you know anybody in her family?

24 A. I knew her brother, Clint. I think he was a
25 social worker at the nursing home I was working at

1 prior.

2 Q. You were working at a nursing home prior to
3 going to school; is that right?

4 A. Yes, ma'am.

5 Q. Did you tell me you finished school or you're
6 in school now?

7 A. I am finished now.

8 Q. What do you do for your --

9 A. I am a social worker.

10 Q. So you knew of Clint. So when you heard
11 about Holly missing, did you make the connection
12 between that was a coworker's sister?

13 A. Yes, ma'am.

14 Q. All right. Now, I want to draw your
15 attention back to May 3 of 2011, several weeks after
16 she was reported missing. Do you remember being
17 in -- do you remember being home and going for a
18 bicycle ride?

19 A. Yes, ma'am.

20 Q. Who did you go for a bicycle ride with?

21 A. With my little brother.

22 Q. How old was he?

23 A. He was 10 at the time.

24 Q. I guess, what street did y'all start on?

25 A. We started on Miller Street.

1 Q. Okay. And where in the county is that?

2 A. Decatur County.

3 Q. Is it north, south, east, do you know?

4 A. I don't know.

5 Q. Okay.

6 A. I don't have directions.

7 Q. You're just like me.

8 All right. So did you leave Miller Street or

9 stay on Miller Street?

10 A. We did leave Miller Street.

11 Q. And where did you go?

12 A. We went on down to Camden Road.

13 Q. And as you rode along, who was in front? Was

14 your little brother riding in front or were you?

15 A. My little brother was in front.

16 Q. But nevertheless, were y'all staying sort of

17 close to one another?

18 A. Yes, ma'am.

19 Q. Where you could talk back and forth?

20 A. Right.

21 Q. Were you playing a game?

22 A. Yes, ma'am.

23 Q. What game were you playing?

24 A. We were playing I spy.

25 Q. I know what that is. That's I spy something

1 red and then the other one guesses?

2 A. Right, yes, ma'am.

3 Q. In this instance, it would be the flag behind
4 you.

5 All right. Do you remember when it was your
6 brother's turn him spying something that actually got
7 your attention?

8 A. Yes, ma'am.

9 Q. Tell the jury, please, what happened.

10 A. So we were just playing I spy. He said, I
11 spy a Sims card. I was like, you see a Sims card,
12 you know, because they're pretty small. And he said,
13 yeah. And so I said, okay. So when he had picked it
14 up, I said, well, let me see it. And so he handed it
15 to me, and I put it in my back pocket, and we just
16 kind of talked about how strange that was, and then
17 we just kept riding at that point.

18 Q. All right. Now, this Sim card, that's the
19 little small squares that go into a phone; is that
20 correct?

21 A. Yes, ma'am.

22 Q. And you said he said, I spy something -- did
23 he actually get off his bike when he spied it, or
24 were y'all riding and he spied it?

25 A. Yes, ma'am. Well, at that time we were kind

1 of going pretty slow, and we were kind of riding in
2 the grass at that point, so he did get off of his
3 bike.

4 Q. And you're the one that picked it up not him?

5 A. He picked it up first and handed it to me.

6 Q. Okay. You said you put it in your pocket and
7 went your way?

8 A. Yes, ma'am.

9 Q. Did you do something or remember that you had
10 the Sim card later on that day?

11 A. Right. It was later that night.

12 Q. Would you explain to the jury about that?

13 A. So later that night -- I just went throughout
14 the day, and then later that night I thought about
15 it, and I had it in my pocket. So I took it out, and
16 I had put it in my phone. And then I had heard
17 different voice messages on it, and so I went and I
18 had told my friend what I heard. I said, you know, I
19 think it's Holly's. So I was kind of like, you know,
20 what do we need to do and things like that.

21 So they were like, you know, just call her
22 mom. So, of course, at that point, you know, it was
23 all over Facebook and things the number that you
24 could get in contact with someone. So I had found
25 her number, and so I called her at that point.

1 Q. All right. And before that, had you ever
2 talked to Karen Bobo?
3 A. No, ma'am.
4 Q. But when you called that number, a female
5 answered and identified herself as Karen Bobo?
6 A. Yes, ma'am.
7 Q. And did you tell her what you and your
8 brother had found?
9 A. Right, I did.
10 Q. And did the two of you, I guess, come up with
11 a plan right then of how you were going to turn over
12 the Sim card?
13 A. Yes, ma'am. She had asked me to meet her
14 husband at a gas station just there in town.
15 Q. If you're in Parsons, there's literally like
16 a cross street, right smack in the center of Parsons,
17 is that where you were?
18 A. Yes, ma'am.
19 Q. And did her husband or someone who identified
20 himself as Dana Bobo come to the --
21 A. Yes, ma'am. Her husband was there as well as
22 her son, Clint.
23 Q. And Clint, you recognized?
24 A. Yes, ma'am.
25 Q. And just for the record, if I could get Dana

1 and Clint to raise their hands. Do you see these
2 two?

3 A. Yes, ma'am.

4 Q. Are those the people that you met at the gas
5 station?

6 A. Yes, ma'am.

7 Q. And did you give them the Sim card?

8 A. Yes, ma'am.

9 Q. Now, a lot of Sim cards probably look alike,
10 but I am going to -- I have taped it back up. I am
11 going to hold out for you, does that appear to be the
12 same kind or same color of Sim card that you turned
13 over?

14 A. Yes, ma'am.

15 Q. And you turned that over on May 3, 2011,
16 pretty late in the evening actually, right?

17 A. Yes, ma'am.

18 GENERAL NICHOLS: Your Honor, I ask this
19 be marked as the next numbered exhibit.

20 THE COURT: Any objections? All right,
21 be Exhibit 77.

22 (WHEREUPON, the above-mentioned Sim card
23 was marked as Exhibit Number 77.)

24 BY GENERAL NICHOLS:

25 Q. You indicated that was found on Camden Road?

1 A. Yes, ma'am.

2 Q. Assuming the jury sees a map later, is Camden
3 Road -- do you know which direction it runs or any
4 landmarks that you could give us about where you and
5 your brother were?

6 A. As far as landmarks, there was a sawmill on
7 that road, and so we were --

8 THE COURT: A what on that road?

9 THE WITNESS: A sawmill. And so we were
10 pretty close --

11 BY GENERAL NICHOLS:

12 Q. You were close to the sawmill on Camden Road?

13 A. Yes, ma'am.

14 GENERAL NICHOLS: Thank you very much.

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Cross?

17 MS. THOMPSON: No, Your Honor.

18 THE COURT: No questions. All right, Ms.
19 Brasher, you may be excused. Don't discuss your
20 testimony with anyone. You can join us in the
21 courtroom, or you're free to go. Thank you.

22 (WHEREUPON, the witness was excused from
23 the stand.)

24 THE COURT: Next.

25 GENERAL CHRISTENSEN: State calls Larry

1 Stone.

2 THE COURT: Larry Stone.

3 Everybody comfortable? It's 11:00. I'm
4 going to try to go to around 12:00. Everybody good?
5 All right. Let's roll.

6 (The witness was sworn.)

7 THE COURT: Be seated. State your name,
8 spell first and last for the court reporter.

9 THE WITNESS: It's Ernest Stone.

10 THE COURT: Ernest, okay.

11 THE WITNESS: It's E-R-N-E-S-T S-T-O-N-E.

12

13 * * *

14 ERNEST STONE,
15 was called as a witness and having first been duly
16 sworn testified as follows:

17

18 DIRECT EXAMINATION

19 QUESTIONS BY GENERAL CHRISTENSEN:

20 Q. Do you go by Larry also?

21 A. Yes, sir.

22 Q. I've been calling you Larry.

23 A. That's fine.

24 Q. Where do you live? We don't want your
25 address, but just generally, where do you live?

1 A. I live in Camden, Tennessee.

2 Q. Camden, Tennessee. What do you do?

3 A. I do -- well, I ginseng dig.

4 Q. I'm sorry.

5 A. Wild roots and herbs.

6 Q. Okay. Roots and herbs. Does that include

7 ginseng?

8 A. Yes, sir.

9 Q. What do you do to -- do you look for ginseng,

10 or where do you go to get ginseng?

11 A. Well, you go -- most of the time you find

12 ginseng on the north side of the hill, shady, ferny

13 areas.

14 Q. So ginseng likes the shade?

15 A. Yes, sir.

16 Q. Do you call yourself a ginseng hunter, or is

17 that what we call it?

18 A. Yeah.

19 Q. How long have you lived where you live?

20 A. I've lived there for -- since I was 5.

21 Q. Okay. You're familiar with Decatur County?

22 A. Yes, ma'am. I mean, yes, sir.

23 Q. Do you know the Bobo family at all?

24 A. No.

25 Q. But you were aware that Holly went missing --

1 A. Yeah.

2 Q. -- in early 2011?

3 A. Yes, sir.

4 Q. I want to take you back to September 7, 2014,

5 do you remember that day?

6 A. Yes, sir.

7 Q. What were you doing that day?

8 A. I was getting ready to go dig ginseng.

9 Q. Did you say you're getting ready to go where?

10 A. Get ready to leave the house to go dig

11 ginseng.

12 Q. Eaton, Tennessee?

13 A. No, dig for ginseng.

14 Q. Okay. Dig for ginseng. I am sorry, I didn't

15 understand you.

16 I am going -- where were you planning on

17 going to dig for ginseng?

18 A. Well, obviously, it wasn't there. I was

19 going somewhere totally different, but then I got to

20 Natchez Trace, got to thinking about my dad pouring

21 the concrete for that phone tower --

22 Q. Okay.

23 A. -- and I knew there was ginseng there at one

24 point.

25 Q. So you thought that might be a good area to

1 go find some ginseng that day --

2 A. Yes, sir.

3 Q. -- on September 7?

4 I am going to hand you a photograph. I am
5 going to call you Larry if that's okay. I am just
6 used to calling you Larry. Just let me know if you
7 recognize that photograph.

8 A. Yes, sir, I do.

9 Q. Does that describe the area that you went to
10 hunt or to dig ginseng that day?

11 A. Yes, sir.

12 GENERAL CHRISTENSEN: Okay. Your Honor,
13 if we could have that entered as the next numbered
14 exhibit.

15 THE COURT: All right. We are at 78.

16 (WHEREUPON, the above-mentioned
17 photograph was marked as Exhibit Number 78.)

18 GENERAL CHRISTENSEN: May I approach the
19 witness, Judge, while --

20 THE COURT: You may.

21 BY GENERAL CHRISTENSEN:

22 Q. This is a laser pointer. I am going to get
23 you to show us what you did on this photograph. It's
24 that button right there.

25 A. The top button?

1 Q. Yeah.

2 We have what has been marked as Exhibit 78 on
3 the screen. Larry, just tell us a little bit about
4 this photograph, what you recognize, and what you did
5 that day.

6 A. That Sunday morning, the 7th, we parked --

7 THE COURT: Is this aerial?

8 GENERAL CHRISTENSEN: Yes, sir.

9 THE COURT: I think this one is.

10 GENERAL CHRISTENSEN: Yes, sir.

11 THE COURT: Okay.

12 THE WITNESS: We parked right here at
13 this cable right here (indicating), and I got out of
14 the truck, got my water, and got my little fanny
15 pack, whatever you want to call it, and took off
16 right down through here (indicating). Got down right
17 in here (indicating), walked down this way, got right
18 here (indicating), and I started having chest pains.
19 So I had to turn around. I looked at my cousin, I
20 said, I got to go back to the truck, I forgot my
21 nitroglycerin. So I turned and I walked back up
22 through here (indicating), come around, come back out
23 on the road here (indicating), which actually I found
24 a ginseng plant.

25 BY GENERAL CHRISTENSEN:

1 Q. Okay. What did you do with that ginseng
2 plant?

3 A. I put it in my fanny pack.

4 THE COURT: Did you say this was Natchez
5 Trace area?

6 BY GENERAL CHRISTENSEN:

7 Q. Where is this?

8 A. This is actually part of Decatur County.

9 THE COURT: Okay.

10 BY GENERAL CHRISTENSEN:

11 Q. And you were going -- when you first went,
12 what direction were you going? Was that north or was
13 it west?

14 A. I was headed -- actually I was headed north
15 when I got to the top of this road.

16 Q. Okay.

17 A. Kind of northeast, I'd say.

18 Q. Okay.

19 A. And then I turned and started walking this
20 way (indicating). I done found that ginseng plant,
21 so I decided to go back this way. My chest had done
22 eased up, because I done got up on that flat ground
23 where it wasn't being so straining. So I actually
24 thought, just take a minute, rest and then walk up a
25 little further.

1 So I walked up a little further, found
2 another ginseng plant. Then I go on up, and I get
3 right about in here (indicating), I see another
4 ginseng plant, but then something caught my eye.

5 Q. Okay.

6 A. And I walked, I said -- first thing come to
7 my mind, you know, bucket, I got coon dogs. I use
8 buckets for water buckets.

9 Q. So you saw a bucket?

10 A. Yeah. So I walk over to the bucket. I
11 picked it up, and well then a feeling come over me.
12 Just something told me, turn around. And I am
13 sitting here thinking the whole time in my head, why
14 is a three gallon bucket sitting here upside down in
15 the woods. So I went with my instinct, when the
16 feeling hit me, said turn around, and then that's
17 when I found what happened.

18 Q. What did you find?

19 A. Holly's remains.

20 Q. What specifically did you find?

21 A. The skull.

22 Q. Okay. And you recognized that quickly to be
23 a human skull?

24 A. Yes, sir.

25 Q. What did you do after that?

1 A. I told my cousin, I said, please tell me --
2 you know he was down the hollow from me. So that's
3 when I started yelling for him. And he was probably
4 a good 300 yards away, because it took me like three
5 or four tries to get him to --

6 Q. Is he still up here by the cell tower?

7 A. He is -- by this time, he is -- I am here
8 (indicating), and he's right at the center of the
9 hollow.

10 Q. Okay.

11 A. And there's an old broken up log in this
12 hollow right in here, and he's about from right in
13 there, and I am here (indicating).

14 Q. He's doing the same thing you're doing?

15 A. Yes, sir.

16 Q. He's looking for ginseng?

17 A. Yes, sir. And then finally, I guess it was
18 about the third try, because at first, I couldn't get
19 nothing out of my mouth. I was so stunned. And by
20 that time, though, ticker done started bothering me
21 again at that point. So I finally got his name out
22 of my mouth. I said, Timmy, get up here now. And
23 he's like, what. And I said, I found remains. And
24 he said, no, you didn't, you're lying. As he's
25 peeking across the log at me up there. I said, get

1 up here now. I am being serious now, get up here,
2 because we joke around a lot in the woods. But, you
3 know, this day, it was not a joking day.

4 So finally he seen me. I just started
5 balling, because I thought, well, he's not going to
6 come. So finally he come up there, and I looked at
7 him, I said, please tell me that's one of them things
8 they use in school, it's not real. And he kind of
9 looked at it. He said, it's real. And that's when I
10 looked at him, I said, you know who this could be,
11 right. And he looked back at me. He said, who do
12 you think it is. And then that's --

13 MS. THOMPSON: Your Honor, I am going to
14 object to the hearsay.

15 GENERAL CHRISTENSEN: Don't tell us what
16 other people --

17 THE COURT: All right. We've gotten into
18 some conversations. He can say what he said. He
19 can't say what his fellow hunter was saying to him.

20 THE WITNESS: So that's when I said, I
21 think this is Holly.

22 BY GENERAL CHRISTENSEN:

23 Q. Okay. But you didn't know that obviously?

24 A. I didn't know it at that point.

25 Q. At that point, the only thing you saw was the

1 skull?

2 A. That's it. That's all I seen.

3 Q. You didn't see any other remains or anything
4 in that area; is that correct?

5 A. Not at that time.

6 Q. Did you call the authorities?

7 A. Yes, I did.

8 Q. Tell us about that.

9 A. I was so tore up and emotional, I told them
10 that -- who I found, and I just broke down. I
11 couldn't talk or nothing. So I handed my phone to my
12 cousin, and I was telling him what to say, where we
13 was, because he didn't even know really.

14 And finally, when I told him -- when they
15 said somebody was on their way to have him out by the
16 road waiting for them to get there so they'd know
17 where we was at.

18 Q. So your cousin went out to the road to wait?

19 A. He went out to the road to wait.

20 Q. Did you stay back?

21 A. I sat down -- the same tree I sat down beside
22 is where I sat until they got back down there to me.

23 Q. Do you remember who arrived?

24 A. It was the Benton County Sheriff's
25 Department.

1 Q. Okay.

2 A. And then Decatur County Sheriff's Department,
3 the sheriff, himself, come.

4 Q. At some point did some TBI, some special
5 agents arrive as well?

6 A. Yes. There was Joe Walker and Agent Booth, I
7 think, showed up.

8 Q. Brent Booth?

9 A. Yeah, Brent Booth.

10 Q. And you did what? Did you show them what you
11 found and where it was?

12 A. Yeah.

13 Q. At that point, did they take over the
14 situation at the scene?

15 A. Yes, they did.

16 Q. Okay. Did you give a -- sort of a formal
17 statement to them to tell them --

18 A. Yes, sir.

19 Q. And they took it down?

20 A. Yes, sir.

21 Q. Okay. This area that we're looking at right
22 here where you found those remains, is that Decatur
23 County, Tennessee?

24 A. It's the little gnome that goes back. If it
25 would have been any further back, it would have been

1 in Benton County, but it wasn't. It was Decatur
2 County.

3 GENERAL CHRISTENSEN: Okay. Thank you,
4 Mr. Stone. No further questions, Judge.

5 THE COURT: All right.
6 Cross-examination?

7 MS. THOMPSON: No questions, Your Honor.

8 THE COURT: All right. You can step
9 down, Mr. Stone. Don't discuss your testimony with
10 anyone. You can either come back in the courtroom or
11 you may be excused, okay?

12 THE WITNESS: Okay.

13 THE COURT: Thank you.

14 (WHEREUPON, the witness was excused from
15 the stand.)

16 THE COURT: Call your next.

17 GENERAL CHRISTENSEN: Laura Hodge.

18 THE COURT: Were a couple of witnesses
19 excused during the last testimony that might want to
20 come back in?

21 GENERAL HAGERMAN: I don't think so,
22 Judge.

23 THE COURT: Okay. We're all right. I
24 was going to tell them to be admitted.

25 (The witness was sworn.)

1 THE COURT: Be seated. State your name,
2 and spell first and last for the court reporter.

3 THE WITNESS: Laura Hodge, L-A-U-R-A
4 H-O-D-G-E.

5 THE COURT: Thank you. You can proceed.

6 GENERAL CHRISTENSEN: Thank you, Judge.

7
8 * * *

9 LAURA HODGE,
10 was called as a witness and having first been duly
11 sworn testified as follows:

12
13 DIRECT EXAMINATION

14 QUESTIONS BY GENERAL CHRISTENSEN:

15 Q. All right. You've already stated your name.

16 Where do you work, Ms. Hodge?

17 A. I am a special agent forensic scientist for
18 the Tennessee Bureau of Investigation. I work in the
19 Nashville Crime Laboratory.

20 Q. How long have you worked at the TBI?

21 A. It will be 25 years December 1.

22 Q. Are you still a part of the violent crime
23 response team?

24 A. I am in a limited capacity. This year I was
25 placed on an alternate list where I will assist a

1 violent crime response team as an alternate.

2 Q. Back in -- take you back to September, early
3 September 2014 around the 7th, 8th, and 9th and the
4 10th, what was your assignment with TBI back then?

5 A. I was a team leader of a violent crime
6 response team.

7 Q. Okay. What does -- if you didn't already say
8 it, what does the violent crime response team do
9 specifically?

10 A. A violent crime response team is made up of
11 individuals throughout the laboratory units, and we
12 go and assist local law enforcement agencies in the
13 processing of crime scenes.

14 In this particular case in 2014, we assisted
15 the UT anthropology department in the search for
16 human remains.

17 Q. Do you remember when you got the call? Was
18 it September 7, or do you remember specifically when
19 it was?

20 A. I received the first call on September 8.

21 Q. September 8th?

22 A. Yes, sir.

23 Q. When you get that call, do you kind of
24 mobilize your team or what --

25 A. Yes, I received notification from the crime

1 lab regional supervisor, Michael Little, at the time,
2 and then I began contacting my team members to inform
3 them of what we would be doing.

4 Q. What time did you get out there?

5 A. On -- we did not go until the next day,
6 September 9th.

7 Q. September 9th?

8 A. Yes, sir.

9 Q. Do you remember about when it was you got out
10 there?

11 A. It was approximately 8:00.

12 Q. I am going to put what has previously --

13 THE COURT: What year?

14 GENERAL CHRISTENSEN: 2014.

15 THE COURT: '14, okay.

16 BY GENERAL CHRISTENSEN:

17 Q. I am going to hand you a couple of
18 photographs, Special Agent Hodge, and ask you if you
19 recognize those.

20 A. Yes. This would be the area in Decatur
21 County that we went to search --

22 Q. Okay.

23 A. -- an aerial view of it.

24 Q. Okay. I put -- there's a pointer or laser
25 pointer --

1 A. Yes.

2 Q. -- up there somewhere.

3 This is -- what's up here now has previously
4 been marked as Exhibit 78. If you can kind of give
5 us an idea of what we're looking at here. I see a
6 road down there. What road is that?

7 A. This is actually the interstate, and this is
8 an access road that runs parallel with the
9 interstate.

10 Q. Okay. That's I-40?

11 A. Yes, sir.

12 Q. All right. Which way is the truck going?

13 A. He is going west.

14 Q. All right. Can you point to us generally
15 where this scene was that you were called to?

16 A. Actually I don't think you can see in this
17 photograph, because this is the cell tower where the
18 staging area was.

19 Q. Okay.

20 A. And where we actually were processing the
21 area was farther back this way (indicating) --

22 Q. Okay.

23 A. -- probably 200 to 250 yards.

24 Q. A couple hundred yards, okay.

25 Those other two photographs, do you recognize

1 those, also as aerial photographs of the same scene?

2 A. Yes, sir. I can see the cell tower, and then
3 the sawmills on either side of the cell tower.

4 GENERAL CHRISTENSEN: Okay. Your Honor,
5 if we could have those marked as the next numbered
6 exhibits. I think it's 79 and --

7 THE COURT: All right. How many?

8 GENERAL CHRISTENSEN: -- 80. Two.

9 THE COURT: 79 and 80.

10 (WHEREUPON, the above-mentioned
11 photographs were marked as Exhibit Numbers 79 and
12 80.)

13 BY GENERAL CHRISTENSEN:

14 Q. While they're marking them, what's going on
15 as far as your team is arriving, what's happening
16 there?

17 A. As we begin to arrive, we are taken back to
18 the area where -- when we got there, there was an
19 area that initially had already been marked off with
20 some crime scene tape. And this was an area that we
21 were told that a skull and other bones had been
22 recovered. Those items had been removed prior to our
23 arrival. Then as the UT anthropology individuals got
24 there, they briefed us on what we were looking for
25 and how we would go about it.

1 Q. If we could put Number 79 up there. This is
2 just to give us a little bit more perspective of the
3 area we're looking. Do you recognize that? It's a
4 little further up and farther away, I think.

5 A. Yes, I do. Again, there's the cell tower.
6 This is partially one of the sawmills that you can
7 see. The other one is back over in this area.

8 Q. I think -- if we can put the Number 80 up,
9 that may give us -- if we can zoom -- zoom out on
10 that a little bit.

11 Can you almost see the other sawmill if we
12 could push that up just a little bit? So the other
13 sawmill would be down where that post is probably?

14 A. Yes, down in this area (indicating).

15 Q. Okay.

16 A. The area where the cell tower is was in
17 between the two sawmills.

18 Q. So you indicated that you're out there with
19 the Tennessee forensic anthropology group, there's
20 other TBI agents out there?

21 A. Yes.

22 Q. What kind of searches are you doing?

23 A. We're doing what is called a line search
24 where individuals, we would stand shoulder to
25 shoulder in a line. We would move one step at a time

1 in unison and check an area in front of us, moving
2 leaves and twigs and rocks and anything. Then we
3 would continue that process moving one step at a time
4 in unison doing that line search.

5 Q. Were there people out there with metal
6 detectors?

7 A. Yes, sir.

8 Q. Dogs?

9 A. The second day, dog handlers were out there
10 on September 10, 2014.

11 Q. When you initially got there, you got there,
12 I guess, a little later. Were there already other
13 agents out there finding things?

14 A. Yes, sir. There were already other TBI
15 agents in the area.

16 Q. Okay. And they had done some taping off,
17 laid some placards and things like that?

18 A. Yes, sir.

19 Q. I am going to hand you a -- I've already
20 shown these to defense.

21 I am going to hand you 12 mostly photos and
22 one document on the top. If you can just take a look
23 at those in order and let us know if you recognize
24 those, and if they depict the scene the way it was
25 that day.

1 A. Yes, sir, I do recognize these.

2 Q. They are photographs of the scene?

3 A. Yes, sir.

4 Q. The way it was that day. If I could have
5 those back, and also that top one.

6 GENERAL CHRISTENSEN: Your Honor, if we
7 could have these marked as the next 12 numbered
8 exhibits.

9 THE COURT: 81 through 92, I think, but
10 the math always gets me, because don't really count
11 the first one. Let her get them marked and then
12 we'll --

13 (WHEREUPON, the above-mentioned
14 photographs and document were marked as Exhibit
15 Numbers 81-92.)

16 BY GENERAL CHRISTENSEN:

17 Q. We're going to put first Number 81 --

18 THE COURT: What is it, 81 through?

19 THE REPORTER: 92.

20 THE COURT: Okay.

21 GENERAL CHRISTENSEN: 92.

22 BY GENERAL CHRISTENSEN:

23 Q. This is kind of tough to get all on there,
24 but tell us what we're looking at here.

25 A. This would be a rough sketch drawing that I

1 did after we returned from the two days out in the
2 woods. And just laying out in an aerial view of the
3 marker numbers and what each of those marker numbers
4 depicted.

5 Q. Okay. This area -- the area with the two
6 lines that kind of go out, what is that?

7 A. This area here (indicating)?

8 Q. The entire area.

9 A. Okay. This area that is lined off is a ditch
10 where two hills came together. This was a hill that
11 came down, and this was a hill that came down, and
12 the ditch met in the middle of those two hills. The
13 ditch is running, you can see, downward. This is the
14 top of the ditch. This is the bottom part of the
15 ditch, and then this is a flattened out area at the
16 bottom of the ditch.

17 Q. Is this typically a dry ditch, or is this a
18 water-run-off-type of ditch when it rains heavily?

19 A. It appears that water would run heavily
20 through that ditch because of how the two hills come
21 together.

22 Q. Now, the items on what I would call -- well,
23 what's the significance of the colors and the number
24 s?

25 A. I have color-coded these with pink being

1 human remains, yellow being personal effects, and the
2 blue would be cartridge cases.

3 Q. Now, to the left of what you described as the
4 ditch, what direction is that to the -- I'm sorry --
5 to the left of the ditch right there (indicating)?

6 A. This area?

7 Q. The five yellow numbers there.

8 A. Okay.

9 Q. Right there (indicating).

10 A. I was calling that a southwesterly direction.
11 North is in this direction.

12 Q. Is that sort of a bank of the ditch, a way of
13 describing that?

14 A. This area here (indicating)?

15 Q. Right.

16 A. Yes, it is.

17 Q. I see you have about six items there --

18 A. Yes.

19 Q. -- correct?

20 They're all in yellow?

21 A. Yes, sir.

22 Q. Which would indicate that they are personal
23 effects of some kind that you found on that ditch, on
24 the bank?

25 A. That is correct, yes, sir, on the bank.

1 Q. I am going to put the first Number 82 up on
2 the screen, and if you can describe to the jury what
3 we're looking at here.

4 A. Marker one and two that can clearly be seen
5 in this photograph is marking what is an inhaler and
6 a cloth strap.

7 Q. Okay. This flag -- who puts the flags there?
8 Is that part of the team when something is found?

9 A. Yes. In a wooded area like this, it's easy,
10 or in a large area also, it's easy to place a flag,
11 so that they can be easily seen, so that we can place
12 markers next to the item in order for us to identify
13 them.

14 Q. So one person might see something they think
15 is relevant, and they'll put a flag there?

16 A. That's correct.

17 Q. Then you'll come back later to actually get
18 an idea of what it is?

19 A. That's correct.

20 GENERAL CHRISTENSEN: All right. If we
21 could have the next numbered exhibit, which is 82, I
22 think.

23 GENERAL RAGLAND: 83.

24 GENERAL CHRISTENSEN: 83.

25 BY GENERAL CHRISTENSEN:

1 Q. This is 83, Agent Hodge. Tell us what we're
2 looking at here.

3 A. This is a close-up of marker one, which is
4 the inhaler.

5 Q. I am going to pass forward a bag while that
6 photograph is up there. If you can take a look at
7 the bag. Let us know if that's the inhaler we're
8 looking at on the photograph.

9 A. Yes, sir, it is.

10 GENERAL CHRISTENSEN: Your Honor, if we
11 could have that marked as the next numbered exhibit.

12 THE COURT: Be Exhibit 93.

13 GENERAL CHRISTENSEN: 93.

14 (WHEREUPON, the above-mentioned inhaler
15 was marked as Exhibit Number 93.)

16 GENERAL CHRISTENSEN: Your Honor, if I
17 could publish that exhibit.

18 THE COURT: Okay.

19 GENERAL CHRISTENSEN: Maybe have Agent
20 Hodge show this to the jury.

21 THE COURT: Okay. She can step down.

22 (WHEREUPON, the witness displayed the
23 inhaler to the jury.)

24 BY GENERAL CHRISTENSEN:

25 Q. Thank you.

1 Now we're going to put Exhibit 84 on the
2 overhead. If you could take a look at that, Agent
3 Hodge, and tell us what we're looking at there.

4 A. This is item marker number 2, which is the
5 cloth strap.

6 Q. Does that -- do you know what that strap
7 might go to?

8 A. I believe it belonged to the purse that was
9 found.

10 Q. Okay. I am now going to hand you a bag. If
11 you can take a look at that bag, let us know what
12 that is.

13 A. Do you want me to open it?

14 Q. Yes, ma'am.

15 A. Okay. Inside is the cloth strap.

16 Q. Is that the strap that we're looking at in
17 the photograph?

18 A. Yes, sir, it is.

19 GENERAL CHRISTENSEN: Your Honor, if we
20 could have that admitted as the next numbered
21 exhibit.

22 THE COURT: Be 94.

23 GENERAL CHRISTENSEN: 94.

24 (WHEREUPON, the above-mentioned cloth
25 strap was marked as Exhibit Number 94.)

1 GENERAL CHRISTENSEN: Your Honor, if we
2 could publish this item.

3 THE COURT: Okay.

4 (WHEREUPON, the witness published the
5 strap to the jury.)

6 BY GENERAL CHRISTENSEN:

7 Q. While that photograph is still on the screen,
8 if you could show that to the jury and let us know
9 what we're looking at.

10 A. This is marker number 2, the cloth strap.

11 Q. Now we're going to put what has been marked
12 as Exhibit 85 on the overhead. And let us know what
13 we're looking at here.

14 A. That would be a small purse.

15 Q. Now, we're still on what we're calling sort
16 of the west bank of this ditch --

17 A. Yes, sir.

18 Q. -- where all these items were found?
19 So all these items are still personal items?

20 A. Yes, they were in that area on the hillside
21 of the ditch.

22 Q. I am going to hand you another bag. Go ahead
23 and open that bag and let us know if you recognize
24 that.

25 I have some scissors for you.

1 A. That would be great.

2 Q. Be careful.

3 A. Thank you. Yes, this is the item we see in
4 the picture, marker number 3.

5 GENERAL CHRISTENSEN: Your Honor, if we
6 could have that marked as the next numbered exhibit.

7 THE COURT: The contents are what?

8 THE WITNESS: We have pictures of the
9 contents. I believe mostly it was markers and ink
10 pens.

11 THE COURT: But this was a purse?

12 THE WITNESS: This was a small purse, I
13 believe was inside the larger purse.

14 THE COURT: Okay. I thought you said a
15 small purse.

16 THE WITNESS: Yes, sir, a small purse.

17 THE COURT: All right. That will be
18 Exhibit 95.

19 (WHEREUPON, the above-mentioned bag was
20 marked as Exhibit Number 95.)

21 GENERAL CHRISTENSEN: Agent Hodge -- if
22 we could publish that to the jury, Judge.

23 THE COURT: Yes.

24 (WHEREUPON, the witness published the bag
25 to the jury.)

1 BY GENERAL CHRISTENSEN:

2 Q. Thank you, ma'am. And to follow up on the
3 judge's question, there are items inside of that
4 purse?

5 A. Yes, sir.

6 Q. What's inside?

7 A. There are pencils, ink pens, and highlighters
8 inside the purse.

9 Q. Okay. So like school items and things of
10 that nature?

11 A. Yes, sir, they appear to be.

12 Q. We're going to put the next numbered exhibit
13 on the overhead. This is 86. What are we looking at
14 in that photograph?

15 A. These are the items that were inside this
16 small purse. So in addition to ink pens, markers,
17 and pencils, there was a thumb drive.

18 Q. And generally when you're on the scene and
19 you find something like this, a purse or something
20 that may contain other items, did you open them up
21 and photograph them right there on the scene?

22 A. We did just a general photograph like this,
23 but yes, we will open things that we discover such as
24 this purse, small purse, and just see what's inside,
25 the contents. We may not pull everything out and lay

1 it out to photograph it, but we just get a general
2 idea of what's in there and photograph it.

3 Q. Okay. We're going to put the next numbered
4 exhibit, 87, on the overhead. Do you recognize that?

5 A. Yes, that is the purse.

6 Q. Does it look like that strap we looked at
7 earlier may go to this purse?

8 A. Yes, sir, I believe it does.

9 Q. I want to show you what has previously been
10 marked as exhibit, I think it's 31.

11 THE COURT: Oh, that's already been
12 filed?

13 GENERAL CHRISTENSEN: Yes, sir.

14 THE COURT: Okay.

15 GENERAL CHRISTENSEN: I was wanting to
16 make sure I got the right exhibit number for the
17 record. It's 31. I'll just go ahead and -- well,
18 you can go ahead and do it.

19 THE COURT: 31 came in through witness,
20 Karen Bobo.

21 BY GENERAL CHRISTENSEN:

22 Q. Is that item you're holding in your hands
23 what we see in the photograph here and you found on
24 that west bank of the ditch?

25 A. Yes, sir. This is what is in the photograph

1 marked as marker number 4.

2 Q. If you could show that item to the members of
3 the jury.

4 A. (Complied.)

5 Q. So if we could -- we're putting what has been
6 marked as Exhibit 88 on the overhead. What is that?

7 A. That's another picture of item marker number
8 4, the purse, as we were beginning to open it up and
9 examine the contents.

10 Q. Does that appear to be an item that has been
11 sitting in the dirt near a ditch for some time?

12 A. Yes, sir. Actually it was covered with
13 leaves. There was only a small portion of the purse
14 sticking out of the ground, so we had to remove
15 leaves and twigs in order to pull this purse up to
16 the surface.

17 Q. Okay. Were there contents in that purse or
18 around that purse as well?

19 A. Yes, sir, there were.

20 Q. We're going to put Exhibit 89 on the
21 overhead. Is that the contents?

22 A. Yes, sir.

23 Q. A couple of these things have already been
24 marked as exhibits. I am going to hand you what
25 previously has been marked as Exhibit 33. If you can

1 take that out and take a look at it.

2 Does that look like, and I am looking -- it's
3 a little blurry, the photograph. There's a set of
4 keys over there on the right side.

5 A. Yes, sir, here's the keys.

6 Q. Okay. Is this Exhibit 33 those -- the keys
7 that we're seeing there?

8 A. Yes, sir, it is.

9 Q. Okay. If you could hold those for just a
10 second. I am going to hand you another item that has
11 already been marked. This is Exhibit Number 32. If
12 you could take a look at that for us and let us know
13 what that is.

14 A. This item is also in this picture, and it is
15 the camera right here.

16 Q. The camera. If you could show those to the
17 jury. I don't know that they got a good look at them
18 when they were initially entered into evidence.

19 (WHEREUPON, the witness published the
20 keys and camera to the jury.)

21 BY GENERAL CHRISTENSEN:

22 Q. That key chain, is there a letter on the key
23 chain?

24 A. Yes, sir, there is.

25 Q. What letter is that?

1 A. It's an H.

2 Q. I am going to hand you another bag that has
3 not been previously marked. I'll take those two
4 back. If you could tell us what that is.

5 A. This is a tube of lipstick.

6 Q. A tube of lipstick. Is that shown in the
7 photograph above?

8 A. No, sir. This was actually found in the
9 smaller purse, which was marker number 3 that I
10 showed earlier.

11 Q. Okay.

12 GENERAL CHRISTENSEN: Your Honor, if we
13 could have that marked as the next numbered exhibit.

14 THE COURT: We are at 96.

15 (WHEREUPON, the above-mentioned lipstick
16 was marked as Exhibit Number 96.)

17 BY GENERAL CHRISTENSEN:

18 Q. So the tube of lipstick came from the
19 multicolored, smaller purse?

20 A. Yes, sir, marker number 3.

21 Q. If you could show that to the jury as well.

22 (WHEREUPON, the witness published the
23 lipstick to the jury.)

24 BY GENERAL CHRISTENSEN:

25 Q. Thank you, Agent Hodge. I am going to hand

1 you two other bags. I think I might be back on track
2 here now. If you can tell us what those two bags
3 are.

4 A. The first item is lipstick that is shown here
5 in the picture. The second item is the compact
6 mirror that is shown in this picture here.

7 Q. Okay. Those are the items that are found in
8 that purple purse that we've looked at and seen
9 photographs of?

10 A. Yes. These were found in the purse that was
11 marked as marker number 4.

12 Q. All on the left or west side of that ditch?

13 A. Yes, sir.

14 GENERAL CHRISTENSEN: Okay. If we could
15 have those marked as the next two exhibits, Your
16 Honor.

17 THE COURT: 97 and 98.

18 (WHEREUPON, the above-mentioned items
19 were marked as Exhibit Number 97 and 98.)

20 THE COURT: Do what?

21 GENERAL CHRISTENSEN: The lipstick would
22 be number 97.

23 THE COURT: Right. And the compact is
24 98. We already had a tube of lipstick as 96. This
25 is second.

1 GENERAL CHRISTENSEN: If you could keep
2 with our routine and show those items to the jury.

3 (WHEREUPON, the witness published the
4 exhibits to the jury.)

5 BY GENERAL CHRISTENSEN:

6 Q. I may have already asked you this. I think I
7 did. But these items, were they still in that purse
8 or had they spilled out?

9 A. The items that you see in this picture were
10 still contained in the purse.

11 Q. Okay. We're going to put what has been
12 marked as Exhibit 90 on the overhead, and we're going
13 back to -- what is this?

14 A. That is a close-up of the keys that were
15 inside the purse at marker number 4.

16 Q. Okay. We'll put Exhibit 91. What are we
17 looking at here?

18 A. That is a tube of ChapStick.

19 Q. Was that tube of ChapStick, was that found
20 within that purse, or was that sitting the way it is
21 now?

22 A. That was found sitting as it is in the
23 picture. It was not in a purse in either marker
24 number 3 or marker number 4.

25 Q. Was it near the purse?

1 A. Yes.

2 Q. I want to hand you a bag. Let us know what
3 that is.

4 A. This is the ChapStick that is in the picture
5 at marker number 10.

6 GENERAL CHRISTENSEN: Okay. If we could
7 have that as the -- be marked as the next exhibit.

8 THE COURT: Be 99.

9 (WHEREUPON, the above-mentioned ChapStick
10 was marked as Exhibit Number 99.)

11 GENERAL CHRISTENSEN: If you can show
12 that to the jury now.

13 (WHEREUPON, the witness published the
14 exhibit to the jury.)

15 BY GENERAL CHRISTENSEN:

16 Q. We have what has been marked as Exhibit 2 on
17 the overhead -- I'm sorry, 92 on the overhead. If
18 you can tell us what we're looking at. It's kind of
19 hard to see.

20 A. Right here (indicating) is a blister pack of
21 gum.

22 Q. Where was that? Was that in the same area?

23 A. This was in the area where the purse and the
24 ChapStick that I just showed you was located. It was
25 all on the ground. This item, again, was not in the

1 purse, either the small or the big one, it was on the
2 ground.

3 Q. Okay. But some agents found that in this
4 general area where these other personal items were?

5 A. Yes.

6 Q. I want to go back now to one of the very
7 first exhibits and that is Number 81. And just sort
8 of reorient us a little bit here. Now, all these
9 items that we've been looking at are to my left,
10 right here, okay? Those are all personal effects?

11 A. Yes, sir.

12 Q. Okay. What I want to do next is I want you
13 to describe for the jury all of those items that you
14 found within that ditch, okay?

15 A. Okay.

16 Q. I am going to hand you a stack of
17 photographs, and defense counsel has already seen
18 these.

19 GENERAL CHRISTENSEN: Your Honor, this is
20 28 photographs.

21 BY GENERAL CHRISTENSEN:

22 Q. If you can look through those. Let us know
23 if they depict that ditch as it was during those days
24 you guys searched it and found all these items.

25 A. Yes, I recognize all of these pictures.

1 Q. They are the items that we're looking that
2 would be in this ditch; is that correct?

3 A. Yes, sir, that's correct.

4 GENERAL CHRISTENSEN: Your Honor, if we
5 could have these marked as exhibits. I believe it
6 would be 100 through --

7 THE COURT: 127.

8 GENERAL CHRISTENSEN: -- 127.

9 (WHEREUPON, the above-mentioned
10 photographs were marked as Exhibit Numbers 100-127.)
11 BY GENERAL CHRISTENSEN:

12 Q. While they're doing that --

13 GENERAL RAGLAND: Hold on.

14 GENERAL NICHOLS: She can't --

15 THE COURT: Let's let her mark.

16 BY GENERAL CHRISTENSEN:

17 Q. To start with -- well, I want to ask you one
18 more question before that. I'm sorry.

19 Now, we're looking at this chart that shows
20 this ditch. Downhill, we can see that it's going, I
21 guess, to the north; is that right?

22 A. Yes. This is downhill.

23 Q. Now, in this ditch according to the legend,
24 there are some yellow marked numbers. There are also
25 some, looks like, pink or purple numbers?

1 A. Yes.

2 Q. What do those indicate?

3 A. Again, the pink, the highlighted numbers are
4 human remains. And the yellow are personal effects.

5 Q. All right. If we could have Exhibit Number
6 100 on the overhead. Does this, Agent Hodge, give us
7 a bit of an overview of the area?

8 A. Yes, sir, it does.

9 Q. If you could describe what we're looking at.

10 A. This is a photograph looking back up the
11 hill. This is the hill coming down and another hill
12 coming down, and you have the ditch that met in
13 between the two hills.

14 Q. Okay. And all the things that we're getting
15 ready to look at were found within that ditch
16 flowing --

17 A. Yes, within this area of the ditch.

18 Q. Okay. If we could have 101 put on the
19 overhead. That's kind of tough to see, but if you
20 could describe for the jury what we're looking at
21 here.

22 A. Marker number 34 is a black hair tie, and it
23 can faintly be seen where I am circling in this area.

24 Q. Okay. Now, that would be -- I don't know if
25 I'm describing this properly or not. But that would

1 be at sort of the top of the ditch, the first thing
2 you found at the top of the ditch?

3 A. Yes. On the diagram we had up earlier, that
4 was at the top of the ditch, and other things were
5 down below it.

6 Q. Okay. So the subsequent things were --

7 THE COURT: Are we talking south going
8 north?

9 THE WITNESS: Uh.

10 GENERAL CHRISTENSEN: I'll put the
11 overhead back up.

12 THE WITNESS: Yes, please. Yes, Your
13 Honor, we're talking --

14 THE COURT: Okay. That's what I was --

15 THE WITNESS: This direction, yes sir.

16 THE COURT: -- getting -- getting
17 oriented.

18 THE WITNESS: Yes, sir.

19 THE COURT: All right.

20 THE WITNESS: South to north, that's
21 correct.

22 BY GENERAL CHRISTENSEN:

23 Q. I'll pass forward an item. If you can tell
24 us if you recognize what that is.

25 A. Yes, I do recognize it.

1 GENERAL CHRISTENSEN: Your Honor, if we
2 could have that marked as, I guess it would be 128.

3 THE COURT: Right. Describe it, please.
4 Just a black hair band?

5 THE WITNESS: Yes, sir, Your Honor. This
6 is the black hair tie that is shown in this picture
7 as item number 24.

8 THE COURT: All right. Thank you. Be
9 128.

10 (WHEREUPON, the above-mentioned hair tie
11 was marked as Exhibit Number 128.)

12 BY GENERAL CHRISTENSEN:

13 Q. If you could maybe hold this for a second up
14 there.

15 A. Okay.

16 Q. And we'll publish a couple of things at the
17 same time.

18 A. Okay.

19 GENERAL CHRISTENSEN: If we could have
20 Exhibit 102, is the next one. Can we have 102 put up
21 there?

22 BY GENERAL CHRISTENSEN:

23 Q. That's kind of difficult to see as well, but
24 if you could describe what we're looking at there?

25 A. Marker number 35 is a piece of pink fabric

1 that I am circling in this area here.

2 Q. And then the next numbered exhibit, 103, can
3 you see what that is? It's gotten pretty dark here.

4 A. Yes, sir. Marker 36, the area I am circling
5 is a ring.

6 Q. Okay. I am going to hand you first a bag.
7 If you'll take a look at that and let us know what
8 that is.

9 A. This item is the pink fabric that was in the
10 previous picture.

11 Q. Does that look like it could be remnants of
12 something? A pink shirt, something like that?

13 A. It appears it could be, yes.

14 GENERAL CHRISTENSEN: Your Honor, if we
15 could have that as the next numbered --

16 THE COURT: 129.

17 (WHEREUPON, the above-mentioned pink
18 fabric was marked as Exhibit Number 129.)

19 BY GENERAL CHRISTENSEN:

20 Q. Agent Hodge, if you could show those two
21 items, I believe it's 128 and 129, publish those to
22 the jury, if you could.

23 THE COURT: I'm leaving. I am going to
24 speak to the officer just a second, though. She can
25 go ahead and be publishing.

1 BY GENERAL CHRISTENSEN:

2 Q. Agent Hodge, this is a hair tie?

3 A. This is the hair tie. This is the pink
4 fabric.

5 Q. Now, we're going to put the next numbered
6 photograph, which is 105 -- 103. It's very dark
7 again. Can you describe what we're looking at here?

8 A. Marker 36 is a ring that I am circling.

9 Q. And the next photograph is 104. Is that a
10 better photograph?

11 A. Yes, sir. That's a close-up of the ring from
12 a previous photograph.

13 Q. We're still at kind of the top of the ditch
14 or the south side of the ditch; is that right?

15 A. Yes, sir.

16 Q. I am going to hand you what's been previously
17 been marked as Exhibit 14. If you could take a look
18 at that and let us know if that's the ring we're
19 looking at in the photograph.

20 A. Yes, sir. This is the ring that is in the
21 photograph that is marker number 36.

22 GENERAL CHRISTENSEN: Your Honor, if she
23 could publish that ring to the jury.

24 THE COURT: Move it into evidence.

25 GENERAL NICHOLS: It's already in.

1 GENERAL HAGERMAN: It's Exhibit 14.

2 THE COURT: Okay.

3 GENERAL NICHOLS: It came in through --

4 THE COURT: That's the one I said we
5 could make a photo of.

6 GENERAL NICHOLS: Yes, sir. That you
7 just got.

8 (WHEREUPON, the witness published the
9 photograph to the jury.)

10 BY GENERAL CHRISTENSEN:

11 Q. I want to look at what's been marked as
12 Exhibit 105.

13 THE COURT: Let's -- I can tell where we
14 are. This is going to be a while yet. If we do a
15 logical progression as what you've been doing,
16 they've got lunch that has been brought in. So just
17 make a mental note of where you are. Please no
18 discussion of your testimony, okay.

19 THE WITNESS: Yes, sir.

20 THE COURT: And we will continue right
21 after lunch, Ms. Hodge. We'll take one hour for
22 lunch. Your lunch is waiting for you upstairs.
23 Follow the admonitions.

24 (WHEREUPON, the jury left the courtroom,
25 and a lunch break was taken.)

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

4 THE COURT: Let's get Ms. Hodge back.
5 Come up and have a seat. Your testimony remains
6 under oath.

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. Continue for the
9 State.

10 GENERAL CHRISTENSEN: Thank you, Judge.

11 BY GENERAL CHRISTENSEN:

12 Q. All right. I think we have -- I'm going to
13 put what has been marked as Exhibit 105 on the
14 overhead. If you could -- once you get yourself
15 reoriented, let us know what that is.

16 A. Okay. This is marker 37, and the area I am
17 circling is an earring.

18 Q. And just to get us back to where we were,
19 this is the actual ditch. To the left, we had all
20 those personal belongings. To the right, we had some
21 other items, but this is in the ditch more toward the
22 south end of the ditch?

23 A. Yes, sir, that is correct.

24 Q. I am going to hand you a bag. If you could
25 open that bag and tell us what's inside.

1 A. This is the earring that is in the picture
2 that is marker number 37.

3 Q. I am going to put what's been marked as
4 Exhibit 106 as well. What is that?

5 A. That is a close-up of the earring, marker
6 number 37.

7 Q. Okay.

8 GENERAL CHRISTENSEN: If you could -- if
9 we could have this bag marked -- or this earring
10 marked as the next numbered exhibit.

11 THE COURT: Be Exhibit 130. Is that
12 right, Erin?

13 THE REPORTER: Yes, sir.

14 (WHEREUPON, the above-mentioned earring
15 was marked as Exhibit Number 130.)

16 BY GENERAL CHRISTENSEN:

17 Q. Go ahead and show it to the jury if you don't
18 mind.

19 (WHEREUPON, the witness published the
20 earring to the jury.)

21 BY GENERAL CHRISTENSEN:

22 Q. Now, when we were talking about the overview
23 of this scene, crime scene, you indicated that there
24 were some remains, some human remains also among all
25 these personal possessions; is that correct?

1 A. That is correct.

2 Q. We are going to put what's been marked as
3 Exhibit 107 on the overhead. This one is kind of
4 tough to see, but we're in the ditch here still,
5 correct?

6 A. Yes, that is correct. And I believe it is
7 somewhere in this area, there is a tooth.

8 Q. Okay. Let's move to the next which would be
9 Number 108, looks like the same placard.

10 A. I can't tell if that's 32 or -- let me check.

11 Q. I'll hand you the photo.

12 A. Or 30.

13 Q. I'll hand you the photograph, and you can see
14 it a little better on that one.

15 A. Yes, sir, this is 32, just a little bit
16 farther away showing it in the ditch.

17 Q. And that looks -- let me back up there --
18 like pretty deep ditch in that area; is that correct?

19 A. Yes, sir, this area I would say is several
20 feet deep.

21 Q. Okay. Now, when you found -- you and your
22 team found actual remains or items that you thought
23 were remains, what did you do with those?

24 A. We photographed them, and we packaged them
25 into brown paper bags. And then I personally turned

1 those over and signed those over to Special Agent
2 Brent Booth.

3 Q. Okay. And to your knowledge were they then
4 taken to the West Tennessee Forensic Center in
5 Memphis?

6 A. Yes, sir.

7 Q. If we could have Exhibit 109 on the overhead.
8 What is that?

9 A. This is teeth. There's one here, and there's
10 one here. We marked those as one marker, because
11 they were so closely together. So that's two teeth
12 at marker 29.

13 Q. Okay. Those items were then packaged, given
14 to Brent Booth where they were taken to Memphis; is
15 that correct?

16 A. Yes, sir.

17 Q. If we can have the next exhibit, photograph
18 110 or Exhibit 110.

19 Agent Hodge, what are we looking at here?

20 A. This is a tooth that is marker number 30 that
21 is also in the ditch.

22 Q. Okay. Also delivered to West Tennessee
23 Forensic Center through Special Agent Booth?

24 A. That is correct.

25 Q. As we're looking at these teeth, we're going

1 further and further down that ditch; is that correct?

2 A. Yes. The markers that we just previously
3 looked at were at the southern portion of the ditch,
4 the upper portion. And as we're going through these
5 markers, we're going downhill in the ditch.

6 Q. Exhibit 111, tell us what we're looking at
7 here.

8 A. This would be a bone, what was described as a
9 rib.

10 Q. Okay. That was also delivered to Memphis
11 West Tennessee Forensic Lab?

12 A. Yes, sir.

13 Q. 112.

14 A. Marker number 25 is a hoop earring.

15 Q. Okay.

16 A. And it is -- I am circling it right here.

17 Q. It's kind of tough to see it.

18 A. There's the silver portion, and then it's
19 coming around like that.

20 Q. Okay. Agent Hodge, I am going to hand you
21 another brown bag, if you could take a look at the
22 contents of that, tell us what they are.

23 A. This is the hoop earring that is shown in the
24 picture as marker 25.

25 GENERAL CHRISTENSEN: Your Honor, if we

1 could have that marked as the next numbered exhibit.

2 THE COURT: 131.

3 (WHEREUPON, the above-mentioned
4 photograph was marked as Exhibit Number 131.)

5 BY GENERAL CHRISTENSEN:

6 Q. Agent Hodge, if you could -- we're looking at
7 some really small things here, teeth and things like
8 that. How did you guys find those things? If you
9 could describe for the jury how you and your team
10 managed to unearth all these items?

11 A. Some of the items such as the bones, we would
12 just see. Most of the smaller things, the teeth was
13 the second day. We concentrated into the ditch area
14 by scooping the dirt out one shovel at a time, small
15 shovels, and putting them in five gallon buckets, and
16 we had sifters. And we would sift through the dirt.
17 Basically we were uncovering the small things such as
18 the teeth one scoop of dirt at a time.

19 GENERAL CHRISTENSEN: Thank you. Your
20 Honor, if she could publish that hoop earring that we
21 were just talking about.

22 (WHEREUPON, the witness published the
23 hoop earring to the jury.)

24 BY GENERAL CHRISTENSEN:

25 Q. Now, we're going to put what has been marked

1 as Exhibit 113 on the overhead. If you could tell us
2 what we're looking at here.

3 A. Marker number 27 is a pink fiber with a
4 label. And marker number 9 is a rib. And I am not
5 sure if I can pick it out. I am not sure exactly on
6 marker number 9 where it is, but it is somewhere in
7 this area close to marker number 9.

8 Q. I am going to hand it to you, and see if you
9 can -- hand you 115, see if you can find it with a
10 closer inspection.

11 A. Yes, I do see it now.

12 Q. Okay. Can you find it when I put it back on
13 there?

14 A. Yes. This is the rib right here
15 (indicating).

16 Q. Okay.

17 A. The bone.

18 Q. That's right near that pink fiber that we've
19 already seen some of; is that correct?

20 A. This is a different pink fiber.

21 Q. Okay.

22 A. The pink fiber we had earlier was different.
23 That was really a piece of fabric. This is literally
24 the fiber. The string, the pink string with a small
25 label attached.

1 Q. Okay. That is marker number 9?

2 A. Number 9 is the rib.

3 Q. 27. I am going to hand you a bag, and if you
4 could tell us what's in that bag.

5 A. Inside is the pink fiber with the label.

6 Q. Appears to be a label or tag --

7 A. Yes, sir, that's a --

8 Q. -- garment of some kind?

9 A. -- tag that says Anvil on it.

10 Q. Okay.

11 A. A-N-V-I-L.

12 GENERAL CHRISTENSEN: Your Honor, if we
13 could have that marked as the next numbered exhibit.

14 THE COURT: 132.

15 (WHEREUPON, the above-mentioned pink
16 fibers was marked as Exhibit Number 132.)

17 THE COURT: What did you call it, a
18 pink --

19 THE WITNESS: Pink fibers.

20 THE COURT: Fibers?

21 THE WITNESS: Yes, sir.

22 GENERAL CHRISTENSEN: With a tag?

23 THE WITNESS: With a tag.

24 THE COURT: With a label?

25 THE WITNESS: Yes, sir.

1 BY GENERAL CHRISTENSEN:

2 Q. We're going to put -- before you show that to
3 the jury, we're going to put Exhibit 114 on the
4 overhead. Is that what we're talking about?

5 A. Yes. You can see the label, and then the
6 pink fibers are attached to that label.

7 Q. Y'all tagged that, and it's in this bag right
8 here?

9 A. Yes, it is.

10 Q. If you could show that to the jury for us.

11 (WHEREUPON, the witness published the
12 label to the jury.)

13 BY GENERAL CHRISTENSEN:

14 Q. Thank you. Now, we're going to put Exhibit
15 115 on the overhead, and you can tell us what that
16 is.

17 A. Marker number 26 is a tooth.

18 Q. If I could put the chart back up there so we
19 can kind of have an idea of where we are now as far
20 as in the ditch. That was marker 26 and you
21 indicated that was a tooth?

22 A. Yes, sir. Marker 26 is located right here.

23 Q. So about halfway or a third of the way down
24 roughly?

25 A. Yes, sir.

1 Q. Okay. Now, that tooth we just talked about
2 was also delivered to the West Tennessee Forensic
3 Center, correct?

4 A. Yes, sir.

5 Q. Put photograph or item 116, Exhibit 116 on
6 the overhead for you. If you can see what that is.

7 A. Marker number 7 and marker number 8 are each
8 a rib.

9 Q. Okay. Can you tell where they are from that
10 photograph?

11 A. Not from this angle on the screen.

12 Q. I am going to hand this photograph and see if
13 you can find them by looking a little more closely at
14 it.

15 A. Yes, I've got it.

16 Q. Actually we do have some -- we have a closer
17 one of 7, and that's Exhibit 117.

18 A. Yes. Number 7 is right here, the rib in
19 number 7.

20 Q. That's number 7?

21 A. Yes, sir.

22 Q. And we'll put Exhibit 118, both of those ribs
23 were also the same process where you took those, you
24 gave them to Special Agent Booth who then delivered
25 them to the West Tennessee Forensic Center?

1 A. Yes, sir.

2 Q. This is Exhibit 118. What are we looking at
3 here?

4 A. This is another rib, marker 38 here.

5 Q. That was also taken to the West Tennessee
6 Forensic Center?

7 A. Yes, sir.

8 Q. Put Exhibit 119 on the overhead.

9 A. This marker number 6 is a tooth.

10 Q. Also delivered to the West Tennessee Forensic
11 Center?

12 A. Yes, sir.

13 Q. Exhibit 120, can you see what that is?

14 A. I see marker number 6, which was the tooth
15 that we just had up there, a close-up.

16 Q. Okay.

17 A. So it's right in this area.

18 Q. I think we got those reversed. Okay. And
19 that's where -- a broader view of where the tooth was
20 found?

21 A. Yes, that's just a little farther out.
22 There's another flag right here --

23 Q. Okay.

24 A. -- that is another marker.

25 Q. We're going to put Exhibit 121 on the

1 overhead now.

2 A. And number 5 is a rib.

3 Q. Where are we in the ditch now?

4 A. We are down the ditch almost all the way to
5 the flat area from the top. So we've moved north.

6 Q. Okay. And this rib, as you've described, was
7 delivered to the West Tennessee Forensic Center as
8 well --

9 A. Yes, sir.

10 Q. -- with the other remnants?

11 Put Exhibit 122 on. Is that a wider view?

12 A. Yes. This picture is actually -- should be
13 turned counter clockwise. This is at the bottom
14 closer to the level area at the bottom of the ditch.
15 And this is going back up.

16 So number 5, number 6 was above it and so
17 forth from how we came down through with the markers.

18 Q. Okay. And I want to put the chart back up.
19 Can you kind of tell us -- show us with your graph
20 where we are now.

21 A. The previous picture of number 5 was taken
22 standing down in this area, taking the picture up
23 this way back up the ditch.

24 Q. Okay. Putting down Exhibit 123.

25 A. This picture is at the bottom of the ditch.

1 The ditch is coming along through here, and this is
2 toward the bottom where it starts to level out.

3 Q. Okay. Now we have a better close-up view of
4 that, that's Exhibit 124. If you can tell us what
5 we're looking at when this one gets up there.

6 A. In marker number 12 are two ribs.

7 Q. And those two ribs were also delivered to the
8 West Tennessee Forensic Center in Memphis?

9 A. Yes, sir.

10 Q. We have Exhibit 125. What are we looking at
11 here?

12 A. This is at the bottom of the ditch in the
13 leveled out area, and that's marker number 28.

14 Q. Is that the last item that you found?

15 A. Yes, sir, in that ditch.

16 Q. Did you guys go, and we have a closer view of
17 that item you found there. But did you guys go
18 further -- how far out did you go, if you can
19 remember, as far as the entire crime scene?

20 A. From the ditch, on either side of the ditch
21 we probably did approximately 20 yards. And then on
22 the north, where it levels out, this area here
23 (indicating), we went approximately another 20, 25
24 yards. And the same in most all directions from the
25 ditch.

1 Q. And this was the last item that you were able
2 to find in this direction; is that fair to say?

3 A. Yes, sir.

4 Q. We're going to put up Exhibit 126. Is that a
5 closer view of that last item in the ditch?

6 A. Yes, it is.

7 Q. What is that?

8 A. That is a lotion bottle.

9 Q. We have one other photograph that's 128, I
10 think, Exhibit 128. Is that the lotion bottle?

11 THE COURT: No, it's 127, I think. The
12 black hair tie was 128.

13 BY GENERAL CHRISTENSEN:

14 Q. This is Exhibit 127. And what is that?

15 A. This is the lotion bottle that was at marker
16 28.

17 Q. You guys tagged this lotion bottle as well?

18 A. Yes, sir, we did.

19 Q. I'm going to pass forward a bag, and if you
20 can look in there and tell us what is in it.

21 A. It is the lotion bottle that is in the
22 photograph that was marker number 28.

23 GENERAL CHRISTENSEN: Okay. If we could
24 have that numbered as the next -- entered as the
25 next --

1 THE COURT: Be Exhibit 133.

2 (WHEREUPON, the above-mentioned
3 photograph was marked as Exhibit Number 133.)

4 BY GENERAL CHRISTENSEN:

5 Q. If you could show that to the jury. Thank
6 you, Agent Hodge.

7 If we could go back to the chart, which has
8 been marked as -- for the record it's 81. So now
9 we've looked at everything that you found within that
10 ditch and at the bottom of the ditch, correct?

11 A. That is correct.

12 Q. We've looked at all the items that you found
13 on the west side of the bank of the ditch on the west
14 side, correct?

15 A. That is correct.

16 Q. There are also, looks like a number of things
17 that are on eastern side of the ditch?

18 A. Yes.

19 Q. Number of things were found there; is that
20 right?

21 A. That is correct, yes.

22 Q. Also it looks like a variety of things. I
23 see some yellow -- well, different colors over there.
24 So you found remains over there?

25 A. Are you talking about this area here

1 (indicating)?

2 Q. Yes.

3 A. This is the area that I spoke of earlier that
4 had already been taped off when we arrived on the
5 scene on September 9, 2014. There weren't any items
6 in here, but the markers were left to where those
7 items were.

8 Q. Okay. And you're aware of the items that
9 were found there?

10 A. Yes, sir.

11 Q. I am going to hand you 17 photos. And if you
12 will look through those and let us know if you
13 recognize those items, those photographs.

14 MS. THOMPSON: Your Honor, I am going to
15 object to the witness testifying about something
16 that's not based on her personal knowledge.

17 GENERAL CHRISTENSEN: Judge, we talked
18 about this. I talked with them about it.

19 MS. THOMPSON: I guess I didn't
20 understand, Your Honor, about the fact that it's not
21 based on her personal knowledge.

22 GENERAL CHRISTENSEN: She's indicated she
23 has personal knowledge of the items. I spoke with
24 defense counsel about these photographs and indicated
25 to them that although she knows what was found

1 there --

2 THE COURT: We were going to try to
3 stipulate to speed things up.

4 GENERAL CHRISTENSEN: Right.

5 THE COURT: If it is something that she
6 can testify she knows where it was.

7 MS. THOMPSON: As long as they lay a
8 foundation that she knows where these things are,
9 Your Honor. I just want to be clear about that. If
10 they can lay a foundation that she knows where they
11 are, that's fine. But if it's just some kind of
12 guessing.

13 THE COURT: What I am saying is, can we
14 get this through one witness rather than calling
15 multiple others that would accomplish the same
16 purpose?

17 MS. THOMPSON: I just want to make sure
18 the information she's going to give is accurate.

19 THE COURT: Well, certainly, I understand
20 that.

21 MS. THOMPSON: Okay. So if they can lay
22 a foundation of how she would know this information
23 to be accurate, then that's fine.

24 THE COURT: Okay.

25 MS. THOMPSON: I just -- apparently I

1 misunderstood earlier when we were discussing it.

2 THE COURT: Well, from day one I've tried
3 to encourage the parties to stipulate or do things
4 that might expedite knowing the length of time this
5 trial could have taken. I've not just done it over
6 here, I've done it both sides, okay.

7 GENERAL CHRISTENSEN: Yes, sir.

8 BY GENERAL CHRISTENSEN:

9 Q. Special Agent Hodge, you were one of the
10 leaders out there on this crime scene, correct?

11 A. That is correct.

12 Q. You've personally viewed almost every item
13 out there; is that correct?

14 A. Yes, sir, I have.

15 Q. Do you have personal knowledge, and you've
16 indicated that there are several items, and they were
17 remains that were moved to the West Tennessee
18 Forensic Center prior to your arrival; is that
19 correct?

20 A. Yes, sir.

21 Q. The placards for those items were still
22 there; is that correct?

23 A. Yes, sir, that is correct.

24 Q. Were you provided knowledge of what was --
25 where the placards are?

1 A. Yes, sir.

2 Q. The items, where they are?

3 A. Yes, sir, I was.

4 Q. And you've reviewed photographs of all of

5 those items several times before; is that correct?

6 A. Yes, sir, I have.

7 Q. And those photographs that you have up there,

8 are they the photographs and do they depict many of

9 those items that were already taken to the West

10 Tennessee Forensic Center?

11 A. I am not quite through with the photos yet,

12 if I may.

13 Q. Okay. And while you're looking there, there

14 were a number of other agents that were there,

15 correct?

16 A. Yes.

17 Q. Brent Booth, we've mentioned his name several

18 times, he was one of them?

19 A. Yes, sir.

20 Q. All right.

21 A. Yes. These are the photographs that depict

22 what was in the area.

23 Q. And this is the area that I keep calling the

24 eastern side?

25 A. This area here (indicating) that was marked

1 off prior to our arrival.

2 Q. Okay.

3 MS. THOMPSON: I am satisfied, Your
4 Honor. If the placards were still there when she got
5 there, and there's pictures that match placards.

6 THE COURT: Thank you. Thank you.

7 GENERAL CHRISTENSEN: Your Honor, if we
8 could have these entered as the next --

9 THE COURT: Be 134 through 150, I
10 believe. Give her a few moments to tag them.

11 (WHEREUPON, the above-mentioned
12 photographs were marked as Exhibit Numbers 134-150.)
13 BY GENERAL CHRISTENSEN:

14 Q. Before we put those on, can you describe what
15 the lay of the land here and where we -- where you
16 found these items relative to the other items that
17 you found?

18 A. You talking about the items here?

19 Q. Yes.

20 A. The markers?

21 Q. Correct.

22 A. They were uphill from this ditch. So this is
23 one of the hills that was going up, just like this
24 hill was going up where the ditch met in the middle.
25 So this area was uphill from the ditch and what we

1 found in the ditch.

2 Q. Did you notice anything about some of the
3 items that were found in this area that might give
4 you clues as to how they got there?

5 A. I didn't see the items.

6 Q. Well, there were some personal belongings
7 found up there as well; is that correct?

8 A. Yes, sir, yes, yes. The things that were
9 found uphill from this area had teeth marks from
10 animals that had chewed on the items or carried them
11 or whatever, but there were teeth marks.

12 Q. Did you and your team find any kind of
13 animals or evidence of animals living up in this area
14 where these items were found?

15 A. We did. We saw coyote dens, a larger one and
16 a smaller one that were at the end of the second day,
17 a back hoe was brought in, and we excavated those
18 coyote dens to see if there were any more remains or
19 personal effects in those dens.

20 Q. To summarize, this is raised up significantly
21 from this --

22 A. Yes. This is uphill, then it starts to kind
23 of slightly go back downhill once you get up here to
24 where marker number 31 is.

25 Q. Thank you. And we're going to put what has

1 been marked as Exhibit 134 on the overhead. If you
2 can tell us what this appears to be.

3 A. This is a bone that was found in the area
4 that was marked off prior to our arrival that was
5 uphill from the ditch.

6 Q. Okay. Now, we're going to put the Exhibit
7 135 on the overhead. If you could tell us what we're
8 looking at here.

9 A. This is another bone that was in the area
10 that was marked off prior to our arrival that was
11 uphill from the ditch.

12 Q. We're going to put Exhibit 136 on the
13 overhead. If you can kind of just give a better,
14 maybe, an overview of what we're looking at.

15 A. Yes. Where this picture was taken, to the
16 back of the individual taking this photograph was the
17 ditch. So this is showing the uphill area to the
18 taped off portion that was taped off prior to our
19 arrival.

20 Q. And I can see, is that crime scene tape at
21 the top -- I guess at the top of that hill there?

22 A. Yes. There's actually two areas taped off.
23 There was one larger area and then another area
24 inside that you can see on my drawing.

25 Q. Okay.

1 A. But yes, that's what that is.

2 Q. Now, we've already talked about you found --

3 there were a number of remains found in this area,

4 correct?

5 A. That is correct.

6 Q. Were all of those items to your knowledge

7 tagged and brought to the West Tennessee Forensic

8 Center by Special Agent Brent Booth?

9 A. I don't know who took them to the forensic

10 center, but I do understand they were taken to the

11 forensic center with all the other remains we had

12 found.

13 Q. Okay. We're going to put Exhibit 137. If

14 you can tell us what we're looking at here.

15 A. This is a bone that was also found in the

16 area that was tape off prior to our arrival.

17 Q. Okay. We're going to put Exhibit 138. And

18 is that -- what is that we're looking at?

19 A. That's a close-up of a bone that was found in

20 that taped-off area prior to our arrival.

21 Q. Exhibit 139, what are we looking at here?

22 A. This is the skull that was found in the

23 taped-off area uphill from the ditch prior to our

24 arrival.

25 Q. Okay. Exhibit 140.

1 A. And again, this is the skull that was located
2 in the taped-off area prior to our arrival.

3 Q. Okay. Exhibit 141.

4 A. This is standing inside the taped-off area
5 showing marker 17, and I believe that is 18.

6 Q. Okay. Now what is that? We know that marker
7 17 is the skull. Can you tell what marker 18 is from
8 there or from your chart?

9 A. No, sir, I can't.

10 Q. Okay. Exhibit 142. What are we looking at
11 here?

12 A. This is a close-up of marker 18. It is a
13 bone that was in that taped-off area prior to our
14 arrival.

15 Q. Does that appear to be a lower jaw?

16 A. It does, yes, sir.

17 Q. Exhibit 143, is that a close-up of what we've
18 just seen?

19 A. Yes. This is the close-up of the previous
20 picture, marker 18.

21 Q. Okay. 144, can you see what that is?

22 A. No, sir, I am not sure that I have that.

23 Q. Get you a little bit closer.

24 A. It appears to be a piece of plastic.

25 Q. Piece of plastic?

1 A. Yes, sir.

2 Q. So basically everything you guys found out
3 there, you tagged in case it might become relevant?

4 A. Yes, sir, we did.

5 Q. So if you could point to the -- I can see it,
6 I think, now.

7 A. Yes, it's right here (indicating).

8 Q. It's a piece of plastic up in that area --

9 A. Yes, sir, in the area --

10 Q. -- that we've been talking about?

11 A. -- that was marked off prior to our arrival.

12 Q. Go to Exhibit 145.

13 A. I am not sure I can tell from the picture.

14 Q. I want to hand this to you, closer look?

15 A. Oh yes, now I can see it. Yes.

16 Q. What does that look like at least?

17 A. It is some cloth material that was marked in
18 that area but had been removed prior to our arrival.

19 Q. Now Exhibit 146, what is that?

20 A. This is a wallet.

21 Q. Okay. Did you guys -- that was still there
22 when you were there, correct, the wallet?

23 A. Yes, sir.

24 Q. What did you do with the wallet? Did you
25 take a look at it?

1 A. Yes, sir, we did.

2 Q. I am going to put up what has been marked as

3 Exhibit 147, and you guys, your team opened up the

4 wallet, correct?

5 A. Yes, sir, we did.

6 Q. Is that it?

7 A. Yes, sir, it is.

8 Q. 148, that's a close-up of what?

9 A. That is a close-up of Holly Bobo's driver's

10 license.

11 Q. And that was found in this area that we've

12 been describing where the skull was found, where

13 other human remains were found, correct?

14 A. Yes. It was not in the area that was taped

15 off prior to our arrival. It was on up the hill from

16 that area. It was farthest (sic) from the ditch.

17 Q. Hand you what has previously been marked as

18 Exhibit 34. If you could take a look at that. Is

19 that the wallet with the identification that we've

20 been looking at?

21 A. Yes, sir, this is the wallet that contained

22 the driver's license of Holly Bobo.

23 Q. Okay. Are there indications on that wallet

24 that may have been some animals that dragged it up or

25 chewed on it or something like that?

1 A. Yes, there is.

2 GENERAL CHRISTENSEN: Your Honor, if she
3 could publish that the jury or just give them to look
4 at it.

5 THE COURT: Are you going to make an
6 exhibit?

7 GENERAL CHRISTENSEN: It's already been
8 an exhibit, Your Honor. It was already marked as
9 Exhibit 34 --

10 THE COURT: Okay.

11 GENERAL CHRISTENSEN: -- through Ms.
12 Bobo.

13 (WHEREUPON, the witness published the
14 wallet to the jury.)

15 THE COURT: You might alert me. If I get
16 my numbers off, I'll never get them back.

17 GENERAL CHRISTENSEN: Sorry.

18 BY GENERAL CHRISTENSEN:

19 Q. I want to put the chart back on, Exhibit 81.
20 If you can kind of show us where -- we just looked at
21 Holly's wallet and identification. If you can show
22 us where that is relative to everything else.

23 A. Marker number 31 right here (indicating).

24 Q. Okay. And that's one of the furthest items
25 if not the item that's furthest out, at least, to the

1 east, I guess; is that right?

2 A. Yes, yes.

3 Q. Was that where the den was, over there
4 somewhere?

5 A. One of the dens, yes, was not far from that.

6 Q. Okay. We're going to put up what has been
7 marked as Exhibit 149. It's a little bit of a far
8 away shot, but can you tell what that is?

9 A. That is the bottom portion of a black
10 flip-flop, the sole portion.

11 Q. I am going to put Exhibit 150 up. Still
12 pretty dark.

13 A. This is the flip-flop here (indicating), the
14 sole of it.

15 Q. Is there some damage to that?

16 A. Yes, sir. It's damaged, too.

17 Q. I am going to hand you a bag. If you can
18 look in that bag and tell us what is in it.

19 A. Inside is the sole of the black flip-flop
20 that is marker number 33 in the picture above it.

21 GENERAL CHRISTENSEN: Your Honor, if we
22 could have that entered --

23 THE COURT: Be moved into evidence, 151.

24 GENERAL CHRISTENSEN: 151.

25 (WHEREUPON, the above-mentioned flip-flop

1 was marked as Exhibit Number 151.)

2 GENERAL CHRISTENSEN: Your Honor, if she
3 could publish that to the jury.

4 (WHEREUPON, the witness published the
5 flip-flop to the jury.)

6 BY GENERAL CHRISTENSEN:

7 Q. Before I get to the last things here, we're
8 almost finished. A couple things that I omitted from
9 earlier. I am going to hand you a bag, and if you
10 could take a look at that and tell us what that is.

11 A. This is the thumb drive that was from the
12 smaller plastic purse that also had the ink pens and
13 the highlighters in.

14 Q. That's one of the things that we saw at the
15 very beginning that was on the west side of the
16 ditch?

17 A. Yes, sir.

18 GENERAL CHRISTENSEN: Your Honor, if we
19 could have that omitted as --

20 THE COURT: 152.

21 GENERAL CHRISTENSEN: 152.

22 (WHEREUPON, the above-mentioned thumb
23 drive was marked as Exhibit Number 152.)

24 BY GENERAL CHRISTENSEN:

25 Q. If you can just hold that up there for a

1 second. I am going to hand you another bag. If you
2 can describe that bag and what's in it for the jury.

3 A. This is an earring that was from the purse,
4 which was marker number 4.

5 Q. Now, is that the purse that was the purple,
6 the larger purple purse?

7 A. The larger purse that was cloth material.

8 GENERAL CHRISTENSEN: Your Honor, if we
9 could have that numbered --

10 THE COURT: Be 153.

11 (WHEREUPON, the above-mentioned earring
12 was marked as Exhibit Number 153.)

13 GENERAL CHRISTENSEN: If we could publish
14 those two items together to the jury.

15 THE COURT: The thumb drive and earring.

16 (WHEREUPON, the witness published the
17 items to the jury.)

18 BY GENERAL CHRISTENSEN:

19 Q. If we could go back to Exhibit 81 again.
20 We've looked at nearly everything on here, correct?

21 A. That is correct, yes.

22 Q. You guys found a lot of stuff over -- for a
23 fairly long period of time. How long were you out
24 there?

25 A. We were out there for two full days.

1 Q. You've already indicated you had metal
2 detectors, you had dogs, you had a back hoe. What
3 else did you have? You were sifting through the
4 dirt. You had anthropologists out there, a number a
5 of TBI agents out there all working together to try
6 to find everything you could, correct?

7 A. Yes, sir, that's correct.

8 Q. You went to the east, to the west, and to the
9 north of this scene, correct?

10 A. Yes, we did.

11 Q. This was all you were able to find?

12 A. Yes, sir.

13 Q. There are a few other items. I see a blue --
14 some blue shaded items.

15 A. Yes.

16 Q. What were those?

17 A. The blue items that you see here were
18 cartridge cases and a shot shell case.

19 Q. Okay. I am going to hand you three
20 photographs. If you could tell us if those
21 accurately depict those casings as they were that
22 day.

23 A. Yes, they do.

24 GENERAL CHRISTENSEN: Your Honor, if we
25 could have those entered as the next three --

1 THE COURT: All right. Entered as
2 Exhibit 154, 155, and 156.

3 (WHEREUPON, the above-mentioned casings
4 were marked as Exhibit Numbers 154-156.)

5 BY GENERAL CHRISTENSEN:

6 Q. If we could put the first one up. That is
7 154 for the record. What are we looking at here?

8 A. Number 24, marker 24 is a .308 cartridge.

9 Q. A .308 cartridge case?

10 A. Yes, sir.

11 Q. And if we could go back to Exhibit 81. Where
12 is that on this exhibit?

13 A. It is right here (indicating).

14 Q. .308 is right there.

15 I am going to hand you -- that is placard
16 number 24, correct?

17 A. Yes, sir, that is correct.

18 Q. Hand you a bag. Does that have what's item
19 number 24 in it?

20 A. Yes. This is the .308 caliber cartridge
21 case.

22 Q. Okay.

23 GENERAL CHRISTENSEN: Okay. If we could
24 have that, Your Honor, marked as the next numbered
25 exhibit.

1 THE COURT: Is that the second .308?

2 THE WITNESS: No, sir, it's the first and
3 only .308.

4 THE COURT: Okay. That was what was
5 depicted in 154?

6 GENERAL RAGLAND: Yes.

7 GENERAL CHRISTENSEN: Yes.

8 THE COURT: Okay. I got ahead of myself,
9 okay.

10 BY GENERAL CHRISTENSEN:

11 Q. It's also on this chart here, that's number
12 24, correct?

13 A. Yes, sir, that's correct.

14 Q. That's sort of to the right and down from
15 where everything else was?

16 A. Yes. It's located right here (indicating).

17 Q. Okay. Put Exhibit 155 up there on the
18 overhead. Tell us what we're looking at here.

19 A. Marker 13 is a .380 auto caliber cartridge
20 case.

21 Q. .380 auto?

22 A. Yes, sir.

23 Q. If we could have 81 put back on the overhead.
24 Tell us where you found that.

25 A. 13 was located right here (indicating) closer

1 to the ditch.

2 Q. Okay. Pass forward to you another bag.

3 A. And this contains the .380 auto caliber
4 cartridge case, that is marker 13.

5 Q. Okay. If you can just hang onto those for a
6 second.

7 A. Okay.

8 Q. We'll let the jury see them.

9 Finally Exhibit 156, what are we looking at
10 here?

11 A. This is a .410 shot shell case.

12 Q. Shot shell, okay.

13 Could we go back to 81, and you can tell us
14 where this was.

15 A. 23, inside the taped area that had previously
16 been marked off prior to our arrival.

17 Q. Okay. I am going to hand you the bag, and if
18 you can tell us what's in there.

19 A. And it is the .410 shot shell case in the
20 bag.

21 GENERAL CHRISTENSEN: Okay. Your Honor,
22 if we could have that admitted as the next numbered
23 exhibit.

24 THE COURT: All right. I am not sure I
25 am up -- have the .308 and .380, have they been moved

1 in? I don't think they have unless I missed
2 something.

3 GENERAL CHRISTENSEN: If we could move, I
4 guess, in sequentially as the next three numbered
5 exhibits.

6 THE COURT: All right. Let's do the
7 .308, that was the first one she described from
8 Exhibit 154. That will be 157.

9 .380 as she described it, will be 158.

10 .410 shot shell as she described it will be
11 159.

12 THE REPORTER: 308 is Exhibit 157?

13 THE COURT: Right.

14 THE REPORTER: Okay.

15 THE COURT: Then .380.

16 THE REPORTER: Okay.

17 THE COURT: You're not dyslexic, are you?

18 THE REPORTER: No, I just got confused as
19 to which was in this bag.

20 THE COURT: One is .308 and the other one
21 is .380.

22 (WHEREUPON, the above-mentioned casings
23 were marked as Exhibit Number 157-159.)

24 GENERAL CHRISTENSEN: If you could
25 publish those to the jury.

1 (WHEREUPON, the witness published the
2 exhibits to the jury.)

3 THE COURT: Let me say this, it's a
4 little muggy. We're doing all we can do. This
5 system I think is under capacity. I am glad now we
6 didn't try this in July. This is September and still
7 they have it set on like 63, so we're doing the best
8 we can. It just might be me. I told you I am
9 hot-natured.

10 Are we through with that for a minute or not?

11 GENERAL CHRISTENSEN: Yes, sir, we are
12 through.

13 THE COURT: Let's turn the lights up. It
14 might let them view the exhibits a little better.
15 Hold on just a second, and you can walk back down
16 when they get these lights on.

17 BY GENERAL CHRISTENSEN:

18 Q. Special Agent Hodge, obviously a lot of
19 things you found out here in this area, correct, you
20 and your team?

21 A. Yes, sir.

22 Q. To your knowledge, were these things -- were
23 any of these things sent away for testing or anything
24 like that, or do you know?

25 A. The remains went to Memphis as we spoke of

1 earlier, and then the personal effects and the
2 cartridge cases were submitted to the TBI Crime
3 Laboratory.

4 Q. Okay. Now, your job, though, isn't it to
5 follow up on testing or to do testing or anything
6 like that?

7 A. I do testing on firearms evidence, but once
8 it's submitted into the laboratory and goes to the
9 respective units, then I don't keep up with it, no,
10 sir.

11 Q. In this particular situation, was your job
12 more to discover, properly package, catalog, and
13 deliver these items to where they need to be?

14 A. Yes, sir, it was.

15 Q. Did you memorialize everything that you did
16 out there you and your team in a report?

17 A. Yes, I did.

18 Q. I almost forgot one thing. For the record
19 defense has seen these, and they have a photograph of
20 them.

21 I want to show you a couple of -- we'll do
22 them one at a time. It's sort of difficult to get
23 perspective when you're in the woods, right?

24 A. Yes.

25 Q. And trying to figure out where things are in

1 relation to one another; is that right?

2 A. Yes, it is.

3 Q. You guys made a -- I want to show you this.
4 Tell us what this is. You can get down.

5 GENERAL CHRISTENSEN: Can she get down,
6 Judge?

7 THE COURT: She may.

8 THE WITNESS: This is an aerial photo of
9 the area of the ditch and the hillside that was a
10 two-dimensional drawing that I had done that we
11 talked about previously. And the stars go with the
12 pictures showing where they were located along the
13 ditch and up the hill.

14 MS. THOMPSON: Which one are you showing?
15 What's the number in the top right corner?

16 THE COURT: 17 I think. Was I right?

17 GENERAL CHRISTENSEN: Yes, sir.

18 BY GENERAL CHRISTENSEN:

19 Q. Is it fair to say this is mostly remains in
20 this poster?

21 A. Yes. This is remains in this poster. To get
22 the logistics of what we're looking at, this is the
23 ditch, and this is the southern part of the ditch,
24 which is uphill. And this is going downhill, as you
25 can see, to that lower point where it starts to

1 flatten out in this area.

2 This is the area that is up the hill from the
3 ditch where the skull, the mandible and other items,
4 bones were found that had been removed prior to our
5 arrival. That had --

6 THE COURT: Point again to the taped in
7 area. Right there (indicating)?

8 THE WITNESS: Right here, Your Honor.

9 THE COURT: Okay.

10 THE WITNESS: So this is uphill from the
11 ditch, and this is the top of the ditch, the southern
12 most point going downward. And each picture is a
13 star that shows their location.

14 GENERAL CHRISTENSEN: Your Honor, if we
15 can have that entered as the next numbered exhibit.

16 THE COURT: Let's see if I agree with
17 you. That should 160?

18 THE REPORTER: Yes, sir.

19 (WHEREUPON, the above-mentioned document
20 was marked as Exhibit Number 160.)

21 BY GENERAL CHRISTENSEN:

22 Q. This next one, I'll ask you about it before
23 we have it tagged. If you can describe what we're
24 looking at here. Just briefly, then we'll have --

25 THE COURT: Turn around, just let them

1 look briefly.

2 MS. THOMPSON: I can match it up. That's
3 fine.

4 THE COURT: Okay.

5 THE WITNESS: This is another aerial
6 photo and a photograph of the ditch with the markers
7 of most of the personal effects.

8 BY GENERAL CHRISTENSEN:

9 Q. Okay. This focuses more on personal effects?

10 A. Yes.

11 GENERAL CHRISTENSEN: Your Honor, if we
12 could have this entered as the next numbered exhibit.

13 THE COURT: Be 161.

14 GENERAL CHRISTENSEN: 161.

15 (WHEREUPON, the above-mentioned document
16 was marked as Exhibit Number 161.)

17 GENERAL CHRISTENSEN: Your Honor, if I
18 could publish this.

19 BY GENERAL CHRISTENSEN:

20 Q. If you could describe what we're looking at
21 here.

22 A. This picture is showing marker 27 and marker
23 25. And this is looking back up the hill, so the
24 photograph is taken from the north point looking
25 south up the hill. So from this point, it is up this

1 hill in this area here where the skull and mandible
2 and other bones were found that was blocked off
3 earlier, taped off earlier prior to our arrival.

4 So this is showing the personal items that
5 were to the left on my two-dimensional drawing on the
6 hillside. And each picture shows -- is denoted with
7 a star. And then the wallet with the driver's
8 license was at that furthest (sic) point up the
9 hill from this area. So it is up this way.

10 Q. Thank you.

11 GENERAL CHRISTENSEN: Judge, I have no
12 further questions. Thank you.

13 THE COURT: Cross-examination.

14 MS. THOMPSON: Yes, sir.

15 THE COURT: Do you want any of these
16 exhibits left up?

17 MS. THOMPSON: I want 145, please, which
18 is a photograph.

19 THE COURT: Which is -- let's see 145,
20 it's a photograph. Do you see our homemade lens
21 cover? That thing was blinding people coming in.
22 It's not very sophisticated, but it works.

23
24 **CROSS-EXAMINATION**

25 **QUESTIONS BY MS. THOMPSON:**

1 Q. First, Ms. Hodge, let me just ask you so I
2 understand. You said some of the items, the teeth
3 and other small fragments, you found by sifting the
4 dirt?

5 A. That is correct, yes.

6 Q. I notice you had pictures of these items,
7 though? Did you take --

8 A. Yes.

9 Q. So after you sifted the dirt and you found
10 something, then did you sit it back down on the
11 ground by where you found it?

12 A. No, ma'am. The removal of the dirt, as I
13 spoke of earlier one shovel at a time, would reveal
14 the small items like the tooth. So they were
15 photographed as they were found in the ditch.

16 Q. So you were kind of shaving away dirt, would
17 take a photograph. You weren't placing things
18 back --

19 A. No, ma'am.

20 Q. Okay. Just wanted to be clear on that.

21 This other item here, you've described it.
22 And let me see if I can zoom in on this. I don't
23 know how clear it is. There. You had described this
24 as cloth, but it appears to be some kind of woven
25 fabric like a bag fertilizer might come in?

1 A. Yes, that's possible. Yes.

2 Q. It appears to be that the fabric is woven out
3 of kind of a waxy, plastic material, like a burlap, a
4 plastic burlap, would you agree with me on that?

5 A. Yes, ma'am.

6 Q. It's not a fabric cloth?

7 A. That was the term that I used, but this was
8 one of the items that was removed prior to our
9 arrival, so I did not see it. I've only identified
10 it through a photograph.

11 Q. Okay. Very good.

12 MS. THOMPSON: No further questions.

13 GENERAL CHRISTENSEN: No redirect, Judge.

14 THE COURT: Let's go ahead and take a
15 break. We haven't been here that long, but this is
16 fairly tedious. It does not mean it's not important.
17 It doesn't mean you should have any additional
18 emphasis, but listening to one after the other, it
19 gets a little tedious. Let's take 15 minutes.
20 Follow the instructions you were given.

21 (Short break.)

22 (END OF VOLUME VII)

23

24

25