

W2020-01208-CCA-R3-CD

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

ORIGINAL

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 X 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

21 3rd New 2020 11³⁰
22 Johnna Poon D.C.

23 -----
24 Reported by:
ERIN ANGEL
Court Reporter

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by [Signature] State Courts

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TABLE OF CONTENTS

Appearances	ii
Table of Contents	iii
Exhibit List	xii
Reporter Certificate	2792

VOLUME I

VOIR DIRE	
BY GENERAL NICHOLS	18
BY MS. THOMPSON	52

VOLUME II

VOIR DIRE	
BY GENERAL HAGERMAN	145
BY MS. THOMPSON	161
BY GENERAL NICHOLS	187
BY MR. SIMMONS	195
BY GENERAL HAGERMAN	208
BY MS. THOMPSON	214

VOLUME III

INDICTMENT READ	262
ADMONITIONS	272
CHARGE OF THE COURT	273
OPENING STATEMENTS	289

STATE'S PROOF

DANA BOBO	
DIRECT EXAMINATION	332
DREW SCOTT	
DIRECT EXAMINATION	380
CROSS-EXAMINATION	392

1	JAMES BARNES	
	DIRECT EXAMINATION	394
2	CROSS-EXAMINATION	411
3	REDIRECT EXAMINATION	431

VOLUME IV

5	KAREN BOBO	
	DIRECT EXAMINATION	436
6	CROSS-EXAMINATION	516
7	CLINT BOBO	
	DIRECT EXAMINATION	521
8	CROSS-EXAMINATION	568
9	REDIRECT EXAMINATION	582
10	JOHN BABB	
	DIRECT EXAMINATION	586
11	TONY WEBER	
	DIRECT EXAMINATION	603
12	CROSS-EXAMINATION	616
13	CERTIFICATE OF THE REPORTER	633
14	CERTIFICATE OF THE COURT	634

VOLUME V

16	TONY WEBER	
	CROSS BY MS. THOMPSON	639
17	REDIRECT BY GENERAL HAGERMAN	657
18	RECROSS BY MS. THOMPSON	666
19	LAWRENCE JAMES	
	DIRECT BY GENERAL RAGLAND	670
20	CROSS BY MS. THOMPSON	716
21	WARREN RAINEY	
	DIRECT BY GENERAL HAGERMAN	731
22	CROSS BY MS. THOMPSON	746
23	STEPHEN YOUNG	
	DIRECT BY GENERAL HAGERMAN	761
24	CROSS BY MS. THOMPSON	769
25	MATTHEW ROSS	
	DIRECT BY GENERAL HAGERMAN	771
	CROSS BY MS. THOMPSON	779

1	CHRIS HILL	
	DIRECT BY GENERAL HAGERMAN	788
2	CROSS BY MS. THOMPSON	790
	REDIRECT BY GENERAL HAGERMAN	796
3	RECROSS BY MS. THOMPSON	799
4	CHRISTIE CLENNEY	
	DIRECT BY GENERAL HAGERMAN	801
5	CROSS BY MS. THOMPSON	814
6		
7	VOLUME VI	
8	TIMOTHY CLENNEY	
	DIRECT BY GENERAL HAGERMAN	821
9	CROSS BY MS. THOMPSON	825
10	REBECCA EARP	
	DIRECT BY GENERAL HAGERMAN	831
11	CROSS BY MS. THOMPSON	860
	REDIRECT BY GENERAL HAGERMAN	908
12	REDIRECT BY MS. THOMPSON	935
13		
	VOLUME VII	
14	DENNIS MCKENZIE	
	DIRECT BY GENERAL HAGERMAN	949
15	CROSS BY MS. THOMPSON	955
16	JON GRAVES	
	DIRECT BY GENERAL NICHOLS	958
17	CROSS BY MS. THOMPSON	973
	REDIRECT BY GENERAL NICHOLS	985
18	GERALD STEPHENS	
19	DIRECT BY GENERAL NICHOLS	988
20	EMILY PRATT	
	DIRECT BY GENERAL NICHOLS	1011
21	CROSS BY MS. THOMPSON	1027
22	EDNESHA BRASHER	
	DIRECT BY GENERAL NICHOLS	1032
23	ERNEST STONE	
24	DIRECT BY GENERAL CHRISTENSEN	1041
25		

1	LAURA HODGE	
	DIRECT BY GENERAL CHRISTENSEN	1053
2	CROSS BY MS. THOMPSON	1124

VOLUME VIII

4	MARCO ROSS, MD	
5	DIRECT BY GENERAL CHRISTENSEN	1128
	CROSS BY MR. GONZALEZ	1149
6	REDIRECT BY GENERAL CHRISTENSEN	1162
	RECROSS BY MR. GONZALEZ	1163
7	KRYSTLE RODRIGUEZ	
8	DIRECT BY GENERAL CHRISTENSEN	1167
9	JASON AUTRY	
	DIRECT BY GENERAL NICHOLS	1184

VOLUME IX

12	JASON AUTRY, CONTINUED	
	CROSS BY MS. THOMPSON	1290
13	OFFER OF PROOF	
	BY MS. THOMPSON	1419
14	BY GENERAL NICHOLS	1420
	CROSS CONTINUED BY MS. THOMPSON	1421
15	REDIRECT BY GENERAL NICHOLS	1452

VOLUME X

17	BRIAN VITT	
18	DIRECT BY GENERAL HAGERMAN	1458
	CROSS BY MS. THOMPSON	1465
19	RANDY MCGEE	
20	DIRECT BY GENERAL RAGLAND	1469
	CROSS BY MS. THOMPSON	1472
21	BRENDA O'BRYANT	
22	DIRECT BY GENERAL NICHOLS	1479
	CROSS BY MS. THOMPSON	1484
23	ANGELA SMITH	
24	DIRECT BY GENERAL HAGERMAN	1487
	CROSS BY MS. THOMSON	1494

VICTOR DINSMORE	
DIRECT BY GENERAL NICHOLS	1498
CROSS BY MS. THOMPSON	1520
REDIRECT BY GENERAL NICHOLS	1557
RECROSS BY MS. THOMPSON	1564
REDIRECT BY GENERAL NICHOLS	1566

VOLUME XI

BRENT BOOTH	
DIRECT BY GENERAL HAGERMAN	1570
CROSS BY MS. THOMPSON	1625
REDIRECT BY GENERAL HAGERMAN	1639
RECROSS BY MS. THOMPSON	1641

STEVE DEATON	
DIRECT BY GENERAL NICHOLS	1645
CROSS BY MS. THOMPSON	1658

CERVINIA BRASWELL	
DIRECT BY GENERAL RAGLAND	1661
CROSS BY MR. GONZALEZ	1671
REDIRECT BY GENERAL RAGLAND	1675
RECROSS BY MR. GONZALEZ	1677

VOLUME XI

DEBBIE DORRIS	
DIRECT BY GENERAL RAGLAND	1685
CROSS BY MS. THOMPSON	1688

MICHAEL FRIZZELL	
DIRECT BY GENERAL HAGERMAN	1691

CANDACE WOOD	
DIRECT BY GENERAL NICHOLS	1748
CROSS BY MS. THOMPSON	1763

VOLUME XII

JOHN MAXWELL	
DIRECT BY GENERAL NICHOLS	1775
CROSS BY MS. THOMPSON	1782

1	TERRY BRITT	
	DIRECT BY GENERAL NICHOLS	1792
2	CROSS BY MS. THOMPSON	1803
	REDIRECT BY GENERAL NICHOLS	1848
3	RECROSS BY MS. THOMPSON	1854
4	ANTHONY PHOENIX	
	DIRECT BY GENERAL CHRISTENSEN	1857
5	CROSS BY MS. THOMPSON	1868
	REDIRECT BY GENERAL CHRISTENSEN	1875
6	RECROSS BY MS. THOMPSON	1876
7	JAMES DARNELL	
	DIRECT BY GENERAL RAGLAND	1878
8	CROSS BY MS. THOMPSON	1894
	REDIRECT BY GENERAL RAGLAND	1901
9	CARL STATELER	
10	DIRECT BY GENERAL NICHOLS	1903
	CROSS BY MS. THOMPSON	1911
11	REDIRECT BY GENERAL NICHOLS	1914
	RECROSS BY MS. THOMPSON	1916
12	REDIRECT BY GENERAL NICHOLS	1917
13	COREY RIVERS	
	DIRECT BY GENERAL NICHOLS	1918
14	CROSS BY MS. THOMPSON	1932
	REDIRECT BY GENERAL NICHOLS	1940
15	RECROSS BY MS. THOMPSON	1944
16		
17	VOLUME XIII	
18	SHAWN COOPER	
	DIRECT BY GENERAL HAGERMAN	1947
19	CROSS BY MS. THOMPSON	1959
20	JASON KIRK	
	DIRECT BY GENERAL HAGERMAN	1963
21	CROSS BY MS. THOMPSON	1970
22	CHRIS SWIFT	
	DIRECT BY GENERAL CHRISTENSEN	1976
23	CROSS BY MS. THOMPSON	1987
	REDIRECT BY GENERAL CHRISTENSEN	1990
24	STATE RESTS	1992
25		

DEFENSE'S PROOF

RITA AUSTIN
DIRECT BY MS. THOMPSON 1997
CROSS BY GENERAL NICHOLS 2015

JUDY EVANS
DIRECT BY MS. THOMPSON 2037
CROSS BY GENERAL HAGERMAN 2046
REDIRECT BY MS. THOMPSON 2050

TERRY DICUS
DIRECT BY MS. THOMPSON 2054

VOLUME XIV

TERRY DICUS, CONTINUED
CROSS BY GENERAL HAGERMAN 2152
REDIRECT BY MS. THOMPSON 2192
RECROSS BY GENERAL HAGERMAN 2213
REDIRECT BY MS. THOMPSON 2214

ARTHUR VIVEROS
DIRECT BY MS. THOMPSON 2217
CROSS BY GENERAL HAGERMAN 2227
REDIRECT BY MS. THOMPSON 2229

DAVID BARELA
DIRECT BY MR. GONZALEZ 2233
CROSS BY GENERAL NICHOLS 2237
REDIRECT BY MR. GONZALEZ 2241

TRAVIS DUNAVANT
DIRECT BY MS. THOMPSON 2242

JOHN ADAMS
DIRECT BY MS. THOMPSON 2247
CROSS BY GENERAL NICHOLS 2269
REDIRECT BY MS. THOMPSON 2284

WILLIAM BELL
DIRECT BY MS. THOMPSON 2287
CROSS BY GENERAL NICHOLS 2291
REDIRECT BY MS. THOMPSON 2300
RECROSS BY GENERAL NICHOLS 2301

1 LINDA LITTLEJOHN
2 DIRECT BY MS. THOMPSON 2303
3 CROSS BY GENERAL HAGERMAN 2309

4 AMBER TREAT
5 DIRECT BY MS. THOMPSON 2310
6 CROSS BY GENERAL HAGERMAN 2316

7 **VOLUME XV**

8 JOHN WALKER
9 DIRECT BY MS. THOMPSON 2337
10 OFFER OF PROOF
11 BY MS. THOMPSON 2357
12 BY GENERAL NICHOLS 2374
13 BY MS. THOMPSON 2379
14 DIRECT CONTINUED BY MS. THOMPSON 2381
15 CROSS BY GENERAL NICHOLS 2392
16 REDIRECT BY MS. THOMPSON 2412

17 KRISTIE GUTGSELL
18 DIRECT BY MS. THOMPSON 2421

19 JONATHAN REEVES
20 DIRECT BY MS. THOMPSON 2425

21 **VOLUME XVI**

22 JONATHAN REEVES
23 CROSS BY GENERAL HAGERMAN 2490
24 REDIRECT BY MS. THOMPSON 2512
25 RECROSS BY GENERAL HAGERMAN 2523
26 REDIRECT BY MS. THOMPSON 2529

27 JAMES GARNETT
28 DIRECT BY MS. THOMPSON 2531
29 CROSS BY GENERAL NICHOLS 2537

30 DEFENSE RESTS 2538

31 ZACHARY ADAMS
32 BY THE COURT 2539

STATE'S REBUTTAL

DANA BOBO	
DIRECT BY GENERAL NICHOLS	2543
JACK VANHOOSER	
DIRECT BY GENERAL NICHOLS	2546
CROSS BY MS. THOMPSON	2550
STATE RESTS	2552

VOLUME XVII

JURY CHARGE	2560
CLOSING STATEMENTS	
BY GENERAL HAGERMAN	2616
BY MS. THOMPSON	2637
BY GENERAL NICHOLS	2722
VERDICT	2760
SENTENCING	2775

EXHIBIT LIST

1		
2	Exhibit Number 1	
3	Photograph	357
4	Exhibit Numbers 2-13	
5	Photographs	360
6	Exhibit Number 14	
7	Ring	385
8	Exhibit Number 15-16	
9	Photographs	408
10	Exhibit Number 17	
11	CD	455
12	Exhibit Numbers 18-25	
13	Photographs	460
14	Exhibit Number 26	
15	Pink Panties	467
16	Exhibit Numbers 27-28	
17	Photographs	470
18	Exhibit Number 29	
19	Drug Cards Grade Sheet	477
20	Exhibit Number 30	
21	Lunch Box	479
22	Exhibit Number 31	
23	Purse	480
24	Exhibit Number 32	
25	Camera and batteries	481
26	Exhibit Number 33	
27	Car keys	482
28	Exhibit Number 34	
29	Wallet	483
30	Exhibit Number 35	
31	Photograph	542
32	Exhibit Number 36	
33	Drawing	598

1	Exhibit Number 37	
2	CD	656
3	Exhibit Number 38	
4	Document	656
5	Exhibit Number 39	
6	Document	657
7	Exhibit Numbers 40-51	
8	Photographs	683
9	Exhibit Numbers 52-53	
10	Photographs	693
11	Exhibit Number 54	
12	Samples	700
13	Exhibit Number 55	
14	Official Serology/DNA Report	705
15	Exhibit Number 56	
16	Shoes	721
17	Exhibit Number 57	
18	Clothes	776
19	Exhibit Numbers 58-60	
20	Photographs	776
21	Exhibit Number 61, Identification	
22	Jury questions	830
23	Exhibit Number 62, Identification	
24	Facebook Records	857
25	Exhibit Number 63	
	Photograph	858
	Exhibit Number 64	
	Photograph	859
	Exhibit Number 65	
	Note	934
	Exhibit Number 66	
	Photograph	970

1	Exhibit Number 67	
2	Photograph	986
3	Exhibit Number 68	
4	Photograph	997
5	Exhibit Number 69	
6	Photograph	997
7	Exhibit Number 70	
8	Photograph	1001
9	Exhibit Number 71	
10	Photograph	1006
11	Exhibit Number 72	
12	Student Termination Form	1007
13	Exhibit Number 73	
14	Photograph	1021
15	Exhibit Number 74	
16	Photograph	1021
17	Exhibit Number 75	
18	Photograph	1025
19	Exhibit Number 76, Identification	
20	Drug card	1027
21	Exhibit Number 77	
22	Sim card	1039
23	Exhibit Number 78	
24	Photograph	1044
25	Exhibit Numbers 79-80	
	Photographs	1057
	Exhibit Number 81	
	Diagram	1060
	Exhibit Numbers 82-92	
	Photographs	1060
	Exhibit Number 93	
	Inhaler	1064

1	Exhibit Number 94	
2	Purse strap	1065
3	Exhibit Number 95	
4	Small purse	1067
5	Exhibit Number 96	
6	Lipstick	1072
7	Exhibit Number 97	
8	Lipstick	1073
9	Exhibit Number 98	
10	Mirror	1073
11	Exhibit Number 99	
12	Chapstick	1075
13	Exhibit Numbers 100-127	
14	Photographs	1077
15	Exhibit Number 128	
16	Ponytail holder	1080
17	Exhibit Number 129	
18	Piece of fabric	1081
19	Exhibit Number 130	
20	Earring	1085
21	Exhibit Number 131	
22	Earring	1089
23	Exhibit Number 132	
24	Fabric	1091
25	Exhibit Number 133	
	Lotion bottle	1098
	Exhibit Numbers 134-150	
	Photographs	1103
	Exhibit Number 151	
	Flip flop	1112
	Exhibit Number 152	
	Flash drive	1112

1	Exhibit Number 153	
2	Earring	1113
3	Exhibit Numbers 154-156	
4	Photographs	1115
5	Exhibit Number 157	
6	Shell casing	1118
7	Exhibit Number 158	
8	Shell casing	1118
9	Exhibit Number 159	
10	Shell casing	1118
11	Exhibit Number 160	
12	Poster	1122
13	Exhibit Number 161	
14	Poster	1123
15	Exhibit Numbers 162-173	
16	Photographs	1133
17	Exhibit Number 174	
18	ME Report	1149
19	Exhibit Number 175	
20	Stipulation	1165
21	Exhibit Number 176	
22	Missing Persons DNA Database	
23	Report	1175
24	Exhibit Numbers 177-179	
25	Photographs	1214
26	Exhibit Number 180	
27	Gun	1278
28	Exhibit Number 181	
29	Bullets	
30	Identification	1278
31	Moved into Evidence	1668
32	Exhibit Number 182	
33	Poster	1285

1	Exhibit Number 183	
2	Drawing	1337
3	Exhibit Number 184	
4	Map	1346
5	Exhibit Number 185, Under Seal	
6	Document	1415
7	Exhibit Number 186	
8	Immunity Agreement	1446
9	Exhibit Number 187	
10	Proffer letter	1446
11	Exhibit Numbers 188-189	
12	Photographs	1508
13	Exhibit Number 190	
14	Letter	1522
15	Exhibit Number 191	
16	Letter	1523
17	Exhibit Number 192	
18	Map	1592
19	Exhibit Number 193	
20	Map	1605
21	Exhibit Number 194	
22	School Registration	1617
23	Exhibit Number 195	
24	Invoice	1618
25	Exhibit Number 196	
	Dollar bill	1619
	Exhibit Number 197	
	Diagram	1620
	Exhibit Number 198	
	Drug card	1621
	Exhibit Number 199	
	Binder	1622

1	Exhibit Number 200	
2	Photograph	1651
3	Exhibit Numbers 201-203	
4	Photographs	1656
5	Exhibit Number 204	
6	Photograph	1664
7	Exhibit Numbers 205-206	
8	Photographs	1669
9	Exhibit Number 207	
10	Official Firearms Report	1670
11	Exhibit Number 208	
12	FBI Cellular Analysis Survey Team	1698
13	Exhibit Number 209	
14	Sketch	1760
15	Exhibit Number 210	
16	Photograph	1761
17	Exhibit Number 211	
18	Dispatch Log	1777
19	Exhibit Number 212	
20	Judgment	1781
21	Exhibit Number 213, Identification	
22	Document	1871
23	Exhibit Number 214	
24	Certificate of Authenticity	1974
25	Exhibit Numbers 215-216	
	Photographs	2065
	Exhibit Number 217	
	Photograph	2069
	Exhibit Number 218	
	Map	
	Identification	2076
	Moved into Evidence	2514

1	Exhibit Number 219	
2	Sector map	
3	Identification	2077
4	Moved into Evidence	2513
5	Exhibit Number 220	
6	Photograph	2134
7	Exhibit Numbers 221-222	2137
8	Photographs	
9	Exhibit Number 223	
10	Photograph	2149
11	Exhibit Numbers 224-225	
12	Documents	2198
13	Exhibit Number 226	
14	Document	2199
15	Exhibit Number 227	
16	Document	2199
17	Exhibit Number 228	
18	.32 ACP	2234
19	Exhibit Number 229	
20	.380 ACP	2234
21	Exhibit Number 230	
22	Ammunition measurements	2234
23	Exhibit Number 231	
24	Photograph	2251
25	Exhibit Number 232	
26	Certificate of Title	2257
27	Exhibit Number 233	
28	Dons Body Shop	2269
29	Exhibit Number 234	
30	Statement	2269
31	Exhibit Number 235	
32	Official Microanalysis Report	2308
33	Exhibit Number 236	
34	Routes Investigation	2313

1	Exhibit Number 237	
2	Routes Investigation	2313
3	Exhibit Number 238	
4	Routes Investigation	2314
5	Exhibit Number 239	
6	Map	2359
7	Exhibit Number 240	
8	Technical Analysis and Report	2427
9	Exhibit Number 241	
10	Cell data	2482
11	Exhibit Numbers 242-245	
12	Voice call details	2487
13	Exhibit Numbers 246-247	
14	Voice Call details	2488
15	Exhibit Number 248	
16	Netanalysis	2533
17	Exhibit Number 249	
18	Stipulation of Fact	2543
19	Exhibit Number 250	
20	Jury question	2757
21	Exhibit Number 251	
22	Verdict Form	2773

1 **VOLUME X**

2 **DAY 6**

3 **THURSDAY, SEPTEMBER 15, 2017**

4
5 THE COURT: Okay, gentlemen, come out
6 here. Place you under oath for purposes of guarding
7 the jury. Raise your right hand.

8 (WHEREUPON, the judge swore in two more
9 officers.)

10 THE COURT: All right. Give her your
11 name, each of you.

12 (WHEREUPON, the officers told the clerk
13 their names.)

14 THE COURT: State ready to proceed?

15 GENERAL HAGERMAN: Yes, sir.

16 THE COURT: Defendant ready to proceed?
17 We'll bring him in here. I am cognizant he's not
18 here, but I'm just saying, generally we're ready to
19 proceed.

20 MS. THOMPSON: Yes, Your Honor.

21 THE COURT: All right. Bring the
22 defendant in.

23 I've got a note from the jury. I've got a
24 note from the jury. It's more law school 101. They
25 say, "What is discovery? Where does it come from?"

1 So I'll broadly address that, and then give it to her
2 to place in the exhibit.

3 As soon as the jury is ready, we're ready.

4 THE SHERIFF: We're ready, Your Honor.

5 THE COURT: All right. Bring them in,
6 please.

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

10 THE COURT: Be seated, please. Good
11 morning. The sheriff gave me a note that one of the
12 jurors gave to him. It says, What is discovery, and
13 where does it come from?

14 First of all, it's something you need not be
15 concerned with, but I am going to give you a general
16 explanation, kind of as part of your law school
17 education.

18 I bet you that wrap will come off before the
19 day is over.

20 A JUROR: Oh, yeah. The hairs are
21 sticking up now.

22 THE COURT: Yesterday was a little muggy,
23 so we try to start out with it cool.

24 The law has evolved. At one time they called
25 things trial by ambush. One side did not have to

1 tell the other side anything. As the law evolved
2 over time, a case in its strongest since is a search
3 for the truth, whether it be a criminal case or
4 whether it be a civil case where someone has sued
5 somebody. Discovery is applicable in both of those,
6 civil and criminal. It's where the attorneys,
7 because of court rule, have to furnish to the other
8 side certain material so that we do not have trial by
9 ambush.

10 They have to advise them, essentially, of
11 what evidence they intend to present, and it can
12 apply equally to both sides. So I hope that answers
13 your question. It's not something you need to be
14 concerned with other than curiosity. And I know
15 because you've heard 404(b), you've heard discovery,
16 you've heard all kinds of things that might be
17 outside of something that you're used to. Those are
18 things that we must concern ourself with. I am doing
19 this just simply to satisfy your curiosity.

20 All right. Call your next witness for the
21 State.

22 GENERAL HAGERMAN: Brian Vitt.

23 (WHEREUPON, the above-mentioned jury
24 question was added to Exhibit Number 61.)

25 (The witness was sworn.)

1 THE COURT: Be seated. I want you to
2 state your name first and last and spell it for the
3 benefit of the court reporter, please.

4 THE WITNESS: Okay. My name is Brian
5 Vitt. Common spelling on Brian with an I. Last name
6 is V as in Victor, I-T-T. I am a city of Camden
7 police officer with the Camden Police Department.

8 THE COURT: All right. Thank you. You
9 can proceed.

10
11 * * *

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

15
16 DIRECT EXAMINATION

17 QUESTIONS BY GENERAL HAGERMAN:

18 Q. You're not here today about your police
19 duties; are you?

20 A. No, sir.

21 Q. Just sort of about your ordinary life?

22 A. Yes, sir.

23 Q. Where do you live?

24 A. I live at 926 Yellow Springs Road.

25 Q. Is that in what some people call the Yellow

1 Springs, like, community?

2 A. Yes, sir, the Yellow Springs community.

3 Q. Generally where is that?

4 A. It's in the northern part of Decatur County.

5 Q. How close from, like, Interstate 40 is it?

6 A. Three miles.

7 Q. So real close?

8 A. Yes, sir.

9 Q. Do you have a house there?

10 A. Yes, sir.

11 Q. Who lives there?

12 A. Just my wife and I.

13 Q. Back in 2011 who all lived there?

14 A. My wife, my daughter, and I.

15 Q. I want to ask you first about your property.

16 Describe your property to me.

17 A. Okay. I live at the corner of Hohammer Road,

18 Hohammer and Yellow Springs Road.

19 Q. Okay. Did you have a house or a farm? What

20 do you have?

21 A. We have a house, small farm, yes, sir.

22 Q. Is it just on -- you live sort of at the

23 intersection of Hohammer and Yellow Springs; is that

24 right?

25 A. Yes.

1 Q. And is your house confined to one side of the
2 street, or does it go over to both sides?

3 A. It's just confined to one side of the street.
4 If you're standing at Yellow Springs Road looking at
5 my house, my house would be north of Yellow Springs
6 Road and west of Hohammer Road.

7 Q. And did you have -- back in 2011 or even
8 before that, did you have a next door neighbor just
9 right across Hohammer on the same side of the street,
10 Yellow Springs, as you?

11 A. Yes, the Hickersons used to live there.

12 THE COURT: Is Hohammer
13 H-O-E-H-A-M-M-E-R?

14 THE WITNESS: No, sir, it's just
15 H-O-H-A-M-M-E-R.

16 THE COURT: Okay.

17 THE WITNESS: Repeat the question,
18 please, sir.

19 BY GENERAL HAGERMAN:

20 Q. Your neighbor.

21 A. Okay. Juanita and Rayburn Hickerson were
22 their names. They were both deceased not very long
23 when this took place.

24 Q. Do you know whether or not Juanita Hickerson
25 was related to Shane Austin?

1 A. It was his grandmother.

2 Q. April 13 of 2011 -- well, let's first -- let
3 me ask you: Did you have like a routine, basically,
4 for how you got up in the morning, stuff like that?

5 A. I work swing shift. I change shifts
6 constantly.

7 Q. Okay.

8 A. Once a week, I am on midnights for a week,
9 and I'm on dayshifts for a week.

10 Q. So that night before, April 12 --

11 A. Okay.

12 Q. -- what time did you come home and stuff like
13 that?

14 A. Okay. Went to work that night working a
15 midnight shift, came home, got home about 6:00 a.m.
16 on that -- the morning that Holly disappeared. I
17 came home.

18 Q. Now, did you -- did you know -- did you know
19 Holly?

20 A. I did not know her personally. My daughter
21 knew her. My daughter, they weren't best friends,
22 but they were in the same circle so to speak.

23 Q. Okay.

24 A. Came home, parked the patrol car, went in and
25 cooked breakfast for my wife and I. I am trying to

1 remember if my daughter was there at time or not.
2 But I fixed breakfast for my wife and I. We sat
3 around and talked for a little while. She got ready
4 to go to work.

5 Q. What time did she go to work?

6 A. She generally leaves 8:15-ish, somewhere in
7 there. Around 8:15.

8 Q. What did you do after she went to work?

9 A. When she went to work -- after working
10 midnights, I knew that I wasn't going to be working
11 the following night. So what I did was I stay up
12 then, and I got my lawn mower out and mowed my yard.

13 Q. Started mowing your yard?

14 A. Yes, sir.

15 Q. That's really almost the only reason you're
16 here?

17 A. Correct.

18 Q. That next door neighbor, Juanita Hickerson,
19 who is deceased --

20 A. Yes, sir.

21 Q. -- Shane's grandmother --

22 A. Yes, sir.

23 Q. -- describe her property for me.

24 A. Her property would be right west of me. Her
25 house, there was not really much acreage on that plot

1 where her house is. But across the road, they
2 owned -- I don't know how many acres but a few acres,
3 several acres I guess.

4 Q. Okay. And her property stretches, like you
5 said, across Yellow Springs Road; is that right?

6 A. Correct.

7 Q. What's over there across Yellow Springs Road?

8 A. Right now?

9 Q. Let's talk about back in 2011, then you can
10 tell us about it.

11 A. Back then there would have been a barn back
12 there.

13 Q. Old barn, new barn?

14 A. An old barn.

15 Q. Would you be able to see it if you were
16 standing in the front yard of Ms. Hickerson's house?

17 A. Yes, sir.

18 Q. About how far off the road was it maybe?

19 A. I would have guessed 150 yards, maybe 200
20 max, something like that.

21 Q. That barn still there?

22 A. No, sir, it's destroyed.

23 Q. Is there any new structures on the property
24 now?

25 A. Yes, sir. There's a new barn there, a

1 smaller barn, but a new barn and a chicken coop.

2 Q. 2011 there was an old barn --

3 A. Uh-huh.

4 Q. -- across the street from her house?

5 A. Uh-huh.

6 Q. That morning when you were cutting grass,
7 okay?

8 A. Yes, sir.

9 Q. Did you see any vehicles?

10 A. I wish I had.

11 Q. You wish you had?

12 A. Yes, sir.

13 Q. Did you see any people?

14 A. Wish I had.

15 Q. Did you hear any screams or anything?

16 A. I wish I had.

17 Q. Things would be different?

18 A. I pray that they would be.

19 Q. But you were cutting your grass out there a
20 little bit after 8:15?

21 A. Yes, sir.

22 GENERAL HAGERMAN: No further questions.

23 THE COURT: Cross-examination.

24 MS. THOMPSON: Yes, Your Honor.

25

1 **CROSS-EXAMINATION**

2 **QUESTIONS BY MS. THOMPSON:**

3 Q. Mr. Vitt, I am Jennifer Thompson.

4 A. Yes, ma'am.

5 Q. So you are a police officer with the Camden
6 Police; is that right?

7 A. Yes, ma'am.

8 Q. And you're also -- the time in the past, you
9 were part time at Tennessee Wildlife -- is it TWRA --

10 A. Yes, ma'am, TWRA, yes, ma'am.

11 Q. -- officer?

12 And so you've been a police officer for
13 years?

14 A. Yes, ma'am.

15 Q. You're trained to observe things; aren't you?

16 A. Yes, ma'am.

17 Q. You're certainly trained to listen for people
18 in distress?

19 A. Yes, ma'am.

20 Q. And you would -- while you may not have
21 noticed cars, you certainly would have noticed
22 something that was suspicious driving by, such as if
23 someone had driven by at a really high rate of speed;
24 isn't that right?

25 A. I would hope to. We have several that go by

1 at a high rate of speed from time to time.

2 Q. And so you didn't notice anything that
3 morning unusual?

4 A. No, ma'am. Like I said, I was in the house
5 from 6:00 to 8:00 inside.

6 Q. Now, you've given a statement about this
7 before?

8 A. Yes, we've talked.

9 Q. Okay. Matter of fact, a Josh Carter came out
10 with the TBI and spoke to you in September of 2014?

11 A. Okay.

12 Q. Does that sound about right?

13 A. I don't remember the name. There was -- I've
14 spoke to several people, agents throughout this time.

15 Q. Okay. So -- and as a police officer, you're
16 familiar with the fact that you write up reports
17 after interviewing witnesses?

18 A. Yes.

19 Q. It's standard practice among law enforcement?

20 A. Correct.

21 Q. And so at that time -- and you would agree
22 with me that memories fade over time?

23 A. Correct.

24 Q. Okay. At that time when you gave that
25 interview, you told the TBI agent that you were

1 outside mowing your lawn sometime between 7:00
2 a.m. -- you started at approximately 7:00 a.m. and
3 finished around 9:00 a.m.?

4 A. Okay. Looking back, I am pretty sure,
5 though, I would have waited until she left. I
6 normally do or did.

7 Q. So it's possible then, you're saying this
8 report is wrong --

9 A. I am saying --

10 Q. -- if it says 7:00 to 9:00?

11 A. I am saying I may be wrong on the 8:00. It
12 may have been 7:00 that I went out there and started
13 mowing.

14 Q. Okay. Because memories fade over time?

15 A. Yes.

16 Q. And even before that, though, you had shared
17 with law enforcement the fact that you were outside
18 that morning; hadn't you?

19 A. Oh, yes.

20 Q. Because as soon as you heard that Holly Bobo
21 was missing, you knew that you might be a key
22 witness -- or that you might be able to provide
23 information to the police?

24 A. No, not necessarily, because I didn't know
25 she come through that area.

1 Q. There were items that belonged to Holly Bobo
2 that were found on your road; weren't there?

3 A. I've heard that, yes, ma'am.

4 Q. And so once you heard that, you recognize
5 that you might have information that would be helpful
6 in terms of the absence of information?

7 A. If I had information, yes, I would have
8 definitely give the information but unfortunately --

9 Q. It's absent?

10 A. Correct.

11 Q. There's no information to give; is that
12 right?

13 A. Yes, ma'am.

14 Q. Did you observe Jason Autry's testimony
15 yesterday?

16 A. Bits and pieces of it.

17 Q. He had a different demeanor yesterday from
18 the Jason Autry you know; didn't he?

19 A. I am not really familiar with Jason Autry. I
20 know of him, but never really been around him or
21 spoke to him or anything.

22 Q. I thought you had spoken to him before?

23 A. No, ma'am, not Jason Autry.

24 Q. When you were out in the hall, you didn't say
25 that he had a different attitude or different

1 demeanor yesterday than he has in the past?

2 A. No. I said he was very sharp yesterday.

3 Q. Oh.

4 MS. THOMPSON: No further questions.

5 THE COURT: Done?

6 GENERAL HAGERMAN: Done.

7 THE COURT: All right. Free to go.

8 THE WITNESS: Thank you, sir.

9 (WHEREUPON, the witness was excused from
10 the stand and left the courtroom.)

11 THE COURT: Next.

12 GENERAL RAGLAND: State calls Randy
13 McGee.

14 (The witness was sworn.)

15 THE COURT: Be seated. State your first
16 and last name and spell it for the benefit of the
17 court reporter.

18 THE WITNESS: Randy McGee, R-A-N-D-Y M-C,
19 capital G, E-E.

20 THE COURT: Thank you. Proceed.

21

22 * * *

23 **RANDY MCGEE,**

24 **was called as a witness and having first been duly**
25 **sworn testified as follows:**

1
2 **DIRECT EXAMINATION**

3 **QUESTIONS BY GENERAL RAGLAND:**

4 Q. Mr. McGee, what do you do for a living?

5 A. I install satellite systems, TV satellite
6 systems.

7 Q. Were you doing that in 2011?

8 A. Yes, sir.

9 Q. What area do you do that?

10 A. Then probably two or three counties down
11 there. At one time --

12 MS. THOMPSON: I am sorry, Your Honor,
13 I'm having a hard time hearing.

14 THE COURT: Speak up a little bit,
15 please.

16 THE WITNESS: -- I would go from like
17 Memphis to Nashville, but that was years ago when I
18 was a lot younger.

19 GENERAL RAGLAND: Years ago when you were
20 a lot younger?

21 THE WITNESS: Yes, sir.

22 THE COURT: You might get a little closer
23 to that mic. It's a hot mic.

24 GENERAL RAGLAND: Chair doesn't move.

25 THE WITNESS: Yes, sir.

1 BY GENERAL RAGLAND:

2 Q. Would that area in 2011 include Decatur
3 County?

4 A. Yes, sir.

5 Q. Did you have an occasion to install a
6 satellite system or cable system for Mr. Shane Austin
7 on Yellow Springs Road?

8 A. Yes, sir.

9 Q. What did you do that morning?

10 A. That morning, no, it was lunchtime or a
11 little after when I got to his place. That morning I
12 had a service call, but I can't really remember what
13 it was about.

14 Q. That was on April 13, 2011?

15 A. Yes, sir.

16 Q. Just tell the jury what you were going to do
17 for Mr. Austin.

18 A. I was going to install Directv D12 IRD
19 receiver, 18-inch round dish. Just one room system,
20 that's not that bad. Most time a couple hours you
21 can be through, sometimes maybe two or three hours.

22 Q. What time did you get started?

23 A. I am going to say around lunch, maybe a
24 little after. I'm not sure.

25 Q. Was Mr. Austin present there at 30 Yellow

1 Springs Road when you were installing that system?

2 A. Yes, sir.

3 Q. Was there anybody with him at that time?

4 A. I didn't see anyone.

5 Q. Did you have a chance to observe him and how
6 he was acting or what he was doing?

7 A. You know, I show him where I am putting the
8 dish. I am getting the cable in the house and how
9 everything supposed to work. So mostly that's all
10 the talking I do to a customer until I get through,
11 and then I explain how to operate the system.

12 Q. What was he doing while you were installing
13 that system?

14 A. After I showed him about where the dish and
15 stuff was and inside, he just stayed inside there.

16 Q. Did you observe him drinking that morning?

17 A. Yeah, he had a beer in his hand.

18 Q. Do you know how many beers he had?

19 A. No, sir, I have no idea.

20 GENERAL RAGLAND: Thank you. Ms.
21 Thompson may have questions for you, Mr. McGee.

22

23 **CROSS-EXAMINATION**

24 **QUESTIONS BY MS. THOMPSON:**

25 Q. The fact that you were going to come install

1 television services for Shane Austin, that was
2 planned in advance; wasn't it?

3 A. I am sure it was. All my calls go to my
4 store, my wife or our help takes all the orders.

5 Q. I am sorry. I'm still having a hard time
6 hearing you.

7 A. They call the store and order everything, and
8 then they let me know, my wife or the people that
9 work for us.

10 Q. So that day when you were working with Mr.
11 Austin, you actually had to go back and get a
12 chainsaw. It was kind of an extended ordeal to
13 install that.

14 A. Oh, yes. I see -- I just -- I live across
15 641, which was not that many miles from there. And
16 it was just small trees. I am saying something about
17 like that.

18 Q. A small what?

19 A. Trees. Did you say something about a
20 chainsaw?

21 Q. Yes.

22 A. I just knocked, I don't know, two or three
23 down out of the way. He said that was fine. I said,
24 you clean them up. I don't mind getting them down so
25 you have TV.

1 Q. Okay. So when you got out there, and you
2 think it was around noon?

3 A. Yes, ma'am.

4 Q. So you actually -- because it was a scheduled
5 visit, you call in advance before you come; don't
6 you?

7 A. Yes, ma'am, usually, but that day I can't
8 remember. Sometimes -- I can't remember if I did
9 that day. Most time, I always call before I get
10 there. And half the time people don't answer anyway,
11 so I end up going.

12 Q. And you had several numbers, telephone
13 numbers at the time you used for your business;
14 didn't you?

15 A. What? You talking about the store numbers?

16 Q. Yeah. Well, store, cell phone?

17 A. Yeah, mostly the store and my cell phone.

18 Q. So one of the telephone numbers you used was
19 (731)847-7813?

20 A. That's the store, Tapestry.

21 Q. That's the store?

22 A. Yes, ma'am.

23 Q. And then you used (731)549-7532?

24 A. That's my cell phone.

25 Q. Okay. And then used (731)847-6070.

1 A. That's my home.

2 Q. Okay. And so those were three numbers that
3 Shane Austin might have called you on in order to set
4 up or discuss with you the logistics of getting his
5 television installed; isn't it?

6 A. More than likely it's going to be the
7 Tapestry. That's where most people order anything.
8 That would be the 7813.

9 Q. Okay. 7813, and that's the store number?

10 A. Yes, ma'am.

11 Q. So you ended up installing, is it Directv?

12 A. Yes, ma'am.

13 Q. Initially you were going to do Dish, because
14 that's what Jimmy and Rita Austin had; isn't it?

15 A. Yeah, I believe they did. But it was
16 probably too many trees, because Dish Network had
17 more satellites and they're lower, the elevation is
18 lower. Where just a little 18-inch dish Direct, it's
19 only one satellite, and it's a good 10 degrees higher
20 elevation. So it give me a better chance of clearing
21 the trees. There's lots, you know, of tall trees
22 around that place.

23 Q. And so that day, let me just, because you say
24 that the number most likely to have been call ed
25 would have been 7813, and you called Shane that day

1 to let him know you were coming; didn't you?

2 A. That I'm not sure. I can't remember.

3 Q. So if the phone records show that you called
4 Shane -- because actually before he came, Shane had
5 kind of called you a lot or was very interested in
6 the satellite dish set up; wasn't he?

7 A. He may have called the store a lot. I am
8 very seldom inside the store. I am out on jobs. I
9 do all my own installs.

10 Q. So that day if there is a call from you,
11 number 7338 -- I am sorry. Number 847-7813 at 11:22
12 a.m., that would sound about right; wouldn't it?

13 A. It may have been. That may have been my wife
14 or our secretary calling to let him know. Yeah,
15 probably.

16 Q. That's the store number?

17 A. Yes, ma'am.

18 Q. That's a landline; is that right?

19 A. Yes, ma'am.

20 Q. It would take you approximately, what, 20
21 minutes to get from downtown Parsons to Shane's
22 trailer?

23 A. Yes. But I come from somewhere else that
24 morning. I don't really remember where that place
25 was.

1 Q. Okay. So perhaps your family -- like you
2 said, someone in the office had called?

3 A. Yes, ma'am.

4 Q. And then after you installed the satellite,
5 Shane called multiple times, because he was having
6 some trouble getting it to work; didn't he?

7 A. No, I don't remember that.

8 Q. And so you have no memory of there being
9 additional telephone calls between you two?

10 A. No, ma'am. Called my cell phone number or
11 store number?

12 Q. Well, on April 13 at 1:41 p.m., Shane called
13 your store number and had a 40 second -- 46 second
14 telephone conversation.

15 GENERAL RAGLAND: Objection.

16 THE WITNESS: I don't believe I was
17 through by 1:00.

18 GENERAL RAGLAND: Objection. She's
19 asking what Mr. Austin did about calling the store
20 that he's not at. I don't think that's a proper line
21 of questioning.

22 THE COURT: I am a having problem with
23 relevance as to the whole thing, but nobody's
24 objected on relevance.

25 GENERAL RAGLAND: I'll object on

1 relevance as well.

2 THE COURT: All right. Sustained.

3 MS. THOMPSON: Well, Your Honor, if Mr.
4 Austin is making calls to Mr. McGee that day, that's
5 relevant as to what he was doing.

6 THE COURT: You've been over and over and
7 over. I am going to let you go, but I am having
8 problems with this.

9 MS. THOMPSON: No further questions.

10 GENERAL RAGLAND: No further questions,
11 Your Honor.

12 THE COURT: Step down, you're free to go,
13 sir.

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

16 THE COURT: Next.

17 GENERAL NICHOLS: Brenda O'Bryant.

18 (The witness was sworn.)

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

22 THE WITNESS: Brenda O'Bryant.

23 B-R-E-N-D-A O-'-B-R-Y-A-N-T.

24 THE COURT: All right. Be seated.
25 Proceed.

1
2 * * *

3 **BRENDA O'BRYANT,**
4 **was called as a witness and having first been duly**
5 **sworn testified as follows:**
6

7 **DIRECT EXAMINATION**

8 **QUESTIONS BY GENERAL NICHOLS:**

9 Q. Ms. O'Bryant, where do you -- back in 2011,
10 April of 2011, where did your parents live?

11 A. 3703 Cox Road in Holladay. It's the road
12 that runs parallel to the interstate.

13 Q. I'm going to ask you to lean forward because
14 you're soft spoken. And we want to be able to hear
15 you.

16 Will you give the address again, please?

17 A. 3703 Cox Road in Holladay. It's the road
18 that runs along the interstate.

19 Q. Does Cox Road, the area that your parents --
20 the property that your parents own, is it anywhere in
21 the vicinity of an area that's known as Kelly's
22 Ridge?

23 A. Kelly Ridge is basically directly across the
24 road from their home.

25 Q. And Cox Road where at least your father's

1 house was, is that sort of a small, narrow, windy
2 road?

3 A. Yes.

4 Q. And you said this Kelly's Ridge is directly
5 across the street from your father's property?

6 A. Yes.

7 Q. What is Kelly's Ridge, what does that mean?

8 A. It's basically just a dirt road through the
9 woods. There is a gate at the entrance.

10 Q. Do people hunt there?

11 A. Sometimes, I think so.

12 Q. But you say there is a gate at the entrance
13 to this dirt road?

14 A. There is.

15 Q. Will you describe that property that your
16 family owned?

17 A. Let's see, it's a lot of wooded area. It's a
18 home with a shop and three ponds.

19 Q. Okay. And these ponds, how far away from
20 your home are they? Are they visible?

21 A. From my parents' home?

22 Q. Yes.

23 A. Yes, very.

24 Q. All right. I want to draw your attention,
25 please to -- well, let me ask you this, do you know

1 Holly Bobo?

2 A. Yes.

3 Q. And how did you know Holly?

4 A. She played on the same ball team with my
5 daughter many years ago.

6 Q. And would you say that you were close friends
7 with her family or just acquaintances because your
8 daughters played ball together?

9 A. Acquaintances.

10 Q. Do you remember on April 13 of 2011 hearing
11 that Holly was missing?

12 A. Yes.

13 Q. Is that something that, I guess, you watched
14 unfold with respect to searchers in the area and what
15 people were doing to try and find Holly?

16 A. Yes.

17 Q. Do you recall the weekend after she went
18 missing, like that Saturday?

19 A. Yes.

20 Q. Do you recall what you were doing?

21 A. I was at my parents' home.

22 Q. Is that the home on Cox Road that's across
23 from the Kelly's Ridge dirt road and gate?

24 A. Yes.

25 Q. Was your father and other family members in

1 the home, or were they out talking to searchers and
2 trying to help?

3 A. My father and brother-in-law were in the
4 woods helping them search for Holly.

5 Q. Who was inside the house?

6 A. I was in the house with my mother and sister.

7 Q. And did something happen which struck you as
8 odd that you later felt like you needed to report?

9 A. Yes.

10 Q. Direct your answers to the jury, please, and
11 tell them what happened.

12 A. I was in the kitchen with my mother and
13 sister, and a silver PT Cruiser came up the driveway.

14 THE COURT: Can you hear?

15 MS. THOMPSON: Yes.

16 THE WITNESS: I was -- none of us were
17 aware of who this person was. I went to the door,
18 and a guy asked me if he could fish in the ponds.
19 And my mother happened to be sitting at the table
20 right there, and she heard the conversation. And she
21 said, well, really I don't know that there are any
22 fish in these ponds. We've had problems with otters,
23 and we just don't really have many fish right now
24 that I am aware of.

25 BY GENERAL NICHOLS:

1 Q. What did you tell him? I mean, your mother
2 chimed in, but did you tell him --

3 A. I told him -- I told him that he would have
4 to talk to my dad.

5 Q. Okay. What did this person respond?

6 A. And he asked where my dad was. I told him
7 that he was helping them search for Holly.

8 Q. What, if anything, did you notice about this
9 individual's demeanor?

10 A. When I mentioned Holly, he became very
11 stressed. He rolled his eyes, ran his fingers
12 through his hair. Just looked extremely stressed.
13 At that point, he said, okay, I may come back later.
14 And he got in his car and he backed out.

15 Q. Now, did you report that that day, Saturday?

16 A. A few days later.

17 Q. And how did you -- why did you report it?

18 A. Because to me, it was just -- the way he
19 reacted when I mentioned Holly.

20 Q. Let me ask you this: In all the years that,
21 as far as you know, the years that your parents have
22 lived there and you had been in and out, had anybody
23 ever driven up your driveway before, come to your
24 porch, and said can I go fish in those ponds?

25 A. Never.

1 Q. Did that strike you as odd?

2 A. That was odd as well.

3 Q. You said he backed down the driveway and
4 left?

5 A. Uh-huh.

6 Q. Is that a "yes"?

7 A. Yes.

8 GENERAL NICHOLS: I don't have any
9 further questions, Your Honor.

10 THE COURT: All right. Cross.

11

12

CROSS-EXAMINATION

13

QUESTIONS BY MS. THOMPSON:

14 Q. So you actually sent an e-mail to Officer
15 Helm about what had happened; didn't you?

16 A. I e-mailed -- I can't say who at the time.

17 Q. But you sent an e-mail explaining this very
18 odd incident that had occurred?

19 A. Yes, I did.

20 Q. Just to be clear about where this occurred --
21 I won't get out a map. Let's see if we can do this
22 as talking.

23 Your parents and you also live on Cox Road?

24 A. Yes.

25 Q. And Cox Road runs parallel to Interstate 40?

1 A. Yes.

2 Q. It's north of Interstate 40?

3 A. Yes.

4 Q. And this Kelly's Ridge road that you're
5 talking about kind of T-bones into Cox Road?

6 A. Correct.

7 Q. But Kelly's Ridge road has been blocked by a
8 gate for years and years; isn't that correct?

9 A. A few years.

10 Q. It was blocked by a gate back in 2011; wasn't
11 it?

12 A. I really can't remember at that time. I
13 can't remember.

14 Q. So if there were testimony that it was gated
15 back in 2011, that would probably be accurate?

16 A. My dad actually built that gate --

17 Q. Yes.

18 A. -- but I cannot say when.

19 Q. Okay.

20 A. I really do not remember that.

21 Q. And that area -- your parents -- so they live
22 across the street kind of in front of the T-bone
23 where Kelly's Ridge road T-bones into it; don't they?

24 A. Yes.

25 Q. And their property is then between Cox Road

1 and the interstate?

2 A. Yes.

3 Q. And at this point they have done a lot of
4 timber cutting back there where Kelly's Ridge road, a
5 lot of that area has been cut bare at this point;
6 isn't that right?

7 A. Yes.

8 GENERAL NICHOLS: Your Honor, if I can
9 just ask for clarification. When she says at this
10 point, does she mean now or does she mean 2011?

11 MS. THOMPSON: I mean currently.

12 GENERAL NICHOLS: Then I would object to
13 relevance as to what the land looks like six years
14 later.

15 MS. THOMPSON: It's relevant, Your Honor.
16 If they're trying to imply somehow that Mr. Adams has
17 dumped a body back in there, now it's clearcut. I
18 can argue to the jury later that that whole area has
19 basically been mowed down. There's not trees there.
20 There's not coverage anymore. People have been back
21 in there working.

22 THE COURT: How it is now, I am
23 sustaining your objection on grounds of relevancy.
24 You can ask anything about at that time.

25 MS. THOMPSON: Right, but --

1 THE COURT: I've ruled, please.

2 MS. THOMPSON: Yes. No further
3 questions.

4 THE COURT: Anything else?

5 GENERAL HAGERMAN: No, sir.

6 THE COURT: All right. Step down, you're
7 free to go. Please don't discuss your testimony.
8 All right. You're either free to go or you can come
9 back in the courtroom if you'd like, okay?

10 (WHEREUPON, the witness was excused from
11 the stand and left the courtroom.)

12 THE COURT: Call your next.

13 GENERAL HAGERMAN: Angela Scott Smith.

14 (The witness was sworn.)

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

17 THE WITNESS: Angela Smith, A-N-G-E-L-A
18 S-M-I-T-H.

19

20

* * *

21

ANGELA SMITH,

22

**was called as a witness and having first been duly
23 sworn testified as follows:**

24

25

DIRECT EXAMINATION

1 **QUESTIONS BY GENERAL HAGERMAN:**

2 Q. I think I may have sort of called you by the
3 wrong name or something. Is it Angela Smith?

4 There's also -- is it Angela Scott, too?

5 A. Yes, used to be.

6 Q. Okay. And if I were to put them both
7 together, is it Angela Smith Scott or Scott Smith?

8 A. Scott Smith.

9 Q. Scott Smith. So Angela Scott Smith.

10 And you're going to have to keep your voice
11 up, okay?

12 A. Okay.

13 Q. You may want to get close to that microphone.
14 You don't have to get right up on it, but maybe a
15 little closer, because we got to be able to hear you
16 right here, okay?

17 A. Okay.

18 Q. Do you know Jason Autry?

19 A. Yes.

20 Q. How do you know Jason Autry?

21 A. Me and him dated.

22 Q. You and him dated?

23 A. Uh-huh.

24 Q. Again, would you keep your voice up a little
25 bit higher than that.

1 A. I'm sorry.

2 MS. THOMPSON: I just cannot hear her.

3 THE COURT: You're going to have to speak
4 up. You can use that mic, but we've got to be able
5 to hear you, okay?

6 THE WITNESS: Okay.

7 BY GENERAL HAGERMAN:

8 Q. Voice up, okay. Voice up. Say something to
9 me.

10 A. Hello.

11 Q. Little bit louder than that.

12 A. Okay.

13 THE COURT: You're still not loud enough.
14 You might have to go where you feel like you're
15 yelling, okay?

16 THE WITNESS: Okay.

17 BY GENERAL HAGERMAN:

18 Q. Talk to me way back here, okay?

19 A. Okay. Better?

20 Q. This is better.

21 You know Jason Autry?

22 A. Yes.

23 Q. How do you know Jason Autry?

24 A. Me and him used to date.

25 Q. Back in 2011, were you dating Jason Autry?

1 A. Yes.

2 Q. Would Jason Autry -- when you say you dated,
3 would he ever spend the night at your house?

4 A. Yes.

5 Q. Once in a while or frequently?

6 A. Frequently.

7 Q. Was he supposed to be spending the night at
8 your house?

9 A. No.

10 Q. So tell me how y'all would arrange things?

11 A. He would park down the road at the convenient
12 store. I would pick him up and take him back the
13 next morning.

14 Q. What kind of car was he driving back then?

15 A. PT Cruiser.

16 Q. And you'd come up there, pick him up, and
17 take him back to your house?

18 A. Yes.

19 Q. Did y'all have a routine? I mean, that is a
20 routine right there.

21 A. Yeah.

22 Q. Hiding out his car, I guess.

23 A. Yeah.

24 Q. Did you have a routine for how your days
25 would go that you spent together?

1 A. On days I worked, I'd take him back to his
2 car. He'd go to work or whatever he was doing, and
3 then I would go to work and get off work, and we'd
4 meet back up.

5 Q. Where were you working at?

6 A. Carhartt.

7 Q. What were you doing at Carhartt?

8 A. Sewing.

9 Q. What time would you start work in the
10 morning?

11 A. 7:00 in the morning.

12 Q. About what time would you drop him off at the
13 convenient store?

14 A. Probably around 6:30.

15 Q. Once you dropped him off, I am talking about
16 a routine -- and before I do that, do you have any
17 particular memories about April 13th of 2011?

18 A. No.

19 Q. Talking about this routine.

20 A. Uh-huh.

21 Q. After you dropped him off, 6:30-ish at the
22 convenient store --

23 A. Yes.

24 Q. -- would y'all stay in contact throughout the
25 day?

1 A. Yes, we text a lot.

2 Q. Y'all would text a lot?

3 A. Uh-huh.

4 Q. In the mornings?

5 A. All day pretty much.

6 Q. All day. When were you supposed to see him

7 during the day?

8 A. On days he wasn't working, he'd bring me my

9 lunch. And days he was working, I'd see him later in

10 the evening.

11 Q. He'd bring lunch to you?

12 A. Yeah.

13 Q. I think y'all ate lunch about the worse place

14 possible.

15 A. The health department.

16 Q. The health department?

17 A. In the parking lot.

18 Q. Why did y'all meet at the health department?

19 A. It was close to my work.

20 Q. Was there a place y'all could eat there?

21 A. Just out in the car in the parking lot.

22 Q. About what time was he supposed to meet you

23 for lunch?

24 A. Around 11:30-ish.

25 Q. What would happen after that?

1 A. Eat lunch and go back to work.

2 Q. And then the afternoons, when would you get
3 off?

4 A. It was around 4:30 on most days.

5 Q. At that point, you would meet back at the --

6 A. Yes.

7 Q. -- convenient store and then back to the
8 house with the car, hid out --

9 A. Yeah.

10 Q. -- is that right?

11 A. Yes.

12 Q. So that was the daily routine?

13 A. Pretty much.

14 Q. Were there ever days that he didn't show up
15 for lunch like he was supposed to?

16 A. Not very often.

17 Q. But were there days that happened?

18 A. Yes.

19 Q. Days he'd get himself in trouble with you?

20 A. Yeah.

21 Q. Do you remember April 13, 2011, you know, in
22 particular?

23 A. No.

24 Q. Do you remember anything about that day?

25 A. The only thing I remember is the Holly Bobo

1 missing, the Amber alert came on my phone.

2 Q. You remember getting an Amber alert?

3 A. Uh-huh.

4 Q. Did you know of Jason Autry's friends, people
5 he hung out with?

6 A. Yes.

7 Q. Did you know Zachary Adams?

8 A. Yes.

9 Q. Did you know Shane Austin?

10 A. Yes.

11 Q. Did Jason hang out with those two?

12 A. Yes, he did.

13 GENERAL HAGERMAN: That's all, Judge.

14

15 **CROSS-EXAMINATION**

16 **QUESTIONS BY MS. THOMPSON:**

17 Q. Hello, Ms. Smith, I am Jennifer Thompson. I
18 wanted to ask you, you had a cell phone back in April
19 of 2011; didn't you?

20 A. Yes.

21 Q. And your cell phone number was (731)441-1789;
22 does that sound right?

23 A. Yes.

24 Q. And you had a home number, your home number
25 was -- didn't you?

1 A. Yes, I think I did at that time.

2 Q. It's (731)584-1064; wasn't it?

3 A. Yes.

4 Q. And at the time that Holly -- you've given
5 statements to law enforcement regarding this case;
6 haven't you?

7 A. Yes.

8 Q. Your first statement that you gave to law
9 enforcement was in February of 2014; wasn't it?

10 A. I am not sure on the date.

11 Q. But it was several years after Holly had
12 disappeared; wasn't it?

13 A. Yes.

14 Q. At the time that you gave your first
15 statement you said that Jason told you right after
16 Holly disappeared that she was his cousin; didn't
17 you?

18 A. Yes.

19 Q. And back in those days, Jason was a heavy
20 drug user; wasn't he?

21 A. I didn't know how heavy. But, yeah, I assume
22 he was now.

23 MS. THOMPSON: No further questions.

24 THE COURT: Done?

25 GENERAL HAGERMAN: Done.

1 THE COURT: All right. You can step
2 down. You're free to be excused or you can come back
3 in the courtroom if you'd like.

4 (WHEREUPON, the witness was excused from
5 the stand and left the courtroom.)

6 THE COURT: Call your next.

7 GENERAL NICHOLS: Your Honor, our next
8 witness is Victor Dinsmore, and before he comes, may
9 we approach?

10 (WHEREUPON, a conference was held at the
11 bench between counsel and the Court.)

12 GENERAL NICHOLS: Mr. Dinsmore, as I'm
13 sure the defense is aware --

14 THE COURT: Wait just a second. Are you
15 picking this up? Okay. You're good.

16 GENERAL NICHOLS: Mr. Dinsmore, as I'm
17 sure the defense is aware, has very, very, very
18 strong opinion -- opinions about the guilt of Zach
19 Adams, Shane, and Jason Autry. I am up here mainly
20 as a precautionary measure that the defense needs to
21 be aware to watch what they ask him. I will instruct
22 him to answer the questions. But if they get him
23 going, we've been up there to visit, if you can --

24 THE COURT: We get primarily to the
25 point, that is, he got the gun and trade him for

1 drugs and where it went, is that not it?

2 GENERAL NICHOLS: No.

3 THE COURT: There's more than that?

4 GENERAL NICHOLS: Because he witnessed
5 the fight between -- they came to him the day of.

6 THE COURT: Okay. That's right, I
7 remember.

8 GENERAL NICHOLS: And truly, what I'm up
9 here for was just to watch him, because a lot of what
10 he says is just, well, I heard from the world that
11 Zach said --

12 THE COURT: All right. We'll try to
13 reign and be cautious.

14 (WHEREUPON, the following proceedings
15 continued within the hearing of the jury:)

16 THE COURT: Victor Dinsmore.

17 (The witness was sworn.)

18 THE COURT: All right. If you'll be
19 seated. State your first and last name and spell it
20 for the benefit of the court reporter.

21 THE WITNESS: Victor Wayne Dinsmore,
22 D-I-N-S-M-O-R-E.

23 GENERAL NICHOLS: I am going to raise
24 this, Judge. The last witness was shorter.

25 THE COURT: Let me also say this: You're

1 aware that mic is hot because you heard it.

2 THE WITNESS: Yeah, yeah.

3 THE COURT: That will amplify you where
4 you can be heard, but you might be aware of that.
5 The other thing in a courtroom setting, I want you to
6 listen carefully to the questions that are asked of
7 you, respond to that. Don't volunteer information
8 unless you think it's necessary to explain your
9 answer. Okay. All right.

10

11 * * *

12 **VICTOR DINSMORE,**
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. Dinsmore, I'm not asking for your
19 address, but where do you live?

20 A. I live in Indianapolis, Indiana.

21 Q. How long have you lived in Indianapolis?

22 A. Five, going on six years.

23 Q. Who do you live with?

24 A. My wife.

25 Q. Prior to moving to Indianapolis, where did

1 you live?

2 A. I lived on Yellow Springs Road, Holladay,
3 Tennessee.

4 Q. You're actually -- I am not hearing you, so I
5 am going to get you to lower the mic or speak up,
6 okay?

7 A. All right.

8 Q. Where did you live prior to moving to
9 Indianapolis?

10 A. On 1551 Yellow Springs Road.

11 Q. And how long did you live there?

12 A. About -- almost seven years.

13 Q. And before I ask you about maybe some of your
14 acquaintances that you had on Yellow Springs Road,
15 maybe just go ahead and get it out of the way. With
16 respect to your background, you were convicted when
17 you were 19 or 20 of a rape, I believe?

18 A. I was 23 years old.

19 Q. And how long did you do?

20 A. I did two years in the penitentiary.

21 Q. All right. And have you done other prison
22 time?

23 A. No.

24 Q. So I want to jump forward, if you will, to
25 2011 and ask if at that time if you knew an

1 individual by the name of Zachary Adams?

2 A. Yes, I did.

3 Q. Do you see him in the courtroom today?

4 A. Yes, he's there.

5 Q. Would you point him out just so the judge
6 sees you?

7 A. Right there (indicating).

8 THE COURT: For the record, the
9 defendant.

10 BY GENERAL NICHOLS:

11 Q. And in addition to Zachary Adams, did you
12 know his brother, Dylan?

13 A. Yes, I did.

14 Q. Did you know an individual by the name of
15 Shane Austin?

16 A. Yes, I did.

17 Q. Did you know an individual by the name of
18 Jason Autry?

19 A. Yes, I did.

20 Q. Did you know an individual by the name of
21 Carl Stateler (phonetic)?

22 A. Yes, I did. Stateler.

23 Q. Stateler. Okay. I asked had you done any
24 more time, and you said no. Despite not having been
25 caught, were you selling drugs off and on back at

1 that time?

2 A. Yes. My disability money, it wasn't a lot of
3 money, and I was doing whatever I had to do to
4 survive. I was actually selling a little bit on the
5 side.

6 Q. What did you sell?

7 A. Morphine.

8 Q. And you said your disability -- you have a
9 significant --

10 A. I had had seven back surgeries, so.

11 Q. Despite being on disability and selling
12 Morphine on the side, you also appeared to have a
13 pretty strong work ethic. You were working at that
14 time.

15 A. All the time.

16 Q. And what kinds of jobs did you do?

17 A. Basically any of kind remodeling.

18 Q. Different people in the area, you were pretty
19 much on a project a good bit of the time?

20 A. Yeah, about every week or so.

21 Q. I asked about selling Morphine, did you or
22 have you at that time ever sold Morphine to the
23 individuals that I asked if you knew, Adams, Adams,
24 Autry, Austin?

25 A. Yes.

1 Q. All right. Of those, were you closest to
2 Zachary Adams between him and Autry at that time?

3 A. Yes, yes.

4 Q. So if Autry, at least in the beginning
5 phases, if Autry wanted Morphine, would he go through
6 Zach?

7 A. Zach or Shane.

8 Q. Okay. So those were the two that you had the
9 most contact with?

10 A. Yes.

11 Q. Okay. I want to draw your attention, please,
12 to April 13 of 2011, do you remember what remodeling
13 job, if any, that you were involved in at that time?

14 A. Yes. I was at Ms. Dottie's home residence.
15 I was redoing their garage and their kitchen. And I
16 was in the garage at that time finishing up the trim
17 and painting the doors and stuff.

18 Q. Everybody talks about Ms. Dottie's. Who is
19 Dottie?

20 A. Dottie's, they own a BP and a marina there
21 right at the exit. And they're pretty well known
22 right there. They're good people.

23 Q. Is the name on it, Dottie's Marine?

24 A. Dottie's BP and Marina.

25 Q. And you said right there at the exit, what

1 exit?

2 A. Exit 126.

3 Q. That's off of 40?

4 A. Yes.

5 Q. She didn't live there, of course. Where did
6 she live? Where was her house?

7 A. Ms. Dottie's was right around the corner.

8 Q. But not at the BP?

9 A. No, no. Huh-uh. No.

10 Q. But close to 126.

11 Do you know where of your own knowledge where
12 Zachary Adams actually lived?

13 A. Yes. He lived on 641 right up -- just down
14 the road from Dottie's.

15 Q. Well, I was going to ask you. How far from
16 Zachary Adams' house to Dottie's?

17 A. I could throw a rock there almost. It's not
18 very far.

19 Q. Okay. What about -- now you lived on Yellow
20 Springs Road, do you know where Shane lived?

21 A. Yes.

22 Q. Where did he live?

23 A. About a mile down the road.

24 Q. Same road?

25 A. Yeah, yeah.

1 Q. Okay. I'll wait.

2 So I asked you to think back to April 13,
3 2011. You said you were doing this remodelling at
4 Dottie's home?

5 A. Yes.

6 Q. Do you recall an incident that happened in
7 the afternoon of the 13th?

8 A. Yes, I do.

9 Q. All right. Will you direct your answers to
10 the jury and tell them what happened?

11 A. I was inside the garage doing some work. The
12 cleaning lady had showed up, Debbie. Her and I
13 talked a little bit. She went to work. I went back
14 to work, and then Zach and Shane and Train pulled up
15 in Dylan's truck. And they got out, and one of them
16 came in, Zach asked me if I had a joint. I said,
17 yeah, I've always got one that I took to work, and I
18 went out and smoked it with him.

19 Within two or three minutes, Zach and Shane
20 Austin were arguing and fighting. And I heard a few
21 little spirts out of their mouth about who was going
22 to hit it first, and I never even put it together at
23 all. And I told them they couldn't do that there,
24 because this was my job and they had to go. So they
25 loaded up and took off. Train actually kind of broke

1 them up, and they loaded up and took off.

2 Q. Do you remember getting a Morphine pill or
3 Zach buying a Morphine pill or Shane buying one for
4 Autry while they were there?

5 A. No, not there.

6 Q. This fight -- how much of a fight was it?

7 A. Jumping around basically. Swung at each
8 other a couple of times. I think Zach hit Shane,
9 about blacked his eye. That's about all there was.
10 And I went out and told them they couldn't do it,
11 they had to go, so.

12 Q. You said that they pulled up in Zach's -- no,
13 Dylan's truck?

14 A. Dylan's Chevy.

15 Q. What color was that truck?

16 A. Black.

17 Q. And while there on the property, did Zach
18 make statements to you about speaking to your wife or
19 going to your wife's house and putting a car in your
20 shop?

21 A. No.

22 Q. He did not say anything?

23 A. No.

24 Q. At any time did he tell you that?

25 A. No.

1 Q. Has he ever hidden a truck in your --

2 A. Twice.

3 Q. Did he ever hide his Nissan?

4 A. Yes. That was a very short time.

5 Q. But you don't recall him mentioning it there
6 on the property?

7 A. No, I don't remember him saying anything
8 there. I was trying to get them out of there before
9 Mr. and Mrs. -- Doug or Dottie showed up.

10 Q. You recall, of course, being interviewed by
11 law enforcement several years after this happened,
12 correct?

13 A. Correct.

14 Q. And in that statement -- just a minute. In
15 that statement if you told the --

16 MS. THOMPSON: Your Honor, I object. I
17 don't think he's said -- I don't understand what
18 she's getting ready to do here, because I think he
19 answered very --

20 THE COURT: She's going to ask him if he
21 made a statement to law enforcement of such and such.

22 MS. THOMPSON: Is it going to be
23 inconsistent or --

24 GENERAL NICHOLS: Well, I haven't asked
25 the question yet, so nothing is objectionable. I

1 said, did you, and there was an objection.

2 BY GENERAL NICHOLS:

3 Q. So my question is: Did you make the
4 statement to TBI Agent Trout that Zach hid his
5 grandfather's white Nissan post abduction?

6 A. Yes.

7 Q. Is that true?

8 A. Yes.

9 Q. All right. Now, we talk about your shop.
10 You said you lived on Yellow Springs Road?

11 A. Yes.

12 Q. How big was this shop that someone could put
13 a truck in?

14 A. I had a 30 by 50 shop.

15 Q. I am going to approach and show you a couple
16 of pictures. I ask the first one if you'll tell me
17 if you recognize what's depicted.

18 A. Yes, that's my -- my spread.

19 Q. Okay. And this road that runs -- that it's
20 off of --

21 A. That's Yellow Springs.

22 Q. Does that appear to be an aerial shot?

23 A. Yes.

24 Q. Let me look at this second one. Is this a
25 close up --

1 A. Yes, that's it.

2 Q. -- without showing how long Yellow Springs
3 Road is?

4 A. 100 percent.

5 Q. Okay. And --

6 GENERAL NICHOLS: Your Honor, I'd ask
7 that these be marked as the next numbered exhibits.

8 THE COURT: Be 188. How many are there?

9 GENERAL NICHOLS: Just two.

10 THE COURT: All right. 188 and 189.

11 (WHEREUPON, the above-mentioned
12 photographs were marked as Exhibit Numbers 188-189.)
13 BY GENERAL NICHOLS:

14 Q. I am going to hand you a laser pointer,
15 because I'm going to put a picture up.

16 A. Okay.

17 Q. You'll have to look over my shoulder. Put
18 the first one on there, please. I'm going to wait,
19 Mr. Dinsmore, until the lights are off and ask you a
20 couple of questions.

21 THE COURT: Let's get one more row of
22 lights. Wrong row. At the first break, I want some
23 colored tape put on the appropriate breakers.

24 THE CLERK: It says row 1, row 2, row 3,
25 row 4.

1 THE COURT: Is there something to
2 positively identify?

3 THE SHERIFF: What are they called?

4 THE CLERK: On the tape, row 1 is the --

5 THE SHERIFF: Row 1.

6 THE CLERK: Row 2 if you have to.

7 BY GENERAL NICHOLS:

8 Q. While they're trying to do that, Mr.
9 Dinsmore, go ahead and show the jury, if you will,
10 where Yellow Springs Road is.

11 A. Yellow Springs Road --

12 Q. If you'll use the pointer.

13 A. Yellow Springs Road is the road that's
14 adjacent to I-40.

15 Q. Okay.

16 A. This is Yellow Springs Road right there.

17 Q. Yellow Springs is the very small road to the
18 right of what appears to be 40?

19 A. Yes.

20 Q. Okay. And you said, there's my spread, where
21 did you live?

22 A. Right there.

23 Q. That's your driveway?

24 A. Yes. I had a horseshoe driveway that went up
25 with an eighth mile straight back, so.

1 Q. Can you show me -- even if you can't spot it,
2 can you tell me where Shane Austin lived?

3 A. If you went right here, turned the corner,
4 it's right in here by the church.

5 Q. Now it looks like a long distance, but you
6 said it's actually about a mile away?

7 A. About a mile.

8 Q. I am going to put the next picture up.

9 All right. You mentioned a horseshoe
10 driveway?

11 A. Yes.

12 Q. If you'll show the jury what you're referring
13 to.

14 A. Right there is my horseshoe driveway, come in
15 either side, and come back to the property.

16 Q. All right. If you'll tell -- show the jury
17 which is the house, which is the shop.

18 A. The shop (indicating), the house
19 (indicating).

20 Q. The red roof is the house?

21 A. Yes.

22 Q. White roof is the shop?

23 A. Yes.

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

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

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

7 A. Yes.

8 Q. -- in that shop --

9 A. Yeah.

10 Q. -- after Holly went missing?

11 A. Yes.

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

14 A. Yes.

15 GENERAL NICHOLS: Now -- lights can come
16 back up. Do you recall --

17 THE COURT: We got to train a new officer
18 every day. They're swapping out on me.

19 BY GENERAL NICHOLS:

20 Q. Do you recall when you moved from that house
21 and relocated to Indianapolis?

22 A. Yeah.

23 Q. Do you remember what month, what year?

24 A. It was going into 2012.

25 Q. Okay.

1 A. It was 2012, I was out of there. I had to
2 leave.

3 Q. So sometime by the end of 2011?

4 A. Yeah.

5 Q. All right. After Holly was missing, did you
6 become aware of sort of mass searches in the whole
7 area?

8 A. Yes. They came up and searched my barn,
9 everywhere on my property, too.

10 Q. With your permission?

11 A. Oh, yeah. Oh, yeah.

12 Q. When they came to search your barn and your
13 property, I take it at that time, the Frontier was
14 not hidden in the shop?

15 A. No.

16 Q. Because you allowed them to go wherever they
17 wanted to go?

18 A. It was already basically gone.

19 Q. All right. So my next question was --
20 because you allowed them to go wherever they wanted
21 to go?

22 A. Yeah.

23 Q. Did you continue to have associations with
24 Zachary Adams, Shane Austin after Holly was abducted?

25 A. That's when they started going downhill.

1 Q. When you say that, did you have an
2 opportunity to observe Zach Adams in the days that
3 followed the abduction? My question was: Did you
4 observe him? Did you see with your own eyes him?

5 A. No.

6 Q. Was that unusual?

7 A. Yeah.

8 Q. For what period of time?

9 A. Two to three weeks.

10 Q. Okay. And before that, how often would you
11 see him?

12 A. Every day.

13 Q. What about Shane?

14 A. For the last couple of months, I'd see him,
15 too.

16 Q. What about after Holly was missing?

17 A. He was still around.

18 Q. Okay.

19 A. He was still coming around a little bit.

20 Q. Do you recall in the -- within a relatively
21 short period of time, a month or so, after Holly was
22 missing, Shane bringing you a gun?

23 A. It was a couple months, maybe, after she was
24 missing.

25 Q. And, of course, as a convicted felon, you

1 weren't supposed to have a gun?

2 A. No, no.

3 Q. Is that something he had done before to trade
4 drugs?

5 A. Never a pistol.

6 Q. Okay. Was this time, was it a pistol?

7 A. This time it was a pistol.

8 Q. I want to show you what's been previously
9 marked as Exhibit 180 and ask --

10 A. That would be it.

11 Q. That's the gun?

12 A. That's the gun.

13 Q. When he brought it to you, who was with him?

14 A. He had Jason Autry with him.

15 Q. And who did you actually do the transaction
16 with?

17 A. With Shane. I didn't trust Jason, so.

18 Q. So was it for money, or was it for drugs?

19 A. For pills.

20 Q. You couldn't go around carrying a pistol
21 yourself?

22 A. No, no, no, no.

23 Q. Even though you traded it?

24 A. I traded it, because I thought I could make a
25 profit off of it.

1 Q. Who did you give this gun to?

2 A. I gave that gun to my wife because of what
3 happened to Holly to protect herself.

4 Q. And your wife's name is?

5 A. Sandra Dinsmore.

6 Q. And she's here as well, right?

7 A. Yes.

8 Q. You guys came in from Indianapolis a day or
9 two ago?

10 A. Yes.

11 Q. At some point after you gave this gun to
12 Sandy and before you moved to Indianapolis, did you
13 tell her something?

14 A. Yeah. I told her that she needed to get rid
15 of it.

16 Q. Why did you -- I am not asking what she said.
17 Why did you tell Sandy that she needed to get rid of
18 that gun?

19 A. Because I was told that if -- from who it
20 came from, there's a liable chance --

21 MS. THOMPSON: Objection, Your Honor.

22 THE COURT: All right.

23 GENERAL NICHOLS: Don't say what somebody
24 told you.

25 THE WITNESS: Because I was afraid it had

1 a body on it.

2 BY GENERAL NICHOLS:

3 Q. When you use the term, you were afraid it had
4 a body on it, what does that mean?

5 A. That means it had killed somebody.

6 Q. You told her to get rid of it for that
7 reason?

8 A. Yes, I did.

9 Q. Now, let's jump forward from -- and that was
10 before you moved to Indianapolis?

11 A. Yes.

12 Q. So some time in 2011?

13 A. Just right before.

14 Q. And after you told her that, did you ever see
15 that gun again?

16 A. No.

17 Q. Until very recently?

18 A. Very recently.

19 Q. So let's jump forward from 2011 to 2016 or
20 perhaps earlier this year. Do you recall having a
21 conversation with TBI, I am not asking what was said,
22 and with me?

23 A. Yes, I do.

24 Q. All right. Did you provide us finally with
25 the information about where or about your knowledge

1 about this gun?

2 A. Yes, I did.

3 Q. And again, can't say what Sandy said. But
4 were you present when she gave information about
5 where this gun could be found?

6 A. Yes.

7 Q. In response to passing on that information to
8 TBI and to me, were you flown down to Decatur County
9 with your wife?

10 A. Yes, we were.

11 Q. Where were you taken?

12 A. We went off Holladay Road and helped them
13 look for the gun in a creek along Holladay Road.

14 Q. How far is Holladay Road from Yellow Springs?

15 A. Probably three or four miles.

16 Q. So three or four miles from where you and
17 Sandy were living is this John Holladay Road?

18 A. Yes. Joe Holladay.

19 Q. Joe Holladay.

20 A. Yeah.

21 Q. Okay. So you said help them look. Were
22 there a number of individuals out there?

23 A. Yes.

24 Q. Did you go up and down the road?

25 A. Yes.

1 Q. Digging involved?

2 A. Yes. Metal detectors.

3 Q. Back hoe?

4 A. Yes.

5 Q. On the day that you were here helping them
6 search, was the gun found?

7 A. No, it was not.

8 Q. After returning to Indianapolis, did you call
9 and give additional information, a better description
10 of where on that road you guys thought we should
11 look?

12 A. Yes. After we came down, we saw that the
13 road had been graded and everything was changed. And
14 Sandy and I sat up a few nights and talked, and she
15 figured out basically exactly where it was, and
16 that's when we called.

17 Q. Because everything was different in 2017?

18 A. Totally different.

19 Q. Okay. You said it had been graded. It had
20 actually been repaved, graded?

21 A. It widened, repaved. Then they covered up
22 everywhere where she thought the gun was.

23 Q. Okay. And after calling and providing that
24 information, were you then shown photographs of this
25 gun and then the gun?

1 A. Yes.

2 Q. Is there any doubt in your mind that this is
3 the gun --

4 A. No.

5 Q. -- you gave to your wife?

6 A. No doubt.

7 Q. Any doubt in your mind that this is the gun
8 that you bought or traded?

9 A. 12 Morphine pills for.

10 GENERAL NICHOLS: May I have one moment,
11 Your Honor?

12 THE COURT: You may.

13 BY GENERAL NICHOLS:

14 Q. Mr. Hagerman pointed out that when I asked
15 you about the fight at your house --

16 A. Yes.

17 Q. -- not your house, sorry, at Dottie's
18 house --

19 A. Yes.

20 Q. -- that it was unclear who said, I let you
21 hit it. Whose mouth did that come out of?

22 A. That was coming out of Zach's and Shane's.
23 They were talking about who was going to hit it
24 first.

25 Q. Okay.

1 A. And after all this came about, I figured out
2 what they were saying, so.

3 Q. But there's no doubt in your mind that that
4 conversation was between the two of them, not Jason
5 Autry?

6 A. No, that was those two.

7 GENERAL NICHOLS: Thank you. I have no
8 further questions.

9 THE COURT: Pass the witness.

10 GENERAL NICHOLS: Yes, sir.

11 THE COURT: Cross.

12

13 **CROSS-EXAMINATION**

14 **QUESTIONS BY MS. THOMPSON:**

15 Q. Mr. Dinsmore, I am Jennifer Thompson. We've
16 met and spoken; haven't we?

17 A. Yes.

18 Q. So you have a federal immunity agreement in
19 this case; don't you?

20 A. Yes, I do.

21 Q. It's protecting you from any federal charges
22 that you might get related to your testimony here
23 today; isn't it?

24 A. (No response.)

25 GENERAL NICHOLS: I object, Your Honor,

1 that is a mischaracterization. The immunity was
2 against weapons or guns for back then.

3 THE WITNESS: For that year.

4 MS. THOMPSON: What he would testify to
5 today, such as owning weapons or guns. I think
6 that's a clear characterization of it.

7 GENERAL NICHOLS: It's not for testimony.

8 MS. THOMPSON: No. It's for anything he
9 admits to. He's immune from what he might admit to
10 today.

11 THE COURT: Surrounding potential gun
12 charges because of his testimony today?

13 MS. THOMPSON: Yes.

14 THE COURT: Okay. I think that's clear.

15 BY MS. THOMPSON:

16 Q. And I want to pass you up my best copy that I
17 was provided of your immunity agreement.

18 GENERAL NICHOLS: Can I see what you're
19 passing, please?

20 THE WITNESS: Your Honor, can I say
21 something?

22 THE COURT: Don't respond to the
23 questions, please, unless it's necessary to make
24 explanation.

25 THE WITNESS: I really didn't even want

1 those, but...

2 BY MS. THOMPSON:

3 Q. So you didn't even want an immunity
4 agreement? It's not a very good copy. It's very
5 difficult to read.

6 A. Those are exactly like what I've got.

7 MS. THOMPSON: I'd like to mark that then
8 as an exhibit.

9 THE COURT: Be 190.

10 (WHEREUPON, the above-mentioned Immunity
11 Agreement was marked as Exhibit Number 190.)

12 BY MS. THOMPSON:

13 Q. And that's your federal immunity agreement;
14 is that right?

15 A. Yes.

16 Q. And you agree with me it's very difficult to
17 read the copy I was given?

18 A. Yes, need a magnifier.

19 Q. Then next I am going to pass up to you -- I
20 am going to pass up another item to you. This is a
21 State Immunity Agreement 62(a).

22 A. Yep, same thing.

23 Q. And it's not been executed, but I am assuming
24 you've executed an immunity agreement in this case;
25 is that right? I am sorry, that's legal talk.

1 You signed your immunity agreement; didn't
2 you?

3 A. No.

4 Q. So you didn't sign a State Immunity
5 Agreement?

6 A. No.

7 Q. You were offered one; is that right?

8 A. I was given one.

9 Q. Okay. And you recognize that paper as the
10 one you were given?

11 A. Yes.

12 MS. THOMPSON: I'd like to mark that.

13 THE COURT: Be 191.

14 (WHEREUPON, the above-mentioned State
15 Immunity Agreement was marked as Exhibit Number 191.)

16 BY MS. THOMPSON:

17 Q. So when you lived in the Parsons area in
18 Decatur County, you lived at 1551 Yellow Springs
19 Road; didn't you?

20 A. Yes.

21 Q. That portion of Yellow Springs Road actually
22 faces the interstate; doesn't it?

23 A. Yes, runs parallel with it.

24 Q. It runs parallel with the interstate on the
25 south side of the interstate; doesn't it?

1 A. Uh-huh.

2 Q. And you're aware that Holly Bobo's personal
3 items were found on either side of your home on the
4 road?

5 A. Yes, yes, I was very aware of that.

6 Q. One was found to the west of your home, one
7 was found to the east of your home; weren't they?

8 A. Yes.

9 Q. And then your house, your road kind of --
10 first it runs east, west, and then Yellow Springs
11 Road actually takes a curve and kind of runs north,
12 south at some point?

13 A. Yes.

14 Q. Down there south side is where Shane Austin's
15 trailer was back in 2011?

16 A. Yes.

17 Q. And you were fairly good friends with Shane
18 Austin, Zachary Adams, and Jason Autry at one time;
19 weren't you?

20 A. Jason not so much. Zach, I got kind of close
21 to. Shane (indicated).

22 Q. They all came over to your house at various
23 times?

24 A. Yes.

25 Q. And so you initially gave a statement in this

1 case in July, July 21 of 2011, to Officer Ricky
2 Inman; didn't you?

3 A. Yes.

4 Q. At that time you were -- you expressed your
5 frustration, because you had heard that Zach Adams
6 was using you as an alibi?

7 A. Yes.

8 Q. But you did not hear that from Zach Adams,
9 that's what Ricky Inman had told you?

10 A. Yes, he did.

11 Q. And you, then, specifically said that you
12 were not with Zach, Shane, or Jason on the day Holly
13 disappeared; didn't you?

14 A. Yes.

15 Q. You told them as a matter of fact that the
16 fight that occurred happened a few days after Holly
17 disappeared?

18 A. That was because I had my days mixed up,
19 because I had my wife in the hospital the next night
20 all night.

21 Q. At some point, you had actually told Ricky
22 Inman your wife was in the hospital the day that
23 Holly disappeared?

24 A. That's right. I had it mixed up.

25 Q. And that turned out to not be accurate

1 either?

2 A. Yep.

3 Q. As a matter of fact, you personally do not
4 have an alibi but for your wife as to the time that
5 Holly was taken from her house; do you?

6 A. Yeah, I do.

7 Q. Your wife is your alibi, right?

8 A. Mr. Dottie and Ms. Dottie (sic). I was at
9 their house at 8:00 in the morning working.

10 Q. And that's what you're testifying to today,
11 right?

12 A. Yes.

13 Q. But they've both passed away? They're
14 deceased?

15 A. Mr. Doug, he's still alive. Ms. Dottie
16 passed.

17 Q. In December of 2011, you implicated Michael
18 Alexander as being a part of the burial of Holly
19 Bobo's body; didn't you?

20 A. Yes, I did.

21 Q. At one time you were a pretty heavy
22 methamphetamine user after Holly disappeared; weren't
23 you?

24 A. After she disappeared, probably for about two
25 months, and that's when I started weaning off.

1 Q. At some point, you even sold your tractor and
2 bush hog for money to buy meth?

3 A. No, I sold a tilling machine that I never
4 used for my tractor, and that's when I knew I had to
5 get away from the stuff.

6 Q. You told investigators that you sold your
7 tractor and bush hog; didn't you?

8 A. No. I said I was to the point I was selling
9 farm equipment, and that's when I knew I needed to
10 get off of it.

11 Q. So if the investigators wrote that down, they
12 just got the facts wrong?

13 A. I guess.

14 Q. You used your home telephone number for the
15 majority of your drug dealing; didn't you?

16 A. Yes.

17 Q. You were selling Morphine to various people
18 in the community; weren't you?

19 A. Yes.

20 Q. Your home telephone number was (731)847-7978;
21 wasn't it?

22 A. Yes.

23 Q. That's a landline?

24 A. Yes.

25 Q. And even though you're testifying you weren't

1 that close to Jason Autry, Jason Autry called you on
2 your home phone number before Holly disappeared;
3 didn't he?

4 A. Yes. That doesn't mean I was close to him,
5 though.

6 Q. And he called you on your home phone number
7 after Holly disappeared; didn't he?

8 A. Yes, he did.

9 Q. And Zach was calling you on that home phone
10 number both before and after Holly disappeared;
11 wasn't he?

12 A. Not much after Holly disappeared.

13 Q. But if there were calls from Zach -- strike
14 that question.

15 Now, I want to ask you about this white
16 truck. When you gave a statement -- you gave a
17 statement to Valerie Trout, you testified on direct
18 about the white truck that had disappeared.

19 A. Yes.

20 Q. You gave that statement March 5, 2014?

21 A. Yes, yes.

22 Q. And that was after Zach had been arrested on
23 these charges; wasn't it?

24 A. Yes.

25 Q. And you knew at that point they had already

1 searched Zach's house and Zach's grandfather's house?

2 A. Yes.

3 Q. Matter of fact, it had been on the news that
4 they brought in backhoes and were doing all kind of
5 searches there?

6 A. Yes. They searched my property, too.

7 Q. And when you gave that statement, you -- you
8 said that Zach had hid his grandfather's truck, his
9 grandfather's white Nissan; is that right?

10 A. Yes.

11 Q. But you specifically never mentioned that he
12 had hid it at your house?

13 A. Yeah, he hid it there just trying to hide it
14 from his grandfather he told us. And --

15 Q. You didn't mentioned to Valerie Trout that
16 the truck was at your house; did you?

17 A. She didn't ask.

18 Q. Well, she was there to get as much
19 information from you --

20 GENERAL NICHOLS: Your Honor, I am going
21 to object to speculation about what he thinks --

22 THE COURT: She can ask a question, he's
23 been instructed to answer it. Don't make statements,
24 just ask questions.

25 BY MS. THOMPSON:

1 Q. At the time you were talking to Valerie
2 Trout, you were wanting to be as helpful as possible;
3 is that right?

4 A. Still am.

5 Q. You had a fairly long interview with her;
6 didn't you?

7 A. Yes, I did.

8 Q. You were at that time trying to provide her
9 with as much information as possible?

10 A. As we start a month after it happened.

11 Q. Now you're aware in this case that there's a
12 reward?

13 A. Money doesn't matter to me.

14 Q. But you are aware that there is an award?

15 A. I won't take it.

16 Q. My question is not whether you take --

17 A. Yes, I know there's a reward. It's not about
18 money.

19 Q. Where you lived on Yellow Springs Road is
20 less than two miles from where they found Holly
21 Bobo's body; isn't it?

22 A. Yes.

23 Q. At some point you sold Jamie Darnell the
24 house on Yellow Springs Road, and you did not own it;
25 did you?

1 A. I had an acting legal contract on the house.
2 Q. You took money from Jamie Darnell for the
3 house?
4 A. And sold it to him on a contract.
5 Q. But it turns out that Jamie Darnell did not
6 end up owning the house; did he?
7 A. No, because he stayed on methamphetamine and
8 lost it.
9 Q. You didn't give him his money back; did you?
10 A. No.
11 Q. But you were buying it from somebody else at
12 the time?
13 A. Pete Peterson.
14 Q. Now, at some point you tried to rape Jamie
15 Darnell's wife, Danielle Beckam; didn't you?
16 A. Absolutely not true.
17 Q. You were driving a black pickup truck in
18 April of 2011; weren't you?
19 A. I had a black Ford, old beater.
20 Q. Pickup truck?
21 A. Pickup.
22 Q. At another point in time when you were giving
23 an interview, you claimed to have purchased a .22
24 from Shane Austin that was used to kill Holly Bobo;
25 didn't you?

1 A. I told them that I knew where the .22 was if
2 that was the caliber rifle that killed Holly Bobo.

3 Q. As a matter of fact, before you came up with
4 this .32 that we're here on today, you suggested
5 several other guns that you thought might have been
6 involved in the murder of Holly Bobo?

7 A. Yes, I did.

8 Q. And that -- some of that was before her body
9 had been discovered; wasn't it?

10 A. Yes.

11 Q. And before it was known that she had been
12 shot?

13 A. Yes.

14 Q. And you also said that you knew where a
15 shotgun was that might have been used in the murder
16 of Holly Bobo?

17 A. Still do.

18 Q. Now you've given multiple statements in this
19 case; haven't you?

20 A. Yes, I have.

21 Q. Matter of fact when we go back to where the
22 gun was found, you initially said that Jason Autry
23 sold you a .38 or a .357?

24 A. I wasn't sure really back then until I saw
25 it, so.

1 Q. Okay. So once you saw the gun that they
2 brought to you and said this is the gun --

3 A. The handle is what keyed me in, the grips.

4 Q. That's how you knew?

5 A. I knew right away.

6 Q. But initially when they came to you in
7 February of this year, you said that it was a .357 or
8 a .38; didn't you?

9 A. Yes, I did. I thought it could be.

10 Q. You were pretty clear it was one of those
11 kinds of guns; weren't you?

12 A. I wasn't sure.

13 Q. You specifically said it was an American-made
14 gun; didn't you?

15 A. I don't think so.

16 Q. So you at some point spoke to my investigator
17 in this case, didn't you, Amber Tree?

18 A. Yes.

19 Q. And you even spoke with me and my
20 investigator by telephone at some point; didn't you?

21 A. Yes.

22 Q. At that point you said that the gun was
23 American-made when you spoke to us by the phone;
24 didn't you?

25 A. I thought it was.

1 Q. So that's a yes, you did at some point say it
2 was an American-made gun?

3 A. I could have.

4 Q. Because you thought it was an American-made
5 gun; isn't that right?

6 A. Sold in America. Most of them, I think, are
7 made in America.

8 Q. But you just now said you thought it was an
9 American-made gun?

10 A. Yes, I did.

11 Q. Then Brent Booth came to talk to you -- first
12 of all, they flew you down here some time in February
13 to try to find the gun that you had disposed of; is
14 that right?

15 A. I didn't dispose of it.

16 Q. Your wife disposed of it?

17 A. Yes.

18 Q. They actually brought you down to Joe
19 Holladay Road to look for it?

20 A. Yes.

21 Q. You were there with your wife when she's
22 trying to show them where the gun was?

23 A. Yes.

24 Q. Initially she said that she had buried it on
25 the side of the road on Joe Holladay Road?

1 A. Right by the creek.

2 Q. You were there when they dug up Joe Holladay
3 Road; weren't you?

4 A. I was there when metal detected and took
5 poking rods and went down, but not as the initial
6 backhoe digging. They did that another day.

7 Q. They weren't able to find it, the gun?

8 A. No.

9 Q. Okay. And then they continued -- you
10 continued to think about where it might possibly be;
11 didn't you?

12 A. My wife and I. It had been a little bit of
13 time since she got rid of it, and everything there
14 changed.

15 Q. Everything there changed?

16 A. By the road, everything.

17 Q. It's still the Joe Holladay Road, right?

18 A. Yes. But it was about six feet wider and
19 about two feet lower and paved. It was gravel. So
20 totally different.

21 Q. So -- but it's still comes out and dead
22 heads -- T-bones into Bible Hill?

23 A. Bible Hill.

24 Q. And there's still a creek next to it as there
25 was back in 2011; isn't that right?

1 A. Yes.

2 Q. So when you spoke with law enforcement then,
3 they were unable to find it, the gun?

4 A. Unable to.

5 Q. And then at some point Brent Booth went back
6 to talk to you in May of 2017; didn't he?

7 A. Yes, he did.

8 Q. Were you aware that that conversation was
9 recorded?

10 A. Yes.

11 Q. You met him in the parking lot of the
12 sporting goods store?

13 A. Yes.

14 Q. And you actually got in his car, your wife
15 got in the car and you were talking to him?

16 A. Yes.

17 Q. So at that point -- and this is Special Agent
18 Brent Booth with the TBI; isn't it?

19 A. Yes.

20 Q. At that point he proceeded to tell you
21 what --

22 GENERAL NICHOLS: Your Honor, I am going
23 to object to what Brent Booth proceeded to tell --

24 THE COURT: Sustained.

25 MS. THOMPSON: I am not going to say what

1 he said, I'm going to just --

2 GENERAL NICHOLS: She literally just
3 said, at that time Brent Booth proceeded to tell you.
4 If there's a question --

5 THE COURT: All right. Make your
6 question and be aware of the hearsay objection,
7 please.

8 BY MS. THOMPSON:

9 Q. Facts that Jason Autry was going to testify
10 to at trial.

11 GENERAL NICHOLS: Your Honor, that's
12 exactly what you just sustained the objection on.

13 MS. THOMPSON: I didn't say what the
14 facts were. I didn't quote him.

15 THE COURT: Go ahead. Let's pick this
16 up, okay.

17 BY MS. THOMPSON:

18 Q. He began to -- he told you facts that Jason
19 Autry was going to testify to at trial; didn't he?

20 A. Not the facts. He didn't tell me what he was
21 going to say.

22 Q. He most certainly did tell you what he was
23 going to say.

24 A. Clue me in.

25 Q. So he told you -- well, first of all, he told

1 you that Zach had taken his truck and parked it --
2 that Jason Autry was going to testify that Zach had
3 taken his truck and parked it in your garage. Didn't
4 he tell you that?

5 A. Yes, he did, but we already knew that.

6 Q. And at that time you said, no, that the truck
7 wasn't there. That his truck was absolutely not in
8 your garage; didn't you?

9 A. Yes, but I had to put two and two together,
10 because he had two different trucks at my property,
11 hiding both of them.

12 Q. You said, I know he didn't hide that damn
13 thing in my pole barn; didn't you?

14 A. I probably said that when I thought that he
15 had the body of Holly Bobo in the back of that truck.
16 That's the first thing that went through my mind.

17 Q. But you initially told Brent Booth that, no,
18 the truck was not at your house -- in your shop?

19 A. Yes, I did tell him that until we started
20 figuring things out.

21 Q. You said, it wasn't. Yeah, it wasn't at our
22 house, huh-uh, no way; didn't you?

23 A. Yes, I did.

24 Q. And then he started to ask you, could he have
25 done that and you just not know it.

1 A. That's basically about what happened. It was
2 through my wife.

3 Q. And you said, no, I know it's not going to
4 matter; didn't you?

5 A. I guess I did.

6 Q. And you talked about the fact that Zach Adams
7 had borrowed a brown truck from you?

8 A. Yes.

9 Q. So that he could go to Decaturville?

10 A. Yes, that's where the mistake's been made.

11 Q. You said that's the only time he had left his
12 truck at your house was when he borrowed your brown
13 truck?

14 A. Yes.

15 Q. And -- but that was not the day that Holly
16 Bobo disappeared; was it?

17 A. No.

18 Q. Okay. And then you said, I know he didn't
19 hide the damn thing in my pole barn. Now, he might
20 have parked it outside, you know, beside my pole barn
21 and let it be there for a minute; didn't you?

22 A. Yes, I did. And that's where I was mistaken.
23 After my wife and I talked, we figured out it was in
24 the pole barn, but not a very long time.

25 Q. And then Brent Booth tells you again, well,

1 according to Jason --

2 GENERAL NICHOLS: Your Honor, I thought
3 she said, I am not going to read facts about what
4 Brent Booth told him. If she has a question about
5 whether he made a statement, that's the way she's
6 supposed to ask. She's not supposed to just read it.
7 I'd love to read --

8 THE COURT: Objection sustained.

9 MS. THOMPSON: I am not entering it for
10 the truth, Your Honor.

11 THE COURT: Please don't argue. You can
12 ask him questions as to whether he made that
13 statement.

14 BY MS. THOMPSON:

15 Q. After you denied it the first time, Brent
16 Booth went ahead and reaffirmed with you information
17 about what Jason Autry was going to testify to;
18 didn't he?

19 A. This is after my wife and I sat down and
20 talked. We had to put our heads together. It was a
21 few years back, you know.

22 Q. Right. But I am not talking about that. I
23 am talking about this very same day, this is May 18,
24 2017, when he came up to visit you?

25 A. Yes.

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

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

7 MS. THOMPSON: That's a question.

8 GENERAL NICHOLS: That's a comment.

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

11 THE COURT: Okay. Ask your question.

12 BY MS. THOMPSON:

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

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

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

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

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

1 A. I wasn't sure at first, like I said, until my
2 wife and I talked. And that's when we figured out,
3 yes, it was there, and my daughter confirmed it, so.

4 Q. So I am not understanding. When did you and
5 your wife talk, before or after Brent Booth came to
6 talk to you May 18, 2017?

7 A. We talked before, after. We talked last
8 night. We talked on the way to court this morning.

9 Q. But when did you and your wife talk about the
10 fact that that white Nissan truck was parked in your
11 shop?

12 A. Before Brent came up.

13 Q. Before Brent?

14 A. Yeah.

15 Q. Was it that time before Brent came up that
16 you had been -- realize that, yes, in fact, the white
17 Nissan was parked there?

18 A. Yes. But I just didn't remember them saying
19 they had to move some tires out. I had a big shop.
20 I didn't think there was any reason. But then my
21 wife clued me in and said, yes, they moved tires.
22 And then I remembered I had some tires off of a van
23 that I scrapped the van, I kept the wheels and tires
24 laying in the way.

25 Q. So initially when you said, no way, there's

1 no way that truck was in my pole barn -- first of
2 all, when you say pole barn, you're referring to the
3 shop; is that right?

4 A. Yes.

5 Q. So initially when you said, no way, there's
6 no way that truck was in my pole barn, you were
7 simply referring to the fact that the tires had not
8 been moved?

9 A. No. I was referring to the fact that it was
10 in my pole barn, but I didn't remember them moving no
11 tires. So that's what had throwed me off. The fact
12 that he had his black truck there for probably two
13 weeks hidden. And I mixed those two up. So that's
14 why I said he had one outside, but he did have his
15 white truck on the inside.

16 Q. So just to be clear here, when you're saying
17 this, you say -- when you say, and I know he didn't
18 hide the goddamn thing in my pole barn.

19 A. I don't use GD, so I didn't say that.

20 Q. I'm sorry. It says, I know he didn't hide
21 the damn thing in my pole barn. When you said that,
22 that is your way of conveying that, yes, the truck
23 had been in your pole barn, but you did not know that
24 he had moved the tires?

25 A. You're trying to cross me up here.

1 Q. So what did you mean when you said, and I
2 know he didn't hide the damn thing in my pole barn?

3 A. I was pretty sure that he didn't until we
4 talked, my wife and I and our 17-year-old daughter.

5 Q. So when you said that statement there on May
6 19, you still haven't remembered yet that the white
7 Nissan truck was, in fact, in --

8 A. No, we had talked and remembered, that's why
9 I told him.

10 Q. Then why did you say -- if you had remembered
11 it was there, why did you say, and I know he didn't
12 hide the damn thing in my pole barn?

13 A. I think it was kind of because I was nervous
14 of them trying to involve me.

15 Q. But at this time he had already brought you
16 your immunity papers; isn't that right?

17 A. Yes. I did observe Shane Austin's immunity
18 get taken from him, too.

19 Q. So they had given you immunity papers, and I
20 guess he brought letters with him when he came to
21 visit you in February of 2017; didn't he?

22 A. Yes.

23 Q. Letters?

24 A. Yes.

25 Q. So at this point -- I am not trying to put

1 words in your mouth. I am just trying to be clear.
2 At this point you knew the truck had been in your
3 barn, but you were nervous to say that to Brent
4 Booth?

5 A. Yeah, kind of. After things from Holly were
6 thrown out in my driveway, yeah, kind of. Anybody
7 would be.

8 Q. You recognize as having a rape conviction
9 that you were a suspect in the Holly Bobo --

10 A. I knew right away. When you have this kind
11 of conviction, you're always aware of your
12 surroundings and your times and where you've been.

13 Q. Okay. Then you go on to have a further
14 conversation. Mr. Booth communicates to you that --

15 GENERAL NICHOLS: Your Honor.

16 MS. THOMPSON: And I am not presenting --

17 GENERAL NICHOLS: May I finish?

18 Cross-examination is great, but you got to
19 ask questions. She's literally reading and saying
20 what Mr. Booth said so and so and not asking a
21 question. It's not --

22 THE COURT: Form a question.

23 MS. THOMPSON: It's a question, Your
24 Honor, if I make a statement and say, isn't that
25 true. That's a question. That's a leading --

1 THE COURT: You can ask if he said
2 something.

3 MS. THOMPSON: Okay. Well -- and first I
4 want to communicate something that Brent Booth said,
5 but it's not asserted for the truth of the matter,
6 because we're actually going to be able to show what
7 Brent Booth told Mr. Dinsmore is not true. So I want
8 to communicate now something that Brent Booth told
9 Mr. Dinsmore but not for the truth of it, because
10 it's not actually a factual statement.

11 THE COURT: Ask your question.

12 MS. THOMPSON: Okay.

13 THE COURT: You need to pick it up a
14 little, okay?

15 BY MS. THOMPSON:

16 Q. Mr. Brent Booth told you that Dick Adams had
17 even said that the truck was hidden at your house.

18 A. I don't remember him saying that.

19 Q. Okay. If there's a recording of it, and
20 that's what's in the recording, then it would be
21 accurate?

22 A. Yeah, I still don't remember that, though.

23 Q. And then you said, now, what truck are you
24 talking about; didn't you?

25 A. Yeah, there was like three or four trucks on

1 that property.

2 Q. And Brent Booth told you the little, old
3 white Nissan Frontier; didn't he?

4 A. Yes.

5 Q. And then you said, see -- and isn't this
6 right that you said this? See, they're telling --
7 they're telling you something that ain't right there,
8 because that white truck wasn't stored at my house.
9 I'd tell you if it was.

10 A. Yeah, I would. I had to have my memory
11 jogged by my daughter and my wife.

12 Q. So at that point, are you making that
13 statement, because at that point your memory was the
14 truck had not been there, or because you were afraid
15 to tell the truth?

16 A. My memory thought that the truck wasn't
17 there, and I was a little nervous. But you got to
18 remember that was six years ago. A lot's happened
19 since then. And it took a little bit of my
20 daughter -- especially my daughter reminding me, yes,
21 it was there, Dad, I saw them come get it.

22 Q. And then at this point, you agreed; didn't
23 you?

24 A. Yes.

25 Q. Well, didn't you agree that the truck had

1 been hidden in Decatur County, a white Nissan --

2 A. That's what I thought. That's what I
3 thought.

4 Q. Okay. You thought that the truck had been
5 hidden in Decaturville; didn't you?

6 A. I wasn't sure. I figured that's where it was
7 at.

8 Q. Okay. And so Brent Booth goes on to tell you
9 that what will be testified to was that they had to
10 move four rims to get the truck into your pole barn;
11 didn't he say that to you?

12 A. Yes, he did.

13 Q. He's the one that first suggested that they
14 had to move the rims to get the truck in; didn't he?

15 A. Yes.

16 Q. That's not a memory that you came up with
17 first; is it?

18 A. No, my wife had it.

19 Q. No, that's not a memory --

20 GENERAL NICHOLS: Your Honor, I object.
21 Now she's just --

22 THE COURT: Don't argue with the witness.

23 BY MS. THOMPSON:

24 Q. Okay. And it's at this point that you say,
25 don't you, my God, he might have -- he might have

1 now, Brent, damn it, referring to whether or not Zach
2 Adams had hidden a truck in your --

3 A. Yes, I did say that.

4 Q. So at this point the memory is beginning to
5 come back to you; is that right?

6 A. Yes. You got to consider I blocked a lot of
7 stuff out.

8 Q. You blocked it out, because you were using so
9 much meth it's hard --

10 A. No, I blocked it out, because they tried to
11 snatch my daughter, too.

12 MS. THOMPSON: Your Honor, I object to
13 that. That's not responsive.

14 THE COURT: Whoa.

15 GENERAL NICHOLS: It was.

16 THE COURT: Just answer the question. He
17 was making explanation. Remember our bench
18 conference earlier.

19 MS. THOMPSON: Yes, Your Honor.

20 THE COURT: All right. Let's go.

21 MS. THOMPSON: I am asking for a curative
22 instruction that the Court --

23 GENERAL NICHOLS: Your Honor, she asked
24 the question. She doesn't like his answer about why
25 he blocked it out. The question was, and you tried

1 to block it out for this reason or that, and he said,
2 no.

3 THE COURT: Let's move on.

4 MS. THOMPSON: Well, without a curative
5 instruction, I want to address this.

6 BY MS. THOMPSON:

7 Q. That's not something that you reported to law
8 enforcement at the time that they tried to grab your
9 daughter; did you?

10 A. Yes.

11 Q. You made a call and reported that to law
12 enforcement?

13 A. Yes.

14 Q. At the time?

15 A. Yes.

16 Q. And so once you began to recover your memory,
17 then you say, oh, it's the black truck that was
18 hidden in your garage; don't you?

19 A. No, I didn't say the black truck was in my
20 garage. The black truck was sitting by my shop, back
21 by the trees so nobody could see it for about two
22 weeks.

23 Q. But you at some point say it's the black
24 truck?

25 A. I thought it might have been the black truck

1 that they were talking about, but it wasn't.

2 Q. Brent Booth tries to get you to be more
3 specific.

4 GENERAL NICHOLS: I am sorry, is that a
5 question?

6 BY MS. THOMPSON:

7 Q. Doesn't he? Brent Booth tries to get you to
8 be more specific about the car. He was wanting more
9 details about the truck being at your house; wasn't
10 he?

11 A. No, he wanted the truth.

12 Q. At some point then you say, that son of a
13 bitch, yeah, if that's me, what I say, yeah, they had
14 that truck there. And the wheels they had to take
15 off or move. Didn't you say that at some point?

16 A. Yes, I did.

17 Q. And then confirming what you say, Brent Booth
18 confirms that it's the white truck that would have
19 been there. And you say, no, that was the black
20 truck; didn't you?

21 A. That's because I was mistaken.

22 Q. Okay. Because at that point you have the
23 memory now that it's the black truck that's in the
24 driveway?

25 A. The black truck was in my yard for a couple

1 of weeks. That's why it was solid in my head.

2 Q. So then you say, yeah, see, that's what I am
3 talking about, the black. The black truck was at my
4 house. The white truck, I don't ever remember being
5 parked at my house, Brent. I am talking about the
6 black truck, I definitely remember being at my house,
7 sitting right outside by my house, but the white
8 truck, I don't remember. So it might -- you said
9 that; didn't you?

10 A. Yes, I did.

11 Q. So at some point now you've admitted that a
12 truck is there, but you're saying it's the black
13 truck that's there, and you deny that the white truck
14 was parked at your house?

15 A. At that time, I didn't think that I -- I
16 didn't remember the white truck being there.

17 Q. And then you say, well, it might have been,
18 man.

19 A. Yeah.

20 Q. And then you're beginning to -- so at this
21 point you change what you were saying; don't you?

22 A. No, I didn't change it. I knew that I needed
23 to get my memory jogged with my wife.

24 Q. So at some point it becomes that your memory
25 is of what other people are telling you, not of which

1 truck was actually -- or if a truck was actually at
2 your house; is it?

3 A. Not by what people are telling me, by people
4 saying stuff that jogs my memory and brings it back.

5 Q. So people are saying things, and that's
6 what's jogging your memory; is that right?

7 A. My wife and my 17-year-old child.

8 Q. And Brent Booth is also jogging your memory?

9 A. No, not at all.

10 Q. When you're initially asked if they came over
11 and bought Morphine from you on the day Holly
12 disappeared, your initial reaction was, no, that did
13 not happen.

14 A. No.

15 Q. Your initial reaction on the 17th of May when
16 Brent Booth is asking you was that, no, that didn't
17 happen.

18 A. No. They came to see if I had a joint, so
19 they could get down off the meth was what they were
20 doing.

21 Q. So they weren't there to buy Morphine from
22 you?

23 A. No. I didn't have any.

24 Q. Okay. Okay. And when you're talking to
25 Brent Booth about somebody trying to take your

1 daughter, you actually say it's one of the Piercey
2 brothers; didn't you?

3 A. Yes. My wife looked on the paperwork, saw
4 his pictures and identified him.

5 THE COURT: That's a complete collateral
6 issue, all right?

7 MS. THOMPSON: Well, I think that that's
8 important, because today he's saying it's Mr. Adams.

9 THE COURT: He did not. He said they --

10 THE WITNESS: They're associates.

11 THE COURT: I was listening. He said
12 they. Let's cut this off.

13 MS. THOMPSON: Okay.

14 THE COURT: He did not say who they were.

15 BY MS. THOMPSON:

16 Q. Now, you also talked to Brent Booth about the
17 gun that you disposed of that you got from Jason
18 Autry; didn't you?

19 A. That I had my wife dispose of. I got it from
20 Shane.

21 Q. Your wife disposed of it, because you
22 suggested that she dispose of it; didn't you?

23 A. Yes, I did.

24 Q. At first you told Brent Booth also that it
25 was a .357 or a .38; didn't you?

1 A. Yes, I wasn't really sure what it was.

2 Q. And even though it's your wife that was
3 disposed of it, you were spending a lot of time
4 telling Brent Booth about where it was; didn't you?

5 A. Yes.

6 Q. I mean, instead of Sandy -- Sandra Dinsmore,
7 your wife, saying it, you were the one that was
8 telling Brent Booth?

9 A. Yes. She's my wife. I knew what she did
10 with it.

11 Q. At that point you even say that the -- and
12 Brent Booth also came back and talked to you the next
13 day, too, didn't he, May 19, 2017?

14 A. He's been by a few times.

15 Q. But he came -- I mean, he's came to talk to
16 you in Indianapolis, and he came two days in a row in
17 May of this year; didn't he?

18 A. Yes, he did.

19 Q. He came back the next day just to make sure
20 that he had -- that he specifically came back so that
21 he wasn't the one putting words in your mouth; didn't
22 he?

23 A. Yes.

24 Q. And when you were talking to him, you told
25 him that you had had an old .32 that you had thrown

1 in the lake at your cousin's house; didn't you?

2 A. It wouldn't shoot. And the cylinder kept
3 falling out, so I threw it away.

4 Q. Okay.

5 A. That's why there was a mixup with the guns.

6 Q. So as a coincidence, you had had a .32 in the
7 past?

8 A. The two years before.

9 Q. Two years before Holly disappeared?

10 A. Yes.

11 Q. And you didn't like the gun, so you decided
12 to get rid of it?

13 A. It was junk.

14 Q. So you decided to throw it in your cousin's
15 pond?

16 A. Yes, I wouldn't sell it to anybody.

17 Q. What was your cousin's name?

18 A. Leodin Raymond Bowen (phonetic).

19 Q. And they have, like a -- kind of a cow pond
20 or little --

21 A. Yes. Halfway dried up, Tennessee pond.

22 Q. And that's where you put the .32 pistol;
23 isn't it?

24 A. Yes.

25 Q. And so when you were talking to Brent Booth

1 about where the pistol went in the creek there on Joe
2 Holladay Road, you specifically said that, now,
3 that's not the .32 that I put in my cousin's pond;
4 didn't you?

5 A. I said, I don't know if that's the .32 that I
6 threw in the pond or what it is, but my wife got rid
7 of it, so.

8 Q. No, you said, now, there was another gun, a
9 .32 that I put in the pond; didn't you?

10 A. Yeah. Yes, I just said that.

11 Q. Now, during the time that you knew Zach
12 Adams, he had been to jail for various different
13 reasons; hadn't he?

14 A. Yes.

15 Q. And after -- even after Holly Bobo
16 disappeared, Zach Adams had been in and out of jail
17 at different times; hadn't he?

18 A. Yes.

19 MS. THOMPSON: No further questions.

20 THE COURT: Further direct?

21 GENERAL NICHOLS: Yes, sir.

22

23 **REDIRECT EXAMINATION**

24 **QUESTIONS BY GENERAL NICHOLS:**

25 Q. Mr. Dinsmore, are you aware that .38s and

1 .357s are, for the most part, revolvers?

2 A. Yes.

3 Q. Are frequently -- or could be frequently
4 mistaken for the size, shape --

5 MS. THOMPSON: Objection, Your Honor.
6 This is speculation about what frequently happens.

7 THE COURT: She can ask the question.

8 BY GENERAL NICHOLS

9 Q. Could one be mistaken?

10 A. Very easily.

11 Q. Is there any doubt in your mind that this gun
12 that I'm holding up, previously marked as Exhibit
13 180, is the same gun that you traded pills for with
14 Shane Austin?

15 A. \$60 worth of Morphine pills.

16 Q. Is there any doubt in your mind --

17 A. Not at all.

18 Q. -- that this is the same gun that you gave to
19 your wife?

20 A. Not at all.

21 Q. Any doubt in your mind that this is the same
22 gun you told her to get rid of?

23 A. No, because she bitched about carrying it in
24 her purse, because it was too big.

25 Q. Now, did you pick up on the fact during the

1 cross-examination that Ms. Thompson is, perhaps,
2 trying to make it sound like you are responsible for
3 the rape of Holly Bobo?

4 A. Absolutely. I felt that from the beginning.

5 Q. Okay. And she even asked you about items
6 thrown very, very close to your house.

7 A. Yes. That's what got my attention, because I
8 was convicted of that from 1985. And you're very
9 aware of things like that. It pissed me off to be
10 honest with you. My beepers were up. My antennas
11 were up after that.

12 Q. Despite the fact that you have a conviction
13 for rape, despite the fact that you lived off of
14 Yellow Springs Road where some of Holly's things were
15 thrown, on the morning that Holly disappeared, were
16 you not greeted by Dottie, who's now deceased, her
17 husband at their house and allowed into their
18 property?

19 A. Yes, I was. And by 9:00 the cleaning lady
20 showed up.

21 Q. And the cleaning lady, though --

22 A. Debbie.

23 Q. -- Debbie, she's not deceased; is she?

24 A. No.

25 Q. And you talked to her?

1 A. Yes, I did.

2 Q. On and off for several hours that --

3 A. All morning. All morning I talked to her.

4 Q. She's a talker; isn't she?

5 A. Yes. Yes.

6 Q. Okay. And she was there and knows exactly
7 where you were?

8 A. Yes.

9 Q. Now, you were also -- Ms. Thompson went from
10 trying to, perhaps, make it out that you were the
11 rapist, to maybe you're giving us information because
12 there is a reward. You heard those questions?

13 A. Yes.

14 Q. All right. So to follow up on that, and I am
15 sorry to ask you about something difficult. Was your
16 son -- your son murdered?

17 A. Yes.

18 Q. How old was he?

19 MS. THOMPSON: Your Honor, I object to
20 relevance.

21 THE COURT: This is collateral.

22 GENERAL NICHOLS: Your Honor, it goes
23 directly to why he sat there and said, I wouldn't
24 take a reward. I know this about him, I didn't bring
25 it up, but he has voiced that.

1 THE COURT: All right. Go ahead.

2 THE WITNESS: I didn't do this for the
3 money. I know how Mr. and Ms. Bobo felt.

4 BY GENERAL NICHOLS:

5 Q. Your son was murdered?

6 A. And I wanted to help any way I could.

7 Q. Do you need a second?

8 A. I am okay.

9 Q. A lot of questions about the white truck. I
10 know it's been six years, but when TBI came to you
11 less than three years after it happened, okay, in
12 March of 2014, did you make the statement, Zach hid
13 his grandfather's white Nissan post abduction?

14 A. Yes, I did.

15 Q. Did you tell them that Zach told you the
16 truck was hid because of an arrest Zach had been
17 involved with where park police caught him with meth,
18 and Zach tried to run over them in that truck?

19 A. Yes.

20 Q. Is that the reason he gave you for hiding the
21 white Nissan in -- in your truck -- excuse me, in
22 your shop post abduction?

23 A. Yes.

24 Q. Now, you have been confused clearly about
25 different times that he has hidden trucks at your

1 house?

2 A. Yes.

3 Q. Did that happen multiple times?

4 A. The white truck, there just a couple days.

5 Q. One time?

6 A. One time. I never saw that truck after that.

7 Q. My question: Post abduction, meaning after
8 Holly was abducted?

9 A. After, after.

10 Q. And despite what you may have told the
11 defendant's investigator, despite the confusion that
12 you voiced to Brent Booth, that closer in time, was
13 your memory better?

14 A. Yes.

15 Q. Was the white truck in your shop post
16 abduction?

17 A. Yes, it was. Very short time, though.

18 Q. Do you have any personal knowledge about
19 Zach's familiarity with the woods around that area?

20 A. He knew his way around the woods like the
21 back of his hand.

22 Q. Did you make the statement in 2014 that he
23 had a complete command of all the surrounding woods?

24 A. Yes.

25 Q. Is that true?

1 A. Yes. He knew every nook, cranny, and corner.

2 Q. Do you recall being at a party with your wife
3 at Jan Carrington's house?

4 A. Yes.

5 Q. An outside party?

6 A. Yes.

7 Q. Do you remember Zach appearing at that party?

8 A. Out of the woods.

9 Q. And surprising everybody?

10 A. Just snuck up on everybody.

11 Q. From the woods?

12 A. From the woods.

13 GENERAL NICHOLS: One moment, Your Honor,
14 I think I am finished.

15 BY GENERAL NICHOLS:

16 Q. The gun and the immunity, you told the jury
17 you didn't ask for the immunity, correct?

18 A. No, I did not.

19 Q. Didn't sign the immunity?

20 A. No.

21 Q. Just were presented with letters of immunity?

22 A. I am doing -- helping at any risk. I told
23 you guys that.

24 Q. You did.

25 A. Yeah.

1 Q. Were or are you even aware that statute of
2 limitations had run?

3 A. No, that was no concern of mine.

4 Q. There's been --

5 GENERAL NICHOLS: I don't have anything
6 else, Judge.

7 THE COURT: Further cross?

8 MS. THOMPSON: Yes, Your Honor.

9

10 **RECROSS-EXAMINATION**

11 **QUESTIONS BY MS. THOMPSON:**

12 Q. Mr. Dinsmore, I know this is a sensitive
13 subject to you, but your son died several years
14 before Holly died; didn't he?

15 A. 2007, December 23rd.

16 Q. It was initially ruled as a suicide by law
17 enforcement; isn't it?

18 A. Yes.

19 Q. So they are not pursuing any type of
20 investigation in the matter?

21 A. No, they are not going to because of my past.

22 Q. I also wanted to ask you, you have a past
23 conviction for rape. And it's not a statutory rape.
24 It's a regular rape charge; isn't that right?

25 A. Yes, it is.

1 Q. You do not register as a sex offender; do
2 you?

3 A. I don't have to.

4 Q. When you come to the state of Tennessee, even
5 though the state of Tennessee requires people with
6 rape convictions to register as a sex offender, you
7 did not register?

8 A. No.

9 Q. They have not pursued any type of federal or
10 state charges against you for your failure to
11 register; have they?

12 A. No.

13 Q. When you travel interstate, you didn't have
14 to -- or you did not, you failed to go register with
15 the county where you're staying, the sheriff's
16 department telling them that you had crossed state
17 lines as a sex offender?

18 A. Don't have to. My stuff is a quarter of a
19 century old.

20 Q. You've not specifically been removed from the
21 sex offender registry, though; have you?

22 A. Yes, I have.

23 Q. It was not adjudicated.

24 A. Indianapolis.

25 GENERAL NICHOLS: Your Honor --

1 MS. THOMPSON: I pulled those records.
2 There's no records of adjudication.

3 THE COURT: Don't make a statement. You
4 can ask a question.

5 BY MS. THOMPSON:

6 Q. There's no record of adjudication in
7 Indianapolis, Indiana --

8 A. That's funny, because if you pull Indiana
9 Sheriff's Association, the Sex Registry up, it will
10 tell you I don't have to register anymore. It's too
11 old.

12 MS. THOMPSON: No further questions.

13

14 **REDIRECT EXAMINATION**

15 **QUESTIONS BY GENERAL NICHOLS:**

16 Q. When you were flown down here, who were you
17 with all day long?

18 A. Police.

19 Q. TBI?

20 A. TBI.

21 Q. And other police. Are you aware that TBI is
22 who keeps the Sex Offender Registry for the state?

23 A. Yes, I am.

24 Q. Okay.

25 A. And I checked the sex laws before I moved to

1 Tennessee.

2 GENERAL NICHOLS: That's all.

3 THE COURT: Done?

4 GENERAL NICHOLS: Yes, sir.

5 MS. THOMPSON: No. No more.

6 THE COURT: All right. You are released
7 at this time. You are not to discuss your testimony
8 with anyone, not even your wife or the officers or
9 anything. You're not to discuss any testimony that
10 was given in here; do you understand that?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: You can be excused.

13 (WHEREUPON, the witness was excused from
14 the stand and left the courtroom.)

15 THE COURT: We're going to take a morning
16 recess at this time. We're -- I don't like to break
17 up witness when I can. We'll start back in 15
18 minutes. Follow the admonitions I gave you.

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

21 (END OF VOLUME X)

22

23

24

25