

W2020-01208-CCH-K3-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 XIII OF XVII  
14 -----

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

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ERIN ANGEL  
Court Reporter

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## A P P E A R A N C E S

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CROSS BY GENERAL NICHOLS 2015

JUDY EVANS  
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TERRY DICUS  
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TRAVIS DUNAVANT  
DIRECT BY MS. THOMPSON 2242

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WILLIAM BELL  
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2 DIRECT BY MS. THOMPSON 2303  
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4 AMBER TREAT  
5 DIRECT BY MS. THOMPSON 2310  
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16 REDIRECT BY MS. THOMPSON 2412

17 KRISTIE GUTGSELL  
18 DIRECT BY MS. THOMPSON 2421

19 JONATHAN REEVES  
20 DIRECT BY MS. THOMPSON 2425

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VOLUME XIII

DAY 8

MONDAY, SEPTEMBER 18, 2017

GENERAL HAGERMAN: State calls  
Shawn Cooper.

THE COURT: Raise your right hand,  
please.

(The witness was sworn.)

THE COURT: Come up here and be seated.  
State your first and last name, spell it for the  
benefit of the court reporter.

THE WITNESS: Shawn Copper, S-H-A-W-N  
C-O-O-P-E-R.

\* \* \*

SHAWN COOPER,  
was called as a witness and having first been duly  
sworn testified as follows:

DIRECT EXAMINATION

QUESTIONS BY GENERAL HAGERMAN:

Q. Now, Mr. Copper, you're going to have to keep  
your voice up, okay?

A. Yes, sir.

1 Q. Even louder than that.

2 A. Yes, sir.

3 Q. All right. And speak into that microphone so  
4 we can hear you over here, okay?

5 A. Yes, sir.

6 Q. Okay. You're in a prison outfit; aren't you?

7 A. Yes, sir, jail outfit.

8 Q. Jail? What jail are you in?

9 A. Hardeman County.

10 Q. Why are you in jail in Hardin County?

11 THE COURT: Hardeman I think he said.

12 GENERAL HAGERMAN: Hardin.

13 THE COURT: Hardeman?

14 THE WITNESS: Hardeman. Yes. Violation  
15 of probation. Not paying my fines and not showing  
16 up.

17 BY GENERAL HAGERMAN:

18 Q. Not paying your fines and what?

19 A. Not showing up to see her.

20 Q. Not showing up for your meetings?

21 A. Yes, sir.

22 Q. Is that right?

23 A. Yes, sir.

24 Q. And what were you on probation for?

25 A. Theft under 500 and driving on suspended.

1 Q. All right. So two misdemeanors?

2 A. Yes, sir.

3 Q. But you do have two felonies in your past; is  
4 that correct?

5 A. Yes, sir.

6 Q. Aggravated assault and arson?

7 A. Yes, sir.

8 Q. And how long ago was that?

9 A. 2008.

10 Q. Did that involve your ex-wife?

11 A. Yes, sir.

12 Q. I want to ask you about another time you were  
13 in jail, okay?

14 A. Yes, sir.

15 Q. March of 2014, March the 4th of 2014.

16 A. Yes, sir.

17 Q. Did something happen that day?

18 A. Yes, sir.

19 Q. All right. Speak up loud. Tell me and the  
20 jury what happened that day.

21 A. I was sitting there and a lady --

22 Q. Where were you sitting?

23 A. I was sitting on the bench after court. Just  
24 sitting there -- all the inmates were sitting there.  
25 We're getting -- waiting until the other inmates go

1 to court and stuff.

2 Q. So is there like a room outside the courtroom  
3 where the inmates are locked up or whatever?

4 A. It's just a hallway.

5 Q. Just a hallway?

6 A. Yeah. We was just sitting on a bench all  
7 cuffed.

8 Q. Okay.

9 A. A lady come out and said, does anybody think  
10 they're going to be able to bond out or go home  
11 today. And I raised my hand -- or raised my finger  
12 just joking. She said, no, Mr. Cooper, you're going  
13 to go Obion County. You got a hold.

14 Q. Okay. So let me interrupt you. A woman  
15 comes out, is anybody going to go home today, is  
16 anybody going to bond out or get time served or  
17 whatever go home today?

18 A. Yes, sir.

19 Q. And you raised your hand, but you knew you  
20 weren't going home today?

21 A. No, I knew -- I knew I wasn't going.

22 Q. Did you say it was a joke?

23 A. Yeah.

24 Q. And she told you what?

25 A. You have a hold in Obion County.



1 Q. Okay. A hold means they want you in Obion  
2 County for something; is that right?

3 A. Yes, sir.

4 Q. So that means that you would -- if you left  
5 their jail, you would be going to a different jail?

6 A. Yes, sir.

7 Q. To the Obion County Jail?

8 A. Yes, sir.

9 Q. After she told you that, did anybody say  
10 anything to you?

11 A. Zach -- Zachary Adams was sitting there.

12 Q. Now, did you know Zachary Adams?

13 A. No, sir.

14 Q. So before that day, is it fair to say you  
15 didn't even know who he was?

16 A. Yes, sir, I didn't know him.

17 Q. Never hung out with him?

18 A. No.

19 Q. Nothing like that?

20 A. No, sir.

21 Q. All right. Tell me what happened.

22 A. He said, you going to Obion County. He said,  
23 you know who I am. I said, no. He said, I'm Zachary  
24 Adams. I'm the Holly Bobo murder case. I said, oh.  
25 And he said, is there any way you can talk to any

1 inmates when you get there on the federal side. I  
2 said, I don't know, maybe through the door.

3 Q. Now, let me interrupt you, okay? When he  
4 asked is there any way that you could talk to other  
5 inmates there on the federal side, what is he talking  
6 about?

7 A. It's a federal holding facility. It holds  
8 the fed -- federal inmates.

9 Q. Okay. So Obion County has prisoners like  
10 you, but they also may have some prisoners that are  
11 federal defendants?

12 A. Yes, sir.

13 Q. Is that correct?

14 A. Yes, sir.

15 Q. And he asked you whether or not you were  
16 going to be able to talk to any of them?

17 A. Yes, sir.

18 Q. And what did you tell him?

19 A. I said I might can. If I'm in F Pod or E  
20 Pod, maybe through the door, you know, I might could  
21 talk to him.

22 Q. Okay.

23 A. And I can't really remember what name he told  
24 me, but he told me it was his brother he said. He  
25 said you tell him if he don't keep his mouth shut,

1 I'm going to put him in a hole beside her.

2 Q. Beside who?

3 A. Holly Bobo.

4 Q. He told you -- and you said a name you can't  
5 remember, but that it was his brother?

6 A. Yeah, he said it's my brother.

7 Q. And he better do what?

8 A. Keep his mouth shut before I put him in a  
9 hole beside her.

10 Q. Before I put him in a hole beside her?

11 A. Yes, sir.

12 Q. And what did you say to him?

13 A. I told him he better quit talking to me, and  
14 I said a few cusswords to him, and he shut up. And  
15 then they come got me and -- he went -- he went in  
16 the court and got his bond.

17 Q. All right. Well, let me interrupt you right  
18 before that, okay?

19 A. Yeah.

20 Q. You said some cusswords to him?

21 A. Yeah.

22 Q. Why did you say some cusswords to him?

23 A. Because it hit me wrong, so it made me mad.

24 Q. You threaten him?

25 A. I said something to him. I can't really

1       remember.

2       Q.       Okay.

3       A.       I'm going to slap you or something.

4       Q.       That you were going to slap him or something?

5       A.       Yeah.

6       Q.       Is it fair to say you didn't want him talking  
7       to you?

8       A.       Yeah, not after that.

9       Q.       Did you want to be a part of this at all?

10      A.       No.

11      Q.       All right. You said he went into court then  
12      and came back?

13      A.       Yeah.

14      Q.       What happened then?

15      A.       He was walking out, he said something about I  
16      got a blah, blah, blah bond.

17      Q.       Talking about his bond?

18      A.       Yeah.

19      Q.       Okay.

20      A.       Like it was a joke or something.

21      Q.       Like it was a joke?

22      A.       Yeah.

23      Q.       So he had gone into court and whatever  
24      happened in court happened in court. And now he has  
25      come back, and he's made some joke about his bond?

1 A. Yes, sir.

2 Q. Do you remember the exact words he used?

3 A. No, something about I got a blah, blah, blah

4 bond like it was cool or something.

5 Q. Like it was cool?

6 A. Something.

7 Q. Did you think it was cool?

8 A. No, I just wanted to go home.

9 Q. You just wanted to go home?

10 A. Yeah.

11 Q. But you weren't going home, you were going to

12 Obion County?

13 A. Yeah.

14 Q. Did he make any other statements back there

15 with you about the case?

16 A. Not that I remember.

17 Q. Okay. And were --

18 A. It's been so many --

19 Q. -- there any other people back there with you

20 when this happened?

21 A. Yeah, there was a couple of people sitting

22 there.

23 Q. Would there -- be fair to say they were other

24 inmates?

25 A. Yes, sir.

1 Q. Did you personally know any of those other  
2 inmates?

3 A. No, sir.

4 Q. All right. So you hear Jack -- Zach Adams  
5 ask you will you be able to talk to the federal  
6 inmates in Obion County?

7 A. (Nodded head affirmatively.)

8 Q. You tell him maybe?

9 A. Yes, sir.

10 Q. He tells you to get a message to his brother;  
11 is that correct?

12 A. Yes, sir.

13 Q. Lie her in a hole next to Holly -- or next to  
14 her?

15 A. Yes, sir.

16 Q. Is that right?

17 A. Yes, sir.

18 Q. You hear him joking about his bond?

19 A. Yes, sir.

20 Q. And so after you hear this, do you run to the  
21 police? Do you run to the police and try to get  
22 credit for this, see if maybe you can get out of  
23 going to Obion County?

24 A. No, sir.

25 Q. Instead, how do the police find out about

1       this?

2       A.       I was talking to my old lady, because I was  
3       sort of stunned about it all.

4       Q.       All right. Now, you mumbled that. So say it  
5       again.

6       A.       I was sort of stunned, so I was trying to  
7       tell my old lady, like, in a secret way in court --  
8       or on the phone, you know, about what happened in  
9       court.

10      Q.       All right. So right after you got out of  
11      court, did you call your old lady?

12      A.       Yeah, sometime that day.

13      Q.       Had you tried to tell her what you heard?

14      A.       Yeah. I said, can't believe what this dude  
15      said to me.

16      Q.       And the police must have been listening to  
17      that, right?

18      A.       I guess.

19      Q.       Because then they came to you?

20      A.       Yeah.

21      Q.       And when they came to you nine days later,  
22      did you tell them the truth just like you've told us  
23      today?

24      A.       Yes, sir.

25      Q.       Have you ever received anything in return for

1       this?

2       A.       No, sir.

3       Q.       Have I ever done anything for you?

4       A.       No, sir.

5       Q.       Has anybody ever done anything for you?

6       A.       No, sir.

7       Q.       You're serving time because you didn't pay  
8       your fines and you missed some probation meetings?

9       A.       Yes, sir.

10      Q.       Would it be fair to say nobody's helped you?

11      A.       Nobody's helped me.

12      Q.       You talked about how you were going to Obion  
13      County. What -- where were you presently when this  
14      happened, what county?

15      A.       Chester County.

16      Q.       Chester County. And is that where this  
17      conversation took place in the lockup?

18      A.       Yes, sir.

19      Q.       Do you see Mr. Adams in the courtroom today?

20      A.       Yes, sir.

21      Q.       Can you point to where he's seated?

22      A.       Right there. (Pointed.)

23                   GENERAL HAGERMAN: The record will  
24      reflect --

25                   THE COURT: For the record, the



1 defendant.

2 GENERAL HAGERMAN: Thank you, sir. No  
3 further questions.

4 THE COURT: Cross.

5  
6 **CROSS-EXAMINATION**

7 **QUESTIONS BY MS. THOMPSON:**

8 Q. Now, Mr. Cooper, in fact you did tell other  
9 inmates about what you claim Mr. Adams said; didn't  
10 you?

11 A. Other inmates?

12 Q. Other inmates, yes.

13 A. I asked -- I think I asked one if they heard  
14 it. I don't know if I told any of them, but I asked  
15 the one dude next to me if he had heard. And I don't  
16 remember what he said. It's been years ago.

17 Q. But, in fact, you did tell other people in  
18 your cell with you what Mr. Adams had said. You-all  
19 discussed it; didn't you?

20 A. I don't remember.

21 Q. So it's possible you did and you just don't  
22 remember now?

23 A. I mean, I don't -- I don't remember.

24 Q. Can you answer it louder?

25 A. I don't remember.

1 Q. Okay. So that's a memory you don't have at  
2 this point?

3 A. Yeah, I don't remember that.

4 Q. Okay. And this happened in Chester County.  
5 You went to Obion County, what -- you went to Obion  
6 County, because you had a failure to appear; is that  
7 right?

8 A. I don't remember.

9 Q. Your failure to appear in Obion County got  
10 dropped; didn't it?

11 A. I served, I don't know, 10, 15 days there.

12 Q. Well, that was before you had your court date  
13 and you had your hearing on it; isn't it?

14 A. I don't remember about all that.

15 Q. Okay. And matter of fact, at the time all  
16 this happened, you were telling people that Zach  
17 Adams was bragging about having a two-million-dollar  
18 bond. Do you remember bragging -- telling people  
19 that?

20 A. Yeah, I remember him bragging about that.  
21 That's when he come out the courtroom --

22 Q. And do you now remember saying that he was  
23 bragging about have a two-million-dollar bond?

24 A. I remember it, but I don't remember telling  
25 nobody that. I remember what he said, though. I'll

1       never forget all of it.

2       Q.       And do you remember at the original time you  
3       said -- you never mentioned Holly Bobo's name. You  
4       quoted Mr. Adams as saying if he didn't shut up, he  
5       would put his brother in a hole right beside her?

6       A.       Yeah, because he told me before that that he  
7       was the Holly Bobo murder case. That's how I knew,  
8       you know, Holly Bobo.

9       Q.       Now, you would agree with me that people in  
10      jail talk big; don't they?

11     A.       They try to. They try to.

12     Q.       They try to. And you don't believe  
13     everything people in jail say to you; do you?

14     A.       Not some stuff.

15     Q.       And you've talked big in jail before  
16     yourself; haven't you?

17     A.       Not really. I mind my own business, stay to  
18     myself.

19     Q.       Okay.

20               MS. THOMPSON: No further questions.

21               GENERAL HAGERMAN: Nothing further,  
22     Judge.

23               THE COURT: All right. He can step down.  
24     Let's take a recess. It's right at 2:00. We'll  
25     resume at 2:15. Follow the admonitions I've given

1       you from the outset. We'll try to quit around 5:00  
2       today since we started a little early.

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

5               (Short break.)

6       THE COURT: I've sent for the jury.

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

10       THE COURT: Call your next witness for  
11       the State, please.

12       GENERAL HAGERMAN: Jason Kirk.

13       THE COURT: Jason -- we don't have  
14       anybody at the door, do we? Jason Kirk. This is not  
15       the Highway Patrolman, I understand. We had a  
16       Highway Patrolman named Jason Kirk.

17       GENERAL HAGERMAN: He's not the Captain  
18       of the Starship Enterprise either.

19       THE COURT: Okay. Well, that particular  
20       Trooper wrote tickets until he got writer's cramp  
21       almost, but he was extremely professional.

22       Any of y'all intimately acquainted with  
23       Officer Kirk or not?

24       PROSPECTIVE JUROR: He's short.

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.

4                   THE WITNESS: Jason Kirk. J-A-S-O-N  
5 K-I-R-K.

6                   THE COURT: Thank you. Proceed.

7

8                   \*       \*       \*

9                   **JASON KIRK,**  
10 **was called as a witness and having first been duly**  
11 **sworn testified as follows:**

12

13                   **DIRECT EXAMINATION**

14                   **QUESTIONS BY GENERAL HAGERMAN:**

15               Q.       Apparently there's a Jason Kirk that is a  
16 Highway Patrolman, but that's not you; is it?

17               A.       No, same initials, everything.

18               Q.       Far from it?

19               A.       Yeah.

20               Q.       You're in prison clothes, right?

21               A.       Yes, sir.

22               Q.       Where are you in prison at?

23               A.       South Central in Clifton.

24               Q.       How far away is that from here, an hour or  
25 so?

1       A.       25 minutes.

2       Q.       How long of a sentence are you serving?

3       A.       I just started a new sentence, which is 25

4       years.

5       Q.       It's a long sentence?

6       A.       Yes, it is.

7       Q.       When do you have a parole date?

8       A.       My parole date's in 13 years.

9       Q.       That's a long time from now?

10      A.       Yes.

11      Q.       You earned a good deal of that sentence

12      though; didn't you?

13      A.       Yes, I did all of it.

14      Q.       Walked away from the jail; is that right?

15      A.       Yes, sir.

16      Q.       Stole a truck?

17      A.       Yes, sir.

18      Q.       Is that right?

19      A.       Yes, sir.

20      Q.       High-speed chase; is that right?

21      A.       Yes, sir.

22      Q.       Hid out for a few days; is that right?

23      A.       Yes, sir.  Yep.

24      Q.       And then turned yourself in?

25      A.       Yes, sir.

1 Q. You had been in trouble with the law before  
2 that, too; hadn't you?

3 A. Yes, sir.

4 Q. This wasn't even your first high-speed chase;  
5 was it?

6 A. No, sir.

7 Q. You have felony convictions for other  
8 high-speed chases away from the police?

9 A. Yes, sir.

10 Q. For stealing?

11 A. Yes, sir.

12 Q. Do you have any other felony convictions?

13 A. All thefts, chases, running, things  
14 associated with that.

15 Q. All right. Theft, chases, and running  
16 culminating in what you're in jail for now?

17 A. Yes, sir.

18 Q. I want to ask you, in March of 2014,  
19 particularly March the 4th of 2014, when you got  
20 locked up for what we're talking about, high-speed  
21 chase, stealing a truck, were you ever in the Chester  
22 County Jail?

23 A. Yes, sir.

24 Q. And did a conversation or did some statements  
25 happen around you?

1 A. Yes, sir.

2 Q. Can you tell me where you were, why you were  
3 there, and what happened?

4 A. I was in the Chester County Jail. I was  
5 there for -- was accused of stealing a Ford truck and  
6 doing a high-speed chase.

7 Q. When you say accused, I think you probably  
8 did it; didn't you?

9 A. That one, no.

10 Q. That one, no?

11 A. That one, no.

12 Q. All right. But there's other ones you have  
13 done?

14 A. Yes, everything else I did. That was one of  
15 the first ones that I didn't do.

16 Q. Okay.

17 A. But I did the high-speed chase and it -- and,  
18 you know, fought the officers and everything else  
19 that went with it.

20 Q. You just didn't steal the truck?

21 A. I just didn't steal the truck.

22 Q. All right. Tell me what happened. Where  
23 were you, what happened?

24 A. The theft or the jail or --

25 Q. Excuse me?



1 A. With the jail or --

2 Q. With the jail, yes.

3 A. Yeah, I had been in jail about a month. I  
4 was going up for arraignment. I was kind of late  
5 coming into the court area because my lawyer,  
6 Chip Sherrod, had come in to see me, and he pulled me  
7 aside. And I went in, and in Chester County, it's a  
8 long hallway with a bench on the side. And a guy  
9 named Cooper, who was in the pod with me, was sitting  
10 at the front of the bench. And I went up and I sat  
11 next to him, and he told me he had already been  
12 inside. And Zach (pointed) was standing in front of  
13 us at the -- on the wall.

14 Q. Let me interrupt you. You said Zach and you  
15 pointed. Is that the defendant here today?

16 A. Yes, sir.

17 GENERAL HAGERMAN: The record would so  
18 reflect.

19 BY GENERAL HAGERMAN:

20 Q. Did you know Zach at that time?

21 A. No, I had never seen him before in my life.

22 Q. Never seen him before in your life.

23 Okay. What happened?

24 A. He was leaning against the wall, and I asked  
25 Cooper what happened in his court hearing. He said

1       that he was done in Chester County, and he had to go  
2       to another jail. And Zach stepped forward and said,  
3       hey, my brother's in that jail. Will you give him a  
4       message for me? Cooper said, yeah. He said, tell  
5       him if he doesn't keep his fucking mouth shut, I'm  
6       going to plant him next to that bitch. And --

7       Q.       If he doesn't keep his mouth shut, I'm going  
8       to plant him next to that B?

9       A.       Yeah, and Cooper, you know, looked taken  
10      aback and asked him what's up with that? Oh, my  
11      brother, he's telling on me and it was -- went into a  
12      rant about, you know, his brother got caught with  
13      something, I wasn't sure what it was, with the feds.  
14      And to get out of it, was trying to tell on him. And  
15      then --

16      Q.       And did you know what he was talking about?  
17      Did you know what case he was talking about at that  
18      time?

19      A.       Oh, yeah, I'd been on the phone, and I talked  
20      to people, and we knew he was in the jail and --

21      Q.       So you knew -- even though you had never seen  
22      his face, you knew what he was there for?

23      A.       Yes, we all knew.

24      Q.       At some point, did you go into the courtroom?

25      A.       Me and Cooper talked for about five minutes

1       about my bail. I had a million-dollar bail. He  
2       commented on the bail situation.

3       Q.       When you say he, who are you talking about?

4       A.       Zach.

5       Q.       All right.

6       A.       He commented on my bail. Said that he'd  
7       probably have higher bail, and I told him probably  
8       so. I said considering what you're charged with. I  
9       said mine was excessive. And about that time, they  
10      called me into the courtroom. And I went in there,  
11      had my arraignment. I come back outside, and I went  
12      and I sat down at the other end of the bench. I  
13      wanted to be away from my codefendant. And he moved  
14      up to the front, so I moved back to the back of the  
15      bench. And Zach was pacing around, and he come up,  
16      and we talked a little bit about bail situation  
17      again, and then he was last. So they called him in,  
18      and he was in there for a little while, and he comes  
19      back out and -- comes back and he's like, I got two  
20      million. He said, I guess you got to kill a bitch to  
21      get that kind of bail around here.

22      Q.       I got two million. Make sure I get it right.  
23      I guess you got to kill a bitch to get that around --

24      A.       That kind of bail around here.

25      Q.       -- here?

1 A. Yeah. And he said, but I'm not worried. He  
2 said, don't have no body. They don't have no gun.  
3 They don't have no conviction, because they don't  
4 have a body and they don't have a gun.

5 Q. Got no body, got no gun --

6 A. No conviction.

7 Q. -- so no conviction?

8 A. Yes, sir.

9 Q. Because no body and no gun?

10 A. Yes, sir.

11 Q. Had you ever talked to Zach Adams before that  
12 day?

13 A. No, sir. Never seen him before in my life.

14 Q. Have you been promised anything in return for  
15 your testimony?

16 A. No, sir.

17 Q. You've received nothing at all?

18 A. Nothing at all.

19 GENERAL HAGERMAN: Pass the witness,  
20 Judge.

21 THE COURT: Cross.

22

23 **CROSS-EXAMINATION**

24 **QUESTIONS BY MS. THOMPSON:**

25 Q. Now, Mr. Adams had recently been arrested on

1 the Holly Bobo case; hadn't he?

2 A. From what I understood at that time, yeah.

3 Q. And it had been in the news that they had  
4 been searching his house and his property regarding  
5 Holly Bobo; wasn't it?

6 A. Well, I was in the jail, and the only  
7 information I had was what -- when I would call home.  
8 You know, my mom is from Decatur County, and so she  
9 would tell me little bits and pieces of things.

10 Q. Okay.

11 A. But I only knew secondhand knowledge. So the  
12 Chester County Jail has no newspapers, no TV, no  
13 source of news at all. So I knew very little about  
14 what was going on on the outside.

15 Q. But your family did, and they were passing  
16 some information on to you?

17 A. Yes.

18 Q. And in fact, though Mr. Adams was not facing  
19 a murder charge out of Chester County, he was facing  
20 his charge out of Decatur County. Your mother was  
21 from Decatur County?

22 A. Yes, she is.

23 Q. Okay. And so you knew that that  
24 Holly Bobo -- the Holly Bobo murder was out of  
25 Decatur County?

1       A.       Yes, and that he was -- from what we  
2       understood, he was being held in Chester County.

3       Q.       Okay. And did you know at the time he was in  
4       protective custody?

5       A.       No, I didn't.

6       Q.       Okay. He never came to the pod with you-all;  
7       did he?

8       A.       No, they had him in a special pod towards the  
9       front of the jail.

10      Q.       Just a special single cell right there by the  
11      main office?

12      A.       Yes.

13      Q.       Okay. And people in jail, they talk big;  
14      don't they?

15      A.       Yes, they do.

16      Q.       I mean, in a way, you want to kind of talk  
17      big to protect yourself?

18      A.       We brag.

19      Q.       Okay. And it would not be uncommon for  
20      somebody who's possibly in protective custody to want  
21      to brag and protect themselves more than others;  
22      would you agree with me?

23      A.       Yes.

24      Q.       Okay.

25               MS. THOMPSON: No further questions.

1 THE COURT: Anything else?

2 GENERAL HAGERMAN: Nothing further,  
3 Judge.

4 THE COURT: All right. You can have  
5 Mr. Kirk back. Thank you.

6 (WHEREUPON, the witness was excused from  
7 the stand and left the courtroom.)

8 THE COURT: Call your next.

9 GENERAL HAGERMAN: Your Honor, we would  
10 offer into evidence at this time a certificate of  
11 authenticity with regard to documents that have been  
12 marked for identification previously. Facebook Adams  
13 of Mr. Zach Adams, Exhibit 62, for identification  
14 through the witness Rebecca Earp. We also have a  
15 certificate of authenticity, and we would introduce  
16 one page of those records, page 184, and pass those  
17 to defense forward to the Court.

18 THE COURT: Defense --

19 MS. THOMPSON: I've seen them.

20 THE COURT: Defense seen them?

21 MS. THOMPSON: Yes, Your Honor, it's  
22 fine.

23 THE COURT: Okay. So you want to file as  
24 an exhibit?

25 GENERAL HAGERMAN: Yes, sir.

1 THE COURT: All right. Be 214?

2 THE REPORTER: Yes, sir.

3 THE COURT: All right.

4 (WHEREUPON, the above-mentioned document  
5 was marked as Exhibit Number 214.)

6 GENERAL HAGERMAN: I'm going to publish  
7 this by reading it, Judge.

8 THE COURT: Okay.

9 GENERAL HAGERMAN: This is a certificate  
10 of authenticity of domestic records of regularly  
11 conducted activity. I, Beth Jarvis, certify I am  
12 employed by Facebook, Inc., headquartered in Menlo  
13 Park, California. I am a duly authorized custodian  
14 of records for Facebook and am qualified to certify  
15 Facebook's records of regularly conducted activity.

16 I have reviewed the records for this by  
17 Facebook in this matter in response to the search  
18 warrant received on March 12, 2015. The records  
19 include search results based on subscriber  
20 information, messages, photos, videos and other  
21 content and records for, and then it give a long  
22 account number.

23 The records provided are an exact copy of the  
24 records that were made and kept by the automated  
25 systems of Facebook in the course of regularly



1 conducted activity as a regular practice of Facebook.  
2 The record was saved in electronic format after  
3 searching Facebook's automated systems in accordance  
4 with the legal process. The records remain at or  
5 near the time the information was transmitted by the  
6 Facebook user. I declare under penalty of perjury  
7 that the forgoing certification is true and correct  
8 to the best of my knowledge, Beth Jarvis, dated May  
9 of 2017.

10 It's a Facebook picture entitled "Who am I  
11 looking for" from Zach Adams' Facebook account.

12 GENERAL CHRISTENSEN: We call our next  
13 witness.

14 THE COURT: Next witness is?

15 GENERAL CHRISTENSEN: State calls  
16 Christopher Swift.

17 THE COURT: You want to kill the  
18 machines? Raise your right hand.

19 (The witness was sworn.)

20 THE COURT: All right. State your first  
21 and last name. Spell it for the court reporter.

22 THE WITNESS: Chris Swift, C-H-R-I-S  
23 S-W-I-F-T.

24 ///

25 ///

1                                   \*    \*    \*

2                                   **CHRIS SWIFT,**

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

5  
6                                   **DIRECT EXAMINATION**

7       **QUESTIONS BY GENERAL CHRISTENSEN:**

8       Q.       Good afternoon, Chris.

9       A.       Afternoon.

10      Q.       I want to talk to you first about your past a  
11      little bit. You have a couple felonies over the  
12      years, right?

13      A.       Yes, sir.

14      Q.       What have you pled guilty to over the years?

15      A.       I've got a forgery. I've got third degree  
16      rape, attempted spousal rape, and aggravated assault.

17      Q.       In those cases --

18                   THE COURT: Your voice is kind of  
19      trailing off. Can you speak up, please?

20                   THE WITNESS: Yes, sir.

21      BY GENERAL CHRISTENSEN:

22      Q.       If you -- if can speak to where I can hear  
23      you back here, then we should be okay.

24      A.       Third degree rape, forgery, attempted spousal  
25      rape, and aggravated assault.

1 Q. All right. And you're currently on the SOR,  
2 Sex Offender Registry, and probation; is that  
3 correct?

4 A. Correct.

5 Q. But what are you doing now? What's your life  
6 like now?

7 A. Well, now I'm a foreman at Jones Brothers  
8 Contracting.

9 Q. I'm sorry. Will you speak up just a little  
10 bit? Maybe you can lean into the microphone or --  
11 there you go.

12 A. Working at -- for Jones Brothers.

13 Q. Jones Brothers?

14 A. Yeah.

15 Q. What is that? What do you do there?

16 A. Heavy excavation construction work.

17 Q. Okay. And did you say you were a foreman  
18 with them now?

19 A. Yes, sir.

20 Q. Okay. Now, I want to take you back to a  
21 couple of -- a couple of years ago. This was in  
22 2016. All right. You were -- were you in jail in  
23 2016 at some point?

24 A. Yes, sir.

25 Q. What jail were you in?

1 A. Williamson County.

2 Q. And were you serving some time for that last  
3 offense that you had?

4 A. Yes, sir.

5 Q. Did you at some point meet Zach Adams?

6 A. Yes, sir.

7 Q. And speak up just a little bit..

8 A. Yes, sir.

9 Q. Do you see Zach Adams here in the courtroom?

10 A. Yes.

11 Q. Okay. If you could point him out and  
12 describe what he's wearing?

13 A. (Pointed.) Right there, orange tie.

14 THE COURT: All right. For the record,  
15 the defendant.

16 BY GENERAL CHRISTENSEN:

17 Q. How did -- how did you get to know Zach in  
18 the jail?

19 A. We just got to talking every day and kind of  
20 struck up friendship.

21 Q. How did that work when you say talking every  
22 day? Are you guys talking like over lunch or is  
23 it -- how does it work exactly in that jail?

24 A. No, we was talking at -- on recreation,  
25 whenever we come out. We were locked down 23 hours a

1 day. You would come out -- you know, it's solitary  
2 confinement. We was out an hour a day. And whenever  
3 I'd come out, I'd go down, talk to him. Whenever  
4 he'd come out, he'd come over and talk to me.

5 Q. Would you also -- and I remember you telling  
6 me that your -- your -- your particular cell was  
7 situated in a spot where he might walk by --

8 A. Yeah, I --

9 Q. -- on a regular basis?

10 A. On the top tier there was a shower at the  
11 very end of the wall. My cell was right there in the  
12 corner right beside the shower.

13 Q. Okay.

14 A. So he had to come by my cell every day.

15 Q. And would sometimes when he -- when he walked  
16 by your cell on his way to the shower, would he --  
17 would he stop by and talk to you a little bit?

18 A. Yes, sir.

19 Q. You -- now, when you were in jail, I know you  
20 still are, but you were a religious man and you  
21 prayed frequently; is that right?

22 A. Yes, sir.

23 Q. Did Mr. Adams notice when you were praying  
24 one time?

25 A. Yes, sir, he did.

1 Q. And did that spark a little conversation?  
2 A. It did.  
3 Q. Tell the jury about that.  
4 A. He asked me if I thought that -- if, you  
5 know, God would forgive him. And I'd asked him, I  
6 said, forgive you for what? He said my case. And I  
7 said, what do you mean? And he said the Holly  
8 killing. And I told him, I said, yeah, God will  
9 forgive you for everything. It says in the Bible,  
10 you know, He'll forgive you of your sins if you just  
11 ask for forgiveness. And he asked if I would pray  
12 for him, and I said, yeah.  
13 Q. So he saw you praying. And were you actually  
14 praying when he saw you?  
15 A. Yes.  
16 Q. And he asked you if -- was this when you were  
17 in your cell?  
18 A. Correct.  
19 Q. And he asked you if God would forgive him?  
20 A. Correct.  
21 Q. And you asked him why, and he said for the  
22 Holly Bobo killing?  
23 A. Correct.  
24 Q. What else did he say?  
25 A. He just wanted to know if I would pray for

1 him.

2 Q. Did you pray for him?

3 A. I did.

4 Q. Did he -- he talked to you a little bit more  
5 about the Holly Bobo killing and rape; didn't he?

6 A. He did.

7 Q. Was it that same day?

8 A. No, sir, it was over a period of time.

9 Q. Okay. So tell us what he told you the next  
10 time. Did he talk to you the next day or the next  
11 week or --

12 A. It was the next day.

13 Q. Okay.

14 A. It was over, you know, a couple-day period  
15 here that, you know, he was -- he wasn't involved in  
16 the killing is what he -- is how he worded it. He  
17 said I wasn't involved in the killing. I was  
18 involved in the worst part of it.

19 Q. Okay.

20 A. And I didn't press him for anything further.  
21 I wasn't -- didn't really want to know any of that,  
22 you know. And he had let me know that, you know, it  
23 was some boy that hung himself, and I guess it was  
24 his brother that was involved in the killing is what  
25 he said.

1 Q. Okay. Did he mention the rape?

2 A. Yeah, he said that they were in a back room  
3 having sex with her, so.

4 Q. Who was in the back room having sex with her?

5 A. His brother and some boy that hung himself.

6 Q. Okay. And did he say something went wrong?

7 A. Yeah. He said something went bad wrong and,  
8 you know, he said he was involved in the worst part  
9 of it.

10 Q. He was involved in the worst part of it. But  
11 he didn't tell you specifically if the part that he  
12 was involved in was the rape or if the part that he  
13 was involved in was the kidnapping or if the part  
14 that he was involved in was the murder?

15 A. No, sir.

16 Q. Or if the part that he was involved in was  
17 the disposal of the body?

18 A. Correct.

19 Q. He just told you that he was involved in the  
20 worst part of it?

21 A. In the worst part of it.

22 Q. And he wanted to be forgiven for that?

23 A. Correct. He just -- all he said he was he  
24 wasn't involved in the killing.

25 Q. Now, what did you do with this information?



1       A.       I sat and thought about it for a couple days,  
2       about what I should do about it. And then my lawyer  
3       come visited me, and I told my lawyer about it. He,  
4       I guess, contacted the district attorney or TBI or  
5       someone.

6       Q.       Okay. And did TBI come talk to you about it?

7       A.       They did.

8       Q.       How long did they talk to you about it?

9       A.       It was about 15, 20 minutes.

10      Q.       And did you tell them what you remembered at  
11      that point?

12      A.       I did to an extent. I was pretty nervous.

13      Q.       Okay. Is that kind of the only time you  
14      talked to them about it?

15      A.       Yeah. And then I met with someone else and  
16      discussed it with them as well.

17      Q.       Did -- now, you indicated also that there was  
18      a time when you thought that Zach was going to come  
19      have a visit with his lawyer or something like that?

20      A.       Yeah. There --

21      Q.       And -- I'm sorry. Go ahead.

22      A.       His attorney had come visited him, and he  
23      come back and he was pretty depressed and -- you  
24      know, for about a week or two.

25      Q.       Before that though, I want go -- take you a

1       little bit before that.

2       A.       Okay.

3       Q.       Did he -- did he ever tell you a little bit  
4       about what he thought about the case?

5       A.       Yeah.

6       Q.       What did he tell you he thought about the  
7       case as far as the strength of the case?

8       A.       He said as soon as the trial was over he was  
9       going home. They didn't have a body. They didn't  
10      have the murder weapon nor a motive.

11      Q.       No body, no murder weapon, no motive, so he  
12      thought that when he went to trial, he'd be going  
13      home?

14      A.       Correct.

15      Q.       Then, I guess, he had a meeting with his  
16      lawyer, and then you go ahead and tell us about that.

17      A.       Yeah, he had a meeting with his lawyer, and  
18      he come back and he said it didn't look good. He  
19      said it didn't look good for him. And that -- he  
20      didn't go into any more detail than that.

21      Q.       After that -- after that meeting with his  
22      lawyer, did he -- did he talk much more to you?

23      A.       Not really. Not a whole lot about the case.  
24      He had another meeting with his attorney, and  
25      whenever he come back, he was pretty depressed. And

1       he looked at me and was like -- I said, well, you  
2       know, it sucks being depressed. He looked at me and  
3       said, yeah, maybe I should just pray about it.

4       Q.       And was that one of those conversations where  
5       he was on his way to shower and he stopped by your --

6       A.       Correct.

7       Q.       -- your cell?

8       A.       Yes, sir.

9       Q.       How did you take that when he said that to  
10      you?

11      A.       As a threat.

12      Q.       Were you nervous because you were still in  
13      the same area that he was at this point?

14      A.       Yes.

15      Q.       Did they finally move you out of there?

16      A.       Yes.

17      Q.       What -- now, at this point -- let me ask you  
18      this, Chris: You -- when you first went to TBI, when  
19      you first told everybody what happened, why did you  
20      tell them what happened?

21      A.       Seemed like the right thing to do.

22      Q.       You ask them for anything for your testimony  
23      here today?

24      A.       No, sir.

25      Q.       Did you get anything from your testimony here

1       today?

2       A.       No, sir. I missed a days worth of work.

3       Q.       And you -- in fact, when this all first began  
4       to happen, your deal, whatever it was that you got  
5       for the crimes that you committed, was already set?

6       A.       Correct.

7       Q.       And it didn't change any; did it?

8       A.       No, sir.

9       Q.       So you served whatever time you're supposed  
10      to serve, right?

11      A.       Yes, sir.

12      Q.       And you got out of jail on the probation,  
13      correct?

14      A.       Yes, sir.

15      Q.       Did Zach Adams contact you subsequent to  
16      that?

17      A.       Yes, sir. He had called me from another  
18      inmate's pin number and was just, you know, asking  
19      how you -- how I was doing. You know, how it felt  
20      being out. And, you know, I said, well, good I'm --  
21      you know, I'm real proud of you. And then he said I  
22      probably wouldn't be talking to anybody else. He  
23      said you take care of yourself and then hung up.

24      Q.       Okay. I probably wouldn't be talking to  
25      anybody else.

1           Now, based on what you knew about Zach Adams  
2           and what you learned about him spending time in  
3           prison with, or jail, did you take that as a threat?

4           A.       Yeah, I sure did.

5           Q.       Did he -- did he ever mention to you -- and  
6           I'm going before that last conversation. The phone  
7           call you just mentioned where he said I probably  
8           wouldn't be telling (sic) anybody else if I were you,  
9           did he ever mention to what kind of sentence he might  
10          get for the crime?

11          A.       Yeah, he said was going to get the death  
12          penalty.

13          Q.       Okay. Thank you very much.

14                   GENERAL CHRISTENSEN: No further  
15          questions, Judge.

16                   THE COURT: Cross.

17

18                   **CROSS-EXAMINATION**

19                   **QUESTIONS BY MS. THOMPSON:**

20          Q.       Mr. Swift, I'm Jennifer Thompson. So the  
21          first time you spoke with the police, it was on  
22          October 17, 2016; is that correct?

23          A.       I believe so, yes.

24          Q.       And up until shortly before that time, you  
25          said Mr. Adams was going around kind of bragging,

1       saying no body -- they don't have a body and without  
2       a body, no motive, they'll never get a conviction?

3       A.       I never said he was bragging about it, no,  
4       ma'am.

5       Q.       Okay. So he was just telling you, though,  
6       that there was no murder weapon and no body, and they  
7       wouldn't get a conviction?

8       A.       Right.

9       Q.       Okay. And you indicated that it was sometime  
10      shortly before you spoke with the police that his  
11      attorney came to see him and he got depressed?

12     A.       Yes.

13     Q.       Okay. And at that time, he said that he  
14     would probably be going to death row?

15     A.       He said he was going to the row, yes.

16     Q.       And you have television there in that jail;  
17     don't you?

18     A.       A little bit. We -- they -- we don't get to  
19     pick the channels we watch.

20     Q.       You --

21     A.       We don't --

22     Q.       Right.

23     A.       Yeah.

24     Q.       There's actually another pod that picks the  
25     channels you watch; isn't that right?

1       A.       I wasn't sure on how all of that went.

2       Q.       Okay. But you remember meeting with my  
3       investigators that came to see you? We have two  
4       women that came out to talk with you.

5       A.       No one ever came out and talked with me.

6       Q.       Okay. Did they talk to you on the telephone?

7       A.       Yes.

8       Q.       Okay. But you remember talking with an  
9       investigator from the defense team?

10      A.       Yes, I'd returned a call. They left a note  
11      on my door and said that they would like for me to  
12      call them back.

13      Q.       And do you remember telling them that you  
14      didn't think that Zach had actually committed the  
15      crime?

16      A.       I do.

17      Q.       And that you didn't think he was capable of  
18      it?

19      A.       I remember that.

20      Q.       And that was accurate. That was honest, what  
21      you told them, right?

22      A.       Right. From what I was told by him that he  
23      didn't have anything to do with the killing, that's  
24      what I told the investigators.

25      Q.       Okay. And when people are in jail, they do

1       tend to brag a lot; don't they?

2       A.       Some do and some don't. Usually the ones  
3       that are bragging, you know, they're just trying to  
4       show off. But the ones that are quiet and don't  
5       really talk about it a lot, they just talk about it a  
6       little, those are usually the ones that you got to  
7       watch out for.

8       Q.       But that's just a generalization on your  
9       part, right?

10      A.       Yes.

11      Q.       Okay.

12               MS. THOMPSON: Can I have a minute? No  
13      further questions, Your Honor.

14               THE COURT: Anything else?

15               GENERAL CHRISTENSEN: Just a couple,  
16      Judge.

17               THE COURT: All right.

18

19                               **REDIRECT EXAMINATION**

20               **QUESTIONS BY GENERAL CHRISTENSEN:**

21      Q.       Now, when you talked to their investigator,  
22      you told them that you didn't think he did it?

23      A.       Correct.

24      Q.       What do you mean by that exactly?

25      A.       They asked me about the conversation that was



1       had and -- between, you know, Zach and I,  
2       conversations that we had had. And they said, well,  
3       do you think he done it? I said, well, you know,  
4       according to what he said, no, I don't think he done  
5       it. And what little time I knew him, I -- he didn't  
6       seem like he would be capable of doing something like  
7       that.

8       Q.       And according to what he said, which was he  
9       told me he was involved in the Holly Bobo case, he  
10      said he was involved in the worst part of it. But  
11      you don't know -- you've already testified you didn't  
12      know what that was?

13     A.       Right.

14     Q.       And then he said his brother and the guy that  
15      hung himself -- you don't know Shane Austin; do you?

16     A.       No, sir.

17     Q.       Was involved in the rape, and they had sex  
18      with her, and he said something went wrong, and he  
19      and his brother, the guy that hung himself, killed  
20      her, right?

21     A.       Not -- Zach didn't say that he and his  
22      brother killed her. He just said he had to help his  
23      brother. Something went bad wrong.

24     Q.       Okay. But he knew everything about the case?

25     A.       (Nodded head affirmatively.) Yes, sir, I

1       guess.  He didn't tell me everything, but I'm  
2       assuming he knows, you know, what went on.

3       Q.       Okay.  But it sounds like he was -- was he  
4       trying to minimize his involvement when he talked to  
5       you?

6       A.       I mean, that's a good possibility, yeah.

7       Q.       Okay.  And when he told you not to talk to  
8       anybody, you still took that as a threat, right?

9       A.       Oh, yeah.

10      Q.       So you were concerned enough about him to  
11      feel threatened by that conversation after you left  
12      the jail; is that right?

13      A.       Yeah.

14      Q.       Okay.

15               GENERAL CHRISTENSEN:  Nothing further,  
16      Judge.

17               MS. THOMPSON:  No, Your Honor.

18               THE COURT:  All right.  Step down.  
19      You're free to go.  Do not discuss your testimony.  
20      Call your next.

21               (WHEREUPON, the witness was excused from  
22      the stand and left the courtroom.)

23               GENERAL NICHOLS:  Your Honor, ladies and  
24      gentlemen of the jury, on behalf of the State of  
25      Tennessee, we rest our case in chief.

1           THE COURT: Okay. When they say we rest  
2 our case in chief, that simply means they finished  
3 their proof in their case in chief. As I told you at  
4 the outset, they have the burden of proof. The  
5 defendant is not required to prove his innocence or  
6 to prove anything, but they can present such proof as  
7 they wish or desire. We're going to take a 15-minute  
8 recess at this point. Then we'll continue.

9           (WHEREUPON, the jury left the courtroom,  
10 after which the following proceedings were had:)

11          THE COURT: Okay. Let's take our recess.

12          (Short break.)

13          THE COURT: All right. They're bringing  
14 the jury.

15          MS. THOMPSON: I want to do my motion,  
16 Your Honor for judgment --

17          THE COURT: Do what?

18          MS. THOMPSON: I want to do my motion for  
19 judgment of acquittal before the jury comes in.

20          THE COURT: I thought you probably would.  
21 You haven't said a word, though.

22          MS. THOMPSON: Okay.

23          THE COURT: I told him to hold the jury,  
24 so --

25          MS. THOMPSON: Okay.

1           THE COURT:  -- let's be fairly succinct,  
2     please.

3           MS. THOMPSON:  Yes, Your Honor.

4           THE COURT:  I'll be glad to hear you on  
5     your motion for judgment of acquittal at -- hold the  
6     jury the out there -- motion for judgment of  
7     acquittal at the conclusion of the State's proof.  
8     Okay.

9           MS. THOMPSON:  Your Honor, at this time,  
10    I would like to make a motion for judgment of  
11    acquittal.  There's multiple counts of first degree  
12    murder, aggravated rape, and especially aggravated  
13    kidnapping.  As far as the aggravated rape goes, Your  
14    Honor, we've heard testimony from Jason Autry as to  
15    the aggravated rape, but we have not heard any type  
16    of corroboration.  And as far as criminal -- let's  
17    see.  Evidence is insufficient to sustain a  
18    conviction if solely based on the uncorroborated  
19    testimony of one or --

20          THE COURT:  What about the two other  
21    witnesses that said they heard Zach says words to the  
22    effect of hitting it --

23          MS. THOMPSON:  Hitting it.

24          THE COURT:  -- hitting it, and then they  
25    used the word that is the street name for what

1 hitting it was? You had two separate witnesses that  
2 said that.

3 MS. THOMPSON: Right. Well, we say that  
4 they were presuming what Zach meant by that, but he  
5 didn't specifically refer to rape. He just said hit  
6 it and they -- both those witnesses said that they  
7 presumed what he meant was sex with Holly. But that  
8 that's not exactly what Zach said. So I say that  
9 that's not corroboration.

10 THE COURT: I think it's pretty clear  
11 from the context that that's what the reference was,  
12 or at least one that the jury can draw, okay?

13 MS. THOMPSON: As far as the kidnapping,  
14 Your Honor, there's no evidence that she was forced  
15 to go anywhere. The description specifically was not  
16 that of Zach Adams. That Zach Adams, at the time,  
17 was tall, thin, had dark hair -- he has dark hair.  
18 The person that was mentioned was a hundred --  
19 approximately 200 pounds and had dark hair, length of  
20 the shoulder, and was between five -- I can't  
21 remember, something up to six feet tall. So I say  
22 that doesn't match the description of Mr. Adams.

23 THE COURT: Court's constrained to  
24 observe that I'm probably going to have to charge  
25 facilitation, which is my least favorite charge in

1     our pattern instructions, but probably as to all  
2     offenses. I'll just go ahead. I'll keep an open  
3     mind about the parties. And as far as forcible  
4     abduction, I think the finding of the blood there,  
5     the description of what the brother saw certainly  
6     supports that.

7             MS. THOMPSON: And as far as the murder,  
8     we have Jason Autry's testimony, but there's not  
9     corroboration from another source as to corroborate  
10    the homicide, Your Honor.

11            THE COURT: Corroboration, the cell phone  
12    guy was pretty -- was pretty direct in placing things  
13    at various places to corroborate the testimony of  
14    Mr. Autry. So your motion for judgment of acquittal  
15    will be overruled as to each count.

16            State wish to add anything else?

17            GENERAL NICHOLS: It sounds as though the  
18    Court's already made up your mind, so I will not.

19            THE COURT: Well, okay. I don't even  
20    take a lot of notes, and I've got a lot of  
21    information, okay? Let's bring the jury in.

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

25            THE COURT: Be seated, please. All

1 right. Call your first witness for the defense,  
2 please.

3 MS. THOMPSON: Yes, Your Honor. The  
4 defense calls Rita Austin.

5 THE COURT: Rita?

6 MS. THOMPSON: Rita Austin.

7 THE COURT: All right. Rita Austin.  
8 Raise your right hand, please.

9 (The witness was sworn.)

10 THE COURT: Be seated. State your  
11 first --

12 THE WITNESS: Right here?

13 THE COURT: Yeah, in the witness chair.  
14 State your first and last name, and spell it for the  
15 court reporter.

16 THE WITNESS: Rita Austin, R-I-T-A  
17 A-U-S-T-I-N.

18  
19 \* \* \*

20 RITA AUSTIN,  
21 was called as a witness and having first been duly  
22 sworn testified as follows:

23  
24 DIRECT EXAMINATION

25 QUESTIONS BY MS. THOMPSON:

1 Q. And, Ms. Austin, are you related to  
2 Shane Kyle Austin?

3 A. Yes, Jimmy Austin and I, Rita Austin, have a  
4 son named Shane Kyle Austin.

5 Q. Okay. And can you tell us back in April of  
6 2011, where was your son living?

7 A. He was living -- Shane was living at 30  
8 Yellow Springs Road in Holladay, Tennessee.

9 Q. And where was -- what kind of residence was  
10 that?

11 A. It is a trailer about two miles away from our  
12 house at 790 Pugh Road.

13 Q. Can you speak up just a little because your  
14 voice is trailing off?

15 A. Okay.

16 Q. Where do you live?

17 A. I live at 790 Pugh Road, and Shane lived at  
18 30 Yellow Springs Road, which is about two miles  
19 away.

20 Q. Okay. And his residence, how did -- how did  
21 he come to live in that trailer? How did you come to  
22 own it?

23 A. Jimmy and I purchased this trailer to move  
24 him out of our house into his own residence.

25 Q. Okay. And what about the items at the house?



1       A.       All of the furnishings were -- Shane and  
2       Melanie both had gone to college and came back and  
3       forth and moved back in and out of our house. So we  
4       accumulated a lot of furniture, pots and pans,  
5       bedding. Just probably any -- everything that was  
6       over there at that trailer was provided by me and his  
7       dad.

8       Q.       Okay. And so are you familiar with the items  
9       he had at that house?

10      A.       Yes, I am.

11      Q.       Okay. So tell me about quilts that Shane  
12      would have had at that house. Can you tell the jury  
13      about that?

14      A.       Shane wouldn't have had any quilts at that  
15      house. He moved in the -- like the last week of  
16      March of 2011. In his bedroom at my house at 790  
17      Pugh Road, he slept with an air conditioning running  
18      pretty much year around. So he did not have a quilt.  
19      And, you know, all of my quilts are at home, and he  
20      got everything from our house. He didn't go out and  
21      buy anything. He didn't have any money to buy  
22      anything, so to speak.

23      Q.       Okay. And tell the jury about a burn barrel  
24      that would have been at that trailer.

25      A.       Shane didn't have a burn barrel at his

1 trailer. The way that we did his garbage, my  
2 son-in-law worked for a cooling tower company, and  
3 they brought a group container that had a locking top  
4 on it. And it was put at the -- at the foot of the  
5 trailer where that hitch like is, and it was put  
6 right there and had a top on it. His neighbors had  
7 dogs and so that was what we did. And we live in the  
8 country, rural country, and we don't have any garbage  
9 service. So me and my husband, Jimmy, would pick up  
10 his garbage when we took our garbage out and away.

11 Q. Okay.

12 A. Which way am I suppose to look?

13 Q. That's fine. Yes, look at the jury.

14 A. Okay.

15 Q. And it's a balance with that microphone being  
16 too close, and it kind of gives a little bit of a  
17 puff, too far away, and it's hard to hear.

18 A. Okay. I'm going -- okay. If I'm not doing  
19 good, tell me.

20 Q. Okay. And then let me direct your attention  
21 to the property, the driveway. Did the driveway have  
22 a gate?

23 A. No, the driveway did not have a gate at that  
24 time. We did put a gate and a fence up, and that was  
25 June of 2011 after we bought Shane a puppy.

1 Q. Okay. And then it's another background  
2 matter. Would you tell the jury about your mother,  
3 Juanita Hickerson?

4 A. My mother is Juanita Hickerson. She passed  
5 away on March 11th of 2011. Shirley King, which is  
6 Jason's mother, is my sister. That was our mother,  
7 Juanita Hickerson, that passed away March of 2011.

8 Q. And where was her property located?

9 A. Her property was 820 Yellow Springs Road,  
10 which was probably about a mile from Shane's trailer  
11 on Yellow Springs Road. If you were going to the  
12 interstate, it would be looking around going toward  
13 Bible Hill Road.

14 Q. Okay. Next I would like to switch topics and  
15 direct you towards Shane's appearance in the spring  
16 of 2011. Would you tell the jury what Shane looked  
17 like in that -- the spring of 2011?

18 A. Shane had a motorcycle wreck in 2009, in  
19 April of 2009. He had some really bad scars on his  
20 face. He wrecked into a tree and his -- he didn't --  
21 wasn't wearing a helmet. And he had a -- he was  
22 airlifted to Vanderbilt. And he had a scar kind of  
23 like right below. The wreck actually tore through  
24 this area. He had a lot of stitches into this area  
25 out to the corner of his mouth. So because of --

1 Q. Can I interrupt you? When you say this area,  
2 I know you're pointing, but for the record, will you  
3 use words to describe that area?

4 A. Okay. It was a thick, red, raised scar,  
5 thick, red, raised. Not real well fixed, because it  
6 was a accident that really mangled that area up on  
7 this part of his face. So most of the time or  
8 pretty much -- no, all of the time, he wore a goatee  
9 to try to help camouflage this. He was very  
10 self-conscience about that scar on his face.

11 Q. And when you were pointing to where the scar  
12 was, you're pointing to here. Use a word to describe  
13 where here is.

14 A. Right up above the corner of his mouth, kind  
15 of out toward the cheek area. You know, it kind of  
16 went down and out to about right here on the -- on  
17 the -- went out toward the cheek and toward the jaw  
18 area, just halfway. Halfway between the cheek and  
19 the -- and the chin area.

20 Q. And what about his eye?

21 A. Oh, that was even worse. On this same wreck  
22 he had in April of 2009, it crushed his orbital  
23 socket, and it also crushed this bone right here in  
24 the nose area. So his nose was kind of flattened out  
25 and this eye socket, and that also clipped a nerve in

1 his eye. They repaired that the first night when we  
2 were at Vanderbilt. They repaired that tear in that  
3 tendon. But subsequently, he had two more surgeries  
4 on this eye trying to build enough tissue to try hold  
5 the eye correctly in the socket, but it didn't ever  
6 get where it was okay.

7 And what happened is, when you looked at  
8 Shane, you would see a defect. It was -- he had  
9 beautiful blue eyes, but it was defected. His eyelid  
10 hung down enough that you could see the white  
11 underneath his eye, and you could see that all the  
12 time. And anybody that looked at him, that would be  
13 one of the first things that you noticed, is his eye  
14 wasn't right. I've even had a friend ask me --

15 GENERAL NICHOLS: Your Honor, objection;  
16 hearsay.

17 THE COURT: Sustained.

18 BY MS. THOMPSON:

19 Q. Oh, okay. Just -- it's not important what  
20 the friend said.

21 A. Okay.

22 Q. Let me ask you about the goatee. You  
23 mentioned a goatee. Did he have a goatee in April of  
24 2011?

25 A. Yes. We have some pictures that had that in

1       it, yes.

2       Q.       Okay.  And let me ask you about Shane's  
3       transportation, his truck.  In April -- around April  
4       the 13th of 2011, what kind of transportation did  
5       Shane have?

6       A.       Shane didn't have any working transportation.  
7       He had a truck parked behind his house.  And if you  
8       could ever believe this story, it's another last week  
9       of March of 2011, Shane had a Chevy S10 truck.  He  
10      was coming home from 641, going toward his house at  
11      30 Yellow Springs Road.  He lost control.  He spun  
12      the truck around and slammed into a telephone pole.  
13      That messed the whole frame of the truck up.  It  
14      drove the passenger side and at the -- at the bed of  
15      the truck, it hit between the passenger and the  
16      tailgate.  Drove that chair on the passenger side all  
17      the way into the console on the passenger side.

18              The -- because he hit that like that, the top  
19      of the telephone pole broke in half and hit the top  
20      of the cab and messed the cab up.  They got the truck  
21      off of the -- off of the telephone pole, and it was  
22      like it was driving sideways down the road.  He got  
23      it over to his trailer, parked it behind his trailer,  
24      and that's where the truck was.  The people searching  
25      for --

1 Q. Well, let me --

2 A. Okay.

3 Q. Just before we get to that.

4 A. Okay.

5 Q. About the truck, how do you know though that  
6 it -- since it didn't drive well but it could move,  
7 how do you know that he wasn't driving it at that  
8 time?

9 A. We took the keys away from him. He -- Shane  
10 wasn't in a good place. And that truck drove  
11 sideways, and it was dangerous for him to get out in  
12 that truck that wouldn't drive. So we had a set,  
13 too, and we took the keys away.

14 And we also had an FBI agent visit us during  
15 that time, and I went into the safe in our room and  
16 produced that set of keys for him to see.

17 Q. Okay. And so did Shane have access to your  
18 house during this time?

19 A. He never had a -- keys to my house. He  
20 didn't have keys to any of our vehicles. He did not  
21 even have a key to the door. Like I said, people  
22 that are not in good places don't have access to --  
23 he never. From the time he was 16-years-old, we  
24 bought vehicles that didn't require major -- they  
25 just required insurance on them and they --

1                   GENERAL NICHOLS:   Your Honor --

2                   THE WITNESS:   -- all this was in --

3                   GENERAL NICHOLS:   Your Honor --

4                   MS. THOMPSON:   Okay.

5                   THE WITNESS:   Okay.

6                   GENERAL NICHOLS:   -- I'm going to object  
7 as to relevance.   This was ten years after.

8                   THE COURT:   I think it was volunteered.  
9 Let' just --

10                  GENERAL NICHOLS:   Yeah, I understand.

11                  THE WITNESS:   He didn't drive any --

12                  THE COURT:   Listen --

13                  THE WITNESS:   -- of our vehicles.

14 BY MS. THOMPSON:

15 Q.           Okay.

16                  THE COURT:   Ms. Austin, listen to the  
17 questions, make your response.   If you feel you need  
18 to explain, you're allowed to do so.   But listen to  
19 the questions.   Just respond.   Okay?

20                  THE WITNESS:   Okay.

21                  THE COURT:   Thank you.

22 BY MS. THOMPSON:

23 Q.           Okay.   I wanted to ask you about Yellow  
24 Springs Church.   Can you please tell the jury about  
25 Yellow Springs United Methodist Church?   Where is it



1 located?

2 A. Yellow Springs Church is on Yellow Springs  
3 Road. It sits right in the corner. Pugh Road comes  
4 up, and Yellow Springs Church is right in the corner  
5 of that road. Well, if you come up the hill, you  
6 would be at Yellow Springs Church. One road goes one  
7 way. It's in the corner of Pugh Road and Yellow  
8 Springs Road.

9 Q. Okay. And did anything in particular take  
10 place at Yellow Springs Church on Thursday, April the  
11 14th?

12 A. Yes, it did. On -- I went to pick up Shane  
13 to take him to work at 2:30 in the afternoon on the  
14 14th. And when I started coming up the hill, there  
15 were cars everywhere. There were school buses there.  
16 And they had set up a command search post for  
17 Holly Bobo.

18 Q. Okay. I'd like to move on then to your  
19 nephew, Jason Autry. Can you tell me about Jason's  
20 paternal grandmother?

21 A. Paternal grand -- yes. Jason, his  
22 grandmother is Sudie Autry.

23 Q. Say that again.

24 A. Sudie, S-U-D-I-E, Autry.

25 Q. Okay.

1 A. She is the sister to Ruby Bobo.

2 Q. Okay.

3 A. Gary's daddy and Dana Bobo are first cousins.  
4 So --

5 Q. How did that make him related to Holly Bobo  
6 then?

7 A. Third cousins. She would be a second cousin  
8 to Gary, and a third cousin to Jason.

9 Q. Okay. Would Jason have known this  
10 information?

11 A. Yes, he would.

12 GENERAL NICHOLS: Your Honor, I'm  
13 going --

14 THE WITNESS: Yes, he would.

15 GENERAL NICHOLS: I'm going to object to  
16 speculation unless she's -- absolutely knows that he  
17 knows. I mean, that's --

18 THE COURT: Okay.

19 THE WITNESS: Okay. Well, I absolutely  
20 know that he knows.

21 BY MS. THOMPSON:

22 Q. And then have you visited Jason Autry since  
23 he's been charged in this case?

24 A. We began -- I don't know for sure if he was  
25 charged in this case, but he was in jail in Decatur

1 County, and we went to visit him every week, some of  
2 our family. It -- not -- not -- not be me every  
3 time, but every week we went to see him at the jail.  
4 Sometimes we'd even take Isabelle Hickerson, his  
5 great aunt.

6 Q. Okay. And then after that, did you continue  
7 to see him once he went to Nashville?

8 A. He got transferred first to Dyersburg, and  
9 Jason told us that he didn't think that he would be  
10 there very long. And then he got transferred to  
11 Riverbend, and then we began to visit him at  
12 Riverbend Prison. And we did -- when we got approved  
13 for a visit, we went.

14 Q. Okay. And then while there, was there  
15 anything in particular that you took note of while  
16 you would visit Jason?

17 A. One time when we visited Jason, he had a copy  
18 of a report about some pink underwear. And I was  
19 elated. He stuck it up on the window, and I was  
20 elated that -- that he had this report, because it  
21 said none of --

22 GENERAL NICHOLS: Your Honor, objection.

23 THE WITNESS: Okay.

24 THE COURT: Sustained.

25 BY MS. THOMPSON:

1 Q. The pink -- okay. So --

2 THE COURT: I don't think it's really an  
3 issue. We've had other testimony. So let's --

4 MS. THOMPSON: Right.

5 THE COURT: -- kind of get to the point.

6 MS. THOMPSON: Okay.

7 BY MS. THOMPSON:

8 Q. But what that was -- some evidence in this  
9 case?

10 A. Yes, it was.

11 Q. And were there other times that he shared  
12 evidence in this case with you?

13 A. Only the -- this -- that same time, he told  
14 us that she had been shot. And he --

15 GENERAL NICHOLS: Your Honor, I'm going  
16 to object what he told her. It's hearsay. Not --  
17 I'm not objecting to what she said or saw or  
18 witnessed, like the report.

19 THE COURT: What Jason said to her is  
20 hearsay.

21 MS. THOMPSON: Well, but, Your Honor, I'm  
22 not trying to prove -- offer it for the truth of the  
23 matter. I'm trying to offer it to show that Jason  
24 had knowledge that he was in possession of discovery  
25 in this case. I had asked Jason specifically, and he

1 had denied some of that. And so this is some  
2 impeachment. One, it's impeachment. And two, it  
3 goes to show his knowledge. Not whether or not it's  
4 true. I'm not offering it for the truth of what was  
5 said.

6 THE COURT: I think that's exactly what  
7 he testified to in here, but go ahead and ask her.

8 THE WITNESS: He told us that she had  
9 been shot through the back of the head, and the  
10 bullet come out on the right side, right under her  
11 right eye. He said at the scene there was three  
12 bullet casings, a .308, a .380, and a .410.

13 THE COURT: I think we've gone far  
14 enough.

15 MS. THOMPSON: Okay.

16 THE COURT: You know, what discovery he  
17 shared with them, we --

18 MS. THOMPSON: Okay.

19 THE COURT: -- we could spend the rest of  
20 the afternoon, probably. It just shows he was  
21 getting discovery through his attorneys is the only  
22 thing that shows, okay?

23 MS. THOMPSON: Yes.

24 THE COURT: Let's go.

25 BY MS. THOMPSON:

1 Q. And so the green way under the Interstate 40  
2 bridge, have you ever been there?

3 A. Yes, we walk our dogs at different places.  
4 The river and under this Tennessee River bridge, it's  
5 very beautiful area.

6 Q. And how would you describe that area?

7 A. It's a National Refuge. And you come in a  
8 one-lane road into the refuge area, and you drive  
9 around a body of water. And then you go over a body  
10 of water that's called -- that's called Tie Yard. I  
11 don't know if you're fishermans (sic), but that's Tie  
12 Yard. And then you go on following the road, and you  
13 go out to the main channel of the river. And that's  
14 the river bank where we walked most of the time with  
15 our dogs.

16 Q. Okay. And this Tie Yard, what's the water  
17 like there in the Tie Yard?

18 A. Well, we didn't walk near -- we -- you have  
19 to cross over this, okay? There's a spillway, and  
20 you have to cross over it to go on into the -- to the  
21 river. But it's grown up. It's got big rip-rappy  
22 rocks around it, and it's all grown up except a  
23 little place where you can pull in a -- you can pull  
24 in, and people fish there. They go in there and  
25 fish. It's really good fishing area. And even Shane

1 and Jimmy fished there. It's not any -- so that  
2 water is backwater. Backwater. What backwater,  
3 dark, dank-looking water. It's not a -- it's not  
4 fresh water.

5 Q. Okay. And then we've heard some talk about  
6 Shane and Shane's suicide. Can you please tell the  
7 jury kind of some of the surrounding facts regarding  
8 Shane's suicide? Let's start with his drug issues.

9 A. In -- February 23rd, 2015, Shane took his  
10 life. He was down in Florida trying to work and get  
11 his life straight. He was working on cooling towers.  
12 He began using drugs again. He was making \$1,500 a  
13 week. And when he -- we got his bank account, he  
14 didn't have but \$200. So he was using a lot of  
15 drugs. And my son-in-law was his boss, and he fired  
16 him on Tuesday. He had give him all kinds of chances  
17 trying to help him, and on Tuesday he fired him. And  
18 Josh was going to bring him to the airport on  
19 Saturday.

20 And Shane was so messed up at the airport  
21 that he didn't get on the plane with his plane ticket  
22 that we purchased. And so when he called us --  
23 before he lost his phone, he called us very messed  
24 up. Very --

25 Q. And I don't want you to say what he said to

1       you when he called you.

2       A.       Okay.

3       Q.       But what happened after that?

4       A.       The law -- Shane went back to the hotel where  
5       they had been staying, and he was mad. He was mad at  
6       Josh. He kind of kicked in the -- some of the air  
7       conditioning stuff. The hotel man was called to do  
8       something with him. And Josh begged him to take him  
9       to jail. He said, please, just take him to jail, and  
10      the man wouldn't do it. Shane had been down there  
11      for a month or more working and renting, and he said  
12      he would not press charges.

13             So Josh loaded him up and took him to another  
14      motel and paid for it, and told him to get in there  
15      and stay in there. And then we were in the process  
16      of going to rescue him, and we got down there, and he  
17      was dead. He was in his room locked in, and he was  
18      dead.

19      Q.       Okay. But he had had a long struggle with  
20      drugs; is that right?

21      A.       Absolutely, a long struggle with drugs.

22      Q.       And his struggle with drugs, did that begin  
23      before or after Holly Bobo disappeared?

24      A.       No, it didn't begin just when she  
25      disappeared. He's had a history since he was



1 16-years-old in high school, on and off. He got  
2 clean, and we had eight good months before he went to  
3 work with Josh. And then when he went to work. I  
4 said he does really well if he don't have any money.  
5 But he went to work with him and he got ahold of  
6 money, and he started right back using again.

7 Q. Okay. Okay.

8 A. Okay.

9 MS. THOMPSON: If I could have just one  
10 moment? No further questions, Your Honor.

11 THE COURT: Cross.

12 GENERAL NICHOLS: Jenks material, please.

13 MS. THOMPSON: I don't have any written  
14 reports.

15  
16 **CROSS-EXAMINATION**

17 **QUESTIONS BY GENERAL NICHOLS:**

18 Q. Ms. Austin, I'm Jennifer Nichols. I spoke to  
19 you in the hall, but --

20 A. Right.

21 Q. -- I'm not sure if you knew who I was.

22 A. Right.

23 Q. Listening to you talk about Shane, it's fair  
24 to say that his drug problem had very much affected  
25 yours and Mr. Austin's life?

1 A. Absolutely.

2 Q. And in fact, do you remember after Holly

3 disappeared when Karen and Dana and --

4 A. I surely do.

5 Q. -- Anthony --

6 A. I surely do.

7 Q. -- came to your house --

8 A. Yes.

9 Q. -- to talk --

10 A. Yes.

11 Q. -- about it.

12 A. We let them in just --

13 Q. And you know by that time, Shane's name was

14 already out there --

15 A. Yes, it was.

16 Q. -- as being a suspect in this?

17 A. Yes, it was.

18 Q. And you told Karen that you had to move --

19 you had to buy that trailer and move him into that

20 trailer because of the people and the drugs that he

21 was bringing into your house?

22 A. Exactly.

23 Q. And that's not the way you raised him?

24 A. No, no. He -- he had a --

25 Q. Okay.

1 A. He had a silver spoon in his mouth.

2 Q. So to get that element, those people that you  
3 didn't approve of and those drugs, out of your house,  
4 you bought that trailer?

5 A. Well, I'm going to go ahead and clarify that.  
6 I didn't speak about his friends that did drugs. I  
7 said we had to get Shane out of our house and get the  
8 drugs out of our house.

9 Q. So you weren't worried about the people he  
10 was hanging around with?

11 A. I -- you know, really he didn't bring those  
12 people to my house.

13 Q. Okay. Well, that sort of carries me to my  
14 next one.

15 A. Okay.

16 Q. Now, you said he doesn't have a burn barrel.  
17 Sounded like didn't have access to a burn barrel.  
18 But you have to -- you have to agree with me that  
19 Shane kept --

20 THE COURT: You need to back off just a  
21 little there.

22 THE WITNESS: Okay. Sure.

23 BY GENERAL NICHOLS:

24 Q. Shane kept things from you and your husband?

25 A. He kept things, but we went over there to get

1 his garbage just like we did ours, and --

2 Q. So that -- that's a yes with an explanation.  
3 Yes, he kept things from you. But yes, you believe  
4 you would have seen a burn barrel?

5 A. I know I would have seen a burn barrel.

6 Q. Had the burn -- you would have seen that burn  
7 barrel if the burn barrel had been in the front yard  
8 in front of the trailer?

9 A. I would have seen the burn barrel.

10 Q. Would you have seen the meth in his house?

11 A. I saw it in my house, so I'm sure I would  
12 have. I mean --

13 Q. Would you have seen him cooking it?

14 A. No, he didn't cook it to my knowledge in my  
15 house.

16 Q. Okay. So if he did cook it, that's something  
17 he didn't do in front of you?

18 A. That is right. He did not cook meth in front  
19 of me.

20 Q. Okay. You know that he was hanging out with  
21 Zachary Adams, right?

22 A. Yes, I do.

23 Q. You know that he was hanging out with  
24 Zachary Adams' brother?

25 A. Yes, I do.

1 Q. In fact, he was particularly close to  
2 Dylan Adams?

3 A. I think he liked Dylan Adams, yes.

4 Q. And when all this happened and Shane's name  
5 got out there, you and your husband took measures to  
6 try and help him, right, as any parent would?

7 A. Absolutely, we got concerned about this.

8 Q. Sure. I mean, your son was a suspect in the  
9 kidnapping --

10 A. Absolutely. We sure --

11 Q. Okay. Let me finish.

12 A. He was a suspect. Sure.

13 Q. Your son was a suspect in the kidnapping, the  
14 rape, and the murder of Holly Bobo?

15 A. Now, at the -- when we was first  
16 acknowledged, it wasn't rape and murder. It was in  
17 her kidnapping. That was -- we knew it from the time  
18 that his name was associated with the kidnapping.

19 Q. And --

20 A. Now, this rape and murder stuff came like  
21 later.

22 Q. Okay. But --

23 A. But we was well aware that his name was --

24 Q. And I'm not trying to trick you.

25 A. Okay.

1 Q. Because as the case progressed, you did know  
2 that Shane was a suspect in both the rape and the  
3 murder, just like he was in the kidnapping?  
4 A. Absolutely.  
5 Q. Okay. That's what I mean. I'm not trying to  
6 trick you. I'm just trying to --  
7 A. No, I just want to be as honest I can be.  
8 Q. Gotcha you.  
9 A. I want this to be done.  
10 Q. And you and your husband got an attorney for  
11 him; didn't you?  
12 A. We didn't get an attorney until 2014.  
13 Q. Okay. My questions was: You and your  
14 husband got an attorney for him?  
15 A. Not until 2014.  
16 Q. Didn't ask when.  
17 A. Well, that's too bad.  
18 Q. Really?  
19 A. Really.  
20 Q. Okay. So you and your husband got an  
21 attorney; didn't you?  
22 A. Yes --  
23 Q. There you go.  
24 A. -- in 2014.  
25 Q. And his name is Luke Evans, correct?

1 A. That is right.

2 Q. And he's a family member of y'all's; isn't  
3 he?

4 A. Yes, he is.

5 Q. Luke Evans negotiated with the DA at the time  
6 assigned to that case?

7 A. Yes.

8 MS. THOMPSON: Your Honor, I'm going to  
9 object unless she has specific knowledge.

10 THE COURT: She just said yes, so.

11 BY GENERAL NICHOLS:

12 Q. And in fact, there were times when you were  
13 present at those meetings, correct?

14 A. I was never present with Luke Evans and  
15 Shane Austin in any kind of discussions. Never.

16 Q. Did you become aware that your son provided  
17 information to the District Attorney's Office  
18 about -- let me finish -- about the kidnapping, the  
19 rape, and the murder of Holly Bobo?

20 MS. THOMPSON: Your Honor, I'm going to  
21 object. May we approach?

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

24 MS. THOMPSON: I object, Your Honor. I  
25 think she's trying to backdoor in some type of

1 agreement and hearsay from Shane Austin that she  
2 couldn't get in directly. Whatever occurred --  
3 Shane Austin has passed away. Whatever has occurred  
4 between Shane Austin and the District Attorney's  
5 Office is not admissible at this point. And I object  
6 to her trying to get it in through the mother.

7 THE COURT: Your objection's overruled.  
8 You can ask the question.

9 (WHEREUPON, the following proceedings  
10 continued within the hearing of the jury:)

11 BY GENERAL NICHOLS:

12 Q. Do I need to repeat my question?

13 A. Sure enough.

14 Q. Okay. Did you become aware that your son  
15 provided information to the District Attorney's  
16 Office regarding the kidnapping, rape, and murder of  
17 Holly Bobo?

18 A. I know that Shane and his lawyer had a  
19 meeting with the District Attorney's Office. What  
20 information he provided, I don't know.

21 Q. You'd recognize his handwriting, though;  
22 wouldn't you?

23 A. Absolutely.

24 Q. I'm going to hand you a document. That's  
25 your son's handwriting; isn't it?



1 A. Yes, it is.

2 Q. I'm going to ask you to review but don't read  
3 aloud.

4 A. (Reviews document.) Yep.

5 Q. That's Shane's writing; isn't it?

6 A. Yes, it is.

7 Q. Have you ever seen this piece of paper  
8 before?

9 A. No, I have not.

10 Q. Did you ever discuss these things with your  
11 son?

12 A. No. He had told me from day one --

13 MS. THOMPSON: Objection, Your Honor.

14 THE COURT: All right. Hearsay.

15 TE WITNESS: No, he did not. We  
16 didn't -- he didn't ever say that he knew anything  
17 about this case to me.

18 BY GENERAL NICHOLS:

19 Q. And yet, you just read five things in his  
20 handwriting that showed you otherwise; doesn't it?

21 A. Well, it doesn't show -- I mean, you have to  
22 know what the questions was on that. You have to  
23 know the situation before you know he --

24 Q. You don't want to answer that question, do  
25 you, Ms. Austin?

1       A.       Well, I -- why don't you clarify where that  
2       was at and what -- how -- how he said -- he said he  
3       knew these things? Is that what you're saying, that  
4       he knew these things?

5       Q.       It's his handwriting; isn't it?

6       A.       Did it say he knew those things?

7       Q.       Answer my question.

8               MS. THOMPSON: Your Honor, I object. Her  
9       question is confusing.

10              THE COURT: That document is hearsay, so  
11       let's move long.

12              THE WITNESS: Okay.

13       BY GENERAL NICHOLS:

14       Q.       His writing, right?

15       A.       Absolutely.

16       Q.       Okay. At the time of Shane's death, you very  
17       honestly told the jury that he was in a bad place?

18       A.       Right.

19       Q.       That's not the first time he had been in a  
20       bad place, though?

21       A.       No, it was not.

22       Q.       And you said it had been off and on since he  
23       was 16?

24       A.       That's right.

25       Q.       Would you agree with me that Holly's

1 abduction and rape and murder haunted him?

2 MS. THOMPSON: Objection, Your Honor.

3 THE WITNESS: No.

4 THE COURT: Let her answer the question.

5 THE WITNESS: No, I would not say it did,  
6 because he vehemently said he knew nothing about it,  
7 and he knew nothing about that. That's why we didn't  
8 hire a lawyer until 2014. He says he's innocent of  
9 all this, and I believe that.

10 BY GENERAL NICHOLS:

11 Q. All right. And so the -- that's what he told  
12 you, right?

13 A. That's right.

14 Q. And yet, I just shared with you a document in  
15 his handwriting, not going to get into what's in it,  
16 but you see something different; don't you?

17 A. I see --

18 Q. Just yes or no --

19 A. I see --

20 Q. -- then explain.

21 MS. THOMPSON: Your Honor, I object to  
22 this.

23 THE COURT: She is entitled to a yes or  
24 no answer and then if she wants to explain.

25 THE WITNESS: Okay. Well, I'm going to

1 say no then because I want to --

2 BY GENERAL NICHOLS:

3 Q. This doesn't change anything for you?

4 A. I want to say no, because you haven't told me  
5 why -- where he made those statements or where he  
6 wrote those statements. You don't have to tell me --  
7 you don't have to tell everybody what the statement  
8 said. Just tell me, was this I confess to this? I  
9 mean, did he confess to that? I mean, you have to  
10 tell me the contents of what's on that paper. Not  
11 the contents so to speak, but the situation involved  
12 with those statements.

13 MS. THOMPSON: May I please see the  
14 document the district attorney --

15 GENERAL NICHOLS: She has it, Judge.

16 MS. THOMPSON: Well, I don't know  
17 specifically --

18 GENERAL NICHOLS: In fact --

19 THE COURT: It was recited in Decatur  
20 County --

21 GENERAL NICHOLS: Yes.

22 THE COURT: -- one time if it's what I'm  
23 thinking.

24 GENERAL NICHOLS: It is.

25 THE COURT: And it's hearsay at this

1 point.

2 GENERAL NICHOLS: And for the record,  
3 Your Honor, we actually got it from defense counsel  
4 of Shane Austin at that time, so they have it.

5 MS. THOMPSON: Those are facts not in  
6 evidence, Your Honor.

7 THE COURT: Do what?

8 MS. THOMPSON: She's arguing facts not in  
9 evidence.

10 GENERAL NICHOLS: I'm not arguing about  
11 what's written.

12 THE COURT: Let's get on with this.

13 GENERAL NICHOLS: Okay.

14 BY GENERAL NICHOLS:

15 Q. You remember after Holly disappeared that the  
16 searches and whatnot were all up and down that road,  
17 right?

18 A. Yes, I do.

19 Q. Most people's property that lived all around  
20 there, people were going through it, right?

21 A. Yes.

22 Q. Including Shane's -- the property surrounding  
23 Shane's trailer?

24 A. Now, I know that the searchers were on  
25 every -- on every road around us, so yes. I would

1       say, yes. I know that Shane's property was  
2       specifically searched on the 17th of April with a dog  
3       team present.

4       Q.       And TBI sort of moved on, but they came back  
5       and started asking questions again a few years later  
6       about --

7       A.       Yes.

8       Q.       -- Shane, correct?

9       A.       Yes.

10      Q.       And it was at that time that your husband  
11      painted the inside, outside of that trailer with lead  
12      paint, right?

13      A.       The outside, it's not painted with lead  
14      paint. We didn't touch that trailer until 20 --  
15      2014. We decided that we may have to sell that to  
16      get money to defend him when it came back to -- when  
17      it came back that they were starting to look at him  
18      again. And we decided at that point, we probably  
19      better be getting a lawyer. Up until that point, we  
20      thought, we don't need to get a lawyer.

21      Q.       Shane went to the Coon Hunt the Saturday  
22      before Holly's disappearance; didn't he?

23      A.       Well, I was not -- I didn't take him there.  
24      I did not take him there, and I did not see him  
25      there, and I worked that morning in the fish booth.

1 Q. But you know he admitted to being there at  
2 the Coon Hunt?

3 A. Okay.

4 MS. THOMPSON: Objection if she doesn't  
5 have --

6 THE WITNESS: I don't have proof that he  
7 went.

8 BY GENERAL NICHOLS:

9 Q. Okay.

10 A. I didn't see him there.

11 Q. So doing the drugs, cooking the meth, going  
12 to the Coon Hunt, there are a lot of things that you  
13 didn't know about his life?

14 A. Yes, that's correct.

15 Q. The night before Holly was kidnapped, you  
16 took Shane to the Double D to play cards and have  
17 some beers with his friends?

18 A. Yes, Shane didn't drive anywhere, and we took  
19 him there every week to play cards. He played Texas  
20 hold 'em on Wednesday night. My husband was working  
21 that night, and he ended up picking him up on the way  
22 home. He -- yes, I did.

23 Q. And you said on the day that she disappeared  
24 you picked him up from his trailer at 2:30 in the  
25 afternoon?

1       A.       No, that was Thursday.

2       Q.       That's the day after?

3       A.       The day after --

4       Q.       The day that the -- I think you --

5       A.       Yes --

6       Q.       -- did say that was the 14th.

7       A.       -- that's the day after.

8       Q.       Okay.

9       A.       She disappeared on a Wednesday, and I took

10      him to cards that night at, I would say 6:00, between

11      6:00 and 6:30. I think I made him a hamburger, took

12      that to him, and we ended up -- he eat it, and I took

13      him on down to the bar.

14      Q.       Okay. Just one moment.

15      A.       Sure.

16      Q.       You were asked a number of questions about

17      your sort of relatives and whatnot. Your mother had

18      a barn across the street from the house, right?

19      A.       Yes.

20      Q.       And that barn --

21      A.       Yes, she did.

22      Q.       And in 2011, that barn was in pretty bad

23      shape; wasn't it?

24      A.       Yes, it was standing, but it was in -- not in

25      great shape, no.



1 Q. And were you there on April the 13th, 2011?

2 A. Yes.

3 Q. Okay. And can you tell us a little bit about  
4 the property and the buildings that are on the  
5 property?

6 A. Okay. Well, there's a house, of course,  
7 that's on -- if you're going -- well, I don't know  
8 which side of the road it would be on. If you're  
9 coming from the church, the house is on the left  
10 side, and on the right side is the pastures, okay.  
11 And over there, there was at that time two buildings,  
12 okay. One building that was by the road was a  
13 tractor shed sort of. It was. My father backed his  
14 tractor up underneath it. And then on that same  
15 shed, the tractor shed, there was like two stalls.  
16 That's where the horses would go in and eat. And if  
17 I -- you know, I kept the feed in that little room  
18 that was right there where they went in. So that was  
19 one of the buildings.

20 The other building was a big building that  
21 sat -- you could see it from the road, and it was in  
22 really bad shape. And it was -- some people called  
23 it a barn. But what it was, was at one point,  
24 probably back in the 70s, my father raised pigs. And  
25 so that building was made to hold corn. So it was

1     just a corncrib, okay. I don't know if y'all know  
2     what that is, but that's just a big building that's  
3     made out of wood. And it would have -- there was two  
4     holes cut out in the top where you could put a grain  
5     elevator in there, and you could scoop the corn onto  
6     the grain elevator and get it over into that. So it  
7     didn't have any partitions in it or anything. It was  
8     just if you looked into it, there was two doors, and  
9     you just see in there. It was just wide open. There  
10    was not anything that you couldn't see if you opened  
11    that door or either of the doors. It would show you  
12    the same thing. You would just look in and  
13    everything that was in there, you would be able to  
14    see, so.

15    Q.     Okay. What kind of condition was it in?

16    A.     It was in really bad condition. I don't know  
17    when he stopped raising hogs. I don't remember. I  
18    went in the military in 1982, and I don't know after  
19    that when exactly he stopped. But in 2011, it wasn't  
20    in good shape, because nothing had ever been put back  
21    in it. I think when he quit raising hogs, he didn't  
22    do anything else with that. And I don't know that he  
23    could have because it was raised up. The floor was  
24    made of wood, and it was raised up just a little bit  
25    like that. I guess where the corn wouldn't be right

1 Q. And by 2014, '15 it was gone?

2 A. I think actually in 2013.

3 Q. So by 2014 or '15 it was gone?

4 A. Yes.

5 Q. Okay.

6 A. Yes. Sorry. Sorry.

7 Q. That's all right. It was 2014 when things

8 started heating back up. You said you painted the

9 trailer, because they were coming back around asking

10 Shane questions and asking everybody questions about

11 Shane?

12 A. Right.

13 MS. THOMPSON: Objection, Your Honor.

14 That's not what she said.

15 THE WITNESS: I --

16 THE COURT: She can correct her if it's

17 not.

18 THE WITNESS: 2014 is -- actually, we

19 didn't touch that trailer until 2014. It sat there

20 with Shane living in it on and off. And 2014, we

21 decided that I'm probably going to have to have some

22 money to pay for a lawyer.

23 BY GENERAL NICHOLS:

24 Q. Do you remember if that was at the first part

25 of 2014 or the last part?

1       A.       It was at the first part of 2014. It was --  
2       we started work on the trailer, and I think we didn't  
3       get a lawyer for Shane until like April or May of  
4       2014. Somewhere -- I think April, but I'm not  
5       positive of that date.

6       Q.       And so it was sometime after you got that  
7       lawyer that, though you weren't present, you know  
8       there were meetings between the lawyer, who's  
9       actually a relative --

10      A.       He only -- he only had one meeting with the  
11      lawyer. We -- Shane flew in from Murfreesboro -- he  
12      flew in from Scranton, Pennsylvania. We picked him  
13      up at the airport, and we took him to Luke Evans'  
14      office. And that was the only time that I know that  
15      he met with Luke Evans.

16      Q.       So you picked him up and took him there, but  
17      you just didn't go in?

18      A.       We weren't allowed to. We -- they were --

19      Q.       That's fine.

20      A.       -- TBI agents --

21      Q.       And I wouldn't -- and there was law  
22      enforcement present, correct?

23      A.       There were TBI agents there.

24      Q.       Okay. That's what I mean by law enforcement.

25      A.       Okay. TBI --

1 Q. Okay.

2 A. -- TBI agents.

3 Q. And --

4 A. I'm going to tell you. I'm not real familiar  
5 with this stuff.

6 Q. You're doing fine.

7 So do you remember, was that in April or May  
8 or was that after this meeting?

9 A. You probably have a copy of that agreement.  
10 I do not know the exact date that that was made. I  
11 want to say March -- he left going on a job, and they  
12 was calling him on the telephone before -- well, I  
13 tell you what. Do you know which day that it was  
14 that they searched that property out at Dick Adams'  
15 house that last time?

16 Q. Was it close in time to that?

17 A. Yeah, the reason it being it snowed and it --  
18 and it froze everything up. And Shane told the TBI  
19 agents, hey, I'm leaving out on Monday --

20 MS. THOMPSON: Objection.

21 THE WITNESS: -- to go to work.

22 THE COURT: All right. Hearsay. You  
23 can't say what --

24 THE WITNESS: Okay.

25 THE COURT: -- he said.

1 THE WITNESS: Okay.

2 BY GENERAL NICHOLS:

3 Q. So it was close -- my questions was: It was  
4 close in time to the search at Dick Adams and it --

5 A. It was after the search at Dick Adams'.

6 Q. You're saying Dick Adams -- Zach Adams has a  
7 house there, too. It's right at the top, right?

8 A. Dick and Zach have a house --

9 Q. Right.

10 A. -- side by side.

11 Q. All right. So is it fair to say that from  
12 the time you were concerned enough to get your  
13 trailer ready to maybe sell, get him a lawyer, that  
14 the heat was never off between that time in 2014 and  
15 when your son took his life in February of 2015?

16 A. I would say that they were question -- yeah,  
17 I would get -- let's see. Yes or no?

18 Q. Yeah.

19 A. Okay.

20 Q. In other words --

21 A. Repeat.

22 Q. -- they remained interested --

23 A. Repeat that. Repeat that.

24 Q. From that time forward until your son took  
25 his life, TBI was still interested in not only Shane

1 but in Zach Adams, fellow looking at me, and  
2 Dylan Adams and Jason Autry?

3 A. Well, I can't answer what they were looking  
4 at with them. But after Shane did his immunity  
5 agreement, they said they were going to arrest him.  
6 They didn't come and arrest him. And after that  
7 immunity agreement, they left him alone.

8 Q. You mean after the -- they said they were  
9 going to arrest him?

10 A. Yeah, on the television. It was on the  
11 television saying that they would give us notice when  
12 they come to arrest him.

13 MS. THOMPSON: Objection to hearsay.

14 THE COURT: TV's hearsay.

15 THE WITNESS: Oh, okay. Okay.

16 BY GENERAL NICHOLS:

17 Q. And then -- and then --

18 A. But they didn't come.

19 Q. And then the drug usage got worse, correct?

20 A. No, actually, for the last part of 2014, he  
21 went away to work. And then --

22 Q. Okay. And then it got worse?

23 A. And then in -- when he went back at Christmas  
24 of 20 -- no, no. Let me get that right. When he  
25 come in at Christmas, I suspected he was using drugs.

1 But he left again in January going back to Tampa,  
2 Florida to work. And we hoped when he got back to  
3 work that he would be okay.

4 Q. Let me --

5 A. But he started using again in November of  
6 2014.

7 Q. That's when you started suspecting it?

8 A. Right. Well, that is -- that was when I  
9 thought so, yes.

10 Q. Okay. So my question was: And the drug use  
11 got worse at the end of 2014 until the time he took  
12 his life?

13 A. Beginning in 2015.

14 Q. So that's a yes?

15 A. Yeah, I would say it's escalated. Yes.

16 GENERAL NICHOLS: I don't have anything  
17 else. Thank you.

18 THE COURT: Further direct?

19 MS. THOMPSON: No, Your Honor.

20 THE COURT: All right. Step down.

21 Please don't discuss your testimony with anyone.

22 THE WITNESS: Okay.

23 (WHEREUPON, the witness was excused from  
24 the stand and remained in the courtroom.)

25 THE COURT: Call your next.



1 MS. THOMPSON: She can stay in the  
2 courtroom, right?

3 THE COURT: If she wants, yeah.

4 THE WITNESS: I need to go around?

5 THE COURT: Yes.

6 MS. THOMPSON: We'd like to call  
7 Judy Evans.

8 THE COURT: Raise your right hand,  
9 please.

10 (The witness was sworn.)

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

14 THE WITNESS: Judy Evans. J-U-D-Y  
15 E-V-A-N-S.

16 THE COURT: All right. Proceed.

17

18 \* \* \*

19 JUDY EVANS,

20 was called as a witness and having first been duly  
21 sworn testified as follows:

22

23 DIRECT EXAMINATION

24 QUESTIONS BY MS. THOMPSON:

25 Q. And, Ms. Evans, how are you related to

1 Shane Kyle Austin?

2 A. Shane is my nephew. Rita is my sister.

3 Q. Okay. And are you also related to

4 Jason Autry?

5 A.

6 Yes. Shirley King is also my sister. So

7 they're both my nephews.

8 Q. Okay. And can we talk about your mother's

9 property at 820 Yellow Springs Road?

10 A. Yes, ma'am.

11 Q. Okay. Who owns that property now?

12 A. I do.

13 Q. Okay. And who owned it in April of 2011?

14 A. In April my -- can I -- I'll just start back

15 with the situation. My mother passed away in March

16 of 2011. And there were four of us. I've got

17 another sister, too, and we were all supposed to

18 share the estate equally. So we got together, and it

19 was decided that they got other things, and I wanted

20 to buy the house and the acreage that was across the

21 road, okay? And so at that time, I was getting a

22 loan to buy it -- the part -- their part of it.

23 There was some money that I had to pay them to buy

24 the amount of that property. So I had been to the

25 bank, and there was a loan in process for me to get

1       my -- to get the money to give to them to get it over  
2       into my name.

3       Q.       Okay.

4       A.       So that was the deal on that.

5       Q.       Okay. And at that time, did you have any  
6       involvement in the property April 13th -- on April  
7       13th --

8       A.       I did.

9       Q.       -- 2011?

10      A.       Yeah, my horses -- I've got two horse, and  
11      they had been over there. I don't know how many  
12      years, but several, I kept them over there. I rode  
13      horses at one time. And I would go over there every  
14      afternoon, because no one was living there anymore.  
15      My mother died, so I didn't move. There was reason I  
16      didn't move. I was -- I wasn't ready to, right? I  
17      had to get the money to get the place. And also, I  
18      was going on a vacation. I was going to Mount  
19      Everest. So I was not going to move until I made  
20      that trip. So that was going to happen sometime  
21      later on in the summer. So I didn't move. But I did  
22      go over there and check on the horses and feed them  
23      every day. Usually, you know, sometimes before --  
24      after school or before dark at different times. But  
25      I would go over there and feed them.

1       on the ground or something like that.

2       Q.       Right.

3       A.       But anyway, the tin had come off the top of  
4       it. Rain had went into it all those years and rotted  
5       out a lot of the spots in the floor. And also, there  
6       was a tree growing up through there. So it really  
7       wasn't in good shape at all. But it was standing  
8       there in April of 2011.

9       Q.       Okay. And at some point, you heard about  
10      Holly Bobo disappearing?

11      A.       I did.

12      Q.       Okay. And did you ever search this property?

13      A.       I -- yes, I did. And that would have been on  
14      April -- that would have been on Friday, and I guess  
15      that would be April the 15th, Friday. The -- I work  
16      as a school teacher, and the Director of Schools let  
17      students go search if they wanted to.

18              And that day, I also guess that I heard it on  
19      the radio or maybe the news or something that the law  
20      enforcement was asking people to go look on their  
21      property. So I said, yeah, well, I'll do that.

22      Sure. And so that afternoon I went over there. And  
23      actually, I called my sister. I said, I'm going over  
24      -- I called it my mother's place. I'm going over to  
25      Mama's, and I want to look over there. And she said,

1 I'll well, I'll go. So I'll just meet you. So we  
2 went.

3 Q. Which sister is this?

4 A. That's Rita Austin, yes.

5 Q. Okay.

6 A. Okay. And so we went over there. She met me  
7 there, and we went into the house. Nothing was  
8 disturbed in there. It was just like it was the last  
9 time I opened the door on it. And then we come on  
10 the outside, and we're getting to ready to go across  
11 the road over there where all those buildings were,  
12 or those two, not all. Sorry. The two buildings  
13 are.

14 We were going across the street, and I looked  
15 up the road toward Hohammer Road, and there were  
16 people coming. And the -- those were the searchers.  
17 There were a lot of people searching, I guess, just  
18 out. I guess they were organized searches. I don't  
19 know. I remember they -- there were just a lot of  
20 people, okay. And they were over in the field, and  
21 some people were in the road, and then others were on  
22 the side of the road where my house was walking, you  
23 know, toward where we were. They were looking.

24 And so they come on, and I stood there. You  
25 can see everything across the road from the edge of

1 the driveway. I was standing there, and I watched  
2 and actually spoke to some of them. I recognized  
3 some of the people that were out there. And they  
4 looked inside that corncrib/barn, and they -- there  
5 were two people that opened both of the doors, and  
6 they looked in and shut it back, and they just  
7 carried on. And that was that.

8 They also looked in there where the horse  
9 feed was, and I guess they walked around in front of  
10 the tractor to see that, too. I don't remember that.  
11 But I'm sure they did that. And then they went on  
12 down the road toward the Yellow Springs Church. And  
13 then she and I went over there. And I threw the  
14 horses some feed, and then we walked over there to  
15 that corncrib. I opened up the doors and looked in,  
16 and I didn't see anything either. It looked exactly  
17 like it always did. I mean, it was falling down. It  
18 was the same thing. I didn't notice anything  
19 disturbed in there. And then we shut it back, and  
20 that was it. And then I went -- I guess I went home  
21 after that.

22 Q. Now, if somebody had been screaming in the  
23 corncrib, would you have been able to hear them from  
24 the street?

25 A. Yeah, you would. Yes.

1 Q. Okay. And do you know who Jason Autry's  
2 paternal grandmother is?

3 A. Yes, ma'am, Ms. Sudie Autry.

4 Q. And do you know how she is related to the  
5 Bobos?

6 A. I do. She's related to Ms. -- I think her  
7 name's Ruby Bobo. I think. They're sisters.

8 Q. Okay.

9 A. Yeah.

10 Q. And do you know who Ruby Bobo is related to?

11 A. Well, it would be Dana's mother, I guess.

12 Q. Okay. And did Jason spend much time with his  
13 paternal grandmother growing up?

14 A. Yes, he did. A lot of time with her, yeah.

15 Q. Okay. Going back to the corncrib. What  
16 happened to that corncrib?

17 A. Okay. What happened to that? So I guess it  
18 would be in the last part of 2011 -- or I'm sorry.  
19 In the last part of 2012 and early 2013, my husband  
20 tore it down, okay. He looked at it. We didn't have  
21 a barn at that time, and he was going to build  
22 something. So there was nothing that could be done  
23 to that. It was in such bad shape that he just  
24 decided that he would take it down and keep what was  
25 useful. The stuff that could be reused, he would

1 keep it. So he separated out the tin and some wood  
2 and stuff that was good and usable, and the rest of  
3 it, he just knocked it down with a backhoe and then  
4 dug a hole in the ground and pushed that stuff in it,  
5 set it on fire. And then when the fire went out, he  
6 covered it up.

7 And then with that material, he built another  
8 barn which is out there now that you can see from the  
9 road also, so --

10 Q. Okay.

11 A. -- that's what happened to that.

12 MS. THOMPSON: No further questions.

13  
14 **CROSS-EXAMINATION**

15 **QUESTIONS BY GENERAL HAGERMAN:**

16 Q. You probably never thought that we would talk  
17 so much about this old corncrib; did you?

18 A. Hey, I know, right.

19 Q. It was in bad shape and falling down?

20 A. Yeah.

21 Q. And you can actually get to the corncrib  
22 through the woods behind it, correct?

23 A. In a car or how are you talking about  
24 getting?

25 Q. Yes, ma'am.



1       A.       In a car?

2       Q.       Is it possible to get a car through those

3       woods back way into the corn -- to the corncrib?

4       A.       Okay. I'm confused.

5       Q.       Is it possible to get a car back through the

6       woods to the back of the corncrib?

7       A.       Well, if you came off of the road, you would

8       be driving just through -- there was a road there

9       sort of that had grown up with grass, and you would

10      drive to that. And I guess you could pull back. Are

11      you asking me can you pull behind it?

12      Q.       Absolutely.

13      A.       Okay. Okay. I didn't understand. There is

14      woods behind it. That's why I was getting confused.

15      I don't know if you can drive from the woods.

16      It's -- there's a set of woods that's behind that. I

17      didn't understand the question. But yes, I suppose

18      you can drive --

19      Q.       Yeah, you can get back there to the --

20      A.       Right.

21      Q.       -- to the corncrib going through the back?

22              You said you thought you would be able to

23      hear somebody scream if they were in the corncrib

24      screaming from the street?

25      A.       Right.

1 Q. Would you agree that depends on a lot of  
2 different things; doesn't it?

3 A. Well, like what? I guess I don't --

4 Q. Like if there's other noises out there, like  
5 a loud lawnmower?

6 A. Okay. Right.

7 Q. Agree?

8 A. Yeah, sure.

9 Q. Like if she was drugged, restrained, and  
10 unable to scream as she was being raped in that old  
11 corncrib, right?

12 A. You're saying if she was?

13 Q. Yeah.

14 A. If? I suppose so. Right.

15 Q. Because standing there at the street in your  
16 mom's house or standing there, you think you would be  
17 able to hear, but you can't see into that corncrib at  
18 all; can you?

19 A. No. Not from the road, no.

20 Q. The door's shut, private place, right?

21 A. It would be, right.

22 Q. On the edge of the woods that you can get to  
23 in the back?

24 A. No, you can't get to it from the back.

25 Q. From the side?

1       A.       (No response.)

2               You would have to park behind it, I guess. I

3       don't know.

4       Q.       That's what I'm asking.

5       A.       Okay. Okay. Because you're -- there is

6       woods behind it. You would not be able to drive your

7       vehicle out from the woods to get to that. You would

8       have to come in from the road is what I -- I -- I

9       think -- I think that's what you asked. Or did you

10      ask can you come through the woods?

11      Q.       Can you get to the back of that corncrib with

12      a car?

13      A.       Yes. Okay.

14      Q.       Would you be far off the road at that point?

15      A.       Well, would be basically the same distance I

16      guess. You would just be behind it, yeah.

17      Q.       Behind it hidden?

18      A.       Right.

19      Q.       And this road we're talking about, it's a

20      road that you knew the searchers searched, right?

21      A.       Yes, I did.

22      Q.       Did you know her stuff was found there?

23      A.       Which road are you talking about?

24      Q.       By your mother's?

25      A.       The Yellow Springs Road?

1 Q. Uh-huh.

2 A. I had heard that, but I never did know if  
3 that whatever -- if that was true or not. I heard a  
4 lot of things.

5 Q. It is true.

6 A. Okay.

7 Q. Did you know her stuff was found within 75  
8 yards of Shane Austin's house?

9 A. No, I didn't.

10 GENERAL HAGERMAN: Nothing else, Judge.

11

12 **REDIRECT EXAMINATION**

13 **QUESTIONS BY MS. THOMPSON:**

14 Q. When you went over to the property on the  
15 15th of April, did you notice any tire tracks behind  
16 the corncrib?

17 A. No.

18 Q. Okay.

19 MS. THOMPSON: No further questions.

20 THE COURT: Done?

21 GENERAL HAGERMAN: Done.

22 THE COURT: All right. Step down. Don't  
23 discuss your testimony with anyone. If you want to  
24 return to the courtroom, you may do so. It's up to  
25 you, okay?

1 THE WITNESS: All right. Thank you.  
2 (WHEREUPON, the witness was excused from  
3 the stand and left the courtroom.)  
4 THE COURT: Call your next.  
5 MS. THOMPSON: That's our last witness,  
6 Your Honor.  
7 THE COURT: All right. We'll break a  
8 little early.  
9 MS. THOMPSON: For today.  
10 THE COURT: We started a little early.  
11 Do what?  
12 MS. THOMPSON: For today. Just for  
13 today.  
14 THE COURT: Okay. I understood. Okay.  
15 Once again, follow the admonitions I gave  
16 you. Put this matter out of your mind. Don't form  
17 or express any opinion. No conversation with anyone,  
18 not even amongst yourselves. Don't allow anyone to  
19 discuss the case with you or in your presence.  
20 Continue to avoid all news reports. And I hope you  
21 have a good evening as you can. We'll start again at  
22 8:30 in the morning, okay? That work all right for  
23 everybody? It's not quite as hot right now either,  
24 so. All right. Thank you.  
25 (WHEREUPON, the jury left the courtroom,

1       after which the following proceedings were had:)

2                   THE COURT:   We'll try to run 8:30 to  
3       around 5:00 tomorrow.

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1 VOLUME XIII

2 DAY 9

3 TUESDAY, SEPTEMBER 19, 2017

4  
5 THE COURT: Thank you, Mr. Gilkey. I  
6 never get tired of it. Probably need to get him a  
7 gavel and let him strike once. I will give -- this  
8 isn't really law school. This is just informational.  
9 But by and large, the number of strikes when they  
10 open court indicates the number of judges on the  
11 bench. If they strike (three strikes), then they  
12 open, it will be a three-judge appellate panel. If  
13 they strike five times, Tennessee Supreme Court. The  
14 exception is I think -- and I haven't checked on it,  
15 but I -- I've had the pleasure to be in the audience  
16 at United States Supreme Court. Matter of fact, I've  
17 been there twice. Once I was introduced as a member  
18 of the Bar. I don't think they strike nine times.  
19 But generally the number of strikes has to do with  
20 the number of judges. Okay. Little more  
21 information. We now know broadly about hearsay,  
22 404(b), discovery, and now the number of strikes in  
23 opening the court, so.

24 All right. We're ready to continue. Defense  
25 ready to proceed?

1 MS. THOMPSON: Yes, Your Honor.

2 THE COURT: State ready to proceed?

3 GENERAL CHRISTENSEN: Yes, sir.

4 GENERAL HAGERMAN: Yes, sir.

5 THE COURT: All right. Call your next.

6 MS. THOMPSON: Terry Dicus.

7 THE COURT: Mr. Dicus, raise your right  
8 hand.

9 (The witness was sworn.)

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

12 THE WITNESS: Terry Dicus, T-E-R-R-Y  
13 D-I-C-U-S.

14

15 \* \* \*

16 **TERRY DICUS,**

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

19

20 **DIRECT EXAMINATION**

21 **QUESTIONS BY MS. THOMPSON:**

22 Q. And, Mr. Dicus, how are you currently  
23 employed?

24 A. I'm an attorney in Savannah, Tennessee.

25 Q. And on April the 13th, 2011, how were you



1       employed at that time?

2       A.       I was a criminal investigator assigned to the

3       24th Judicial District. I was assigned to Hardin,

4       Decatur, and Benton Counties.

5       Q.       An investigator with which entity?

6       A.       Tennessee Bureau of Investigation.

7       Q.       Okay. And just to be clear, you were the

8       case agent on this case?

9       A.       Yes, ma'am --

10      Q.       On the --

11      A.       -- I was the original case agent.

12      Q.       Okay. And how many years were you the case

13      agent?

14      A.       From April 13, 2011, until some time in June

15      of 2013. So a little over two years.

16      Q.       Okay. And when you left, what did you go to

17      do?

18                   THE COURT: Did you say June 2015?

19                   THE WITNESS: No, no, Your Honor. I said

20      June 2013. A little over two years, 2011 to 2013.

21                   THE COURT: Okay. Okay. Beg your

22      pardon.

23      BY MS. THOMPSON:

24      Q.       Now, in investigating this case, I'd like to

25      direct your attention first to the investigation of

1 Mr. Adams since we're here today in his case.

2 Did you, in fact, investigate Mr. Adams as  
3 part of your investigation of the disappearance of  
4 Holly Bobo?

5 A. I did.

6 Q. Okay. And what did -- what were the facts  
7 that you investigated? What were the leads that you  
8 followed? Will you please just tell the jury?

9 A. Zach Adams, his name came up very early in  
10 the investigation. The first time that I remember --

11 Q. Can you speak a little more into the  
12 microphone?

13 A. Yes.

14 Q. Just move the microphone closer to you if it  
15 will?

16 A. Okay. Well, the first time that I remember  
17 Mr. Adams' name coming up was about the first week of  
18 the investigation. So I sent four FBI agents, two  
19 TBI agents, and a dog team from the Shelby County  
20 Sheriff's Department to go out to a friend of his,  
21 Shane Austin. He went out to Shane Austin's house.

22 Shane's, we had information on all these.  
23 They're a little click, the Adams, Autry, and Austin.  
24 They were supposedly together that day. So I believe  
25 that's the first thing that came up with

1       Shane Austin.

2               So they went out there, and they interviewed  
3 him. They ran dogs through his trailer to see if  
4 there -- these were cadaver dogs that supposedly can  
5 tell the scent of human decomposition. So they go  
6 out to this house. They go out to Austin's house,  
7 check him out. I didn't act -- I didn't actually  
8 meet any of them at the time. I was in the command  
9 post.

10       Q.       Okay. So when they went to the house what  
11 did they discover there?

12       A.       Well, it was a trailer. It was a mobile home  
13 on Yellow Springs Road. And by the time they went  
14 there, we had already -- we had already found -- or  
15 we didn't find it. But a citizen in Decatur County  
16 had already found some items that we know were  
17 Holly's on this road, Yellow Springs Road, in  
18 northern Decatur County. So that peeked our interest  
19 even more in Mr. Austin and this whole crew.

20       Q.       Okay. So when the group -- what -- which  
21 investigators actually went to talk to Mr. Austin?

22       A.       I can't -- I can't tell you the names of the  
23 FBI guys because I'm not sure. I don't -- I don't  
24 know it.

25       Q.       Okay.

1       A.       I believe it was Joe Walker and Brent Booth  
2       that went to Austin's house originally and  
3       Ricky Inman, the Decatur County investigator. So  
4       there was eight total investigators that went to  
5       Austin's house there initially.

6       Q.       And what did they do at his house?

7       A.       Well, they interviewed him. They got his  
8       story. They checked out his -- checked out his  
9       mobile home. The dog --

10      Q.       When you say "checked out", what do you mean  
11      by that?

12      A.       Well, they searched it. He gave them consent  
13      to search. So they went -- they went all the way  
14      through his trailer. They noted that he had a rifle  
15      right there close to them. And he told them that he  
16      was a gun nut. So they talked to him, got his story,  
17      find out where he was at around the time of the  
18      kidnapping.

19      Q.       And did they have a dog search team there  
20      also?

21      A.       Yes, ma'am. That cadaver dog team that  
22      searched, they alerted to something, and it may have  
23      been a -- not a cadaver dog, but a biological  
24      material dog, because it allegedly alerted to a sock  
25      that was somewhere in Austin's bedroom.

1 Q. And what did they determine about that sock?

2 A. Well, they believe the sock was used as a

3 rag, for lack of a better term, a rag to clean up

4 biological material.

5 Q. And what biological material -- did they

6 reach a conclusion about what that sock had been used

7 to clean up?

8 A. Semen. Like you use it to clean up semen.

9 Q. And they then asked Mr. --

10 GENERAL HAGERMAN: Your Honor, I'm going

11 to object to the hearsay.

12 BY MS. THOMPSON:

13 Q. But they reached a different conclusion also

14 about the semen?

15 GENERAL HAGERMAN: Your Honor, I'm going

16 to object as it calls for speculation, some sort of

17 scientific conclusion.

18 THE COURT: It's something that some --

19 MS. THOMPSON: It's not.

20 THE COURT: Ask the question.

21 BY MS. THOMPSON:

22 Q. Okay. But there's something about that semen

23 that then they didn't -- and they weren't concerned

24 about it being a rape. So what was it that they

25 decided about that semen; do you remember?

1       A.       Okay. They determined that he was  
2       masturbating into a sock, and he was using it as a  
3       cum rag. I apologize for saying it. I don't know  
4       how to say it any different.

5       Q.       Okay. Just to be clear on what the whole  
6       issue with the sock was.

7               Okay. And then he gave an alibi that day or  
8       gave a statement of what he was doing. Did you check  
9       into that?

10      A.       I didn't personally at that time. I was -- I  
11      was ordered to stay in the command post at all times.  
12      So that stayed for several months that I -- that I  
13      was in the command center as everybody was coming in.  
14      You got to understand, Autry, Adams -- you know, we  
15      had many, many Autry and Adamses come in at the time.  
16      People calling in say you better check out my  
17      ex-boyfriend, he's mean, he could have done it.  
18      Okay. Well, that would be a lead that we'd have to  
19      follow and rule him out somehow. So there was a  
20      whole lot of information that was coming in, and I  
21      was compartmentalizing and prioritizing the  
22      information that was coming in to see what we do  
23      next.

24      Q.       Okay. So -- but at some point did the TBI  
25      check out his alibi?

1       A.       Yes.

2       Q.       Okay. And then what else did you do about

3       Mr. Adams -- to investigate Mr. Adams?

4       A.       Mr. Adams, there was a trooper that --

5       Rainey, Warren Rainey went and talked to Mr. Adams.

6       I believe he was the first or one of the first to

7       actually talk to Mr. Adams and check him out, see

8       what he was doing. He came back and told some --

9       told some things that he noticed that were very

10      strange and saying you need to look -- y'all need to

11      look a little further into it. So I believe it's

12      this same group. And I don't know that I told them

13      or they just -- they did it on their own. I

14      believe -- I believe they probably did it on their

15      own. They went out and checked out Zach Adams. They

16      interviewed him. They went through his house the

17      same way that everything they knew to do.

18      Q.       Okay. And didn't the FBI go out to talk to

19      Mr. Adams also?

20      A.       I believe -- yes.

21      Q.       Okay.

22      A.       Well, they did with me one time for sure, but

23      I know they did around the time of the kidnapping as

24      well.

25      Q.       Okay. And when was the first time that --

1       when's the second time that Mr. Adams was  
2       interviewed?

3       A.       I don't -- I don't know. I can't tell you  
4       the date.

5       Q.       Okay. Ricky Inman -- excuse me. Ricky Inman  
6       actually interviewed Mr. Adams at some point; didn't  
7       he?

8       A.       Correct.

9       Q.       And what was the result of that interview?

10      A.       I believe -- I believe that Mr. Adams told  
11      him essentially the same story that he had told  
12      before. That he was at home and with his brother and  
13      his girlfriend at the time, Rebecca Urp, and they  
14      woke up. They left and picked up Shane Austin that  
15      morning. Okay. Shane Austin, one of the -- one his  
16      buddies, who didn't have a vehicle, and Zach's truck  
17      was supposedly tore up. So they went in Dylan's  
18      Chevrolet. They went in Dylan's Chevrolet, left  
19      where they lived. They live on Adams Lane, which is  
20      northern Decatur County.

21              They left sometime between 9:00 and 10:00  
22      that morning. They pick up Shane Austin. When they  
23      pick up Shane Austin, then they go up to the  
24      interstate to where the -- there's a gas station up  
25      there. They get gas, but gas is always high there.



1 I agree with him. Gas is unbelievably high there.  
2 So they just put -- like I believe around \$5.00 gas  
3 in the vehicle to go back to -- into Decatur County  
4 into to Decaturville, Parsons where gas is much  
5 cheaper.

6 So they're just putting it in right there to  
7 get them to another spot. And Adams said that at  
8 that time, Adams, Austin, and Dylan Adams all said  
9 that they noticed a wave of police cars coming down  
10 the interstate. A wave of black SUVs that were  
11 flying down the interstate. Zachary Adams --

12 Q. Can I stop you right there? During this  
13 investigation were you-all able to obtain video  
14 surveillance from different businesses?

15 A. Yes.

16 Q. Okay. And at one point, did you obtain some  
17 video surveillance from AmPharm --

18 A. I did.

19 Q. -- business?

20 Okay. I'd like to pass you some pictures?

21 A. Okay.

22 Q. Now, did you spend a lot looking at the  
23 AmPharm video?

24 A. Days.

25 Q. You personally?

1       A.       Days and weeks, yes.

2       Q.       Okay. And do you recognize these pictures  
3 right here?

4       A.       Yes, these are -- these are pictures taken  
5 from the AmPharm close -- the camera closest to the  
6 door. It's a -- it's a perfect angle of the parking  
7 lot. They're also in the background catches all  
8 traffic going south and north on 641. That's what  
9 these pictures are.

10      Q.       Okay. And was there a time and date stamp on  
11 the AmPharm videos?

12      A.       Yes, ma'am.

13      Q.       Okay. And those pictures right there, what  
14 time and date stamp do they have?

15      A.       The first one with a one black SUV is 11:04.  
16 Date 4/13/2011. Sorry. The second one 11:05:01.  
17 Same date, 4/13/2011, the day of the kidnapping.

18      Q.       Okay.

19               MS. THOMPSON: And, Your Honor, I would  
20 like to have those two marked as exhibits at this  
21 point.

22               GENERAL HAGERMAN: No objections.

23               THE COURT: 215 and 216. Am I correct?

24               THE REPORTER: Yes, sir.

25               THE COURT: Okay. We still all right on

1       tablets? Everybody good? Let me know, okay?

2                   (WHEREUPON, the above-mentioned

3       photographs were marked as Exhibit Numbers 215 and

4       216.)

5                   MS. THOMPSON: So can we put the first

6       timeline one -- it's first in time. That's the

7       second in time, I believe, so.

8       BY MS. THOMPSON:

9       Q.       Okay. And the first in time -- and let's

10      see. We have a pointer right here.

11                  MS. THOMPSON: Will you pass him a

12      pointer?

13      BY MS. THOMPSON:

14      Q.       All right. And would you please point out

15      the vehicle in there? What does that vehicle -- for

16      the record. What does it appear to be?

17      A.       That is a black SUV. I'm not -- I'm not sure

18      exactly what kind. It's either --

19                  THE COURT: Give me the location of this

20      photo again.

21                  THE WITNESS: It is at AmPharm. It's

22      a -- it's a pharmaceutical company --

23                  THE COURT: Okay.

24                  THE WITNESS: -- in Decatur County.

25                  THE COURT: Okay. Okay.

1                   THE WITNESS:  Yes.

2       BY MS. THOMPSON:

3       Q.       And --

4       A.       Right there on -- this is Highway 641,

5       Highway 69.

6       Q.       And is it closer to Parsons or closer to the

7       Interstate, AmPharm?

8       A.       It's much closer to Parsons.  It's

9       actually -- you're coming into Parsons right now as

10      that vehicle is coming into the city limits of

11      Parsons.

12      Q.       Okay.  So in this picture -- and I see a

13      little tree in this picture.  Where is the truck in

14      relation to that tree, the little tree in the

15      landscaping?

16      A.       The SUV?

17      Q.       Yes.

18      A.       It's right here.  This is -- this is the

19      vehicle that you're asking me about.

20      Q.       Right.  So is it before or after the tree?

21      A.       It's after the tree.

22      Q.       Okay.  So then if we move to the next

23      picture -- so in this picture what do you see here?

24      A.       Well, it's the same type -- and it's tough to

25      make out the kind of vehicles these are.  But this is

1       another SUV-type vehicle that's right around -- a  
2       little -- almost even with the tree, little bit --  
3       little bit south of even.

4       Q.       Okay. So it's not past the tree yet?

5       A.       That's correct.

6       Q.       And then what about the second vehicle there?

7       A.       The second one is maybe six car lengths,  
8       seven car lengths behind the tree.

9       Q.       And so you can kind of tell the distance that  
10       they're going perhaps by the timing between the two  
11       pictures. And how many parking spaces would you  
12       see -- say are between those two cars?

13       A.       I would say perhaps five or six.

14       Q.       Okay. And did you know something about the  
15       TBI that day and what was going on in the Jackson TBI  
16       office?

17       A.       Yes. Special Agent with the Medicaid Fraud  
18       Unit was having a retirement party in Jackson.

19       Q.       Okay. And so what did that mean about  
20       people -- about the SUVs? How did that relate to the  
21       SUVs?

22       A.       Well, this guy, he had worked there forever  
23       with all kinds of different agencies. So a large  
24       portion of the responding officers, whether it be  
25       TBI, Secret Service, FBI, they were coming from

1 Jackson to get to the Holly -- you know, the scene of  
2 the kidnapping, 681 Swan Johnson.

3 Q. Okay. So to you then would it fit with what  
4 you knew about the TBI, that there would be these  
5 three SUVs in a row?

6 A. Yes.

7 Q. Okay.

8 MS. THOMPSON: So I'd like to go ahead  
9 and just put those into -- they're already in  
10 evidence.

11 THE COURT: Yes.

12 MS. THOMPSON: Move one. We can --

13 THE COURT: 215 and 216.

14 BY MS. THOMPSON:

15 Q. Okay. And then did you also have information  
16 about the kind of car that Mr. Adams was in that  
17 morning? What car did he tell you he was in that  
18 day?

19 A. It was an extended cab Chevy Silverado, black  
20 in color I believe.

21 Q. Was it black?

22 A. I don't remember. I don't remember the  
23 color.

24 Q. Okay. Dark? Would you say it's dark in  
25 color?

1       A.       Might have been dark blue, dark green.

2       Q.       I'd like to pass another picture up to you.

3       A.       It had Georgia license plates.

4       Q.       Okay.

5       A.       If that helps you.

6       Q.       Well, were you able to see any license plates

7       when you looked at the AmPharm video?

8       A.       No, ma'am.

9       Q.       Okay.

10      A.       It's much too far away, and it's not the

11      right angle.

12      Q.       And what does that appear to be a picture of?

13      A.       That is an extended cab, probably either GMC

14      or Chevrolet pickup truck.

15      Q.       Okay. And what time is that picture made?

16      A.       11:07 and 24 seconds.

17      Q.       Okay.

18               MS. THOMPSON: And I'd like to have this

19      marked as my next exhibit, Your Honor.

20               THE COURT: Be 217.

21               (WHEREUPON, the above-mentioned

22      photograph was marked as Exhibit Number 217.)

23      BY MS. THOMPSON:

24      Q.       Do you recognize where that picture came

25      from?

1       A.       Yes, ma'am, it's the AmPharm video from the  
2       one closest to the front door.

3       Q.       Okay. And can you for the jury point out  
4       where that pickup truck is?

5       A.       Right here is the pickup truck you're  
6       referring.

7       Q.       Okay. Okay. And then we --

8               MS. THOMPSON: I think for a few minutes  
9       we're done with the overhead projector.

10       BY MS. THOMPSON:

11       Q.       Okay. Are there other things that you did to  
12       check out Mr. -- well, first of all, in your  
13       investigation we've heard some about telephone  
14       records. What did you do to check out the telephone  
15       records?

16       A.       The telephone records of?

17       Q.       Well, what -- whose telephone records did you  
18       get copies of?

19       A.       Okay. The first thing we did with the  
20       telephone records is we got a tower dump for every  
21       cell phone in -- close to Decatur County. What a  
22       tower dump does is it tells you every bit of  
23       activity, whether somebody's receiving a call, making  
24       a call or they're having a SMS message, anything. It  
25       tells you every bit of information for everybody in



1       this area, which was larger than Decatur County. So  
2       that's the first thing I did. I got a search warrant  
3       for AT&T, Verizon, T-Mobile. I believe that's it.  
4       Q.       Okay.  
5       A.       So we got all these search warrants. So we  
6       have all this data of if you were in Decatur County  
7       that day, we know where you were -- where your cell  
8       phone was if you used it at all.  
9       Q.       Okay. And at some point did you get records  
10      on Holly Bobo's cellular telephone?  
11      A.       Yes, ma'am. We got a search warrant for AT&T  
12      for her and everybody in her family for geolocate,  
13      which tells you where her phone is at a particular  
14      point in time.  
15      Q.       Now, does it tell you exactly where a phone  
16      is?  
17      A.       It could. If this was a 3G network where  
18      they can triangulate, they'll tell you -- if you're  
19      using your phone, they can give you your at 2800  
20      Smith Road in Savannah. Decatur County at the  
21      time -- and they have since upgraded I believe. But  
22      at the time, they were a 2G network, which basically  
23      all they could tell you a cell phone -- a cellular  
24      tower has either three or four quadrants, and, you  
25      know, a quadrant has 120 degrees.

1           So if they're telling you where the cell  
2 phone is, basically they're telling you the center  
3 point to that cellular quadrant. And they'll give  
4 you a confidence -- you know, how confident they are  
5 that this is accurate of how every many meters, 4,000  
6 to 7,000. So it doesn't tell you exactly where it  
7 is, but you can -- you can piece it together with  
8 looking at where her cell phone has been to make a  
9 good educated guess as to where her cell phone is at  
10 a certain time.

11       Q.       And did you-all actually go to AT&T to get  
12 additional information about this cellular telephone  
13 network?

14       A.       Actually, we had an engineer with AT&T come  
15 out to Decatur County, and he rode every road in  
16 Decatur County that had something, you know, that was  
17 important to us. So when he's riding the roads, he's  
18 got a -- he's got a device where he can measure which  
19 tower at the point --

20               GENERAL HAGERMAN: I'm sorry to  
21 interrupt. Your Honor, I object at this point.  
22 We -- I think even by Mr. Dicus' own admission, he's  
23 not a cell phone expert like Mr. Frizzell is. I  
24 think he'll even acknowledge that Mr. Frizzell is a  
25 cell phone expert. So to the extent that his

1 testimony goes into anything about cell phone  
2 expertise --

3 THE COURT: How it operates or anything.  
4 He can set up that somebody's driven around and  
5 things like that.

6 MS. THOMPSON: Right. That's what I'm  
7 trying to set up is that --

8 BY MS. THOMPSON:

9 Q. And so not to say exactly what the  
10 information was showing, but he was able to determine  
11 which tower the phone was hitting off of at different  
12 places in the road; is that right?

13 A. That's correct.

14 Q. And did he come up with a map that reflected  
15 that?

16 GENERAL HAGERMAN: And here, Judge, I  
17 think we need to hear from like Mr. Frizzell, a cell  
18 phone expert, who can explain to us what this map is.

19 MS. THOMPSON: Well, right now, Your  
20 Honor, I'm trying just to lay the groundwork for my  
21 cell phone expert that's --

22 THE COURT: Okay.

23 MS. THOMPSON: -- going to come in, so.

24 THE COURT: All right.

25 BY MS. THOMPSON:

1 Q. And did you come up with a map that showed at  
2 what point this phone was pinging off of what tower?

3 A. Yeah, but that's a little -- a little  
4 misleading.

5 Q. Okay.

6 A. That map shows which tower at a certain point  
7 is utilizing that cell phone. His device was telling  
8 him where -- which tower -- you know, the -- all the  
9 towers around Decatur County, the four or five, which  
10 tower if you're -- if you're on this road right here,  
11 if you're on Cypress Hill Road, which tower are you  
12 going to be using. So that map shows which tower  
13 you're going to be using at this road.

14 Now, you drive a hundred feet down the road,  
15 you may be on a different tower. But that's what  
16 that map did. That's the importance of that. We can  
17 tell each point on the route -- each point on the  
18 potential route of where her cell phone would have  
19 been. If it was here, which tower would it have been  
20 hitting off of.

21 Q. And also, you did a -- you've got from AT&T a  
22 map that showed kind of the different cell phone  
23 towers and where the coverage of those cell phone  
24 towers was expected to be?

25 A. Correct.

1 Q. It's a multicolored map with -- with -- that  
2 showed kind of where cell towers signals faded in and  
3 out?

4 A. Yes, ma'am.

5 Q. Okay. So then again, you were still talking  
6 about the cell phone records and with Holly's phone  
7 and how you had gotten the geolocates.

8 A. Yes, ma'am.

9 Q. I interrupted you. So can you continue from  
10 there?

11 A. I don't -- I mean, we got all her cell phone.  
12 So we get all this data. We also had some pings  
13 where the Decatur County Sheriff's Department, before  
14 I got there, they had -- they had already initiated a  
15 ping. Which a ping is where the cellular provider is  
16 sending out a where are you -- a where are you signal  
17 to the cellular provider. So we had pings starting  
18 at 8:56 that morning. Well, 8:56 they actually had  
19 no location for her. But we had several pings.  
20 Maybe four or five pings that day that told us where  
21 her cell phone was within that cellular quadrant.  
22 Keep in mind, it tells you a center point. It  
23 doesn't tell you anything else. But that's what we  
24 had.

25 MS. THOMPSON: Okay. And I'd like to

1 have these two maps just passed up and marked for  
2 identification purposes.

3 THE COURT: Be 218, 219 for ID only.

4 BY MS. THOMPSON:

5 Q. Now, I want to just pass those to you and see  
6 if do you recognize those as being the maps that were  
7 generated by AT&T?

8 A. Yes, ma'am, they are very familiar to me.

9 Q. Okay. And the first one, the one that's  
10 actually when you were driving different routes --

11 A. The first --

12 Q. -- that's the -- that's the one we'll have  
13 marked with the lower number.

14 A. Parsons area 7.

15 Q. Okay. Is that what it says at the top?

16 A. Parsons area 7 7/2011.

17 Q. Okay. We'll pass that one first. And then  
18 the second --

19 THE COURT: Be 218.

20 (WHEREUPON, the previously mentioned map  
21 was marked for identification as Exhibit Number 218.)

22 BY MS. THOMPSON:

23 Q. The second, what is that one?

24 A. This one is a map indicating the coverage of  
25 all these towers.

1 Q. We're not going to show it --

2 A. Oh.

3 Q. -- to the jury just yet but --

4 A. I'm sorry. This is a map showing the overlay

5 of the coverage of the cell towers in Decatur County.

6 Q. Okay. Very good.

7 (WHEREUPON, the previously mentioned map

8 was marked for identification as Exhibit Number 219.)

9 BY MS. THOMPSON:

10 Q. And at some point did you-all get the

11 cellular telephone records of Mr. Adams?

12 A. I believe so.

13 Q. And in determining whether or not his

14 alibi -- he had an alibi for any of that time, did

15 you make any determination about that?

16 A. Well, there was one indication on his cell

17 record that -- well, within the tower dumps that

18 showed that at 8:28 a.m. he was hitting off the tower

19 that's in the northeast -- northeastern portion of

20 Decatur County, which would have covered northeastern

21 part where his -- where his residence is.

22 Q. And what time was that?

23 A. I believe it was 8:28.

24 Q. Okay. And then what else -- what else did

25 you determine?

1       A.       (No response.)

2       Q.       Well, did you compare that with something

3       else in order to try to make a determination about

4       his alibi?

5       A.       Right. His cell phone at 8:28 is hitting off

6       a tower that's several miles from the tower that

7       Holly's cell phone was hitting off at 8:26 a.m. So

8       two-minute drive time, there's no way that Zach's

9       cell phone could have been --

10               GENERAL HAGERMAN: Your Honor, again, I

11       think we're getting into phone expertise.

12               THE COURT: All right. That's outside

13       his area of expertise.

14       BY MS. THOMPSON:

15       Q.       But did you use that information and to make

16       determinations --

17       A.       Yes.

18       Q.       -- in your investigation?

19       A.       Right.

20       Q.       Okay. And what determination did you make at

21       that time?

22               GENERAL HAGERMAN: I think it's just a

23       backdoor way of trying to get cell phone expert

24       testimony in from somebody that's not.

25               THE COURT: He's not a cell phone expert.



1 MS. THOMPSON: Right. I'm -- I'm --  
2 BY MS. THOMPSON:  
3 Q. But about Mr. Adams' alibi, what  
4 determination did you make about his alibi?  
5 A. The determination I made is that he could not  
6 have been involved in the kidnapping.  
7 Q. Okay. And what about Rebecca Urp, did you  
8 mention Rebecca Urp earlier, his girlfriend?  
9 A. Yes.  
10 Q. Okay. And did you speak with her?  
11 A. I did.  
12 Q. When did you speak with her?  
13 A. Give me just a second. It's a big file. I  
14 believe it was -- the first time I spoke to her was  
15 probably sometime after July the 4th of 2011, because  
16 I talked to A-Train on July the 5th, 2011. So as  
17 part of --  
18 Q. Now, you say A-Train. Who are you referring  
19 to when you say A-Train?  
20 A. Jason Autry.  
21 Q. Okay.  
22 A. I spoke to him on July the 5th. These guys  
23 kept on coming up. You know, coming up with -- for  
24 stupid reasons, you know, saying I'm going to put  
25 your -- you know, you'll end up like Holly if you do

1       this. And okay, good, let's get back on them. So we  
2       checked them out several times. Around July I said  
3       I'm going to check them out for good and ending it.  
4       So I talked to Jason Autry first with -- I believe it  
5       was my buddy, Brent Booth, and Joey Hudgins. We  
6       spoke to him at his mother's trailer. We left there.  
7       We spoke to Jason -- I mean Zach Adams and his  
8       brother, Dylan, at their house on Adams Lane.

9               And then at the end, I called Rebecca Urp,  
10       and I said Ms. Urp, you have given information to  
11       other people. I haven't talked to you yet. My  
12       name's Terry Dicus. I'm the case agent on this. I  
13       want you to think about this very carefully. When I  
14       ask you a question and if you lie to me, I'll make  
15       your life miserable. If you tell me the truth, you  
16       know, I'm going to help you. And at that point she  
17       said --

18               GENERAL HAGERMAN: I'm going to object to  
19       the hearsay, Judge.

20               THE COURT: Sustained.

21       BY MS. THOMPSON:

22       Q.       Okay. So after you talked with you her, what  
23       determination did you make?

24       A.       That I was wasting my time.

25       Q.       Wasting your time doing what?

1       A.       Investigating these idiots. I'm sorry. No  
2       offense.

3       Q.       Now, these idiots, can you be more specific  
4       about these idiots?

5       A.       Well, these idiots that keep on saying I'm  
6       going to put her in the well and --

7       Q.       All right. But give who's -- give names for  
8       the jury, please.

9       A.       Jason Autry, Zach Adams, and Shane Austin and  
10      Dylan Adams.

11      Q.       Did you have any special affiliation --  
12      affinity for those four men?

13      A.       No, I never met them before this case.

14      Q.       Okay. And so let's talk about some of the  
15      other people that you investigated regarding this  
16      case, some of the other suspects that you had. Will  
17      you tell the jury, please, about John Dodd and what  
18      evidence you have that he might be a suspect in this  
19      case?

20      A.       John Dodd, he's a troublemaker is the  
21      information we had. Now, I found him like a fairly  
22      likable, young man but he was -- he's a troublemaker.  
23      He'd done several things that I would classify as  
24      extremely mean and devious. He had actually tried to  
25      commit a theft at the Bobo house. And there were --

1 Q. So he would have been familiar with the Bobo  
2 house?  
3 A. Correct.  
4 Q. Okay.  
5 A. And he also was seen in area between 8:30 and  
6 12:00, somewhere in there. There's several different  
7 witnesses that see him driving a 4-wheeler, you know,  
8 up on two wheels the way they explained it, just  
9 going crazy getting around the corner.  
10 Q. And what day is this?  
11 A. On April 13, 2011.  
12 Q. Okay. And so what else -- what other  
13 evidence did you have that pointed towards him? Did  
14 you use dogs in the situation?  
15 A. We had -- we had dogs come down. And, you  
16 know, I love my dog, but, you know, I don't know how  
17 beneficial they are in law enforcement activities.  
18 But we had a dog that came out that alerted that the  
19 scent of Holly Bobo went towards his grandfather,  
20 Grafton Dodd's, house on -- I can't think of the name  
21 of the road. But anyway, Grafton Dodd had a -- had  
22 a -- had a cabin north of the Bobo's, probably three  
23 or four miles north of the Bobo's. And these dogs  
24 supposedly alerted and said -  
25 GENERAL HAGERMAN: Excuse me. Are we --

1 I assume Mr. Dicus was there. But it sounds like --

2 THE WITNESS: I was there.

3 MR. HAGERMAN: You were there, okay.

4 THE WITNESS: I did go there, yeah.

5 BY MS. THOMPSON:

6 Q. Okay. They alerted.

7 A. They alerted and -- I'm sorry. I'm sorry.

8 They told me that the scent is kind of weak as if

9 somebody had walked through here a couple of weeks or

10 a week before this happened.

11 Q. And in relation to when Holly Bobo had

12 disappeared, how long were the dog -- how much later

13 after she disappeared were the dogs doing their scent

14 search?

15 A. It's hard to believe, but it was about a week

16 or two weeks after that, you know.

17 Q. Okay. And so that gave you reason -- well,

18 what did you do then with that information?

19 A. I interrogated Dodd. I went through his

20 life, everything about him.

21 Q. What kind of car did he have?

22 A. He had a white Ford Ranger, I believe.

23 Q. Okay. A pickup truck?

24 A. Correct.

25 Q. Okay. And you --

1       A.       Yeah, we went through the -- we went through  
2       his truck, too, and at the --  
3       Q.       And did you --  
4       A.       Go ahead.  
5       Q.       Oh, go ahead.  
6       A.       At the time that I was interrogating him, we  
7       had an FBI team of eight to ten people sifting  
8       through his truck, doing everything with his truck,  
9       so.  
10      Q.       What about his phone records and Facebook  
11      account?  
12      A.       We obtained both of those.  
13      Q.       Okay. And did you make a determination about  
14      where he was living? You said his grandfather had a  
15      cabin over there. Did you decide where John Dodd was  
16      living at the time?  
17      A.       He had been staying with his grandfather.  
18      Q.       Okay. Okay. Let's move on --  
19      A.       But --  
20      Q.       Oh.  
21      A.       You probably don't want me to -- to ask that,  
22      but I will say but at the time of the kidnapping, he  
23      was supposedly staying with a friend of his, and he  
24      had -- he had an alibi.  
25      Q.       But you had some people that had seen him

1       that morning near the Bobo home?

2       A.       Correct.

3       Q.       Okay. Let me ask you then about a man named

4       Keith White.

5       A.       Keith White. Keith White was -- Keith White

6       hired James Barnes to build a deck -- build a deck at

7       his house. So, I mean, he was there at the time

8       Barnes got there.

9       Q.       Okay. What about Larry Hamm?

10      A.       Larry Hamm, interesting enough, his wife

11      called and said y'all need to look at my husband.

12      He's good for this. So that was all we had. And

13      sure enough, he was turkey hunting that morning. He

14      kind of fits the physical description, his clothes

15      that our witnesses provided. Somewhat anyway.

16      That's all -- that's I remember.

17      Q.       And what had he been wearing that morning?

18      A.       Camouflage, he had been turkey hunting.

19      Q.       Okay. And did he have an alibi for the time?

20      A.       (No response.)

21      Q.       Did he have anybody else that could verify an

22      alibi?

23      A.       No, nobody could verify it. I believe his

24      phone records may have provided -- the US Marshal

25      Service, I sent -- they're the best with phone

1       besides Mr. Frizzell. I'm sorry, Mr. Frizzell. But  
2       they are very good at working phone records, because  
3       they do that all the time to chase down fugitives.  
4       They'll look at phone records and figure out where  
5       they're at. So I sent two marshals to go check him  
6       out, and they went through everything. In the end, I  
7       mean, I wouldn't tell you 100 percent that he  
8       couldn't have done it, but he wasn't -- he wasn't --  
9       he didn't fit a lot of other stuff that we knew when  
10      we were getting in, so.

11      Q.       Okay. What about Richard Townsend?

12      A.       We checked him out, yes.

13      Q.       Why did you suspect him?

14      A.       I'm kind of uncomfortable disclosing this,  
15      because my boss said that we wouldn't. So I would  
16      really prefer if I --

17      Q.       Okay. I'll withdraw my question then.

18      A.       Thank you.

19      Q.       How about James Barnes?

20      A.       James Barnes?

21      Q.       Yes.

22      A.       You know, me --

23      Q.       Ed Barnes.

24      A.       -- me personally, at no point did I ever  
25      suspect James Barnes of doing anything wrong



1       whatsoever. And I know that wasn't necessarily a  
2       consensus opinion, but that was my opinion, because  
3       at 7:47, he's the one that's alerting everybody to  
4       hey, this is happening. It's idiotic to think he was  
5       involved with it.

6       Q.       Right.

7       A.       You know.

8       Q.       But did you direct an investigation towards  
9       him?

10      A.       I did not. Not me personally.

11      Q.       The TBI, did the TBI direct an investigation  
12      towards him?

13      A.       Well, we checked him out very thoroughly.

14      Q.       Okay. So what did you check out about him?

15      A.       His phone records, where -- Keith White, we  
16      talked to him. We went to -- I was part of this. We  
17      went to either Perry County or Wayne County to one of  
18      his friend's house and checked out that area. We  
19      searched a huge area. We talked to -- Mr. Keith  
20      Clark was -- who was his good buddy. And this is a  
21      guy who was supposedly with him at the time they saw  
22      Holly and Natalie Bobo, Holly's cousin, walking, and  
23      they were supposedly staring at them. So we looked  
24      at them every way we could, including his mom, who he  
25      lived right beside, Ms. Kathy Wise.

1 Q. Okay. And what about the dogs, did the dogs  
2 alert on anything regarding the Barnes' house?

3 A. Yes.

4 Q. What did the dogs alert to?

5 A. Well, not to his house. There was a pond  
6 beside it, and I believe the dogs alerted to the  
7 pond. You know, dogs came in from everywhere. And  
8 we did -- we didn't have certifications. We didn't  
9 know if they were great. You know, you're not going  
10 to turn them around. You're looking for somebody  
11 that's missing, and if they want to go search -- they  
12 want to go search some woods, go ahead. They want to  
13 go search a pond, go ahead. But I don't know how  
14 these dogs -- some of them absolutely had to be  
15 wrong, 100 percent, so.

16 Q. Okay.

17 A. And in this case, Mr. Barnes, 100 percent  
18 those dogs had to be, I don't know, looking for a  
19 chicken leg or something.

20 Q. Okay. What about Kathy Wise, James Barnes'  
21 mother, did you-all investigate her?

22 A. Yes.

23 Q. What did you do to investigate her?

24 A. Same type of thing. We did everything with  
25 everybody. We --

1 Q. Okay. And was there a reason to be  
2 suspicious of her regarding a kidnapped victim?

3 A. To me, no. There were some people that were  
4 suspicious of that allegation.

5 Q. Okay. What's the allegation?

6 GENERAL HAGERMAN: Judge, I don't -- I'm  
7 going to object to the relevance of this.

8 MS. THOMPSON: It's a reason that they  
9 investigated her, Your Honor. They got her phone  
10 records and thoroughly investigated her, and it's an  
11 allegation that came up.

12 THE COURT: You can ask.

13 THE WITNESS: I believe there was a --  
14 there was a girl -- an underage girl who may have  
15 been a Mennonite or something like that, and she -- I  
16 wouldn't say kidnapping. She said, hey, you can stay  
17 with me, because there might have been allegations of  
18 abuse or something along that line or neglect. And  
19 she told this girl you can stay with me. So the girl  
20 stayed with her. It didn't result in any criminal  
21 charges. It might have been something that half of  
22 us would do and the other half would say I'm not  
23 going to get involved in it.

24 BY MS. THOMPSON:

25 Q. So she had harbored a runaway?

1       A.       Correct.

2       Q.       Okay.  What about -- you mentioned

3       Keith Clark.  Can we go into Keith Clark?

4       A.       Sure.

5       Q.       Who was Keith Clark?

6       A.       Keith Clark was James Barnes' best friend.

7       Q.       Okay.  And you started to say something about

8       he had seen Holly and Natalie.  Can you explain that

9       a little more in depth?

10      A.       Yes, I believe it was Natalie Bobo gave us

11      information that Holly and her would go walking.

12      They'd walked several times already that year up and

13      down Swan Johnson.  James Barnes lived close to them,

14      and on at least one occasion they had walked by and

15      Keith Clark and James Barnes had stared at them.

16      They were fairly good looking ladies, though.

17      Q.       Okay.  And so what all did you do?  What

18      records or other items did you obtain to investigate

19      Keith Clark?

20      A.       We -- same thing.  We did everything.  We got

21      everything we could possibly get on everybody

22      that anybody came up with.  This guy needs to be

23      looked at, we got them.

24      Q.       What does that include, phone records?

25      A.       Phone records, interviewing them, checking

1 out their alibi, doing everything we can to rule them  
2 in or rule them out.

3 Q. Okay. What about Blake Barnett?

4 A. Blake Barnett was an ex-boyfriend of Holly's.  
5 I believe he was actually not the most current  
6 ex-boyfriend, but the ex-boyfriend before that.  
7 Mr. Barnett worked with Holly's boyfriend's dad,  
8 Boo Scott (phonetic), and he worked at Food Giant in  
9 Parsons, and he was at work at 9:01 that morning.

10 Q. Okay. So he was at work at 9:01, but not at  
11 the time that she actually disappeared from her home?

12 A. I mean, here's the way I -- when I got my  
13 bearings about me, she was kidnapped at 7:45. Her  
14 phone is moving at 8:00. Her phone, that we can  
15 tell, is disassembled between 9:25 and 9:40. So I'm  
16 looking for someone that cannot give a good excuse of  
17 where they're at from 7:45 to 9:40. That's all I  
18 care about. Because if you're not -- if you're not  
19 where Holly's phone is, I don't care -- I don't care  
20 where you were at or what you were doing. That's  
21 what I'm looking at. So Blake Barnett could not  
22 have, in my opinion, been the one that kidnapped her.  
23 So that's how I ruled him out.

24 Q. Okay. So just because of the 9:00, and he  
25 checked in at 9:00 that was at -- he clocked into

1 work you said?

2 A. That's correct. And, you know, we talked to  
3 people that worked there as well and, you know, asked  
4 how he was doing, what was his demeanor, was he --  
5 how was he acting. You know, it would be hard to  
6 imagine that someone could have done this and went on  
7 about their business and not shown a reaction  
8 whatsoever. So that was an important part of it.

9 Q. What about Joseph Raguso (phonetic)?

10 A. Very entertaining man. Tony the Tiger.

11 Q. Why do you call him Tony the Tiger?

12 A. That was his nickname. That was his  
13 nickname. He lived -- this guy lived in the woods on  
14 somebody else's property. So when you go up the --  
15 when you go up to see him, you hear dogs barking. He  
16 had like 15, 20 dogs. All strays people had dumped  
17 off. Well, this man he -- you know, he didn't have  
18 money to eat himself, but he had plenty of dog food.  
19 He fed every one of these dogs, took care of them.  
20 And on every tree close to where he was staying is a  
21 snake. He's killing snakes and eating them. So God  
22 bless him for that. That's why I say he's a very  
23 good man. He wore them out.

24 Q. Okay.

25 A. And he had no vehicle. He didn't fit the

1 physical description. His voice didn't sound like  
2 what we're looking for so -- and he was at work that  
3 day. So anybody you name, I probably can give you  
4 four or five reasons why I know that person did not  
5 kidnap Holly.

6 Q. What about John Rusem (phonetic)?

7 A. John Rusem, he --

8 Q. What led you to him to begin with?

9 A. I don't remember. It may have been -- it may  
10 have been simply where he was living at the time or  
11 someone may have called in. I don't remember. It  
12 was -- it was very weak information that we had.

13 Q. Okay.

14 A. He was on probation. So when I went out  
15 there, people that are on probation, they don't have  
16 a right to deny you to go in their house. So we  
17 carried everybody and went through all his house. He  
18 had all kinds of camo, but I ruled him out because  
19 he's bald-headed. We had several people confirm that  
20 he's bald-headed. He showed me his foot, and it  
21 looked -- it looked very, very bad. I don't know  
22 what the medical term is, but I believe it's -- had  
23 something to do with diabetes, and he had trouble  
24 walking. He had trouble walking. He only had access  
25 to a motorcycle. He didn't have a car. You know, he

1       just --

2       Q.       So he did have some transportation?

3       A.       He had a motorcycle, yes.

4       Q.       Okay. And did he have an alibi for the time

5       that she disappeared?

6       A.       No, I don't believe he did. He was -- he

7       was -- he applied for a job that morning probably

8       around 9:00 at the North 40 Truck Stop. I don't

9       believe it was at the truck stop, but it was

10      somewhere right around the truck stop. May have been

11      the auto body shop or -- but anyway, he -- that was

12      what he was doing that day, so.

13      Q.       Were you able to clearly rule him out or did

14      he remain a partial suspect?

15      A.       He didn't do it. I mean, yeah, I ruled him

16      out. I mean, he didn't --

17      Q.       Okay.

18      A.       -- he didn't fit on anything. And everybody

19      you've named -- everybody you've named you've said

20      well, what about this person as a suspect. I'm

21      trying to put together a puzzle, and if I find five

22      pieces that don't fit, I'm done. Or two pieces that

23      don't fit, I'm done. It's not this person, you know.

24      And everything I dis -- I mean, you may disagree with

25      me that that wasn't enough, but I'm look -- all you



1 really have to have is one fact that says this person  
2 couldn't have kidnapped her, and you need to go do  
3 something else. So I had several facts that said he  
4 didn't do it, so I moved on.

5 Q. Okay. What about Michael Alexander?

6 A. Michael Alexander was at work that morning.  
7 He was working on a machine that he had been working  
8 on for two years that was going to Australia. He  
9 worked for a company in Parsons named American  
10 Coating -- American Coating and Machine, something  
11 like that. It's right there on 641. But he was at  
12 work that morning, and he was confirmed by every one  
13 of his coworkers and they all -- his boss. We had  
14 time sheets. Every which way you can imagine, he  
15 was -- he was not there. He couldn't have done it.

16 Q. Okay. What about Jason Nichol?

17 A. Okay. He -- we looked at him early on, very  
18 early on. Probably within -- we already had the  
19 mobile command post, but we didn't get it that first  
20 day. I would say --

21 Q. Now --

22 A. -- I would say probably by the 15th or 16th  
23 we were on Jason Nichol.

24 Q. 15th or 16th?

25 A. Of April.

1 Q. Okay.

2 A. Yes.

3 Q. Now --

4 A. Very early.

5 Q. -- his phone actually had some common pings

6 with her phone that morning; did it not?

7 A. I don't -- I don't believe the -- I don't

8 believe so. I don't believe so. And I -- with him,

9 at 9:30 he was at a doctor's office. This is what I

10 remember. He was at a doctor's office in Benton

11 County with kidney stones.

12 Q. What were the reasons you suspected

13 Jason Nichol to begin with?

14 GENERAL HAGERMAN: Your Honor, I think

15 he's testified at this point he's ruled him out. So

16 I don't see the relevance.

17 MS. THOMPSON: It is relevant.

18 THE COURT: He can say why he was looking

19 at him.

20 THE WITNESS: He stalked a girl in

21 Jackson. Officer Hedin (phonetic) with the Jackson

22 Police Department got a warrant on him for that. He

23 fit the description of an evident -- an attempted

24 abduction or stalking from a week to two weeks before

25 in Dickson.

1 BY MS. THOMPSON:

2 Q. Okay. Tell us about that attempted abduction  
3 in Dickson.

4 GENERAL HAGERMAN: Object to the  
5 relevance.

6 THE COURT: Relevance.

7 MS. THOMPSON: Well, but this man --

8 THE COURT: Sustained.

9 BY MS. THOMPSON:

10 Q. Did -- are you aware --

11 THE COURT: He's already testified he  
12 ruled him out. What happened in Dickson a week prior  
13 to this is irrelevant.

14 MS. THOMPSON: Well, there was a  
15 kidnapping six days before this one -- an attempted  
16 kidnapping in Dickson, Tennessee where a person  
17 pulled up in a car and tried to pull a woman who was  
18 similar in appearance --

19 THE COURT: Enough. It's irrelevant. He  
20 said he ruled this person out. This is your witness.

21 BY MS. THOMPSON:

22 Q. So when you ruled him out, it was only  
23 because of the doctor's appointment that morning; is  
24 that right?

25 A. That's not the only way we ruled him out.

1 Q. Okay.

2 A. All right. So we did other things that are  
3 not admissible in court but --

4 Q. Okay.

5 A. -- that's not the only thing we did. No, I'm  
6 under oath. I can't tell you that's the only thing  
7 we did.

8 Q. Okay. What about Jerry Evans?

9 A. Jerry Evans, he lived really close to the  
10 Bobos. Really close to the Bobos. And actually  
11 where he lived, I believe he probably would have seen  
12 the vehicle going by at the time of the kidnapping if  
13 he had been looking. The route of the kidnapper  
14 indicates that more than likely he went right by --  
15 right in front of his house, and that's a pretty good  
16 ways off the road. But -- so Evans, that morning,  
17 saw a flatbed truck -- a green flatbed truck.

18 Q. Uh-huh.

19 A. And he came to the -- he came to one of  
20 the -- one of the roadblocks and tried to give some  
21 information about it. And they -- you know, I don't  
22 know. They didn't take that information. But I  
23 followed up on that at a later time. And you got to  
24 understand, I mean, while he's trying to give the  
25 information, Holly's cell phone is going all through

1       the county. So again, he's not the kidnapper  
2       according to just that, and Holly's cell phone went  
3       past his house. And it turns out the vehicle that he  
4       saw was a -- used in cattle. They were feeding  
5       cattle. Hispanic man drove it that morning for one  
6       of the cattle farms.

7       Q.       Okay. And what about Clint Bobo, was he a  
8       suspect at one time?

9       A.       He was a suspect for probably 12 hours in my  
10      mind.

11      Q.       Okay. What about other people in the  
12      department? Did they think he was a suspect?

13      A.       Yes.

14      Q.       Okay. And so what did -- what evidence kind  
15      of pointed towards him?

16              GENERAL HAGERMAN: Are we talking  
17      about -- Mr. Dicus had excluded him as a suspect  
18      after 12 hours. So are we talking about other  
19      investigators?

20              THE COURT: Are you talking about his  
21      investigation?

22      BY MS. THOMPSON:

23      Q.       Your investigation, what evidence did you  
24      initially think pointed towards him being a suspect?

25      A.       Well, look, you know, I'm not -- I'm not

1       immune to the same type of things that other people  
2       were saying. Other people were thinking how could he  
3       have done this, you know, he did this, he didn't do  
4       this.

5       Q.       What do you mean by he did this, he didn't do  
6       this?

7       A.       Well, there was a lot of people that gave him  
8       grief. You know, a lot of Captain Americans that  
9       said, well, if I had been there, I'd done this.  
10      Yeah, you might have died right there in the carport.  
11      But a lot of people thought that was -- that was  
12      strange that what he saw, it took him a few minutes  
13      -- literally, it's just a few minutes. It took him a  
14      few minutes to react to it and to figure out what was  
15      going on. So I think that was -- that was the main  
16      part of it, that people like, uh, why didn't he do  
17      something. You know, he didn't know what was going  
18      on.

19               And when I say I ruled him out in my mind,  
20      when I found out for sure Holly's cell phone is gone,  
21      it's moving, when I found out for sure there's no  
22      body in or around the house anywhere, yeah, he didn't  
23      kidnap her, so I forgot about it. Forgot about him  
24      as a suspect.

25      Q.       Okay. And then what about Terry and Janet

1       Britt, did you investigate them?

2       A.       I did.

3       Q.       Okay. And what were the reasons that you  
4       thought they would be involved, Terry Britt would be  
5       involved?

6       A.       Have a seat, it's going to be a while. So  
7       Terry Britt is a registered sex offender, a violent  
8       sex offender. He lives north of Decatur -- northern  
9       Decatur County. He has black hair. He weighs 200  
10      pounds, and he's six foot fall. So I got on to him  
11      because number one, he is the exact size of what our  
12      witness said the abductor looked like, okay? His  
13      history tells me he's capable of kidnapping her. So  
14      you put that together and his alibi for that morning  
15      was kind of weak. His main alibi was his wife.  
16      Which ordinarily, that's not a bad alibi. That's  
17      what most people have. You know, the wife -- the  
18      wife was with you. That's it. But this wife had  
19      been with him on more than one occasion where he had  
20      picked up a woman and got accused of trying to  
21      sexually assault her or rape her.

22               So that brought him as a suspect after  
23      Ms. Karen -- Ms. Karen put me on him. She called me  
24      one day and said you got to talk -- you got to find  
25      out about this guy Natalie calls Chester the

1 Molester. That's what she knows him by. That  
2 Natalie and Holly were in Dollar General Store a  
3 couple of weeks before the kidnapping and this guy  
4 was staring at them. So at the same time she calls  
5 -- I believe it was the same day. I was dealing with  
6 a frantic girl that's saying this guy has been  
7 stalking me, and he won't stop. He won't stop  
8 stalking me. The first time he stalked her --  
9 Q. And who is this?  
10 A. Shelly Keene (phonetic).  
11 Q. Okay.  
12 A. No, Kristen Smith. I'm sorry.  
13 Q. Kristen Smith. Okay.  
14 A. I believe it's Kristen Smith. Okay. But --  
15 THE WITNESS: Your Honor, if -- can we --  
16 can we say initials on these girls? I don't want him  
17 to get out and do something.  
18 THE COURT: Any problem?  
19 MS. THOMPSON: No, Your Honor.  
20 THE COURT: All right.  
21 THE WITNESS: Okay. So this girl  
22 reported to me this guy is stalking her. So I meet  
23 her at the sheriff's department. I walk in, me and  
24 Ricky Inman. First thing I notice about her, she's  
25 got blonde hair, blue eyes. She looked a lot like



1 Holly. And she actually said that she had been  
2 pulled over by officers that thought she was Holly.  
3 And at first I kind of thought, you know, they might  
4 be punking me or messing with me, because she looked  
5 similar -- she looked very similar to her. She was  
6 not her first cousin. I believe her second cousin or  
7 third cousin.

8 But anyway, she tells me about this guy on  
9 three separate occasions that has been following her.  
10 Followed her home one time, and she followed through  
11 on it. She got a tag number. One of her friends had  
12 pulled up some information on the sex offender  
13 registry. She came and told me his name is Terry  
14 Britt. This is the guy that is stalking me. And she  
15 said this is not -- I've known this guy for years,  
16 because I used to work at Joe's Video with Janet  
17 Britt. And at that point, you know, I -- you know,  
18 I'm going crazy, but I got Ms. Karen telling me you  
19 better check out Chester the Molester.

20 Well, at the same time, I go talk to Natalie,  
21 and Natalie tells me Chester the Molester is Terry  
22 Britt. So I've got Terry Britt seeing Holly shortly  
23 before the abduction, and he's stalking somebody that  
24 could pass as her sister the weekend after the  
25 abduction. I got a little curious.

1 BY MS. THOMPSON:

2 Q. Okay. So what did you do next, just in terms  
3 of the stalking victim?

4 A. In terms of the stalking --

5 Q. Well, just stalking victims.

6 A. Okay. We kept getting more information about  
7 all these girls in Decatur County that he had been  
8 stalking around the time of the kidnapping. And, you  
9 know, of course, this is -- this is what I'm looking  
10 for. Somebody that -- I don't -- I don't believe  
11 that somebody accidentally got in the woods that  
12 morning. Thank God, Ms. Karen's gone to work.  
13 Dana's gone to work, and Clint's vehicle is parked  
14 somewhere else. I don't believe that. I believe  
15 they had to -- they had to look into it. They had to  
16 put a little bit of effort into kidnapping her. A  
17 little bit of thought into it. They thought about  
18 where they were going to park the vehicle. They  
19 thought about where they were going to take her to.  
20 I just don't -- I don't believe this was a  
21 random-type thing where hey, let's -- you know, I'm  
22 checking the water meter and then well, let's commit  
23 a class A felony.

24 So a total of eight different women has told  
25 us different things, and some of them are a little

1       dated a few years back but the -- all the information  
2       is kind of similar. He would pull up. He got caught  
3       stopped in the road staring at these girls. Another  
4       lady said she caught him staring, and her husband  
5       worked as a deputy sheriff. So, I mean, you think  
6       about how brazen someone would have to be to stalk a  
7       deputy sheriff's wife, right? Just about as brazen  
8       as you would have to be to go and kidnap somebody off  
9       their carport.

10               So that deputy sheriff went and talked to him  
11       at the time that happened. Said you ain't going to  
12       do it. You know, you're not -- you're not going to  
13       do it. And that stopped --

14               GENERAL HAGERMAN: Your Honor, I'm going  
15       to object to any sort of hearsay. And we're getting  
16       in a lot of Mr. Dicus' opinions about things, which I  
17       don't believe is the purpose of this testimony. I  
18       believe Your Honor's actually already ruled on it.

19               MS. THOMPSON: But it's to show why his  
20       investigation moved in a certain direction, Your  
21       Honor.

22               THE COURT: I've given great latitude to  
23       show everyone that he's checked out and excluded.  
24       Let's pick this up a little.

25       BY MS. THOMPSON:

1 Q. Okay. So you had eight women that you were  
2 able to determine had been stalked. Did they -- was  
3 there a type that these women looked like?  
4 A. Most of them were blonde-headed and  
5 blue-eyed. The majority of them were.  
6 Q. Okay.  
7 A. Very good looking women. He had very good --  
8 Q. So then what did you do to check out  
9 Mr. Britt, Terry Britt?  
10 A. The first thing I did was check prior reports  
11 on whatever -- what had we done to exclude him or get  
12 him off -- be off his trail. So that's the first  
13 thing I did. I went back and read everything else.  
14 And, you know, I checked his -- I checked what his  
15 alibi was. His alibi was he got up that morning --  
16 well, first of all, he delivered newspapers with his  
17 wife on Tuesday nights. So they delivered newspapers  
18 until 3:10 a.m. on the morning of the kidnapping.  
19 But allegedly they got up that morning for a bathtub  
20 that had been leaking for several weeks, and they  
21 decided they were going to go get a bathtub that  
22 morning, and she laid out of work. She didn't go to  
23 work that day at a newspaper -- you know, at a  
24 newspaper in Decatur County the day Holly was  
25 kidnapping, so.

1 Q. And what was the significance of that to you?

2 A. Well, there was only -- there's normally four  
3 people -- four or five people that work at this  
4 newspaper. But on Wednesdays they only have Jan and  
5 another guy. So when she laid out of work that day,  
6 she left one guy, who told me himself he was a low  
7 functioning alcoholic, as being in charge of the  
8 newspaper on the biggest news day in the history of  
9 the state of Tennessee. So I thought that was  
10 significant. So I went back over --

11 Q. Was it a scheduled day off that she took?

12 A. No, she didn't tell anybody. She didn't --  
13 she just laid out. That's what we had heard. I  
14 found out later that she didn't lay out. She went to  
15 work, and he called her and made her leave work.

16 Q. Okay. So go ahead. What else about their  
17 alibi?

18 A. So their alibi, they got up that morning and  
19 went and got a -- got a bathtub. There's several  
20 different parts of that that I checked out, but the  
21 first thing I wanted to know is was there any type of  
22 discrepancy. Because since he's on the sex offender  
23 registry, a good buddy of mine -- brilliant idea. At  
24 the very beginning, he gave -- he gave ord ers to  
25 some of the Decatur County investigators or sheriff's

1       deputies, said go out and find every sexual offender  
2       in this county, find out where they're out, and where  
3       they've been. That was brilliant. That worked  
4       great.

5               But when they went out, they came back and  
6       told us -- and I think they -- when they -- when they  
7       were checking on these sex offender reg -- sex  
8       offenders, they didn't really -- they didn't really  
9       keep up with their time that much. So they said --

10              GENERAL HAGERMAN: And, Your Honor, is  
11       this -- is this an opinion? He said I think.

12              MS. THOMPSON: Well, if he knows --

13              GENERAL HAGERMAN: This is speculation --

14              THE COURT: If he knows.

15              GENERAL HAGERMAN: -- entirely.

16       BY MS. THOMPSON:

17       Q.       Do you know?

18       A.       Yeah, I'm just -- I'm just trying to say that  
19       I don't blame them for being wrong, okay? So -- but  
20       they were -- they were wrong. They were off on what  
21       time they went out. So they go out there in --  
22       around 1:45. Two deputies go out looking for  
23       Terry Britt. And at the time they go out, there's at  
24       least three vehicles missing from the house.

25              GENERAL HAGERMAN: And is this --

1       Mr. Dicus there for this? I'm --

2               MS. THOMPSON: Your --

3               THE WITNESS: It's in the report. It's

4       in the report.

5               GENERAL HAGERMAN: All right. Well,

6       Mr. Dicus isn't here for this. So, you know, we've

7       objected continuously on something that's not --

8               THE COURT: He's testifying someone else

9       observed three vehicles were missing?

10              MS. THOMPSON: Yes, but it's part of his

11       investigation, Your Honor.

12              THE COURT: It's still hearsay.

13       BY MS. THOMPSON:

14       Q.       Okay. We'll skip that portion for now then.

15       A.       So the Britts were not home at 1:45, okay?

16       And they were -- so they were gone somewhere at that

17       time. They go back -- the deputies go back later on

18       that day, 3:00 to 3:30, and they see the Britts

19       unloading --

20              GENERAL HAGERMAN: And again, we're

21       getting into -- I know we've had -- we've heard --

22              THE COURT: They --

23              GENERAL HAGERMAN: -- testimony about

24       this, but this is not --

25              MS. THOMPSON: Okay.

1                   GENERAL HAGERMAN:  -- his observations.  
2                   THE COURT:  Hearsay.  
3       BY MS. THOMPSON:  
4       Q.       We heard testimony about this.  You can  
5       skip --  
6       A.       Okay.  
7       Q.       -- that part, too.  
8       A.       All right.  Well, I mean --  
9       Q.       Okay.  
10      A.       I checked his alibi and found out it was  
11      garbage.  
12      Q.       Okay.  So what about the -- what else about  
13      the alibi was garbage?  Why did you think the albi  
14      was garbage?  
15      A.       We pulled his phone -- we pulled Jan's phone  
16      records.  Britt had always said I don't -- I don't  
17      have a phone.  I don't have a phone at all.  He told  
18      that to the -- well -- okay.  He had told that  
19      repeatedly.  And when we -- when we checked out her  
20      phones -- well, actually Danny Haynes told me that --  
21      Q.       And who is Danny --  
22                THE COURT:  All right.  
23                THE WITNESS:  That's bad?  Okay.  
24      BY MS. THOMPSON:  
25      Q.       It gets tricky, but who is Danny Haynes?



1       A.       Danny Haynes is Jan's boss.

2       Q.       And did you interview him in -- during your  
3       investigation?

4       A.       Yes.

5       Q.       Okay. So after talking to Danny Haynes, what  
6       then were you looking for in the telephone records?

7       A.       Well, from what Danny Haynes told --

8       Q.       Not from what he said but --

9       A.       Okay.

10      Q.       -- what were you looking for in the telephone  
11      records when you get the telephone records?

12      A.       I'm looking to see if Jan and Terry talk to  
13      each other at all that day.

14      Q.       Were you looking for a specific time?

15      A.       Yes, any time that day. Because their story  
16      is they're together all day.

17      Q.       Okay. But how did you figure out what his  
18      telephone number was if he said he didn't have a cell  
19      phone?

20      A.       We didn't -- we didn't know his cell phone  
21      for sure until we got up on a wiretap and it --

22      Q.       Well, before that you knew -- you had already  
23      tapped a telephone that you thought belonged to him.  
24      So by looking at Janet Britt's telephone records,  
25      what was it that clued you in to what might be his --

1 Terry Britt's telephone number?

2 A. It was the only number that called. It was  
3 the only number that called. And if he's calling  
4 every day at lunch time, then there should be a  
5 record of that, and if he's making a phone call from  
6 the parking lot, then he's probably got a cell phone.

7 Q. Okay. So based on that, you have -- you now  
8 have a telephone number that you think is  
9 Terry Britt's cell phone number. What do you do with  
10 that?

11 A. I got geolocate information. In other words,  
12 the same as I did with Holly's phone. Find out where  
13 it was that entire day.

14 Q. Okay. And I think their alibi was that they  
15 were together the entire day; is that correct?

16 A. That is correct.

17 Q. Okay. So knowing that that was their alibi,  
18 by looking at the phone records, what were you able  
19 to determine?

20 A. That their alibi was a lie.

21 Q. Why?

22 A. Because 12:17 Britt calls --

23 Q. Well, first of all, what kind of activity was  
24 on Mr. Britt's phone that morning?

25 GENERAL HAGERMAN: Your Honor, I think

1 we're getting into sort of some like some cell phone  
2 expertise. And I think it's demonstrated --

3 THE COURT: No, he can say the calls or  
4 texts. We're not getting into technical.

5 BY MS. THOMPSON:

6 Q. Right. No technical, but what kind of  
7 telephone calls were you able to --

8 GENERAL HAGERMAN: Well, I think it's  
9 easily illustrated by what he just said, Your Honor.  
10 He said Britt called as if he can testify as to who  
11 has a telephone in their hand at a certain time.

12 THE COURT: He can say from the telephone  
13 records.

14 BY MS. THOMPSON:

15 Q. Okay. From the telephone records, what were  
16 you able to determine?

17 A. The first call that --

18 Q. What records were that morning? What --  
19 first of all, what did they -- the records show?

20 A. There was no incoming, outgoing calls that  
21 morning.

22 Q. Okay.

23 A. So --

24 Q. When is the first call then?

25 A. 12:17.

1 Q. Okay. And what happens at that time?

2 A. Britt's cell phone communicates with an

3 ex-wife, and Britt's story is that that's the first

4 time he found out about the abduction of Holly Bobo.

5 Q. Okay. And then what did you determine next

6 regarding his alibi that he was with his wife all day

7 long, Janet Britt?

8 A. His cell phone called Janet's cell phone and

9 talked to it for 2 minutes and 56 seconds.

10 Q. Okay. So why did you suspect that? I mean,

11 what -- why did you find that significant?

12 A. Well, it's obvious that it's not true, so.

13 Q. What's not true?

14 A. His alibi is not true. It's fabricated.

15 Q. Okay. So what else did you do to investigate

16 his alibi from that day?

17 A. Um.

18 Q. Did Janet Britt -- did they present you with

19 any kind of physical documentation?

20 A. Janet Britt did not. At one point -- at one

21 point one of our TBI agents and an FBI agent went out

22 and spoke to Britt, and they attempted to -- Britt

23 contacted his wife who came to the scene and --

24 Q. Where were they at the time?

25 A. Janet was at work, and Terry Britt was at his

1 house, 3138 Jeanette Holladay Road.

2 Q. Okay.

3 A. So he's talking to them, and, you know, Britt  
4 says hold on, let me call and get the receipt here,  
5 and they're like uh. But he calls, and she comes up  
6 there, shows them the receipt for a bathtub, which is  
7 what they supposedly bought that day.

8 Q. And where was the receipt from?

9 A. It was from Allgoods Salvage. It's a place  
10 in Benton County just north of Decatur County.

11 Q. And did you personally do anything then to  
12 try to check out that alibi at Allgoods Salvage?

13 A. Yes, I went and -- I went and spoke to every  
14 employee from Allgoods that was working that day.  
15 None of them could really remember Terry Britt.

16 GENERAL HAGERMAN: I object to the  
17 hearsay.

18 BY MS. THOMPSON:

19 Q. Okay. Would --

20 THE COURT: Sustained.

21 BY MS. THOMPSON:

22 Q. Did anybody -- were you able to find anybody  
23 that could verify that he had been in the store that  
24 day?

25 A. No. They had no surveillance video. They

1       had no receipt that matched the receipt that they had  
2       showed.

3       Q.       Now, explain that about no receipt that  
4       matched. What does that mean?

5       A.       So they have -- they have these old-timey  
6       receipts. Got a stack of them sitting on the desk.

7       Q.       Where does the stack sit?

8       A.       It set right on the desk by the cash register  
9       up front.

10      Q.       Okay.

11      A.       They have these stack of receipts, and  
12      whenever they make a sale, they'll pull off one of  
13      these receipts and write it up as what they've  
14      purchased. They'll undo it, give the -- they give  
15      the customer one copy, and then they'll retain a  
16      copy -- a carbon copy.

17      Q.       Okay. And so what did you ask Allgoods  
18      Salvage to do for you?

19      A.       I asked the accountant for Allgoods -- they  
20      had already turned in the receipt to the accountant,  
21      and I asked them to pull the receipts and find out if  
22      there was a purchase of bathtub on April 13th, 2011,  
23      or any time that week. So they pulled up the whole  
24      week, and there was no receipt to it.

25      Q.       So the carbon copy of the receipt that

1 Terry Britt showed you, that was his alibi for where  
2 he had been that day, it was missing from the store's  
3 copies?

4 A. That's correct.

5 Q. Okay. And did he present you with any other  
6 receipts from that day?

7 A. No -- well, let me -- let me correct you a  
8 little bit there. He didn't present me with any  
9 receipts. We got his receipts out of his safe when I  
10 did a search warrant in January of 2012. So he  
11 didn't actually give me the receipts. I took them.

12 Q. Did they have a lot of receipts in the safe  
13 or just a few?

14 A. There were -- there were several receipts. I  
15 mean, I don't --

16 Q. Were they from different days or just that  
17 day?

18 A. They -- he had -- he had receipts from  
19 different days. There wasn't a whole lot of  
20 receipts, but there were a -- there were a few in  
21 there.

22 Q. Okay. And he had other receipts from that  
23 day also; didn't he?

24 A. Yes.

25 Q. Okay. And what -- do you remember what those

1 other receipts were?

2 A. Yes, he had a -- and this is another part of  
3 his alibi that's fabricated. His story is they got  
4 up, they went to Allgoods Salvage. They looked for  
5 bathtubs. They were worried about the price. So  
6 they decided to go to Buck's Supply -- Buck's  
7 Building Supply in Parsons and check them out there.  
8 So they go to Parsons. They check out the bathtubs  
9 there.

10 Q. Now, was it Parsons Building Supply,  
11 Decaturville?

12 A. Decaturville -- Decaturville Building Supply.  
13 That's right. So they check them out there. Then  
14 they go back to Buck's -- go back to Allgoods and  
15 purchase a bathtub. So they went to Camden twice  
16 that day. That's it. This other receipt was from an  
17 Allgood -- a Discount Bin -- Allgoods Discount  
18 Bargain Bin or something like that, where on that  
19 day, on April 13th, they had purchase some vinyl  
20 remnants. So that would have put it at three times  
21 of going to Benton County. So that was -- when I  
22 interviewed Britt, that was something he just stared  
23 like you got me. He had no answer for this. Because  
24 I said, was that possible? Did you go up there three  
25 times? Have you been lying all this time? No.



1 Well, maybe you had the vinyl remnant in there with  
2 the bathtub? No, there's no way it would have fit.  
3 I was like, okay, thank you.

4 Q. So he denied going to Allgoods Bargain --  
5 Allgoods Discount on the 13th of April?

6 A. That's correct.

7 Q. Although he had a receipt that showed he was  
8 at Allgoods Discount that day?

9 A. That's correct.

10 Q. Okay.

11 A. And he's in Benton County that afternoon  
12 around 2:30 or so buying gas at a gas station in  
13 Benton County.

14 Q. So say that again, please?

15 A. He was in -- well, he -- we have a receipt  
16 from a credit card or debit card where he was in  
17 Benton County around 2:30. His cell phone shows that  
18 it was up there later on that afternoon on the day of  
19 the 13th.

20 Q. Okay. So at that point, what did you do  
21 next?

22 A. At that point -- let's see. I've already --  
23 I've already interviewed Jan's boss. I've already  
24 interviewed the person that had -- that had  
25 supposedly seen them that day on that Wednesday when

1       they came in, the guy that was working there that  
2       they left there. At that point, I began drafting a  
3       wiretap application to wiretap the home and the cars,  
4       cell phones of the Britts, and I also drafted a  
5       search warrant application.

6       Q.       And before we get into that, what about the  
7       voice? Because I heard you say something earlier  
8       about he had a voice that matched. What did you do  
9       to try to identify his voice?

10      A.       Okay. Well, that's -- that's -- that's in  
11      January, okay?

12      Q.       Okay.

13      A.       So we did the search warrant. We did the  
14      wire -- we installed all the wiretap devices January  
15      17th of 2012. Part of a wiretap, what you do is, you  
16      know, you -- you -- you monitor conversations, and  
17      then you need to stimulate it. You need to do  
18      something that gets them talking about you want them  
19      to talk about. So part of that -- part of that  
20      stimulation, January 25 or so I asked to interview  
21      Britt. So I went through -- at that point, recorded  
22      his voice and, you know, went through the whole story  
23      with him that day. He had -- at an attorney's  
24      office. He had hired an attorney, so we were there.

25               And then -- and then after that, I let Clint

1 listen to some audio recordings that had his voice in  
2 it.

3 Q. Okay. And did Clint identify anybody when he  
4 listened to audio recordings?

5 A. Yeah, Clint had trouble distinguishing  
6 between Allen Snelling. If anybody knows him, he's  
7 got a -- you now, he's got a deep voice.

8 Q. Who is Allen Snelling?

9 A. He's a Sergeant with the Savannah Police  
10 Department.

11 Q. And was there any way he was a possible  
12 suspect in the disappearance of Holly Bobo?

13 A. No, he's -- he was at work that day, and he's  
14 about five-eight, 150, 60 pounds.

15 Q. Okay.

16 A. So -- and real short hair, so. So I let  
17 Clint listen to them, and he asked is that -- is that  
18 the same voice, two and five. And five was Britt.  
19 Two was Allen Snelling. And I said, no, it's -- I  
20 can't -- I can't answer that. I just want you to  
21 tell me if you recognize the voice from that morning.  
22 And he says, well, you know, they sound very similar.  
23 I can't distinguish them, but it's the same tone and  
24 the same pitch as what I heard that morning, both  
25 voices.

1           And at that point, the first time I let Clint  
2     listen to it, he kind of leaned more heavily on  
3     Allen Smelling than he did Britt. Well, I came back  
4     after I let him listen to this, because I recorded  
5     Britt saying, you have the right to remain silent,  
6     anything you say can and will be -- you know, the --  
7     basically the Miranda warnings. And then I went  
8     around to several police officers here in Savannah  
9     and said read this for me, I need to have a voice  
10    identification, you know. So that's what I did.

11           Well, the second time I went there, I  
12    recorded a much longer story. So I had  
13    Allen Snelling basically repeat 11 -- 10 or 11  
14    minutes of the story that Terry Britt told --

15           GENERAL HAGERMAN: Your Honor, this is a  
16    very long story for him to tell the story about how  
17    Clint Bobo couldn't identify anybody's voice.

18           THE COURT: Can we shorten this up?

19    BY MS. THOMPSON:

20    Q.       Okay. So the second time you did an extended  
21    voice test?

22    A.       Correct.

23    Q.       Okay. What was the result of the second  
24    test?

25    A.       Okay. Before the second test, I let him

1 listen to the original recording again, and he  
2 leaned -- he was fairly certain that it was Britt,  
3 the voice he heard. He listened to the entire thing,  
4 and he says, yes, I'm not absolutely certain, but  
5 that's -- I believe that's the voice I heard.

6 Q. And did he give you a percentage of  
7 certainty?

8 A. He -- I believe he said it was 80 percent.  
9 He was 80 percent sure. Not absolutely certain.

10 Q. Okay. So then in order to get the wiretap --  
11 now, the wiretap was signed by the court; is that  
12 right?

13 A. Correct.

14 Q. And in order to get the wiretap, you put down  
15 multiple reasons why you had probable cause to  
16 believe that Terry Britt was involved in the  
17 disappearance of Holly Bobo?

18 GENERAL HAGERMAN: I'll object to  
19 hearsay, Judge. We're talking about reasons that are  
20 in a wiretap application. It is plainly hearsay to  
21 say the least.

22 THE COURT: He had to make an affidavit.  
23 You can ask.

24 BY MS. THOMPSON:

25 Q. There was an affidavit that was prepared;

1       wasn't there?

2       A.       Yes, ma'am.

3       Q.       Okay. And the standard to get a wiretap is

4       probable cause; isn't it?

5       A.       Probable cause on steroids is what we say.

6       Q.       Because to get a wiretap you actually have to

7       have a -- you have to show that other efforts were

8       exhausted?

9       A.       That's correct.

10      Q.       Okay.

11      A.       Or either exhausted or would be unfruitful.

12      Q.       Okay. So you filled out a -- or you did the

13      affidavit and the application. What was the result

14      of the wiretap?

15      A.       The result of the wiretap is I found out that

16      Janet Britt was not involved in the kidnapping of

17      Holly Bobo.

18      Q.       Okay. When you did that the wiretap, did

19      you -- was there something that occurred on the

20      wiretap that made you believe that the -- Terry Britt

21      suspected you might be listening to him?

22      A.       Yes, he mentioned in the wiretap off -- the

23      very beginning, watch what you say. I bet -- I bet

24      they're -- they bugged the house or bugged the area.

25      And if I can explain that a little further?

1 Q. Yes.

2 A. Is it okay?

3 GENERAL HAGERMAN: I'm going to -- you  
4 heard Mr. -- he testified to what he heard Mr. Britt  
5 say in the wiretap, and that's not objectionable and  
6 perfectly fine. But as far as getting into opinion  
7 testimony, again, this is what Your Honor's --

8 THE COURT: Okay.

9 GENERAL HAGERMAN: -- already addressed.

10 THE WITNESS: I would simply explain  
11 how -- I was going to explain how he knew that, but  
12 that's all.

13 GENERAL NICHOLS: Did the Judge rule?

14 THE COURT: Said we're not going into any  
15 technical aspect or opinion.

16 GENERAL NICHOLS: Okay.

17 BY MS. THOMPSON:

18 Q. Okay. With the AmPharm video, were you able  
19 to do anything with the AmPharm video that you  
20 matched up pictures that you thought were indicative  
21 of Mr. Britt's activities on the day that Holly Bobo  
22 disappeared?

23 A. Yes.

24 Q. What was that?

25 A. So Britt calls his ex-wife at 12:17. He

1       called his wife at 12:20 or 12:21. So I looked at  
2       the AmPharm video to see if he's coming down south on  
3       641 going towards where she works. And I found a  
4       champagne colored F-150 extended cab coming down the  
5       AmPharm video right about the time -- and I drove  
6       this several times, right, about the drive time it  
7       would have taken to go from his house down to where  
8       that video is -- where the camera is.

9       Q.       Okay. Did you have a reason to believe that  
10       Terry Britt had changed his appearance after it came  
11       out that there was witness to Holly Bobo's  
12       disappearance?

13       A.       Yes.

14       Q.       What was that?

15       A.       So I pulled all of Britt's photos from 34  
16       years going back and he's always had long --

17       Q.       What do you mean his photos?

18       A.       His photographs, every time -- when you're in  
19       prison, they take photographs of you intake and  
20       outtake, and I think they must take them some other  
21       times. But, you know, we have a photograph of him  
22       with long hair, shoulder length hair all these times.  
23       Around the time of the kidnapping according to  
24       several -- three different people, he changed his  
25       appearance by cutting his hair off short. I don't



1 know if it was before the kidnapping or after the  
2 kidnapping, but it was around that time.

3 Q. Okay. And so, also, where is Mr. Britt's  
4 residence located in relationship to where some of  
5 the evidence in this case was discarded?

6 A. It's basically at the geographic center of  
7 it. Northeast -- northeast of Holly's house.  
8 Probably five to eight miles northeast of Holly's  
9 house.

10 Q. Okay. And also, did you have reason to  
11 believe -- or what did your investigation tell you  
12 about Mr. Britt's knowledge of the area where the  
13 items had been thrown out -- where Holly's items had  
14 been thrown out along the road?

15 A. So the Yellow Springs Road where the first  
16 item was thrown out, there used to be a trailer  
17 there. It was a friend of Britt's. They would go  
18 there quite frequently. So right in front of this  
19 trailer is where Holly's first receipt was thrown  
20 out.

21 Q. Okay. And what about Mr. Britt being  
22 familiar with County Corner Road and the area of the  
23 cellular tower where her body was found?

24 A. Yeah, so Britt used to put \$20 in gas in the  
25 car and drive around and drink all day. And that is

1       one of the areas where they would go to quite  
2       frequently. There's no cops there. You never see  
3       a -- you never see a car there. We'd go -- we would  
4       monitor the traffic, and we'd see one or two cars for  
5       an hour and that was -- that was it.

6       Q.       Okay. And did you check in with Mr. Britt's  
7       cohorts?

8       A.       I did.

9       Q.       Okay. And after you did that, what kind of  
10      information did you learn from checking with them?

11              GENERAL HAGERMAN: I object to hearsay.

12              THE COURT: Hearsay.

13              MS. THOMPSON: It's not -- I'm --

14              THE COURT: He can say what he did in  
15      response to information.

16      BY MS. THOMPSON:

17      Q.       Okay. What did you do in response to the  
18      information that you learned from checking with his  
19      companions?

20      A.       Are you referring to Skip and --

21      Q.       Sure.

22      A.       -- Hostetler (phonetic)?

23              I don't know. We just -- we just kept trying  
24      to gather more information. We did -- I did conduct  
25      a specific search at New Prospect Cemetery, which is

1 right up there on the route of where her cell phone  
2 traveled.

3 Q. Okay. At some point did you confront  
4 Terry Britt about stalking these women?

5 A. I did.

6 Q. And what was the result after you confronted  
7 him with that?

8 A. There was probably -- it was a huge mistake  
9 because he confronted -- he threatened two of the  
10 women that he had been stalking after I confronted  
11 him with all the information that I had that he was  
12 stalking other women. I didn't tell him any names or  
13 where they worked or anything, but unfortunately, he  
14 knew who he had been stalking. So he followed one of  
15 them home, stopped in the middle of the road and  
16 stared at her.

17 The other one, we got surveillance video that  
18 he's -- she worked at the RadioShack right beside an  
19 Ace Hardware. They were connected, owned by the same  
20 people, had the same door. So he's in Ace Hardware  
21 staring at her. He goes and buys something for 60  
22 cents then goes back, stares at her again. Yeah,  
23 that was -- that was a huge mistake. I should have  
24 never said that.

25 Q. Okay. At some point then, did you get a

1 search warrant to search his home?

2 A. I did. That was actually before I confronted  
3 him. We did the search warrant before we ever  
4 confronted him.

5 Q. Okay. And so what did you find when you  
6 searched his home?

7 A. All kinds of stuff. I mean, we found -- we  
8 found videos on his computers. We found --

9 Q. So let's talk about the videos on his  
10 computers. Okay. What kind of videos did you find  
11 on his computers?

12 GENERAL HAGERMAN: There's one thing. I  
13 don't believe Mr. Dicus is the agent that extracted  
14 any sort of videos from his computer and from the  
15 computer --

16 THE COURT: Then he won't be giving  
17 testimony.

18 MS. THOMPSON: Well -- but, Your Honor,  
19 it was all part of the case file and he reviewed  
20 these --

21 THE COURT: Doesn't make any difference.  
22 If it's hearsay, it's still hearsay.

23 MS. THOMPSON: Okay. It's coming from  
24 Mr. -- it's not hearsay. It's coming from  
25 Mr. Britt's computer.

1                   GENERAL NICHOLS: That's hearsay.

2                   THE COURT: It's what someone told him

3 was in the computer.

4                   MS. THOMPSON: Okay.

5 BY MS. THOMPSON:

6 Q.           I'd like to pass these images up and have you

7 just identify them as images that you recognized as

8 having come from Mr. Britt's computer.

9                   GENERAL HAGERMAN: And again --

10                  GENERAL NICHOLS: It's the same --

11                  GENERAL HAGERMAN: -- he's going to be

12 relying on information he got from somebody else.

13                  THE COURT: He can ask --

14                  MS. THOMPSON: Well, I want him to

15 identify this.

16                  THE COURT: He can ask -- he can be asked

17 if he recovered these.

18                  MS. THOMPSON: Okay.

19                  THE COURT: If someone else recovered,

20 then it's not competent testimony.

21 BY MS. THOMPSON:

22 Q.           Did you -- did you review a report that was

23 made after the extraction?

24                  GENERAL HAGERMAN: Your Honor, I think

25 you directed her exactly what the question should be,

1       and she didn't ask it. Did you recover these?

2                   THE COURT: Did you recover these images?

3       BY MS. THOMPSON:

4       Q.       Did you recover --

5                   THE COURT: If he didn't, then it's not

6       competent testimony.

7                   MS. THOMPSON: Well, I can't pass him the

8       images yet.

9                   GENERAL NICHOLS: He'll -- he knows

10       whether or not he recovered any images, Your Honor,

11       and he didn't.

12       BY MS. THOMPSON:

13       Q.       Did you recover any images off of the

14       computer?

15       A.       Did I?

16       Q.       Yes.

17       A.       No.

18       Q.       Okay. After -- was there a search done of

19       his computer the same time you searched his house?

20       A.       Yes.

21       Q.       Where this computer was seized?

22       A.       Correct.

23       Q.       Okay.

24       A.       Several computers were seized.

25       Q.       And then they were sent to the lab; is that

1 right?

2 A. That's correct.

3 Q. Okay. And after that came back, did you ever

4 discuss that material with Terry Britt?

5 A. I did.

6 Q. Okay. And did he deny that any of that

7 belonged to him or did he acknowledge it?

8 A. He couldn't stop looking at it.

9 Q. He what?

10 A. He could not stop looking at it.

11 Q. Okay.

12 A. But he did not deny it.

13 Q. Okay. So anyway, you said you found videos

14 on his computer. What else did you find at his

15 house?

16 A. We recovered probably 100 items all together.

17 We found -- we had more dogs there. These dogs were

18 human decomposition dogs. We recovered a shovel, a

19 couple of hammers, and an axe that had been out in

20 one of his storage sheds, and, you know, the dogs

21 alerted to them as being around the scent of human

22 decomposition, and two of his vehicles alerted to

23 that as well. We got the receipts.

24 Q. So now --

25 A. We got cell phones. I mean --

1 Q. Now, I'd like to pass forward to you a  
2 photograph. Now, do you recognize that photograph?

3 A. Yes, ma'am, these are the antique --

4 Q. Antique?

5 A. Correct. Well, that's antique, yeah.

6 Q. So --

7 A. Antique items at the Britt's.

8 MS. THOMPSON: And I'd like to have this  
9 then marked as an exhibit.

10 THE COURT: Be Exhibit 220.

11 (WHEREUPON, the above-mentioned  
12 photograph was marked as Exhibit Number 220.)

13 BY MS. THOMPSON:

14 Q. Now, I'd like to show this to you. Can you  
15 please describe --

16 THE COURT: You're going to have to uncap  
17 us there.

18 BY MS. THOMPSON:

19 Q. Will you please describe for the jury what  
20 these items are? I'm going to zoom in so you can see  
21 some of them a little better. What are these items?

22 A. This is a hammer.

23 Q. Yes.

24 A. Okay. This is a axe. This is a shovel.

25 Q. A shovel.



1       A.       And this is a -- you'll have to forgive me.  
2       I'm not exactly a manly man, but I believe that's --  
3       would be considered a hammer, too.

4       Q.       Okay. And why was it that you were referring  
5       to these as being antiques?

6       A.       Because after we took them, I was constantly  
7       requested to get them back to them because they were  
8       antiques that had been in the family forever.

9       Q.       Did they appear to you to be antiques?

10      A.       Again, I don't know what an antique shovel  
11      looks like. I'm sorry.

12      Q.       Okay. And who was requesting to get it back?

13      A.       Janet Britt.

14      Q.       And did you ever return it to her?

15      A.       I don't remember.

16      Q.       Okay. And I wanted to ask you also, in the  
17      description that you got of the person that possibly  
18      took -- or the description of the person that walked  
19      away with Holly Bobo, was the person compared to  
20      anybody else? Do you remember there being a  
21      comparison?

22      A.       Yes.

23      Q.       From Clint Bobo?

24      A.       Yeah, Clint said that the guy was built just  
25      like his cousin, Richie Pratt. So we carried -- and

1 Holly and Ms. Karen were the same height. So we  
2 carried Ms. Karen and Richie Pratt basically to the  
3 same area that Clint saw. We tried to measure the  
4 height. So Clint's saying the guy is a little bit  
5 shorter than Richie Pratt. So we got -- we did some  
6 surveillance on Terry Britt. We took some picture of  
7 him as he's walking in and out at the News Leader.  
8 And we also had Mr. Richie Pratt walk through at the  
9 same area, and we took pictures of him to compare  
10 side-by-side.

11 Q. Okay. I just passed you two pictures. What  
12 do you recognize these two pictures to be?

13 A. Okay. This is one picture of Terry Britt,  
14 one picture of Richie Pratt taken in the back parking  
15 lot of the News Leader.

16 Q. Okay. And will you hand me the picture of  
17 Richie Pratt first?

18 A. Yes, ma'am.

19 MS. THOMPSON: I would like to have this  
20 marked as an exhibit.

21 THE COURT: 221.

22 MS. THOMPSON: And then my next exhibit  
23 of Terry Britt.

24 THE COURT: 222.

25 (WHEREUPON, the above-mentioned

1        photographs were marked as Exhibit Numbers 221 and  
2        222.)

3        BY MS. THOMPSON:

4        Q.        First I'm going to put up this picture here.  
5        Now, who is this a picture of?

6        A.        That is Mr. Richie Pratt. He is the cousin  
7        of the Bobos.

8        Q.        Okay. And now, who is this a picture of?

9        A.        That is Mr. Terry Lee Britt.

10       Q.        Okay. And just for the record, Terry Britt  
11       is the one that has on the shorts in the picture; is  
12       that right?

13       A.        That's correct.

14       Q.        Okay. Was that another factor that you  
15       looked at when you were considering that Mr. Britt  
16       might be involved in this?

17       A.        Yes.

18       Q.        Did you recover any Xerox copies -- just to  
19       kind of speed things along, did you recover any Xerox  
20       copies at the Britt's home that you found suspicious  
21       or odd?

22       A.        Not that I remember.

23       Q.        How about from a yearbook?

24       A.        From a -- oh, yeah, yeah. Okay. That -- one  
25       of the -- one of the -- the lady that I told you that

1       worked at RadioShack, she -- they had a locked shed  
2       in the back and --

3       Q.       Who's they?

4       A.       Jan and Terry had a locked shed behind their  
5       house, and in this shed in a -- in a carpenter's  
6       binder, you know the one they flip up? In that they  
7       had a picture of this girl highlighted, Nicole -- NA.

8       Q.       Okay. And so this picture that they had of  
9       her, where did it come from?

10      A.       It came from the News Leader where Jan  
11      worked.

12      Q.       And why would her picture have been in the  
13      News Leader?

14      A.       I believe she had gotten a scholarship or  
15      graduated from high school, something like that.

16      Q.       Okay. Did you ever come across a reason why  
17      Holly's photograph would have been in the News  
18      Leader?

19      A.       Yes, when she graduated she was in there,  
20      too. Got a \$500 scholarship for something and made  
21      --

22      Q.       And this person, this NA, that you said her  
23      photograph from her yearbook was Xeroxed, is that the  
24      same way that it appeared in the News Leader, her  
25      yearbook photograph?

1       A.       I believe so.

2       Q.       Okay. And so what -- do you remember what  
3       school she went to in relationship to Holly?

4       A.       I think she went to Riverside, the same  
5       school, or it might have been Scotts Hill.

6       Q.       Okay.

7       A.       It's one of the two.

8       Q.       Okay.

9       A.       There's only two. So I -- it might have been  
10      Scotts Hill.

11      Q.       Okay. Very good.

12      A.       I know the other -- the other lady that I was  
13      talking to you about, she went to the other school.  
14      She went to Riverside. The lady that he followed  
15      home.

16      Q.       And the pink underwear that was found kind of  
17      near Shane Austin's trailer, did you have a working  
18      theory on why that pink underwear was found outside  
19      his trailer?

20              GENERAL HAGERMAN: I'm going to object to  
21      any sort of opinion or theory, Judge.

22              THE COURT: He -- question's all right.  
23      Go.

24      BY MS. THOMPSON:

25      Q.       Did you have a working theory as to why that

1 underwear was found there?

2 A. My theory, after we figured out that it  
3 wasn't Holly's was that someone was cleaning out  
4 their car, and there was another pair of another  
5 woman's underwear in there, and they grabbed them and  
6 threw them out just going down the road. That was my  
7 theory.

8 Q. And was it related at all to the materials  
9 that belonged to Holly?

10 A. No.

11 Q. When you said cleaning out their car, that  
12 means just a litterbug threw them there?

13 A. Yeah. Well -- so the route that Holly's cell  
14 phone probably traveled as best we can tell is  
15 certainly -- when you do the drive times and you do  
16 the cell pings and all this, the route that she  
17 traveled, at around 9:00, she's going down Yellow  
18 Springs -- the abductor is going down Yellow Springs  
19 Road, 9:02, 9:05, he's going down that time. So at  
20 that point, my theory is he was throwing stuff out,  
21 getting ready to go back home or go do --

22 Q. What stuff out?

23 A. He's throwing out her --

24 Q. Who's her?

25 A. Okay. The abductor is throwing out Holly's

1       receipts. He's throwing out the panties that just  
2       happen to be in the vehicle, because they dealt with  
3       another girl. He continues on the route until he  
4       gets to the creek on Gooch Road where he throws out  
5       the majority of the stuff that he doesn't plan on  
6       keeping. He throws out her lunchbox. He throws out  
7       her -- her --

8       Q.       Notebook, does he throw out a note --

9       A.       -- notebooks. Her notebooks. Her -- you  
10      know, throws out all this stuff and, you know, my  
11      theory -- my working theory is at that time, you  
12      know, Holly was dead.

13      Q.       Okay. And so why is it that you thought that  
14      by the time the abductor threw out the lunchbox,  
15      Holly would have been dead?

16               GENERAL HAGERMAN: I'm going to object to  
17      his opinion. I think we've spent way too much time  
18      talking about theories and opinions.

19               THE COURT: No. Objection sustained.  
20      Anybody in the world can have a theory or speculate,  
21      okay?

22               MS. THOMPSON: I know, but he's the lead  
23      agent on the case, Your Honor, directing the  
24      investigation and his --

25               THE COURT: Enough.

1 BY MS. THOMPSON:

2 Q. Okay. About the palm print that was found on

3 the Mustang, did you-all test Terry Britt's

4 palmprint?

5 A. I don't remember that. I thought we did. I

6 thought we did. Maybe we didn't. I --

7 Q. He was not excluded; was he?

8 A. That's right. He was not excluded as -- but

9 he wasn't -- they didn't say it was his, but they --

10 you know, they said -- they couldn't say that it

11 might have been.

12 Q. Also, did you find any connection between

13 Zach Adams and Clint Bobo --

14 A. No.

15 Q. -- in your investigation?

16 A. None.

17 Q. Did you find any evidence at all that led you

18 to believe that Zach Adams and Clint Bobo had been

19 meth buddies?

20 A. That's ridiculous, no.

21 Q. Why would that be ridiculous?

22 GENERAL HAGERMAN: Objection to his

23 opinions and his theories again, Judge.

24 BY MS. THOMPSON:

25 Q. What evidence --



1 THE COURT: Go ahead and answer.

2 THE WITNESS: We talked to everybody that  
3 Clint Bobo knows, everybody that Holly Bobo knows,  
4 Ms. Karen, Dana, everybody, and the information we  
5 had on drug use from the Bobos was simply that  
6 Clint had smoked marijuana three times in his life.  
7 The last time in 2008.

8 THE COURT: I think we're getting far  
9 astray.

10 THE WITNESS: Okay.

11 BY MS. THOMPSON:

12 Q. So there was no evidence, though, that he had  
13 been involved in drugs?

14 A. Not one person told us that.

15 Q. And did you know what his current job was in  
16 the spring of 2011?

17 A. He worked -- he worked for a nursing home  
18 company that had several different nursing homes, and  
19 he was a counselor. So he would go in and work at  
20 one nursing home one day and then go to a different  
21 one on a different day.

22 Q. And so do you know whether or not he was drug  
23 tested in relation to that job?

24 A. I don't.

25 Q. Okay. What about Natalie Bobo and

1 Zach Adams, did you find any connection between those  
2 two in your investigation?

3 A. I believe there was a connection between  
4 Natalie -- I believe there was a connection between  
5 Natalie and Zach, or we had information there was.

6 Q. Okay.

7 A. That at one point in time they had had a  
8 relationship.

9 Q. But did -- when you investigated that, did it  
10 lead to anything? Did you ever uncover any evidence  
11 that there was, in fact, a relationship?

12 GENERAL HAGERMAN: He just said yes. He  
13 just said yes to that question.

14 MS. THOMPSON: Well, he said -- I think  
15 he said that they -- he got tips, right?

16 GENERAL NICHOLS: He didn't say that.

17 MS. THOMPSON: He said --

18 THE COURT: Said they had information.

19 BY MS. THOMPSON:

20 Q. Okay. Did you check out that information and  
21 did it turn out to be accurate?

22 A. Well, the only way we can check that out is  
23 by looking at their cell phone and see if they talk,  
24 okay? Looking at -- asking them, hey, have you had  
25 something to do with him.

1 Q. And did you find any records on their cell  
2 phone that they had been talking with one another?  
3 A. Not that I recall.  
4 Q. Okay. And matter of fact, did you  
5 investigate Natalie Bobo with regard to the  
6 disappearance?  
7 A. No.  
8 Q. Well, did you do a preliminary investigation  
9 of her?  
10 A. We interviewed her. We checked out, you  
11 know, other people that --  
12 Q. So she was ruled out as a suspect?  
13 A. We have a witness that said it was a man.  
14 What do you --  
15 Q. Okay.  
16 A. -- what do you want me to tell you? I  
17 mean --  
18 Q. Okay. I just --  
19 A. -- she was ruled out as a suspect, yes.  
20 Q. Okay. Just wanted to confirm.  
21 A. In reality she was ruled out as a suspect.  
22 Q. Okay. Very good.  
23 MS. THOMPSON: If I can have a minute,  
24 Your Honor.  
25 BY MS. THOMPSON:

1 Q. And are you familiar with people that are  
2 chronic meth users? You've come into contact with  
3 them; haven't you?

4 A. Unfortunately, yes.

5 Q. And people that are chronic meth users, have  
6 you ever heard the term meth bugs? What is meth  
7 bugs?

8 A. So it's actually not bugs. It's a -- it's a  
9 phenomenon. There's a chemical in meth that makes  
10 people's parts of their body dehydrate. So when they  
11 dehydrate it looks like a -- it looks like -- first  
12 it looks kind of like a pimple. But --

13 Q. Like a what?

14 A. A pimple.

15 Q. Okay.

16 A. A zit. And then it feels like -- it feels  
17 like it itches. Feels like something's crawling is  
18 my education and information. I've never experienced  
19 this, but it feels like a -- mites. They call it  
20 mites. So they scratch it. They scratch that area  
21 where they're -- where they're itching, and, you  
22 know, it's usually on the face. If y'all have ever  
23 seen the before and after pictures of meth heads,  
24 yeah, that's a lot of what you see on their face is  
25 this thing called formication. And it's basically a

1       dehydrating of an area of their body --

2       Q.       Okay.  And --

3       A.       -- which causes it to itch.

4       Q.       And people that are on meth, do they tend to

5       pick at their scabs and things?

6       A.       Yes.

7       Q.       And why is that?

8       A.       Because their skin feels like it's crawling.

9       It just feels like it's crawling.  And there's

10       actually some people that will pick at it and eat the

11       scab, because that chemical is in the scab.

12       Q.       What chemical?

13       A.       I don't know the -- I don't know the

14       chemical, but it's one of the -- it's whatever gets

15       you high from the meth.  So it's there, right there,

16       at that sore.  They pick it and eat it, and they get

17       a little bit of high out of it.

18       Q.       So you're saying it's almost like there's a

19       little meth in the scab that they eat and get high

20       from?

21       A.       Well, not all of them, but there are people

22       that do that, yeah.

23       Q.       Okay.  And I wanted to pass up some

24       photographs to you.  You testified that you had

25       pulled --

1                   GENERAL HAGERMAN: Your Honor, these  
2 are -- these are old booking photographs of --  
3                   GENERAL NICHOLS: From the 80s and 90s.  
4                   GENERAL HAGERMAN: -- Terry Britt from  
5 the 80s and the 90s just like she tried before of an  
6 old booking photo of Jason Autry. Had absolutely no  
7 relevance at all.  
8                   MS. THOMPSON: He specifically said that  
9 he pulled old photos from 30 years. I want to pass  
10 these --  
11                  THE COURT: Concerning the change in  
12 appearance?  
13                  MS. THOMPSON: Yes.  
14                  THE COURT: Are we getting close to  
15 concluding?  
16                  MS. THOMPSON: Yes, Your Honor.  
17                  THE COURT: Okay.  
18 BY MS. THOMPSON:  
19 Q.           So I'd like to pass -- and there's one more.  
20 I'd like to pass these photographs up to you.  
21                  GENERAL NICHOLS: Yeah, this has got a  
22 report.  
23 BY MS. THOMPSON:  
24 Q.           I'd like to pass these photographs up to you.  
25 See if these are, in fact, the booking photographs

1       that you were talking about that you reviewed  
2       regarding change in his appearance. Just one more.

3               GENERAL NICHOLS: I'm sorry --

4               GENERAL HAGERMAN: The last one isn't  
5       even a -- it's a -- it's a small picture on a booking  
6       report.

7               GENERAL NICHOLS: It's not a booking  
8       photo.

9               GENERAL HAGERMAN: Talking about  
10       something from 10 years, 15 years.

11       BY MS. THOMPSON:

12       Q.       And I'm going to pass a tee-tiny little  
13       picture that I've torn off of the report. Are these  
14       the pictures that you reviewed to see that he had had  
15       a change in appearance?

16       A.       Yes, ma'am.

17               GENERAL NICHOLS: So I understand the  
18       question, change in appearance from the 80s, that's  
19       what you were looking at?

20               THE COURT: That's all right. Collective  
21       Exhibit 223. Move on.

22               (WHEREUPON, the above-mentioned  
23       photographs were marked as Collective Exhibit Number  
24       223.)

25       MS. THOMPSON: No further questions, Your

1 Honor.

2 THE COURT: All right. Let's take a  
3 recess. Follow the admonitions I gave you at the  
4 outset. We'll take 15 minutes.

5 (WHEREUPON, the jury left the courtroom,  
6 after which the following proceedings were had:)

7 MS. THOMPSON: Your Honor, can we just  
8 make clear on the record how many of those -- how  
9 many photographs were in that collective exhibit?

10 THE COURT: There's how many regular size  
11 and one tee-tiny, is that what you called it?

12 MS. THOMPSON: Yes.

13 MR. GONZALEZ: Five large and one teeny  
14 tiny.

15 THE COURT: All right. Tee-tiny is what  
16 she said.

17 MR. GONZALEZ: Tee-tiny.

18 THE COURT: You said teeny tiny.

19 GENERAL RAGLAND: That was 223?

20 THE COURT: A little photo. That's 223  
21 collective.

22 (Short break.)

23 THE COURT: I've sent for the jury.  
24 Rise, please.

25 (WHEREUPON, the jury returned to the



1       courtroom, after which the following proceedings were  
2       had:)

3                       (End of Volume XIII.)  
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