

W2020-01208-CCA-R3-CO

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----  
4 STATE OF TENNESSEE,

5 Plaintiff,

6 vs.

Case No. 17-CR-10

7 ZACHARY ADAMS,

8 Defendant.  
9 -----

10 -----  
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME XIV OF XVII  
14 -----

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

21 FILED 3<sup>rd</sup> DAY OF NOV 2020 11<sup>30</sup> AM  
22 BY Shana Poon DUG  
23 -----

24 Reported by:  
25 ERIN ANGEL  
Court Reporter

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

**FOR THE STATE:**

Ms. Jennifer Nichols, Mr. Paul Hagerman,  
Mr. Eric Christensen, Mr. Stephen Ragland  
Assistant Attorneys General  
201 Poplar Avenue, Third Floor  
Memphis, Tennessee 38103

**FOR THE DEFENDANT, ZACHARY ADAMS:**

Ms. Jennifer Thompson  
Attorney at Law  
Jennifer Lynn Thompson Firm  
810 Broadway, Suite 305  
Nashville, Tennessee 37203

Mr. James Simmons  
Attorney at Law  
Hazel Path Mansion  
105 Hazel Path  
Hendersonville, Tennessee 37075

Mr. Jerry Gonzalez  
Attorney at Law  
2441 Old Fort Parkway  
Murfreesboro, Tennessee 37128

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1 VOLUME XIV

2 DAY 9

3 TUESDAY, SEPTEMBER 19, 2017

4  
5 THE COURT: Be seated, please.

6 Ms. Thompson, you passed the witness, correct?

7 MS. THOMPSON: Yes, Your Honor.

8 THE COURT: All right.

9 Cross-examination.

10  
11 CROSS-EXAMINATION

12 QUESTIONS BY GENERAL HAGERMAN:

13 Q. Mr. Dicus, you've been up there for a little  
14 while.

15 A. Yes, sir.

16 Q. Okay. We're going to start where you started  
17 with your testimony, okay?

18 A. Okay.

19 Q. Shane's trailer two or three days after she  
20 was taken. That's where you started, right, with the  
21 testimony?

22 A. Yes. Yes, sir. That was -- that was where  
23 we started, correct.

24 Q. Shane's trailer that was about 75 yards from  
25 papers of Holly's that had been found on Yellow

1       Springs?

2                   THE COURT:  Wait just a second.  Pass

3       these over if they need some more, too.

4                   THE DEPUTY:  Yes, sir.

5       BY GENERAL HAGERMAN:

6       Q.       Is that correct?

7       A.       I don't know the distance, but I would --

8       it's about right.  That's pretty close.

9       Q.       Pretty close?

10      A.       Yes, sir.

11      Q.       So you did what you should?  You sent agents

12      there to talk to him and see what they could see; is

13      that correct?

14      A.       Yes, sir.

15      Q.       Were you aware that they found drugs and a

16      kit to inject drugs hidden up in the tall area of the

17      house -- of the trailer?

18      A.       I don't remember that per se.  Very well

19      could have been.

20      Q.       Were you aware that they found all sorts of

21      holes and stuff that had been dug in the backyard

22      behind the house for hiding places and stuff?

23      A.       Yes, sir, I remember that.

24      Q.       Were you aware that they saw a burn barrel

25      that they looked at?

1       A.       I don't recall that.  Maybe.  Perhaps.  
2       Again, it's tough to tell you what somebody else saw.  
3       Q.       Were you aware that they saw a vehicle?  
4       A.       His S-10 pickup?  Yes, in the back.  
5       Q.       S-10 pickup?  
6       A.       Correct.  
7       Q.       And you were aware that they found a sock  
8       that had some sort of biological material?  
9       A.       Yes, sir.  
10      Q.       Right?  
11      A.       Yes, sir.  
12      Q.       And I took from your testimony that Shane  
13      said he had been masturbating into the sock; is that  
14      right?  
15      A.       Well, that's what --  
16               MS. THOMPSON:  Your Honor, I'm going to  
17      object to any kind of hearsay if he doesn't know what  
18      Shane Austin said.  
19               THE COURT:  Sustained.  This is precisely  
20      what we objected to earlier.  
21      BY GENERAL HAGERMAN:  
22      Q.       I took from your testimony that whatever  
23      Shane Austin said, the agents and you accepted it?  
24      A.       I believe that would be accurate, yes, sir.  
25      Q.       And so it wasn't collected?

1       A.       No, it was -- I don't believe it was  
2       collected, no, sir.

3       Q.       So you didn't test it?

4       A.       No, sir.

5       Q.       Instead you took Shane Austin's word for it?

6       A.       Well, among other things.

7       Q.       Is it smart to take the word of somebody  
8       who's living in a trailer with drugs hidden, with  
9       hiding holes about 75 yards from where her property  
10      was taken?

11      A.       It would not be if we didn't have a witness  
12      that can describe the abductor, so.

13      Q.       Well, we'll get there --

14      A.       Okay.

15      Q.       -- eventually. But right then don't you  
16      think we should have gotten that, looking back in  
17      retrospect?

18      A.       In retrospect, I can say that the officers  
19      that went there are the best in the world, and they  
20      did what they thought they needed to do at the time.  
21      And I'm not going to look back and say they should  
22      have done this or that.

23      Q.       Okay.

24      A.       They did what they should have done.

25      Q.       It wasn't collected, and it wasn't tested,



1 correct?

2 A. I believe that's correct.

3 Q. And every time thereafter when the officers  
4 went to Mr. Austin's trailer, that sock was no where  
5 to be found, correct?

6 MS. THOMPSON: Objection if he knows,  
7 Your Honor.

8 GENERAL HAGERMAN: He's the case officer  
9 back then, Judge.

10 THE COURT: Go ahead.

11 THE WITNESS: Well, hopefully he cleaned  
12 it. I don't know.

13 BY GENERAL HAGERMAN:

14 Q. You don't know what he did with it?

15 A. Yeah, it wasn't there the one time I went to  
16 Shane Austin's trailer.

17 Q. It wasn't around to be collected and tested  
18 anymore, correct?

19 A. I didn't see it.

20 Q. Correct. From Shane Austin's trailer, we  
21 then began talking about a litany of names, okay?

22 A. Yes, sir.

23 Q. I heard numerous names. I heard  
24 James Barnes. I heard Keith Clark. I heard  
25 Jason Nichol. I heard Jonathan Dye. I heard

1 Jerry Evans. I heard name after name after name,  
2 correct?

3 A. Yes, sir.

4 Q. And you looked into those people, correct?

5 A. Yes, sir, I did.

6 Q. And time and time again they were excluded,  
7 excluded, excluded, excluded?

8 A. Yes, sir.

9 Q. Correct?

10 A. Yes, sir, to the best we could at any  
11 particular time.

12 Q. But yet for some reason we talked about them  
13 today?

14 A. Correct.

15 Q. But there was nothing there?

16 A. Correct.

17 Q. And then we jumped to Mr. Adams to Mr. Austin  
18 to Mr. Dylan Adams and to Mr. Jason Autry, correct?

19 A. Yes, sir.

20 Q. Names that had come up, correct?

21 A. Yes, sir.

22 Q. Early on?

23 A. That's right.

24 Q. Names that had kept on coming up in the  
25 investigation?

1       A.       Yes, sir.

2       Q.       And if I understood you right, you went to  
3       these people to try to establish their whereabouts  
4       that day, correct?

5       A.       (Nodded head affirmatively.) That's correct.  
6       I went back and doubled up on what everybody else had  
7       done and told me starting around July the first --  
8       the first time I met them.

9       Q.       Because that's important?

10      A.       Yes, sir.

11      Q.       These guy whose names keep coming up, one of  
12      them who lives right next to her property that's been  
13      found in that suspicious trailer with all that stuff,  
14      we need to establish where these people were that  
15      day, correct?

16      A.       We needed to establish where they were from  
17      7:45 to 9:40 a.m.

18      Q.       In your mind, 7:45, the time she was  
19      abducted?

20      A.       Yes, sir.

21      Q.       To the time that you think the phone was  
22      discarded?

23      A.       The phone was disconnected. It wasn't  
24      discarded until later on that day.

25      Q.       Okay. So until the time the phone stops?

1 A. Correct. Until the battery was taken out.  
2 Q. The time she's taken then follows the cell  
3 phone pings?  
4 A. Correct.  
5 Q. To the time that's over?  
6 A. Yes, sir.  
7 Q. And their whereabouts that day, they said  
8 they were with each other except for Jason Autry,  
9 right?  
10 A. Yes, sir.  
11 Q. So your -- three of your suspects whose names  
12 kept on coming up, coming up, coming up, said they  
13 were all with each other?  
14 A. Yes, sir.  
15 Q. Right?  
16 A. Correct.  
17 Q. You opined about somebody else's alibi  
18 before. You said it was like garbage?  
19 A. Yes, sir.  
20 Q. You have three suspects whose names keep on  
21 coming up, and they're trying to alibi each other; is  
22 that right?  
23 A. Yes, sir.  
24 Q. Except Mr. Autry, right?  
25 A. Right. He got up with them later on that day

1 I believe.

2 Q. Mr. Autry tells you he gets with them later,  
3 correct?

4 A. Yes.

5 Q. But at the critical time, he gives you  
6 another alibi, right?

7 A. Yes, that's correct.

8 Q. About working on a farm?

9 A. Correct.

10 Q. Correct?

11 A. Yes, sir.

12 Q. With a coworker there, too, correct?

13 A. Yes. I believe he said he was working with a  
14 Douglas guy.

15 Q. Did you check that out?

16 THE COURT: Wait. Wait. He was working  
17 with what? Somebody coughed.

18 THE WITNESS: OJ or Mike Douglas. One of  
19 those.

20 THE COURT: Okay.

21 THE WITNESS: Some Douglas man I believe.

22 BY GENERAL HAGERMAN:

23 Q. In fact, it was Mr. Douglas' farm and working  
24 with another man?

25 A. Right.

1 Q. We're talking about the same people, right?

2 A. Correct.

3 Q. And when you checked that the first time, did

4 that check out?

5 A. Yes.

6 Q. But it didn't stop there; did it?

7 A. What do you mean?

8 Q. I mean you got information after that; didn't

9 you?

10 A. Yes.

11 Q. And the information after that was that, no,

12 I was wrong, he wasn't at my farm this morning, you

13 need to look at him, correct?

14 A. Yes.

15 Q. So you have three people, Shane, Dylan, and

16 Zach, alibiing each other --

17 A. Yes, sir.

18 Q. -- that day, and then you have Jason Autry,

19 alibi not checking out at all, correct?

20 A. I wouldn't say that. Jason Autry, at one

21 point, he's north of the interstate calling

22 Lisa Autry or Angela Scott, one of his

23 ex-girlfriends. So his phone record showed that he

24 was at a different part other than where Holly was.

25 And on top of that --

1 Q. Let's take one at a time.

2 A. -- Jason Autry is huge.

3 Q. You remember -- remember what you were about

4 to say. Okay.

5 A. Okay. All right.

6 Q. Let's take these -- I want to help you.

7 MS. THOMPSON: Your Honor, can he just

8 finish his answer first?

9 GENERAL HAGERMAN: I mean, I wanted to

10 come back to it. If I could take it in pieces, I

11 think it would be easier.

12 BY GENERAL HAGERMAN:

13 Q. Even though these farmers had told you, no,

14 he wasn't with us, you said that you have his cell

15 phone north of the interstate that morning, correct?

16 A. Yes, sir.

17 Q. Talking to, as you remember it, either his

18 wife or his girlfriend, Angela Scott?

19 A. Right.

20 Q. Correct?

21 A. Yes, sir. That's right.

22 Q. And you're right about that. At 6:50 in the

23 morning, okay, he is up in Camden north of the

24 interstate --

25 A. Okay.

1 Q. -- leaving his girlfriend's house, okay?

2 A. Okay.

3 Q. So think about this.

4 A. Okay. I'm with you. All right.

5 Q. Are crimes always committed by one person?

6 A. Sexual crimes are invariably committed by one

7 person. Sexual predators work alone.

8 Q. So that was an assumption that you were

9 making back then, correct?

10 A. Yes. That --

11 Q. This was a sexual abduction, whatever you

12 want to call it, right?

13 A. Well, when you rule out all the other motives

14 for a kidnapping, you are left with sexual -- an

15 abduction for sexual purposes, and sexual predators

16 invariably work alone.

17 Q. And as I -- I think I understand what you're

18 saying.

19 A. Okay.

20 Q. I think the answer to that is yes, it was an

21 assumption that you were making?

22 A. It was an assumption that the Behavioral

23 Analysis Unit --

24 Q. Based on --

25 A. -- told us to make.



1 Q. This assumption --

2 A. Based on research of all the crimes that they

3 look at over and over again of these sexual crimes,

4 they tell us rule out -- don't even consider looking

5 at two people. Don't even look at it. Look at one

6 person. It happened from one person.

7 Q. And is that assumption -- is that assumption

8 back then what led you to ignore these alibis between

9 Dylan and Zach and Shane about being with each other,

10 about Jason's alibi not checking out? I mean, is

11 what happened? Is that why you ignored that?

12 A. I didn't ignore it, sir. I didn't ignore it

13 at all. But I've got eyes, and I looked at

14 Jason Autry. Okay. If Clint Bobo is lying about

15 what the abductor looked like, then I don't know who

16 did it, okay? We'll never know. But if he's tell

17 the truth, it was not Jason Autry. You can go

18 through that as much as you want to --

19 Q. And that's --

20 A. -- but it always comes back that.

21 Q. It's the same assumption that one man did it.

22 What it always comes back to, what you just talked

23 about, the person that took her into the woods

24 doesn't fit the description of Jason Autry?

25 A. It doesn't.

1 Q. Doesn't fit the description of Zach Adams?

2 A. It doesn't.

3 Q. But you know what? Do you know who

4 Clint Bobo said it fit the description of?

5 Shane Austin.

6 A. Okay. And if Shane Austin had a car at the  
7 time --

8 MS. THOMPSON: Objection, Your Honor.

9 That's not a question.

10 BY GENERAL HAGERMAN:

11 Q. If Shane Austin had a car at the time? Well,  
12 he did. But do you know what Zach had at the time?

13 MS. THOMPSON: Your Honor, can he please  
14 ask questions? He's not asking questions.

15 THE COURT: He just did. He said --

16 BY GENERAL HAGERMAN:

17 Q. Do you know what --

18 THE COURT: -- do you know what kind of  
19 car Zach Adams had at the time.

20 BY GENERAL HAGERMAN:

21 Q. -- Zach had at the time?

22 MS. THOMPSON: I misunderstood. Sorry.

23 THE WITNESS: Zach had a -- I believe it  
24 was supposed to be tore up, but he had a white Nissan  
25 pickup at the time.

1 BY GENERAL HAGERMAN:

2 Q. Supposed to be tore up?

3 A. Right.

4 Q. He actually had two trucks. He had a black

5 one and a white one. Do you remember that or not?

6 A. Well, there was one lead that came in that

7 Jason Autry and Zach Adams were fishing one day,

8 pulling a boat with a black truck. So I would assume

9 you might be right there.

10 Q. So two trucks?

11 A. Okay.

12 Q. Including the white one that you said was

13 supposed to be tore up?

14 A. Right.

15 Q. Would it surprise you to turn learn that

16 Zach Adams told investigators that around that time,

17 he was driving that white truck?

18 A. Nothing would surprise me at this point.

19 Q. Exactly. Because we sit here in 2017 knowing

20 a lot more about this case. You stopped on this case

21 in 2013?

22 A. Correct.

23 Q. Correct?

24 A. Yes, sir.

25 Q. Your testimony has been almost a trip into

1 the past, into the first two or three years of this  
2 investigation. But you can't tell us anything about  
3 the three and four years after that?

4 A. You're right. I don't know what y'all have  
5 done since then. What the State's done since then.

6 Q. That he was driving a white truck? That's  
7 very interesting; isn't it?

8 MS. THOMPSON: Your Honor, I object to  
9 this. The prosecution --

10 THE COURT: That was a statement. Ask a  
11 question.

12 MS. THOMPSON: Well, but also the  
13 prosecutor is putting into evidence that Zach Adams  
14 admitted at some point he was driving a white truck.  
15 I don't think that's accurate, Your Honor. I do not  
16 believe it's accurate that he ever said on that day  
17 he was driving a white truck.

18 THE COURT: The jury can go by what the  
19 evidence is, okay? Go.

20 BY GENERAL HAGERMAN:

21 Q. Zach Adams driving a white truck, is that  
22 interesting?

23 A. Is it interesting? Yeah, it could be.

24 Q. Were you aware that Mr. John Babb saw a white  
25 truck leaving the scene fast that morning?

1 A. Yes, sir.

2 Q. Were you aware that Natalie Bobo had seen  
3 Zach's truck driving by her and Holly?

4 A. No, I wasn't aware of that. Or I don't  
5 remember it if I was aware of it at the time. I  
6 remember John Babb, though.

7 Q. But you assume his truck was tore up,  
8 correct?

9 A. The information I had was his truck was tore  
10 up, and I had no reason to doubt it. I don't know if  
11 it was or not, but I didn't meet him until July.

12 Q. Let me correct you a little bit. You said  
13 you had no reason to doubt it. You mean you had no  
14 reason because your involvement stopped in 2013 --

15 A. Correct. Correct. I had no --

16 Q. -- is that correct?

17 A. I had no reason then to doubt what I had  
18 heard.

19 Q. You showed a picture and there was a picture  
20 from that AmPharm video, right?

21 A. Yes, sir.

22 Q. That's on the way to Parsons?

23 A. It is.

24 Q. That's from a time that's well after the  
25 critical time?

1       A.       Yeah.  Yes, sir.

2       Q.       I believe you said about 9:25 or -45,  
3       whatever it is, that --

4       A.       Yeah.  I believe the one that Ms. Thompson  
5       was saying that might have been hers, was around  
6       11:00.

7       Q.       Is that --

8       A.       Or after 11:00.

9       Q.       The critical time period you were talking  
10      about, though, ended around 9:30 or 9:45 when the  
11      phone was gone, right?

12     A.       Yes, sir.  9:40.

13     Q.       And this is picture is from at least an hour  
14      and 15 or hour and 20, whatever, it is --

15     A.       Right.

16     Q.       -- minutes later, right?

17     A.       Right.

18     Q.       And it's a dark truck, you can see in the  
19      distance, just like you can?  You spent hours looking  
20      at this AmPharm video?

21     A.       Yeah.  And you can -- all you can tell is  
22      it's a dark truck, you know.

23     Q.       You don't whose truck it is?

24     A.       Correct.

25     Q.       Could be my truck, right?

1       A.       Where were you at that day?

2       Q.       Exactly.

3       A.       Just kidding.

4       Q.       Could be my truck, correct?

5       A.       Right.

6       Q.       Could be anybody's truck, correct?

7       A.       Well, not anybody. It wasn't mine. But just

8       about anybody else I guess I would...

9       Q.       Anybody's truck, including Dylan Adams'

10       truck? Were you aware he had a dark pickup truck?

11       A.       Yes, that's what -- the information we had

12       was they were in Dylan's truck that day.

13       Q.       Dylan Adams' pickup truck headed south,

14       correct?

15       A.       Yes.

16       Q.       Dylan Adams' pickup truck headed south, he

17       would have gone by the area where some of that

18       property was found, right?

19       A.       Yes, where her cell phone was thrown out.

20       Q.       That morning?

21       A.       It was thrown -- I believe it was thrown out

22       that morning. It could have been thrown out up to

23       maybe 10 or 11 days after it, because it wasn't found

24       until around the 24th.

25       Q.       They alibied each other?

1       A.       Yes, sir.

2       Q.       This white truck is interesting. But Zach

3       never told you he went to the river that morning; did

4       he?

5       A.       Zach? No, he did not.

6       Q.       No. And Jason never told you he went to the

7       river that morning; did he?

8       A.       As best I can remember, both of them said

9       they met up at Victor Dinsmore's house. Victor was

10      doing some work for Dottie that owns Dottie's Marine.

11      He was building a garage or something. They met up

12      there. Shane and Zach got into a fight, but then

13      they -- after the words, they went to a bar and --

14      well, they went and got some drugs, and then they

15      went to a bar and played cards until 10:00 that

16      night.

17      Q.       And the day ended, right?

18      A.       Right.

19      Q.       At that point it ended?

20      A.       Well --

21      Q.       Whatever it is, the day ended?

22      A.       Mr. Austin told me his mom came and got him.

23      So that was the end of his.

24      Q.       So let's go back. I want to talk about

25      something you just said.



1       A.       Okay.

2       Q.       But I think you misheard my question.

3       A.       Okay. I'm sorry.

4       Q.       Did either Zach or Jason tell you that they

5       went to the river that morning?

6       A.       No, absolutely not.

7       Q.       Absolutely not?

8       A.       Right.

9       Q.       But Zach did say the day ended sort of like

10      you described it, correct?

11      A.       Yes.

12      Q.       Did he not tell you that the police had to

13      come to his house that night?

14      A.       Who? Which one?

15      Q.       Zach?

16      A.       Did Zach tell --

17               MS. THOMPSON: Objection, Your Honor. I

18      think Mr. Dicus testified that it was Shane Austin

19      that told him he went to play cards not Mr. Adams. I

20      think it --

21               THE COURT: He can ask the question.

22      BY GENERAL HAGERMAN:

23      Q.       Did Zach Adams tell you the police had to

24      come to his house that night?

25      A.       If he did, I didn't -- I don't recall it.

1 Q. Did he tell you that he was trying to get  
2 guns that night?

3 A. No.

4 Q. Did he tell you that he was all emotional and  
5 crazy that night?

6 MS. THOMPSON: Objection, Your Honor.  
7 That's some type of conclusion that the District  
8 Attorney is drawing.

9 THE COURT: He's just saying did Zach  
10 tell him that.

11 BY GENERAL HAGERMAN:

12 Q. No?

13 A. No, sir.

14 Q. That would be interesting?

15 A. Interesting, yes, sir. A couple of things  
16 you said would be interesting.

17 Q. But as we said, because we sit here in 2017,  
18 you stopped looking at them?

19 A. I looked at Zach personally a total of two or  
20 three times. So whenever that was over -- whenever  
21 the last one was over with, I stopped looking at  
22 them.

23 Q. You stopped looking at them even though that  
24 property had been found close to Shane's?

25 A. Correct.

1 Q. You stopped looking at them even though  
2 Warren Rainey had seen what he saw, Zach running  
3 around, acting however you want to call it, correct?

4 A. Yes, sir.

5 Q. You stopped looking at them even though their  
6 alibis were with each other, right?

7 A. Yes, sir.

8 Q. You stopped looking at them even though  
9 Jason Autry's alibi was, I think your word earlier  
10 for Mr. Britt's, garbage?

11 A. Well, if you've got phone records saying he  
12 had called at 6:50, and what I remember when I had --  
13 when I had Mr. Kevin Helms with Shelby County  
14 Sheriff's Department check out their phone records,  
15 what he told me is that they're not -- you know, it's  
16 not consistent with Holly's phone records. That's  
17 what I recall. If that's wrong, then so be it. But  
18 that's what I -- that's what I remember about  
19 checking out the phones.

20 Q. And at that time, as you explained to us,  
21 you're making an assumption based on things you've  
22 been told and experts or whatever, you're making an  
23 assumption that one person committed this crime?

24 A. Well, I would prefer you call it a logical  
25 conclusion.

1 Q. Very good.

2 A. Okay.

3 Q. You're making a logical conclusion at that  
4 point, and you don't have to put an exact date on it,  
5 but 2011 or 2012 that one person committed this  
6 crime?

7 A. Yes, sir.

8 Q. Correct?

9 A. Yes, sir.

10 Q. So if Jason Autry's phone started off in  
11 Camden, well, he must not have done it, correct?

12 A. That's not the only thing, but yes.

13 Q. You see what I'm saying?

14 A. Yeah, right, right. I agree with that.

15 Q. You didn't account for that time -- and this  
16 is hindsight. I'm not -- you're not on trial.

17 A. No, I understand.

18 Q. Okay? This is hindsight. This is 2017, all  
19 right? You didn't account for the fact that more  
20 than one person could have been involved?

21 A. I don't -- I wouldn't --

22 Q. Correct?

23 A. -- say that I didn't account for that.  
24 That's --

25 Q. Okay. Well --

1       A.       I mean --

2       Q.       -- if Jason -- if you stopped looking, if one

3       of the reasons that you stopped looking at Jason is

4       that he started out in Camden, but what if she was

5       abducted by Zach and Shane, and Jason met them later

6       that morning? You see what I'm saying? Like, if

7       more than one person had committed this crime, there

8       would be different dynamics going on, correct? I

9       mean --

10      A.       I don't know that I agree with that, because

11      there's a dynamic of the reward going on. You know?

12      And --

13      Q.       Now, that doesn't have anything to do with --

14      you mentioned Jason's phone records start out in

15      Camden?

16      A.       Right.

17      Q.       So I'm like, well, that doesn't fit --

18      A.       Okay.

19      Q.       -- okay?

20              And the behavioral scientist or whoever it

21      was gave you information that caused you to make a

22      logical conclusion that one person committed this

23      type of crime, okay?

24      A.       Okay.

25      Q.       So based on those phone records and him being

1 in Camden, that told you something, right?

2 A. Right.

3 Q. But the problem is, if this crime is

4 committed by more people, if Jason committed this

5 crime but somebody else abducted her, if he came to

6 them later on, then the information you had back then

7 didn't tell you anything, right?

8 MS. THOMPSON: Is that a question, Your

9 Honor?

10 BY GENERAL HAGERMAN:

11 Q. Didn't tell you anything, correct?

12 A. I don't -- I don't know how to respond to

13 that without giving you my opinion as to the merits

14 of that. So I don't know what to tell you.

15 Q. Part of this 2017 versus 2012, I don't know

16 what date you want to put on it.

17 A. I don't know everything that y'all have found

18 out about these guy. I will say that.

19 Q. The name Natalie Bobo came up. I meant to

20 ask you this before when they were talking about

21 other suspects or something?

22 A. Right.

23 Q. And I saw the way you reacted, she's not

24 another suspect, correct?

25 A. Right.

1 Q. But it came up like that, all right. Were  
2 you aware that she had been stripping at Teazers,  
3 which is less than a mile from Mr. Adams' house?  
4 A. Yes, I know that. I don't see how it has  
5 anything to do with what we're here for today, but  
6 yes, I knew that.  
7 Q. Were you aware that previously she had lived,  
8 before this crime happened in a little house with  
9 Rebecca Urp?  
10 A. Yes.  
11 Q. Were you aware that she had met Zach Adams on  
12 more than one occasion before this?  
13 A. I think I was. I know that she knew him  
14 somehow.  
15 Q. Were you aware that she had been trading sex  
16 for drugs with Mr. Adams?  
17 MS. THOMPSON: Objection, Your Honor.  
18 THE COURT: He can ask if he's aware of  
19 that.  
20 MS. THOMPSON: It's not relevant.  
21 THE WITNESS: I never witnessed that, no.  
22 BY GENERAL HAGERMAN:  
23 Q. You weren't aware of that?  
24 A. Not aware of it.  
25 Q. But we moved on to Terry Britt?

1 A. (Nodded head affirmatively.)  
2 Q. His size was good for the abductor's size,  
3 right?  
4 A. His size was exactly what we're looking for.  
5 THE COURT: You said we've moved on to  
6 Terry Britt. So that's who you're talking?  
7 GENERAL HAGERMAN: Yes, sir.  
8 THE COURT: Okay.  
9 BY GENERAL HAGERMAN:  
10 Q. The size was good for the abductor's size,  
11 correct?  
12 A. His size perfectly matched what Clint  
13 described. Perfectly.  
14 Q. Just like Shane's?  
15 A. No, not just like Shane's.  
16 Q. If Clint Bobo testified same body type and  
17 everything as Shane Austin?  
18 A. Excuse me?  
19 Q. If Clint Bobo testified the same body shape  
20 and everything as Shane Austin, would that surprise  
21 you?  
22 A. Well, Clint's a very honest young man. I  
23 would -- if he says that, I believe him.  
24 Q. And --  
25 A. But you're forgetting part of it.



1 Q. Go ahead. Go ahead.

2 A. Because the body type also goes with the

3 hair, and Shane Austin had reddish-blondish hair, and

4 Clint said he had black hair, shoulder length black

5 hair.

6 Q. Reddish-brownish hair.

7 A. Shane Austin?

8 Q. Uh-huh.

9 A. Yeah, reddish-blondish not black hair. He

10 did not have black hair for sure.

11 Q. And were you aware that Zach Adams told

12 Karen Bobo that that man that walked her into the

13 woods was quote "Shane"?

14 MS. THOMPSON: Your Honor, I object to

15 this.

16 GENERAL HAGERMAN: We heard the testimony

17 from Ms. Bobo herself.

18 MS. THOMPSON: That she said -- that he

19 said that the man that walked her into the woods was

20 Shane? I don't remember that testimony on direct

21 from Ms. Bobo.

22 GENERAL HAGERMAN: She testified about

23 speaking with Mr. Adams at the end of her testimony.

24 She said she walked away with two things. The first

25 thing was that he had some sort of spoof card that he

1       could call people from different numbers. And she  
2       said the second thing was that Zach said that Shane  
3       was the one that walked her into the woods.

4               THE COURT: Okay. You can ask.

5               THE WITNESS: I did not know that. I did  
6       not know that.

7       BY GENERAL HAGERMAN:

8       Q.       He had a change in appearance, correct?

9       A.       Britt, yes.

10      Q.       And you said that you don't know or don't  
11      remember, whichever one -- I'm not -- I know this is  
12      years.

13      A.       Sure.

14      Q.       Whether or not the change of appearance was  
15      weeks before or weeks after, you just can't say,  
16      correct?

17      A.       Well, I can say what the -- what the people  
18      were telling me.

19      Q.       Uh-huh.

20      A.       What they -- I remember what they told me.  
21      And they can't remember if it was -- you know, if it  
22      was before or after or right around that time.

23      Q.       Except for Mr. Britt's son, right?

24      A.       Terry Kenneth?

25      Q.       Terry Kenneth. Remember talking to him?

1       A.       I do.

2       Q.       IR420, that's early on in the investigation,  
3       because now it's up to almost 3,000 or something.

4       A.       Yeah.

5       Q.       IR420. Isn't it true his son told you --

6               MS. THOMPSON:  Objection to hearsay, Your  
7       Honor.

8               GENERAL HAGERMAN:  He's talked about  
9       information other people provided him about  
10      Mr. Britt's change of appearance.

11              MS. THOMPSON:  Which --

12              GENERAL HAGERMAN:  This is what this goes  
13      towards.

14              THE COURT:  He can be cross-examined.

15              MS. THOMPSON:  Which the State objected  
16      to.

17              THE COURT:  He can be cross-examined on  
18      this.

19      BY GENERAL HAGERMAN:

20      Q.       Isn't it true that you asked  
21      Mr. Terry Kenneth Britt, his son, whether or not his  
22      father, Mr. Britt, had changed his appearance at all?

23      A.       I'm sure I would have asked him that, yeah.

24      Q.       And isn't it true that he replied, "Dad had a  
25      long ponytail after he got out of prison. I'm not

1       sure when he cut it, but it was maybe around two  
2       years ago"? And that IR is written in February of  
3       2012.

4       A.       He did cut his ponytail. He did cut his  
5       ponytail. When we did the search warrant, we got it.  
6       So he did cut the ponytail, but I don't know when.  
7       His hair now, or the last time I saw him, is the size  
8       of mine. It's the length of mine. So what I'm --

9       Q.       All right. So I understand now. The idea  
10      that he's changed his appearance --

11     A.       Right. Right. He cut --

12     Q.       -- you admit and you had information he had  
13      changed his appearance, cut his hair -- ponytail some  
14      two years before?

15     A.       Right.

16     Q.       But you didn't know if he took other steps  
17      weeks before or weeks after with regard to the length  
18      of his hair or whatever?

19     A.       There you go. Yes, sir, that's correct.

20     Q.       You talked about his phone and his wife's  
21      phone, correct?

22     A.       (Nodded head affirmatively.)

23     Q.       And when I heard you talk about it, you  
24      were -- you were talking about times from like noon  
25      on that day, correct?

1       A.       Yes, sir.

2       Q.       Is it fair to say that there was no activity  
3       on his phone or his wife's phone that morning, like  
4       8:00, 9:00, 10:00, 11:00, all that stuff?

5       A.       That's correct. There was no activity.

6       Q.       So we'd know about if there were?

7       A.       Yes, sir.

8       Q.       Correct?

9       A.       We would have got that information.

10      Q.       And would you agree with me there's  
11      absolutely nothing about that that's inconsistent  
12      about those phone records? Inconsistent with  
13      Mr. Britt and his wife traveling up to Allgoods that  
14      morning if they did it before noon, because you would  
15      have no idea, right? Do you understand what I'm  
16      saying about the phone records?

17      A.       No, I don't -- I don't agree with that. I  
18      don't agree with it.

19      Q.       But you --

20      A.       Go ahead.

21      Q.       Between 8:00 and 12:00 you don't know where  
22      the phones are?

23      A.       Right.

24      Q.       So for all you know, they could be at  
25      Allgoods Salvage or the Allgood Salvage right down

1 the street, or they could be at wherever or wherever?  
2 I mean, you just don't know.

3 A. I don't know where their phones are at that  
4 time, correct. But they went to Camden after lunch.

5 Q. Well, I'm talking about that morning.

6 A. Right. But I -- well, you know, they --

7 Q. I'm talking about the morning.

8 A. Right.

9 Q. You don't know?

10 A. I don't know. That's true.

11 Q. You had Clint listen to voices; is that  
12 correct?

13 A. Yes, sir.

14 Q. And one of the voices was like a police  
15 officer's voice, somebody you knew didn't commit the  
16 crime?

17 A. Yes, sir.

18 Q. And Clint said, well, I think it may be that  
19 one, but I can't tell the difference between this  
20 other one. And so you went back to him again and  
21 again. I think maybe even three times.

22 A. Actually it was two.

23 Q. And it's true that he never told you I'm 100  
24 percent certain that's the voice I heard in that  
25 garage, right?

1 A. That's correct.

2 Q. And when you play those voices to him, did  
3 you play Shane Austin's voice?

4 A. No.

5 Q. No. Did a wiretap on his house, right?

6 A. Yes.

7 Q. Wiretapped his phones, right?

8 A. Yes.

9 Q. Searched his house?

10 A. Yes.

11 Q. Not a single drop of Holly's blood, right?

12 A. Correct.

13 Q. Not a single Holly Bobo fingerprint --

14 A. Correct.

15 Q. -- correct?

16 A. Correct.

17 Q. Not anything linked to her DNA in that house,  
18 correct?

19 A. Nuclear DNA, no.

20 Q. Not a single one of her personal possessions  
21 or anything that she owned or she had with her that  
22 morning, correct?

23 A. Correct.

24 Q. Nothing?

25 A. Correct.

1 Q. 2017. You leave the TBI in 2013?

2 A. Yes, sir.

3 Q. Three and a half, four years later, we're

4 here today, correct?

5 A. Yes, sir.

6 Q. Are you aware that Zach Adams' cell phone

7 that morning, when it was utilized about 8:19 through

8 9:00 a.m., was hitting on the same tower that Holly's

9 phone was pinging on?

10 MS. THOMPSON: Objection, Your Honor.

11 THE COURT: He can ask him if he's aware.

12 BY GENERAL HAGERMAN:

13 Q. You aware of that?

14 A. No. There was -- there was one point in time

15 where Zach's phone was on a different tower than

16 Holly's phone was on.

17 Q. Absolutely there was. While Dylan was

18 getting rid of it, and he and Jason driving her to

19 the river.

20 MS. THOMPSON: Objection, Your Honor.

21 That's mischaracterization.

22 THE COURT: All right. Question.

23 Question. You can ask a question.

24 BY GENERAL HAGERMAN:

25 Q. Between 8:19 and 9:00, were you aware that



1 Zach Adams' phone and Holly's phone were pinging on  
2 the same tower?

3 A. Well, if Zach was at home, that would make  
4 sense.

5 Q. If Zach were at home or if Zach were at  
6 Shane's or if Zach were at Shane's grandmama's barn,  
7 they're all in the same place?

8 MS. THOMPSON: Your Honor, he's being  
9 asked to testify as to location. I tried to get him  
10 to testify -- or I -- the State objected when I was  
11 going into location on direct, and now they're asking  
12 him to testify as -- where the phones say on  
13 location. If they're going to proceed with this line  
14 of questioning, I absolutely want to ask him  
15 questions on redirect about the location of those  
16 cell phones.

17 GENERAL HAGERMAN: If we got too far into  
18 specifics about the location, I understand the  
19 objection.

20 THE COURT: Okay.

21 GENERAL HAGERMAN: I will keep it  
22 general --

23 THE COURT: Okay. General. All right.

24 GENERAL HAGERMAN: -- like it was on  
25 cross.

1                   THE WITNESS: I don't understand the  
2 question, because Holly's cell phone moved. You  
3 know, 8:17 she's on the home tower. 8:26 she's on  
4 the next tower, and then at 8:57 she's on a different  
5 cell tower. And then 9:02, 9:06 she's on a different  
6 tower, and then 9:25 she's on a different tower. So  
7 I don't understand the question because --

8 BY GENERAL HAGERMAN:

9 Q. I'm asking you questions that, would you  
10 admit, would it probably be better answered by  
11 Mr. Frizzell?

12 A. A better answer because if you say the one  
13 tower that Holly -- that doesn't make sense to me.

14 Q. Okay.

15 A. Because --

16 Q. Right.

17 A. -- she was on several towers.

18 Q. So I need to ask that stuff of Mr. Frizzell,  
19 correct?

20 A. That's a very good man to ask.

21 Q. So if he drew circles of where her pings were  
22 and at the same time her showed us where Zach  
23 Adams -- what tower his phone was using --

24 MS. THOMPSON: Objection, Your Honor.  
25 This is again asking him questions in supposition

1       about locations of the cell phone.

2                   THE COURT:  Objection overruled.

3       BY GENERAL HAGERMAN:

4       Q.       He would be the person I'd ask about that?

5       A.       He'd be the person I would ask about that.

6       Q.       He'd be the person even you would ask about  
7       that?

8       A.       Correct.

9       Q.       Are you aware that Zach Adams said, "I  
10       couldn't pick a prettier bitch, it was fun"?  Were  
11       you aware of that?

12      A.       No.

13      Q.       Were you aware that Zach Adams said when  
14       asked, "I can't clear my name, because I'm too far  
15       involved in it"?

16      A.       No, I didn't remember that.

17      Q.       Were you aware that Zach Adams said, "I let  
18       Shane hit it"?

19      A.       No.  No.

20      Q.       Were you aware that Zach Adams confessed his  
21       involvement in this crime to two different people?

22      A.       No, sir.

23                   MS. THOMPSON:  Objection, Your Honor.

24       I'm going to say that that is -- that's a  
25       mischaracterization of the evidence.

1                   THE COURT:  It's up to the jury what the  
2 evidence shows, okay?

3                   MS. THOMPSON:  Yes, sir.

4                   THE COURT:  But the other thing is, given  
5 the date he departed his employment, I'm not sure  
6 some of that existed at that time.

7                   GENERAL HAGERMAN:  I think that's exactly  
8 right.

9                   THE COURT:  Okay.

10                  BY GENERAL HAGERMAN:

11                  Q.           Those things didn't exist in 2013?

12                  A.           Correct.

13                  Q.           We stand here in a different place now,  
14 right?

15                  A.           (No response.)

16                  Q.           Her body was recovered before or after you  
17 left?

18                  A.           After.

19                  Q.           After you left.  Were you aware of where it  
20 was found?

21                  A.           I have been made aware since then.

22                  Q.           Off the interstate, cell phone tower back in  
23 the woods?

24                  A.           Yes, sir.  A little bit farther north than I  
25 thought she was taken.  Just a little bit farther.

1 Q. Between two saw mills?

2 A. Yes, sir.

3 Q. Were you aware that Dylan Adams hung out at  
4 one of those saw mills?

5 A. Yeah, with Corey Tubbs I believe.

6 Q. Were you aware that Zach Adams had been seen  
7 at that saw mill?

8 A. I don't -- I don't remember that.

9 Q. I've heard you say, I think you admit,  
10 sometimes, I think, or my opinion or my logical  
11 conclusion, you said that, correct?

12 A. Yes, sir.

13 Q. Would you agree with me though that we got to  
14 base what we do on evidence and on proof?

15 A. Yes, sir.

16 GENERAL HAGERMAN: Pass the witness,  
17 Judge.

18 THE COURT: Further direct?

19 MS. THOMPSON: Yes, Your Honor.

20

21 **REDIRECT EXAMINATION**

22 **QUESTIONS BY MS. THOMPSON:**

23 Q. Now, during your investigation of  
24 Terry Britt, you actually got a lot of his financial  
25 records?

1       A.       Yes, ma'am.

2       Q.       Didn't you?

3       A.       Yes, ma'am.

4       Q.       Okay. And some of those records came from

5       stores like Walmart?

6       A.       Yes, ma'am.

7       Q.       Okay. And then you were able to review a lot

8       of the past purchases he had made there; weren't you?

9       A.       Yes, ma'am. And when I say I got them, an

10      FBI agent obtained some of them, and Brent Booth

11      obtained some of them.

12      Q.       And you got them from places like RadioShack.

13      Can you remember some of the places you got his

14      records from?

15      A.       Yeah, RadioShack was one. Ace Hardware.

16      Q.       Ace Hardware. We said Walmart. What about

17      his banking records? Did you get banking records?

18      A.       We did.

19      Q.       Okay. While they're reviewing those, I'm

20      going to ask you: You knew about the John Babb white

21      truck connection; didn't you?

22      A.       That came out -- that came out very early.

23      We heard that that day.

24      Q.       Okay. And so why was it that you were not

25      concerned about the white truck that John Babb saw?

1 Explain to the jury.

2 A. First of all, it would have -- it would have  
3 been going -- according to what he told us, around  
4 7:30, it was well before the kidnapping. And he  
5 was -- he was so far away from it, he just knew it  
6 had a loud sound and was a white full-size pickup  
7 truck. Not a whole lot of extra information to go  
8 on. And we've got Ed Barnes going from his house --

9 Q. So first of all, which direction was the  
10 white pickup truck going?

11 A. He said it was going southbound.

12 Q. Okay.

13 A. So --

14 Q. And what did you know about Holly's phone?

15 A. Holly's phone was traveling northbound, you  
16 know, right at about 7:45 to 8:00 --

17 GENERAL HAGERMAN: This is where I think  
18 we're getting into phone technicalities, Judge, where  
19 this witness is not familiar with this technology.

20 MS. THOMPSON: They offered his --

21 THE COURT: He can say things generally.

22 MS. THOMPSON: Okay.

23 THE COURT: Okay?

24 MS. THOMPSON: Yeah.

25 THE COURT: He is not a cell phone

1 tower -- cell phone expert.

2 BY MS. THOMPSON:

3 Q. But you knew in general Holly's phone was

4 traveling northbound?

5 A. Yeah, we drove the route --

6 Q. Okay. So but --

7 A. -- 20 times. So we knew it had to -- had to

8 go north to be able to get to the tower -- to the

9 next tower.

10 Q. So in order to -- and you said -- you also

11 John -- Ed James Barnes, what did you -- how did you

12 put John Babb's information together with what

13 James Barnes had said?

14 A. Okay. So James Barnes is outside getting oil

15 for his truck, getting ready to go to work. And at

16 7:47 he's calling his mom and saying about -- saying

17 that he heard the screams. Well, the whole time he's

18 pretty confident that there was nothing else -- no

19 other vehicles coming down the road. On top of that,

20 there was another neighbor that lived at the end of

21 the road who was outside from like 7:25 to 7:45 --

22 GENERAL HAGERMAN: Your Honor, I don't

23 know if we're getting into hearsay. That's what

24 it -- that's what it sounds like.

25 MS. THOMPSON: It's not hearsay. This is



1 all -- already been testified to. It's just this  
2 is -- he took information. It's information from  
3 John Babb and Ed Barnes that's already into the  
4 record, and this is how he analyzed it to --

5 GENERAL HAGERMAN: If it's something  
6 that's already testified, that's fine, Judge, but I  
7 think he was talking about somebody else.

8 BY MS. THOMPSON:

9 Q. Well, just stick with --

10 A. Yeah.

11 Q. -- James Barnes and --

12 A. Okay. James Barnes --

13 Q. -- John Babb.

14 A. -- and another neighbor was outside and  
15 neither one of them reported that they saw another  
16 vehicle.

17 Q. Okay.

18 A. So what that probably says is sometime after  
19 7:47 when Barnes is gone, the vehicle comes in to  
20 play to remove Holly from the scene, which fits with  
21 her cell phone moving the area around 8:00. You  
22 know, at 8:00 it starts moving from the house.

23 Q. So you made the determination that the truck  
24 that John Babb saw was too early in time to be  
25 related to Holly's kidnapping?

1       A.       That's correct.

2       Q.       I want to pass forward some receipts. Pass

3       this one first. These two, two receipts. Now, do

4       you recognize these two receipts?

5       A.       These are two receipts where -- that we got

6       from the Britt's. I'm not sure which one.

7       Q.       Okay.

8       A.       But they --

9       Q.       Now, these are -- this is when you did the

10      Walmart record pull; is that right?

11      A.       That's correct. And they purchased a cell

12      phone on March the 11th, 2011, and then purchased

13      another one on March the 12th, 2011.

14      Q.       Okay. And did they also -- was there

15      anything else you see that they purchased along with

16      the cellular telephone?

17      A.       Looks like they got a thousand minutes on

18      it -- on one of -- yeah, a thousand minutes.

19      Q.       On one or both phones?

20      A.       I don't see it on both of them.

21      Q.       It's not the top line?

22      A.       ST 684.

23      Q.       Okay. Anyway --

24      A.       I don't -- I don't see it on one of them.

25      Q.       And what are the dates on those two?

1 A. March 11th, 2011. March --

2 Q. Okay. Will you pass me that one? I'll have  
3 that one marked first, the 11th.

4 THE COURT: All right. Be 224.

5 MS. THOMPSON: And then the one on the  
6 12th.

7 THE COURT: Be 225.

8 (WHEREUPON, the above-mentioned March  
9 11th and March 12th receipts were marked as Exhibit  
10 Numbers 224 and 225.)

11 BY MS. THOMPSON:

12 Q. And then I'm going to pass you up another  
13 receipt. Okay. And what is that a receipt for?

14 A. This is a receipt from Walmart again where a  
15 thousand minutes were purchased. Two different lots  
16 of a thousand minutes were purchased on April the  
17 11th, 2011.

18 Q. And these again came from Mr. Britt's home?

19 A. Correct.

20 Q. Not from Mr. -- these were from Mr. Britt's  
21 receipts that you got from Walmart; is that right?

22 A. That's correct.

23 MS. THOMPSON: Okay. I'd like to have  
24 this receipt marked.

25 BY MS. THOMPSON:

1 Q. And then I'm going to pass you one more.

2 THE COURT: That will be 226. Let her  
3 mark it.

4 (WHEREUPON, the above-mentioned receipt  
5 was marked as Exhibit Number 226.)

6 BY MS. THOMPSON:

7 Q. Okay. And then this is a final Walmart  
8 receipt. What do you see that's interesting or  
9 significant on this receipt?

10 A. Well, he bought a -- looks like he bought a  
11 chainsaw and some motor oil, different things for a  
12 chainsaw.

13 Q. Okay.

14 MS. THOMPSON: And I'd like this one --

15 THE COURT: Be 227.

16 (WHEREUPON, the above-mentioned receipt  
17 was marked as Exhibit Number 227.)

18 BY MS. THOMPSON:

19 Q. And what's the date on that one?

20 A. April the 29th, 2011.

21 THE COURT: April?

22 MS. THOMPSON: 29th.

23 THE COURT: 29th. Okay.

24 BY MS. THOMPSON:

25 Q. Now, just to be clear, one of the ways that

1 an FD302.

2 THE COURT: Okay.

3 THE WITNESS: All interviews no matter  
4 what it is.

5 BY MS. THOMPSON:

6 Q. Just explain to the jury what a 302 would be.

7 A. It's a interview or federal document, FD302.  
8 All interviews are done on that document.

9 Q. You mean a report?

10 A. A report, interview report, period.

11 Q. And that's just the number they call it?

12 A. That's always been that way for decades.

13 Q. Okay.

14 A. FD302 we call it.

15 Q. Okay. But you did a 302 on your meeting with  
16 Brent Booth -- I mean, and Terry Britt?

17 A. Terry Britt. And again, I don't have that  
18 document. But I can't remember the exact times, but  
19 I just remember when we talked to him, Terry Britt  
20 insisted that he contact his wife, Janet, who was  
21 working at the newspaper, and she came out quickly.  
22 And she came to the house right away, went to the  
23 safe and got that receipt, and they talked about how  
24 they went to get the tub that morning.

25 Q. Okay. And --

1       messed up that day. So Dylan and Zach go to Shane's  
2       house. They pick them up.

3       Q.       And did they say what car they were in?

4       A.       They were in Dylan's truck.

5       Q.       Okay. They go to Shane's house. What  
6       happens next?

7       A.       They pick up Shane. They go to the  
8       interstate, get gas, get \$5 worth of gas. They see  
9       the SUVs coming southbound. They go from there to  
10      another convenient store. And I asked both of them  
11      how they were acting that day, how was the other one  
12      acting, did they act strange or unusual. So at the  
13      second gas station there in Parsons, they got more  
14      gas, and then went and bought Xanax. Shane  
15      supposedly had money. So they bought \$200 worth  
16      Xanax and got messed up, and that was -- that was  
17      their day.

18      Q.       Okay.

19      A.       Besides going to -- going to the house that  
20      Victor Dinsmore was working on and seeing Jason Autry  
21      at that point.

22      Q.       Now, driving Shane home, is that a place that  
23      you would pass -- would you pass Dottie Cooley's  
24      house if you were driving Shane home from Parsons?

25      A.       Can you give me the address of it? I don't

1       you ruled Zach Adams out --

2               GENERAL HAGERMAN: Your Honor, I would  
3       like to object to the leading.

4               THE COURT: I don't know if she's leading  
5       or not.

6               MS. THOMPSON: Okay.

7               THE COURT: She hadn't finished the  
8       question.

9       BY MS. THOMPSON:

10      Q.       You testified on your cross-examination  
11      regarding some of the locations. And I don't want  
12      you to get into details and technical issues, but you  
13      used the cell phone records of Holly and Zach Adams  
14      to make a determination regarding whether or not it  
15      would have been possible for him to be involved?

16      A.       Yes, ma'am.

17      Q.       Okay. And using those records, you were  
18      referring to something at 8:26. What specifically  
19      were you referring to?

20      A.       8:26, Holly's cell phone is transitioned from  
21      her home tower up to the northwest tower. So she's  
22      on the northwest portion of Decatur County.

23      Q.       And what about around the exact same time,  
24      where was Zach Adams' telephone?

25      A.       I believe he was on the Cox Road tower, which

1 A. March 11th, 2011. March --

2 Q. Okay. Will you pass me that one? I'll have  
3 that one marked first, the 11th.

4 THE COURT: All right. Be 224.

5 MS. THOMPSON: And then the one on the  
6 12th.

7 THE COURT: Be 225.

8 (WHEREUPON, the above-mentioned March  
9 11th and March 12th receipts were marked as Exhibit  
10 Numbers 224 and 225.)

11 BY MS. THOMPSON:

12 Q. And then I'm going to pass you up another  
13 receipt. Okay. And what is that a receipt for?

14 A. This is a receipt from Walmart again where a  
15 thousand minutes were purchased. Two different lots  
16 of a thousand minutes were purchased on April the  
17 11th, 2011.

18 Q. And these again came from Mr. Britt's home?

19 A. Correct.

20 Q. Not from Mr. -- these were from Mr. Britt's  
21 receipts that you got from Walmart; is that right?

22 A. That's correct.

23 MS. THOMPSON: Okay. I'd like to have  
24 this receipt marked.

25 BY MS. THOMPSON:



1 Zach Adams' phone and Holly's phone were pinging on  
2 the same tower?

3 A. Well, if Zach was at home, that would make  
4 sense.

5 Q. If Zach were at home or if Zach were at  
6 Shane's or if Zach were at Shane's grandmama's barn,  
7 they're all in the same place?

8 MS. THOMPSON: Your Honor, he's being  
9 asked to testify as to location. I tried to get him  
10 to testify -- or I -- the State objected when I was  
11 going into location on direct, and now they're asking  
12 him to testify as -- where the phones say on  
13 location. If they're going to proceed with this line  
14 of questioning, I absolutely want to ask him  
15 questions on redirect about the location of those  
16 cell phones.

17 GENERAL HAGERMAN: If we got too far into  
18 specifics about the location, I understand the  
19 objection.

20 THE COURT: Okay.

21 GENERAL HAGERMAN: I will keep it  
22 general --

23 THE COURT: Okay. General. All right.

24 GENERAL HAGERMAN: -- like it was on  
25 cross.

1                   THE WITNESS: I don't understand the  
2                   question, because Holly's cell phone moved. You  
3                   know, 8:17 she's on the home tower. 8:26 she's on  
4                   the next tower, and then at 8:57 she's on a different  
5                   cell tower. And then 9:02, 9:06 she's on a different  
6                   tower, and then 9:25 she's on a different tower. So  
7                   I don't understand the question because --

8                   BY GENERAL HAGERMAN:

9                   Q.           I'm asking you questions that, would you  
10                  admit, would it probably be better answered by  
11                  Mr. Frizzell?

12                 A.           A better answer because if you say the one  
13                  tower that Holly -- that doesn't make sense to me.

14                 Q.           Okay.

15                 A.           Because --

16                 Q.           Right.

17                 A.           -- she was on several towers.

18                 Q.           So I need to ask that stuff of Mr. Frizzell,  
19                  correct?

20                 A.           That's a very good man to ask.

21                 Q.           So if he drew circles of where her pings were  
22                  and at the same time her showed us where Zach  
23                  Adams -- what tower his phone was using --

24                         MS. THOMPSON: Objection, Your Honor.  
25                  This is again asking him questions in supposition

1       about locations of the cell phone.

2                       THE COURT:  Objection overruled.

3       BY GENERAL HAGERMAN:

4       Q.       He would be the person I'd ask about that?

5       A.       He'd be the person I would ask about that.

6       Q.       He'd be the person even you would ask about  
7       that?

8       A.       Correct.

9       Q.       Are you aware that Zach Adams said, "I  
10       couldn't pick a prettier bitch, it was fun"?  Were  
11       you aware of that?

12      A.       No.

13      Q.       Were you aware that Zach Adams said when  
14       asked, "I can't clear my name, because I'm too far  
15       involved in it"?

16      A.       No, I didn't remember that.

17      Q.       Were you aware that Zach Adams said, "I let  
18       Shane hit it"?

19      A.       No.  No.

20      Q.       Were you aware that Zach Adams confessed his  
21       involvement in this crime to two different people?

22      A.       No, sir.

23                    MS. THOMPSON:  Objection, Your Honor.

24       I'm going to say that that is -- that's a  
25       mischaracterization of the evidence.

1 THE COURT: It's up to the jury what the  
2 evidence shows, okay?

3 MS. THOMPSON: Yes, sir.

4 THE COURT: But the other thing is, given  
5 the date he departed his employment, I'm not sure  
6 some of that existed at that time.

7 GENERAL HAGERMAN: I think that's exactly  
8 right.

9 THE COURT: Okay.

10 BY GENERAL HAGERMAN:

11 Q. Those things didn't exist in 2013?

12 A. Correct.

13 Q. We stand here in a different place now,  
14 right?

15 A. (No response.)

16 Q. Her body was recovered before or after you  
17 left?

18 A. After.

19 Q. After you left. Were you aware of where it  
20 was found?

21 A. I have been made aware since then.

22 Q. Off the interstate, cell phone tower back in  
23 the woods?

24 A. Yes, sir. A little bit farther north than I  
25 thought she was taken. Just a little bit farther.

1 Q. Between two saw mills?

2 A. Yes, sir.

3 Q. Were you aware that Dylan Adams hung out at  
4 one of those saw mills?

5 A. Yeah, with Corey Tubbs I believe.

6 Q. Were you aware that Zach Adams had been seen  
7 at that saw mill?

8 A. I don't -- I don't remember that.

9 Q. I've heard you say, I think you admit,  
10 sometimes, I think, or my opinion or my logical  
11 conclusion, you said that, correct?

12 A. Yes, sir.

13 Q. Would you agree with me though that we got to  
14 base what we do on evidence and on proof?

15 A. Yes, sir.

16 GENERAL HAGERMAN: Pass the witness,  
17 Judge.

18 THE COURT: Further direct?

19 MS. THOMPSON: Yes, Your Honor.

20

21 **REDIRECT EXAMINATION**

22 **QUESTIONS BY MS. THOMPSON:**

23 Q. Now, during your investigation of  
24 Terry Britt, you actually got a lot of his financial  
25 records?

1 A. Yes, ma'am.

2 Q. Didn't you?

3 A. Yes, ma'am.

4 Q. Okay. And some of those records came from  
5 stores like Walmart?

6 A. Yes, ma'am.

7 Q. Okay. And then you were able to review a lot  
8 of the past purchases he had made there; weren't you?

9 A. Yes, ma'am. And when I say I got them, an  
10 FBI agent obtained some of them, and Brent Booth  
11 obtained some of them.

12 Q. And you got them from places like RadioShack.  
13 Can you remember some of the places you got his  
14 records from?

15 A. Yeah, RadioShack was one. Ace Hardware.

16 Q. Ace Hardware. We said Walmart. What about  
17 his banking records? Did you get banking records?

18 A. We did.

19 Q. Okay. While they're reviewing those, I'm  
20 going to ask you: You knew about the John Babb white  
21 truck connection; didn't you?

22 A. That came out -- that came out very early.  
23 We heard that that day.

24 Q. Okay. And so why was it that you were not  
25 concerned about the white truck that John Babb saw?

1 Explain to the jury.

2 A. First of all, it would have -- it would have  
3 been going -- according to what he told us, around  
4 7:30, it was well before the kidnapping. And he  
5 was -- he was so far away from it, he just knew it  
6 had a loud sound and was a white full-size pickup  
7 truck. Not a whole lot of extra information to go  
8 on. And we've got Ed Barnes going from his house --

9 Q. So first of all, which direction was the  
10 white pickup truck going?

11 A. He said it was going southbound.

12 Q. Okay.

13 A. So --

14 Q. And what did you know about Holly's phone?

15 A. Holly's phone was traveling northbound, you  
16 know, right at about 7:45 to 8:00 --

17 GENERAL HAGERMAN: This is where I think  
18 we're getting into phone technicalities, Judge, where  
19 this witness is not familiar with this technology.

20 MS. THOMPSON: They offered his --

21 THE COURT: He can say things generally.

22 MS. THOMPSON: Okay.

23 THE COURT: Okay?

24 MS. THOMPSON: Yeah.

25 THE COURT: He is not a cell phone

1 tower -- cell phone expert.

2 BY MS. THOMPSON:

3 Q. But you knew in general Holly's phone was  
4 traveling northbound?

5 A. Yeah, we drove the route --

6 Q. Okay. So but --

7 A. -- 20 times. So we knew it had to -- had to  
8 go north to be able to get to the tower -- to the  
9 next tower.

10 Q. So in order to -- and you said -- you also  
11 John -- Ed James Barnes, what did you -- how did you  
12 put John Babb's information together with what  
13 James Barnes had said?

14 A. Okay. So James Barnes is outside getting oil  
15 for his truck, getting ready to go to work. And at  
16 7:47 he's calling his mom and saying about -- saying  
17 that he heard the screams. Well, the whole time he's  
18 pretty confident that there was nothing else -- no  
19 other vehicles coming down the road. On top of that,  
20 there was another neighbor that lived at the end of  
21 the road who was outside from like 7:25 to 7:45 --

22 GENERAL HAGERMAN: Your Honor, I don't  
23 know if we're getting into hearsay. That's what  
24 it -- that's what it sounds like.

25 MS. THOMPSON: It's not hearsay. This is



1 all -- already been testified to. It's just this  
2 is -- he took information. It's information from  
3 John Babb and Ed Barnes that's already into the  
4 record, and this is how he analyzed it to --

5 GENERAL HAGERMAN: If it's something  
6 that's already testified, that's fine, Judge, but I  
7 think he was talking about somebody else.

8 BY MS. THOMPSON:

9 Q. Well, just stick with --

10 A. Yeah.

11 Q. -- James Barnes and --

12 A. Okay. James Barnes --

13 Q. -- John Babb.

14 A. -- and another neighbor was outside and  
15 neither one of them reported that they saw another  
16 vehicle.

17 Q. Okay.

18 A. So what that probably says is sometime after  
19 7:47 when Barnes is gone, the vehicle comes in to  
20 play to remove Holly from the scene, which fits with  
21 her cell phone moving the area around 8:00. You  
22 know, at 8:00 it starts moving from the house.

23 Q. So you made the determination that the truck  
24 that John Babb saw was too early in time to be  
25 related to Holly's kidnapping?

1 A. That's correct.

2 Q. I want to pass forward some receipts. Pass  
3 this one first. These two, two receipts. Now, do  
4 you recognize these two receipts?

5 A. These are two receipts where -- that we got  
6 from the Britt's. I'm not sure which one.

7 Q. Okay.

8 A. But they --

9 Q. Now, these are -- this is when you did the  
10 Walmart record pull; is that right?

11 A. That's correct. And they purchased a cell  
12 phone on March the 11th, 2011, and then purchased  
13 another one on March the 12th, 2011.

14 Q. Okay. And did they also -- was there  
15 anything else you see that they purchased along with  
16 the cellular telephone?

17 A. Looks like they got a thousand minutes on  
18 it -- on one of -- yeah, a thousand minutes.

19 Q. On one or both phones?

20 A. I don't see it on both of them.

21 Q. It's not the top line?

22 A. ST 684.

23 Q. Okay. Anyway --

24 A. I don't -- I don't see it on one of them.

25 Q. And what are the dates on those two?

1 is the northeast corner of Decatur County. That  
2 tower is right on the interstate. So towers on the  
3 interstate, they have less range than other towers  
4 because they have to take all the -- all the calls --

5 Q. Okay.

6 A. -- that are coming through on the interstate.

7 Q. So how far apart physically are those two  
8 towers from one another?

9 A. I'm not sure, but I would say probably 10 to  
10 15 miles.

11 Q. Okay. And so that was -- and did that happen  
12 again at another time also? That morning, was there  
13 another time when those phones -- when the two towers  
14 the phone were utilizing were miles apart from each  
15 other?

16 A. It might have been. I was just looking for  
17 one time --

18 Q. Okay.

19 A. -- you know. So it might have been more than  
20 one.

21 Q. Okay. And Zach Adams, what did he tell you  
22 he had done that morning?

23 A. He woke up. Rebecca Urp went to work, his  
24 girlfriend at the time. Dylan gets up. He talks to  
25 Shane Austin. They decide they're going to go get

1       remember it.

2       Q.       She's on Pugh Road.  If her house --

3       A.       She's on Pugh Road.  Depending on which way  
4       you go, you should have passed it.

5       Q.       Okay.

6       A.       It's right there close to Shane's.

7       Q.       Now, would it surprise you if that 911 call  
8       that came in on the night of April the 13th at  
9       Zach Adams's house, if it were said three times on  
10      that call that Zach Adams was looking for a vehicle  
11      to drive that he had no vehicle?

12      A.       No, that would be consistent with what I knew  
13      at the time.

14      Q.       Okay.  And would it surprise you if on that  
15      911 call it was said that Zach Adams did not have a  
16      gun?

17      A.       No, it wouldn't surprise me.  He is a  
18      convicted felon I believe.

19      Q.       Okay.

20      A.       Sorry, I didn't mean to say that.

21      Q.       The physical description of Zach, what did  
22      Zach Adams' appearance, what was his physical  
23      appearance in April of 2011?

24      A.       He was --

25      Q.       Does he look like what he looks now?

1 A. No, he has fattened up nicely. He was 135  
2 pounds is what I documented when I talked to him.  
3 6'2, 6'3, really tall. His hair was much shorter,  
4 but his face looked totally different. It was sunken  
5 in. He looked sort of like the Joker back then. You  
6 know, really --

7 Q. The Joker?

8 A. Yeah, really skinny. Whatever --

9 Q. From the Batman TV show or from the movies?

10 A. The comics. The comics.

11 Q. The comics, okay.

12 A. Right.

13 Q. And what about Jason Autry's physical  
14 appearance in April of 2011?

15 A. He was impressive. He is huge. He was a lot  
16 taller than Brent Booth, and Brent Booth is probably  
17 6'3, 6'4. So I would say Autry is every bit of 6'6,  
18 if not maybe taller.

19 Q. Okay. And Shane Austin's physical  
20 description. What was his physical description back  
21 in 2011?

22 A. Shane was right about my height. Maybe -- I  
23 saw some --

24 Q. How tall are you?

25 A. About 5'10 if I stretch it out really good.

1       So we're -- we were about even.   He had --

2       Q.       What about his weight?

3       A.       His weight, well, I would say would have been  
4       around -- I'm not good at that, but I would say  
5       probably between 180 and 220, 225.

6       Q.       Okay.

7       A.       Somewhere in there.

8       Q.       And --

9       A.       So his weight could have been within the  
10      frame of what we're looking at.

11      Q.       What about his hair color and hair length?

12      A.       He had real short reddish hair.

13      Q.       Would it -- would you consider it black?

14      A.       No, absolutely not.

15      Q.       And what about Dylan's physical appearance,  
16      Dylan Adams?

17      A.       He's rather tall himself.   Not exactly -- not  
18      exactly as tall as Zach but probably 6'1.   He was  
19      slender but not as thin as Zach.   So I say he  
20      probably weighed 165.   6'1, 165 is the best I can  
21      give.

22      Q.       And how was his hair styled?

23      A.       He had -- he had short hair at the time I saw  
24      him.   He had dark hair.

25      Q.       Okay.   So Terry Britt's albi, to be clear

1 about the alibi that Terry Britt gave you, where did  
2 he say that he started that day? Where did he go?

3 A. He said that he got up, got coffee that  
4 morning. And I asked him what time he got up. And  
5 he says, well, my feet can't hit the floor without my  
6 wife knowing it. You know, he made a false statement  
7 that he was trying to deflect. But at that point,  
8 you know, he says, well, I don't know exactly what  
9 time. He said I usually get up between 6:00 and  
10 7:00, sometimes earlier. Probably institutionalized.  
11 You know, breakfast is at 7:00 in the morning. You  
12 better be up to eat it so.

13 But he got up really early. Jan got up  
14 sometime later on. Jan gets up with the dogs  
15 barking. He had Chihuahuas in the house. She gets  
16 up with the dogs barking. So Jan couldn't tell me  
17 what time she woke up that morning, but she thought  
18 it was around between 9:00 and 10:00. Well, if it  
19 would have been 10:00, you know, with the dogs  
20 barking, that was interesting.

21 Q. Okay. So where did he say they went first?

22 A. The first place they went is to Allgoods  
23 Salvage to check out the bathtubs. They saw them,  
24 but they called Buck's because --

25 Q. They said they called Buck's?

1 A. No, no. They -- they -- they went to Buck's.

2 Q. Okay.

3 A. I'm sorry. They went to Buck's.

4 Q. Okay.

5 A. After going to Allgoods, and Buck's only had  
6 a two-piece or only had a three-piece. They  
7 couldn't -- it wasn't exactly fit. Now, Buck's --

8 Q. The --

9 A. -- does not carry bathtubs in their store.  
10 But he says he sees them, and it wasn't what he had.  
11 So he went back to Allgoods, bought the bathtub.

12 He's coming back that morning and the officers come  
13 to him, and they were together the rest of the day.

14 Q. And he did not say they went back to Camden  
15 any time in the afternoon?

16 A. No.

17 Q. Okay.

18 A. No, he said the officers got there by lunch,  
19 okay? And then that was it. They were together the  
20 rest of the day.

21 Q. Okay.

22 A. But the officers got there 3:30.

23 Q. Now, when you were searching Terry Britt's  
24 house, did you find some hairs that were consistent  
25 with Holly Bobo's hair?



1                   GENERAL HAGERMAN: Your Honor, are we  
2 asking for scientific testimony with regard to the  
3 comparison of hairs from this agent?

4 BY MS. THOMPSON:

5 Q.           I'm not asking for microscopical, but are you  
6 aware of hairs that were found there that were  
7 consist with being Holly Bobo's hair, and if so,  
8 where?

9 A.           So there were hairs that were found that were  
10 microscopically and macroscopically identical to  
11 Holly's found in the vans that we took to the crime  
12 lab.

13 Q.          And which van was that?

14 A.          It was the Caravan. It was in some rope  
15 debris in the back.

16 Q.          In rope?

17 A.          A rope, yes. A rope.

18 Q.          Okay. Now --

19 A.          But, but we tested that with DNA, and it did  
20 not match Holly's.

21 Q.          Okay. Did you do regular DNA testing?

22               GENERAL HAGERMAN: Your Honor, I don't  
23 think he did any DNA testing. It was sent to the  
24 FBI. At this point, we're getting into hearsay. It  
25 wasn't hers.

1                   THE COURT:  He's already said DNA  
2       excluded, okay?

3       BY MS. THOMPSON:

4       Q.       Were you aware that Zach Adams had said some  
5       very crude things about Holly Bobo when you were  
6       doing your investigation?

7       A.       I was -- I mentioned that to him quite  
8       forcefully.

9       Q.       Okay.  You were asked about did you -- were  
10      you aware of any specific statements.  But what can  
11      you -- do you remember generally what you were aware  
12      of?

13      A.       I know he told one female that you're going  
14      to end up in a hole just like Holly, or you're going  
15      to end up in a well just like Holly.  He told -- he  
16      told someone -- allegedly told.  I wasn't there.  He  
17      allegedly told another guy something very bad about  
18      Holly.

19      Q.       Okay.  And during your investigation, did you  
20      find that other people had also said -- or made crude  
21      statements about Holly Bobo?

22                   GENERAL HAGERMAN:  I'm not objecting to  
23      the general question, but if we're going to start  
24      getting into hearsay statements, I will.

25                   THE COURT:  You can answer.

1                   THE WITNESS: This case was different  
2                   than any other case I've ever heard of in my life,  
3                   because people like Zach Adams talking, running their  
4                   mouth, there was many, many people that would do  
5                   that. And, you know, I just say thank you, good, we  
6                   don't have anything else to do. Let's go -- let's go  
7                   interview this idiot who's saying her head's in a  
8                   freezer, you know.

9                   Q.           So was there actually someone who said that  
10                  Holly's head was in the freezer?

11                  A.           Yeah, head's in the freezer, she's in my  
12                  basement. We had all kind of garbage. All kinds  
13                  of --

14                  THE COURT: We're going to be here for  
15                  weeks if we go into every lead that came in. So  
16                  let's kind of --

17                  MS. THOMPSON: Well, I'm not doing that,  
18                  but, Your Honor, the State has made a big deal about  
19                  what Mr. Adams has said, and I would like to go a  
20                  little bit into the fact that there were multiple  
21                  other people who were making crude comments and  
22                  taking "credit".

23                  THE COURT: You've asked him that, and I  
24                  think he might have varied from your question.

25                  BY MS. THOMPSON:

1 Q. Okay. Were there people who were taking  
2 credit for Holly Bobo's disappearance?

3 A. There were several people that were making  
4 statements to that effect, yes.

5 Q. And did you check those people out? Did it  
6 turn out they were, in fact, responsible?

7 A. Right. We checked them out, and they were  
8 not responsible.

9 Q. Okay. And how many times do you think you  
10 got in reports where people were -- had made  
11 statements or claimed responsibility or --

12 A. I would estimate more than 10 but less than  
13 20.

14 Q. Okay. And so when you were investigating  
15 Mr. Adams, you were aware of some of these statements  
16 that had been made?

17 A. Yes, I was.

18 Q. By him?

19 A. Yes, ma'am.

20 Q. Okay. And let me ask you this: In all your  
21 years of investigation when somebody is in jail and  
22 comes forward with information in jail --

23 GENERAL HAGERMAN: Your Honor, I'm going  
24 to object to any sort of opinion testimony. I think  
25 this is exactly what this is.

1 MS. THOMPSON: It's not opinion  
2 testimony.

3 THE COURT: What are we asking?

4 GENERAL HAGERMAN: Your Honor, can we  
5 approach?

6 THE COURT: I would like to get this  
7 witness finished, okay?

8 MS. THOMPSON: Right. So I'm just asking  
9 him if in his years of experience when people say --  
10 come forward in jail and are jailhouse snitches and  
11 say somebody has said something to me in jail, is  
12 that something he takes seriously, or is that  
13 something that he investigates pretty thoroughly  
14 because that is a frequent occurrence?

15 THE COURT: All right. Answer.

16 THE WITNESS: I've had plenty of  
17 jailhouse snitches that ended up giving really good  
18 information.

19 BY MS. THOMPSON:

20 Q. Okay.

21 A. I've had others that just blowing, you know,  
22 blowing smoke. They didn't really know. But yeah,  
23 it's helped in a number of investigations.

24 Q. Okay. So it can go either way, is that what  
25 you're saying?

1 A. That's correct.

2 Q. Okay.

3 MS. THOMPSON: No further questions.

4 THE COURT: Further cross?

5 GENERAL HAGERMAN: Very quick.

6

7

**RECROSS-EXAMINATION**

8

**QUESTIONS BY GENERAL HAGERMAN:**

9 Q. You mentioned a second ago or some minutes  
10 ago about her cell phone again and how it traveled --

11 A. Yes, sir.

12 Q. -- is that correct?

13 A. Yes, sir.

14 Q. Would you agree with me that answers to those  
15 questions, where her cell phone was at a particular  
16 time, where it wasn't, where Zach Adams' phone was at  
17 a particular time and where it wasn't or anybody's  
18 phone that they wanted to know about where it was and  
19 where it wasn't. Would you agree with me that  
20 Mike Frizzell is a better person to answer that  
21 question than you?

22 A. It's hard to, but I would agree to it.

23 Q. Okay. And you were asked what Zach told you  
24 with regard to his whereabouts that day, correct?

25 A. Yes, sir.

1 Q. And the three of them "alibied each other"?

2 A. Yes, sir.

3 Q. Correct?

4 A. Yes, sir.

5 Q. And finally, were you aware that Mr. Austin  
6 admitted to going to the Coon Hunt?

7 A. Yes, sir. He admitted that to me actually.

8 GENERAL HAGERMAN: That's all my  
9 questions.

10 MS. THOMPSON: One final follow-up  
11 question, Your Honor.

12

13 **REDIRECT EXAMINATION**

14 **QUESTIONS BY MS. THOMPSON:**

15 Q. Now, you said that these three people alibied  
16 each other, but actually they didn't alibi each other  
17 for the time period when Holly's phone was actually  
18 moving; did they?

19 A. Right, right. That's accurate. They weren't  
20 all together at the same time. You know, Zach's over  
21 here. Shane's over here so.

22 Q. It was actually later in the day when they  
23 said they got together?

24 A. That's correct.

25 Q. So all three of them for the time period that

1       Holly's phone was moving and the actual time she's  
2       taken from her house, they didn't have an alibi for  
3       that time; did they?

4       A.       Well, they had an alibi.  Whether you believe  
5       it or not, I don't know but --

6       Q.       Okay.  I'm sorry.  I phrased that wrong.  
7       They didn't have another person that they were  
8       necessarily with during that time?

9       A.       Who?

10      Q.       Shane Austin didn't?

11      A.       Shane Austin was by himself, correct.

12      Q.       Okay.

13      A.       Correct.

14               MS. THOMPSON:  Okay.  No further  
15      questions.

16               GENERAL HAGERMAN:  Nothing further,  
17      Judge.

18               THE COURT:  We're going to take a lunch  
19      recess.  Take one hour for lunch.  Follow the  
20      admonitions that I gave you at the outset.

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

23               THE COURT:  Okay.  Recess until 1:05.

24               (LUNCH BREAK.)

25               THE COURT:  All right.  Let's bring the



1 jury, please.

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

5 THE COURT: There's more tablets in my  
6 office. There's still one up there, but you might  
7 get them and have them handy.

8 All right. Be seated, please. Did you have  
9 a good lunch?

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

11 THE COURT: All right. Given the  
12 context, they're taking pretty good care of you;  
13 aren't they?

14 THE JURY: Very much.

15 THE COURT: All right. All right. I  
16 know that the Sheriff and his staff have gone out of  
17 their way. They realize that this is a hardship, but  
18 they're doing what they can to make it as pleasant as  
19 possible. So I commend he and his staff.

20 Let's call our next witness.

21 MS. THOMPSON: Art Viveros.

22 THE COURT: Well, you're going to have to  
23 sit something down then raise your right hand. Okay.

24 (The witness was sworn.)

25 THE COURT: Be seated. State first and

1 last name, and spell it for the benefit of the court  
2 reporter.

3 THE WITNESS: Arthur, A-R-T-H-U-R, middle  
4 initial G for Gregory. Last name Viveros, V as in  
5 Victor, I, V as in Victor, E-R-O-S.

6 THE COURT: Thank you, sir. Proceed.

7  
8 \* \* \*

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

12  
13 **DIRECT EXAMINATION**

14 **QUESTIONS BY MS. THOMPSON:**

15 Q. How are you -- how were you employed back in  
16 April of 2011?

17 A. I was a Special Agent with the FBI.

18 Q. Okay. And were you involved in the  
19 disappearance of Holly Bobo?

20 A. Yes, I was.

21 Q. And what role did you take in that case?

22 A. I was the case agent for the FBI.

23 Q. Okay.

24 A. The lead agent.

25 Q. Lead agent?

1 A. For the FBI.

2 Q. Okay. And did you participate in the  
3 investigation of Terry Britt?

4 A. Yes.

5 Q. Okay. And did you participate in the search  
6 of his house?

7 A. Yes.

8 Q. Okay. And what significant items did you  
9 take note of in the search of Mr. Britt's house?

10 A. Well, there were numerous things. I don't  
11 have a -- any documents. It's totally off the top of  
12 my head.

13 Q. Sure.

14 A. They vacuumed the vehicles. Our forensic  
15 people -- team, ERT people, Evidence Response Team,  
16 went out there, vacuumed the vehicles for hairs and  
17 fibers. We entered all the buildings. The TBI -- am  
18 I speaking for the TBI, because they took the  
19 evidence? We did certain things.

20 Q. Just --

21 A. But they took other things, and like I said,  
22 that's my memory.

23 Q. Just what is -- what was significant to you?

24 A. Because it was their search warrant, but we  
25 help them.

1 Q. Right. But like just talk about the tools.  
2 I think earlier you mentioned something about tools  
3 when we were talking. So what do you remember about  
4 the tools?

5 A. Again, it's by memory. We had a cadaver dog  
6 team go out there from the academy, from Quantico,  
7 and they did hit on some tools, some shovels. And  
8 they also hit on some of the -- one or two of the --  
9 one of the vans.

10 Q. Okay.

11 A. And there was a blonde hair found in one of  
12 the vans.

13 Q. Okay.

14 A. And they -- well, they seized even a  
15 ponytail.

16 Q. From --

17 A. That belonged to Terry Britt. He used to  
18 have a tail -- a ponytail.

19 Q. Okay.

20 A. Long hair. I think TBI seized also a receipt  
21 from the safe that Janet Britt opened for us. A  
22 receipt when they purchased a bathtub enclosure.  
23 They took, of course, pictures. Well, I mean they  
24 photographed and videotaped I believe, if I remember  
25 correctly. That's standard practice.

1 Q. Right. Okay. And did you participate any in  
2 the wiretap and the recordings of the home and the  
3 telephones of Mr. Britt?

4 A. Yes, I did.

5 Q. Okay. And when you were listening to that,  
6 was there anything significant that came -- that you  
7 heard while you were listening, especially about him  
8 knowing whether or not he was being recorded?

9 A. Of course, I don't know the date, but I just  
10 remember his sister called him on his landline. And  
11 of course, I can't remember her name, but they talked  
12 about -- she warned him -- I think she warned him --

13 Q. Okay.

14 A. -- not to speak on the phone because the  
15 police might be tapping the lines, that -- something  
16 to the effect, yeah, I know.

17 Q. This is what he said?

18 A. That's what -- this is -- I'm listening to  
19 them speak to each other --

20 Q. Right.

21 A. -- on a landline.

22 Q. Right.

23 A. And he says, yes, I know. You know, and  
24 these -- excuse me language. He said, these whores,  
25 law enforcement, are going to try to pin this

1       Holly Bobo case on me, and so we're going to have to  
2       watch it. And then the sister said something about,  
3       yeah, you remember when mom and I burglarized those  
4       homes way back, whatever, the police did something to  
5       them to get them charged, and they were kind of  
6       arguing back and forth. And -- and I --

7       Q.       But what about him knowing --

8       A.       That's all I can really remember, but I think  
9       it was like a ten-minute call.

10      Q.       What about him knowing that they were  
11      recording him at the house?

12      A.       Well, he said that, yeah, I agree with you.  
13      Yes, I agree with you that they probably are.  
14      These -- these -- like I said, he said, these whores,  
15      law enforcement, are trying to pin this thing on me,  
16      and they'll probably do something like that. But  
17      he -- they kept on talking.

18      Q.       Okay.

19      A.       Like they didn't care even though they spoke  
20      about it.

21      Q.       Okay. And were you involved at all in the  
22      investigation of other suspects in this case?

23      A.       Of -- what do you mean by others?

24      Q.       Well, I mean --

25      A.       There were numerous people throughout -- in

1 the very beginning.

2 Q. Okay. Will you tell -- just explain a little  
3 bit about that to the jury.

4 A. You mean name names?

5 Q. No, but just how extensive the investigation  
6 was and what kind of evidence you had in the  
7 beginning to go over.

8 A. Well, we didn't seize any evidence. We ended  
9 up helping the TBI.

10 Q. Right.

11 A. So they seized all the evidence at the house.  
12 So whatever evidence there is, they have.

13 Q. Okay.

14 A. I end up doing some interviews with  
15 Brent Booth of Clint, the day one, and of Drew Scott,  
16 the boyfriend, day one there outside the house. Then  
17 James Barnes, the neighbor. Cathy Wise, his mother,  
18 lived next door.

19 Q. Okay.

20 A. There were numerous early suspects. Then we  
21 kind of moved on to others. And Brent Booth and I  
22 went and interviewed Terry Britt like a week after  
23 the event because we were trying to catch up with all  
24 the sex offenders --

25 Q. Yes.

1       A.       -- and get a -- get an interview of them, an  
2       official interview.

3       Q.       And at some point, did you determine that he  
4       had lied about his alibi?

5       A.       Lied about his alibi?

6       Q.       Yes. The timing and everything of -- about  
7       his alibi?

8       A.       Well, I would have to look at my FD302, the  
9       interview. But I want to say that -- and I -- this  
10      is off the top of my head. He gave us a different  
11      time, and I'm just trying to remember. But I don't  
12      have that 302 in front of me, but I heard something  
13      on that --

14               THE COURT: That what 302?

15               THE WITNESS: FD302, sir.

16               THE COURT: Okay. FD302.

17               THE WITNESS: A federal document 302.  
18      It's what we call the interview.

19               THE COURT: Because she's taking down  
20      what we say, and sometimes, not just you, but we get  
21      into acronyms or --

22               THE WITNESS: Yes, sir.

23               THE COURT: -- document numbers and  
24      things. Trying to makes sure our record --

25               THE WITNESS: All interviews are done on



1       A.       And then later on after that phone call, that  
2       same day we're talking about that phone call, I heard  
3       also that same time after he hung up, I heard on the  
4       microphone that we installed -- that was installed  
5       inside the trailer, I heard Terry Britt say to  
6       Janet Britt, I recognized the voices, and he said  
7       that, you know, again, you know, they're going to  
8       hang -- those whores, law enforcement, are going to  
9       hang this case -- Holly Bobo case on me.

10      Q.       Okay.

11      A.       He says, I didn't know even who, excuse my  
12      language, the bitch was -- Holly, who the bitch was.  
13      And he says I didn't -- I couldn't even -- I can't  
14      even remember what we did that day. And then  
15      Janet Britt spoke up and says we left the house about  
16      10:30. We went to Camden. We bought that tub. And  
17      he goes -- he says, oh, yeah I remember that old man  
18      sold us a \$300 tub for \$150, and then we went to  
19      Decaturville, came back to the house by 1:00, and  
20      that -- you know, that son of a bitch cop came by and  
21      talked to me, asked me what I was doing that day.

22      Q.       Okay. So they were clearly repeating an  
23      alibi over in the house?

24      A.       Yes, that's -- I heard it on the microphone.

25      Q.       And this is after they had acknowledged that

1       they thought they were being recorded?

2       A.       Yes, after they hung up. But the problem  
3       with that recording, it's not -- it was not recorded  
4       electronically because apparently -- the phone call I  
5       think was, but the microphone would not record,  
6       because I think there was a technical glitch where  
7       the microphone wasn't plugged in correctly, and  
8       there's not a recording, but there's a note that I  
9       made about -- generally about what they said. But  
10      not in great detail, because I didn't want to go  
11      against the recording because I only heard it one  
12      time.

13      Q.       Right.

14      A.       So I didn't want it to conflict.

15      Q.       So what you're saying is you could hear it,  
16      but it wasn't preserved?

17      A.       Right. But I believe I did a -- once I heard  
18      it wasn't preserved electronically, I'm pretty sure I  
19      did an FD302 about what I could remember from what I  
20      heard on the microphone.

21      Q.       Okay.

22      A.       So I'm pretty sure there is one in the file.  
23      Pretty sure.

24      Q.       Okay.

25                   MS. THOMPSON: No further questions.

1 THE COURT: Cross.

2  
3 **CROSS-EXAMINATION**

4 **QUESTIONS BY GENERAL HAGERMAN:**

5 Q. Were you aware that the blonde hair that was  
6 found was sent to the FBI, up to the laboratory --

7 A. Yes, sir.

8 Q. -- compared DNA and it was not Holly Bobo's?

9 MS. THOMPSON: Your Honor, I'm going to  
10 object to this.

11 THE COURT: He can ask if he's aware of  
12 that. We went through this earlier.

13 MS. THOMPSON: But -- but -- but I think  
14 what -- that's misleading as to what the report was,  
15 because they didn't test the DNA. They tested the  
16 mitochondrial DNA and it came back --

17 GENERAL HAGERMAN: Your Honor --

18 THE COURT: He can ask the question.

19 BY GENERAL HAGERMAN:

20 Q. Are you aware?

21 A. Yes, sir. It was not a DNA match. It was a  
22 microscopic match. She compared her hair -- her  
23 known hair from her brush and the hair there, and she  
24 said it was -- but it was not a DNA match.

25 Q. Exactly.

1 A. Yes.

2 Q. Looked at it and saw whether or not it had  
3 similar characteristics --

4 A. Yes.

5 Q. -- like color and stuff like that.

6 A. Yes.

7 Q. And then they actually did a DNA analysis and  
8 not hers?

9 A. Yeah. See -- okay.

10 Q. You talked about this little conversation  
11 that you heard that was first on the phone. And it  
12 was over the phone that either the sister or whoever  
13 said something about phones may be recorded or  
14 something like that --

15 A. Yes.

16 Q. -- is that correct?

17 And it was after that that phone call was  
18 hung up that you heard Mr. Britt and Mrs. Britt talk?

19 A. Yes, Janet Britt.

20 Q. Okay. Did Mr. Britt or Janet Britt ever say  
21 anything like I wonder if our house is bugged?

22 A. No, there's never any kind of mention of  
23 that.

24 Q. Just --

25 A. I don't think they had no idea whatsoever.

1 Q. Just about the phones. No idea.

2 Just one final thing. Did you have occasion  
3 in this investigation to speak with Dylan Adams?

4 A. Yes, I did in December --

5 Q. I know you were -- go ahead.

6 A. December of 2011.

7 Q. All right. And I'm not asking you what  
8 Dylan Adams said, but did anything unusual happen  
9 while you were talking to Dylan Adams?

10 A. I had just -- I was sitting in my car at  
11 their house, and I was just wrapping up the interview  
12 of Dylan, and Zach drives up and he sees me there and  
13 sees that I'm law enforcement. He gets out of the  
14 car and starts yelling at me, you know, get the fuck  
15 out of there -- out of here. I identify myself. He  
16 said, yeah, you get the -- you know. I left my card.  
17 So I said I'm leaving my card here. I just spoke to  
18 your brother. And he said, yeah, well, get the F out  
19 of here. So I just left.

20 GENERAL HAGERMAN: No further questions,  
21 Judge.

22 MS. THOMPSON: I have one thing.

23

24 **REDIRECT EXAMINATION**

25 **QUESTIONS BY MS. THOMPSON:**

1 Q. I want to pass you a document. You -- to be  
2 clear, when Terry Britt is talking to his sister on  
3 the phone, they do talk about the fact that the house  
4 is potentially bugged?

5 A. I can't remember if they said the phone is  
6 tapped.

7 Q. Okay.

8 A. I think they referred to the phone. I don't  
9 remember --

10 Q. If I found a document -- is there a document  
11 that might help refresh your memory on that?

12 A. Yes, yes.

13 Q. Okay. Let me pass forward to you -- this  
14 document to you and see if you recognize this?

15 A. And it's all in the highlighted section?

16 Q. Yes, if you'll just review that. See if it  
17 refreshes your memory.

18 A. It sounds familiar, but there aren't any  
19 initials, and I can't remember the date. So I can't  
20 say if it's mine or not to tell you the truth.

21 Q. Okay. Does that refresh your memory, though,  
22 as to whether or not they thought that the house  
23 might also be bugged?

24 A. I don't remember the house being bugged, but  
25 definitely the phones. And like I said, I remember

1       filling out a document for the TBI --

2       Q.       Right.

3       A.       -- to summarize the call. But there aren't  
4       any initials, so I can't positively identify it if  
5       would me mine or not.

6       Q.       I'm just asking if it helps you remember them  
7       talking about the house being bugged?

8               GENERAL HAGERMAN: And I think he's  
9       answered no, Judge.

10              THE COURT: I think he has answered a  
11       couple of times. Ask one more.

12              THE WITNESS: But I do remember the  
13       conversation, but I don't know if it's this  
14       conversation or not.

15       BY MS. THOMPSON:

16       Q.       Okay. Okay. And what is the date that's  
17       documented there?

18              GENERAL HAGERMAN: Are we talking --  
19       we're talking about the document that he doesn't  
20       recognize and doesn't know anything about?

21              THE COURT: He's not authenticated this  
22       document.

23              THE WITNESS: I would have to study the  
24       document --

25       BY MS. THOMPSON:

1 Q. Okay.

2 A. -- for a little bit.

3 Q. Okay.

4 A. Because it says January 18th, 2012, and I do

5 remember we -- the wire was going on then. That

6 sounds about right.

7 Q. Yes.

8 A. But I just can't remember the shift --

9 Q. Sure.

10 A. -- I was on.

11 Q. And you --

12 A. That kind of thing.

13 Q. I mean, you're -- clearly, you want to be

14 crystal clear.

15 A. Yes, I can't speak about it if I haven't got

16 my initials on it if I don't recognize it exactly.

17 Q. Okay.

18 A. But I do remember they talked about the phone

19 being bugged or not, but they kept on speaking about

20 it.

21 Q. Okay.

22 A. But I can't say this is the right document or

23 not.

24 Q. Very good.

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 step  
5 down. You're free to go, sir.

6 THE WITNESS: All right, sir. Thank you.

7 THE COURT: Thank you. Call your next.

8 MR. GONZALEZ: Dave Barela.

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: David Barela. That's  
13 B-A-R-E-L-A.

14

15 \* \* \*

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

19

20 **DIRECT EXAMINATION**

21 **QUESTIONS BY MR. GONZALEZ:**

22 Q. Mr. Barela, how are you employed presently?

23 A. I'm a private investigator.

24 Q. Did you have law enforcement experience in  
25 your past?

1       A.       Yes, sir. I'm a former Special Agent with  
2       the United States Army, Criminal Investigation  
3       Command.

4       Q.       Did you have occasion to measure different  
5       calibers of bullets and do a photo lineup-type thing?

6       A.       Yes, sir.

7       Q.       I'm going to hand you some documents, see if  
8       you identify -- if you remember them.

9       A.       Yes, sir, I do.

10      Q.       Are these a fair and accurate representation  
11      of the documents you've created or printed out?

12      A.       Yes, sir.

13               MR. GONZALEZ: Your Honor, I move these  
14      into the next three numbered exhibits.

15               THE COURT: All right. There's three of  
16      them?

17               MR. GONZALEZ: Yes, sir.

18               THE COURT: 28, 29, and 30.

19               (WHEREUPON, the above-mentioned documents  
20      were marked as Exhibit Numbers 228, 229, and 230.)

21               MR. GONZALEZ: Permission to publish,  
22      Your Honor?

23               THE COURT: Yes.

24      BY MR. GONZALEZ:

25      Q.       If you look over your left shoulder there, is

1       this the document you just reviewed?

2       A.       Yes, sir.

3       Q.       What is this?

4       A.       It's a .32 caliber.   If --

5               THE COURT:   Why don't you identify your  
6       exhibits?   Is that 228?

7               MR. GONZALEZ:   228, yes, sir.

8               THE COURT:   All right.

9       BY MR. GONZALEZ:

10      Q.       Go ahead.

11      A.       This is a .32 caliber bullet -- round.

12      Q.       Can you see the bullet diameter listed on  
13      here?

14      A.       Yes, sir, it's .125 inches.

15      Q.       Can you look at it again?

16      A.       I'm sorry .3125 inches.

17      Q.       And looking at 229, what is this?

18      A.       That's a .380.

19      Q.       And what's the diameter of the .380?

20      A.       The diameter of that is .355 inches.

21      Q.       Exhibit 230, what is this?

22      A.       This is a lineup of photographs that I  
23      submitted.

24      Q.       Did you do this lineup?

25      A.       Yes, sir, I did.

1 Q. And those annotations at the bottom of each  
2 bullet, did you do those?

3 A. Yes, sir, I did.

4 Q. And where did you get the diameters that are  
5 measured there?

6 A. I used a digital calliper that I measured  
7 each round, and then I documented that information  
8 onto the photograph.

9 Q. And where did you measure on the round?

10 A. Right above the casing, as close as I could  
11 to the top of the casing.

12 Q. So like right here where the actual bullet  
13 meets the casing?

14 A. Yes, sir.

15 Q. And you measured it with a caliper?

16 A. Yes, sir.

17 Q. Now, you have both millimeters and inches on  
18 there it looks like?

19 A. Yes, sir.

20 Q. How did you go from one to the other?

21 A. The calipers I was using was digital, and all  
22 I did was hit a button and it went from what I was  
23 reading in millimeters to inches. And I recorded  
24 that information on there.

25 Q. And as to the .32, did you measure more than

1 just one bullet?

2 A. Yes, sir.

3 Q. And did it vary at all?

4 A. Yes, sir.

5 Q. By how much would you say?

6 A. Minuscule amounts, but they still vary just a  
7 little bit.

8 MR. GONZALEZ: That's all I have, Your  
9 Honor.

10 THE COURT: Cross.

11

12 **CROSS-EXAMINATION**

13 **QUESTIONS BY GENERAL NICHOLS:**

14 Q. Good afternoon.

15 A. Good afternoon, ma'am.

16 Q. Just to be clear, you're not an expert in  
17 ballistics; is that right?

18 A. That is correct.

19 Q. And if I --

20 THE COURT: I think she wanted the lineup  
21 back on.

22 MR. GONZALEZ: They're right there at the  
23 corner of the table.

24 THE COURT: Am I correct?

25 GENERAL NICHOLS: You are correct.

1 THE COURT: Not my first trial actually.

2 BY GENERAL NICHOLS:

3 Q. And I'm putting back on the screen Exhibit  
4 230, the lineup. If I heard you correctly,  
5 Mr. Barela, you said that you measured the diameter  
6 as close as you could to the top of the casing; is  
7 that correct?

8 A. Right at the top of the casing, measuring the  
9 bullet itself.

10 Q. Okay. And these other two documents that  
11 have been put into evidence through you, these are  
12 more, I guess, what the manufacturer --

13 A. Yes, ma'am.

14 Q. -- would say that the diameter is of the  
15 various rounds, correct?

16 A. Yes, ma'am.

17 Q. So let me grab my glasses. So for instance,  
18 on the .32, which is third from the left, correct?

19 A. Yes, ma'am.

20 Q. If we go to the -- one of the two previous  
21 exhibits, according to the manufacturer it's supposed  
22 to be a .3125, correct?

23 A. Yes, ma'am.

24 Q. And what did you say you measured?

25 A. I measured --

1 Q. In inches?

2 A. -- a .005 on that particular round.

3 Q. And that's because -- and this -- I read your  
4 box at the bottom. This is ammunition you had on  
5 hand, correct?

6 A. Yes, ma'am.

7 Q. And that's because you measured it at the  
8 top?

9 A. Right at the edge of the casing where the  
10 casing meets the actual bullet.

11 Q. And if I told you that an expert in forensics  
12 and ballistics said that to get an accurate  
13 measurement, if you'll look over your left shoulder,  
14 you have to remove the projectile from the casing and  
15 measure it at the bottom, would that surprise you?

16 A. No, ma'am, it would not.

17 MR. GONZALEZ: Objection. What he's  
18 surprised at is not relevant.

19 THE COURT: Objection overruled.

20 BY GENERAL NICHOLS:

21 Q. So it wouldn't surprise you.

22 Would you also agree with me that when a  
23 person fires a weapon and the projectile goes forward  
24 and in a revolver, the casing doesn't, correct?

25 A. Correct.

1                   MR. GONZALEZ:  Objection.  Calling for  
2                   opinion testimony.

3                   THE COURT:  He can state that.

4                   BY GENERAL NICHOLS:

5                   Q.       And so really what hits the object, if it  
6                   hits something, would be a different -- and if it  
7                   goes through something, that would be a different  
8                   measurement than when you actually measure something  
9                   inside of that casing, correct?

10                  A.       I'm assuming it would be because of the  
11                  rifling on -- and the barrel would change things a  
12                  little bit.

13                  Q.       Well, the rifling would change it and the  
14                  fact to fit inside something, it's got to be smaller.  
15                  That's why it's called a casing.  So what's inside  
16                  would be slightly smaller than what's holding it.  
17                  Doesn't that make sense?

18                  A.       Yes, ma'am.  I'm not an engineer, ma'am.

19                  Q.       Right.  So that might account for perhaps the  
20                  variance in what the manufacturer said the diameter  
21                  of a caliber is and what you measured when you  
22                  measured at the top of the casing, correct?

23                  A.       Correct.

24                  Q.       All right.  Thank you.

25



1                                    **REDIRECT EXAMINATION**

2                    **QUESTIONS BY MR. GONZALEZ:**

3            Q.            Are you an expert in how a bullet acts when  
4            it leaves the barrel?

5            A.            No, sir.

6            Q.            Do you know about the effect that the length  
7            of a barrel has on how the bullet is stabilized once  
8            it leaves the barrel?

9            A.            I'm not an expert at that, sir.

10          Q.            Are you an expert in the gyroscopic technique  
11          of twisting the bullet or rifling to stabilize it as  
12          it leaves the barrel?

13          A.            No, sir, I'm not an expert at that either.

14          Q.            Are you familiar with ballistics or  
15          engineering on how a bullet acts as it goes through  
16          the air per a given distance?

17          A.            Not as an expert, no, sir.

18          Q.            Okay. So when she's asking you about what  
19          that bullet does after the leaves the gun, it was  
20          just speculation on your part; wasn't it?

21          A.            From a layman's term, correct.

22                        MR. GONZALEZ: Thank you. No further  
23          questions.

24                        THE COURT: Anything else?

25                        GENERAL NICHOLS: No, sir.

1 THE COURT: All right. Step down.

2 You're free to go. Thank you, sir.

3 THE WITNESS: Thank you, sir.

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

6 THE COURT: Call your next.

7 MS. THOMPSON: Travis Dunavant.

8 (The witness was sworn.)

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

11 THE WITNESS: Travis Dunavant,  
12 T-R-A-V-I-S D-U-N-A-V-A-N-T.

13

14 \* \* \*

15 **TRAVIS DUNAVANT,**  
16 **was called as a witness and having first been duly**  
17 **sworn testified as follows:**

18

19 **DIRECT EXAMINATION**

20 **QUESTIONS BY MS. THOMPSON:**

21 Q. Mr. Dunavant, how are you currently employed?

22 A. Through Decatur County Sheriff's Office.

23 Q. And how were you employed on April the 13th,  
24 2011?

25 A. Through Decatur County Corrections, through

1 the jail.

2 Q. Okay. And that's still with the sheriff's  
3 department?

4 A. Yes, sir -- ma'am.

5 Q. No problem.

6 A. Sorry.

7 Q. And on April 13th you were called into duty  
8 regarding the disappearance of Holly Bobo; weren't  
9 you?

10 A. Yes, ma'am.

11 Q. Okay. And you made a report on that day?

12 A. Yes, ma'am.

13 Q. Or you made a report regarding that day?

14 A. Yes, ma'am.

15 Q. Okay. And what was it that you were asked to  
16 do on that day?

17 A. I'm not sure. I'm going to have to review  
18 the report.

19 Q. Would reviewing the report help you --

20 A. Yes, ma'am.

21 Q. -- your memory?

22 It's been a long time, hasn't it --

23 A. Yes, ma'am.

24 Q. -- since that day? (Passes document.)

25 A. Yes, ma'am.

1 Q. So were you asked to check on sex offenders  
2 on that day?

3 A. Yes, ma'am.

4 Q. Okay. And did you, in fact, go to Jeanette  
5 Holladay Road?

6 A. Yes, ma'am.

7 Q. Okay. And so who did you check on on  
8 Jeanette Holladay Road?

9 A. Jeanette Holladay Road would be Mr. Britt's.

10 Q. Okay. And was anyone home -- what address  
11 does it say that Mr. Britt's residence is?

12 A. 3138 Jeanette Holladay Road.

13 Q. Okay. And does it say whether or not anybody  
14 was home at that time?

15 A. There was nobody at home.

16 Q. Okay. And what does it say about the cars  
17 that were there?

18 A. A red broken down van.

19 Q. Were there other cars noted there?

20 A. No, ma'am.

21 Q. And was that part of what you were asked to  
22 do, is go around and note what cars were at each  
23 residence?

24 A. Yes, ma'am.

25 Q. Okay. And does it say what time it was that

1       you were there?

2       A.       Not on Mr. Britt's.

3       Q.       Okay. Does it say -- you visited somebody

4       else on that same road; didn't you?

5       A.       Yes, ma'am.

6       Q.       Okay.

7       A.       Mr. Christenson.

8       Q.       So Mr. Christenson, what time were you at his

9       house?

10      A.       1340, 1:40.

11      Q.       And so 1:40?

12      A.       P.m.

13      Q.       Okay. And what's his address? Is it 2800?

14      A.       Holladay Road.

15      Q.       Jeanette Holladay Road?

16      A.       Holladay Road. 2800 Holladay Road.

17      Q.       Okay.

18      A.       There's a difference between Holladay Road

19      and Jeanette Holladay Road.

20      Q.       Okay. So that happens to say Holladay Road?

21      A.       Yes, ma'am.

22      Q.       So you can extrapolate then, can you, what

23      time you think you would have been to the next

24      location?

25      A.       Probably 15 minutes --

1 Q. Okay.

2 A. -- delay.

3 Q. Okay. Very good. I'll just take that back  
4 from you.

5 And when you got to 3138 Jeannette Holladay  
6 Road, did you knock on the door?

7 A. Sergeant Ryker did.

8 Q. Okay. And you were present with  
9 Sergeant Ryker?

10 A. Yes, ma'am.

11 Q. And was anybody -- did anybody answer the  
12 door?

13 A. No, ma'am.

14 Q. Did you hear anybody moving around inside?

15 A. No, ma'am.

16 Q. Okay.

17 MS. THOMPSON: No further questions.

18 THE COURT: Cross.

19 GENERAL NICHOLS: No cross.

20 THE COURT: All right. You can step  
21 down. You're free to go.

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

24 THE COURT: Call your next.

25 MS. THOMPSON: We'd like to call

1       Dick Adams.

2               THE COURT:  Raise your right hand, sir.

3               (The witness was sworn.)

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

7               THE WITNESS:  John D. Adams.

8

9                       \*    \*    \*

10                    **JOHN ADAMS,**  
11 **was called as a witness and having first been duly**  
12 **sworn testified as follows:**

13

14                               **DIRECT EXAMINATION**

15                   **QUESTIONS BY MS. THOMPSON:**

16       Q.       And will you spell your name, please?  Spell  
17 your name, please.

18       A.       J-O-H-N D A-D-A-M-S.

19       Q.       Okay.  And do people call you Dick?  Do you  
20 go by Dick?

21       A.       That's right.

22       Q.       And, Mr. Adams, how are you related to  
23 Zach Adams?

24       A.       He's my grandson.

25       Q.       Where do you live?

1 A. Next door to me.

2 Q. No. Where do you live?

3 A. Oh, I live at 260 Adams Lane.

4 Q. Okay. And where did Zachary Adams live?

5 A. 235 Adams Lane.

6 Q. Okay. And does your -- does your house have

7 a basement?

8 A. No.

9 Q. What about the -- Mr. Adams' house?

10 A. No.

11 Q. Does it have a basement?

12 A. No.

13 Q. And on April the 13th, 2011, the day

14 Holly Bobo disappeared, who lived with you at your

15 house?

16 A. Dylan Adams.

17 Q. Okay. And who is Dylan Adams related -- how

18 is he related to you?

19 A. He's my grandson.

20 Q. Okay. And how is he related to Zachary

21 Adams?

22 A. His brother.

23 Q. Okay. Let me ask you about guns. At any

24 time around April 2011, did you know of Zach Adams to

25 own a .32 revolver?



1 A. No.

2 Q. Okay. And at that time around April 2011,  
3 did you own a .32 revolver?

4 A. No.

5 Q. Have you owned one since that time?

6 A. No.

7 Q. Now, let me ask you about a well on your  
8 property. At one time did 260 and 235 Adams Lane  
9 have a well?

10 A. A what?

11 Q. A well, a water well?

12 A. Yes, yes.

13 Q. Okay. And when was that?

14 A. In '88. We discontinued it in '88.

15 Q. Okay. And what did you do with the well?  
16 Why did you discontinue it?

17 A. We got city water.

18 Q. Okay. And what did you do with the well once  
19 you discontinued it?

20 A. I filled it in.

21 Q. Okay. So it's not a well that's a hole  
22 anymore?

23 A. No.

24 Q. Okay. And in April of 2011, who was it that  
25 was living with Zachary Adams? Was anybody living

1 with him?

2 A. Rebecca Urp lived with him sometime in there.

3 I don't exactly know when.

4 Q. Okay. And how was she related to

5 Zachary Adams?

6 A. Girlfriend.

7 Q. Okay. Since Mr. Adams is your son -- or

8 grandson, do you happen to know what size shoe he

9 wears?

10 A. 13.

11 Q. A 13. Okay. And do you have -- at some time

12 did you come into possession of Croc shoes that

13 belonged to Mr. Adams?

14 A. Do what?

15 Q. Croc shoes. I'd like to -- let me pass these

16 shoes up to you.

17 At any time did you pick up some shoes from

18 the Williamson County Jail for Mr. Adams?

19 A. I did.

20 Q. And are those the shoes that you picked up

21 from the Williamson County Jail?

22 A. Looks like it.

23 Q. Okay. And what size are those shoes? If you

24 turn them over, what size do they say they are?

25 A. Says 13.

1 MS. THOMPSON: Your Honor, we'd like to  
2 put those into evidence.

3 THE COURT: They we will be admitted into  
4 evidence as 231, but later a photo will be  
5 substituted.

6 MS. THOMPSON: Yes, Your Honor.

7 (WHEREUPON, the above-mentioned shoes  
8 were marked as Exhibit Number 231.)

9 THE COURT: I mean, it's kind of like the  
10 big boards. Once we finish this case, photos will be  
11 substituted for all these bulky items.

12 MS. THOMPSON: Yes.

13 THE COURT: Okay.

14 BY MS. THOMPSON:

15 Q. And can you tell me what your cellular  
16 telephone number was in April of 2011?

17 A. Do what?

18 Q. What was your cell phone number in April of  
19 2011?

20 A. My telephone number?

21 Q. Yes.

22 A. Home or cell?

23 Q. Cell.

24 A. 549-5002.

25 Q. Okay. And what about your home number back

1       then?

2       A.       847-6566.

3       Q.       Okay.  And did you provide a cellular  
4       telephone to your grandson, Zach Adams?

5       A.       Yeah, I did.

6       Q.       And do you remember back in April of 2011,  
7       was it a flip phone?

8       A.       I don't know what kind of phone it was.

9       Q.       Okay.  Do you remember at some point turning  
10      over Dylan's flip phone to Brent Booth with the TBI?

11      A.       I think he picked it up at the -- at the  
12      office.  I'm not sure.  And they also picked some up  
13      at my house, I think.  I'm not sure.

14      Q.       Okay.  But you remember turning some  
15      telephones over to them?

16      A.       Yeah.

17      Q.       Okay.  I want to ask you some questions about  
18      your grandson Dylan now.  Now, Dylan, was he in  
19      special education when he was in school?

20      A.       He was.

21      Q.       Okay.  And why was he in special education?

22      A.       He had a learning problem.

23      Q.       Okay.  And does he have a high or a low IQ?

24      A.       It's below average.

25      Q.       Okay.  And are there certain things that

1 Dylan cannot do in day-to-day life?

2 A. Yes.

3 Q. What are those things?

4 A. Well, if he had a watch, he had to have a  
5 digital watch. He couldn't tell time.

6 Q. Okay. Can't tell time. What else?

7 A. He was bad to tell you a story, too.

8 Q. Okay. So does that mean he's not clear  
9 sometimes on facts and --

10 A. Right.

11 Q. What about money? Who handles his money?

12 A. Do what?

13 Q. Who handles Dylan Adams' money?

14 A. I guess I did.

15 Q. Okay. Is there a reason that Dylan lived  
16 with you?

17 A. He lived with me.

18 Q. Why? Why was he living with you? Why didn't  
19 he have his own place?

20 A. Well, he lived with his mama until he was 18,  
21 then he moved in the house with me.

22 Q. Right. Why didn't he go out and get his own  
23 apartment?

24 A. I don't know.

25 Q. Well, was it related to his -- the fact that

1       he had a learning disability?

2       A.       Yeah, and he wouldn't hold a job.

3       Q.       Okay. Let me ask you about Dennis Benjamin.

4       Are you familiar with a man named Dennis Benjamin?

5       A.       I just know of him. He was a -- he was a  
6       customer of ours, on our water.

7       Q.       So when you say customer, you mean he's a  
8       water customer?

9       A.       Yes.

10      Q.       Okay. And is he a close friend of the  
11      family?

12      A.       No.

13      Q.       Is he a person that Dylan would have known or  
14      been close to?

15      A.       I wouldn't think so.

16      Q.       I want to ask you also about your wife,  
17      Becky Adams. Can you please tell the jury when she  
18      died?

19      A.       Do what?

20      Q.       When she died. When did Becky Adams die?

21      A.       Last day of March. The last day of March on  
22      Friday night. Was buried the 2nd.

23      Q.       She was buried on what day?

24      A.       2nd of April.

25      Q.       April 2nd. And what year is that?

1 A. 2010.

2 Q. Okay. And then your grandson, Zach, he was  
3 arrested shortly thereafter. Do you remember when he  
4 was arrested?

5 A. 2000 -- it was on the 4th; wasn't it?

6 Q. Okay.

7 A. 4th or 5th.

8 Q. So April 4th 2000 -- what year? Same year?

9 A. 2010, yes.

10 Q. '11. If your wife died in '11, he was  
11 arrested in 2011?

12 THE COURT: He actually testified 2010.

13 MS. THOMPSON: Okay.

14 BY MS. THOMPSON:

15 Q. I'm sorry. What year did your wife die?

16 A. 2010.

17 Q. Are you certain she died in 2010?

18 A. 2010 or 2011. I don't know.

19 Q. Do you know in relation to when Holly Bobo  
20 disappeared, was it a --

21 A. That was 2010; wasn't it?

22 Q. Well, if Holly Bobo disappeared in 2011 --

23 A. Okay.

24 Q. -- did your wife --

25 A. '11. '11.

1 Q. So your wife died --  
2 A. 2011.  
3 Q. -- close in time to the time Holly Bobo  
4 disappeared?  
5 A. Just a few days before.  
6 Q. Okay. Very good.  
7 Okay. So when Zach Adams was arrested, do  
8 you remember -- if he was arrested on April 4th, do  
9 remember where he was arrested?  
10 A. Well, Natchez Trace Park.  
11 Q. Okay. And the car that he was driving, do  
12 you remember what car he happened to be driving when  
13 he was arrested on the 4th?  
14 A. He was driving my pickup.  
15 Q. And what kind of pickup was that?  
16 A. A Nissan.  
17 Q. What color was it?  
18 A. White.  
19 Q. What year was it?  
20 A. '98.  
21 Q. '98 white Nissan. Let me see just -- if I  
22 can pass you forward. I'd like to pass you forward  
23 a -- this is a copy, not the original, of a  
24 certificate of title. Do you recognize what that's  
25 the title to?



1 A. I do.

2 Q. What is that the title to?

3 A. Do what?

4 Q. What is it a title to?

5 A. Me.

6 Q. To what? No, no. What car does it belong  
7 to?

8 A. Oh, that belongs to the '98 Nissan.

9 Q. Okay.

10 MS. THOMPSON: I'd like to put that in as  
11 an exhibit, Your Honor.

12 THE COURT: Be 232.

13 (WHEREUPON, the above-mentioned document  
14 was marked as Exhibit Number 232.)

15 MS. THOMPSON: I don't wish to publish it  
16 to the jury.

17 BY MS. THOMPSON:

18 Q. So after he was arrested in your pickup  
19 truck, what did you do with that truck?

20 A. I went and picked it up at a towing service,  
21 brought it back to Billy Bell's house and put it in  
22 the shed.

23 Q. Okay. I'd like to pass this forward to you.  
24 Do you recognize what that is?

25 A. That's where I picked it up.

1 Q. Okay. So that's a tow receipt from where --

2 A. Yeah.

3 Q. And did you pay to get the car?

4 A. Yes.

5 Q. You the one that paid the money?

6 A. Yes.

7 Q. Okay. And now, how long was it there at  
8 the -- is it Don's Towing?

9 A. Don's Body Shop.

10 Q. And how long was it there for?

11 A. I really don't know.

12 Q. Okay.

13 A. Somebody called me, and I --

14 GENERAL NICHOLS: Your Honor, I'm going  
15 to have to object to the hearsay.

16 THE WITNESS: -- believe they said if I  
17 picked it up within three days, it wouldn't be any  
18 late charge.

19 BY MS. THOMPSON:

20 Q. Okay. So --

21 GENERAL NICHOLS: No objection to that.

22 BY MS. THOMPSON:

23 Q. So within three days, it wouldn't be a what?

24 A. A late fee.

25 Q. Okay. And so is there a late fee that's

1       documented --

2       A.       No.

3       Q.       -- on that?

4       A.       No.

5       Q.       Okay.

6               MS. THOMPSON:  So, Your Honor, at this  
7       time we'd like to put this receipt in.

8               THE COURT:  All right.  Exhibit 233.

9               (WHEREUPON, the above-mentioned document  
10       was marked as Exhibit Number 233.)

11       BY MS. THOMPSON:

12       Q.       So you picked it up within two to three days  
13       of the time that it was towed in from the arrest; is  
14       that right?

15       A.       Yes.

16       Q.       Okay.  And had it -- and you said you took it  
17       to Billy Bell's mother's house?

18       A.       Billy Bell's mother, yes.

19       Q.       Okay.  Now, who is Billy Bell?

20       A.       Who is Billy Bell?

21       Q.       Yes.  Explain to the jury, please, who  
22       Billy Bell is.

23       A.       Well, he's a friend of mine, and he works  
24       with me.

25       Q.       Okay.  And why did -- who is his mother?

1       What's her name?

2       A.       Betty.

3       Q.       And why did you take it to his mother's  
4       house?

5       A.       She's the one that carried me up there to get  
6       it.

7       Q.       Okay.

8       A.       She was a friend of the family.

9       Q.       Okay. So she drove you over to -- where was  
10      it originally towed to? What city?

11      A.       Lexington.

12      Q.       Okay. So she drove you over there. And why  
13      would you not just bring it back home?

14      A.       Well, I didn't want to -- I didn't want to  
15      have it there where I'd have to, you know -- he'd  
16      want to drive it again. He wasn't suppose to be  
17      driving it.

18      Q.       Why was he not supposed to be driving?

19      A.       He didn't have his driver's license.

20      Q.       Oh. So you didn't want him to drive it. And  
21      so who had the keys to this car?

22      A.       He did at that time, and when he went  
23      anywhere in it, he was -- his girlfriend or somebody  
24      drove him, was supposed to.

25      Q.       Okay. Now, let's go back to the white truck.

1       When you got the -- when you picked up the truck from  
2       the tow lot, where were the keys to the truck?

3       A.       They were in it.

4       Q.       Okay. And whose keys were those? Were those  
5       your keys or were those Zachary's keys?

6       A.       There wasn't but one set.

7       Q.       Okay. One set of keys?

8       A.       Right.

9       Q.       They were in the truck. And you picked up  
10      the truck. You drove it to Billy Bell's mother's  
11      house. What did you do with the keys then?

12      A.       I carried them home with me.

13      Q.       How do you know that Zachary Adams didn't go  
14      into your house and get those keys at some point?

15      A.       I don't know. I know he -- I had them.

16      Q.       Yes.

17      A.       So he'd had of taken them away from me.

18      Q.       Okay. So you kept them on you so that he  
19      couldn't get the truck?

20      A.       Right.

21      Q.       And you know that he didn't at any point take  
22      those keys away from your person?

23      A.       Right.

24      Q.       Okay. And so how long did the truck stay  
25      there?

1       A.       I'd say nearly two weeks.

2       Q.       And so during that time, did he know where

3       the truck was?

4       A.       Who?

5       Q.       Did Zachary Adams know where the truck was?

6       A.       No.

7       Q.       What did you tell him about the truck?

8       A.       I don't remember him asking me.

9       Q.       Okay. Okay. Now, on April the 13th, 2011,

10       were there other cars at your house for Zachary Adams

11       to drive?

12       A.       Other cars?

13       Q.       Yes. What cars did you personally own?

14       A.       I owned a van.

15       Q.       A van?

16       A.       Yes.

17       Q.       And who drove that van?

18       A.       I did.

19       Q.       Okay. What else did you own?

20       A.       That was all I owned.

21       Q.       Okay. What about Zach? Did he own any other

22       cars?

23       A.       He had a -- he had two trucks sitting there.

24       One of them --

25       Q.       Okay.

1       A.       Both of them was -- one of them was tore up,  
2       and the other one was wrecked.

3       Q.       Okay.   So which one was wrecked?

4       A.       An '03 Chevrolet.

5       Q.       Okay.   And when did it get wrecked?

6       A.       I'm not sure.

7       Q.       Was it before or after --

8       A.       Oh, it was before, yes.

9       Q.       Okay.   And who wrecked it?

10      A.       Zachary.

11      Q.       Okay.   And was it wrecked just days before,  
12      or was it wrecked a significant time before?

13      A.       No, it was wrecked weeks before.

14      Q.       Okay.   And then what was the other car that  
15      was there?

16      A.       It was a 2000 -- '94 Nissan.

17      Q.       2094?

18      A.       I mean a '94 Nissan.

19      Q.       Okay.

20      A.       Four-wheel drive truck had a radiator busted  
21      or something on it.

22      Q.       How did the radiator get busted?

23      A.       I think he run it in a tree top, hit some  
24      limbs.

25      Q.       What do you mean a tree top?

1 A. Huh?

2 Q. What does that mean, he ran it into a tree  
3 top?

4 A. Well, it punctured the radiator.

5 Q. With a tree branch? Is that what you're  
6 saying?

7 A. Yeah.

8 Q. Okay. And what about Dylan? What kind of  
9 truck did Dylan have?

10 A. Dylan had a 2006 Silverado pickup, extended  
11 cab.

12 Q. Okay. And who had the keys to that truck?

13 A. Dylan.

14 Q. So if Zachary would have wanted to have  
15 driven that truck, who would he have had to of gotten  
16 the keys from?

17 A. If he'd what?

18 Q. If he were going to drive Dylan's truck, who  
19 would he have needed to get the keys from to drive  
20 it?

21 A. From Dylan.

22 Q. Okay. And did Dylan make it a regular habit  
23 to loan Zach his truck?

24 A. He wasn't in the habit of it, no.

25 Q. Okay. And on April 13th, the day that



1       Holly Bobo disappeared, do you remember what time you  
2       left for work that day?

3       A.       It was around 7:00, 7:30.

4       Q.       Okay. And where was Dylan that morning when  
5       you left for work?

6       A.       He was in the bed.

7       Q.       Okay. And -- the bed at your house?

8       A.       Right.

9       Q.       Okay. And that morning, did you happen to  
10      see Zach, Dylan, and Shane on April the 13th, 2011 --

11      A.       I did.

12      Q.       -- the day that Holly disappeared?

13      A.       I did.

14      Q.       Where did you see them?

15      A.       They was on 641 Highway. They come across  
16      the interstate headed south.

17      Q.       Okay. And where were you at that time?

18      A.       I was -- I don't remember whether I was  
19      coming out from the Shell station or I was there at  
20      the Shell station. I might have been turning in or  
21      coming out.

22      Q.       Okay. But how do you specifically remember  
23      it so many years later? Did you have anything that  
24      helped you with your memory?

25      A.       Yes, I did.

1 Q. What was that?

2 A. Shane is -- name had already been throwed  
3 out.

4 Q. Okay. But -- no, but I'm saying that day,  
5 how did you remember where you were and what you were  
6 doing that day?

7 A. Because I'd -- like I said, his name had  
8 already been throwed out. I'd heard a lot about her  
9 disappearance. His name had been throwed out, and I  
10 seen him in the truck with them.

11 Q. Okay. And so the way you remembered it is  
12 just stuck in your head? Is that what you're saying?

13 A. That -- yes.

14 Q. Okay. Did you also keep a log at that time?

15 A. I did.

16 Q. Okay. Do you still keep a log?

17 A. Do?

18 Q. Do you still keep a log --

19 A. I do.

20 Q. -- of what you do?

21 And it's kind of a daily diary?

22 A. That's it.

23 Q. And what do you record in your log?

24 A. Usually what we do that day.

25 Q. By what you do, you mean work-wise?

1       A.       What we do. We -- if we fix a leak, check  
2       meters, whatever we do that day.

3       Q.       While she's looking at that, let me ask you,  
4       what color was that '94 Nissan truck that you had?

5       A.       There was two there. They was black.

6       Q.       So --

7       A.       One was regular cab, and one was extended  
8       cab.

9       Q.       Okay. But the -- one of them was white. The  
10      '98 was white?

11      A.       Was white.

12      Q.       And it was a Nissan?

13      A.       Yes.

14      Q.       And then the '94 was black?

15      A.       Black.

16      Q.       It was a --

17      A.       That belonged to Zach.

18      Q.       Okay. And it was a Nissan?

19      A.       The other Nissan was a regular cab.

20      Q.       Okay.

21      A.       I bought it for Dylan. It never did run.

22      Q.       Okay. And I'd like to pass forward to you a  
23      page out of your diary that you have. Now, that  
24      diary page doesn't specifically mention anything  
25      about seeing Zach Adams that day; does it?

1 A. Do what?

2 Q. It -- that diary page doesn't specifically  
3 mention that you saw Zach Adams on the highway that  
4 day?

5 A. No.

6 Q. Okay. And can you read it to us? What does  
7 it say?

8 A. The rest of it?

9 Q. Yeah. What does the diary say?

10 A. Well, it said, "We met Jug and Siegler at  
11 Siegler's house and fixed the blow off where the  
12 county had hit it with a bush hog. Turned the water  
13 on for Smith property. Meter covered up." I don't  
14 -- just business --

15 Q. So --

16 A. -- is what I -- what I kept on the log.

17 Q. Okay. But it's through that that it jogged  
18 your memory where you were that day when you saw  
19 Zach Adams; is that right?

20 A. Yeah.

21 Q. Okay. Because you were actually going from  
22 one job to another?

23 A. Oh, yes.

24 Q. Okay.

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

1 time, I'd like to have that marked as an exhibit.

2 THE COURT: Be 234.

3 (WHEREUPON, the above-mentioned document  
4 was marked as Exhibit Number 234.)

5 BY MS. THOMPSON:

6 Q. And over the years, you allowed various  
7 people to come in and search your property for Holly;  
8 didn't you?

9 A. Sure.

10 Q. And you don't have any facts that would --  
11 that you know of that would point to Zach Adams being  
12 involved in this kidnapping; do you?

13 A. No.

14 Q. If you had known facts that lead to  
15 Zach Adams being involved, would you have told?

16 A. I guess -- I believe I would.

17 Q. Okay.

18 MS. THOMPSON: No further questions.

19

20 **CROSS-EXAMINATION**

21 **QUESTIONS BY GENERAL NICHOLS:**

22 Q. Good afternoon, Mr. Adams. Can you hear me?

23 A. Barely.

24 Q. All right. Then I'm just going to get a  
25 little closer.

1 A. Okay.

2 Q. How is this?

3 A. That's better.

4 Q. Is that a lot better?

5 A. That's a lot better.

6 Q. All right. I understand. I have trouble  
7 hearing myself.

8 The day that Ms. Thompson has asked you  
9 about, April the 13th, 2011 --

10 A. Okay.

11 Q. -- that's the day that Holly was missing.

12 A. Right.

13 Q. You and Billy were working that day like you  
14 do most days, right?

15 A. That's right.

16 Q. Now, I understand that when you get to work  
17 sometimes you get there a little bit early, sometimes  
18 he gets there a little bit early, and you hang out  
19 some?

20 A. Yes.

21 Q. And then when you get back to the office,  
22 sometimes you hang out there a little while after?

23 A. Right.

24 Q. To make sure there's no more calls that come  
25 in?

1 A. Whatever comes up.

2 Q. Yeah. Sometimes -- and I understand from  
3 Billy that you're the person that keeps the logs  
4 on -- or the log on where you go?

5 A. I'm the one that has to report it.

6 Q. Right. And so on this particular day, I was  
7 reading what you wrote -- I was reading along with  
8 you and you went -- you met Jug at the Siegler's; is  
9 that right?

10 A. Siegler.

11 Q. Siegler's to fix a blow off?

12 A. Right.

13 Q. And then you went to the Smith property,  
14 right?

15 A. Right.

16 Q. To -- I guess the meter covered up or tried  
17 to turn the water off or something?

18 A. Right.

19 Q. Okay. Now, you don't say in here how you got  
20 from one of the jobs to the other though, right?

21 A. No.

22 Q. Okay. Sounds like you don't need to. That  
23 you're pretty familiar with the roads and whatnot?

24 A. Right.

25 Q. Okay. Now, do you remember on July the 14th,

1 July the 14th of the same year that -- let's see,  
2 Ricky Inman and Terry Dicus came to the office to  
3 talk to you?

4 A. I talked to several.

5 Q. Oh, I know. This was about 11:15 in the  
6 morning. You know, Ricky Inman, though, right?

7 A. I do -- I know Ricky Inman.

8 Q. Okay. And you know Terry Dicus, right?

9 A. Who?

10 Q. Terry Dicus, TBI. Does that ring a bell?

11 A. No.

12 Q. Okay. But you know Inman? You --

13 A. I know Inman.

14 Q. -- remember Inman?

15 Okay. You remember Inman coming to talk to  
16 you at some point?

17 A. I don't remember it but...

18 Q. Okay. If Inman made a report that he came  
19 and talked to you, would you have any reason to think  
20 that that wasn't true?

21 A. No.

22 Q. Okay. And they came to ask you what you knew  
23 about, or if anything, about Holly, right?

24 A. I don't remember it.

25 Q. Okay. Not because they thought you were



1 involved in any way, but they came to ask about your  
2 grandson and his friends; didn't they?

3 A. About the what?

4 Q. About your grandson and his friends.

5 A. I don't remember. I don't remember them  
6 coming to --

7 Q. Did you --

8 A. I remember --

9 Q. Did you make the statement --

10 MS. THOMPSON: Your Honor, if he doesn't  
11 remember then --

12 THE COURT: She's going to ask him if he  
13 made a statement.

14 MS. THOMPSON: If she's going to ask him  
15 his opinion as to people's involvement, Your Honor --

16 THE COURT: So far the question is  
17 appropriate.

18 MS. THOMPSON: I object to her asking his  
19 opinion as to who would be involved, because I wasn't  
20 allowed to put on Terry Dicus' opinion as to who's  
21 involved.

22 GENERAL NICHOLS: Well, that's --

23 THE COURT: She wasn't asking that.

24 MS. THOMPSON: Okay.

25 GENERAL NICHOLS: And the reason why I'm

1 going to ask this question, in case there's further  
2 objection, Your Honor, is because this is after the  
3 day where he just talked about the car being tucked  
4 away, so anyway.

5 BY GENERAL NICHOLS:

6 Q. Did you make the statement, "I don't know  
7 anyone specifically that you should look, but I would  
8 look at all of Zach's friends." Did you say that?

9 A. I don't remember that.

10 MS. THOMPSON: Your Honor, that's an  
11 opinion.

12 THE COURT: She can ask him if he said  
13 it, okay? He can either say yes, I did; no, I  
14 didn't; I don't remember.

15 BY GENERAL NICHOLS:

16 Q. And, in fact, I'm required to ask you before  
17 I can bring in extrinsic proof. Did you make that  
18 statement?

19 A. I don't remember it.

20 Q. Okay. You don't remember it for sure? You  
21 didn't say it? You did say it, you just don't  
22 remember it?

23 A. I don't remember it.

24 Q. Okay. And do you remember them coming back  
25 to talk to you, ooh, like February of 2014? So like

1 three years later where Brent Booth and Chuck Baker  
2 came to talk to you again at the office?

3 A. I remember Brent Booth and Jeff Jackson.

4 Q. Okay. Well, I think several people have been  
5 to talk to you; haven't they?

6 A. Yeah.

7 Q. Okay. On this day, Brent Booth was there.  
8 Do you remember -- well, let me go back.

9 So when they talked to you in 2011, do you  
10 remember telling them that you were out in the field  
11 that day, which is what you just told us, that you  
12 were working that day, right?

13 A. Right. I don't remember it, but if they  
14 asked me, I told them.

15 Q. Yeah, because that was where you were, right?

16 A. Yeah.

17 Q. And I hate to bring up something sad, but did  
18 you tell them, "all of that time is a blur for me,  
19 because my wife passed away on April 1st, 2011, and  
20 was buried on April 3rd"?

21 A. I don't remember telling them that.

22 Q. Would that have been true, though? I know  
23 when bad things --

24 A. To some extent.

25 Q. Yeah, things sometimes get blurry. Okay.

1           So they were asking you about what you did  
2           and you said you were working, because you were,  
3           right?

4           A.       Right.

5           Q.       We saw that. We read -- you wrote the log.

6                    Now, when they came back three years later to  
7           talk to you about the same stuff -- it's always about  
8           the same stuff; isn't it?

9           A.       Yes.

10          Q.       Yeah. Do you remember telling them that day  
11       that you knew about seeing Zach and Dylan and Shane  
12       in Zach's truck, a dark green 2003 Chevy, because  
13       they were in front of the Shell station at the 126  
14       exit and were traveling south, and that it was at  
15       10:00 in the morning?

16       A.       I don't remember the 10:00, but I remember  
17       telling them I had seen them.

18       Q.       Okay. So when they came to talk to you right  
19       after it happened, you didn't remember, right?

20       A.       I did remember.

21       Q.       Right when it happened?

22       A.       I remembered the day it happened. I seen  
23       Shane and Zach.

24       Q.       Okay. So -- but when the -- when law  
25       enforcement asked you about it, you told them you

1        didn't remember it?

2        A.        No, I didn't.

3        Q.        Okay. But then you later came to remember  
4        not only that you saw them but exactly what road you  
5        were on, what exit you were on, what gas station you  
6        were at, and which way they were traveling?

7        A.        I remember that well.

8        Q.        Okay. Is there any reason that you didn't  
9        tell them about that three years before?

10       A.        I don't remember them asking me that three  
11       years before.

12       Q.        Okay. So by the time they came back to talk  
13       to you, your grandson's name was still out there,  
14       wasn't it, with Shane's?

15       A.        Yeah.

16       Q.        Okay. Do you remember telling the law  
17       enforcement that Shane was at Zach's house a lot  
18       during that time period?

19       A.        I don't remember it.

20       Q.        Do you remember now?

21       A.        No, I don't.

22       Q.        You don't remember Shane --

23       A.        I don't remember -- not a lot.

24       Q.        Not a lot?

25       A.        I've seen him there.

1 Q. Yeah. In 2011?

2 A. I don't remember what year it was.

3 Q. But you remember --

4 A. I seen him there after that.

5 Q. Yeah. After 2011?

6 A. A time or two, yeah. I seen him. He'd come  
7 and picked Dylan up. Dylan would go pick him up.

8 Q. Yeah. You remember saying that Zach and  
9 Shane were good friends during that time?

10 A. They've always been friends, I reckon.

11 Q. And that -- did you make the statement, "If  
12 Zach did this to Holly, he's a good candidate for it  
13 because of the people he runs with and all the things  
14 he is in to"?

15 A. I said he was a good candidate for it.

16 Q. And that you "don't ask him a lot of  
17 questions because I don't want him lying to me"?

18 A. No, that's Dylan.

19 Q. Okay. "He needs to tell you what he did and  
20 I will do everything in my power to" help him -- "to  
21 make him cooperate". Did you tell -- is that what  
22 you said?

23 A. No.

24 Q. Did you tell law enforcement --

25 MS. THOMPSON: Can we know what day this

1 is? She's --

2 GENERAL NICHOLS: Still on the same day.

3 MS. THOMPSON: What day is that? What  
4 day --

5 GENERAL NICHOLS: July -- same day we  
6 started with. Activity date, same report.

7 THE COURT: This is the three years  
8 later.

9 MS. THOMPSON: This is after he's been  
10 arrested? Is this after March -- or after they  
11 searched the house?

12 GENERAL NICHOLS: This 2/28/14.

13 MS. THOMPSON: Okay.

14 BY GENERAL NICHOLS:

15 Q. Do you remember telling law enforcement that  
16 "Zach and Dylan don't work, and they don't have any  
17 money except for what I give them"?

18 A. I could have.

19 Q. That would be true, correct?

20 A. Right.

21 Q. You talked about Dylan. You said earlier  
22 that Dylan was slow. He needed a digital watch  
23 rather than --

24 A. Right.

25 Q. -- one with the hands?

1           And he was in some special ed classes, right?

2    A.       Do what?

3    Q.       He was in some special classes at school?

4    A.       Special ed through school.

5    Q.       But he was able to drive. He could find his  
6   way from one place to the other?

7    A.       He got his driver's license.

8    Q.       Right. So to get your driver's license, you  
9   have to be able to read --

10   A.       Right.

11   Q.       -- because you have to take a test?

12           So the man can read?

13   A.       Yeah.

14   Q.       He's able to feed himself?

15   A.       Yeah.

16   Q.       He's able to get his clothes on?

17   A.       Yeah.

18   Q.       You didn't have to pick out his clothes for  
19   him?

20   A.       No.

21   Q.       He can -- knows his way around the kitchen if  
22   he's hungry? I'm not saying he's a chef, but he can  
23   fix himself something to eat?

24   A.       He did.

25   Q.       He could work. He just didn't keep a job is



1       what you said, right?

2       A.       Right.

3       Q.       So he was slow, but it's not -- it didn't  
4       affect his ability to make it through the day? In  
5       other words, he didn't need a babysitter? He didn't  
6       need somebody holding his hand, right?

7       A.       Right.

8       Q.       Okay.

9                       GENERAL NICHOLS: One moment.

10       BY GENERAL NICHOLS:

11       Q.       Now, do you remember Mr. Booth, Brent Booth,  
12       and I coming to your house to talk to you a few  
13       months ago?

14       A.       Sure.

15       Q.       Okay. And I had never met you before that?

16       A.       Right.

17       Q.       And I asked you on that day about a 911 call.  
18       Actually, a couple of 911 calls that you made on the  
19       day that Holly was missing, right?

20       A.       That's what you told me, it was made then.

21       Q.       Right. And at that time when I asked you,  
22       you said that didn't happen?

23       A.       I don't remember it.

24       Q.       And that when I asked you some more details  
25       about it, about what Zach was doing to make you call

1 911, you didn't remember that either?

2 A. I don't remember it.

3 Q. Okay. Do you remember making any 911 call  
4 regarding Zach's behavior at your house?

5 A. Sure.

6 Q. Okay. More than one?

7 A. Yes.

8 Q. Do you remember a night when you were asleep  
9 in bed, Dylan was there asleep you said, and that  
10 Zach came up in there --

11 MS. THOMPSON: Your Honor, I'm going to  
12 object if they're going to mention some kind of  
13 404(b) evidence at this time.

14 GENERAL NICHOLS: It's the same -- it's  
15 the call.

16 THE COURT: Is this the call?

17 GENERAL NICHOLS: Yes, sir.

18 THE COURT: We've already been through  
19 it. She can.

20 MS. THOMPSON: Okay. I just want to make  
21 sure.

22 THE COURT: She can ask if he remembers  
23 it.

24 MS. THOMPSON: Okay.

25 BY GENERAL NICHOLS:

1 Q. And you remember a night when you were asleep  
2 in bed on Wednesday night, Dylan was in there, and  
3 Zachary burst into your house and jumped on you, woke  
4 you up trying to get guns out of your house?  
5 A. I don't ever remember him waking me up to get  
6 a gun.  
7 Q. Okay. Do you remember him that same night  
8 trying to talk you into giving -- giving you his car  
9 key? Giving you -- I'm sorry, your van key?  
10 A. (Shook head negatively.)  
11 Q. Okay.  
12 A. I remember him giving -- wanting the van  
13 keys. That's when he called the sheriff to me.  
14 Q. He called the sheriff on you?  
15 A. Yes.  
16 Q. That was your work van; wasn't it?  
17 A. Yes.  
18 Q. Okay. That's not a van that you'd like to  
19 give him; is it?  
20 A. No.  
21 Q. Okay. So that must be a different night.  
22 The night I'm talking --  
23 A. That was in the daytime.  
24 Q. Oh, that was in the daytime.  
25 Okay. And do you remember him coming in your

1 house at night and you actually having him getting  
2 guns and you having to get them away from him?

3 A. We -- I had a gun his daddy bought me for my  
4 birthday. He wanted it for some reason. I wouldn't  
5 let him have it. But I don't remember it being a  
6 particular time.

7 Q. Right. Was that in the daytime or was that  
8 at night?

9 A. It was one evening. It wasn't -- I hadn't  
10 been in the bed either.

11 Q. Okay. Different time.

12 GENERAL NICHOLS: All right. Thank you,  
13 sir.

14 THE COURT: That it?

15 GENERAL NICHOLS: Yes, sir.

16 THE COURT: Done?

17 MS. THOMPSON: One minute, Your Honor.

18

19 **REDIRECT EXAMINATION**

20 **QUESTIONS BY MS. THOMPSON:**

21 Q. Now, around the time that they were searching  
22 your house regarding Holly Bobo's disappearance, so  
23 I'm taking about February of 2014, do you remember  
24 when all the TBI agents descended on your property to  
25 search it? Do you remember that, Mr. Adams?

1 A. Yeah, sure.

2 Q. And at that time they were telling you that  
3 they were going to arrest Zach for the murder of  
4 Holly Bobo; weren't they?

5 A. Yes.

6 Q. Okay. And they told you that he -- that they  
7 knew he had done it, they were confident; didn't  
8 they?

9 A. They said they had the evidence.

10 Q. Real evidence that he had done it?

11 A. Yes.

12 Q. Okay. And that's when you talked to them and  
13 said you would talk to Zach and tell him he needed to  
14 tell -- he needed to tell police what he knew?

15 A. Yeah.

16 Q. Because at that time you believed the police,  
17 what the police were telling you was true; didn't  
18 you?

19 A. I went to talk to him.

20 Q. Okay. But you believed what the police were  
21 telling you at that time was true; didn't you?

22 A. They told me I needed --

23 Q. Okay. I don't --

24 A. -- to talk to him.

25 Q. Okay. I don't want to get too much into

1       hearsay. Hearsay is what they may have told you at  
2       another time. But -- and you were trying to get Zach  
3       to do what you thought was the right thing at the  
4       time?

5       A.       Right.

6       Q.       Okay. And you've always tried to be honest  
7       with law enforcement; haven't you?

8       A.       I have.

9       Q.       Okay.

10               MS. THOMPSON: No further questions.

11               THE COURT: Done?

12               GENERAL NICHOLS: Yes, sir.

13               THE COURT: All right. You can be  
14       excused. You can come back in the courtroom if you  
15       would like, okay?

16               THE WITNESS: Thank you.

17               THE COURT: Don't discuss your testimony  
18       with anyone.

19               THE WITNESS: Thank you.

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

22               THE COURT: We're going to take afternoon  
23       recess. Follow the rules I gave you at the outset.

24               (WHEREUPON, the jury left the courtroom  
25       and a short break was had.)

1 THE COURT: All right. Let's come to  
2 order. They're bringing the jury.

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

6 THE COURT: Call your next witness,  
7 please.

8 MS. THOMPSON: Billy Bell. Actually, I  
9 think it's William Bell.

10 THE COURT: I kind of like Billy. It's  
11 catchy, Billy Bell. And then the mother's name, what  
12 was that? Betty Bell maybe?

13 MS. THOMPSON: Betty Bell, yeah.

14 THE COURT: They go on my all-American  
15 name list. Raise your right hand, please.

16 (The witness was sworn.)

17 THE COURT: Be seated. State your name,  
18 first and last, and spell them for the court  
19 reporter, please.

20 THE WITNESS: It's William Bell. I go by  
21 Billy, but William, W-I-L-L-I-A-M B-E-L-L.

22

23

\* \* \*

24

**WILLIAM BELL,**

25

**was called as a witness and having first been duly**

1       sworn testified as follows:

2  
3                               **DIRECT EXAMINATION**

4       **QUESTIONS BY MS. THOMPSON:**

5       Q.       Okay. And I'd like to point your attention  
6       to the day that Holly Bobo disappeared, and that's  
7       April the 13th, 2011, okay.

8               And are you familiar with Dick Adams?

9       A.       Yes.

10      Q.       Okay. And how do you know Dick Adams?

11      A.       Him and -- him and his wife and my mom and  
12      dad was friends, been friends all my life.

13      Q.       Okay.

14      A.       And I've knew him all my life, yeah.

15      Q.       Okay. And so then do you also work with  
16      Mr. Adams?

17      A.       I do.

18      Q.       Okay. Where do you work and what do you do?

19      A.       Do what, ma'am?

20      Q.       Where do you work and what do you do?

21      A.       We work at North Utility Water District, and  
22      we cover two counties, Decatur and Benton County.

23      Q.       Okay. And so many times on a day-to-day  
24      basis, do you work directly with Dick Adams?

25      A.       Yes, it's usually me and him. We'll go out



1 and do whatever we have to do.

2 Q. Okay. So are you also familiar with  
3 Zach Adams, Zachary Adams?

4 A. I am.

5 Q. Okay. And let me ask you about a truck, a  
6 white Nissan truck, that Dick Adams owned in April of  
7 2011. Okay. Are you familiar with that truck?

8 A. Yes.

9 Q. Okay. How is it that you're familiar with  
10 it? Will you just tell the jury?

11 A. We used to work in it. It was our work  
12 company truck that --

13 Q. Can you speak up just a little?

14 A. It was our work truck that we used all the  
15 time. Our company truck that he -- they paid him  
16 mileage for, but we used it, you know, on a daily  
17 basis.

18 Q. Okay.

19 A. So I've rode a many of miles in it.

20 Q. Okay. And then at some point it was no  
21 longer -- Dick was no longer using it for work?

22 A. They -- the district bought a new company  
23 truck, and Dick was driving in that one at the time.

24 Q. Okay.

25 A. And he stopped using the Nissan.

1 Q. Okay. And so on April the 13th, do you have  
2 personal knowledge about where that truck was?

3 A. I think it was at my mom's house.

4 Q. Okay. You said you think. Do you think --

5 A. Well --

6 Q. -- that or do you know that?

7 A. I'm -- everybody that know me knows I'm a  
8 coon hunter, and I got dogs at my parent's house.  
9 I'm there at night feeding them, and I -- and I seen  
10 it at night when I pulled up there.

11 Q. So you definitely saw it. When was the first  
12 time you saw it at your mother's house?

13 A. Me and my wife, we got -- I got married on  
14 April 1st. We was actually in Mexico. I flew  
15 back -- we stayed for a while through our honeymoon,  
16 and I flew back April the 6th. The Nissan truck was  
17 there on the 6th.

18 Q. Okay. And then what about on the 13th?

19 A. I remember seeing it at night every time I  
20 was there.

21 Q. Okay. So you're sure it was there at night  
22 on the 13th?

23 A. I think it was there for two to three weeks  
24 at night, that I can know at night.

25 Q. Okay. Now, on the day that Holly

1 disappeared, you were with Dick on that day doing  
2 various --

3 A. We was. I don't know exactly the time I  
4 clocked in. Usually either from 7:00 to 3:00, might  
5 have been 8:00 to 4:00. But that day we, you know,  
6 would probably have stayed there maybe to 9:00. I  
7 don't know. Usually we stay there to 9:00. Our  
8 office manager comes in and she -- and she has the  
9 calls for us. We go out and...

10 Q. Okay. And to be clear, on that day, you  
11 don't remember seeing Zach Adams driving around in a  
12 truck that day?

13 A. I do not remember seeing him that day.

14 Q. Okay. So that's just to be perfectly honest  
15 and direct, you don't remember that?

16 A. I do not.

17 Q. Okay.

18 MS. THOMPSON: No further questions.

19 THE COURT: Cross.

20

21 **CROSS-EXAMINATION**

22 **QUESTIONS BY GENERAL NICHOLS:**

23 Q. Hi, Mr. Bell.

24 A. Hey.

25 Q. You and I got to speak yesterday I think --

1 A. Yes.

2 Q. -- for a few minutes. I just have a couple  
3 of follow-ups from things that we talked about  
4 yesterday.

5 Because of everything that was going on with  
6 you, you got married, you went on your honeymoon --

7 A. Yeah.

8 Q. -- you had to come back and live with your  
9 parents until your house was ready. You have a  
10 pretty good memory of this timeframe is what it seems  
11 like to me?

12 A. Yeah.

13 Q. Okay. And you told me that you were a coon  
14 hunter, very careful to keep your dogs on the same  
15 eating schedule so if you want to hunt at night --

16 A. That's right.

17 Q. -- you're not going to feed them before you  
18 go hunting?

19 A. Uh-huh.

20 Q. Is that right?

21 A. That's right.

22 Q. And so that's how you know that you would be  
23 at your mom's house around 10:00 p.m.?

24 A. Yeah.

25 Q. Now, it's my understanding that Dick and your

1 mom -- or I guess your mom had given Dick permission  
2 to put the white Nissan Frontier -- had some like  
3 graphics on the side of it I think?

4 A. It did. It did.

5 Q. Okay. Behind the building in the back? I  
6 can't remember what you said yesterday.

7 A. Yeah. What I knew -- because I had got back  
8 and it was already there.

9 Q. Right.

10 A. Dick had told me that he went and got it out  
11 of im -- he actually drove his van to my mom's where  
12 he -- she carried him to get it out of impound and  
13 dropped --

14 Q. In Lexington?

15 A. -- and dropped him -- yeah, that's right.

16 Q. Uh-huh.

17 A. And then when he come back, he had two  
18 vehicles there. So he left the Nissan and hid it  
19 back there behind -- there was two -- there's two red  
20 shop buildings. This a big property. Left it  
21 behind -- in between the two shop buildings.

22 Q. Okay. And are the shop buildings wider than  
23 the width of the truck?

24 A. Oh, yeah.

25 Q. Okay. So this property, does it sit back off

1 the road?

2 A. The house, you know, sits up on a hill, and  
3 then the shops are sitting even behind it.

4 Q. Even behind that?

5 A. That's right.

6 Q. And I believe you told me that though your  
7 mom is not in good health now, at the time you  
8 thought her mind was okay in 2011?

9 A. It was probably better, yeah, than it is now.

10 Q. But not great?

11 A. No, absolutely.

12 Q. Okay. And I believe you also told me that  
13 you believed that you were certain, without a doubt,  
14 that Zach Adams, or anybody else, could have come and  
15 gotten that truck out and your mom wouldn't have  
16 known it?

17 A. That's correct.

18 Q. And because you are the kind of person you  
19 are and noticed the truck between the shops, you  
20 believe you would have noticed had it been gone after  
21 10:00 p.m.? Is that --

22 A. Yeah, I mean, I can't not think it wasn't  
23 there when I pulled up there. I think maybe if -- --  
24 if wasn't there, I would have said, you know,  
25 somebody got Dick's truck. But I think every time I

1 pulled up there and fed my dogs, it was at that  
2 property.

3 Q. Is there -- and you use words like I think I  
4 would have noticed, I think I would have said  
5 something, but the truth is, there is a possibility  
6 that the truck could have been gone for a night, and  
7 you might not have noticed it one night?

8 A. I mean, it could be I guess. I mean, I had a  
9 lot going on. We -- I was trying to get into my --  
10 our house, and it was actually on down the road and  
11 across the highway. We was remodeling it to -- and  
12 yes, I had a lot going on.

13 Q. Now, on another topic. Dick testified today.  
14 You told me that he kept a journal or sort of a log  
15 of what y'all did.

16 A. That's right.

17 Q. Because you worked with him on a daily basis,  
18 right?

19 A. Yep, that's right.

20 Q. You still work with him?

21 A. That's it.

22 Q. You care about him?

23 A. Yeah. Oh, yeah.

24 Q. Went back to April 13th, 2011?

25 A. Uh-huh.

1 Q. And in his log it said that he wrote -- that  
2 he wrote on that date, "Billy and I met Jug at  
3 Siegler's and fixed blow off", and something else. I  
4 couldn't read the writing. Do you remember that?

5 A. I had to hear that where we was at. I  
6 couldn't recall --

7 Q. Uh-huh.

8 A. -- you know exactly where we was at. When he  
9 said that, it brought back memories of -- I remember  
10 kind of how we went that day to get there. And I --  
11 you know, I remember leaving the plant and the way we  
12 went. I remember hearing -- I got a phone call. I  
13 don't know what time it was.

14 Q. Uh-huh.

15 A. I remember exactly where we was at. A friend  
16 of mine called me and said they took Dana Bobo's  
17 daughter. And I said I didn't even know he had a  
18 daughter. I knew of Clint, but I didn't know of  
19 Holly. And I just remember that exact place, and I  
20 remember how we went.

21 Q. Right. Because you do remember that -- and  
22 it's not surprising. That was -- that was quite a  
23 piece of information for you to get. Tell the jury  
24 exactly where you were and what -- and then the roads  
25 that you took to get to your next destination.



1       A.       We was on Old State Highway 69, and it's  
2       rural. It runs -- we run over to, I think, a road  
3       called Franks Road. Went down Franks Road to Duck  
4       Farm Road and crossed the highway -- crossed 641  
5       going towards Yellow Springs or Pugh Road. And we  
6       would have went around through there and that  
7       would've connected back across to Jeanette -- or to  
8       Bible Hill Road. I know we went to Bible -- down  
9       Bible Hill Road, because I remember the 2010 flood,  
10      it had the bridge down at Holladay out of -- you  
11      know, we couldn't cross. So we had to take the Joe  
12      Holladay Road that veered around to Allen's property.  
13      And I remember that.

14      Q.       Did you and Dick go by the front of the Shell  
15      station at the 126 exit that day?

16      A.       I can't --

17      Q.       Around 10:00 a.m.?

18      A.       I can't remember that.

19      Q.       When you say that, does that mean that's not  
20      the way you went?

21      A.       I'm -- if it's logged in where he had it  
22      logged in when we went to that --

23      Q.       No, he -- it wasn't logged in.

24               MS. THOMPSON: Your Honor, I object to  
25      the --

1 THE COURT: Ask the question.

2 BY GENERAL NICHOLS:

3 Q. I read you the log.

4 A. Yeah.

5 Q. So now I'm asking you. And you just told us  
6 the direction you went?

7 A. That's the way I remember it.

8 Q. Okay. And you don't remember going past exit  
9 126?

10 A. (Shook head negatively.)

11 Q. And you don't remember seeing --

12 THE COURT: Wait. Wait. Wait. He shook  
13 his head. You need to answer out. She's taking down  
14 what you say. I know you shook your head because I  
15 saw you.

16 THE WITNESS: No.

17 BY GENERAL NICHOLS:

18 Q. So no, you didn't go by the 126.

19 Did you see -- well, first of all, do you  
20 know Zach Adams?

21 A. (Nodded head affirmatively.)

22 THE COURT: There you go again.

23 THE WITNESS: Yes. Yes. I'm sorry.

24 THE COURT: Okay.

25 THE WITNESS: I'm sorry.

1 THE COURT: No, you're fine.

2 BY GENERAL NICHOLS:

3 Q. Everybody does it.

4 THE COURT: I'm not trying to embarrass  
5 you. A lot of people do it, but you need to speak  
6 out, okay?

7 THE WITNESS: I'm sorry.

8 BY GENERAL NICHOLS:

9 Q. She's doing this to see if it's a yes or no.  
10 And you said yes, correct?

11 A. Yes.

12 Q. Known him his whole life?

13 A. (Nodded head affirmatively.)

14 Yes. Yes. I'm sorry.

15 THE COURT: We're going to get you  
16 trained about the time we turn you loose, okay.

17 BY GENERAL NICHOLS:

18 Q. What about Dylan Adams?

19 A. Yes.

20 Q. What about Shane Austin?

21 A. Yes.

22 Q. Know all three of them?

23 A. Yes.

24 Q. Would you have recognized them if you saw  
25 them at the Shell station?

1 A. Yes.

2 GENERAL NICHOLS: I don't have anything  
3 else. Thank you.

4 THE COURT: Further direct.

5 MS. THOMPSON: Yes.

6

7 **REDIRECT EXAMINATION**

8 **QUESTIONS BY MS. THOMPSON:**

9 Q. Mr. Bell, you did cross over 641 that day  
10 from Duck Farm Road to Pugh Road; didn't you?

11 A. Yes.

12 Q. That's the way you remember going?

13 A. That's right.

14 Q. And when you crossed over 641, that's where  
15 641 comes down from the Shell station towards  
16 Parsons; isn't it?

17 A. Yeah. We was on a rural -- I mean, it's a  
18 rural area right there where it's -- actually,  
19 Mr. Adams, Dick, they live -- they own on all four  
20 corners at that -- at that location.

21 Q. Okay.

22 A. And we crossed over -- I'm sorry. We crossed  
23 over to Pugh Road and went that way.

24 Q. Okay. And so it's possible that Zach Adams  
25 could have been in an oncoming car as you crossed

1 over and you didn't see him?

2 A. It's possible.

3 Q. Because you --

4 A. I mean --

5 Q. You weren't paying careful attention that day  
6 to -- I mean, you weren't particularly on the lookout  
7 for him at that time; were you?

8 A. That would be correct.

9 Q. Okay.

10 MS. THOMPSON: No other questions.

11 THE COURT: Done? Follow-up? Okay.

12

13 **RECROSS EXAMINATION**

14 **QUESTIONS BY GENERAL NICHOLS:**

15 Q. I know you care about him, but Dick Adams  
16 forgets stuff a lot; doesn't he?

17 A. Well, he's getting old. Yes. Yes.

18 Q. I understand, and I mean no disrespect. It's  
19 just a fact of life; isn't it?

20 A. I'm seeing it through my mom.

21 Q. And I appreciate --

22 THE COURT: What was your last statement?  
23 Something about your mama.

24 THE WITNESS: I said I'm seeing it -- she  
25 was asking about his mind.

1 THE COURT: Okay.

2 THE WITNESS: My mom's mind's bad.

3 THE COURT: Okay.

4 THE WITNESS: But I mean, I -- he's -- I

5 don't -- I mean, it's --

6 BY GENERAL NICHOLS:

7 Q. It's hard for you; isn't it?

8 A. Yeah, that's it.

9 Q. Right.

10 THE COURT: Done?

11 MS. THOMPSON: Yes, Your Honor.

12 THE COURT: All right. Step down.

13 You're free to go or you can come back in the

14 courtroom if you'd like.

15 (WHEREUPON, the witness was excused from

16 the stand and left the courtroom.)

17 THE COURT: Call your next.

18 MS. THOMPSON: Your Honor, we call

19 Linda Littlejohn.

20 (The witness was sworn.)

21 THE COURT: Be seated. State your name,

22 first and last, and spell it for the benefit of the

23 court reporter.

24 THE WITNESS: Linda Littlejohn, L-I-N-D-A

25 L-I-T-T-L-E-J-O-H-N.

1                                   \*    \*    \*

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

5  
6                                   **DIRECT EXAMINATION**

7       **QUESTIONS BY MS. THOMPSON:**

8       Q.       And how are you employed, Ms. Littlejohn?

9       A.       I'm employed at the Tennessee Bureau of  
10      Investigation Crime Laboratory in Nashville,  
11      Tennessee.

12      Q.       Okay. And on April the 13th, or around in  
13      there, were you involved in an investigation  
14      regarding the disappearance of Holly Bobo?

15      A.       I received some evidence in April of 2011 --

16      Q.       Okay.

17      A.       -- but I did not go to the crime scene.

18      Q.       Okay. But you were involved in processing  
19      some of that evidence?

20      A.       Yes, I was. That's correct.

21      Q.       And some of that evidence that you were  
22      involved in processing was the -- a footprint that  
23      was found in a carport, does that sound right?

24      A.       A shoe print, yes.

25      Q.       Right. Not footprint. Shoe print? There's

1 a difference --

2 A. Yes.

3 Q. -- if you're technical about it, okay.

4 MS. THOMPSON: I'd like to see Exhibit  
5 44, if I could. Those are not 44. 44 is a picture  
6 of a shoe print, not a footprint.

7 BY MS. THOMPSON:

8 Q. Okay. And I'd like to pass up to you some  
9 photographs of a shoe print.

10 THE COURT: Your exhibit number again?

11 MS. THOMPSON: Okay. I have here 44,  
12 40 -- well, I need glasses for that one. 45, 46, and  
13 47.

14 THE COURT: All right.

15 BY MS. THOMPSON:

16 Q. And I'd also like to direct your attention  
17 just to save time to a report that you did regarding  
18 Exhibits 02a, 03a, 05d, and 05e, which is dated  
19 5/25/11. Because what I've noticed in your office is  
20 you don't number your reports with a unique number.  
21 So you kind of have to go by date issued and then  
22 some side information.

23 A. Well, the lab number is on every piece of  
24 evidence in this case.

25 Q. Right.



1       A.       And --

2       Q.       So do you see the report to which I am  
3       referring --

4       A.       I do.

5       Q.       -- if I say those things?

6               Okay. And so did you use this photograph or  
7       photographs -- similar photographs of this shoe print  
8       in order to do some comparisons?

9       A.       I used different photographs than these. I  
10      made -- on the gel lifts that were used to collect  
11      these shoe prints from the crime scene, I took  
12      photographs of those, enlarged those to scale, and  
13      then I compared those with the shoes.

14      Q.       Okay. So that's actually more technical even  
15      than a photograph would be?

16      A.       It's more technical than these photographs,  
17      yes.

18      Q.       Okay. Yes. And then based on that, did you  
19      also then do a comparison to shoes that came from  
20      Clint Bobo?

21      A.       I did.

22      Q.       Okay.

23               MS. THOMPSON: And if we can have that  
24      large bag of materials over there. The biggest of  
25      all the bags. And in there is going to be two shoes.

1 BY MS. THOMPSON:

2 Q. If I pass up to you a bag of shoes -- okay.  
3 If you look in that bag of shoes, are those some of  
4 the shoes that you examined? Can you tell what  
5 number those...

6 A. I can identify this bag with my case number,  
7 the -- my exhibit number and my initials.

8 Q. And what exhibit number is that? Is that --

9 A. 5e.

10 Q. -- 5e and d? 5e, I guess.

11 A. Just 5e.

12 Q. Okay.

13 A. These are the shoes. I can --

14 Q. Okay.

15 A. -- identify it by, again, my case number and  
16 my initials on --

17 Q. Okay. And so then you --

18 A. -- the exhibit number.

19 Q. You compared those shoes with the gel shoe  
20 print that you had lifted off the -- or that you been  
21 provided?

22 A. Yes.

23 Q. Okay. And are those shoes consistent with  
24 making the footprint that was lifted from the floor  
25 of the carport?

1       A.       They are consistent with respect to size,  
2       shape, and tread design to the lift from the carport.  
3       That means that this shoe, and this is the right  
4       shoe, could made -- could of made that print or  
5       another shoe just like that. There were no  
6       individual characteristics, so I cannot say for sure  
7       that it was this shoe to the exclusion of all others.

8       Q.       Okay. So by individual characteristics, you  
9       would mean if like part of the tread were cut or if  
10      there was something that made that tread different  
11      from the mold of the tread that would have made the  
12      sole of the shoe?

13      A.       Yes. When shoes are made, classic  
14      characteristics are put on the shoes by the  
15      manufacturer, that size, shape, and tread design.  
16      That comes from the mold that they are made out of.  
17      As you wear the shoes, it's possible that you'll get  
18      cuts, tears, and gouges on the bottom of those shoes  
19      that make them unique to that pair of shoes. And in  
20      this case, I was not able to find any of those on the  
21      shoe or in the print to conclude that this shoe could  
22      have made it. So it's just a class characteristic  
23      match. Means that a shoe like this or another one  
24      with these same type of class characteristics could  
25      have made it.

1 Q. Okay. And I would like to pass up a report  
2 to you and see if that looks like the same report to  
3 which you've been referring.

4 A. Yes, it is a copy of my official report.

5 MS. THOMPSON: And, Your Honor, at this  
6 time, I would like to put this report into evidence.

7 THE COURT: Be 235.

8 (WHEREUPON, the above-mentioned document  
9 was marked as Exhibit Number 235.)  
10 BY MS. THOMPSON:

11 Q. I'll take the shoes.

12 A. Yes, thank you.

13 Q. I'll take the photographs back from you if  
14 you like. And on these photographs there's also  
15 another shoe print that's not related to the shoes  
16 that you -- that was a flip-flop print; is that what  
17 you decided?

18 A. I was not able to match the additional --  
19 there were two additional shoe prints, and I was not  
20 able to match those to any shoes that were submitted.

21 Q. Okay. Very good.

22 MS. THOMPSON: No further questions.

23 THE COURT: Cross.

24 GENERAL HAGERMAN: Your Honor, just a  
25 couple.

1  
2 **CROSS-EXAMINATION**

3 **QUESTION BY GENERAL HAGERMAN:**

4 Q. You didn't actually go to the crime scene,  
5 right?

6 A. I did not.

7 Q. Were you aware that there were literally  
8 hundreds of people at the crime scene by the time TBI  
9 arrived?

10 A. I've heard that. I do not know.

11 Q. All right. To your knowledge, were any other  
12 shoes from any of these hundreds of people ever  
13 submitted for comparison?

14 A. No, they were not.

15 Q. Just the one pair having to do with Clint?

16 A. Two pair from Clint, and then maybe some  
17 additional that were found in different places, but  
18 not anybody -- any -- not identified from another  
19 person other than Clint Bobo.

20 Q. Okay. So Shane Austin's shoes were never  
21 sent to you for comparison against these?

22 A. That's correct.

23 GENERAL HAGERMAN: That's it, Judge.

24 THE COURT: Done?

25 MS. THOMPSON: Done, Your Honor.

1 THE COURT: All right. Step down.  
2 You're free to go.

3 THE WITNESS: Thank you.

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

6 THE COURT: Call your next.

7 MS. THOMPSON: Amber Treat, Your Honor.

8 THE COURT: Last name Treat?

9 MS. THOMPSON: Treat, yes.

10 THE COURT: Raise your right hand,  
11 please.

12 (The witness was sworn.)

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

16 THE WITNESS: First name is Amber,  
17 A-M-B-E-R. Last name Treat, T-R-E-A-T.

18

19 \* \* \*

20 **AMBER TREAT,**

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 how are you employed, Ms. Treat?

2 A. I'm a private investigator. I work with AK  
3 Investigations.

4 Q. Okay. And in this case, did you happen to  
5 drive some specific routes in Decatur County?

6 A. Yes, I drove three separate routes.

7 Q. Okay. And will you just explain to the jury  
8 kind of which routes you drove, where you went, and  
9 why did you do this?

10 A. I drove three routes. One was from the  
11 Yellow Springs Church, which is at Yellow Springs  
12 Road and Pugh Road. I drove that to the Tennessee  
13 River under the I-40 bridge via Ward Hill Road. And  
14 then I returned to the church at Yellow Springs Road  
15 via a different route. And then the third route that  
16 I took was the tracking of Holly Bobo's cell phone  
17 from April 13th, 2011, based on the opinion of  
18 John Walker, who at the time was a Senior Inspector  
19 for the United States Marshal Service.

20 Q. Okay. And did you make -- you made  
21 documentation of your routes?

22 A. I did. I measured the routes for both time  
23 and distance.

24 Q. Okay. I would like to pass this up to you.

25 A. Thank you.

1 Q. Okay. So let's start with the first route  
2 you drove. Each time you got to a different  
3 intersection, you made a notation of the time?

4 A. Correct. The time was kept on a stop watch,  
5 and I lapped it each time moved on to a new road.

6 Q. Okay.

7 A. So the route -- the time from one road to  
8 another is notated, as is the total elapsed time.

9 Q. Okay. And then if you wanted to know how  
10 long it took to get between two points in the route,  
11 you just have to add up the different times to the  
12 different intersections; is that right?

13 A. That's correct, yes.

14 Q. Okay. And those were -- you drove three  
15 different routes based on directions that I gave you?

16 A. That is correct, yes.

17 Q. Okay.

18 MS. THOMPSON: Your Honor, at this time  
19 we'd like to put those into evidence.

20 THE COURT: Are there -- didn't she say  
21 she did it three times?

22 MS. THOMPSON: There's three different  
23 routes, yes, Your Honor.

24 THE COURT: All right. Are all of them  
25 on one?



1 MS. THOMPSON: No, there's three  
2 different sets.

3 THE COURT: All right. That's what I  
4 need to know.

5 MS. THOMPSON: And we have the map  
6 pre-done so there's no map drawing. Okay.

7 THE COURT: Exhibit 236, 237, 238.

8 MS. THOMPSON: Okay. So the one that  
9 goes from the Yellow Springs Church to the Tennessee  
10 River will be the first one.

11 (WHEREUPON, the above-mentioned document  
12 was marked as Exhibit Number 236.)

13 BY MS. THOMPSON:

14 Q. And that's based on a route that I gave you?

15 A. Correct, yes.

16 Q. Okay. And then the one that goes from the  
17 Tennessee River to the Yellow Springs Church, that's  
18 based on the second route I gave you?

19 A. Yes.

20 MS. THOMPSON: And this is the second  
21 one.

22 (WHEREUPON, the above-mentioned document  
23 was marked as Exhibit Number 237.)

24 BY MS. THOMPSON:

25 Q. And then the little loop around possible

1 routes of Holly's cell phone is a third route that I  
2 gave you?

3 A. Yes.

4 (WHEREUPON, the above-mentioned document  
5 was marked as Exhibit Number 238.)

6 BY MS. THOMPSON:

7 Q. Okay. And then the first one -- so if we  
8 look at this first report right here.

9 THE COURT: Why don't you go ahead and  
10 get us another level.

11 THE DEPUTY: Okay.

12 BY MS. THOMPSON:

13 Q. You go from Yellow Springs Church to Duck  
14 Farm Road to Duck Road to McIllwain Road; is that  
15 right?

16 A. Yes. Yellow Spring Church to Duck Farm Road,  
17 Duck Farm to Duck Road, Duck Road to McIllwain,  
18 McIllwain to Old Highway 69, Old Highway 69 to Sugar  
19 Tree School Road, Sugar Tree School Road to North  
20 Morgan Creek, North Morgan Creek Road to Birdsong  
21 Road, and then Birdsong Road to Ward Hill Road, and  
22 then you access the river via a private route, which  
23 you cannot see on the map.

24 Q. Okay. And then you've marked -- you've  
25 premarked a map here on your route on how you went;

1 is that right?

2 A. That's correct.

3 Q. Okay. Okay. Then the next one that goes  
4 from the Tennessee River back to Yellow Springs  
5 Methodist Church, what route did you take there?

6 A. For that I started at the Tennessee River,  
7 the same location I ended on the first route, and I  
8 took the access road to Ward Hill Road. And instead  
9 of turning right, I went straight on Ward Hill,  
10 turned on to Nix Landing Road, Nix Landing to North  
11 Morgan Creek Road, North Morgan Creek to Sugar Tree  
12 School Road, Sugar Tree School Road to Old Highway  
13 69, Old Highway 69 to McIllwain Road, McIllwain Road  
14 to Duck Road, Duck Road to Duck Farm Road across to  
15 Pugh and then back to the church.

16 Q. Okay. And how long did that route take you  
17 to come back?

18 A. That's like approximately 32 minutes.

19 Q. And the first route you took -- oh, technical  
20 problems. I think I hit it with my foot.

21 And the route going there, how long did that  
22 take you?

23 A. The route going out there took approximately  
24 26 minutes.

25 Q. Okay. That one.

1           And then you also drove a route kind of  
2 tracking a possible route of Holly's telephone pings  
3 that morning; is that right?

4       A.       That's correct.

5       Q.       And how long did it take you to do that route  
6 total?

7       A.       That route total was approximately 43  
8 minutes.

9       Q.       Okay.

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

12           THE COURT: Okay. Cross.

13           GENERAL HAGERMAN: Really quick, Judge.  
14 Really quick.

15           THE COURT: Do you want the lights up or  
16 down?

17           GENERAL HAGERMAN: It doesn't matter.  
18 They can stay down.

19           THE COURT: Okay.

20           GENERAL HAGERMAN: This won't take two or  
21 three minutes.

22

23                           **CROSS-EXAMINATION**

24           **QUESTIONS BY GENERAL HAGERMAN:**

25       Q.       Were you following the traffic laws when you

1       were driving?

2       A.       As best I could. I did not actually see any  
3       speed limit signs on any of the roads that I  
4       traveled.

5       Q.       If you weren't, I was going to prosecute you.

6               THE COURT: I give her immunity, okay.

7               GENERAL HAGERMAN: Exactly.

8       BY GENERAL HAGERMAN:

9       Q.       Is it fair to say that you weren't, as the  
10      expression goes, driving like a bat out of hell  
11      trying to escape from something?

12      A.       I would say I was driving the route to get a  
13      time.

14      Q.       Excuse me?

15      A.       I was just driving the route to get a general  
16      time.

17      Q.       Is that --

18      A.       From point A to point B.

19      Q.       So were you trying to follow the traffic  
20      laws? That's all I'm asking is were you driving as  
21      absolutely fast as you could like a race car driver?

22      A.       No, sir.

23      Q.       Or were you driving like a normal person?

24      A.       I would say I was driving like a normal  
25      person.

1 Q. That's all.

2 THE COURT: All right.

3 GENERAL HAGERMAN: That's all that I was  
4 asking.

5 THE COURT: Okay. I'm sorry. You said  
6 that was all. That triggered something. You got  
7 some more questions?

8 GENERAL HAGERMAN: That's it, Judge.

9 THE COURT: Now, that is all. Okay.  
10 Anything else?

11 MS. THOMPSON: No, Your Honor.

12 THE COURT: All right. Step down.

13 THE WITNESS: Thank you, sir.

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

16 MS. THOMPSON: Your Honor, that's our  
17 last witness we have today.

18 THE COURT: All right. We're going to  
19 get you out of here early. It's warming up. We're  
20 in good shape time-wise. I hope you can take my word  
21 for it. I'm not going to jinx it if I tell you --  
22 telling you when I think you'll get it to start your  
23 deliberations, but we're moving along fairly well.

24 Follow the instructions I gave you the first  
25 day. They're also listed in your notebook. We will

1       continue this case in the morning, and I feel certain  
2       we'll have the proof completed. I'm hopeful that we  
3       can get closing arguments and get further than that.  
4       But I feel certain that we'll have the proof  
5       concluded. Is that a fair guesstimate tomorrow?

6               MS. THOMPSON: I would say.

7               THE COURT: They're saying. But don't  
8       hold us to it. It's a very important case. I've  
9       tried to allow both sides the liberty to try their  
10      case with their techniques as they felt they are led.  
11      You folks know I'm high-g geared. I'm time compulsive.  
12      Sometimes it's hard for me, but I want them to be  
13      able to fully explore their cases. So I don't want  
14      to jinx it, but we're getting to where we need to be.  
15      It's also warmed up considerably in here, although  
16      it's been better today so far. So follow those  
17      admonitions. We'll see you tomorrow.

18              (WHEREUPON, the jury left the courtroom,  
19      after which the following proceedings were had:)

20              THE COURT: Going to give you some  
21      instructions. They're open to debate but -- to  
22      debate, but this should be fairly close. And I can't  
23      tell you how forward I'm looking to reading these,  
24      not.

25              MS. THOMPSON: Are we going to have a

1 charge conference after we read these today?

2 THE COURT: No. There'll be time.

3 MS. THOMPSON: Okay.

4 THE COURT: I don't want to push you,  
5 okay?

6 MS. THOMPSON: Okay. I just needed to  
7 know if I needed stick around or not.

8 THE COURT: No. There's a lot here.

9 (End of Volume XIV.)

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