

W7070-01208-LGA-R3-CD

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

5 Plaintiff,

6 vs.

Case No. 17-CR-10

7 ZACHARY ADAMS,

8 Defendant.
9

ORIGINAL

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME V OF XVI
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.

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1 **VOLUME V**

2 **DAY 3**

3 **TUESDAY, SEPTEMBER 12, 2017**

4
5 THE COURT: We're about two or three
6 minutes until 9:00. There's been a motion filed that
7 I think we need to take up prior to the jury
8 returning. It was filed today. State get a copy of
9 it?

10 GENERAL HAGERMAN: Yes, sir.

11 THE COURT: All right. Defendant want to
12 be heard on their motion?

13 MS. THOMPSON: Yes, sir, Your Honor.

14 THE COURT: Basically saying my
15 instruction didn't go far enough concerning hearsay,
16 which is not hearsay.

17 MS. THOMPSON: Right. I didn't want a
18 hearsay instruction, I wanted a limiting instruction,
19 Your Honor, saying that they can't use it for the
20 truth of the matter. That what they heard people say
21 needs to come in only to put things into context.

22 THE COURT: All right. State got any
23 problem with me further instructing them?

24 GENERAL NICHOLS: No, sir.

25 THE COURT: I will say I instructed them

1 yesterday, gave them the definition that if something
2 is offered by a third party that they will not
3 consider that for the truth of it, okay?

4 GENERAL NICHOLS: Well, I guess if that
5 was going to be the instruction, I probably would
6 have -- want to weigh in, because sometimes things
7 are offered by third parties that we actually are
8 offering for the truth.

9 THE COURT: Well --

10 GENERAL NICHOLS: You know under the --

11 THE COURT: -- they didn't object for
12 some things.

13 GENERAL NICHOLS: Right.

14 THE COURT: But I am going to say that if
15 something I instructed them came from a third party
16 that was not offered for the truth of the statement
17 that they shall not consider it.

18 GENERAL NICHOLS: Will you finish it off,
19 or give them the end of it that there are going to be
20 times when it is offered for the truth, because
21 otherwise, you know, all the hearsay exceptions go
22 out the rule -- I mean, go out the window.

23 THE COURT: I can't deal with exceptions
24 now. I will instruct them at the appropriate time.

25 GENERAL NICHOLS: Okay. Thank you.

1 THE COURT: If something falls under
2 hearsay exception, I will tell them they can consider
3 it, okay?

4 GENERAL NICHOLS: Uh-huh.

5 THE COURT: All right. Bring our jury
6 in.

7 When I gave them the definition, actually I
8 would have thought they would have inferred that, but
9 I'll make it clear.

10 Bring the jury, please.

11 (WHEREUPON, the jury returned to the
12 courtroom, after which the following proceedings were
13 had:)

14 THE COURT: Be seated, please.

15 Let me first start out by thanking you for
16 your sacrifice. I don't know about you, but I rest
17 better in my own bed and my surroundings, so I
18 appreciate the sacrifice that each of you are making
19 in order to discharge your civic responsibilities.
20 So I want to start out by saying that.

21 Second thing, I instructed you yesterday
22 concerning hearsay. That's a third party makes a
23 statement out of court, and I instructed you that if
24 it's not offered for the truth of that statement,
25 sometimes it can come in because that's outside the

1 classic definition of hearsay. In other words, to
2 suggest why someone did something. That statement to
3 them is not offered for the truth of it.

4 I did not tell you, but I am telling you this
5 morning, you cannot consider that as evidence. If
6 it's not offered for the truth of it, you cannot
7 consider it for evidence. You just cannot consider
8 it for any evidentiary value, okay? Because that's
9 offered to explain why someone did something, and
10 then we might further get into things in this trial,
11 and if necessary, I'll go into more detail.

12 These things are basically people get in law
13 school. But in addition to things not meeting the
14 definition of hearsay, there are certain legal
15 exceptions to hearsay. And if they come in, I will
16 further instruct you as to whether you can consider
17 that or not. Do each of you understand that?

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

19 THE COURT: Okay. State all right?

20 GENERAL NICHOLS: Yes, sir.

21 THE COURT: Defendant all right?

22 MS. THOMPSON: Yes, Your Honor.

23 THE COURT: All right. We had a witness.
24 Let's get Mr. -- you got further questions for Mr.
25 Weber?

1 MS. THOMPSON: Yes, Your Honor.

2 THE COURT: All right. Mr. Weber, you
3 were placed under oath yesterday, your testimony
4 remains under oath, okay?

5 THE WITNESS: Yes, sir.

6 THE COURT: Be seated. Okay. You can
7 continue your cross.

8

9

CROSS-EXAMINATION

10 **QUESTIONS BY MS. THOMPSON:**

11 Q. Mr. Weber, yesterday we were talking about
12 the fact that you had called the AT&T Emergency
13 Service Center in order to begin the ping locate on
14 Ms. Bobo's telephone?

15 A. Yes, ma'am.

16 Q. And that was a call that you -- that the
17 sheriff's department made from the dispatch center;
18 isn't that correct, or the sheriff's department?

19 A. I believe that would be correct, yes, ma'am.

20 Q. And it's automatically -- all those calls
21 that go in through those lines are automatically
22 recorded on the 911 system?

23 A. It is to my knowledge they were, yes, ma'am.

24 Q. Yes. So I have a recording of that 911 call.
25 Initially you had the dispatcher, is it a Judith that

1 works in the office that made the call?

2 A. I believe she was one of the dispatchers
3 there I am sure.

4 Q. Okay. So she started the initial call, and
5 you were standing there, and then you took over at
6 some point?

7 A. Yes, ma'am.

8 MS. THOMPSON: I would like to play that
9 call now. This is technical, so we've not rehearsed
10 this.

11 (Technical difficulty.)

12 Okay. Then let's pop it out and let's pop it
13 into my Mac. See, I said we hadn't rehearsed.

14 (Technical difficulty.)

15 (WHEREUPON, the 911 call was played to
16 the jury.)

17 BY MS. THOMPSON:

18 Q. Okay. So that was an accurate reflection of
19 the phone call that day; is that right?

20 A. Sounded accurate, yes, ma'am.

21 Q. And at some point you heard the AT&T person
22 give a location of Holladay Circle?

23 A. I heard him give a lot of locations, pings
24 and numbers.

25 Q. And the -- I guess the 911 operator was

1 asking if they had an address, and you said -- it was
2 coming back with an address, and he -- he was trying
3 to give the closest address possible, and he said
4 Holladay Circle?

5 A. Okay.

6 Q. So -- and he also said at some point that the
7 phone was pinged over by Interstate I-40?

8 A. Yes, ma'am.

9 Q. And -- but at that time, you did not send a
10 group of officers up that direction; did you?

11 A. No, ma'am.

12 Q. Matter of fact, once you got these two
13 readings, the latitude and longitude readings, you
14 didn't send officers to those readings; did you?

15 A. I relayed the information that I was given to
16 officers to try to go to certain locations, yes,
17 ma'am, I did.

18 Q. Okay. But as you know, officers did not go
19 to those readings within the first hour?

20 A. Ma'am, I don't know. I was clearly at the
21 dispatch center and obtaining the information as to
22 what officers -- if any went there, I don't know.

23 Q. Okay. And then let me -- and since
24 yesterday, you had an opportunity to review the
25 report that you prepared in this case; didn't you?

1 A. Yes, ma'am, I looked at it this morning.

2 Q. As a matter of fact, you, as the first
3 officer on the scene, were charged with making the
4 preliminary investigation report in the whole case?

5 A. Yes, ma'am. I have to start a case so we can
6 have a case number for follow-up things, just like
7 the AT&T track.

8 Q. Okay. And so in your report that you filled
9 out, on the very first page under the accused suspect
10 other category, you actually put Clint Bobo's name in
11 there; didn't you?

12 A. Yes, ma'am.

13 Q. And then on the second page, you wrote out a
14 narrative?

15 A. Yes, ma'am.

16 Q. And a narrative is just a brief paragraph of
17 kind of what had occurred?

18 A. Just a brief summation, yes, ma'am.

19 Q. Okay. And you wrote this -- do you remember
20 what day you actually sat down and wrote out the
21 report?

22 A. No, ma'am. I mean, a lot of that stuff was
23 kind of running together. I mean, there was a lot of
24 things going on during that time.

25 Q. So you're saying it was all kinds of

1 information coming in?

2 A. Yes, ma'am.

3 Q. Okay. And because of it all, it's possible
4 that it was several days until you wrote out the
5 report?

6 A. There may be a timestamp on the report, I
7 don't know.

8 Q. Okay. If there's not a timestamp on the
9 report, then no telling when it was actually typed
10 into a computer?

11 A. It would have been -- they are pretty quick.
12 It's not going to be a week later or anything like
13 that. It would have been within the first day or so,
14 because other people are going to need that case
15 number for their files also.

16 Q. Okay. And you put down in your report that
17 upon arriving at the scene, you spoke with the
18 brother, Clint Bobo --

19 A. Yes, ma'am.

20 Q. -- who reported the victim, Holly Bobo -- of
21 the reported victim, Holly Bobo?

22 A. Sounds right.

23 Q. And you're saying that Mr. Bobo gave you a
24 verbal statement that he was asleep in the home and
25 heard a scream?

1 A. If that's what I put down, that's what he
2 told me, yes, ma'am.

3 Q. But it's possible that you got that part
4 confused, because it's the neighbor that heard the
5 scream?

6 A. It's possible. If it's in my report,
7 unfortunately, that's what I typed up, so that's what
8 I have to stand by.

9 Q. But you were -- you didn't have any specific
10 notes from when you spoke to Clint Bobo first thing
11 that day; did you?

12 A. No, ma'am. The statement form that I gave
13 him, I don't know whatever happened to it.

14 Q. Okay. So the -- you would agree with me that
15 whatever piece of paper you gave him that day to fill
16 out has been lost at this point?

17 A. I would say that I never gained possession of
18 it back that day, no.

19 Q. Okay. Because you didn't review that paper
20 in preparation for your testimony today?

21 A. No, ma'am, I have not seen that paper.

22 Q. Okay. And so you also put down that Clint
23 Bobo checked outside the home, and he saw his sister
24 in a pink shirt and light-colored blue jeans walking
25 into the woods?

1 A. That's the description he would have given
2 me, sounds right.

3 Q. Okay. But he had also told you that he had
4 seen his sister kneeling down speaking to somebody
5 outside the window; didn't he tell you that?

6 A. I don't remember that.

7 Q. Okay. So it's a detail you don't remember
8 today?

9 A. Yes, ma'am.

10 Q. And Clint Bobo advised you he didn't think
11 much about his sister heading into the woods with her
12 boyfriend?

13 A. Seems like that's right.

14 Q. Okay. He explained to you that the boyfriend
15 was a turkey hunter?

16 A. I do recall that, yes.

17 Q. At some point he realized what was happening,
18 and he called 911?

19 A. Yes, ma'am.

20 Q. Upon arrival at the scene, you put down that
21 you did locate and photograph some blood inside the
22 carport?

23 A. That's what I put, yes, ma'am.

24 Q. Okay. So yesterday when you said you didn't
25 take pictures, you did, in fact, take some pictures?

1 A. It says that. I don't know whatever happened
2 to them. But it does say that, so I imagine I would
3 have. Probably on my cell phone, because that would
4 have been what I would have had on me at the time. I
5 don't carry around a camera with me, so.

6 Q. Back in 2011, did you have a cell phone that
7 took pictures?

8 A. It was a department-issued iPhone, yes,
9 ma'am.

10 Q. Okay. That part you remember?

11 A. What?

12 Q. You remember that you had a cell phone, an
13 iPhone that took pictures?

14 A. I remember that I had a department-issued
15 iPhone. We all had them, yes, ma'am.

16 Q. Okay. And then you -- it says that you went
17 inside this home, and you're one of the people that
18 cleared the house?

19 A. No, ma'am, I don't remember ever going in the
20 home.

21 Q. Okay. So it was only Jeremy Pratt that
22 cleared the home?

23 A. I don't know that, ma'am. I did not go in
24 the home.

25 Q. Okay. And you tried to get a dog up there,

1 but they told you that there was going to be a
2 significant time delay on the dog?

3 A. I do remember trying to get a dog up there,
4 but I don't remember being told -- I did read that in
5 my report this morning. So obviously somebody did
6 tell me that.

7 Q. Okay. And did you stay in your office to get
8 the e-mails, or was that something you could get on
9 your iPhone, the e-mails from AT&T with the pings?

10 A. I believe I had to use a computer there at
11 dispatch, but I don't remember. I remember them
12 coming in by e-mail.

13 Q. Okay. And matter of fact, you were able to
14 get four pings total; is that right?

15 A. I don't remember exactly how many, ma'am.

16 Q. Okay. Well -- and I take that back. The
17 very first locate on the phone that we heard there,
18 that locate -- there was no hit at the time. Did you
19 hear that?

20 A. I heard -- I heard him say that, yes, ma'am.

21 Q. And so then we heard two locates on the
22 telephone just then?

23 A. Yes, ma'am.

24 Q. And then they ended up sending you additional
25 two more; isn't that right?

1 A. Ma'am, again, I don't remember the number in
2 total. I remember some e-mails coming through, but I
3 don't remember how many.

4 Q. Okay. And at that point then, you did not
5 have the means by which to use this latitude and
6 longitude information they gave you to find -- to
7 pinpoint it on the map; did you?

8 A. No, ma'am. I didn't have a GPS or anything
9 to use that information.

10 Q. Okay. And it never occurred to you when you
11 were talking to the people on the phone to ask them
12 to update the system every one minute?

13 A. No, ma'am.

14 Q. You did hear the man say on the phone that he
15 was constantly refreshing the data to see if it had
16 changed?

17 A. Ma'am, he never told me that.

18 Q. You didn't hear him on the phone just now say
19 that?

20 A. I heard him on there say that, but he didn't
21 say that to me. So, no, ma'am, I was not aware that
22 you could do that.

23 Q. Okay. At the very last when he said to you,
24 I've been refreshing, and then he said, oh, it's just
25 changed, I've got a new reading for you. Did you

1 remember him saying that?

2 A. I remember him saying that.

3 Q. Okay. And then you did a supplement to your
4 report at a later date; isn't that correct?

5 A. Yes, ma'am.

6 Q. And in that supplement, you added all the sex
7 offenders that you had gone to visit?

8 A. Yes, ma'am.

9 Q. And you went to see sex offenders with Jeremy
10 Pratt?

11 A. Yes, ma'am.

12 Q. You teamed up together to do that?

13 A. We did team up for some of them. I think
14 John Riker, one of the other road sergeants, assisted
15 with a couple also.

16 Q. Okay. And so in doing that, I'd like to pass
17 to you some papers I have. I have some copies, and
18 granted they're not a very good copy of some notes I
19 have here. Can you tell me if that's your
20 handwriting?

21 A. Some of it does appear to be my handwriting,
22 yes, ma'am.

23 Q. I think one of the problems with these notes
24 is when they're copied, you can see a little bit of
25 what was on the back of the paper also.

1 But would you agree with me that it appears
2 that these rough notes on the piece of paper I just
3 handed you are the same -- is the same information
4 that eventually got transcribed into your supplement
5 number one of your report?

6 A. I would say, yes, ma'am, some of the
7 information was transcribed into my report.

8 Q. Would it be helpful if I passed you a copy of
9 your report?

10 A. That would be fine, ma'am.

11 Q. And yesterday you testified that you kind of
12 started with the sex offenders that were closest to
13 the Bobo home; is that correct?

14 A. Yes, ma'am.

15 Q. Okay. So the first person there that you go
16 see is John Turner, number one? It's probably easier
17 if you look at the typed report.

18 A. His name is first on the list so I would
19 probably have to say that's about right.

20 Q. Okay. He lives on Eastwood. You know where
21 Eastwood -- I'm sorry, he -- you located him at
22 Melton Lane?

23 A. Yes, ma'am.

24 Q. Near Eastwood.

25 Okay. The second person is on Maness Lane,

1 that's close to the Bobo house; is that right?

2 A. I'm not sure mileage-wise, but it's within

3 the city limits of Parsons.

4 Q. That's Melvin Stegall, you checked on him?

5 A. Melvin Stegall, yes, ma'am.

6 Q. Sorry, Stegall.

7 The next person is Timothy Wheat?

8 A. Yes, ma'am.

9 Q. Also on Maness Lane?

10 A. Yes, ma'am.

11 Q. Is it Michael Broughton?

12 A. Yes, ma'am.

13 Q. The fifth person is James Riddle?

14 A. Yes, ma'am.

15 Q. He's on Rosson Lane?

16 A. Yes, ma'am.

17 Q. Then you move over to Jeanette Holladay Road?

18 A. Yes, ma'am.

19 Q. And you know where Jeanette Holladay Road is

20 located?

21 A. I do.

22 Q. And it's close to the Bobo home?

23 A. Yes, ma'am.

24 Q. It's certainly closer to the Bobo home than

25 Adams Lane?

1 A. Yes, ma'am.

2 Q. And you checked on Eric Christianson?

3 A. That's what it says, yes, ma'am.

4 Q. Okay. And he was home when you got there?

5 A. That's what it says.

6 Q. And then the next person on the list is Terry

7 Britt, number 7?

8 A. Yes, ma'am.

9 Q. And he was at 3138 Jeanette Holladay Road?

10 A. Yes, ma'am.

11 Q. He gave you his story of what he had been

12 doing that day. He said he woke up at 6:00 a.m.,

13 wife woke up at 8:30-ish, and they left going to

14 Allgoods in Camden to buy supplies for remodeling the

15 house?

16 A. Yes, ma'am.

17 Q. And do you remember that upon arrival they

18 were unloading -- Jan and Terry Britt were unloading

19 a tub from a truck?

20 A. Yes, ma'am.

21 Q. And when you say truck, you mean a pickup

22 truck?

23 A. Yes, ma'am.

24 Q. And so you got there sometime that afternoon

25 after approximately 2:00; didn't you?

1 A. I don't remember the exact time, ma'am.

2 Q. Do you see a time written on your sheet,
3 under your handwritten notes? I couldn't find a
4 time.

5 A. Ma'am, I am struggling here. It's kind of
6 copied over, and it's hard to read, but not that I
7 can tell, no, ma'am.

8 Q. Okay. And do you remember that -- deputy,
9 you had just mentioned another deputy who was also
10 doing checks on sex offenders; do you remember that?

11 A. Yes, ma'am.

12 Q. And that other deputy, what was his name?

13 A. Jonathan Riker.

14 Q. And Mr. Riker, he was paired up with a second
15 person also; wasn't he?

16 A. Ma'am, I am not sure. I don't know. I would
17 say probably.

18 Q. Okay. And so do you remember that they had
19 already been by the Britt home that morning and
20 nobody was there?

21 A. No, ma'am.

22 Q. Okay. And there's a list, a time table that
23 was included in all -- well, I guess officers when
24 they came in, then began to try to form some type of
25 timeline and keep a record of who was doing what?

1 A. I would hope so.

2 Q. And you remember that you worked pretty late
3 that day?

4 A. I am sure I did.

5 Q. Okay. So if at 8:38 you were still out there
6 checking sex offenders, that would make sense to you;
7 wouldn't it?

8 A. I'm sure. I don't remember getting a whole
9 lot of sleep there for about a week.

10 Q. Okay. And that day also you said that you
11 had gone, you initially were at the Bobo home, but
12 you left some time that morning to go back to the
13 Parsons or the Decatur County Sheriff's Department?

14 A. The dispatch center, yes, ma'am.

15 Q. Where is the Decatur County Sheriff's
16 Department?

17 A. It's on Main Street in Decaturville. I don't
18 know the numerical address.

19 Q. Okay. So in order to get there from the Bobo
20 home, you would have driven past the hospital, the
21 Parsons hospital, is it Parsons or Decatur County
22 hospital that's there in Parsons?

23 A. Decatur County General Hospital.

24 Q. So you would have driven pass the Decatur
25 County General Hospital going that direction?

1 A. That's one way to go, yes, ma'am.

2 Q. Okay. That's the way you went that morning;
3 isn't it?

4 A. I don't know, ma'am. I don't know which road
5 I took. I would imagine I took that road just
6 because it's the main thoroughfare.

7 MS. THOMPSON: Okay. If I could have one
8 moment. No further questions, Your Honor.

9 THE COURT: Further direct from the
10 State?

11 GENERAL HAGERMAN: Yeah, I have a few, a
12 few, Judge.

13 MS. THOMPSON: Oh, I'm sorry, Your Honor.
14 I did want to put that phone call in.

15 THE COURT: I wondered. Let's put the
16 disk in. It will be Exhibit 37.

17 MS. THOMPSON: Can we have his report put
18 in also and his handwritten notes. He recognized
19 them.

20 GENERAL HAGERMAN: If we may approach
21 with regard to that. I would like to address the
22 Court with regard to her introducing this report. I
23 am getting the disk from Ms. Thompson presently.

24 THE COURT: The disk will be Exhibit 37.

25 (WHEREUPON, the above-mentioned 911 call

1 was marked as Exhibit Number 37.)

2 THE COURT: You want to be heard on that?

3 GENERAL HAGERMAN: Yes. May we approach?

4 THE COURT: Yes. Bring that with you.

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

7 GENERAL HAGERMAN: What Your Honor has
8 and what Ms. Thompson is attempting to introduce is a
9 report that was used to refresh Mr. Weber's
10 recollection. It's plainly and clearly hearsay.
11 Should be --

12 THE COURT: He used it to refresh his
13 recollection, so let it be entered as the next two
14 exhibits. So this will be 38 and 39.

15 (WHEREUPON, the above-mentioned document
16 was marked as Exhibit Number 38.)

17 (WHEREUPON, the above-mentioned document
18 was marked as Exhibit Number 39.)

19 (WHEREUPON, the following proceedings
20 continued within the hearing of the jury:)

21 THE COURT: I'll tell the jury, those two
22 reports that have just been filed into evidence were
23 introduced for purposes of him refreshing his
24 recollection. They're hearsay and not to be
25 considered for the truth of it, okay?

1 MS. THOMPSON: Which one is going to be
2 38?

3 THE COURT: The big one was -- or the
4 multi-page was on top, I think.

5 MS. THOMPSON: Okay.

6 THE COURT: And 39 is practically
7 illegible.

8 GENERAL HAGERMAN: May I continue, Your
9 Honor?

10 THE COURT: You may.

11

12 **REDIRECT EXAMINATION**

13 **QUESTIONS BY GENERAL HAGERMAN:**

14 Q. I think you told us yesterday you're not a
15 cell phone expert?

16 A. No, sir.

17 Q. That wasn't your job?

18 A. No, sir, it was not.

19 Q. So I am not going to try to make you one,
20 okay?

21 But did you hear what I heard on that phone
22 call?

23 A. Yes, sir, I did.

24 Q. AT&T guy couldn't give you an address; could
25 he?

1 A. No, sir.

2 Q. He couldn't tell you Holly's phone was here?

3 A. No, sir.

4 Q. At a place or on a road or anything like
5 that?

6 MS. THOMPSON: Your Honor, I am going to
7 object to the leading.

8 THE WITNESS: No, sir, he could not.

9 GENERAL HAGERMAN: I'll be mindful of it,
10 Judge.

11 THE COURT: Okay.

12 BY GENERAL HAGERMAN:

13 Q. Instead what did he tell you?

14 A. Latitudes and longitudes of possible
15 locations.

16 Q. Did you hear him mention something about like
17 a radius?

18 A. Yes, sir. 4,000 kilometers. Approximately
19 two miles I believe is what I heard him say.

20 Q. All right. So in a two-mile radius?

21 A. Yes, sir.

22 Q. So you're talking about a two-mile swatch?

23 A. Yes, sir.

24 Q. And not a place or a road?

25 A. No, sir.

1 Q. Did you hear him say anything about a city?

2 A. No, sir.

3 Q. Did you hear him ever mention Holladay,
4 Tennessee?

5 A. Not that I recall, no, sir.

6 Q. Did you ever hear him mention Interstate 40?

7 A. Yes, sir, I did.

8 Q. Do you know -- you were asked where Adams
9 Lane is.

10 A. Yes, sir.

11 Q. And do you know who lives on Adams Lane?

12 A. Yes, sir, I do.

13 Q. Who?

14 A. Zach Adams and his grandfather.

15 Q. Adams Lane near Interstate 40?

16 A. It is, sir.

17 Q. It's right there; isn't it?

18 A. It's pretty close, yes, sir.

19 Q. Adams Lane near Holladay, Tennessee?

20 A. Yes, sir, it is.

21 Q. Right there, right?

22 A. Yes, sir, it is.

23 Q. Now, even though you weren't a cell phone
24 expert and they gave you these pings -- they e-mailed
25 you pings, right?

1 A. Yes, sir, they did.

2 Q. Did you just ignore them?

3 A. No, sir. We give the information to people
4 that I thought would be useful to them.

5 Q. Because that was your job?

6 A. Yes, sir.

7 Q. Did TBI get them?

8 A. They did, yes, sir.

9 Q. Highway Patrol?

10 A. Highway Patrol did also, yes, sir.

11 Q. Other people responsible for trying to find
12 her?

13 A. Other people that were trying to help us,
14 yes, sir.

15 Q. You went about your job?

16 A. Yes, sir, I did.

17 Q. There's a list of sex offenders you talked
18 to --

19 A. Yes, sir.

20 Q. -- is that right?

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

23 THE WITNESS: Yes, sir, there is.

24 THE COURT: That was not leading.
25 Overruled.

1 BY GENERAL HAGERMAN:

2 Q. Did you talk to Terry and Janet Britt?

3 A. I did, yes, sir.

4 Q. You saw them that morning; is that right?

5 A. Yes, sir. At some point during that day I
6 did run into them.

7 Q. You saw them doing something; is that right?

8 A. We --

9 MS. THOMPSON: Your Honor, I object.

10 THE COURT: All right. That is leading.

11 BY GENERAL HAGERMAN:

12 Q. What did you see when you encountered them?

13 A. When Deputy Pratt and I pulled up into the
14 driveway of the Britt's home, they were outside
15 unloading a pickup truck with some remodeling
16 supplies to their home.

17 Q. Previously the word tub is used; is that
18 right?

19 A. Yes, sir.

20 Q. What do you mean by that?

21 A. A bath tub.

22 Q. Okay. Stuff for the bathroom?

23 A. That's what it appeared to be, yes, sir.

24 Q. Okay. Not like a big bucket or something
25 like that?

1 A. No, sir.

2 Q. You did all that after you had actually been
3 at the crime scene where she was taken, right?

4 A. Yes, sir, that is correct.

5 Q. We talked about this yesterday; didn't we?

6 A. Yes, sir.

7 GENERAL HAGERMAN: Take a second, Judge,
8 I am sorry.

9 THE COURT: Well, the light -- okay, here
10 we go.

11 BY GENERAL HAGERMAN:

12 Q. While we're waiting for it to warm up, could
13 you describe for us on one of your things you did out
14 there was put up some crime scene tape?

15 A. Yes, sir, I did.

16 Q. Now, were you the crime scene officer?

17 A. I was the initial officer on the scene, sir.

18 Q. Do you know what I mean by that when I say
19 crime scene officer?

20 A. A tech that examines --

21 Q. Absolutely. That's right.

22 A. No, sir, I'm not.

23 Q. You weren't doing that?

24 A. No, sir.

25 Q. You weren't taking samples of blood?

1 A. I was not.

2 Q. You weren't walking every step of the crime
3 scene putting tape and everything?

4 A. No, sir.

5 MS. THOMPSON: Your Honor, I object to
6 the leading.

7 THE COURT: Sustained.

8 BY GENERAL HAGERMAN:

9 Q. Did you put some tape up, though?

10 A. I did at one point, yes, sir.

11 GENERAL HAGERMAN: If we can just resume
12 the lights, Judge, I'll pass him this in a moment.
13 We'll figure it out over the next break.

14 THE COURT: Okay.

15 BY GENERAL HAGERMAN:

16 Q. I'll pass you what's been previously marked
17 as Exhibit 7.

18 A. Yes, sir.

19 Q. All right. Do you see the tape that you put
20 up?

21 A. I see some crime scene tape, and that's the
22 area that I put it up, yes, sir.

23 GENERAL HAGERMAN: May I approach the
24 witness?

25 BY GENERAL HAGERMAN:

1 Q. Can you show me the tape in the area that you
2 put up?

3 A. Yes, sir. Over here next to -- there's an
4 alleyway going down the carport, all right. Over
5 here would be the door walking down into the carport
6 where Holly's car would have been. Just to the left
7 of that, there was some sort of decoration, and then
8 the door going into the main entrance of the home on
9 the back side. I tied the tape between there, strung
10 out through here and back over to a brush -- small
11 tree on the back corner of this right here.

12 Q. Okay. And would you agree with me that you
13 put tape that's stretched from the porch or from the
14 carport -- I think it's more the porch than the
15 carport all the way across this back area, it's a
16 tree or something?

17 A. I did. I carried it all the way across to
18 the shed back here where you can see Clint Bobo's
19 truck. I was trying to preserve this area just in
20 case -- because we already observed the blood on the
21 carport or in the carport, I should say. And then a
22 spatter on the wall. So I was trying to preserve
23 this area just in case there might have been some
24 sort of indication of a trail in which way they had
25 left outside of that area.

1 Q. On the other side, it spans from some trees
2 or something over next to the carport all the way
3 across to the other trees?

4 A. That's correct, sir.

5 Q. Would you agree with me that you didn't put
6 any crime scene tape across the mouth of that
7 carport?

8 A. No, sir, I did not.

9 Q. If somebody put crime scene tape across the
10 mouth of that carport, that would not have been you?

11 A. No, sir, that would not.

12 GENERAL HAGERMAN: Might I display this
13 to the jury, Your Honor?

14 THE COURT: You may.

15 GENERAL HAGERMAN: State's Exhibit Number
16 7.

17 BY GENERAL HAGERMAN:

18 Q. You can see the crime scene tape going across
19 the back yard; is that right?

20 A. Yes, sir.

21 Q. On both sides --

22 A. It covers up a big section of that driveway
23 there at the end of the carport.

24 Q. But you can see that you didn't put crime
25 scene tape actually on the mouth of the carport?

1 A. No, sir -- yes, sir, you can see that.

2 Q. So if somebody later came on and did that,
3 that wasn't you?

4 A. If it was there later, yes, sir, that was not
5 me.

6 GENERAL HAGERMAN: That's all my
7 questions, Your Honor.

8 THE COURT: Further cross?

9

10 **RECROSS-EXAMINATION**

11 **QUESTIONS BY MS. THOMPSON:**

12 Q. Mr. Weber, you did not put up that crime
13 scene tape right away; did you?

14 A. No, ma'am. I put it up after I noticed the
15 blood in the carport.

16 Q. First thing you did when you got there was
17 you handed Clint Bobo a form to fill out; didn't you?

18 A. No, ma'am. I spoke with Clint Bobo first,
19 and then eventually during our discussions, yes,
20 ma'am, he was handed a form to fill out.

21 Q. He was handed the form to fill out --

22 GENERAL HAGERMAN: Your Honor, I'm going
23 to object. This goes beyond the scope of recross.

24 MS. THOMPSON: It does, Your Honor,
25 because --

1 THE COURT: She can.

2 BY MS. THOMPSON:

3 Q. You gave him the form to fill out after Karen
4 Bobo arrived -- before Karen Bobo arrived?

5 A. I would say that was safe to say, yes, ma'am.

6 Q. And the crime scene tape was after that?

7 A. After what?

8 Q. You gave him the form to fill out.

9 A. At which time, no. It would be hard pressed
10 to say. It all happened pretty quick within the same
11 moments therein. Once the blood was noticed, there
12 was several things that happened. I realized the
13 severity of what was going on and things started
14 happening a lot quicker.

15 Q. But once you realized the severity of what's
16 going on, you still didn't go in the woods?

17 A. No, ma'am.

18 MS. THOMPSON: No further questions.

19 GENERAL HAGERMAN: Nothing further,
20 Judge.

21 THE COURT: All right. Step down.
22 You're free to go or you can remain in the courtroom.

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

25 THE COURT: Call your next witness.

1 GENERAL RAGLAND: Your Honor, can we have
2 a minute to see if we can get the projector working
3 because our next witness, we're going to use that.

4 THE COURT: Well, let's just utilize our
5 time. We'll take a morning recess. Follow the rules
6 I gave you at the outset, please. No discussion.
7 The things that are on page one of your notebook.
8 Leave your notebooks with us, and we'll take 15
9 minutes.

10 GENERAL RAGLAND: Thank you, Your Honor.

11 (WHEREUPON, the jury left the courtroom
12 and a small recess was taken, after which the
13 following proceedings were had:)

14 THE COURT: Everyone ready to proceed.
15 If you are, I'm going to send for the jury. Close
16 the door just a minute.

17 I want to say this. I feel like everyone has
18 been very cooperative. I said there would be no
19 placards, no T-shirts, no stickers, things like that
20 in support of the victim's family. I instructed the
21 sheriff if they saw any that they were to cover
22 those. There were some yesterday, there were some
23 today. I don't think it's the family. I think it's
24 well-wishers from outside. One car was Chester
25 County, one was Madison County. So just be aware.

1 Please cover anything that would indicate support for
2 anyone. If you don't, the sheriff will cover it. I
3 don't think it will be an issue because this jury is
4 very closely guarded. They're on a bus where they
5 can't see out, and they come directly in the
6 courtroom. But please, if you would, be cautious
7 about that. You folks can be seated until the jury
8 comes in.

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

12 THE COURT: What a gentleman, thank you.

13 A JUROR: You're welcome.

14 THE COURT: All right. Be seated,
15 please.

16 Birthday? I won't say anything else.

17 Mr. Scholl, birthday, yesterday?

18 MR. SCHOLL: Thank you, Judge. I
19 appreciate that.

20 THE COURT: All right. I'm Friday, and
21 we're not going to sing, okay?

22 All right. Call your next witness for the
23 State.

24 GENERAL RAGLAND: Your Honor, the State
25 calls Special Agent Loren James.

1 THE COURT: She'll be going and coming,
2 okay?

3 (The witness was sworn.)

4 THE COURT: Be seated. State your name
5 and spell first and last.

6 THE WITNESS: My name is Lawrence James.
7 Lawrence, L-A-W-R-E-N-C-E, James, J-A-M-E-S.

8 THE COURT: Thank you. You may proceed.

9 GENERAL RAGLAND: Thank you, Your Honor.

10
11 * * *

12 **LAWRENCE JAMES,**
13 **was called as a witness and having first been duly**
14 **sworn testified as follows:**

15
16 **DIRECT EXAMINATION**

17 **QUESTIONS BY GENERAL RAGLAND:**

18 Q. Good morning, Agent James.

19 A. Morning.

20 Q. You also go by Loren, L-O-R-E-N?

21 A. I do.

22 Q. Where do you work, Mr. James?

23 A. I am employed with the Tennessee Bureau of
24 Investigation.

25 Q. And what do you do for the Bureau of

1 Investigation?

2 A. I am a special agent forensic scientist
3 supervisor in the Memphis laboratory. I supervise
4 forensic scientists as well as forensic technicians
5 in the evidence receiving unit.

6 Q. Agent James, how long have you worked with
7 the TBI?

8 A. I've been employed with TBI since January of
9 1999, so a little over 18 and a half years.

10 Q. Both as special agent and as a forensic
11 scientist?

12 A. That is right.

13 Q. When did you become a supervisor of the
14 forensic scientists?

15 A. June of 2013.

16 Q. Agent James, I want to ask you about your
17 education and how you came to be a forensic
18 scientist?

19 THE COURT: Let me hold you just a
20 minute. Stipulate?

21 MS. THOMPSON: Yes, Your Honor.

22 THE COURT: All right. Stipulate that
23 he's an expert in the field of forensic science. You
24 can go into whatever you want to, but I was going to
25 give them an opportunity to voir dire if they weren't

1 going to stipulate.

2 GENERAL RAGLAND: I'll shorten it some
3 then.

4 BY GENERAL RAGLAND:

5 Q. Now, Agent James, tell the jury please where
6 you went to college.

7 A. I went to Union University.

8 Q. And you graduated with what degree?

9 A. A Bachelor of Science degree in biology.

10 Q. What year?

11 A. 1997?

12 Q. With honors?

13 A. Yes.

14 Q. And have you worked in the area of science
15 and law enforcement for pretty much since that time?

16 A. Yeah, there were a couple of years when I was
17 floating with grad school, but started working at TBI
18 when I was 25.

19 Q. One of the areas that you're involved in is
20 forensic biology and DNA?

21 A. That's right.

22 Q. Tell the jury how you have experience in
23 those areas.

24 A. Yeah, my background is in forensic biology or
25 DNA testing. I trained for approximately a year and

1 a half under the supervision of other qualified DNA
2 analysts at TBI. During that time, I had hands-on
3 experience with approximately 300 cases. I also
4 spent a lot of time in the scientific literature. I
5 had to prepare presentations for my peers to
6 establish my grasp of the material. And at the end
7 of my training, I had to complete a simulated case
8 and defend my work in a simulated court environment.

9 Also during my training, I completed the
10 TBI's forensic scientist school. This was
11 basically -- it was a six weeks course that gave me
12 an overview of all the disciplines provided by TBI
13 specifically within the context of applying those at
14 crime scene processing.

15 And so when I completed that course, I was
16 qualified by TBI to participate in the violent crime
17 response teams for West Tennessee. So I have a
18 slight working knowledge in some of those areas such
19 as microanalysis or latent print analysis. My
20 specialization is DNA. I still do some DNA testing
21 on a good day if I get lucky and have enough time to
22 do some of that.

23 I am also required to attend a certain amount
24 of continuing education every year. Generally that
25 takes the form of attending forensic conferences, or

1 sometimes we'll bring training in house within TBI
2 and train our analysts within the discipline.

3 Besides that, I've completed training. I've
4 been -- I've completed the FBI's DNA auditor program,
5 which qualifies me to audit DNA laboratories. So
6 that's kind of an overview of it.

7 Q. Thank you, Agent James. How many number of
8 serological and DNA examinations have you conducted
9 over your time as a special agent forensic scientist
10 with TBI?

11 A. I stopped counting a long time ago. It's at
12 least thousands if not tens of thousands of tests.

13 Q. Have you ever been qualified as an expert in
14 courts in Tennessee in forensic serology and DNA
15 analysis?

16 A. Yes, sir, I have.

17 Q. How many times?

18 A. I believe that I am at about 95 times right
19 now.

20 GENERAL RAGLAND: Your Honor, defendant's
21 stipulation as to his qualifications, and I would
22 tender him as an expert at this time.

23 THE COURT: He's 96 now, okay.

24 GENERAL RAGLAND: Thank you, Your Honor.

25 BY GENERAL RAGLAND:

1 Q. Agent James, you talked about the violent
2 crime response team. Tell us some more about that.

3 A. So TBI provides -- we offer the service of
4 violent crime response team for West Tennessee.
5 Generally that entails responding to violent
6 crimes -- obviously violent crimes. Over 90 percent
7 of those, I would guess, are either homicides or
8 officer-involved shootings. Essentially what we do
9 is go -- we go into the scene that has been made
10 secure by the local agencies. We document in various
11 forms such as video, photography, things of that
12 nature, sketches. We'll also collect evidence,
13 search the scene for any evidence that we can find.
14 Package it, bring it back to the laboratory for
15 testing, things like that.

16 And then after the scene is over, the team
17 leader generates a narrative of what we did and
18 provides that to the investigators.

19 Q. Agent James, I want to take you back to April
20 13, 2011, were you one of the leaders of the violent
21 crime response team on that day?

22 A. I was.

23 Q. And were you dispatched to the Bobo home at
24 681 Swan Johnson Road in Decatur County, Tennessee?

25 A. I was.

1 Q. Please tell the jury what you did that day.

2 A. The laboratory supervisor at the time called
3 me that morning, he told me to get in contact with
4 Brent Booth, one of our TBI agents. I called Brent,
5 he told me that a young lady had been abducted, and
6 that we were -- they had already done some searching
7 of the scene, but they wanted specialized forensic
8 assistance. And so I got three of my coworkers, and
9 we drove to Decatur County.

10 Q. What did you do when you arrived at 681 Swan
11 Johnson Road?

12 A. I was briefed by Terry Dicus. He gave me an
13 overview of what he knew of what they believed had
14 happened. And he told me to -- that my job, my
15 team's job was specifically to focus on the garage
16 area, that was where Holly Bobo's car was and there
17 was believed to be some probably important evidence
18 in that area.

19 He told me that her brother had observed
20 Holly being led towards the woods behind her house
21 with a man in camouflage. And Terry told me that
22 they had already searched that area for footprints.
23 And of course, my team, we still went back there and
24 looked for anything. We were looking for blood. We
25 were looking for shoe prints, anything like that. We

1 were primarily working -- we were concerned with the
2 area of the garage, and later went -- did some work
3 inside the house as well.

4 Q. Were pictures taken of the surroundings so to
5 speak?

6 A. Yes, photography and video were both
7 collected.

8 GENERAL RAGLAND: May I approach the
9 witness?

10 THE COURT: Yes. Are you going to put
11 them on the projector?

12 GENERAL RAGLAND: I want him to look at
13 them first.

14 THE COURT: Okay.

15 BY GENERAL RAGLAND:

16 Q. Agent James, I'm going to pass you what's
17 been previously marked as Exhibits 3 through 13 and
18 ask you to testify to those.

19 Do you recognize those?

20 A. I do.

21 Q. What are those?

22 A. These are photographs of the Bobo property.

23 Q. May I have those back, please?

24 GENERAL RAGLAND: May I put these on the
25 overhead?

1 THE COURT: Get the lights, please.

2 BY GENERAL RAGLAND:

3 Q. Agent James, I will tell you that the jury
4 has already seen these, but I'll run through them if
5 I could. Ask you to identify exhibit -- first is
6 Exhibit 3.

7 THE COURT: Shoot, we're getting good
8 with these lights.

9 GENERAL RAGLAND: Once I got the
10 projector turned on.

11 THE COURT: I'm not talking about you,
12 I'm talking about in here.

13 BY GENERAL RAGLAND:

14 Q. What is that?

15 A. That's a photograph of the Bobo home taken
16 from approximately the road leading into the
17 driveway.

18 Q. Next exhibit, please. What's that?

19 A. It's a photograph of the front door, the
20 entrance to the Bobo home.

21 Q. These are as they looked on April 13, 2011?

22 A. Yes.

23 Q. Next, please. What's that, Agent James?

24 A. This is a photograph taken from behind the
25 house on roughly the north end facing back down the

1 driveway.

2 Q. Next one, please. This one?

3 A. This is a photograph also taken from the
4 north end of the home showing the driveway going
5 around the back of the house.

6 Q. Next, please. This one?

7 A. This is a photograph from the north end of
8 the home, again, showing the driveway, going into the
9 carport area.

10 Q. Circling around the back of the house at this
11 time?

12 A. That's right.

13 Q. Next, please.

14 A. This is a, I guess, a garage or a shed that
15 was behind the Bobo residence.

16 Q. Next, please. What do you see here?

17 A. This is the driveway. The carport would be
18 over on the right.

19 Q. Next, please.

20 A. Again, this is the driveway, roughly facing
21 north.

22 Q. Next, please.

23 A. And this is a photograph of the alleged path
24 that Holly Bobo was seen being walked towards the
25 woods.

1 Q. Next, please.

2 A. This is the back porch of the Bobo residence.

3 Q. Is that the carport on the far end?

4 A. It is on the far end.

5 Q. Thank you. Next, please.

6 What do we see here?

7 A. That's Holly Bobo's vehicle parked in the
8 carport.

9 Q. I want to put up these next two exhibits, 24
10 and 25. Let me ask you this, were pictures also
11 taken inside the house that day?

12 A. Yes, there were.

13 Q. Let me show you what's been marked as
14 Exhibits 24 and 25. What do we see here?

15 A. It's a clothes hamper in one of the bathrooms
16 in the house.

17 Q. Next, please. What is this?

18 A. Again, it's a close up of the clothes hamper.
19 There's some underwear that was collected for efforts
20 later.

21 Q. Let me show you -- pass forward what's been
22 previously been marked as Exhibit 26. Do you
23 recognize that?

24 A. I do.

25 Q. What is that?

1 A. This is a package that contains the underwear
2 that's on the top of the dirty clothes stack there.

3 Q. Did you retrieve that underwear?

4 A. I did.

5 Q. Did you tag that underwear.

6 A. Yes.

7 Q. Did you later test that underwear?

8 A. I did.

9 Q. Was it in the same condition as when you
10 tagged it?

11 A. Yes.

12 Q. If I could have that back for the time being.
13 Thank you.

14 Agent James, I am going to show you what's
15 been previously marked as Exhibits 27 and 28, please.
16 What do we see here in Exhibit 27?

17 A. This is a photograph that's taken from a
18 birds-eye view looking down at the garage floor. You
19 can see two steps up at the top of the frame that are
20 steps leading between the back door of the residence
21 and the garage. And basically you can also see the
22 Mustang over in the lower left hand corner, it's her
23 car. So these were presumed blood drops, later
24 confirmed to be blood.

25 Q. I am going to pass you forward 12 pictures

1 and ask you to testify to them as well.

2 I'm sorry, the next one, please. Let me --
3 before you look at that, Agent James. What is this
4 in Exhibit 28?

5 A. This is another photograph taken from the
6 south looking north. The steps leading up to the
7 back door are at the far end of the frame. Obviously
8 Holly Bobo's vehicle is in the frame. And it
9 basically shows -- at least it gives an idea of the
10 proximity of various blood -- where blood evidence
11 was located at the scene.

12 Q. Okay.

13 A. You can see -- do you have a laser pointer?

14 Q. I do.

15 A. So basically these approximately right here
16 is where the blood drops are -- end on the south end
17 of that carport area. And there were blood droplets
18 going -- there was a fairly large pool right here,
19 and there was some up on the step as well. And so
20 this photograph just kind of gives an area -- a
21 representation of the area where the blood was
22 contained.

23 Q. Thank you, sir.

24 If you'll turn to those additional pictures.
25 Do you recognize those, Agent James?

1 A. I do.

2 Q. What are those generally?

3 A. These are photographs that were taken in the
4 carport area.

5 GENERAL RAGLAND: The State would ask
6 that those be admitted into evidence as separately
7 numbered exhibits as we have done with the other
8 pictures.

9 THE COURT: How many?

10 GENERAL RAGLAND: 12, sir.

11 THE COURT: All right. It will be 40
12 through 51.

13 (WHEREUPON, the above-mentioned
14 photographs were marked as Exhibit Numbers 40-51.)

15 GENERAL RAGLAND: Your Honor, I need to
16 show the defense attorney.

17 Permission to publish, Your Honor?

18 THE COURT: Is that correct, through 51?

19 THE REPORTER: Yes, sir.

20 THE COURT: Okay.

21 GENERAL RAGLAND: Can I publish, Your
22 Honor? Can I publish those exhibits?

23 THE COURT: You may.

24 GENERAL RAGLAND: Thank you.

25 BY GENERAL RAGLAND:

1 Q. Agent James, we're now looking at Exhibit 40,
2 could you tell us what we see here?

3 A. This is a photograph of Holly Bobo's vehicle
4 as it was when I arrived on the scene.

5 Q. Again, you took pictures of a number of areas
6 of the house and the outside, is that what you
7 believed to be the crime scene?

8 A. That's right.

9 Q. Next, please. Let's turn that one.

10 This is Exhibit 41, Agent James, what do you
11 see here?

12 A. This is a photograph again of Holly's car
13 parked in the carport and basically just giving kind
14 of a proximity of how close it was to the walls.

15 Q. Were you interested in anything about the
16 surface of the carport?

17 A. Well, yeah, definitely. We were -- the
18 carport had a good bit of dust, dirt that had blown
19 in. And so it was potentially a good surface for
20 shoe prints, and that was definitely something that
21 we wanted to be mindful of. And also, too, just the
22 fact that it's close to the walls.

23 You know, when you're working crime scenes,
24 you've got -- you work with what you've got. You
25 make intuitive decisions. There was also definitely

1 an aspect that as close as that vehicle was to the
2 walls, you know, someone may have brushed up against
3 the vehicle or brushed up against the walls. Maybe,
4 you know, maybe left a handprint or, you know, put
5 their hand on the car. I mean, obviously the fact
6 that blood is there indicates there was probably some
7 sort of struggle. And so all of that kind of factors
8 into our decision-making when we're looking for
9 potential evidence.

10 Q. Next, please. What do we see here?

11 A. This is a photograph of Holly's car taken
12 from the far side of the carport or garage area.

13 Q. Next, please. This one, sir.

14 A. That's a photograph taken from the front
15 driver's side corner of the bumper. It was relevant
16 because there was a good amount of dust on the car.
17 I mean, the car had some dirt on it, which was good
18 for us because we could see where contact had been
19 made to it. So there was an area on that corner
20 where the dust had been brushed off. Where something
21 had obviously made contact with it. And so
22 hopefully, you know, it could have been anything. It
23 could have been, you know, the side of someone's leg.
24 It could have been a hand as well that knocked that
25 dust off.

1 So that ended up being -- I ended up taking a
2 swabbing of it in hopes that someone had put their
3 hand down on it or something like that.

4 Q. Next, please. Agent James, this is Exhibit
5 44, what do you -- what did you see here?

6 A. This is a photograph that was taken of a
7 partial shoe print that we located in the garage.
8 It's got a ruler in it, because the idea is that
9 before we try to lift shoe prints, we try to
10 photograph, you know, with high quality, you know,
11 high resolution camera for the purposes of comparing
12 if we have any shoes that become submitted later, so
13 we can make a comparison whether to eliminate or
14 include as a possible source of that shoe print.

15 Q. The fact that there is a ruler there trying
16 to get a more specific or precise measurement?

17 A. That's right. Yeah, it's -- the ruler is in
18 there. It is placed in the photograph so there can
19 be a one-to-one comparison if you actually get a shoe
20 submitted at a later point. I said we earlier, I
21 mean, we have a specific unit in our national lab
22 that specializes in microanalysis in items such as
23 shoe tracks or tire tracks.

24 Q. Was this picture taken with a camera and
25 tripod?

1 A. Yes, it is.

2 Q. Next, please.

3 A. What do we see here in Exhibit 45.

4 A. This is another some sort of print that I
5 thought might have been a shoe. We saw this pattern.
6 There's kind of like a cross hatch pattern, and I saw
7 that pattern a couple of places on the garage floor.

8 Q. You're shoulder is hitting --

9 A. Thank you. Sorry about that.

10 Q. I'm sorry. State that again, please.

11 A. Yeah, so I believe that this was a shoe track
12 that I observed on the garage floor. And this was --
13 I believe we saw this in a couple of locations, and
14 so it's just an attempt to photograph it. Hopefully
15 for -- hopefully obtain something of -- for
16 comparison purposes.

17 Q. Do you have any observations or conclusions
18 here about the condition of the floor?

19 A. Well, just that the floor of the garage was
20 quite dirty for better or worse.

21 Q. Next, please. This is Exhibit 46, please
22 tell the jury what you see here.

23 A. Again, this is a photograph of a possible
24 shoe track.

25 Q. Looked like pebbles or rocks or stones on the

1 floor?

2 A. Yeah, there's -- you can see dirt. I mean,
3 obviously that track appears to be in dust.

4 Q. Next, please. This is Exhibit 47. Tell the
5 jury what you saw here.

6 A. Again, this is a photograph. And I'll be
7 honest with you, just looking at the photograph, I am
8 not sure if there was any part of the shoe print
9 there. It definitely looks like something went
10 through that dirt or dust that disturbed what was
11 there. But ultimately just looking at the
12 photograph, I couldn't tell you right now if I think
13 that's a shoe track or not. I think it's ultimately
14 just documentation that somebody was moving through
15 the -- there was movement in and out of the garage.

16 Q. Again, what do you -- what conclusions do you
17 have about the conditions of the floor?

18 A. Yeah, there's like -- there were areas where
19 there was a lot of dirt.

20 Q. Next, please. This might be a little similar
21 to what you saw earlier in one of the other exhibits.
22 This is Exhibit 48. What is that? What are we
23 seeing here?

24 A. So, again, this is a slightly zoomed in
25 photograph of what I showed you earlier. You can't

1 see the stairs very well anymore, but it's basically
2 a photograph that contains most of the blood evidence
3 that I observed around the vehicle.

4 Q. That's the front of the car?

5 A. Yes, this is the front fender on the left.

6 Q. Where are the steps?

7 A. The bumper, I mean.

8 Q. Where are the steps?

9 A. The steps are -- that concrete is the
10 bottom -- I guess that's the first step right there.

11 Q. Thank you. Next, please.

12 Agent James, this is Exhibit 49, and there's
13 some Post-It notes on there, are those yours?

14 A. I did add those Post-It notes.

15 Q. They weren't in the original picture?

16 A. No.

17 Q. What was in the original picture?

18 A. So this is a photograph taken slightly from
19 above. This is the step right here. First step,
20 Holly Bobo's car is right here, that's the bumper.
21 And this is the wall of the house. And so basically
22 I was trying to give an overhead shot again of the
23 blood evidence that I observed at the scene.

24 Q. This is looking down on the other side of the
25 car still at the front kind of on top of the step?

1 A. Yes. It's a little bit awkward. It's
2 definitely not parallel with the ground, but I was
3 doing the best I could standing on the stair.

4 Q. Those groupings have some importance with
5 respect to your scientific testing later; would they
6 not?

7 A. That's right.

8 Q. I'll come back to those in a little bit.
9 Let's see the next one, please.

10 This is Exhibit 50. Again, those are Post-It
11 notes you put on there?

12 A. That's right.

13 Q. Tell this jury what this view is.

14 A. So this is the stair going up to the back
15 porch. The wall would be on this side of the
16 photograph. The vehicle would be on the left side of
17 the photograph. This is a zoomed in area. There was
18 a pool of a reddish brown stain that was close, you
19 know, within a couple of inches or so -- a few inches
20 of the stair. And there are also some other blood
21 stains in this view. This one became -- it caught my
22 eye, and I could explain that later.

23 Q. Let's go to the next exhibit, please.

24 A. Okay.

25 Q. Is that the one that caught your eye?

1 A. It did.

2 Q. Looking at Exhibit 51 here?

3 A. That's right.

4 Q. What is that? That's, again, your Post-It
5 note?

6 A. Yeah. It ended up being reported out on my
7 report as Exhibit 1E. Basically it's a blood stain
8 that was -- it appeared different from a lot of the
9 other -- many of the blood stains appeared to be
10 drops that were on the floor of the garage. This one
11 looked like a smear.

12 There were also -- I don't know how well you
13 can see it. This photograph is pretty -- its focus
14 isn't the best. But there was one spot down here.
15 And this -- kind of an extended -- it almost -- it's
16 almost like the stain together looked like an
17 exclamation point.

18 So the thing that stood out to me was that
19 there were like striations or lines that were
20 observed. They looked as if some sort of -- some
21 sort of pattern had been impressed on that stain. I
22 don't know -- I called it ridge detail, because I've
23 got that terminology in my head from latent print
24 examination, but ultimately, it looks to me like
25 striations from fabric, like denim or -- I don't

1 know. I think my khaki pants that I wear to work
2 most days tend to have striations in them that are
3 real subtle, but they would -- they look like that.

4 Q. Striations is a big word, is that kind of
5 like pattern?

6 A. Yeah, yeah, just parallel lines.

7 Q. We'll come back to the blood in just a
8 moment. I'm going to ask two more -- I'm going to
9 ask you a question about two more photos.

10 GENERAL RAGLAND: May I approach? May I
11 have standing approval to approach?

12 THE COURT: Yes.

13 BY GENERAL RAGLAND:

14 Q. Let me show you two more pictures and ask you
15 to identify those.

16 A. Yes.

17 Q. What are those?

18 A. These are photographs that were taken of
19 Holly Bobo's car.

20 Q. Do you recall if these were taken the next
21 day?

22 A. They were taken the next day.

23 GENERAL RAGLAND: Your Honor, State would
24 ask that these be entered into evidence as the next
25 two exhibits.

1 THE COURT: Be 52 and 53.

2 (WHEREUPON, the above-mentioned
3 photographs were marked as Exhibit Numbers 52 and
4 53.)

5 GENERAL RAGLAND: Can I publish those,
6 Your Honor?

7 THE COURT: You may.

8 BY GENERAL RAGLAND:

9 Q. This is Exhibit 52, Agent James, that's that
10 same Mustang?

11 A. It is.

12 Q. In the garage, the carport the next day?

13 A. It is.

14 Q. Is it in the same spot?

15 A. Yes.

16 Q. And what are you doing here? What were you
17 trying to do?

18 A. So I had been called back to the scene
19 around -- involving a possible -- what appeared to be
20 a latent print on the hood. And so this is a
21 photograph of the front passenger side fender near,
22 you know, the area of the -- where the hood kind of
23 curves down onto the side of the vehicle. Yeah, I
24 think the next photograph will explain it.

25 Q. Next, please.

1 A. It will be kind of self explanatory. So
2 there were --

3 Q. Is this the hood?

4 A. This is the hood. You can see the wheel well
5 down here. And this is -- this line right here is
6 the hood. And there was a smear area right here that
7 you can see, it's not small. It's really -- it's
8 large. And likewise here, you can see where the dust
9 kind of, you know, on this side the dust was totally
10 wiped off. On this side, it was just disturbed a
11 little bit, and there's a smear in there that -- it
12 very much looked to be like a palm-sized smear.
13 There was even ridge detail that was observed with
14 blood in it.

15 Q. Thank you. I guess to say the easy way, you
16 responded to the scene that day, and the next day you
17 took pictures, took samples, and did crime scene
18 investigation, and you also acted as a scientist
19 after that, correct?

20 A. That's right.

21 Q. I want to go back and put back up Exhibit 49.

22 Exhibit 49 has these Post-It notes that may
23 not be entirely clear, but when the jury gets it in
24 the jury room, they'll see. Tell them what will they
25 see.

1 A. Okay. So obviously blood evidence can be a
2 valuable tool in terms of, you know, examining crime
3 scenes and examining evidence. There was a good
4 amount of blood here at the scene. My approach
5 generally, speaking for myself and most of the people
6 that I work with, we don't process every blood drop
7 we see. We don't swab them individually. I might
8 have had 50 or 60 blood drops here.

9 My approach, number one, I will just give you
10 my mindset. The importance or the significance of
11 blood evidence is to establish who was at a crime
12 scene, who was bleeding at a crime scene. Obviously,
13 if you've got a victim of a violent crime, a
14 reasonable assumption is your victim is very possibly
15 going to be bleeding at the scene. That's the case
16 in the vast majority of the crime scenes I respond
17 to.

18 At the same time my goal is to establish is
19 to seek to put someone else, a possible perpetrator
20 at a scene using DNA evidence. And so my approach
21 here was to group these blood droplets, the blood
22 stains into manageable group sizes that would allow
23 me to cover most of what is represented here to test
24 most of it, and at the same time not spend the next
25 six months analyzing blood drops on the garage floor.

1 So what I did was group these into five
2 different areas and collect a representative sampling
3 of blood droplets from those areas. I told you
4 earlier about the shape that looked like an
5 exclamation point that looked like something had been
6 pressed in to it and left the striations or the
7 pattern in it. I sampled that one separately just
8 because I thought it was interesting. You know, my
9 feeling was either somebody knelt down onto a blood
10 drop and smeared it a little bit, or it was already
11 on somebody's clothing, and they knelt down and
12 transferred it onto the ground. Either way, it was a
13 different stain than most of the drops that I
14 observed.

15 Q. Which one is that?

16 A. So you can't see it very well in this
17 photograph, but it's roughly in this area right --
18 actually I can see it. It's right there
19 (indicating).

20 Q. Is that 1E?

21 A. That's 1E, yeah. I called it swab number 5
22 in my original notes, and when it got submitted to
23 the laboratory, it became Exhibit E. I believe my
24 report says, area with ridge detail. It's a swab
25 from the floor of the garage, it says, area of ridge

1 detail.

2 There was another -- the first stain that I
3 collected was roughly this area right here that
4 encompassed this large pool right here (indicating).
5 I mean, that was a fist size approximately blood
6 stain. So not just a couple of drops.

7 Q. That's 1A?

8 A. That's 1A. And I called it a large stain on
9 my report just to clarify.

10 There was another grouping of the second
11 swabbing that I took was a grouping of what appeared
12 to be blood drops that were over close to the wall.
13 Again, thinking maybe if two people are scuffling in
14 this area, maybe if both of them are bleeding or
15 whatever, maybe one person's blood might be over here
16 versus right here (indicating). So I took a sample
17 right here (indicating) that became Exhibit 1B in my
18 report. It says swabs from floor of garage near
19 wall.

20 The third grouping was this far -- this is
21 the furthest -- the grouping that's the furthest
22 south. It roughly lines up with about the middle of
23 the hood. I mean, that license plate on the front of
24 her vehicle is a pretty good estimate of where those
25 fell in the scheme of that area. And so I called

1 that -- that swabbing ended up being Exhibit 1C, swab
2 from floor of garage south end of the pattern.

3 And then the fourth stain, there was a
4 grouping that was kind of in this middle area. And
5 you can't see it very well. I was kind of
6 disappointed in how the photographs came out, but
7 there was a stain up here on the step as well, a good
8 size stain. And so I swabbed that area along with
9 those. So that was my fourth grouping, and I called
10 that swab from floor of garage, stairs.

11 Q. So let me see if I can summarize. This area
12 is the area that had the placard with number one on
13 it?

14 A. Right.

15 Q. You took five different swabs, 1A, B, C, D,
16 and E?

17 A. That's right.

18 Q. Tell the jury what it means to be taking a
19 swab.

20 A. Well, we use cotton swabs. They're glorified
21 Q-tips on a wooden stick, swab on one end, just put
22 some sterilized water on it to wet it, and then swab
23 the surface of the area, in this case blood droplets.

24 Q. Let me pass you a --

25 GENERAL RAGLAND: Can we turn the lights

1 back on?

2 THE COURT: Okay.

3 BY GENERAL RAGLAND:

4 Q. Let me pass you a paper bag and ask you if
5 you can identify this. Do you need some scissors?

6 A. Do you want me to open them?

7 Q. Yes.

8 A. Yeah, that would be great.

9 I do recognize the package.

10 Q. What is it?

11 A. This bag contains the swab samples that I
12 collected from the floor of the garage.

13 Q. Those are the samples you collected and then
14 ultimately tested?

15 A. That's right.

16 Q. The same condition that you took them in?

17 A. That's right.

18 Q. Are those those samples?

19 A. Yes, they are in here.

20 Q. It's those five?

21 A. Yes.

22 GENERAL RAGLAND: Your Honor, the State
23 would ask that the bag and its contents be marked and
24 admitted into evidence as the next exhibit.

25 THE COURT: Be Exhibit 54.

1 GENERAL RAGLAND: Agent James, let me go
2 ahead and get that marked.

3 (WHEREUPON, the above-mentioned evidence
4 bag was marked as Exhibit Number 54.)

5 GENERAL RAGLAND: Your Honor, may Agent
6 James just hold these up and publish them to the
7 jury?

8 THE COURT: He can.

9 BY GENERAL RAGLAND:

10 Q. I told you to keep your gloves them. Just
11 pull them out and show them to the jury.

12 A. All right. So basically what I did was
13 take -- I've broken the sticks off of them, but every
14 one of these contains a pair of swabs and some
15 degree -- some of them still have a good bit of
16 sample left, and some of them -- I believe they're
17 mostly consumed on one of them or something like
18 that. But basically -- yeah, every one of these
19 little plastic petri dishes contains a pair of swabs,
20 and most of them have some reddish brown stain on
21 them.

22 Q. Thank you. So you've been to the house,
23 you've taken pictures, you retained these swabs, and
24 you've obtained the panties, which are Exhibit 26,
25 correct?

1 A. That's right.

2 Q. What was the purpose for getting all that?

3 A. So -- the panties specifically or the other
4 things or --

5 Q. All of them. Let me ask you this: What were
6 you ultimately trying to get to?

7 A. Well, ultimately, like I said earlier, we
8 were wanting to hopefully establish a link with a
9 suspect whether through shoe prints or through blood
10 drops, grazing against the bumper of a car, things of
11 that nature.

12 Q. So you ultimately could do a DNA analysis?

13 A. Yeah, absolutely.

14 Q. Tell the jury what DNA is.

15 A. DNA stands for deoxyribonucleic acid. It is
16 a chemical that's present in most cells in our body.
17 Basically it's a chemical blueprint for everything
18 that goes on in our body. From how we process the
19 food we eat to how our body transmits nervous
20 signals. There's also a component -- DNA is
21 inherited from our parents. We get half from our
22 mother, half from our father, and so even physical
23 characteristics. The fact that we look like our
24 siblings or we look like our parents, you know, it's
25 attributable to DNA. It determines those

1 characteristics as well.

2 Q. Do individuals have different DNA?

3 A. Yes. Much like fingerprints, DNA is unique
4 to each individual with the exception of identical
5 twins. For my testing purposes, identical twins
6 would not be distinguishable by DNA testing. But
7 besides that, as far as we know, we've never seen any
8 two individuals have the same DNA profile.

9 Q. And how is -- how do you go about your DNA
10 testing? What do you do first? You got these
11 samples, what did you do first to start down this
12 path?

13 A. The first thing I do is called serology.
14 Serology is just the identification of body fluids.
15 Most of the samples that come into our laboratory
16 undergo some degree of determination of, you know, is
17 there a body fluid here that might be relevant. And
18 so in this particular case, I did testing to
19 determine that, yes, indeed these stains that I
20 swabbed off of the floor of the garage, they are
21 blood.

22 Q. Let me interrupt you, you thought it was
23 blood?

24 A. Sure.

25 Q. But you did a test to determine that?

1 A. That's right.

2 Q. And that test generally came back with blood?

3 A. That's right.

4 Q. Okay.

5 A. Once I determined that a stain is blood, for
6 example, I'll proceed with DNA testing at that point.
7 DNA testing is -- it's a four-step process. The
8 first step involves extracting DNA out of everything
9 else it's on. I mean, in this particular case, I
10 showed you that I've got cotton swabs. So what I
11 would do is take a cutting from some of that stain
12 and run it through a process where the DNA is removed
13 from all the other -- the substrate or the cotton
14 swab as well as the other biological debris that's
15 present in that stain.

16 I run a second step that gives me an idea of
17 how much DNA is present in that sample that I
18 extracted. The third step is called amplification.
19 Basically it focuses or specifically isolates -- in
20 2011 we were looking at 13 specific areas on DNA.
21 When I say that, you know, I guess a lot of people
22 think that maybe DNA analysis consists of sequencing
23 or something like that. We don't do -- the testing
24 that we do is we're pulling about -- we're basically
25 looking at about 12 pages out of a War and Peace

1 novel. I mean, we're looking at a very small amount
2 of the DNA, but there are 13 specific areas that are
3 known to be highly variable in the human population.

4 Once I've done amplification on the sample,
5 and I've made lots of copies of what I've already
6 got, the last step is just putting it on a genetic
7 analyzer that separates out DNA fragments by size,
8 and then attributes a DNA type to those DNA
9 fragments. Once I have a profile that I've obtained
10 from an item, then I am able to compare it back to
11 DNA profiles that I've generated from reference
12 samples from individuals in question.

13 Q. Talked about a few pages of War and Peace,
14 let me see if I can understand that. If you're
15 looking at DNA attributes so-to-speak, there's many
16 of them, correct?

17 A. That's right.

18 Q. But at the time we're looking at 13 specific
19 ones that can distinguish different people; is that
20 correct?

21 A. That's correct.

22 Q. Is that what you did here?

23 A. Yes.

24 Q. Is that what's typically done?

25 A. Yeah. Since 2011, we've gone from 13 to 15,

1 and now I believe it's 24 areas that we're looking
2 at. But that was the standard in the forensic
3 community at the time, and still is pretty
4 representative of what's done.

5 Q. Has to be able to see if a profile matches
6 someone or doesn't match someone, correct?

7 A. That's right.

8 Q. Could be a suspect or a victim; could it not?

9 A. That's right. It may also be a mixture. We
10 may have multiple people present in a profile.

11 Q. The TBI has protocols for this?

12 A. Yes.

13 Q. Were those followed in this instance?

14 A. Yes.

15 Q. I'll pass forward to you a document and ask
16 if you recognize it.

17 A. It's a copy of the report I generated.

18 GENERAL RAGLAND: Your Honor, the State
19 would ask this be admitted into evidence as the next
20 numbered exhibit.

21 THE COURT: Be 55.

22 MS. THOMPSON: Can I see a copy of that
23 just so I know?

24 (WHEREUPON, the above-mentioned document
25 was marked as Exhibit Number 55.)

1 BY GENERAL RAGLAND:

2 Q. This is the report you prepared?

3 A. Yes, sir.

4 Q. It has a lab case number on it, the same as
5 on the swabs you took earlier?

6 A. Yes.

7 Q. So you have these five swabs. You have the
8 set -- this pair of underwear. I want to switch for
9 a second and talk about the underwear. What did you
10 do with the underwear?

11 A. The underwear was collected in lieu of --
12 because I didn't have a reference standard from Holly
13 Bobo. Generally --

14 Q. Let me interrupt you. What is a reference
15 standard?

16 A. A reference sample -- a reference standard is
17 a sample that's collected from a person of interest
18 in a case. And generally that's done by a cheek
19 swab. It's quick, easy. But that's assuming you've
20 got the person of interest available to collect a
21 sample from.

22 Q. So if I was a person of interest, what would
23 you do to get a reference sample from me?

24 A. Well, law enforcement would -- we actually
25 provide kits for -- they're called buccal swab kits,

1 and it's just a pair of swabs, and they would ask you
2 to open your mouth, and they would swab the inside of
3 your cheek and then package that up and send it to
4 me.

5 Q. With one of those fancy Q-tip type things?

6 A. Yes.

7 Q. That's a reference standard?

8 A. Yes. Historically they've also collected
9 blood for that, but the cheek swabs are just less
10 invasive and don't require a nurse, and so that's
11 where most of law enforcement has transitioned at
12 this point.

13 Q. At this point you didn't have any reference
14 standard --

15 A. That's right.

16 Q. -- or samples?

17 A. Yeah, both. I use them interchangeably.
18 Standard is kind of the word that implies, this is an
19 item of evidence that's specifically collected for
20 generating a profile as a reference.

21 Q. So you didn't have that here, but you did
22 have Holly's underwear?

23 A. That's right, yes. So obviously Holly was
24 missing. We didn't know -- we didn't know --
25 ultimately I had to find something personal of hers

1 that would generate -- that I could obtain a profile
2 from that would reasonably attribute to her. I
3 looked at toothbrushes. And from what I remember,
4 there were several toothbrushes in there. I believe
5 it was a shared bathroom, and the investigator was
6 out. Ultimately, she was the only young lady living
7 in the house as far as -- and using that bathroom.
8 And so just from many years of experience with
9 underwear, I expected to be able to get a profile out
10 of it and I did.

11 Q. What did you do to get that profile, Agent
12 James?

13 A. I just took a cutting of the lining and ran
14 it through the same DNA process that I did with the
15 swabs.

16 Q. That same four-step process?

17 A. That's right.

18 Q. After you took the cutting -- you actually
19 cut a piece of the fabric out?

20 A. Yes.

21 Q. Then ran your test on it?

22 A. Yes.

23 Q. Did it produce a profile?

24 A. It did.

25 Q. Now, with respect to the blood, there were

1 five different samples and each of those tested that
2 they were, in fact, blood, correct?

3 A. That's right.

4 Q. Let's talk about 1A, we got back up on the
5 screen. We don't have to darken the lights. 1A is
6 at the bottom left?

7 A. That's right.

8 Q. Tell us what you did with respect to that.
9 Did you run that through the process, the DNA
10 process, too?

11 A. I did. I generated a DNA profile from that
12 sample.

13 Q. What was your conclusion to a reasonable
14 degree of scientific certainty?

15 A. The profile that I obtained was partial. In
16 other words, there was indication that there was --
17 I'll just go on and tell you what my suspicion is.
18 Dirt is known to be -- is known to be something that
19 interferes with the DNA, specifically the
20 amplification process. So it became an issue on
21 several of these samples, but ultimately, I got a
22 partial profile, and that profile matched the profile
23 that I obtained from the Bobo -- the underwear that I
24 assumed to be Holly Bobo's.

25 Q. And her mother identified -- well, you don't

1 know that. That was Exhibit 26 that you looked at
2 earlier.

3 A. Okay.

4 Q. So you have a profile -- partial profile,
5 correct?

6 A. That's right.

7 Q. You got a partial profile off 1A?

8 A. (Nodded head affirmatively.)

9 Q. Correct?

10 A. That's right.

11 Q. Is it fair to say just because you see what
12 you think is blood, what tested presumptively to be
13 blood, you don't necessarily get a complete DNA
14 profile from it in certain instances, correct?

15 A. Sometimes it doesn't. Yeah, sometimes, yeah.
16 You know, it's my feeling and opinion that the dirt
17 interfered on this one.

18 Q. So you did get a profile from this underwear?

19 A. Yes.

20 Q. That was based on using these 13 specific
21 markers on DNA?

22 A. That's right.

23 Q. We talked about 1A. 1B, I want you to point
24 that out to the jury.

25 A. 1B is the area that's up close to the wall up

1 here (indicating).

2 Q. What was your result of the testing on 1B?

3 A. So the profile that I've got there, I
4 actually ran that sample three times. The first time
5 I got data that was below my reporting limit.

6 Q. Tell the jury what that means, data below
7 your reporting limit.

8 A. Yeah, so the DNA profiles that I obtained,
9 there's kind of like -- we set a point. It's hard to
10 explain, but I would -- if I could make an analogy, I
11 would liken it to a radio signal for those of us who
12 use radio. Where if you've got a little bit of
13 signal, sometimes you can -- sometimes if you're
14 rolling through the stations, you'll hear some stuff
15 and you can pick up enough to know that it's a talk
16 show or it's music or this or that, but you can't
17 really hear lyrics.

18 There's a range where my instrumentation is
19 similar to where we acknowledge, yeah, that is human
20 genetic data that's being generated. But when you
21 start getting down in these low levels of sample, you
22 get interference. You get data that drops out.
23 Ultimately what I would say is the data is -- we've
24 decided through our own internal studies that below a
25 certain point, that data is questionable. It starts

1 to get gray. It's a gray area where we're hesitant
2 to use it. We certainly won't use it for inclusions.
3 We might use it to exclude people if that's the case.

4 But this sample fell in that range where it
5 was just low level. Again, my suspicion is the dirt
6 was interfering. And ultimately, I ran it three
7 times. Two of the times, I got data below the point
8 where my laboratory allows me to interpret it. And
9 one of the three times, my DNA ended up in it, which
10 I think has happened twice in 18 years.

11 Q. A sneeze or tear or something?

12 A. I don't know. There was a period -- we wear
13 masks these days, because we've learned the hard way
14 that if you talk over something, you're liable to
15 show up on a piece of evidence or on an evidence
16 profile. But I did -- my DNA showed up on one of
17 these three examinations.

18 Q. Let's go to 1C. You did the same sort of
19 test on it?

20 A. That's right, same test.

21 Q. What were your results to a reasonable degree
22 of scientific certainty?

23 A. The profile that I've got, it was a complete
24 profile, and it matched the profile that I got from
25 Holly Bobo's underwear.

1 Q. You were able to get a complete profile match
2 by all those important markers?

3 A. Yes.

4 Q. They gave you a result on all those markers.

5 A. Right.

6 Q. And it matched the profile that you obtained
7 from Holly's underwear?

8 A. Yes.

9 THE COURT: Can you use the laser and
10 show us, which that one -- that's D.

11 GENERAL RAGLAND: 1C.

12 THE COURT: C.

13 THE WITNESS: C was the grouping that's
14 on the far south end.

15 THE COURT: Okay.

16 BY GENERAL RAGLAND:

17 Q. What about 1D, same sort of analysis?

18 A. Yes, yes. 1D is the area on the step and
19 immediately below it. Kind of in the middle between
20 the wall grouping and this large pool grouping.

21 Q. What was your conclusion to a reasonable
22 degree of scientific certainty?

23 A. Again, I got a partial profile from that
24 area, and it matched the profile from Holly Bobo's
25 underwear.

1 Q. Lastly, 1E, 1F, little striations you called
2 them?

3 A. That's right. The one that kind of resembled
4 an exclamation point that was right in the center
5 roughly. But yeah, I wasn't able to generate a DNA
6 profile that met my reporting limit.

7 Q. And again, that's because of -- what do you
8 think?

9 A. Again, just -- and I will say there wasn't as
10 much sample on -- I mean, it wasn't like droplets,
11 you know, like some of the other floor samples. I
12 still would expect to get a DNA profile from it. I
13 believe -- it's my opinion that the dirt played a
14 factor in that.

15 Q. Dust and those stones and other things we saw
16 in the carport floor?

17 A. Yes.

18 Q. You experienced that -- have you experienced
19 that during your work with the TBI on other cases?

20 A. Yeah. It's not uncommon. I mean, there are
21 several things that we know of that we encounter on a
22 regular basis. Leather gives us problems. Blue jean
23 dye, the blue dye in denim gives us problems.
24 Ultimately -- and I guess one of the frustrating
25 things is we've developed tools to cope with these

1 issues that arise since then, but that's where I was
2 in 2011. So I didn't go back and retest.

3 Q. So with respect to 1C, you said a DNA profile
4 matched the profile from the underwear?

5 A. That's right.

6 Q. What is the probability of an unrelated
7 individual having the same DNA?

8 A. Which exhibit are we on again?

9 Q. 1C.

10 A. 1C. So probability of obtaining that
11 profile, if I were to go out and randomly select out
12 of the population, I would expect to find that
13 profile approximately once in eight hundred and
14 twelve trillion, three hundred billion individuals
15 from the Caucasian population. I would expect to
16 find that profile approximately once in one
17 quintillion, two hundred and sixty quadrillion
18 individuals in the African American population.

19 In the Southeastern Hispanic population, I
20 would expect to find it approximately once in three
21 quadrillion, five hundred and ninety-five trillion
22 individuals. And in Southwest Hispanic population, I
23 would expect to find that profile approximately once
24 in sixty-two quadrillion, six hundred and sixty
25 trillion individuals.

1 Q. That's a lot of zeros?

2 A. Yeah, it is a lot.

3 Q. It exceeds the world's population; does it
4 not?

5 A. Yeah, it's how we report it just to summarize
6 it concisely.

7 GENERAL RAGLAND: Can I have just a
8 moment, Your Honor?

9 THE COURT: You may.

10 GENERAL RAGLAND: Pass the witness, Your
11 Honor. Thank you.

12 THE COURT: Why don't you kill that light
13 unless you're going to use it.

14 MS. THOMPSON: No, Your Honor.

15 THE COURT: All right. All right.
16 Cross-examination.

17

18 **CROSS-EXAMINATION**

19 **QUESTIONS BY MS. THOMPSON:**

20 Q. I'd like to pass a bag up to you.

21 THE COURT: Has it previously been marked
22 or not?

23 MS. THOMPSON: It has not previously been
24 marked, sir.

25 THE COURT: So you want to identify it?

1 MS. THOMPSON: Identify it.

2 THE COURT: Does he need gloves?

3 THE WITNESS: I think I'm okay. Do we
4 have some available? Are you going to want me to cut
5 into it?

6 MS. THOMPSON: Sure.

7 THE WITNESS: Okay.

8 BY MS. THOMPSON:

9 Q. Okay. So this bag -- let's see, I know it as
10 Exhibit 5 --

11 A. Okay.

12 Q. -- so I'll pass it up to you.

13 THE COURT: But that's not our exhibit?

14 MS. THOMPSON: It's not our exhibit
15 number. It's just the number on --

16 THE COURT: I'm trying to keep our record
17 straight.

18 MS. THOMPSON: Right. I think that's the
19 lab number, so let me pass it to you.

20 BY MS. THOMPSON:

21 Q. Now, I'll tell you what I am looking at. I'm
22 looking at a report. Do you have all your reports
23 with you?

24 A. I hope so. I am not -- I believe so.

25 Q. There are so many reports.

1 A. Yeah, it's overwhelming.

2 Q. I am looking at one, it's a microanalysis
3 report. It's dated 5/25/11. It's not a report you
4 did, but this report is telling me I believe you
5 collected this bag.

6 A. Okay.

7 Q. Is that your writing on there?

8 A. It is my writing.

9 Q. Okay. Because I couldn't identify the
10 signature. It was a little scratchy.

11 A. Yeah.

12 Q. Okay.

13 THE COURT: Did we have scissors earlier?

14 THE WITNESS: I have them.

15 THE COURT: Okay.

16 BY MS. THOMPSON:

17 Q. Can you go ahead and open that bag for me?
18 I'll give you a hint, I think there's a pair of shoes
19 in there, is what I'm looking for.

20 A. I believe there may be --

21 Q. There might be other clothing, but I was
22 interested in the shoes.

23 A. Okay.

24 Q. Okay. And can you pull out the two shoes in
25 there for me? They're going to be D and E.

1 A. All right. There's E. Here's D.

2 Q. Now, can you tell me what -- where you
3 collected these items from?

4 A. I am going to have to look at my notes.

5 Q. These clothes were collected from Clint Bobo;
6 weren't they?

7 A. They were collected out of his room.

8 Q. Okay. Weren't they the clothes that he was
9 wearing that morning?

10 A. I am not sure if I was privy to that
11 information or not.

12 Q. Okay.

13 A. We just found clothing in his room. I don't
14 remember.

15 Q. Clearly you didn't take all the clothing in
16 his room?

17 A. Definitely not.

18 Q. I mean, these, as far as you remember, the
19 only clothes that were collected that day?

20 A. Right.

21 Q. Okay. And you would have took clothes that
22 would have been relevant to the investigation?

23 A. Sure.

24 Q. Not just any clothes that were laying around?

25 A. Right. I remember -- I remember looking

1 through his clothing for blood-stained items.

2 Q. Okay.

3 A. That's why the waders were collected.

4 Q. Sure. In case somebody has changed before
5 you got there, and they had blood on their clothes?

6 A. Right.

7 Q. And these shoes -- can you go ahead and open
8 the two shoes, they're a left and a right Croc shoe;
9 aren't they?

10 A. I believe so. Actually there are two pairs.
11 So I've got -- this is Exhibit 5E and these are
12 Crocs.

13 Q. Okay.

14 A. They don't look like it on the top, but
15 they're Crocs.

16 Q. Okay. The 5E was the one that I was
17 interested in anyway.

18 A. Okay.

19 Q. And tell me -- can you look at them again,
20 tell me what size did they say they are. Don't Crocs
21 have a size on them?

22 A. 9.

23 Q. 9, okay. It's not necessary we open that
24 then.

25 A. Okay.

1 MS. THOMPSON: So, Your Honor, at this
2 time, I'd ask we put these into evidence. Since
3 they're all packaged in one bag, I don't know if we
4 need to put the whole thing in.

5 GENERAL NICHOLS: Just do that one?

6 MS. THOMPSON: Just do the whole bag in?

7 GENERAL NICHOLS: Uh-huh.

8 MS. THOMPSON: Okay.

9 THE COURT: Okay. The entire bag and
10 contents will be moved into evidence, Exhibit 56.

11 (WHEREUPON, the above-mentioned evidence
12 bag was marked as Exhibit Number 56.)

13 BY MS. THOMPSON:

14 Q. Now, Mr. James, did you do any of the crime
15 scene investigation when the State of Tennessee
16 searched Terry Britt's home?

17 A. I did.

18 Q. Okay. And you're familiar with that also;
19 aren't you?

20 A. Yes, ma'am.

21 Q. Do you have your reports with you from that
22 search?

23 A. I do.

24 Q. Okay. So what's the first date on one of
25 those reports?

1 A. I am not sure if -- okay, because I'm going
2 to get confused.

3 Q. I won't go by the first date. What's the
4 first date you pick up?

5 A. The first --

6 Q. There are multiple reports from the same day.

7 A. I am a little bit lost, because we weren't
8 generating reports on crime scene responses at
9 that -- we weren't issuing violent crime response
10 team reports in 2011 or 2012, and so --

11 Q. Okay.

12 A. -- I may have done work in the laboratory on
13 stuff that was collected, and it's going to be in a
14 different location from my actual violent crime
15 response notes.

16 Q. Okay. So are you saying you didn't bring it
17 with you?

18 A. I think I've got it, but I've got a lot of
19 paperwork that I am going to need some direction.

20 Q. Me, too. Okay. Well, we'll just start with
21 the search of Terry Britt's house. You remember this
22 is a home that's owned by Janet and Terry Britt?
23 Yes?

24 A. Okay. I remember the property.

25 Q. And they're husband and wife?

1 A. Okay.

2 Q. And they lived there and close to the Bobo
3 residence, do you remember that part?

4 A. Well, no, because I -- I got there from an
5 airport. I drove from the airport to the residence,
6 and I couldn't get there again, but um --

7 Q. Okay. So when you searched their home, some
8 of the things that you searched there were cars, do
9 you remember that you searched -- there were five
10 cars there?

11 A. What I remember is that we had numerous teams
12 and numerous agencies involved in that. And my
13 entire day was spent in one house.

14 Q. Okay.

15 A. I don't believe I ever looked at vehicles.

16 Q. Vehicles, okay.

17 Which part then did you participate in?

18 A. The residence.

19 Q. Okay. And there were multiple buildings
20 there. Do you remember that there were multiple
21 buildings and then a big --

22 A. I believe there was like a semitrailer --

23 Q. Yes, semitrailer.

24 A. -- or a storage container, or a shipping
25 container may have been out there.

1 Q. There was a semi truck/trailer that was a
2 refrigerator trailer, had very thick walls. Do you
3 remember that part?

4 A. Yes. And I didn't go in to it.

5 Q. Okay. And then there was like a mobile home
6 trailer that had a lot of items stored in it, did you
7 go in there?

8 A. This is not the residence?

9 Q. Not the residence, no.

10 A. I don't believe -- I may have stepped in
11 there, but I really don't remember much about it.

12 Q. So you did go in the residence?

13 A. Yes.

14 Q. And do you remember finding some cell phones
15 that were hidden in the residence in the bathroom
16 under some personal hygiene products?

17 A. I am sorry. I am refreshing off my notes.

18 Q. It's no problem. Take your time.

19 A. I have in my notes that there were three cell
20 phones that were collected. But they weren't
21 collected by forensic personnel.

22 Q. Okay.

23 A. Or at least, when I say forensic personnel, I
24 mean my team, my coworkers. There was one TBI
25 person, I believe, from Nashville, and there was an

1 FBI employee that was involved in those.

2 Q. And there were some blonde hairs collected
3 there, were those collected by the forensic team?

4 A. I don't remember. I do have in my notes that
5 there was a possible hair collected.

6 Q. Okay. In your notes where was that
7 particular hair collected from?

8 A. (Reviews documents.)

9 Q. Can I ask you right now what is it that
10 you're looking at?

11 A. I am reading my narrative that contains an
12 overview of --

13 MS. THOMPSON: I guess, Your Honor, at
14 this time I would ask for Jenks material. I know I
15 had asked yesterday and understood I had everything.
16 But I don't believe I have that narrative he's
17 looking at. I'd like to have copies of his notes and
18 narrative which may help me narrow my questions.

19 GENERAL RAGLAND: Your Honor, it's the
20 State's understanding that everything has been turned
21 over on multiple occasions. In fact, at the end of
22 June, there was whole other run where the TBI lab
23 information was brought to Nashville, copied and made
24 available to the defense.

25 MS. THOMPSON: And that is what I have,

1 Your Honor. And I don't believe I have a narrative
2 from the Britt house. I know I would have read it
3 and studied it and had it right here.

4 GENERAL NICHOLS: I think there's
5 absolutely no objection on the part of the State for
6 her to look at whatever she wants to. We stand by
7 the fact that we've turned over everything we were
8 provided. She can look at it. He's got it.

9 THE COURT: Okay. Let's hand it to the
10 bailiff to hand it to her and you can examine it. If
11 you haven't been able to find this, we'll run copies.

12 THE WITNESS: If it helps, that narrative
13 is actually an extension of the original crime
14 response from April 13, 2011.

15 BY MS. THOMPSON:

16 Q. Okay.

17 A. So if you've got the narrative for my
18 original response on April 13, then the Britt portion
19 of it starts on page 5.

20 Q. I thought you said you didn't used to do
21 narratives from 2011 from --

22 A. We did -- we wrote narratives and we turned
23 them over to the investigators, but about a year and
24 a half or two years ago, we actually started issuing
25 reports that are accessible in our LIM system

1 (phonetic). So they actually -- it's actually a
2 report. It's not just a word document as it used to
3 be essentially.

4 Q. Okay. What I have that I thought was from
5 you was simply this Tennessee Bureau of
6 Investigation, and then it's a brief crime scene
7 description. It has a lot of drawings in here and
8 measurements of the home and some notes from that
9 day, like what time you arrived, what time you went
10 in to particular rooms, but I don't see anything at
11 all in here from the Britt home. And I don't see any
12 typed narrative in what I have. I have handwritten
13 notes, because it looks like you were there the next
14 day also. This is at the Bobo home?

15 A. That's right.

16 Q. So if I could just see those papers then and
17 maybe that will help me.

18 A. (Passes documents.)

19 Q. So it says that you found one possible blonde
20 hair in the portion that you searched, but you
21 weren't the person that tested that blonde hair; are
22 you?

23 A. Definitely not. I did find -- I've got
24 mention of it. Ultimately what I have in my notes is
25 that one of our agents, Mike Frizzell, was designated

1 as an evidence custodian for that day in relation to
2 that specific search warrant. And so I've got that
3 all evidence was turned over to him. So I don't even
4 have an evidence log from that day.

5 Q. Okay.

6 A. Which we would normally complete as part of
7 VCRT responses.

8 Q. Okay.

9 A. And so --

10 Q. So he's the one that might have that evidence
11 log?

12 A. And it's --

13 Q. He's the one that would have done it?

14 A. I think so.

15 Q. Okay.

16 A. And what I would expect is that the bag would
17 probably contain more information on where it was
18 collected.

19 Q. That would contain what?

20 A. More information on where it was collected.

21 Q. Okay. Very good.

22 A. It's just kind of a typical --

23 Q. Do you remember collecting a photocopy of a
24 yearbook with a young woman's picture on it and
25 somebody had highlighted her name and then written --

1 rewritten in highlighter her name out to the side?

2 A. That does ring a bell.

3 Q. I'll pass this up to you, it might help. If
4 I pass this back to you, it might help.

5 A. Okay.

6 Q. Okay. So yes, you do remember now a copy of
7 the Scotts Hill yearbook page?

8 A. Not really.

9 Q. It's in your report?

10 A. It is.

11 Q. And you wouldn't put it in the report unless
12 you had found it; is that right?

13 A. No. Actually there were a large number of
14 people at the scene, and I was compiling notes that
15 were generated from other people as well.

16 Q. What I mean is, you wouldn't have put it in
17 your report unless it had been recovered by somebody
18 there?

19 A. That's right.

20 MS. THOMPSON: No further questions, Your
21 Honor.

22 THE COURT: Further direct?

23 GENERAL RAGLAND: Just a moment, please.

24 GENERAL NICHOLS: Your Honor, may we have
25 just a couple minutes just...

1 (Conference between assistant district
2 attorneys.)

3 GENERAL RAGLAND: Your Honor, thank you.
4 The State has no redirect.

5 THE COURT: All right. Did you get all
6 your stuff back?

7 THE WITNESS: Yes, I did.

8 MS. THOMPSON: I did put the -- I put the
9 shoes in, just making sure.

10 THE COURT: Yeah, the entire bag was put
11 in as Exhibit 56 that contains shoes, okay?

12 All right. You can step down, sir, you're
13 free to go. Thank you.

14 I don't guess you have a 10-minute witness?

15 GENERAL HAGERMAN: I don't think our
16 witness -- I don't know how tall he is, but I don't
17 think he'll be --

18 THE COURT: I said 10 minutes, I didn't
19 say a short witness.

20 GENERAL HAGERMAN: Exactly. I don't
21 think -- I didn't want to tell you short, but I think
22 he'll be relatively quick.

23 THE COURT: Al right. Let's call the
24 next one.

25 GENERAL HAGERMAN: Warren Rainey.

1 (The witness was sworn.)

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

5 THE WITNESS: Warren Rainey, W-A-R-R-E-N
6 R-A-I-N-E-Y.

7 THE COURT: And you just well tell -- I
8 stole your ink pen 25, 30 years ago, but I did give
9 it back, right?

10 THE WITNESS: No, sir, that is incorrect.
11 He stole my ink pen and I did not get it back, but he
12 bought me one.

13 THE COURT: Okay. Okay.

14 THE WITNESS: That's the truth.

15 THE COURT: Some people never forget,
16 I'll tell you. That goes back many, many, many moons
17 ago.

18 THE WITNESS: A long time.

19

20 * * *

21 **WARREN RAINEY,**
22 **was called as a witness and having first been duly**
23 **sworn testified as follows:**

24

25 **DIRECT EXAMINATION**

1 **QUESTIONS BY GENERAL HAGERMAN:**

2 Q. Where do you work?

3 A. Tennessee Highway Patrol.

4 Q. How long have you been doing that?

5 A. 31 years.

6 Q. 31 years. What area of Tennessee do you live
7 in?

8 A. I live in Carroll County in Huntingdon.

9 Q. I want to ask you about April of 2011, okay?

10 A. Yes, sir.

11 Q. Did you take part at all in the search and
12 investigation trying to find Holly Bobo?

13 A. For about 18 months.

14 Q. Just you or other members of the Highway
15 Patrol?

16 A. In the beginning, it was anywhere from 12 to
17 15 members. And in the end, it was just a couple of
18 us.

19 Q. When did y'all first get started with it?

20 A. The very day.

21 Q. The day it happened?

22 A. Yes, sir.

23 Q. Y'all out scrambling and running?

24 A. Yes.

25 Q. After that, still scrambling and running?

1 A. Every day.

2 Q. At some point, did you have occasion to focus
3 on one Zach Adams?

4 A. Yes. Two occasions.

5 Q. Did you have an occasion to visit his home?

6 A. Twice.

7 Q. What brought you to his home?

8 A. Very soon after Holly was taken, I began
9 asking people for anyone who lived north of Parsons,
10 who had been in trouble, drug user, sex offender,
11 which I could look that up on the internet, which I
12 did, and I would ask anyone and one of the names that
13 came up was Zach Adams.

14 MS. THOMPSON: Your Honor, I object to
15 the hearsay coming in even though he's not saying --

16 THE COURT: He -- this is not being
17 offered for the truth, it's to show why he did what
18 he did, okay?

19 MS. THOMPSON: I think it's --

20 THE COURT: Once again, the jury won't
21 consider it in any way for the truth, it's just to
22 explain the officer's actions.

23 BY GENERAL HAGERMAN:

24 Q. Why north of Parsons?

25 A. I had mapped where Holly's cell phone had

1 went, what direction. I knew where the evidence was
2 collected, and when I drove those routes from their
3 house on Swan Johnson to get to this area on Yellow
4 Springs Road.

5 Q. Where is Yellow Springs Road?

6 A. It runs right beside the interstate, right
7 beside I-40.

8 Q. Is that in Holladay, Tennessee?

9 A. Yes.

10 Q. Okay. You drove those routes?

11 A. And went to the last area in that area where
12 a credit card receipt that she had signed was found
13 in a man's yard. So in my mind, this someone knew
14 exactly where they were going, they knew these roads,
15 because I've worked in and out of this area for 25
16 years. I don't know that I could drive through there
17 today without having a map.

18 Q. You were looking not for a tourist but
19 somebody who knew these roads?

20 A. They had to know it.

21 Q. Someone in the area of Yellow Springs and
22 Holladay?

23 A. Yes, sir.

24 Q. An area that you had been in years and years
25 and years?

1 A. Yes.

2 Q. So what man did you go to? What men near
3 Holladay did you go to?

4 A. Sometime around the second Saturday, I had
5 been speaking with FBI and the TBI and decided that I
6 was going to go to Zach's house, see if I could find
7 him at home.

8 Q. You said second Saturday, second Saturday
9 after what?

10 A. Second Saturday after the abduction.

11 Q. Which was on a Wednesday?

12 A. Yes.

13 Q. So this would be about a week and a half
14 after the abduction; is that correct?

15 A. Yes. To the best of my memory it was.

16 Q. To your knowledge was Zach Adams a local?

17 A. Yes. My troopers knew of him well.

18 Q. To your knowledge, does Zach Adams live near
19 Yellow Springs Road?

20 A. Not very far.

21 Q. North of Parsons?

22 A. Yes.

23 Q. Near Holladay, Tennessee?

24 A. Yes.

25 Q. Why did you go to talk to him?

1 A. His name kept coming up.

2 Q. What was your purpose in talking to him?

3 A. Matter of fact just to knock on his door and
4 see if he knew anything about this.

5 Q. And is that what you did?

6 A. Yes.

7 Q. Tell us what happened.

8 A. Knocked on his door. I took a trooper with
9 me. It was fairly early in the morning, not real
10 early. The door opened up, and Zach came to the
11 door, opened it up. He looked like he had just woke
12 up, just got out of bed. Had on a pair of blue
13 jeans, some kind of shoes, no shirt. I asked him to
14 step outside. Asked him what his full name was. He
15 said, Zachary Rye Adams, what's this about. And I
16 said, we're just -- let me ask you a few questions.

17 And I said, do you own a cell phone. He said
18 he did. And I said, well, give me the phone number
19 so I can put it on here. And he said, no, my
20 girlfriend's already gave that to them. I said, gave
21 what to who? He said gave my number to other
22 agencies. I said, well, just give me your number so
23 that I can have it in case I want to talk to you.
24 And what's your address. And he said, wait a minute,
25 I need to get a shirt.

1 So he starts into the house to get a shirt,
2 well, I go in right behind him. We take about three,
3 four steps, he stops and turns around and he says,
4 what are you doing? And I said, well, we're coming
5 in here to get a shirt. I am not going to let you
6 walk in here by yourself. And there was a shirt
7 laying on a pool table, I believe it was, and he got
8 it out. And he wanted -- he wanted me out of the
9 house. So we went outside, and he put it on.

10 And he just -- he kept telling me that he
11 didn't have anything to do with it, that his
12 girlfriend had turned him in, and I could tell he was
13 just visually shaken. He was scared.

14 Q. Why did you come to the conclusion that he
15 was scared?

16 A. Because he was shaking.

17 Q. Shaking so much that you noticed it?

18 A. Oh, yes.

19 Q. A lot or a little bit?

20 A. A lot.

21 Q. How long did that meeting last?

22 A. It was pretty short. I went over and talked
23 to his grandfather, because I kind of -- I wanted --
24 I knew from looking on the internet, but I wanted to
25 know where their property line was from the back of

1 the house. His grandfather, very nice man, was very
2 helpful and then we left.

3 Q. Okay. And did you leave and just forget
4 about it?

5 A. No.

6 Q. Tell me what you left and did.

7 A. When I drove down to the end of the driveway,
8 I was doing more driving looking out my left rearview
9 mirror than I was looking where I was going. They
10 live on a road, their driveway is very long. We left
11 from the grandfather's house, which is next door, and
12 I saw Zach in my mirror, and even keyed the radio up
13 and told the trooper behind me, look out your mirror.
14 Zach ran. I am not talking a little jog, a little
15 sprint, wide open back to his house.

16 Q. Ran wide open?

17 A. (Nodded head affirmatively.)

18 Q. What did you think about that?

19 A. Why does he need to get back to that house?
20 Something is up.

21 Q. He had been shaking; is that right?

22 A. (Nodded head affirmatively.)

23 Yeah.

24 Q. Now running?

25 A. Yes, sir.

1 Q. So what did you do next?

2 A. I went and hid up the road.

3 Q. You hid up the road?

4 A. I went up the road by the CV shop and hid. I
5 wanted to watch. Told a trooper to go back down 641
6 toward Parsons and stop somewhere. I called -- I am
7 going to say a command post, someone there, told
8 them, you need to get someone up here, because
9 there's -- I am very suspicious about Zach Adams.

10 Q. Okay.

11 A. He's -- he's -- there's something here. And
12 about that time, a pickup truck pulled out and headed
13 towards Parsons.

14 Q. Pulled out of where?

15 A. Out of their driveway.

16 Q. Who was in the pickup truck?

17 A. Dylan.

18 Q. Dylan Adams?

19 A. Yes, sir. I did not know that at the time,
20 but he left out of there so reckless, I had probable
21 cause to stop him. So we had a trooper stop him
22 before he got to Parsons.

23 Q. So he took out driving fast out of that
24 place?

25 A. Oh, yes. And took back roads to get to

1 Parsons.

2 Q. And he was stopped later?

3 A. Yes.

4 Q. All right. And what did you do?

5 A. Just continued to watch the house. And at
6 some point in this, I am not sure it was that
7 afternoon, but I described to the agents, the TBI
8 agents and FBI, but anyway, they came and talked to
9 him, someone did. I know Sheriff White was one of
10 them and someone in a suit from what I could see in
11 my binoculars was with him.

12 Q. So you're literally -- you're hid out with
13 binoculars watching this place?

14 A. Oh, yes. So I assembled either that
15 afternoon or the next morning -- I've been told it's
16 the next morning, three K-9 teams --

17 MS. THOMPSON: Objection, Your Honor.

18 THE COURT: All right. He can't testify
19 to what he's been told.

20 BY GENERAL HAGERMAN:

21 Q. If I ask you for an exact date when what
22 you're about to tell us happened, what would you tell
23 us?

24 A. I have absolutely no idea. I took reports,
25 wrote reports, and I don't know what happened to

1 them.

2 Q. Was it close in time to when you had
3 encountered him and he was nervous and he was
4 running?

5 A. Yes.

6 Q. And Dylan took off driving?

7 A. Yes.

8 Q. Within a day or two or three or weeks, which
9 one?

10 A. A day.

11 Q. So within a day?

12 A. Yes.

13 Q. Either that day or the next day?

14 A. Yes. I think it was the next day.

15 Q. What happened the next day?

16 A. I assembled a search team, three K-9 units
17 with cadaver dogs and sent them -- showed them where
18 the property line was, and I sent them all behind the
19 house. There's hundreds of acres of county property
20 back there and told them to go search.

21 Q. How about you? What did you do?

22 A. I think I went back around while they were
23 searching, I know I did, to the front of the house
24 where I had been parked.

25 Q. Front of whose house?

1 A. Zach's just down the road.

2 Q. Okay. Did you -- this next time when we got
3 dogs and searchers in the woods behind, did you
4 encounter Zach at all at this time?

5 A. No, no, I did not.

6 Q. Okay. We're going to hear from one of those
7 searchers --

8 A. Yes.

9 Q. -- so I am not asking you -- you can't
10 testify to things you didn't, you know, do.

11 A. Right.

12 Q. Okay. As a result of any of the searching,
13 the information that was conveyed to you, did you
14 take any other step, what did you do next?

15 A. I went back. I had to go back to the house
16 to his house.

17 Q. Back to Zach's house?

18 A. Yes.

19 Q. All right. What did you do at Zach's house
20 the second time?

21 A. Told Zach and his grandfather that a searcher
22 saw something behind the house.

23 MS. THOMPSON: Your Honor, I am going to
24 object to the fact that he's talking about what he's
25 learned from another person.

1 THE COURT: He can say what he said to
2 Zach.

3 MS. THOMPSON: Well, not if he's saying,
4 somebody told me and then he starts to say what
5 somebody told him.

6 THE COURT: Then the jury will not
7 consider that for the truth.

8 MS. THOMPSON: But it is for the truth.
9 He's telling Zach something.

10 THE COURT: Well, he can give Zach's
11 response then.

12 BY GENERAL HAGERMAN:

13 Q. Zach's response, whatever you told him.

14 A. I asked -- I asked Zach and Dick Adams for
15 permission to look at an area behind Zach's house.

16 Q. Okay. On the way to that area, did you
17 notice anything that you thought was odd?

18 A. Absolutely.

19 Q. What did you notice?

20 A. I went around the north side of the house
21 headed in the direction where this area was that I
22 needed to look at, and I noticed a mattress leaning
23 up against the house on the northeast corner.

24 Q. Okay. Why did you find that odd?

25 A. Looked like a decent mattress to me. I could

1 describe it. Just don't know why if -- why you would
2 lean a mattress up beside the house like that and
3 just -- and leave it.

4 Q. So it didn't look like an old mattress?

5 A. No.

6 Q. It looked like a decent one?

7 A. Yes.

8 Q. Leaned up against the house that Zach lived
9 in?

10 A. Yes.

11 Q. Did you ask him about it?

12 A. No, I didn't.

13 Q. What did you do next?

14 A. I walked down the hill behind his house,
15 turned the corner, and this is right on the edge of
16 the county property. I noticed that someone had cut
17 a tree up high and it fell, and it was over a dirt
18 area about half the size of that table. I'm going to
19 say six foot by eight foot spot that was bare dirt
20 with no grass.

21 Q. Had somebody been afraid or something this
22 was a grave or something?

23 A. Yes.

24 Q. But did you check it out?

25 A. Oh, yes.

1 Q. Did you dig?

2 A. Yes.

3 MS. THOMPSON: Your Honor, I am going to
4 object to that leading question about the grave.

5 GENERAL HAGERMAN: Well, to establish
6 that it wasn't. I mean, I am attempting to be fair.

7 THE COURT: He can continue.

8 THE WITNESS: Yes.

9 BY GENERAL HAGERMAN:

10 Q. Did you establish that it was not?

11 A. Yes. I needed a shovel. And I asked Zach,
12 and he went and got me one.

13 Q. And you dug?

14 A. Yes.

15 Q. There was --

16 A. I knew that it was no grave, it was roots on
17 top of the ground. There's no way.

18 Q. Saw a mattress, you dug, it's not a grave, so
19 did you just leave and forget about it?

20 A. I spoke with him and his grandfather briefly,
21 and then I left and called a TBI agent.

22 Q. Did you tell them what you saw?

23 A. Absolutely.

24 Q. Did you still have people in the woods?

25 A. Yes. All but one. One hadn't come out.

1 Q. You still had one person in the woods?

2 A. No. I had six, eight, ten in the woods, one
3 had to come out.

4 Q. Still watching?

5 A. Yes.

6 GENERAL HAGERMAN: That's all my
7 questions.

8 THE COURT: We'll take lunch as soon as
9 we finish cross-examination.

10

11 **CROSS-EXAMINATION**

12 **QUESTIONS BY MS. THOMPSON:**

13 Q. So, Mr. Rainey, did you know Mr. Adams before
14 Holly Bobo disappeared?

15 A. No.

16 Q. So you basically went around town asking
17 who's the bad guy?

18 A. Yes.

19 Q. Okay. And somebody -- based on what they
20 said, you decided you were going to focus on Zach
21 Adams?

22 A. Yes, because his name had come up several
23 times.

24 Q. Okay. So were you aware that he was involved
25 in methamphetamine?

1 A. I had been told that.

2 Q. So you show up to his house on -- what day of
3 the week was it?

4 A. I do honestly believe it was a Saturday
5 morning.

6 Q. Saturday morning you show up at his house.
7 And this person who is involved in meth looks like
8 he's been asleep that morning, right?

9 A. Most definitely.

10 Q. And I see today you're wearing a highway --
11 is that the Highway Patrol, Tennessee Highway Patrol
12 uniform?

13 A. One of them, yes.

14 Q. And when you showed up at his house, would
15 you have had a Tennessee Highway Patrol uniform on?

16 A. Yes, as a utility.

17 Q. What do you mean as a utility?

18 A. It's a lot cheaper uniform than this one,
19 because we've been doing a lot of searching and it
20 tears them up.

21 Q. Okay. So you had --

22 A. BDUs.

23 Q. -- your outdoor uniform on maybe, is what you
24 call it?

25 A. Yes.

1 Q. Okay. But it still would have clearly
2 indicated you were law enforcement?

3 A. Absolutely.

4 Q. Absolutely. And you knock on his door cold
5 call?

6 A. Yes.

7 Q. Okay. He opens the door, and he looks to you
8 like he's sleepy?

9 A. (Nodded head affirmatively.)

10 Q. And he doesn't have a shirt on, just has on
11 some pants?

12 A. Correct.

13 Q. And you say first thing you notice about him
14 is he's looking nervous?

15 A. Oh, yes, his eyes came -- he was not asleep
16 anymore.

17 Q. He opens the door and hears the police
18 standing there, and his eyes are big you said?

19 A. Yes.

20 Q. Okay. And you said at some point as he's
21 talking to you, he begins to shake?

22 A. Immediately.

23 Q. Immediately. Police are at his door,
24 (indicating) and he opens the door, you've got on a
25 uniform. Do you have a gun when you are in your

1 uniform?

2 A. All the time.

3 Q. So you have a gun strapped to your waist?

4 A. Uh-huh, yes, ma'am.

5 Q. He good begins to shake?

6 A. Yes, ma'am.

7 Q. And so you're -- next thing you're asking him
8 for is -- and you don't have notes of your activity
9 of that day with you; do you?

10 A. I turned them in.

11 Q. Okay. So the next thing that you ask him is
12 you say well you want his telephone number?

13 A. I think something to that effect. His full
14 name, his address, his cell phone number.

15 Q. And he begins to get nervous when you ask for
16 his telephone number; is that right?

17 A. He was nervous when he opened the door.

18 Q. He begins to object to giving you his
19 telephone number?

20 A. Yes, he did.

21 Q. And he says that it's already been provided
22 to law enforcement?

23 A. He said his girlfriend had turned it in.

24 Q. Now when you were there that day, had you
25 been specifically told to go talk to Zach Adams?

1 A. Absolutely not.

2 Q. So this is kind of what you're doing as a
3 searcher, an assistant; is that right?

4 A. Yes.

5 Q. Okay. And I mean, you're doing this out of
6 the goodness of your heart, because you're wanting to
7 help find this missing person; is that right?

8 A. I would have done anything to find her.

9 Q. Okay. And so you say you want his cell phone
10 number?

11 A. Uh-huh.

12 Q. And he does not provide it to you at that
13 point; is that right?

14 A. Not at the beginning.

15 Q. Okay. And he eventually provides it to you?

16 A. Yes.

17 Q. Okay. He says, well, wait a minute, I need
18 to go get a shirt?

19 A. Uh-huh.

20 Q. Okay. And so he turns around and he starts
21 to walk back to get a shirt on?

22 A. Right, correct.

23 Q. And you, without invitation, step into his
24 house?

25 A. Absolutely.

1 Q. And you recognize you have absolutely no
2 legal right to be in his house?

3 A. I wasn't going to go all the way through his
4 house, but I was not going to let a man that I did
5 not know step in a house and obtain a firearm and
6 shoot me.

7 Q. Okay. But that's a position you put yourself
8 in?

9 A. Absolutely.

10 Q. Okay. And so you took it upon yourself to
11 step on into his house?

12 A. Yes.

13 Q. Now, if somebody wearing a gun showed up at
14 your house and began to walk into your house, you
15 personally might -- let's say they're not wearing a
16 uniform, they just are standing there with a gun on,
17 you might find it offensive for someone with a gun on
18 to step into your house without invitation?

19 A. It would probably cause me some concern.

20 Q. Yes. So he turns around and says, wait, what
21 are you doing?

22 A. Uh-huh, yes, ma'am.

23 Q. And for all you know, no telling what he had
24 in his house, right?

25 A. I have no idea.

1 Q. So you're certainly trying to imply here
2 today that your suspicion is he had something to do
3 with Holly in his house?

4 A. When I went in the house, had nothing to do
5 with Holly in his house.

6 Q. No, no, no.

7 A. It had to do with him obtaining a weapon.

8 Q. You're implying to the jury here today that
9 the reason he was so nervous was probably some kind
10 of Holly evidence in his house? Is that what you're
11 trying to suggest?

12 A. No, ma'am.

13 Q. No?

14 A. I stepped indoor.

15 Q. I am not talking about why you went in the
16 house. You went in the house to make sure he wasn't
17 getting a gun to shoot you?

18 A. True.

19 Q. But what you're saying is the reason he was
20 so nervous, the reason he didn't want you in the
21 house, you suspect the reason he didn't want you in
22 the house was because there could have been or you
23 suspect there was either Holly's body in the house,
24 Holly alive in the house, or some kind of evidence
25 about Holly in the house?

1 A. Any of the above.

2 Q. But that's your suspicion?

3 A. Yes.

4 Q. Okay. And that's what you're clearly trying
5 to indicate to the jury here today?

6 A. Yes.

7 Q. But you would agree with me it is just as
8 likely that he could have had all kinds of drugs in
9 the house and that might be why he would be nervous?

10 A. Absolutely.

11 Q. Because after all, you've already heard he
12 was involved in methamphetamine and other drugs?

13 A. Oh, yes, I know that for a fact.

14 Q. So besides the fact that he might have been
15 nervous about having Holly in the house, he could
16 have had marijuana plants growing in the house?

17 A. He probably could have, but I know where they
18 were.

19 Q. Okay.

20 A. Hundreds of them.

21 Q. What?

22 A. I know where hundreds were right behind his
23 house.

24 Q. Okay. Right behind his house. Is it close
25 to this clear plot of suspicious land you saw out

1 there?

2 A. Looks like the county property was used to
3 grow marijuana.

4 Q. Okay. So he had hundreds of marijuana plants
5 growing right behind his house?

6 A. Yes.

7 THE COURT: Let's kind of move along.

8 MS. THOMPSON: Okay.

9 THE COURT: Ladies and gentlemen, you're
10 not to draw any inference whatsoever concerning the
11 defendant's guilt or anything on this case based upon
12 the fact that there might or might not have been
13 marijuana plants on the property. That's not an
14 issue before us. That's why I told her, please just
15 move on.

16 BY MS. THOMPSON:

17 Q. And then you say that there's this mattress
18 that's outside that you thought looked like a
19 perfectly good mattress?

20 A. Yes.

21 Q. Now, it's very possible that that mattress
22 might have belonged to his girlfriend?

23 A. I have no idea who it belonged to.

24 Q. Okay. And did you know at the time he had
25 been living with a girlfriend on and off?

1 A. I have no idea.

2 Q. Okay. So it's possible that that mattress
3 might have been on its way to being moved out of the
4 house?

5 A. I find that highly unlikely.

6 Q. Highly unlikely that it's on its way to being
7 moved back to a girlfriend's house?

8 A. Highly unlikely.

9 Q. Why do you find that unlikely?

10 A. The mattress was leaned up against the house
11 on the northeast corner. The carport is on the south
12 side of the house.

13 Q. Okay.

14 A. The front door is on the west side of the
15 house.

16 Q. Right.

17 A. This was near nothing.

18 Q. But the master bedroom is off the back, and
19 it has a deck back there?

20 A. Ma'am, I don't know. It was at the far north
21 corner of the house.

22 Q. But the far north corner of the house would
23 be where the deck and master bedroom were?

24 A. If it was going to be moved, why not leave it
25 on the deck? You know --

1 Q. Would you agree with me that people that use
2 drugs don't always make the best decisions?

3 A. Oh, I know thousands of them that hadn't.

4 Q. That haven't made the best decisions?

5 A. Correct.

6 Q. Okay. But you would agree with me that -- so
7 you're also indicating here that you think that
8 mattress was outside the house, because it might have
9 had some kind of evidence about Holly Bobo on it,
10 some kind of Holly Bobo evidence related to the
11 mattress?

12 A. When I saw the mattress, it gave me the gut
13 feeling of something is not right.

14 Q. Okay. And so you're thinking that somebody
15 that has evidence to hide might hide that evidence
16 outside?

17 A. Could, yes.

18 Q. Okay.

19 MS. THOMPSON: If I can have just one
20 more moment.

21 BY MS. THOMPSON:

22 Q. So when Dylan Adams' truck was stopped, there
23 were -- you're aware of what came from that; aren't
24 you?

25 A. Yes.

1 Q. It turned out that there was no evidence
2 related to the disappearance of Holly Bobo in Dylan
3 Adams' truck?

4 A. Not that I know of.

5 Q. Okay. And were there any drugs in that truck
6 when it was stopped?

7 A. I don't know, ma'am.

8 Q. Okay. If there had been a giant drug bust
9 related to that, you would have heard about it?

10 A. Yes.

11 MS. THOMPSON: That's all, Your Honor.

12 THE COURT: Anything else?

13 GENERAL HAGERMAN: No further questions.

14 THE COURT: All right. Take a lunch
15 recess. We'll take one hour. They're bringing lunch
16 in for you, so we'll confine it to an hour. Counsel,
17 be ready to go at 1:20.

18 You're discharged. Thank you.

19 THE WITNESS: If I can get up, Your
20 Honor.

21 (WHEREUPON, at 12:19 p.m. a recess was
22 taken after which the following proceedings were
23 had:)

24 THE COURT: Y'all ready to go?

25 GENERAL HAGERMAN: Yes, sir.

1 THE COURT: Everybody ready?

2 MR. SIMMONS: Yes, sir.

3 THE COURT: Send for the jury.

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

7 THE COURT: All right. Be seated,
8 please.

9 I want to make a general inquiry without
10 making any promises at this time. Do we have any
11 Hardin County Tiger Football fans?

12 (Some hands raised.)

13 Wow. We might see if we can get you folks
14 out there in the presence of guard, you understand,
15 you'll be isolated. But probably could put you on
16 the visitor's side. We play Southside. If you want
17 to go, there should be adequate place in the
18 visitor's side where we can put you without danger of
19 exposure.

20 All right. Number two, Saturday, Gainesville,
21 Florida, anybody know what's going on? They're
22 actually going to play the game in Gainesville. They
23 debated for a while. Comes on CBS at 2:30. Is there
24 interest in watching that?

25 (Some hands raised.)

1 Several of you. Now, what we'll end up doing
2 on that, since it is a local affiliate, as long as
3 the game is going on, the screen will be there. When
4 they go to timeout or breaks, we're going to kill it
5 just out of extra sense of precaution to make sure
6 there's not something that flashes across the screen.
7 There will be a guard there controlling. If they
8 flash something while they're doing action, which I
9 wouldn't suspect because we won't be in trial, avert
10 your eyes and we'll take care of it, okay. We're
11 going to try to accommodate those things, all right?

12 How many we have on Hardin County Football?
13 Four, five, six, seven, eight, nine. Wow, okay. I
14 need to talk to our director of schools and get a
15 little cooperation as well.

16 All right. Let's -- did y'all have a good
17 lunch?

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

19 THE COURT: Is that working out pretty
20 good up there?

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

22 Very good.

23 THE COURT: Rather than do that than up
24 and about? Okay? Saves a little time. We're
25 actually starting about ten minutes late, but a lot

1 of times that happens. We're actually -- the pace is
2 moving along pretty good. I am time compulsive as
3 you folks know, and so far I am fine with our pace,
4 okay. I want both sides to have an adequate
5 opportunity to explore their theories of the case. I
6 am not going to try to cut them off, but I probably
7 don't need to play poker from up here. They can
8 probably read me pretty well as long as I've been
9 doing it. So I think they'll keep it moving pretty
10 good, okay?

11 Call your next witness for the State.

12 GENERAL HAGERMAN: Brian Young. Brian
13 Young.

14 THE COURT: Come on in, face me, raise
15 your right hand, please.

16 (The witness was sworn.)

17 THE COURT: Be seated. I want you to
18 state your name for the record and spell first and
19 last.

20 THE WITNESS: Stephen Brian Young,
21 S-T-E-P-H-E-N, Young, Y-O-U-N-G.

22 THE COURT: As you probably figured out
23 when you leaned up against it, that mic is -- it's
24 hot, so you can talk into it and it should amplify
25 you, okay?

1 * * *

2 **STEPHEN BRIAN YOUNG,**
3 **was called as a witness and having first been duly**
4 **sworn testified as follows:**

5
6 **DIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL HAGERMAN:**

8 Q. Can you hear me, Mr. Young?

9 A. Yes.

10 Q. Tell us, what do you do for a living.

11 A. I am a commercial fisherman slash restaurant
12 owner.

13 Q. You're a commercial fisherman, and you also
14 got a restaurant; don't you?

15 A. Yes.

16 Q. Where is your restaurant at?

17 A. Little Josh's in Parsons, Tennessee.

18 Q. In Parsons.

19 Do you remember back in April of 2011?

20 A. Yes.

21 Q. Did you take any part in the searches for
22 Holly Bobo?

23 A. Yes.

24 Q. And why did you take part in the searches for
25 Holly Bobo?

1 A. I knew the Bobo family some, and I also knew
2 Drew, which was Holly's boyfriend at the same time.

3 Q. Have you ever had any military experience or
4 anything like that?

5 A. Yes.

6 Q. What is that?

7 A. Army National Guard.

8 Q. Were you ever called upon by law enforcement
9 in this case to help them search, to go to certain
10 places?

11 A. Yes.

12 Q. Do you know Warren Rainey with the Highway
13 Patrol?

14 A. Yes.

15 Q. I want to ask you, did he have you on one
16 occasion go in the woods behind Zach Adam's house?

17 A. Yes.

18 Q. Tell me what you saw that day.

19 A. That day when we first got there, Warren just
20 got through talking to Zach.

21 Q. All right. So Warren had gone to the house?

22 A. Yes.

23 Q. Where were you when Warren was at the house?

24 A. We was on the outside parameter. It was
25 actually six of us.

1 Q. Six of y'all?
2 A. Yes.
3 Q. Were y'all in the woods or standing on the
4 street?
5 A. We were standing in the woods.
6 Q. Standing in the woods.
7 A. Or kneeled down in the woods actually.
8 Q. Kneeled down in the woods.
9 Is it fair to say hiding?
10 A. Yes.
11 Q. Did y'all have binoculars or anything?
12 A. Yes.
13 Q. Did you see Mr. Rainey talk to Zach?
14 A. No. He was on the opposite side of the
15 house.
16 Q. What was the view that you had through the
17 woods at that time?
18 A. Well, we couldn't see Zach at all at that
19 time. We were just supposed to be covering the
20 outside parameter of the house.
21 Q. Is that the back of the house or the side of
22 the house?
23 A. The back of the house.
24 Q. The back of the house.
25 At some point, were you notified that Warren

1 Rainey had left the house?

2 A. Yes.

3 Q. How was that done?

4 A. Warren had called us.

5 Q. Warren called y'all?

6 A. Yes.

7 Q. What happened next?

8 A. Actually what we supposed to have done is

9 seen the movements of Zach, watch the movements of

10 Zach after Warren had left.

11 Q. All right. So y'all were there because

12 wanted to see what Zach did after Warren left?

13 A. Yes.

14 Q. What did Zach do after Warren left?

15 A. He come outside, went to the garage, got a

16 vacuum out and started vacuuming a black pickup.

17 Q. Started vacuuming a car?

18 A. Pickup.

19 Q. Pickup. Started vacuuming out a black

20 pickup?

21 A. Yes.

22 Q. Where was that black pickup?

23 A. It was in the shed, in a green shed down

24 behind the house.

25 Q. And was he doing that slowly, fastly, or how

1 would you describe it?

2 A. Slowly.

3 Q. Where did he get the vacuum from, could you
4 tell?

5 A. I couldn't tell.

6 Q. How long did he vacuum that truck out for?

7 A. Approximately probably an hour and a half.

8 Q. An hour and a half. And the whole time y'all
9 were kneeled down in the woods?

10 A. Some of us was kneeled down, some of us was
11 still actually just combing through the back --
12 there's a big thicket probably 20 or 30-acre thicket,
13 and some of us was still in movement back there
14 trying to find evidence.

15 Q. There was a thicket to contend with, too?

16 A. Yes.

17 Q. After Zach got done vacuuming that car or
18 pickup out an hour and a half, what happened next?

19 A. I had found a pair of surgical gloves and a
20 water bottle.

21 Q. Is that just some stuff you found in the
22 woods?

23 A. Northeast, probably northeast of the house,
24 the back of the house.

25 Q. Let me ask you: Did you ever see a mattress

1 at the house?

2 A. They was two mattresses leaned up against the
3 back of the house, yes.

4 Q. Two mattresses leaned up against the back of
5 the house?

6 A. Yes.

7 Q. Did you ever see Zach do anything with regard
8 to those mattresses?

9 A. I didn't but my partner did.

10 Q. Was this at the same time -- was this before
11 or after the vacuuming of the car?

12 A. It was after the fact.

13 Q. After the vacuuming of the car?

14 A. Yes.

15 Q. So you saw the vacuuming of the car, and then
16 your partner saw whatever he saw afterwards?

17 A. Right.

18 Q. With regard to the mattresses?

19 A. Right.

20 Q. You found some stuff in the woods?

21 A. I found a pair of surgical gloves and a water
22 bottle.

23 Q. Did you turn those in?

24 A. Yes. I had to meet Mr. Rainey at Teasers off
25 of -- I'm trying to think of the name of the road.

1 Q. This area here, there's the interstate; is
2 that right?

3 A. Sugar Creek Road.

4 Q. There's the interstate not far; is that
5 correct?

6 A. Right.

7 Q. There is -- you just said the name of it,
8 Teasers. What kind of place is that?

9 A. It's actually a strip bar.

10 Q. Strip club?

11 A. Right.

12 Q. Close to Teasers -- close to Teasers, there's
13 woods; is that right?

14 A. True.

15 Q. If you go through those woods, you can
16 eventually get to what?

17 A. Back to Zach's house.

18 Q. To Zach's house.

19 So all this is close together?

20 A. Wooded area, yes.

21 Q. Is this close to Holladay, Tennessee?

22 A. Yes.

23 Q. And close to the interstate?

24 A. Yes.

25 Q. Did you ever see the dirt or whatever that

1 had been disturbed behind the house?

2 A. Yes.

3 Q. Okay. Did y'all report that to Rainey?

4 A. Yes.

5 Q. Were you there when Rainey checked it?

6 A. Yes.

7 Q. And you acknowledge it wasn't any sort of
8 grave or anything like that?

9 A. I can't say that. I don't know.

10 Q. Okay. Did you see Rainey find anything
11 there?

12 A. Rainey wasn't actually with us. Rainey was
13 at the Teasers.

14 Q. Later on?

15 A. Later on -- later on he come off of Duck Farm
16 Road and met us on Duck Farm Road. They was actually
17 two -- two dog teams with us.

18 MS. THOMPSON: Wait. I thought he said
19 they were asking. I just wanted to make sure it
20 isn't hearsay.

21 GENERAL HAGERMAN: He just said there
22 were two dog teams with him.

23 MS. THOMPSON: Okay. Got it.

24 THE COURT: Okay.

25 BY GENERAL HAGERMAN:

1 Q. Other than the hour and a half of vacuuming
2 and whatever your partner saw, is that basically what
3 you observed Zach Adams do that day?

4 A. Yes. Supposedly what it was, my partner had
5 seen him --

6 THE COURT: No, you can't say what your
7 partner saw or heard.

8 THE WITNESS: I'm just saying -- right.

9 GENERAL HAGERMAN: We can hear from them.

10 THE WITNESS: Why I was going to give the
11 gloves is what I'm saying.

12 BY GENERAL HAGERMAN:

13 Q. All this happened when Rainey left?

14 A. Right.

15 GENERAL HAGERMAN: That's all the
16 questions.

17 THE COURT: All right. Cross.

18 MS. THOMPSON: Yes.

19

20 **CROSS-EXAMINATION**

21 **QUESTIONS BY MS. THOMPSON:**

22 Q. Now, these things you're calling surgical
23 gloves, you're just talking about latex gloves;
24 aren't you?

25 A. Yes.

1 Q. White latex gloves?

2 A. Blue.

3 Q. Blue latex gloves. And you're aware that
4 they sell those at Home Depot?

5 A. Yes.

6 Q. People use them a lot if they're going to do
7 something like paint?

8 A. Yes.

9 Q. And you might use them if you're going to
10 change the oil in your car?

11 A. True.

12 MS. THOMPSON: No further questions.

13 THE COURT: None?

14 GENERAL HAGERMAN: No further questions.

15 THE COURT: All right. Thank you, Mr.
16 Young, you may be excused or you can join us in the
17 courtroom if you'd like. Or you can get out of here
18 and get back on the river, okay?

19 (WHEREUPON, the witness was excused from
20 the stand and left the courtroom.)

21 THE COURT: Next.

22 GENERAL HAGERMAN: Matt Ross.

23 THE COURT: I can read him, he can't wait
24 to get out of here. It's not everybody's idea of fun
25 to come into the courtroom, let me just put it that

1 way.

2 Face me and raise your right hand, please.

3 (The witness was sworn.)

4 THE COURT: Be seated. State your name,
5 spell your first and last.

6 THE WITNESS: It's Matthew Ross,
7 M-A-T-T-H-E-W R-O-S-S.

8 THE COURT: Thank you. You can proceed.

9
10 * * *

11 **MATTHEW ROSS,**
12 **was called as a witness and having first been duly**
13 **sworn testified as follows:**

14
15 **DIRECT EXAMINATION**

16 **QUESTIONS BY GENERAL HAGERMAN:**

17 Q. Mr. Ross, what do you do for a living?

18 A. I am a special agent with the FBI.

19 Q. How long have you been doing that?

20 A. Over 15 years.

21 Q. Where are you stationed at?

22 A. At our Memphis headquarters city location.

23 Q. All right. We're here to talk to you about
24 something that happened pretty far away from Memphis,
25 okay?

1 A. Okay.

2 Q. In April of 2011, were you involved in the
3 investigation in the search for Holly Bobo?

4 A. Yes, sir, I was.

5 Q. How was it that you became involved in that?

6 A. About a week after she had gone missing, both
7 the TBI and FBI had opened cases. Our office in
8 Memphis asked for volunteers to go to our Jackson
9 resident agency or to Decatur County to help with the
10 investigation.

11 Q. Did you know this area at all or know that
12 area at all?

13 A. I was somewhat familiar with Decatur County.
14 Prior to being an FBI agent, I was a special agent
15 with the Tennessee Alcohol Beverage Commission. So
16 every summer we would spend, you know, a week or half
17 a week in Decatur County doing marijuana eradication.

18 Q. I hope you don't know where Teasers is; do
19 you?

20 A. I've heard of it.

21 Q. On April 23 --

22 THE COURT: It used to have a worse name
23 than that, let me just tell you that.

24 GENERAL HAGERMAN: I think it was Bill
25 Dundee's.

1 THE COURT: It was. Bill Dundee's.

2 BY GENERAL HAGERMAN:

3 Q. April 23rd --

4 THE COURT: And before you get the wrong
5 idea, I just pass it on the highway going to other
6 courthouses that I serve, okay?

7 BY GENERAL HAGERMAN:

8 Q. April 23, 2011, did you have occasion to
9 speak with anybody involved in this Holly Bobo
10 investigation?

11 A. Yes, I did.

12 Q. What were you tasked with? What job did they
13 give you that particular day?

14 A. Well, when I got there, we were basically
15 myself and several other agents, task force officers
16 were told to just standby to help out, possibly cover
17 leads that had been generated from case agents that
18 were working the case. I guess that had been seven
19 or ten days after she had gone missing.

20 And so we were just waiting around, and at
21 one point someone came up to me and gave me an
22 assignment, said, hey, we need you to go talk to this
23 person or that person.

24 Q. Who was the person that you were supposed to
25 talk to?

1 A. The first assignment I was given was to go
2 talk to an individual by the name of Zach Adams.

3 Q. Did you know Zach Adams at all?

4 A. No. Never heard of him. Didn't know him.

5 Q. Would it be fair to say you had limited
6 information at that time when you were going to talk
7 to him?

8 A. Yes, that is correct.

9 Q. All right. Tell us what -- did you go talk
10 to him?

11 A. I did.

12 Q. Tell us what happened when you went to him.

13 A. Myself, one of our task force officers from
14 Memphis, she was a Shelby County Sheriff's Deputy,
15 Anette Cotton, I believe the sheriff of Decatur
16 County and a lieutenant from the Highway Patrol, I
17 don't recall his name, we all --

18 Q. I think we just met him.

19 A. Okay. It might be him. I don't remember.
20 It's been a while.

21 We traveled to Zach Adams' residence, met him
22 there and just asked him what he knew about Holly
23 Bobo, if he knew anybody that knew her, if he knew
24 anything about her disappearance, just -- and where
25 was he during the time she went missing.

1 Q. Did you notice anything about Zach Adams on
2 your visit?

3 A. Yes. As we talked to him, I noticed that he
4 had some pretty visible scratches on his arms and
5 knees, I think, or leg area.

6 Q. And apart from noticing that, did you
7 document it sort of any other way?

8 A. I took photographs. I asked him if I could
9 take photographs of him and the scratches, and he
10 said, yes.

11 Q. Let me pass you a series of four photographs.

12 GENERAL HAGERMAN: May I approach, Judge?

13 THE COURT: You may.

14 BY GENERAL HAGERMAN:

15 Q. Just look through them and tell me if you're
16 familiar with what is pictured in each one.

17 A. Yeah, I am familiar with these.

18 Q. What are they?

19 A. These are the pictures that I took that day.

20 Q. The pictures you took that day?

21 A. Yes.

22 Q. Of Zach Adams?

23 A. Yes, they are.

24 Q. Can you see the scratches?

25 A. Yes, I can.

1 GENERAL HAGERMAN: I would introduce
2 those as the next numbered exhibits, Your Honor.

3 THE COURT: I think we start with 57. So
4 it will be 57, 58, 59, and 60.

5 (WHEREUPON, the above-mentioned
6 photographs were marked as Exhibit Numbers 57-60.)

7 GENERAL HAGERMAN: Publish these, Judge?

8 THE COURT: You may.

9 BY GENERAL HAGERMAN:

10 Q. It's going to be on the screen behind you.
11 Is that Zach Adams that day?

12 A. Yes, it was.

13 Q. And this is over at his house; is that right?

14 A. That's correct.

15 Q. That was Exhibit 60. This is Exhibit 57.
16 What can I see here?

17 A. There's pretty visible scratches on the
18 inside of his arm right there. There's a big scab or
19 scar up at the top.

20 Q. Can you see these linear scratches?

21 A. Yes, those, too.

22 Q. Are these the scratches that you noticed?

23 A. Yes, they are.

24 Q. This will be Exhibit 58, which is actually a
25 better picture if you see it in person. But is this

1 another angle of these linear scratches?

2 A. Yes. It's a little bit far away. You can
3 see how long they go down in the arm.

4 Q. It should be his left; is that right?

5 A. That's correct.

6 Q. Maybe this will show up a little bit better
7 now, shows up a little bit worse.

8 In person you can see it better; is that
9 right, agent?

10 A. That's correct.

11 Q. Than on this overhead. Linear scratches?

12 A. That's right.

13 Q. Down his left arm?

14 A. Yes, that's correct.

15 Q. And it looks like you also took pictures of
16 his legs; is that right?

17 A. Yes, I did.

18 Q. And I don't see much here. Did you notice
19 anything on his legs?

20 A. Well, you can kind of see some bruising right
21 up under the knee and scratches a little bit on the
22 top of the knee.

23 Q. Okay. But here, I don't see any of the long
24 linear scratches that were on his arms; is that
25 right?

1 A. That's correct.

2 Q. Okay. Did you ask him about these scratches?

3 A. Yes, I did.

4 Q. And did he tell you how he got these

5 scratches?

6 A. He did tell me.

7 Q. What did he tell you?

8 A. He told me that he had gotten the scratches

9 after he had been arrested by the police somewhere, I

10 think, it was Henderson County or one of the nearby

11 counties. And that he had run through the woods

12 trying to escape and got cut up by a bunch of briers.

13 Q. All cut up by briers or whatever?

14 A. That's correct.

15 Q. While he was running from the -- what did you

16 say?

17 A. He said the police.

18 Q. The police.

19 GENERAL HAGERMAN: No further questions.

20 THE COURT: Cross.

21 MS. THOMPSON: Yes.

22 GENERAL HAGERMAN: If Ms. Thompson needs

23 a minute, I'm going to ask to pass these pictures

24 around anyway.

25 MS. THOMPSON: I was going to use the

1 pictures, so we'll just go ahead.

2 GENERAL NICHOLS: It just doesn't show
3 up.

4 THE COURT: We'll publish them at the end
5 of cross-examination.

6

7 **CROSS-EXAMINATION**

8 **QUESTIONS BY MS. THOMPSON:**

9 Q. I am going to try to stand over here where I
10 can run the machine.

11 Now, what kind of camera do you remember you
12 used to make these pictures?

13 A. I believe it was my Blackberry cell phone.

14 Q. Cell phone. Okay, let's see. Let me try
15 zooming, maybe if I can zoom it a little, then I can
16 tell if it's in focus or not.

17 Does that seem to be the best in focus to you
18 over there, Mr. Ross?

19 A. Yes, that's a little bit better.

20 Q. Okay. And he certainly seemed very happy
21 that day when he was talking to you?

22 A. He did have a smile on his face, yes.

23 Q. Yes. And the pictures you have here, they're
24 just of one arm; isn't that right?

25 A. I believe so. I may have taken a picture of

1 the other arm, but I don't recall seeing it in there.

2 Q. Okay. And is that the front of his arm or
3 the back of his arm?

4 A. That's the front inside part, I believe,
5 right there.

6 Q. Okay. Would you agree with me he's got a
7 skinny, little arm there?

8 A. Well, I am kind of skinny, so he was a little
9 bit bigger than me.

10 THE COURT: I am not.

11 THE WITNESS: So I guess, it's all
12 relative but sure.

13 BY MS. THOMPSON:

14 Q. Okay. Let me see if I can zoom in on this
15 one, too.

16 Now, of course, the picture itself is a
17 little grainy. I mean, if you looked at the actual
18 picture itself, it's a little, I'd say, digitized.
19 It's got the little kind of square chunks of color in
20 it; would you agree with me about that?

21 A. Yes. This picture up here does, yes.

22 Q. It's not like it's taken with a 35mm quality
23 camera?

24 A. No. Like I said, I just -- I took it with my
25 cellular phone at the time.

1 Q. What we're looking at here, it seems like
2 there's -- I'll kind of point it out to you, this is
3 a little bit of a round, a round bump almost; would
4 you agree with me?

5 A. Yes.

6 Q. With a stab in the middle?

7 A. Yes, that's correct.

8 Q. Okay. And it looks like it's definitely been
9 healing on the outside of the scab?

10 A. Yes, I would say that.

11 Q. And then it just has a little bit of a scab
12 left. The other ones, they're reddish, pink lines
13 but they don't even have scabs left on them anymore;
14 do they?

15 A. They don't appear to, no.

16 Q. This one actually shows, maybe this one shows
17 it a little closer up. Does that one actually show
18 it a little closer up?

19 A. Yes, a little bit.

20 Q. So they're really more kind of like scars
21 rather than fresh scratches; is that right?

22 A. Well, they weren't old scars, they definitely
23 would have happened in recent weeks.

24 Q. Pinky, pinky scars, pink-colored scars?

25 A. Yes, they were pinked-colored scars.

1 Q. And you also -- you visited more than just
2 Zach Adams; didn't you?

3 A. Yes. I think -- you mean throughout the day?

4 Q. Throughout the day.

5 A. Yeah. I maybe talked to two or three other
6 people.

7 Q. Okay. They were just kind of dividing up
8 work and everybody was getting a few people to go out
9 and try to find?

10 A. That's correct.

11 Q. And if you'll help me here kind of figure out
12 this Saturday -- April 23rd, that was a Saturday;
13 wasn't it?

14 A. I think so.

15 Q. If Wednesday was the 13th, then we kind of
16 add some days there, if you do your math and use some
17 fingers, which I did, it's unfair because I was able
18 to do it while I was sitting over there.

19 A. Okay.

20 Q. Saturday is the 23rd?

21 A. That sounds right. I believe so. I believe
22 I remember it was a Saturday.

23 Q. Okay. And you were there -- so this would
24 have been the second Saturday after she had
25 disappeared; is that right?

1 A. That would be correct, yes.

2 MS. THOMPSON: We can turn the lights
3 back on now. I am finished.

4 BY MS. THOMPSON:

5 Q. And so -- and you actually filled out just
6 a -- not even a formal report, but you just typed out
7 some paragraphs about what you did and who you talked
8 to?

9 A. Yes. I believe we filled out -- at that time
10 it was called a lead sheet or something to that
11 effect.

12 Q. A what?

13 A. It was called a lead sheet, I believe is what
14 it was called. What we refer to it as.

15 Q. Okay. But your report here isn't on lead
16 sheet, it's not on a lead sheet like worksheet, it's
17 a typed-written report. Did you type this up?

18 A. No, I did not.

19 Q. Okay. So you filled out a lead sheet
20 somewhere?

21 A. Yeah, well -- I filled out like the top of
22 it. I believe Officer Cotton filled out the bulk of
23 it.

24 Q. Okay.

25 A. And then I believe, I'd have to see it up

1 close, but I believe those are her notes.

2 Q. Okay.

3 A. Her typed notes.

4 Q. So if -- but it would be accurate to say that
5 it started -- your interview with him started about
6 9:25 in the morning?

7 A. That's right. I remember it being in the
8 morning. That's correct.

9 Q. Okay. And he -- Mr. Adams even gave you a
10 brief summary of what he said he had done that day?

11 A. Yes, he did.

12 Q. He said that he had gotten up about 10:00 or
13 10:30 in the morning?

14 A. That -- that sounds about right.

15 Q. On April 13, 2011.

16 He said that there was no one in the house to
17 verify what he had done?

18 A. That's correct.

19 Q. He said he and his brother, Dylan, had picked
20 up a friend, Shane, and then had gone to the Shell
21 station?

22 A. That's correct.

23 Q. He gave you his telephone number?

24 A. Yes, he did.

25 Q. There's a phone number and address. He even

1 gave you his Social Security Number and his driver's
2 license number?

3 A. I don't exactly remember that, but I am sure
4 he did.

5 Q. Okay. He disclosed to you that he had a
6 girlfriend, Rebecca Earp, or former girlfriend?

7 A. Yes, he did.

8 Q. He gave you consent to search his house?

9 A. He did as long as he was with me. He put
10 that caveat on there. I'm just throwing that out
11 there.

12 Q. Right. He just wanted to walk around --

13 A. Right.

14 Q. -- with you while you searched it, but he
15 invited -- he allowed you to search his house?

16 A. He did, yes.

17 Q. And he even allowed you to search underneath
18 his house in the crawl spaces?

19 A. Yes, he said we could look. We didn't
20 actually crawl under there. We just opened the door,
21 and just took a look inside.

22 Q. Matter of fact, you made a note that it
23 didn't appear -- it did not appear recently disturbed
24 under the crawl spaces?

25 A. That's correct, yes.

1 Q. Okay. So looking at that, you chose not to
2 go down?

3 A. Right. On the outside of the -- you know,
4 there's small doors that swing under the crawl space,
5 didn't appear to be disturbed. You know, we opened
6 the door, just took a look inside, didn't see
7 anything.

8 Q. Okay. And he voluntarily let you take
9 pictures of his arms and legs. He wasn't under any
10 kind of warrant regarding that?

11 A. No, he consented to all that.

12 Q. And you were there until 10:55 a.m.?

13 A. That sounds about right, about an hour or so
14 we were there.

15 Q. Yeah, so 9:25 to 10:55, an hour and 20
16 minutes, 30 minutes?

17 A. (Nodded head affirmatively.)

18 Q. I have to use fingers. 30 minutes. Does it
19 sound fair?

20 A. That sounds right.

21 Q. And at the same time, you also spoke to his
22 grandfather, Dick Adams, and his brother, Dylan
23 Adams?

24 A. Yes.

25 Q. And they allowed you to look around Dick

1 Adams' house also?

2 A. I don't believe we looked in his house.

3 Q. But you would have been invited to? I mean,
4 they didn't prevent you from doing that?

5 A. I don't know that we asked.

6 Q. Okay. And --

7 MS. THOMPSON: No further questions.

8 THE COURT: Anything else?

9 GENERAL HAGERMAN: No questions, just to
10 publish these exhibits.

11 THE COURT: All right. Step down and
12 you're free to go, thank you.

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

15 THE COURT: Bailiff, if you'll start
16 those with the jury. They can be -- they can pass
17 those among themselves.

18 Let's be getting your next witness while
19 they're doing that.

20 GENERAL HAGERMAN: Chris Hill.

21 (The witness was sworn.)

22 THE COURT: Be seated. State your first
23 and last name and spell them for the benefit of the
24 court reporter.

25 THE WITNESS: Chris Hill, C-H-R-I-S

1 H-I-L-L.

2 THE COURT: Okay. Let's hold up just a
3 minute and let them finish passing the photos.

4 Okay. Direct examination.

5

6 * * *

7 CHRIS HILL,

8 was called as a witness and having first been duly
9 sworn testified as follows:

10

11 DIRECT EXAMINATION

12 QUESTIONS BY GENERAL HAGERMAN:

13 Q. You probably sat longer while they're looking
14 at pictures, than you're going to have to sit for
15 this.

16 But where -- your name again?

17 A. My name is Chris Hill.

18 Q. And where do you work?

19 A. I work at Natchez Trace State Park.

20 Q. I want to ask you about April 4 of 2011,
21 okay?

22 A. Okay.

23 Q. Nine or eight or nine days before the 13th,
24 which is the day that Holly Bobo disappeared.

25 A. Okay.

1 Q. On April 4 of 2011, did you have occasion to
2 come in contact with Zach Adams?

3 A. Yes, I did.

4 Q. And whereabouts were y'all?

5 A. It was a traffic stop on Highway 114 in the
6 park.

7 Q. Was it a routine traffic stop? I mean, did
8 it go routinely?

9 A. It did not.

10 Q. Okay. At some point what did Mr. Adams do?

11 A. He fled on foot.

12 Q. Was he pursued?

13 A. He was.

14 Q. Was he arrested?

15 A. Yes, he was arrested.

16 Q. Did you have occasion to observe him before
17 he took off running?

18 A. Yes, I did.

19 Q. And did you have occasion to observe him face
20 to face, body to body after he was arrested?

21 A. Yes.

22 Q. I want to ask you, after that arrest, okay,
23 on April 4 of 2011, did he have any long linear
24 scratches down his left arm?

25 A. No, sir.

1 Q. They weren't there?

2 A. No, sir.

3 GENERAL HAGERMAN: No further questions.

4 THE COURT: Cross.

5

6 **CROSS-EXAMINATION**

7 **QUESTIONS BY MS. THOMPSON:**

8 Q. Okay. Now on April 4, 2011, this whole
9 incident began because there was a tree down, power
10 lines down due to a tree in the state park; isn't
11 that right?

12 A. That is correct.

13 Q. And you were actually there assisting some
14 people with traffic and trying to direct them to get
15 around the power lines; weren't you?

16 A. We were -- yes, I was stopping traffic while
17 they worked on trees.

18 Q. Okay. And then suddenly this white car comes
19 up, and do you remember specifically what happened
20 next?

21 A. I remember the vehicle drove down the wrong
22 side of the road, passed the cars I had stopped. A
23 little bit of high rate of speed, and got to the tree
24 and turned around. I stopped the vehicle as it was
25 coming back out then.

1 Q. Okay. So what happens is this car, and let's
2 be clear, do you remember what kind of car Mr. Adams
3 was driving?

4 A. It was a pickup truck. Without my notes, I
5 don't remember from six years ago the make or
6 anything.

7 Q. Did you review this before you came today?

8 A. It's been a week or so since I looked at it.

9 Q. Okay. So if I told you you put down that it
10 was a white Nissan pickup truck. You even
11 specifically put down that the tag was 574CBJ?

12 A. Okay.

13 Q. That would have been fairly accurate in your
14 report; wouldn't you assume?

15 A. Yes.

16 Q. You wouldn't have a habit of putting down a
17 brand and color of pickup truck if it wasn't
18 something you had observed?

19 A. Right.

20 Q. So this white pickup truck kind of comes up
21 and sees you stopped on the side of the road
22 directing traffic and he zips into the opposite --
23 the ongoing traffic lane, passes you, tries to speed
24 on down, and then suddenly realizes he's blocked and
25 can't get past the power lines; is that what

1 happened?

2 A. Well, he -- he came around a whole line of
3 cars. I was at the front of the line. There was
4 probably half a dozen cars he came around to get to
5 where I was.

6 Q. So clearly, this person was driving
7 erratically?

8 A. Yes.

9 Q. Sped by a police officer?

10 A. Yes.

11 Q. And that's when -- when he realized he had to
12 turn around and come back is when you pulled him
13 over?

14 A. Correct.

15 Q. And at that point then, you found there was a
16 camouflage bag on the floor of the car?

17 A. Yes.

18 Q. And you picked up the camouflage bag to see
19 what was in it?

20 A. Yes.

21 Q. And by bag, it's just a little, is it a
22 drawstring bag with materials in it?

23 A. It was like a fanny pack.

24 Q. Okay, fanny pack.

25 A. Yeah.

1 Q. So you pick up this little fanny pack, you're
2 getting ready to open it to see what's in it, Mr.
3 Adams rips it out of your hands and takes off running
4 through the woods; doesn't he?

5 A. Yes.

6 Q. Clearly whatever was in that bag, he didn't
7 want you to see it; did he?

8 A. Correct.

9 Q. And as he's running through the woods, he's
10 unzipping the bag and throwing things out of the bag?

11 A. Right.

12 Q. So you at this point are required to hightail
13 it right after him?

14 A. Right.

15 Q. Try to catch him; isn't that right?

16 A. Yes.

17 Q. Did you know Mr. Adams before this?

18 A. No, ma'am.

19 Q. Okay. So you're chasing after him, you catch
20 him; don't you? You catch up to him?

21 A. Yes.

22 Q. You had to tackle him to get him to the
23 ground, right?

24 A. I shoved him to make him go to the ground.

25 Q. You shoved him to the ground. And then, I

1 mean, it was a pretty physical arrest at that point;
2 isn't it?

3 A. Well, I mean, he went down fairly easy. You
4 know, he tried to scratch at my hand after I got him
5 down for just a second or two before he calmed down.

6 Q. He tried to scratch at you?

7 A. At my hands, yes.

8 Q. Like with his fingernails?

9 A. Yes.

10 Q. Okay. And so at that point -- and you're
11 doing this in the woods, right, he's not running down
12 the road?

13 A. Right.

14 Q. It's through the woods?

15 A. Right.

16 Q. Okay. And do you remember what color shirt
17 he had on?

18 A. No, I do not remember.

19 Q. Do you remember what -- like long sleeve,
20 short sleeve, what it looked like?

21 A. I do not remember.

22 Q. Do you remember what kind of pants he had on?

23 A. No, ma'am.

24 Q. Okay. And then at that point you handcuffed
25 him and you arrest him?

1 A. Correct.

2 Q. And that white pickup truck that he was
3 driving, that Nissan pickup truck, it got impounded;
4 didn't it?

5 A. As I recall, the Henderson County Sheriff's
6 Department was there as well, and I think they took
7 an interest in the truck.

8 Q. Okay. So he didn't get to drive that truck
9 home that day?

10 A. No, ma'am.

11 Q. Now, after you had physical -- that's -- you
12 kind of went full hands on with Mr. Adams, right,
13 pushing him to the ground? Did you fill out an
14 incident report about the physical contact you had
15 with him?

16 A. That was included in the incident report for
17 the whole event.

18 Q. So under your department regulations, you're
19 not required to fill out a special physical contact
20 report when you have full hands on contact with a
21 potential arrestee?

22 A. No, ma'am.

23 Q. Okay. So you didn't fill out anything other
24 than just this arrest report and what happened right
25 here; isn't that right?

1 A. That's correct.

2 Q. Okay. Under what conditions are you required
3 to fill out a full hands on report?

4 A. If there was an injury or if we had to use
5 some type of weapon.

6 Q. Okay. And then that goes in your record,
7 too; doesn't it?

8 A. Yes.

9 Q. So you would prefer not to have those filled
10 out; wouldn't you?

11 A. It really would make no difference to me.

12 Q. No?

13 A. (No response.)

14 MS. THOMPSON: May I have one minute? No
15 further questions.

16 THE COURT: Anything else?

17 GENERAL HAGERMAN: Just real quick.

18

19 **REDIRECT EXAMINATION**

20 **QUESTIONS BY GENERAL HAGERMAN:**

21 Q. We talked about impounding the truck, right?

22 A. Yes.

23 Q. Did you say something about that?

24 A. As I recall, the local sheriff's department
25 talked about it. I believe it was released just a

1 day or two later.

2 Q. It was released just a day or two later?

3 A. That's as I recall.

4 MS. THOMPSON: Your Honor, I object to
5 him speculating. If he knows, that's one thing, but
6 if he's just speculating, I object to that testimony.

7 GENERAL HAGERMAN: May I ask him?

8 THE COURT: You may.

9 BY GENERAL HAGERMAN:

10 Q. Are you just guessing, or is this something
11 you checked on for me?

12 A. I am just going off my memory.

13 Q. On your memory?

14 A. Yes.

15 Q. So you're not just guessing?

16 A. Right.

17 Q. Are y'all in business of seizing cars as park
18 rangers?

19 A. Our department does not typically seize cars.
20 Usually we hand those cases over to the sheriff's
21 department to take care of.

22 Q. And then the cars are released?

23 A. Yes.

24 Q. As a police officer, do you try to take note
25 after you arrest somebody, especially if you had to

1 put your hands on them, as to their physical
2 condition?

3 A. Absolutely.

4 Q. Why do you do that?

5 A. Because don't want any chance of any kind of
6 contamination between any kind of bodily fluids they
7 may have, actually --

8 Q. So you're looking for blood --

9 A. Right.

10 Q. -- and whether or not blood has been
11 transferred?

12 A. Exactly.

13 Q. How about to ensure the person doesn't claim
14 you did something that you didn't do?

15 A. Right.

16 Q. Do you try to protect yourself, too?

17 A. Yes, yes.

18 Q. And so if you had seen bloody, linear
19 scratches, is that something you would have taken
20 note of?

21 A. Absolutely.

22 Q. But they weren't there?

23 A. Right.

24 MS. THOMPSON: I do have follow-up.

25 THE COURT: Okay.

RECROSS-EXAMINATION

QUESTIONS BY MS. THOMPSON:

Q. I am going to ask you about this truck now. You said Henderson County Sheriff's Department is the one that came and impounded the truck; isn't that correct?

A. Yes.

Q. Okay. Do you remember specifically who the registered owner of that truck was?

A. I don't remember the name. I believe it was Mr. Adams' grandfather.

Q. And so how was it that you happen to remember that?

A. It's in my mind.

Q. Okay. Was that something that you had discussed with the district attorney? Did the district attorney tell you that?

A. No, ma'am.

Q. But you weren't involved, because it's -- because you're a park ranger, you wouldn't have been there when the truck was released?

A. Correct.

Q. And actually you don't even know -- do you know where it was towed to?

1 A. It would be speculation.

2 Q. Okay.

3 MS. THOMPSON: No further questions.

4 THE COURT: Done?

5 GENERAL HAGERMAN: Done.

6 THE COURT: All right. Thank you, Mr.
7 Hill, you're free to leave if you'd like.

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

10 THE COURT: Call your next.

11 GENERAL HAGERMAN: Christee Clenney.

12 THE DEPUTY: What was that last name?

13 GENERAL HAGERMAN: Clenney.

14 (The witness was sworn.)

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

18 THE WITNESS: Christee Clenney,

19 C-H-R-I-S-T-E-E C-L --

20 THE COURT: E-E?

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay.

23 THE WITNESS: C-L-E-N-N-E-Y.

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1 * * *

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

5
6 **DIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL HAGERMAN:**

8 Q. Sounds like there are a lot of Es in your
9 name?

10 A. Yes.

11 Q. Christee with two Es?

12 A. Yes.

13 THE COURT: I had written down I-E is the
14 reason I had to redo it.

15 THE WITNESS: It's happened a lot.

16 BY GENERAL HAGERMAN:

17 Q. What do you do for a living, Ms. Clenney?

18 A. I am an RTI and testing coordinator.

19 Q. What does that mean?

20 A. Well, I've been in the school system teaching
21 for 20 years, now I help with response intervention
22 and the testing data along with some other jobs.

23 Q. What schools have you taught around here?

24 A. Parsons Elementary School, and I was the
25 Learning House Pre-K. I was a Pre-K teacher for ten

1 years, and now I am at Decaturville.

2 Q. April of 2011, where were you living?

3 A. I was living on Myracle Town Road in Darden.

4 Q. Myracle Town Road?

5 A. Yes, sir.

6 Q. It's in Darden?

7 A. Yes.

8 Q. A few miles from Parsons?

9 A. Yes.

10 Q. Are you familiar with the street, Swan
11 Johnson?

12 A. Yes, sir.

13 Q. Does Myracle Town run into it?

14 A. Yes.

15 Q. All in the same little neighborhood?

16 A. Yes.

17 Q. Are the roads big and wide, or are they
18 small?

19 A. They're narrow.

20 Q. Are the roads frequent traffic all the time
21 or no?

22 A. No, not really. Not a lot of traffic.

23 Q. Something notable or strange happen to you
24 one morning?

25 A. Yes.

1 Q. All right. Well, tell us what you were
2 doing.

3 A. Okay. I had been recovering from neck
4 surgery, so I was out of work for six weeks, and I
5 had been walking every morning, somewhere between
6 7:30 and 8:30 every morning. And so after a few
7 weeks, I -- well, one morning I was walking, and I
8 would always walk to Swan Johnson Road.

9 Q. So you walk in your neighborhood?

10 A. Yes. Well, I would walk on Myracle Town Road
11 to Swan Johnson Road, and I would stop there and go
12 back to my house. And I would usually do that about
13 three times, because that was about three miles.
14 That was part of my rehabilitation for the neck is
15 what he wanted me to do.

16 And so one morning, I walked to Swan Johnson,
17 I was on my way back, and I just heard a loud truck.
18 And so I turned around and there was one idling on
19 Swan Johnson Road. And I heard it --

20 Q. At this point, is that anything particularly
21 strange?

22 A. Well, I mean, I wasn't alarmed at that
23 moment. I mean, I just turned -- I heard it is why I
24 turned around, and you know, I like to get out of the
25 road completely when cars are coming up and down, so

1 I was just kind of looking backwards. And then it
2 sat there for a few seconds, and that was kind of
3 weird to me, because I continued to hear it.

4 Q. Where was it at, physically?

5 A. It was physically like at the very end of
6 Swan Johnson Road where the stop sign was.

7 Q. Do you know the Bobo's, do you know Karen and
8 Dana Bobo at all?

9 A. Yes.

10 Q. Do you know where they live?

11 A. Yes.

12 Q. How far away from their house would it have
13 been?

14 A. I mean, it's probably -- I am not sure, but
15 it might be a half to three quarters of a mile from
16 that stop sign.

17 Q. Less than a mile?

18 A. Yes.

19 Q. A half to three quarters?

20 A. Right, right. I never did continue -- I
21 never walked down that road all the way, I would just
22 walk to the edge of it. But I know that they live
23 just not very far down that road.

24 Q. So your health walk, rehabilitation walk is
25 from your house, up Miracle Town until it hits Swan

1 Johnson Road?

2 A. Right.

3 Q. And the Bobos live a little bit up Swan
4 Johnson?

5 A. On the left, yes.

6 Q. All right. The car is idling there, it's a
7 loud -- what kind of truck did you say?

8 A. It was a white -- I didn't -- I didn't, you
9 know, register what kind -- it was a full sized white
10 truck.

11 Q. Pickup truck or like SUV?

12 A. A pickup truck.

13 Q. Pickup truck, okay. What happened?

14 A. And so then it turned right, it was going
15 really slow. And I just, you know, kept walking
16 straight ahead. And then I heard it turn around, and
17 I knew where they turned around at. It's probably at
18 Box Road is what I was figuring. But I could hear
19 it. It was loud enough that I could hear it turn
20 around. And I thought, oh, that truck is coming
21 back. I still wasn't real alarmed, but I thought it
22 was weird because it had idled by so slow. And I had
23 a hoodie on. And then it came really slow back. And
24 I just kind of kept my head straight and walking.

25 Q. At this point, were you alarmed at all?

1 A. I was a little bit thinking, what are they
2 doing? Because I am used to seeing the same vehicles
3 at that time. People are going to work or the same
4 people that you usually see coming by, it's not --
5 you don't see a whole lot of new vehicles, and people
6 don't just kind of cruise around that early in the
7 morning, especially somebody -- you know, a young man
8 or something.

9 Q. You don't have tourists driving up and down
10 Miracle Town Road --

11 A. No, no.

12 Q. -- or Swan Johnson?

13 A. No. It's not a happening place.

14 Q. So this truck is coming back at you?

15 A. Right. So then I am starting to, you know,
16 think this is kind of weird. But then when I heard
17 it turn around again at Swan Johnson Road, I really
18 did start thinking, okay, now, what should I do.

19 Q. You had heard this thing idling there at
20 Miracle Town and Swan Johnson?

21 A. (Nodded head affirmatively.)

22 Q. You had heard it turn around at what you're
23 guessing is Box Road?

24 A. I was guessing that that's where -- because
25 there's not many turn around places that's in a row,

1 and there's not --

2 Q. Then you heard it turn around again?

3 A. Yes.

4 Q. How about now, are you starting to wonder
5 about this?

6 A. Yes. I was getting -- I was getting really
7 alarmed. And I was even thinking about like, you
8 know, would I go out to the woods, you know, what
9 would I do. I mean, I was actually thinking about
10 what would I do if something happens.

11 Q. You were walking by yourself?

12 A. Yes.

13 Q. With a hoodie on?

14 A. Yes. I had a red hoodie on, I remember
15 exactly what I had on.

16 Q. All right. What happened next?

17 A. And then he drove really slow, and he
18 actually looked over and he was looking, like, out
19 his window to talk to me. He said, did I scare you?
20 And I just like, nah, I'm good. And then he said,
21 well, I didn't mean to scare you. He said, I thought
22 you was a girl that I knew that lived around here.
23 He said her name, and then I was just like, no, I
24 don't -- I don't know her, or I don't know.

25 And then he kind of laughed and he was like,

1 well, did I scare you? He said, well, I didn't mean
2 to scare you. He kind of laughed or chuckled and
3 then he went on after that.

4 Q. As a result of that, what did you do?

5 A. I texted my husband at the time and told him
6 that something really weird just happened with a
7 white truck, and then he called me whenever he got a
8 chance, and I just -- I told him the story of it.
9 And I just said it wasn't your normal little, hey, I
10 thought you were somebody else. So he got me some
11 mace that day to start taking, and my dad actually
12 had brought me a gun he had, but then he also bought
13 me one that he thought would be better to take.

14 Q. But you made it home safe that day?

15 A. Yes, I did.

16 Q. Were you aware that Holly Bobo was kidnapped
17 on Swan Johnson April 13 of 2011?

18 A. (Nodded head affirmatively.)

19 Q. Were you aware of that?

20 A. Yes.

21 Q. Around 8:00 in the morning; were you aware of
22 that?

23 A. Yes.

24 Q. Would you have been walking on a weekday or
25 weekend?

1 A. I always did it on the weekdays for sure, and
2 I did a lot of weekends also. But I walked -- I
3 would plan to walk after everybody left for school
4 and was out the door. And I thought most of the
5 traffic to school was gone, so.

6 Q. How long before was this compared to when
7 Holly was taken?

8 A. It was days before. I don't know. I said it
9 could be anywhere between several -- I mean, seven to
10 ten or twelve days, it was within that time period.

11 Q. So you're certain it wasn't the day before?

12 A. Oh, no, it wasn't. It was not.

13 Q. It was a week, you said, did you say --

14 A. I am thinking it was past a week. I mean, I
15 am not positive on the exact days, because really, I
16 mean, I just didn't think about trying to remember
17 what day it was. I mean, I just wish I would have.

18 Q. So when did this strange incident, when did
19 it sort of come to light afterwards?

20 A. Well, when I heard about that, and I had told
21 my coworkers about the truck, the white truck also at
22 the Pre-K. I was working in the Pre-K. And they had
23 mentioned -- a couple of them was like, what about
24 that white truck. And I'm like, yeah, I know. You
25 know, there could be a connection.

1 And so -- because we just heard about it that
2 day, but still that was like -- it had just come out,
3 like, she's missing. And I think a lot of people
4 were still thinking, well, you know, she's going to
5 be found, you know, like, you know, really quick is
6 what we were all praying for. And then when we got
7 home, my husband and I, we had talked about it, and
8 that morning there was a road block at the end of the
9 road, the next morning, and he had mentioned to the
10 police officers or whoever was there at the end of
11 the road about the white truck. And so they had --
12 whenever I got up there, I told them about it also.

13 Q. So after Holly is taken a day, two days, did
14 you --

15 A. It was -- we talked about it that day. But
16 it was whatever the day the road block was, which I
17 am not positive exactly --

18 Q. After she was taken, there were road blocks
19 at various places?

20 A. Yes.

21 Q. All right. And so you got to this road
22 block, and did you tell the policeman or whoever
23 about this?

24 A. Yes.

25 Q. What did he tell you to do?

1 A. He said they would be contacting me.

2 Q. So you gave him your information?

3 A. Yes.

4 Q. Was your -- is it ex-husband now?

5 A. Uh-huh, yes.

6 Q. Was your husband with you then?

7 A. He was in the truck in front of me, so he

8 wasn't with me when I gave that information, no.

9 Q. Y'all were driving?

10 A. Separately, yes. Because we -- he was going

11 to a different place than I was, different school.

12 Q. Gotcha. Did the investigators get in contact

13 with you?

14 A. Yes.

15 Q. What happened once they got in contact with

16 you?

17 A. Well, that day -- I am almost positive it was

18 that day, but I'm not 100 percent sure. They brought

19 pictures to my -- to the Pre-K and asked me to come

20 out and look at them. And I think it was the TBI

21 that came.

22 Q. Did you see the man from the truck in those

23 pictures they brought to you?

24 A. No, I didn't.

25 Q. What happened next?

1 A. They said that they would be contacting me
2 about coming to the police station to look at more
3 pictures maybe out of the inmate lineups or whatever.

4 Q. Did you go to the police station and look at
5 different pictures?

6 A. Yes. And I had my husband at the time meet
7 me there and he went with me.

8 Q. So you and your husband?

9 A. Yes.

10 Q. Did y'all meet with police officers there?

11 A. Yes.

12 Q. You said you looked at different pictures.
13 Did you recognize anybody?

14 A. No, I didn't know who anybody was.

15 Q. You didn't know who anybody was?

16 A. Right.

17 Q. Did you -- were there any pictures that
18 caught your attention, how about that?

19 A. Yes. I pointed to one that I thought looked
20 like the guy that was in the truck.

21 Q. And in fact, did you look through a series of
22 pictures even after you thought that was the guy?

23 A. Yes.

24 Q. And describe how you kept on coming back to
25 that one picture.

1 A. Well, I was looking through, and I'm like,
2 yeah, he looks like this. And then I said -- I
3 continued to look and there was other ones that had
4 that kind of look with the same color hair. And I
5 was going, yeah, these have that look, too, but then
6 I said -- going back to the front, that one was the
7 one that I thought looked mostly like him.

8 Q. Who was that person?

9 A. Well, and I wouldn't have known it, but my
10 husband was there with me and he said --

11 MS. THOMPSON: Your Honor, I am going to
12 object.

13 THE COURT: She can't say what her
14 husband said.

15 THE WITNESS: Okay.

16 MS. THOMPSON: At this point, may we
17 approach, Your Honor?

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

20 MS. THOMPSON: Your Honor, I've looked
21 through the reports that I have an issue. Is she
22 going to do a photo ID?

23 GENERAL HAGERMAN: No, there is no photo
24 ID.

25 MS. THOMPSON: Okay.

1 GENERAL HAGERMAN: There's no written
2 documentation or anything.

3 MS. THOMPSON: Okay. I haven't gotten
4 anything.

5 GENERAL HAGERMAN: There is no proof.

6 MS. THOMPSON: Okay.

7 THE COURT: All right.

8 (End of bench conference.)

9 BY GENERAL HAGERMAN:

10 Q. Did you say your husband recognized the guy
11 you picked out?

12 A. Yes.

13 Q. He was there with you, standing next to you?

14 A. Yes.

15 Q. What was his name?

16 A. My husband's name.

17 Q. Uh-huh.

18 A. Timothy Clenney.

19 Q. Timothy Clenney?

20 A. Uh-huh.

21 GENERAL HAGERMAN: That's it, Judge.

22 THE COURT: Cross.

23

24 **CROSS-EXAMINATION**

25 **QUESTIONS BY MS. THOMPSON:**

1 Q. So your husband is Tim Clenney --

2 A. Yes.

3 Q. -- is that what you said?

4 A. Yes.

5 THE COURT: I think ex-husband.

6 THE WITNESS: My ex-husband, yes.

7 BY MS. THOMPSON:

8 Q. Sorry, yes.

9 Now, you gave this report, the road block, if
10 there is a report that says that this was on April
11 19, 2011, when you gave this information at a road
12 block, does that seem right to you?

13 A. Ma'am, I have no idea. I am not sure exactly
14 how many days.

15 Q. Five or six days after Holly disappeared?

16 A. I am not sure.

17 Q. Within a week of the time she disappeared?

18 A. I would think so. But again, I just don't
19 have any idea how many days -- what day that was on.

20 Q. Okay. So your memory has kind of faded since
21 then?

22 A. Yes.

23 Q. And at the time, you said that the person was
24 driving a full size, white, pickup truck, do you
25 remember saying that?

1 A. Yes.

2 Q. Okay. At one point, you said it was a nicer
3 model pickup truck; do you remember that?

4 A. I don't remember. I don't remember exactly
5 what all I said to be honest with you on that. I
6 don't remember what I said on that.

7 Q. Do you remember now that it was a nicer, full
8 size pickup truck?

9 A. I just remember it being a white, full size
10 pickup truck, yes.

11 Q. Okay. Do you remember saying that the
12 person -- the man you saw weighed between 180 and 190
13 pounds?

14 A. I just don't remember.

15 Q. Okay. You don't have a memory now of how
16 much that person weighed; do you?

17 A. No. I have a look of what they looked like,
18 but I don't remember a weight.

19 Q. Right. But the look that you have now, what
20 this person looked at is after you've looked at lots
21 and lots of photographs; would you agree with me?

22 A. Are you talking about at the time or now?

23 Q. No. The look you have in your memory now is
24 after you have looked at photographs. Clearly your
25 memory now is after you've looked at photographs?

1 A. Yeah.

2 Q. Yes? And you've thought about it a lot in
3 your head. A lot of thinking about it and what
4 was -- trying to remember?

5 A. Yes.

6 Q. Okay. Do you remember saying that it had
7 happened two to three weeks before the day of the
8 road block?

9 A. No. I don't remember exactly what I said on
10 the time.

11 Q. Okay. If it would have happened two weeks
12 before the road block, and the road block -- if it
13 happened two weeks, you said -- tell me again what
14 you said earlier about how close in time it was to
15 when Holly disappeared?

16 A. It was several days. I don't know exactly.
17 I am estimating. So this is not a fact, but I would
18 think it would have been anywhere between a week to
19 two-week period time, you know. I have averaged it,
20 it was like ten or twelve days, you know, but I
21 didn't know for a fact.

22 Q. Okay. But if the report said the 19th,
23 that's probably right because there would be no
24 reason for them -- you didn't report this more than
25 once to the road block, right?

1 A. Correct.

2 Q. So if there is a report that says it's on the
3 19th is when you gave this information at the road
4 block, that would most likely be correct?

5 A. I would think -- whatever -- I mean, I am not
6 disputing.

7 Q. Right, okay. So you're not disputing that?

8 A. No.

9 Q. And if at the time you said that this
10 incident with the white pickup truck had occurred two
11 to three weeks earlier, your memory then was
12 certainly better than your memory is now?

13 A. I mean, I would think it would be, too.

14 Q. Right. So that was probably accurate
15 information from you at the time, two to three weeks
16 earlier?

17 A. I can't imagine me saying three weeks, but I
18 don't -- I can't imagine me saying three weeks
19 earlier, because that would have been way past what I
20 would think that it would have been.

21 Q. Do you remember --

22 A. I don't ever remember saying three weeks as a
23 matter of fact.

24 Q. You don't? Okay.

25 Do you remember saying that the person was in

1 their early to mid 20s?

2 A. Yes.

3 Q. And do you remember saying light brown hair?

4 A. Uh-huh, yes.

5 Q. Yes?

6 A. Brown hair, yes.

7 Q. Well, do you remember saying light brown
8 hair?

9 A. I don't remember saying -- like, specifying
10 light brown hair, but I remember saying there was
11 brown hair, yes.

12 Q. Okay. Do you know Lori Kennamore?

13 A. No.

14 Q. No?

15 A. I don't.

16 MS. THOMPSON: No further questions.

17 THE COURT: Anything else?

18 GENERAL HAGERMAN: No, Judge.

19 THE COURT: All right. You can step
20 down. You're free to go.

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

23 (End of Volume V.)

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