

W2020-01208-CCA-K3-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.

7 ZACHARY ADAMS,

8 Defendant.
9 -----

ORIGINAL

Case No. 17-CR-10

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME VI OF XVII
14 -----

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

21 FILED 3rd DAY OF Nov 2020 at 11:00 AM
22 BY Johnna Poon DEPUTY CLERK

23 -----
24 FILED

AUG 18 2021

25 Clerk of Appellate Courts
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Reported by:
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VOLUME VI

DAY 3

TUESDAY, SEPTEMBER 12, 2017

GENERAL HAGERMAN: Your Honor, let's try Timothy Clenney.

THE COURT: All right.

MS. THOMPSON: Your Honor, I meant, I'd like to approach again.

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

MS. THOMPSON: First of all, I object. They are putting in some type of photo lineup, because my guess here is that he's going to come in and say, she looked at photographs of different people at the police station, and that he recognized his photograph as being one of Zach Adams. We don't have any kind of photo lineup. We don't know how suggestive this is. That's why a photo lineup these days are held under very strict regulations.

THE COURT: This wasn't a photographic lineup.

GENERAL HAGERMAN: It wasn't a photo lineup. It was flipping through pictures is the way she described it at the police office.

1 MS. THOMPSON: So I object. It's a photo
2 array of things she's going to come back and say that
3 he didn't find this person from a photograph. And
4 photo arrays can be very suggestive and prejudicial,
5 Your Honor. I object to them getting in through the
6 back door what -- had they presented as a photo
7 lineup at the police, we could have filed a
8 suppression motion on it before.

9 THE COURT: Your objection is overruled.

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

12 (The witness was sworn.)

13 THE COURT: Have a seat. State your
14 first and last name and spell it for the court
15 reporter, please.

16 THE WITNESS: My name is Timothy Clenney.
17 T-I-M-O-T-H-Y C-L-E-N-N-E-Y.

18
19 * * *

20 **TIMOTHY CLENNEY,**
21 **was called as a witness and having first been duly**
22 **sworn testified as follows:**

23
24 **DIRECT EXAMINATION**

25 **QUESTIONS BY GENERAL HAGERMAN:**

1 Q. What kind of job do you have?
2 A. Currently?
3 Q. Yes, sir.
4 A. I am an independent insurance agent.
5 Q. Back in 2011?
6 A. I was a school teacher.
7 Q. What grade did you teach?
8 A. In 2011, I was teaching middle school, 7th or
9 8th. I am not sure exactly which one.
10 Q. 2011, were you married to Christy?
11 A. Yes.
12 Q. Did y'all work at the same school or
13 different schools?
14 A. Different schools.
15 Q. Do you remember a morning when she called you
16 and told you something strange had happened?
17 A. Yes.
18 Q. Is that something y'all talked about?
19 A. Absolutely.
20 Q. Do you remember her reporting that to law
21 enforcement?
22 A. I remember road blocks being set up along
23 different roads to basically monitor people coming in
24 and out. And we had talked about should that be
25 something that should be brought up to them, and we

1 said absolutely. So, yeah, we kind of -- in one of
2 those times is when we talked.

3 Q. After that, did you have occasion to go to a
4 police station with them?

5 A. Yes.

6 Q. Do you remember what station it was?

7 A. It was the sheriff's department in Decatur
8 County.

9 Q. Decatur County. And what happened once y'all
10 got there?

11 A. We went through mugshots, basically, of
12 current and past inmates and things of that nature,
13 and we'd go through. And of course, having been a
14 teacher for so long, I knew almost everybody in
15 there. And when it came to -- it came to that
16 particular one.

17 Q. That doesn't mean you're a bad teacher.

18 A. Right, right, right. Law of averages.

19 So it came to that particular person, she
20 pointed to him, and I was naming off several of them,
21 and I said the name of the individual. She said it
22 was the built. She didn't say, that is the person
23 that I have seen, but she said, that fits the
24 description of him.

25 Q. Was there a picture she kept on coming back

1 to and back to?

2 A. Yes.

3 Q. And who was that person?

4 A. It was Zach Adams.

5 GENERAL HAGERMAN: That's it, Judge.

6 THE COURT: Cross.

7 MS. THOMPSON: Your Honor, first I'd ask
8 for Jenks material. I didn't even know this person
9 was going to be a witness.

10 THE COURT: Do you have anything on him?

11 GENERAL HAGERMAN: We do not, Judge.

12 MS. THOMPSON: Well, I am going to ask if
13 they have notes -- surely they've interviewed him,
14 and they have notes of that. There's case law that
15 says if there's no other materials, we can have
16 notes.

17 GENERAL HAGERMAN: We can approach,
18 Judge, if you would like.

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

21 GENERAL HAGERMAN: I've got nothing.
22 I've spoken to this man one time on the phone for
23 maybe ten minutes, and I talked to him this morning
24 for maybe 45 seconds. That's the extent of it.

25 THE COURT: All right. You've gotten

1 everything.

2 (WHEREUPON, the following proceedings
3 continued within the hearing of the jury:)

4 MS. THOMPSON: Your Honor, can I have
5 just two minutes and sit here and try to look through
6 some materials?

7 THE COURT: Okay.

8 MS. THOMPSON: Your Honor, we have the
9 rule. I am not sure if Ms. Clenney has already left,
10 or is she in the courtroom?

11 THE COURT: I told her she could be
12 excused.

13 MS. THOMPSON: Okay. I just wanted to
14 make sure she wasn't sitting in the courtroom.

15 THE COURT: She wouldn't have been
16 allowed in, I don't think, because they're still at
17 the door, and we are observing, not coming in except
18 during --

19
20 **CROSS-EXAMINATION**

21 **QUESTIONS BY MS. THOMPSON:**

22 Q. Sorry, Mr. Clenney, I'm just trying to read
23 through some papers here.

24 Are you aware that your ex-wife had initially
25 identified a person named Jonathan Martin as being

1 the person that she saw driving the truck that day?

2 A. No.

3 Q. Do you know Jonathan Martin?

4 A. I don't recognize that, no.

5 Q. Okay. Are you aware that she had initially
6 said that the person who she saw was in his mid to
7 early 20's?

8 A. I don't remember that part.

9 Q. Are you aware that she said that the person
10 she initially saw had light brown hair?

11 A. I don't remember that as well.

12 Q. Are you aware that she initially said the
13 person she saw weighed between 180 and 190 pounds?

14 A. I don't remember that.

15 Q. And how many pictures did you look at that
16 day?

17 A. Maybe in the 20's. I don't remember the
18 exact number but several.

19 Q. And when she came back to that picture, she
20 kept coming back to it, but initially she did not say
21 that is the person, she said that looks like the
22 person; didn't she?

23 A. She never said that is the person.

24 Q. She said that looks like the person?

25 A. Right.

1 MS. THOMPSON: No further questions.

2 THE COURT: Anything else?

3 GENERAL HAGERMAN: Nothing further,
4 Judge.

5 THE COURT: All right.

6 MS. THOMPSON: Your Honor, at some point,
7 I would like to recall Ms. Clenney. There is some
8 additional questions I'd like to ask her. So I would
9 like for her to remain under subpoena, please.

10 THE COURT: I've already discharged her.
11 Maybe we can issue another subpoena.

12 MS. THOMPSON: I'll get a subpoena issued
13 then.

14 THE COURT: All right. I don't know how
15 much contact you have, but you're not to discuss your
16 testimony with your ex-wife; you understand that?

17 THE WITNESS: Yes, sir.

18 THE COURT: All right. He can step down.
19 We're going to take a recess, let's see if she's
20 left. If she hadn't, then we'll tell her she remains
21 under subpoena. 15 minutes.

22 Ms. Thompson, if you can find her, you might
23 put her on call, because I am sure it's going to be
24 at least a week.

25 (Short break.)

1 THE COURT: Yes.

2 MR. SIMMONS: Your Honor, Jim Simmons, on
3 behalf of Zachary Adams. At this time, I would like
4 to make a motion to strike the testimony of Tim
5 Clenney, in that, he was not disclosed prior to trial
6 as being a witness, and we were unable to properly
7 prepare for his cross-examination, and also he
8 testified to what we would characterize as 404(b)
9 evidence.

10 THE COURT: As what?

11 MR. SIMMONS: 404(b), and we were unable
12 to characterize that.

13 THE COURT: All right. Motion overruled.
14 All right. Let's bring the jury in.

15 MR. SIMMONS: Your Honor. Real quick,
16 Your Honor.

17 THE COURT: Yeah.

18 MR. SIMMONS: I would like to confirm
19 with the State that that witness was not disclosed.

20 THE COURT: He said he first talked with
21 him yesterday afternoon very briefly and then maybe
22 again this morning. So they've disclosed everything
23 they could disclose, basically.

24 MR. SIMMONS: Again, Your Honor, for the
25 record, I move for a mistrial.

1 THE COURT: All right. Overruled. I am
2 going to go into a very brief description of Jinx
3 material, J-I-N-X.

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

7 THE COURT: Be seated, please. One of
8 the jurors wanted to know what is a Jenks witness.
9 So here we go back to law school, again, okay, ready?
10 And it's actually J-E-N-K-S. That's based upon a
11 Tennessee case, State of Tennessee versus jenks.
12 It's something lawyers cast about all the time.
13 They're used to using it. But Jenks material is
14 essentially if someone has given a statement, made a
15 statement, whatever, the other side is entitled to
16 view that. Legally, it's required once that witness
17 has given testimony, the other side is entitled to
18 get it and review it. Usually, it is disclosed prior
19 to coming into court to move a little quicker, I try
20 to encourage that. So it means -- and it applies
21 equally to both sides, okay.

22 So you might hear the State, if the defendant
23 chooses to put on proof, they might ask for Jenks
24 material. But it's just if that person has given a
25 statement, the other side is entitled to examine it

1 to make sure there is nothing prior, inconsistent, or
2 something like that. So all right, another little
3 lesson in law. Call your next.

4 GENERAL HAGERMAN: Rebecca Earp.

5 THE COURT: We don't need this part of
6 the record; do we?

7 MS. THOMPSON: Yes, Your Honor.

8 MR. GONZALEZ: You asked.

9 THE COURT: It will be the last numbered
10 exhibit. I don't want to get our numbers out of
11 whack, but I guess we can, but I will read verbatim.
12 Every letter on this. Jury Question: J is
13 capitalized, Q is capitalized. What is a J-I-N-X
14 witness, question mark. Do you still need it?

15 MR. GONZALEZ: Yes, please.

16 THE COURT: All right. Exhibit -- 30
17 what? 50 what?

18 THE REPORTER: 61.

19 THE COURT: 61.

20 (WHEREUPON, the above-mentioned jury
21 questions were marked as Exhibit Number 61.)

22 (The witness was sworn.)

23 THE COURT: State your first and last
24 name and spell it for the court reporter.

25 THE WITNESS: Rebecca Earp, R-E-B-E-C-C-A

1 E-A-R-P.

2
3 * * *

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

7
8 DIRECT EXAMINATION

9 QUESTIONS BY GENERAL HAGERMAN:

10 Q. Get as comfortable as you can, you'll be
11 there for a minute, okay, Ms. Earp.

12 Is this a day that you've been looking
13 forward to?

14 A. No.

15 Q. Tell us who you were in relation to Zach
16 Adams.

17 A. I was his girlfriend for two and a half
18 years.

19 Q. His girlfriend for two and half years. Were
20 you his girlfriend around the time of April 2011 --

21 A. Yes.

22 Q. -- when Holly Bobo disappeared?

23 A. Yes, sir.

24 Q. Describe for me your relationship with Zach
25 Adams around that time.

1 A. Around that time, it was awful. After his
2 grandmother passed, he got on morphine.
3 Q. About when did his grandmother pass?
4 A. I don't remember.
5 Q. He got on morphine?
6 A. Uh-huh.
7 Q. Was he on any other drugs as well?
8 A. Meth.
9 Q. Meth.
10 A. (Nodded head affirmatively.)
11 Q. And why did that make the relationship awful?
12 A. His temper.
13 Q. Did you, back then, live with him or no?
14 A. Uh-huh.
15 Q. You have to speak so everybody can hear?
16 A. Yes, I did live with him.
17 Q. Where did y'all live at?
18 A. At his house by his grandfathers.
19 Q. He has a house. Other than you, did anyone
20 else live there at the time?
21 A. No, sir.
22 Q. His grandfather, is that house close by?
23 A. Yes.
24 Q. Right across the driveway?
25 A. Yes.

1 Q. And who lived in his grandfather's house?

2 A. Dylan.

3 Q. Did the grandfather live there, too?

4 A. Yes.

5 Q. And who is Dylan?

6 A. Dylan is his brother.

7 Q. Did you get to know Dylan?

8 A. I knew him, knew of him.

9 Q. Knew of him?

10 A. Uh-huh.

11 Q. So is Dylan around Zach and his friends a
12 lot?

13 A. Off and on.

14 Q. And how is Dylan treated?

15 A. Zach was pretty much bossy towards him, I
16 guess.

17 Q. Did you say bossy?

18 A. Bossy.

19 Q. And how were you treated back then, on April
20 of 2011?

21 MS. THOMPSON: Your Honor, I am going to
22 object. We have 404(b) evidence I am concerned
23 about, and we filed a motion on that, Your Honor. I
24 request any kind of hearing before we go into
25 anything.

1 GENERAL HAGERMAN: All right, well maybe
2 I can phrase the question better. I am not asking
3 about any specific instances of anything that
4 happened, just the general tenor of their
5 relationship in the preceding days.

6 THE COURT: Okay.

7 BY GENERAL HAGERMAN:

8 Q. Did that make sense to you what I just said,
9 Rebecca?

10 A. Uh-huh.

11 Q. I am not asking you about anything or things
12 that happened. I am just asking about the days
13 before Holly went missing, what was the relationship
14 like, how were you being treated?

15 A. I just pretty much worked, came home, sleep,
16 couldn't keep up with him. So I was just doing my
17 thing.

18 Q. Had you broached the idea of him of breaking
19 up?

20 A. Yes.

21 Q. Had you tried to leave him?

22 A. Yes.

23 Q. Again, I am not asking you about specific
24 incidents. But what was his attitude to which you
25 were trying to leave?

1 A. He would always talk me into coming back, and
2 he would be very stern or threaten me.

3 Q. Stern, threatened you?

4 A. Uh-huh.

5 MS. THOMPSON: Objection, Your Honor. I
6 object to the phrase threatened.

7 THE COURT: I think she said stern
8 approach or something like --

9 THE WITNESS: Stern.

10 THE COURT: Overruled.

11 BY GENERAL HAGERMAN:

12 Q. In fact, on the very day before Holly went
13 missing, did you try to leave him again on that day?

14 A. I was at my mothers that day.

15 Q. I am sorry. I didn't mean physically with
16 him or not. Did you try to leave him as boyfriend
17 and girlfriend?

18 A. Yes.

19 Q. Did you try to break up with him?

20 A. Yes.

21 Q. Was his response the same?

22 A. Yes.

23 Q. And this would have been April 12 of 2011?

24 A. Yes.

25 Q. The time he was on morphine and meth; is that

1 right?

2 A. Yes, sir.

3 Q. Who else did he hang out with? Did you know
4 Shane Austin?

5 A. Yes, sir.

6 Q. Did you ever observe Shane Austin to be
7 involved in meth or morphine?

8 A. Yes, sir.

9 Q. Frequently or infrequently?

10 A. He was more on pills.

11 Q. He was more on pills?

12 A. Yes, sir.

13 Q. Do you know Jason Autry?

14 A. Yes, sir.

15 Q. Do you know, and you've already said, Dylan
16 Adams?

17 A. Uh-huh.

18 Q. Are these people that would hang around Zach
19 Adams?

20 A. Yes.

21 Q. Would they come to his house?

22 A. Yes.

23 Q. Would Zach go to theirs?

24 A. Yes.

25 Q. Do you know where Shane lives?

1 A. Yes.

2 Q. And I am not asking you the address, but do
3 you know what even street he lived on?

4 A. It's by Yellow Springs Church.

5 Q. By Yellow Springs Church?

6 A. Uh-huh.

7 Q. And is that close to Zach's?

8 A. Yes, it's across the highway.

9 Q. The highway is Interstate 40?

10 A. Uh-huh.

11 Q. That's Holladay, Tennessee?

12 A. Yes, sir.

13 Q. April 12, 2011, you tried to break up with
14 him?

15 A. Yes, sir.

16 Q. Tell me about that night, April 12, 2011.

17 A. He talked me into coming and staying with
18 him.

19 Q. I couldn't quite hear what you said.

20 A. He talked me to come in -- to come stay with
21 him that night.

22 Q. You said he talked you to come in --

23 A. He talked me in to coming to stay with him
24 that night, so I did.

25 Q. So that day, a break up?

1 A. Uh-huh.

2 Q. But that night, where were you?

3 A. His house.

4 Q. Do you remember what time you arrived at his

5 house?

6 A. No, sir, it was late, late, though.

7 Q. Late, late?

8 A. Uh-huh.

9 Q. When you got to his house, was he there?

10 A. Yes.

11 Q. Was there anybody else with him?

12 A. Not that I remember.

13 Q. Did y'all interact with each other late, late

14 when you got to that house?

15 A. We talked a little bit, but then I went to

16 bed and he stayed up.

17 Q. Did he ever come to bed that night?

18 A. Not that I remember, no.

19 Q. What woke you up that morning?

20 A. Zach.

21 Q. And what was he doing to wake you up?

22 A. He kissed me on the forehead, and he said he

23 was going to haul off scrap.

24 Q. And about what time was this?

25 A. It was anywhere from 6:00 to 7:00, 7:30.

1 Q. 6:00 to 7:00 or 7:30?

2 A. Uh-huh.

3 Q. Early in the morning?

4 A. Yes, sir.

5 Q. Did you stay in bed, or did you get up?

6 A. I stayed in bed and slept for a little bit

7 longer.

8 Q. Do you remember what his demeanor was when he

9 told you he was going to go sell scrap?

10 A. Yes, sir.

11 Q. How was he acting?

12 A. Fine.

13 Q. What do you do that morning after he leaves?

14 A. I go back to bed for about 30 minutes, and

15 then I had to get up and get ready to go to work,

16 because I had to be there at 9:00.

17 Q. Did you get up and get ready?

18 A. Yes.

19 Q. And do you go to work?

20 A. Yes.

21 Q. And where is your work?

22 A. Joe's Video in Parsons.

23 Q. In Parsons?

24 A. Uh-huh.

25 Q. So you go from the Holladay Sugar Hill --

1 A. Sugar Tree.

2 Q. -- Sugar Tree area, down to Parsons?

3 A. Yes, sir.

4 Q. How long does that take you; do you know?

5 A. 15 minutes.

6 Q. You had a car back then?

7 A. Yes. Well, yes, sir, at that time.

8 Q. Okay. What was Zach driving back then?

9 A. The white Nissan.

10 Q. White Nissan?

11 A. Uh-huh.

12 Q. Was it a car or was it a truck?

13 A. It was a truck.

14 Q. Is that what he was driving that morning?

15 A. I think so, yes.

16 Q. Okay. Well, let's not, if you don't remember

17 something --

18 A. I think so.

19 Q. Did you see what car he got into when he went

20 to go haul the scrap metal?

21 A. No, sir.

22 Q. But what we're going to talk about later, did

23 you see him later in the day in a car?

24 A. In his truck.

25 Q. We'll get there. You get to work?

1 A. Uh-huh.

2 Q. It is 9:00, 10:00. Has anything strange
3 happened that morning?

4 A. Yes.

5 Q. What's that?

6 A. Holly came up missing.

7 Q. Holly came up missing?

8 A. Uh-huh.

9 Q. And did you know Holly at all?

10 A. I knew her through Joe's Video. She would
11 come tan or rent videos.

12 Q. Yeah, because Joe's video used to -- is it
13 still open?

14 A. No.

15 Q. It's closed?

16 A. Yes.

17 Q. You used to not just rent videos, but there's
18 tanning booths in there; is that right?

19 A. Yes, sir.

20 Q. So you knew her from that?

21 A. Uh-huh.

22 Q. Did you also know her cousin?

23 A. Yes.

24 Q. What was her name?

25 A. Natalie Bobo.

1 Q. And how did you know Natalie?

2 A. Through tanning. She would come in there and
3 tan.

4 Q. How did you hear that something happened to
5 Holly that morning?

6 A. I think it was the news.

7 Q. When do you hear or see Zach Adams again that
8 morning?

9 A. It was close to the afternoon, he come by my
10 work.

11 Q. To Parsons?

12 A. Uh-huh.

13 Q. Close to the afternoon, to Parsons?

14 A. Uh-huh.

15 Q. And what was his demeanor, or did you
16 personally see him when he came back from Parsons?

17 A. Yes. We got into an argument, of course, and
18 we was arguing because I didn't think -- I thought he
19 was lying about going to the scrap yard, because he
20 switched phones.

21 Q. Who switched phones?

22 A. Zach.

23 Q. What do you mean by switched phones?

24 A. He was using his brother's phone that he
25 would use, which was Becky's.

1 Q. How do you know he was using his brother's
2 phone?

3 A. Because he text me from it.

4 Q. And that was unusual?

5 A. Yes.

6 Q. And so you immediately thought he wasn't
7 scrapping?

8 A. Yes.

9 Q. And did you confront him about this?

10 A. I don't remember.

11 Q. Did you have a conversation with him about
12 this?

13 A. Not necessarily about the phone, no.

14 Q. No. Not about the phone, but about the fact
15 that you didn't think he was scrapping?

16 A. Oh, yes.

17 Q. What happened?

18 A. We got into it.

19 Q. Where?

20 A. At Joe's Video.

21 Q. And what happened?

22 A. He grabbed my head.

23 MS. THOMPSON: Objection, Your Honor.

24 THE COURT: All right. Let's don't go
25 into specifics.

1 BY GENERAL HAGERMAN:

2 Q. It ended disagreeably?

3 A. Yes.

4 Q. Would you agree with that?

5 A. Yes.

6 Q. When he came to see you at Joe's Video, did
7 you see the vehicle that he was in?

8 A. Yes.

9 Q. What vehicle was he in?

10 A. The Nissan.

11 Q. The white Nissan?

12 A. Yes, sir.

13 Q. Pickup truck?

14 A. Yes, sir.

15 Q. Was he with anybody or was he by himself?

16 A. I don't remember.

17 Q. After this disagreeable ending, did he leave?

18 A. Yes.

19 Q. Do you remember if you heard from him again
20 that day?

21 A. No, I don't. I didn't see him until later
22 that night, I think.

23 Q. Now, I want to ask you about particular
24 things that happened after that day, after the day
25 that Holly disappeared, okay?

1 A. (Nodded head affirmatively.)

2 Q. That next day, was there an occasion that you
3 were at Zach's house, and Zach and Shane were there?

4 A. Yes.

5 Q. Tell us about that.

6 A. I was cooking supper and the news come on,
7 and they were talking about Holly missing, and Shane
8 kind of smirked and started laughing. And Zach made
9 a comment and said, they'll never be able to find
10 her.

11 Q. They'll never be able to find her?

12 A. Uh-huh.

13 Q. Was there anymore conversation about that at
14 that time?

15 A. No. I didn't say anything. I just kept
16 cooking.

17 Q. You just kept cooking?

18 A. Uh-huh.

19 Q. What's the next thing that you notice --
20 what's the next thing that you notice?

21 A. What do you mean?

22 Q. You described Zach and Shane, Shane laughing
23 and Zach saying what he did the day after this
24 disappearance. After that, what's the next thing
25 that you notice that is suspicious or unusual that

1 catches your attention?

2 A. Just -- I don't -- I don't know.

3 Q. Okay. Let me -- let me recall you to
4 particular things.

5 A. Uh-huh.

6 Q. Did you notice any physical injuries that
7 Zach had around that time?

8 A. Yes, sir.

9 Q. And what was that?

10 A. Three scratches on his neck.

11 Q. Scratches on his neck?

12 A. Yeah. Parallel scratches on his neck.

13 THE COURT: On his --

14 THE WITNESS: Neck.

15 THE COURT: Neck, okay.

16 BY GENERAL HAGERMAN:

17 Q. And had you seen those before he went
18 scrapping?

19 A. No.

20 Q. Did he have those after he went scrapping?

21 A. Yes.

22 Q. You said you didn't believe that he went
23 scrapping?

24 A. Huh-uh.

25 Q. In fact, did you try to check on that?

1 A. Yes, I called.

2 Q. After you called, did you still not believe
3 he went scrapping?

4 A. I just -- I called and I asked them, I said
5 has -- they said they couldn't give me information.

6 MS. THOMPSON: Your Honor, I object to
7 hearsay.

8 THE COURT: Hearsay.

9 BY GENERAL HAGERMAN:

10 Q. I'm not asking you what they said.

11 A. Oh.

12 Q. Okay. So listen to me, after you made that
13 call, okay?

14 A. Uh-huh.

15 Q. Were you still suspicious that he didn't go
16 scrapping?

17 A. Yes.

18 Q. Did you ask Zach about these scratches he had
19 on him?

20 A. No.

21 Q. Did you follow the news, the day, the next
22 day, the next day, about Holly Bobo?

23 A. Yes, sir.

24 Q. Were you familiar with the roads and the area
25 around her house?

1 A. Yes, sir.

2 Q. Did you know if Zach Adams was familiar with
3 the roads and area around her house?

4 A. Yes, sir.

5 Q. And how did you know that?

6 A. Because we rode them together.

7 Q. Had you ever seen the map of where Holly's
8 cell phone went that day?

9 A. Yes.

10 Q. Did that catch your attention?

11 A. Yes, sir.

12 Q. Why is that?

13 A. Because that's the road he took all the time.

14 Q. How long did you live in that house with him
15 after she was taken?

16 A. Until July.

17 Q. Until July?

18 A. Three months.

19 Q. Three months in that house?

20 A. Yes, sir.

21 Q. Did you ever notice anything strange,
22 physically, about the house?

23 A. No.

24 Q. Did you ever -- strike that.

25 Let's go to July.

1 A. Okay.

2 Q. Okay.

3 A. (Nodded head affirmatively.)

4 Q. Again, I am not asking you about a particular
5 incident, okay?

6 A. Okay.

7 Q. When you finally left in July --

8 A. Yes, sir.

9 Q. -- was that under unpleasant circumstances?

10 A. Yes.

11 Q. During the course of those circumstances, did
12 you and Zach argue?

13 A. Yes.

14 Q. Fight?

15 A. Yes.

16 Q. Were you trying to get away from him?

17 A. Yes.

18 Q. Did he make any statements to you at that
19 time about Holly Bobo?

20 MS. THOMPSON: Your Honor, I am going to
21 object if he is trying to get into 404(b) evidence.

22 GENERAL HAGERMAN: I am asking for a
23 statement, making statements.

24 MS. THOMPSON: Even if it's statements,
25 Your Honor, if it's not relevant to this, then I

1 object to that coming in.

2 GENERAL HAGERMAN: It is -- it's about
3 this. I'm asking her statements about Holly Bobo.

4 MS. THOMPSON: May we approach?

5 THE COURT: Your objection is overruled.
6 Ask.

7 BY GENERAL HAGERMAN:

8 Q. Did he make any statements to you about Holly
9 Bobo?

10 A. Yes, sir.

11 Q. What did he say?

12 A. He said he would tie me up just like he did
13 Holly Bobo, and nobody would ever see me again.

14 Q. That he'd tie you up like Holly Bobo and
15 nobody would ever see you again?

16 A. Yes, sir.

17 Q. July was your last month in that house?

18 A. Yes, sir.

19 Q. At Adams Lane?

20 A. Yes, sir. We talked and associated after
21 that, yes.

22 Q. You talked and associated after that, though?

23 A. Uh-huh.

24 Q. What was your life then, Rebecca?

25 A. Do what, sir?

1 Q. How was your life then, Rebecca?

2 A. Awful.

3 MS. THOMPSON: Your Honor, I object to
4 the relevance of this.

5 THE COURT: Overruled.

6 BY GENERAL HAGERMAN:

7 Q. Are you doing better now?

8 A. Yes.

9 Q. But after July you were still talking to him?

10 A. Uh-huh.

11 Q. Was there an occasion after July in which you
12 heard him make any statements about Holly Bobo?

13 A. Do what now?

14 Q. It was kind of general. After July when you
15 were still talking to him --

16 A. Uh-huh.

17 Q. -- you were still --

18 A. I mean, I would still go over there and stay
19 the night and stuff.

20 Q. -- seeing him?

21 A. Uh-huh.

22 Q. Sometimes staying the night?

23 A. Uh-huh.

24 MR. GONZALEZ: Your Honor, if the witness
25 could be instructed to actually verbalize the answer.

1 THE COURT: I think she is, but make sure
2 you answer. The court reporter is taking down what
3 you say.

4 BY GENERAL HAGERMAN:

5 Q. If you nod your head, I'll try to --

6 A. Okay.

7 Q. Did you ever overhear a conversation that
8 Zach had with another person having to do with Holly
9 Bobo?

10 A. Yes, sir.

11 Q. Tell me about that.

12 A. It was at John Mitchell's house.

13 Q. Who is, just generally, who is John Mitchell?

14 A. It's one of his friends.

15 Q. His friend, you mean Zach's?

16 A. Yes.

17 Q. What did you hear?

18 A. That everything was ready to go in the back
19 of the truck to be put up under the Birdsong bridge.

20 Q. To be put up under the Birdsong bridge?

21 A. Uh-huh.

22 Q. Did they say what this was that was going to
23 be put up?

24 A. They said it was the remains of Holly. But
25 when they found out that I found out about it, they

1 said that it was remnants of making meth is what they
2 got rid of.

3 Q. Let me just back up, so I understand.

4 Did John Mitchell and Zach know that you were
5 there?

6 A. Yes.

7 Q. Zach says something about -- tell me again.
8 I don't want to miss -- what did Zach say?

9 A. Zach said that everything was in the truck
10 ready to go.

11 Q. Everything is in the trunk or truck?

12 A. Truck.

13 Q. Everything is in the truck ready to go, to do
14 what?

15 A. Take the Tupperware -- it was a blue
16 Tupperware thing to Birdsong.

17 Q. The bridge?

18 A. Uh-huh.

19 Q. You know where that area is; don't you?

20 A. Uh-huh.

21 Q. And that it was -- who said something about
22 the remains of Holly Bobo?

23 A. I can't remember.

24 Q. Was it either Zach or Mr. Mitchell?

25 A. Yes, sir.

1 Q. And then you said something about, actually
2 what it was was methamphetamine?

3 A. Yes.

4 Q. How did you figure that out?

5 A. Because later on they told me that it was
6 just a joke just to see if I would call the TBI.

7 Q. They told you it was a joke to see if you
8 would call the police?

9 A. John told me, yes.

10 Q. You were able to get away?

11 A. Yes.

12 Q. To get out of this?

13 A. Yes.

14 Q. He never tied you up and did you like Holly
15 Bobo?

16 A. No.

17 Q. And you're doing better now?

18 A. Yes, sir, way better.

19 Q. What's that?

20 A. I said, a lot better. I have a son now.

21 Q. Just a few more things I just want to ask you
22 about.

23 A. Okay.

24 Q. You said you know Natalie Bobo?

25 A. Yes.

1 Q. Do you know whether or not Zachary Adams knew
2 Natalie Bobo?

3 A. Yes, I introduced them.

4 Q. Back then, did Zach have Facebook?

5 A. Yes.

6 Q. Is that something that he would use?

7 A. Yes.

8 Q. Is that something he would use sometimes to
9 communicate with you?

10 A. Yes.

11 Q. Is that something he would use to communicate
12 sometimes with other people?

13 A. Yes.

14 Q. Did I ask you to review a large stack of
15 papers?

16 A. Yes.

17 Q. What was that large stack of papers I asked
18 you to review?

19 A. It was pictures of us together at a bar,
20 comments, just posts.

21 Q. Sure. Was it Zach's Facebook?

22 A. Yes, it was his Facebook.

23 Q. And had you seen his Facebook before?

24 A. Yes.

25 Q. A lot?

1 A. Yes.

2 Q. Had you seen him using his Facebook before?

3 A. Yes.

4 Q. A lot?

5 A. Yes.

6 Q. Did he let other people, like, use his
7 Facebook?

8 A. No.

9 Q. Was that his?

10 A. Uh-huh.

11 Q. And the various pictures that you saw on
12 Facebook that you just told us about, were those
13 pictures, things that actually happened?

14 A. Yes.

15 Q. In your life and in his life?

16 A. Yes.

17 Q. So what I showed you was his Facebook
18 records?

19 A. Yes, sir.

20 Q. I just want you to look at the top paper for
21 me.

22 GENERAL HAGERMAN: May I approach?

23 BY GENERAL HAGERMAN:

24 Q. Is this the Facebook records that I showed
25 you?

1 A. Yes. Yes, sir.

2 GENERAL HAGERMAN: Your Honor, I am not
3 seeking to introduce these. This is years and years
4 of Facebook records. I think they should be marked
5 for identification. Later on, a very, very small
6 portion will be introduced.

7 THE COURT: All right. Be Exhibit 62 for
8 ID purposes only.

9 (WHEREUPON, the previously mentioned
10 document was marked for identification as Exhibit
11 Number 62.)

12 GENERAL HAGERMAN: May I approach the
13 witness again, Your Honor?

14 THE COURT: You may.

15 BY GENERAL HAGERMAN:

16 Q. Do you recognize this photo?

17 A. Yes.

18 Q. Is that Zachary Adams?

19 A. Yes, sir.

20 Q. Is that his Facebook profile?

21 A. Yes, sir.

22 GENERAL HAGERMAN: Your Honor, I would
23 have that picture marked.

24 THE COURT: Be Exhibit 63.

25 (WHEREUPON, the above-mentioned

1 photograph was marked as Exhibit Number 63.)

2 GENERAL HAGERMAN: May I approach the
3 witness again, Your Honor?

4 THE COURT: You may.

5 BY GENERAL HAGERMAN:

6 Q. Do you recognize that picture?

7 A. Yes, sir.

8 Q. What is that a picture of?

9 A. One of the first times he took me up under
10 the bridge.

11 Q. He had taken you to that spot before; hadn't
12 he?

13 A. Uh-huh.

14 Q. Up under the bridge?

15 A. Yes.

16 Q. Near Birdsong?

17 A. Yes, sir.

18 Q. What did y'all do there? What's that a
19 picture of?

20 A. It's a picture of spray painting Rebecca
21 loves Zach.

22 Q. Up under that bridge?

23 A. Yes, sir.

24 Q. Of Birdsong?

25 A. Yes, sir.

1 GENERAL HAGERMAN: If I can have that
2 marked into evidence.

3 THE COURT: Be Exhibit 64.

4 (WHEREUPON, the above-mentioned
5 photograph was marked as Exhibit Number 64.)

6 GENERAL HAGERMAN: May I publish these,
7 Your Honor?

8 THE COURT: You may.

9 GENERAL HAGERMAN: I am really bad at
10 this.

11 BY GENERAL HAGERMAN:

12 Q. This is Exhibit 64. Did you and Zach spray
13 paint that together?

14 A. No, it was just me.

15 Q. This is where he took you?

16 A. Yes.

17 Q. Exhibit 63. That's his Facebook profile?

18 A. Yes, sir.

19 MS. THOMPSON: Can I see that last
20 picture just for a minute?

21 GENERAL HAGERMAN: That's all my
22 questions, Judge.

23 THE COURT: Cross.

24 MS. THOMPSON: Yes.

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1 A. Yes.

2 Q. -- take your unborn baby away?

3 A. Yes.

4 Q. And that's not Zachary Adams' child; is it?

5 A. No.

6 Q. Another man's?

7 A. Yes.

8 Q. So I want to go back and talk with you,

9 you've given multiple statements in this case;

10 haven't you?

11 A. Yes.

12 Q. You would agree with me your statements have

13 changed over time?

14 A. Yes.

15 Q. So the first statement you gave was actually

16 in April of 2011?

17 A. Yes.

18 Q. Do you remember? I mean, before even -- I

19 mean just early on, someone stopped by and talked to

20 you?

21 A. Yes.

22 Q. And at that time, you gave absolutely no

23 indication that Zachary Adams was involved in in what

24 had occurred?

25 A. Right.

1 Q. And you even acknowledged at that time that
2 Zach had scratches on him that he had gotten while he
3 was being chased by an officer at the park; didn't
4 you?

5 A. Yes.

6 Q. And so then you gave your next statement in
7 July of 20 -- 2011?

8 A. Uh-huh.

9 Q. Okay. And this was shortly after you and
10 Zach had broken up for your final time of living
11 together; wasn't it?

12 A. Yes.

13 Q. Okay. And at that time, you were very upset
14 with Mr. Adams?

15 A. Yes.

16 Q. And to be clear, Rebecca, I mean, just to be
17 honest, back in the day, you were using meth, also;
18 weren't you?

19 A. Yes, ma'am.

20 Q. You were using a lot Xanax; weren't you?

21 A. Yes.

22 Q. And you would use meth with Zach and use
23 drugs with Zach; isn't that right?

24 A. Yes, ma'am.

25 Q. So much of the time you spent high?

1 A. At the first of it, yes.

2 Q. And Zach was high, also; wasn't he?

3 A. Yes.

4 Q. That's one of the things that attracted you

5 all to each other?

6 A. Yes.

7 Q. You had a very volatile relationship, it was

8 full of very highs and lows; wasn't it?

9 A. Yes.

10 Q. I mean, at some point you really loved him?

11 A. Yes, I loved him a lot.

12 Q. What?

13 A. I loved him a lot.

14 Q. And he expressed to you, he loved you a lot,

15 too; didn't he?

16 A. Uh-huh.

17 Q. And that's one of the things that made the

18 relationship so volatile; wasn't it?

19 A. Uh-huh.

20 Q. And the reason you were so upset about the

21 scrapping is you suspected that he might be cheating

22 on you?

23 A. Yes.

24 Q. And that had you very upset; didn't it?

25 A. Yes.

1 Q. Okay. So in July of 2011, you spoke to
2 Investigator Ricky then about Zachary Adams?

3 A. Yes.

4 Q. And at that time, you said that you and Zach
5 had broken up shortly around -- you were breaking up
6 around the time that Holly disappeared?

7 A. Yes.

8 Q. And you said that that morning you -- or that
9 the night of April 12, you spent that night with
10 Zach?

11 A. Yes.

12 Q. And you said that the next morning, he was
13 still at home when you left for work at 9:15 a.m.

14 A. You got to understand I was under the
15 influence then to where I was scared, I didn't know.
16 So yes, my statements are going to be different.

17 Q. But you were also under the influence of
18 drugs, too; weren't you?

19 A. Yes.

20 Q. Okay. And so you said at that time that he
21 was still at home that morning, and you left around
22 9:15 a.m.

23 A. Uh-huh.

24 Q. Okay. Is that a "yes"?

25 A. Yes.

1 Q. It's just the court reporter -- I understand
2 what you're saying, but she needs to be able to write
3 yes or no.

4 And that you had been -- so you spent that
5 morning at Joe's Video working?

6 A. Uh-huh.

7 Q. Is that a "yes", sorry?

8 A. Yes, sorry.

9 Q. And you -- Zachary Adams' grandmother died on
10 April 1; didn't she?

11 A. Yes.

12 Q. And Zach was very close with his grandmother;
13 wasn't he?

14 A. Very.

15 Q. And so when she died, it tore him up; didn't
16 it?

17 A. Yes.

18 Q. Matter of fact, Zach's close to his -- was
19 close to his grandmother and his grandfather?

20 A. Yes.

21 Q. And so after she died, he was using extra
22 amounts of meth; wasn't he?

23 A. Yes.

24 Q. And some of the morphine that he had gotten
25 from her; isn't that right?

1 A. Yes.

2 Q. Okay. And so he was heavily dosing himself;
3 wasn't he?

4 A. Yes.

5 Q. Okay. And you were aware that he was
6 arrested on April 4 at Natchez Trace State Park?

7 A. Yes.

8 Q. Matter of fact, it was -- his grandmother's
9 funeral was April 3?

10 A. Yes.

11 Q. She had breast cancer. I mean, they expected
12 her to die, it wasn't a surprise?

13 A. Yes.

14 Q. And so her funeral was April the 3rd and
15 April the 4th, he just really got out of control at
16 the state park and got arrested; didn't he?

17 A. Yes.

18 Q. And at that time his truck got impounded;
19 didn't it?

20 A. Yes.

21 Q. And Dick Adams actually owned that white
22 truck; didn't he?

23 A. I think so.

24 Q. And I think you said earlier it was a new
25 truck, but it was really -- it was a '98 Nissan

1 pickup truck; wasn't it?

2 A. Yes.

3 Q. And it was a midsize pickup. It was not one
4 of the giant --

5 A. Not a full size, no.

6 Q. What?

7 A. It's not a full size, no.

8 Q. Okay. It's not a full size.

9 And so after Zach got arrested, his
10 grandfather left the truck in impound for a while;
11 didn't he?

12 A. Yes.

13 Q. And then wouldn't give it back to Zach right
14 away; would he?

15 A. Right.

16 Q. Okay. And so that meant -- because Zach's
17 black truck at that time, he also, they had a black
18 Nissan truck, also; didn't they?

19 A. It was a Chevrolet truck.

20 Q. That's Dylan's truck?

21 A. No. Dylan's was a beige Chevrolet truck.

22 Q. If the actual title to the truck shows that
23 Dylan had a charcoal black or graphite-colored truck?

24 A. Well, then it might have been in Dylan's
25 name. I don't know.

1 Q. Okay.

2 A. But that's -- that -- I thought that was
3 Zach's truck, the black one.

4 Q. The black one. Didn't Zach have a dark green
5 truck at some point?

6 A. Not that I remember.

7 Q. Zach went through a lot of cars; can we say
8 that?

9 A. Yes.

10 Q. Okay. And so at some point Zach is then
11 looking around for transportation; wasn't he?

12 A. Yes.

13 Q. And Shane Austin did not have transportation,
14 because he had wrecked his truck; hadn't he?

15 A. Yes.

16 Q. Matter of fact, Shane had also been in a
17 motorcycle wreck; hadn't he?

18 A. Yes.

19 Q. Okay. And he had also had an accident where
20 he fell off a cooling tower?

21 A. Yes.

22 Q. And matter of fact, was it the motorcycle
23 that left one of his eyes kind of --

24 A. Yes.

25 Q. -- crooked?

1 A. Droopy, yes.

2 Q. Droopy. So like the eyelid didn't go up
3 right next to the eye, and it kind of drooped, you
4 could see the pink under his eye; couldn't you?

5 A. Right.

6 Q. And he had some scarring on his face, too;
7 didn't he?

8 A. Yes.

9 Q. Okay. And so initially, when you talked to
10 Ricky Inman, and Ricky Inman is an investigator for
11 the local police department, correct?

12 A. Yes.

13 Q. He's not a TBI agent.

14 A. No.

15 Q. Initially, when you talked to Ricky Inman,
16 you said that you thought Zach and his friend, Victor
17 Densmore, were hauling scrap that day?

18 A. Yes.

19 Q. Okay. And she didn't -- you didn't know for
20 sure if Zach had talked with Shane Austin or not?

21 A. Right.

22 Q. You said at that time that Zach -- and this
23 is just a few -- this is just a few months later, but
24 you said at that time, Zach had never made comments
25 to you about Holly Bobo -- had never made comments

1 about Holly before she was taken?

2 A. Because when that had -- do what now?

3 Q. He had not made comments about Holly --

4 A. No.

5 Q. -- before she was taken?

6 A. No.

7 Q. Zach certainly would have liked the reward
8 money; wouldn't he?

9 A. Yeah.

10 Q. I mean, everybody was aware that there was a
11 large reward out. In the end, how much do you
12 remember it being?

13 A. 250,000.

14 Q. \$250,000. And you specifically do remember
15 telling Ricky Inman that Shane was dependent on other
16 people to drive him around, because he didn't have a
17 car?

18 A. Yes.

19 Q. And you also did not believe that Zach had
20 gone to the coon hunt that year?

21 A. Right.

22 Q. Okay. So -- and then the TBI came back and
23 the next time they interviewed, it was after they had
24 gotten the search warrants and had been searching
25 Zachary Adams' home?

1 A. Yes.

2 Q. And that was February 28, 2014 --

3 A. Yes.

4 Q. -- when they talked to you the next time?

5 A. Yes.

6 Q. Okay. And this time when they talked to you
7 in July, that's after you all had broken up, it was
8 your final break up?

9 A. Yes.

10 Q. And so Zach was out of your life for awhile?

11 A. Yes.

12 Q. So the next time the TBI talked to you, it
13 was 2014, so it was basically three years later?

14 A. Yes.

15 Q. And a lot of time had passed since the events
16 had all occurred?

17 A. Yes.

18 Q. And you didn't make notes. I mean, you,
19 yourself, had not written down the events; had you?

20 A. No.

21 Q. So you were going by your memory?

22 A. Yes.

23 Q. And the memories that you had made, as best
24 you could, because at the time, you were using meth
25 and --

1 A. Yes.

2 Q. -- Xanax?

3 And you used some other drugs, too, right,
4 marijuana?

5 A. Marijuana.

6 Q. Okay. So the next time they talked to you,
7 it was several TBI agents that came to talk to you.
8 Do you specifically remember Joe Walker and Joe Craig
9 being there?

10 A. Vaguely, yes.

11 Q. Okay. And at that time, you knew already
12 that Zach had been arrested for this; didn't you?

13 A. Yes.

14 Q. Because they came in and told you, listen,
15 we've got the guy; didn't they?

16 A. Yes.

17 Q. I mean, they were very confident when they
18 came to tell you that they had arrested him. They
19 didn't say, you know, we've arrested him and we think
20 he might be the guy?

21 GENERAL HAGERMAN: Your Honor, I think
22 we're -- hearsay on hearsay in this question. And I
23 ask that she not characterize what other people say,
24 which is an out of court statement.

25 MS. THOMPSON: Of course, I am not

1 offering the fact that they said he was guilty for
2 the truth of the matter, let's be clear. I am just
3 offering to show --

4 THE COURT: You can ask the question so
5 that she can show what her response was.

6 MS. THOMPSON: Right. Yes.

7 BY MS. THOMPSON:

8 Q. So the fact that they said all this to you --
9 I mean, you have faith in law enforcement; don't you?

10 A. Yes.

11 Q. I mean, you want to believe that a law
12 enforcement does something, they know what they're
13 doing; don't you?

14 A. Yes.

15 Q. So then when they come to talk to you, they
16 specifically said -- they're asking you again about
17 what happened. They brought with them some documents
18 from Birdsong Auto Salvage regarding scrapping. Do
19 remember them bringing you documents?

20 A. No.

21 Q. They brought you a list of all the people
22 whose names were turned in -- you're familiar with --

23 A. Okay. Yes, I do remember now, yes.

24 Q. First of all, you're familiar with Birdsong
25 Auto Salvage?

1 A. Yes, ma'am.

2 Q. It's a metal scrap --

3 A. Yes.

4 Q. -- location, where people can take scrap
5 metal, turn it in for cash money?

6 A. Yes.

7 Q. And back in 2011, Zach Adams made a lot of
8 his money with scrap metal; didn't he?

9 A. Yes.

10 Q. And that's where he got some of his money to
11 buy drugs?

12 A. Yes.

13 Q. He also, sometimes, on and off, had some odd
14 jobs here and there; didn't he?

15 A. Yes.

16 Q. At sometime he had worked for Decatur County?

17 A. North 40.

18 Q. North 40, okay.

19 A. Yes.

20 Q. And Zach Adams would spend a lot of time out
21 looking for scrap metal; is that correct?

22 A. Yes.

23 Q. Sometimes he'd get it on the up and up, and
24 sometimes he'd just have sticky fingers and pick up
25 scraps around, would you agree with me on that?

1 A. Yes.

2 Q. And so the TBI brought to you a document that
3 showed that Zach Adams' name was not on the list of
4 people that had scrapped metal on April 13 --

5 A. Correct.

6 Q. -- 2014?

7 A. Correct.

8 Q. But they failed to show you that Zach Adams
9 had actually scrapped metal on April 11, Monday,
10 2011?

11 A. Okay.

12 Q. If I said 2014 just a minute ago, I meant
13 2011.

14 A. Okay.

15 Q. And they didn't tell you that he'd actually
16 scrapped metal on Friday, April 15, 2011; did they?

17 A. No.

18 Q. And so your memory three months later was
19 that he had told you he had gone to do scrap metal
20 that day?

21 A. Yes.

22 Q. Okay. But you didn't specifically write that
23 down anywhere that he had gone to do scrap metal?

24 A. No.

25 Q. You were going by memory in July from an

1 event that had happened in April -- April 13?

2 A. Yes.

3 Q. And Zach did do scrap metaling a lot back in
4 those days; didn't he?

5 A. Yes, ma'am.

6 Q. So that morning you think that you went into
7 work at Joe's Video at 9:00 a.m.

8 A. Yes, ma'am.

9 Q. And you remember 9:00 a.m. because you
10 usually open the store?

11 A. Yes.

12 Q. And what time did the store open?

13 A. 10:00.

14 Q. Okay. So you would get there at 9:00 to get
15 things ready?

16 A. Yes, yes. Because I had to go to the bank to
17 do the deposit.

18 Q. Okay. And so then after they showed you this
19 list and told you that Zach had not scrapped any
20 metal that day, you were then angry with Zachary
21 Adams at that time; weren't you?

22 A. Yes.

23 Q. Because you felt like that was confirmation
24 that he had lied to you and was, perhaps, cheating on
25 you at the time?

1 A. Yes.

2 Q. And you are an emotional person, clearly?

3 A. Uh-huh.

4 Q. I mean, I see that you wrote Becca plus Zach
5 or Becca n Zach on the bridge support, you spray
6 painted it?

7 A. Uh-huh.

8 Q. I mean, at times when you were in love, you
9 wanted the world to know; didn't you?

10 A. Yes.

11 Q. And so -- and Zach had a way with the ladies;
12 didn't he?

13 A. Yes.

14 Q. And so the fact that he might be cheating on
15 you was not out of the realm of possibility?

16 A. Right.

17 Q. So you remembered in February of 2014, that
18 you didn't get back until 9:00 or 10:00 that night
19 after having worked; is that right?

20 A. I don't remember.

21 Q. Okay. You don't have a memory of that now as
22 to what time you got home; do you?

23 A. No.

24 Q. Now, you say Zach had scratches on his neck?

25 A. Yes.

1 Q. And where were those-- since you're saying
2 neck and not throat, I'm assuming you mean around in
3 the --

4 A. They were right here (indicating) on the side
5 of his neck.

6 Q. Okay. Let's see, I just want to be clear for
7 the record, you are pointing to your left-hand side?
8 Is that your left? Right-hand side?

9 A. Yes, right.

10 Q. I have a left, right problem. So you're
11 saying the scratches would have been on his right
12 side of his neck?

13 A. Yes, ma'am.

14 Q. And they would have gone under the jawline
15 from the ear towards the Adam's apple?

16 A. Towards the Adam's apple. Yes.

17 Q. And how many scratches were there?

18 A. Three.

19 Q. There were three scratches right there?

20 A. Yes.

21 Q. And how deep are those scratches?

22 A. Not very deep.

23 Q. Not very deep?

24 A. Huh-uh.

25 Q. Okay. At that point, did it alarm you when

1 you say you saw those scratches?

2 A. Yes, but I never spoke of it.

3 Q. So why didn't you speak of it?

4 A. I was scared.

5 Q. Why were you scared?

6 A. I just was.

7 Q. Okay. So knowing that at some point there
8 was a reward out, there's a \$250,000 reward, did it
9 ever occur to you to say something before he was
10 arrested by the TBI?

11 A. I did. I have.

12 Q. You have what?

13 A. I have called the TBI and informed them
14 before.

15 Q. You called the TBI before that? Oh, well,
16 when did you call the TBI?

17 A. Well, whenever I heard about the remains.

18 Q. Oh, but you heard about the remains after he
19 was arrested?

20 A. Yes.

21 Q. Okay. So, no, I am talking about before he
22 was arrested.

23 A. Okay.

24 Q. When did you call and tell them about the
25 scratches?

1 A. Oh, I didn't.

2 Q. Okay. You didn't.

3 A. No.

4 Q. Okay.

5 MS. THOMPSON: Can I have a minute?

6 THE COURT: You may.

7 BY MS. THOMPSON:

8 Q. So let me ask you, do you remember
9 specifically talking to an Investigator Danny
10 Mulligan from the defense team that came to speak
11 with you?

12 A. Yes.

13 Q. Danny kind of has a long ponytail?

14 A. Yes.

15 Q. Yeah. Do you remember specifically when you
16 talked to Danny Mulligan, you told him -- do you
17 remember telling him that the scratches on Zach's
18 arms referenced in the report, and you stated
19 emphatically that the scratches were from a different
20 day when Zach was running from the cops in Lexington
21 and were not from the day that Holly Bobo
22 disappeared?

23 A. Yes, he always had scratches on him.

24 Q. Okay. So he had scratches from when he ran
25 from the cops in Lexington, too?

1 A. Yes.

2 Q. So he did have those scratches?

3 A. Yes.

4 Q. You acknowledge that?

5 A. Yes.

6 Q. Okay. So now you're saying, yes, he had

7 scratches from when he ran from the cops. And when

8 you say Lexington, you're talking about the Natchez

9 Trace incident?

10 A. Yes, ma'am.

11 Q. So he did have those scratches, but now

12 you're saying he had some additional scratches on his

13 neck that were new?

14 A. Yes.

15 Q. Okay. So now you're saying he had two sets

16 of scratches?

17 A. Uh-huh.

18 Q. At least?

19 A. Uh-huh.

20 Q. Because you say he always was getting

21 scratches?

22 A. Yes.

23 Q. Okay. Then do you also remember telling Mr.

24 Mulligan that you weren't sure -- that it was

25 incorrect in Joe Walker's report that you had worked

1 until 10:00 p.m. that night? Do you remember telling
2 Mr. Mulligan that you had not?

3 A. What night?

4 Q. On the night that Holly disappeared, April
5 13, 2011, do you remember telling my investigator
6 that that part of Joe Walker's report was inaccurate?

7 A. No, I don't remember.

8 Q. Is there a reason you wouldn't remember
9 specifically what you said to our investigator?

10 A. I remember working the night before, but I
11 don't -- I mean, my two-year-old was there.

12 Q. No, no, no, I'm sorry.

13 A. When he was interviewing me.

14 Q. That's not what I'm talking about. Let's go
15 back, because I've confused you.

16 When Danny Mulligan came to talk to you, you
17 specifically remember he pulled out these TBI reports
18 and handed you the written copies?

19 A. Yes, let me read them all.

20 Q. He let you read them all?

21 A. Uh-huh.

22 Q. And then you took a highlighter and you
23 highlighted things in the report, and then you marked
24 on them; do you remember that?

25 A. Yes, that wasn't true and was true.

1 Q. So the part, and I am referring to Joe
2 Walker's report, because Joe Walker wrote up the
3 report when he came to see you February 8, 2014,
4 along with Special Agent Joe Craig.

5 A. Okay.

6 Q. And then Joe Walker put down, I worked until
7 10:00 p.m. that night. And you told Danny Mulligan
8 that that was an inaccuracy in Joe Walker's report?

9 A. Of what night?

10 Q. It's April 13, 2011, the day Holly
11 disappeared?

12 A. That means I would've had to work a double,
13 so no, I don't think I would've.

14 Q. Okay. So that's an inaccuracy in Joe
15 Walker's report?

16 A. I guess.

17 Q. Because you didn't work a double shift that
18 day?

19 A. I don't remember, no.

20 Q. Okay. And even after you and Zach broke up
21 for the last time in July of 2011, you all still
22 remained friends --

23 A. Friends.

24 Q. -- at some point?

25 A. Yes.

1 Q. Yes?

2 A. Yes.

3 Q. And you occasionally would spend the night
4 over there and hang out with him?

5 A. I don't recall ever spending the night, but
6 going over there, yes.

7 Q. I thought on direct you said you had spent
8 the night over there some?

9 A. I could have, yes.

10 Q. Did you just say that a little while ago on
11 direct when Mr. Hagerman was asking you questions?

12 A. Yes.

13 Q. Okay. So sometimes you do spend -- sometimes
14 you say things that you forget, is that what --

15 A. No.

16 Q. Okay. So you did sometimes spend the night
17 with Zach Adams?

18 A. Yes.

19 Q. After you all broke up?

20 A. Yes.

21 Q. Do you consider yourself to be a psychic-type
22 person?

23 A. No.

24 Q. Okay. And then you gave another statement
25 the next day, because 2014 -- well, that statement

1 was on the 28th of February, and then you gave a
2 statement on March 31, and I think 2014 was a leap
3 year, so it would have been two days later; does that
4 sound right to you?

5 A. I guess.

6 Q. And so in that statement, they actually sat
7 down and went over some telephone numbers with you?

8 A. Yes.

9 Q. And they went over your call records that
10 day?

11 A. Yes.

12 Q. Because you do recognize that the TBI went
13 ahead and subpoenaed your telephone records from the
14 day Holly disappeared from AT&T?

15 A. Yes.

16 Q. And they went over your telephone record with
17 you very carefully to ask you what numbers were what?

18 A. Yes.

19 Q. And I think earlier I heard you testify that
20 on the day Holly disappeared, Zach Adams called you
21 from his brother, Dylan's cell phone?

22 A. Text me, yes.

23 Q. Texted you from his brother, Dylan's cell
24 phone?

25 A. Yes.

1 Q. But would you be surprised to know that
2 Dylan's cell phone records do not show that a text,
3 call, was made to you from his phone?

4 A. He also had this spoofing card that he could
5 make it come up any number.

6 Q. Okay. But what the spoofing card did was
7 make caller ID look like any number?

8 A. Uh-huh.

9 Q. You would agree with me the way the spoofing
10 card worked -- because you heard him use it. He used
11 it as a joke, right?

12 A. Yes.

13 Q. You first, you dial the spoofing card
14 telephone number, right?

15 A. I guess, yes.

16 Q. And then there's a little second, you put in
17 the phone number that you want to show up in caller
18 ID?

19 A. Yes.

20 Q. And then you dial the number you want to
21 call?

22 A. Right.

23 Q. Then you can pick another kind of voice, too,
24 because you can have it alter your voice to make it
25 sound like a woman or a man, something like that,

1 right?

2 A. Yes.

3 Q. It just alters the tone of the voice, kind of
4 like auto song does tunes or auto tune does songs,
5 right?

6 A. Yes.

7 Q. But there still would be a record of you
8 calling into the spoof card line phone number, right?

9 A. I guess.

10 Q. So if Dylan's telephone does not show that
11 any calls were made on it that day, then does that
12 surprise you that the phone wasn't actually used?

13 GENERAL HAGERMAN: Your Honor, I think
14 she's already mentioned this. I think that's how we
15 started this whole line of questions.

16 THE COURT: You can answer.

17 THE WITNESS: What was the question? Was
18 it a surprise that he called from --

19 BY MS. THOMPSON:

20 Q. No. That he didn't really use Dylan's phone
21 to call you that day?

22 A. I just remember him calling me from a
23 different number that wasn't his, is what made me led
24 to believe that he did not go to the scrap yard.

25 Q. Okay. So he called you on your cell phone

1 number?

2 A. Yes.

3 Q. So what time of day did he call you on that
4 cell phone number?

5 A. I don't remember.

6 Q. So -- but you don't know for sure it was
7 Dylan's number?

8 A. I thought it was his grandmother's, the one
9 that Dylan was using, yes.

10 Q. Okay. So you would agree with me, because
11 you've reviewed your cell phone number, your cell
12 phone records from the day Holly disappeared, that
13 you and Zachary Adams had a lot of texting going on
14 that day?

15 A. Yes.

16 Q. You had tons of texts going back and forth to
17 one another?

18 A. Yes.

19 Q. And he kind of blew up the phone at Joe's
20 Video, too; didn't he?

21 A. Yes.

22 Q. Joe's Video had -- was it a landline --

23 A. Yes.

24 Q. -- number?

25 A. Yes, we had three numbers.

1 Q. They had three numbers?

2 A. Yes.

3 Q. Okay. Do you happen to remember what those
4 three numbers were?

5 A. No.

6 Q. Okay. So he blew up the Joe's Video number?

7 A. Yes.

8 Q. And he blew up your cell phone number, too,
9 because he was calling it a lot?

10 A. Yes.

11 Q. And matter of fact, Cindy Adams, Zach Adam's
12 mother, got involved in your dispute that day; didn't
13 she?

14 A. Facebook, yes.

15 Q. On Facebook?

16 A. Yes.

17 Q. But she also was on the phone with you and
18 was on the phone with Zach; wasn't she?

19 A. Yes.

20 Q. And she had a Georgia telephone number?

21 A. Yes, ma'am.

22 Q. Because she lived in Georgia?

23 A. Yes.

24 Q. Okay. And so if the -- are you aware that
25 cellular telephone numbers, that if you get the

1 records, can show where somebody's location is?

2 A. Yes.

3 Q. Okay. And are you aware that your cellular
4 telephone records from the night before Holly
5 disappeared, April 12, show that you stayed -- they
6 show that your phone was hitting off of the tower in
7 South Parsons?

8 A. My mother's, yes.

9 Q. Yes. And your mother lives in South Parsons;
10 is that right?

11 A. Yes.

12 Q. And then the next morning, your telephone
13 records show that they're hitting off the cellular
14 tower in South Parsons again?

15 A. Where I work.

16 Q. Is it possible that you just spent the night
17 there with your mother that night?

18 A. It's possible, but I mean, I remember him
19 waking me up that morning to where -- I went there,
20 late, late, late the night before, because we had
21 been into it.

22 Q. But it's possible you spent the night at your
23 mother's house?

24 A. No.

25 Q. It's not possible?

1 A. I remember it vaguely. I mean, I remember.

2 Q. You vaguely remembered him waking you up that
3 morning?

4 A. Yes. He kissed me on the forehead and said
5 he was hauling scrap. It was that day.

6 Q. But the thing is, that morning before Holly
7 had disappeared, there was nothing different about
8 that morning to make it stick out in your mind than
9 Monday morning would have been or Friday morning
10 would have been; was there?

11 A. No.

12 Q. Because until after Holly disappeared, it was
13 going to be just like any other day; wasn't it?

14 A. Right.

15 Q. And you worked a lot at Joe's Video; didn't
16 you?

17 A. Yes, full time.

18 Q. Okay. And I see that you wrote -- you're the
19 one that spray painted Becca and Zach on the bridge.
20 You all went down to that area a lot; didn't you?

21 A. Yes.

22 Q. And if Zach's cell phone records show that he
23 was over there hitting off of the cellular tower next
24 to the river, it's because you all would go over
25 there?

1 A. Yes.

2 Q. They have a greenway over there under the
3 bridge; don't they?

4 A. Yes.

5 Q. Where people go and exercise and walk; don't
6 they?

7 A. Yes.

8 Q. People go over there to fish. It's a great
9 fishing spot; isn't it?

10 A. Yes.

11 Q. And there's a lot of people that go over
12 there to that greenway; aren't there?

13 A. Yes.

14 Q. Okay. And it's really just a beautiful place
15 with birds and wildlife and trees; isn't it?

16 A. Uh-huh.

17 Q. Is that a "yes"?

18 A. Yes, sorry.

19 Q. One of us is married to a court reporter and
20 is very aware when people don't answer.

21 So you actually, on March 1, went over all of
22 your calls with the -- with Joe Walker that day. So
23 the night before, there were multiple calls between
24 you and Zach Adams, you know, after 10:00 p.m., so
25 this is on April 12, there were multiple calls

1 between you and Zachary Adams after 10:00 p.m. up
2 until about 1:00 a.m.

3 A. Yes.

4 Q. And all of those calls were made -- you
5 recognize that that location showed that you were
6 hitting off of your mother's tower, your cell phone
7 was hitting off your mother's tower?

8 A. Okay.

9 Q. Where her house is?

10 A. Yes.

11 Q. And nobody else would have been using your
12 phone, it would have been you using that phone at
13 that time; is that right?

14 A. Not necessarily. Sometimes I use my mother's
15 phone, cell phone.

16 Q. But nobody else -- there is not another woman
17 that would have called Zach Adams from your phone?

18 A. No.

19 Q. Okay. So if somebody is calling Zach Adams
20 from your cell phone, it would have been you; isn't
21 that right?

22 A. Yes.

23 Q. Okay.

24 (Cell phone interruption.)

25 THE COURT: All right. Everybody wake

1 up.

2 BY MS. THOMPSON:

3 Q. And then the TBI, they had another little
4 follow-up question for you also on March 1 about your
5 telephone. Then they came back and talked to you
6 again on March 5; do you remember that?

7 A. No.

8 Q. Okay. They talked to you a lot right after
9 Zach was -- they searched Zach's house; isn't that
10 right?

11 A. Yes.

12 Q. Okay. And you testified today that at some
13 point Zach -- you said it's in July when you were
14 finally breaking up, that Zach told you that he was
15 going to tie you up and --

16 A. Yes.

17 Q. -- nobody would find you like -- said he
18 would tie you -- I tried to write it down verbatim.
19 Said he would tie you up like he did Holly Bobo and
20 nobody would ever see you.

21 A. Right.

22 Q. But at some point, didn't you tell the TBI
23 later on that he said he would tie you up and put you
24 in his closet?

25 A. We were in his closet when it happened.

1 Q. And didn't he indicate to you something
2 about -- you're claiming that he indicated to you
3 that he would tie you up and put you in the closet
4 like he did Holly Bobo?

5 A. No, I never said that. Not that I remember,
6 no.

7 Q. So if it's in a report, it's an error that
8 you said he'd put you in the closet?

9 A. Yes.

10 Q. Because certainly you lived there at the time
11 and you know Holly Bobo was not in the closet?

12 A. Nope, huh-uh.

13 Q. Holly Bobo was not in the Adam's house?

14 A. No.

15 Q. She wasn't kept there, because you lived
16 there; didn't you?

17 A. Yes.

18 Q. Okay. And you certainly wouldn't have
19 tolerated or hidden that fact from the police; would
20 you?

21 A. No.

22 Q. I mean, you weren't so in love with Zach
23 Adams that you would cover up and hide a horrible
24 crime like that for him; would you?

25 A. No.

1 Q. And part of your conflict that you have is
2 when, you know, the DA was asking you if it had been
3 very hard, part of it's because you now feel like you
4 dated and were in love with a person that's been
5 charged with this horrible crime?

6 A. Yes.

7 Q. And so that is something that's very hard for
8 you to take, because you feel like you've exposed
9 yourself?

10 A. Yes.

11 Q. Wouldn't you agree?

12 A. Yes.

13 Q. And so in a way, you're wanting to do the
14 very best you can, because you feel like you need to
15 rectify some wrong; isn't that right?

16 A. Yes.

17 Q. Mere eager to please the TBI and help them
18 convict that?

19 A. I am eager to tell them the truth. Now I
20 wouldn't say please them.

21 Q. You want to help them convict Zach, though;
22 don't you?

23 A. Yes.

24 Q. You had a very good friend named Brandon
25 Williams; didn't you?

1 A. Yes.

2 Q. Brandon Williams at the time was a best
3 friend to you, almost like a girlfriend would be?

4 A. Yes.

5 Q. And so Zach Adams, actually on the day that
6 Holly disappeared, spent some time talking to Brandon
7 Williams, also, on the telephone; didn't he?

8 A. I guess.

9 Q. He would have talked to Brandon Williams
10 because --

11 GENERAL HAGERMAN: Your Honor, I'm going
12 to object. This is not even conversations that she's
13 a party to. She's talking about her client speaking
14 with another witness.

15 THE COURT: Talking to Brandon Williams.

16 MS. THOMPSON: Right.

17 THE COURT: It would be hearsay on
18 hearsay.

19 MS. THOMPSON: Well, I didn't say what he
20 had said. I just said he had spoken to him.

21 GENERAL HAGERMAN: It's because I
22 objected.

23 THE COURT: She said he had spoken to
24 him.

25 BY MS. THOMPSON:

1 Q. And Brandon Williams was contacting you that
2 day, too, right?

3 A. Yes.

4 Q. So when he was contacting you, he was working
5 out the relationship -- you all were working on
6 relationship problems with Zach Adams; isn't that
7 right?

8 A. I don't think so. No, I don't remember.

9 Q. But you don't remember specifically?

10 A. No.

11 Q. So now here today, you testified that at some
12 point, Zach Adams said, everything was ready to go in
13 the back of the truck, and there was a big blue
14 Tupperware box back there?

15 A. Yes.

16 Q. And he told you it was the remains of Holly
17 Bobo?

18 A. Didn't tell me, no.

19 Q. You're saying he said out loud?

20 A. That was their own conversation. I was in a
21 different room.

22 Q. And you're saying now that he said out loud,
23 that it was the remains of Holly Bobo?

24 A. One of them had said that, yes.

25 Q. Okay. Well, you could certainly tell the

1 difference between Zach's voice and John Mitchell's
2 voice; couldn't you?

3 A. I just don't remember. I just remember going
4 straight to my mother's after that.

5 Q. Okay. So you didn't go to the police and
6 report it?

7 A. No.

8 Q. And -- and all those times the TBI has talked
9 to you, you have not mentioned that?

10 A. I called the TBI after that.

11 Q. Okay. You called the TBI after that?

12 A. Yes, ma'am.

13 Q. Now, this is before you all broke up for the
14 last time; is that right?

15 A. I think so.

16 Q. Okay. So you would have had an opportunity
17 to mention the fact that they said -- and did you
18 decide they were joking about that?

19 A. No. They ended up telling me it was a joke
20 to see if I would call the TBI.

21 Q. So did you think it was a joke, or did you
22 think, in fact, her remains were in there?

23 A. I just blew it off. No, I didn't think that
24 was her remains, no.

25 Q. So you thought it was a joke?

1 A. Uh-huh.

2 Q. Okay. And so you say you called the TBI --
3 this would have been before July of 2011; is that
4 right?

5 A. No, this was after.

6 Q. After July of 2011?

7 A. Yes. Because me and Zach was already broke
8 up when we was at John's house.

9 Q. Okay. You know that the TBI has kept
10 records, I mean, they have thousands of telephone
11 calls that they have received?

12 A. Uh-huh.

13 Q. Did you give your name when you called in and
14 said it was in a big, blue Tupperware?

15 A. I think so.

16 Q. You gave them your name?

17 A. I think so.

18 Q. Okay. Well, then when Joe Walker came out to
19 talk to you February 28, 2014, why didn't you say, by
20 the way, why didn't you follow up on the fact that I
21 said he had Holly's remains in a big, blue tub?

22 A. When I talked to them on the phone, they said
23 that they were going to go down there and check it.

24 Q. But you didn't mention that.

25 A. I didn't think I had to mention it to him,

1 because I've already told them.

2 Q. They are there on February 28 to talk to you
3 about what you know about the disappearance of Holly
4 Bobo?

5 A. Yes.

6 Q. And at that time, you think it is not
7 necessary to mention to them that at some point he
8 said --

9 A. Because it was played off as a joke.

10 Q. Okay. So now you're saying it was a joke,
11 you did go ahead and call it into TBI, even though it
12 was a joke, but you didn't mention it when you talked
13 to them February 28, March 5, or March 1st --

14 A. I didn't think I had to, because I think it
15 would be on records.

16 Q. You certainly repeated a lot of other facts
17 at that time, though; didn't you?

18 A. I guess, I don't know.

19 (Cell phone interruption.)

20 THE COURT: Just trying to shut it down.

21 BY MS. THOMPSON:

22 Q. Now, you say you introduced Zach to Natalie
23 Bobo. That would have been after Holly disappeared;
24 wasn't it?

25 A. No. It was right when me and Zach had

1 started talking. This was before we even got
2 serious. It was when I lived on Sixth Street in
3 Parsons.

4 Q. And so, it was just -- I mean, you've never
5 before told the TBI that you had introduced Zach
6 to --

7 A. Yes.

8 Q. -- Natalie.

9 When did you tell the TBI this?

10 A. From the get go, I guess, from the very get
11 go.

12 Q. Well, we've reviewed that first report that
13 you had with Ricky Inman, you didn't mention it to
14 Ricky Inman?

15 A. No, not then, I didn't.

16 Q. Okay. We reviewed the second report that you
17 had where they came to talk to you on the 28th, you
18 didn't mention it then; did you?

19 A. I don't remember.

20 Q. So you're saying here today that you were the
21 one that introduced Zach to Natalie Bobo?

22 A. As far as I know, yes.

23 Q. You were talking earlier about your car, but
24 in fact, you had an accident and wrecked your car in
25 May of 2011; didn't you?

1 A. Yes, ma'am.

2 Q. And after that, Zach allowed you to drive his
3 truck; didn't he?

4 A. No. He would take me to and from work.

5 Q. He did allow you to drive that truck some;
6 didn't he?

7 A. Not that I remember.

8 Q. He never let you drive it?

9 A. Maybe one or two times.

10 Q. Did the TBI or DCS come take away your child
11 after it was born?

12 A. No, ma'am.

13 Q. Okay. And by that time, you had straightened
14 up drug-wise, anyway; hadn't you?

15 A. Yes.

16 Q. I mean, you were clean when your son was
17 born?

18 A. Yes.

19 Q. So there wouldn't have been a reason for them
20 to take your son away --

21 A. Correct.

22 Q. -- based on drug use or anything?
23 And you're employed right now?

24 A. Yes, ma'am.

25 Q. So you -- even though Joe's Video has gone

1 out of business?

2 A. Yes.

3 Q. But you have no problem providing for your
4 child; is that right?

5 A. No, ma'am, I work two jobs.

6 Q. And that would have been the same in 2014,
7 right?

8 A. Yes.

9 Q. Now, in the process of you breaking up with
10 Zach Adams back in 2011, at some point you had some
11 of your furniture and belongings over at Zach's
12 house; didn't you?

13 A. At what time?

14 Q. In 2011 when you all were living together --

15 A. Yes, yes.

16 Q. -- you had some of your furnishings and
17 belongings there; didn't you?

18 A. Yes.

19 Q. You had a mattress over there, in fact?

20 A. Yes.

21 Q. And when you all were breaking up, you, at
22 some point, moved that mattress back home and then
23 moved it back to Zach's?

24 A. Yes.

25 Q. Now, Zach had access to his -- or Zach did

1 use Facebook back in 2011; isn't that right?

2 A. Yes.

3 Q. He would post to it; is that right?

4 A. Yes.

5 Q. Okay. And you didn't get on and post to his

6 Facebook page; did you?

7 A. No.

8 Q. He didn't post to your Facebook page-- I

9 mean, post as him?

10 A. No.

11 Q. And you didn't post as him, he didn't post as

12 you, on your Facebook page?

13 A. No.

14 Q. That's different than writing a message or

15 writing on a wall?

16 A. Commenting, yes.

17 Q. And so I just want to -- as a final matter,

18 can you tell me exactly what you did on April 13,

19 2011?

20 A. I worked.

21 Q. Okay. What time did you get up that morning?

22 A. I got up around 8:00.

23 Q. Do you remember what you wore?

24 A. No.

25 Q. You think you got up around 8:00. Can you be

1 more specific than that?

2 A. No.

3 Q. Okay. And what did you do next? Did you eat
4 breakfast?

5 A. No, I got ready for work and drove to Joe's
6 Video, called in something to eat at Sonic, went to
7 the bank, did a deposit.

8 Q. Called in something to eat at Sonic, do you
9 remember that specifically?

10 A. Yes.

11 Q. Or is it just what you did every morning?

12 A. This is what I did every morning.

13 Q. Okay. So you don't have a specific memory
14 that morning of what you called in to eat?

15 A. No.

16 Q. Okay. You went to the bank, do you remember
17 how much the bank deposit was that day?

18 A. No.

19 Q. Okay. Then what did you do next?

20 A. Went and got my food at Sonic and then went
21 to work.

22 Q. Okay. Do you have any idea how many
23 customers you had that day?

24 A. No.

25 Q. Do you have -- you remember, of course, that

1 Holly was -- disappeared from her home?

2 A. Yes.

3 Q. Do you remember specifically what time you
4 got off that day?

5 A. No.

6 Q. Do you remember what you had for lunch that
7 day?

8 A. No.

9 Q. Do you remember what you had for dinner that
10 day?

11 A. No.

12 Q. Do you remember where you went after work?

13 A. No.

14 Q. Do you remember where you spent the night
15 that night?

16 A. I started out at my mother's.

17 Q. The night of the 13th? The night of the 13th
18 after she disappeared?

19 A. The night of the 13th, I was at work. I
20 worked late, I know, but I don't remember where I
21 went afterwards, no.

22 Q. Okay. Do you remember what time you went to
23 bed?

24 A. Huh-uh.

25 MS. THOMPSON: No further questions.

1
2 **REDIRECT EXAMINATION**

3 **QUESTIONS BY GENERAL HAGERMAN:**

4 Q. You have been up there awhile?

5 A. Yes.

6 Q. A while more.

7 A. Yes.

8 Q. Okay. She asked you why you were scared of
9 him; isn't that right?

10 A. Yes.

11 Q. Let's start with the day y'all finally broke
12 up, okay?

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

15 GENERAL HAGERMAN: To --

16 MS. THOMPSON: I am going to object to
17 any kind of 404(b), Your Honor.

18 GENERAL HAGERMAN: Your Honor, I think
19 the door is wide open.

20 MS. THOMPSON: I did not open that door,
21 Your Honor, that was not the intent with that
22 question. If we can approach.

23 THE COURT: Let's take a recess. Take
24 about 15 minutes and then we'll continue.

25 (WHEREUPON, the jury left the courtroom,

1 after which the following proceedings were had:)

2 THE COURT: All right. Let's take up the
3 issue. Jury is out, so you can just address it from
4 there.

5 MS. THOMPSON: Your Honor.

6 THE COURT: Let's have some order. If
7 you want to pass out, that's fine. Do so quietly.

8 MS. THOMPSON: What happened was Ms. Earp
9 said something to the effect of, well, you have to
10 understand, at that time -- something like, you have
11 to understand that time why I didn't come forward
12 with that information, I was -- something about,
13 like, I was under the influence of him or I was --
14 something. And she said I was afraid -- and then I
15 said, what do you mean, she said, well, I was afraid
16 of him. And I said, why were you afraid of him, and
17 then she said, well, I just was. I recognized at
18 that time -- and I don't know if we should be having
19 this with the witness in here.

20 THE COURT: You can step out.

21 MS. THOMPSON: I didn't realize she was
22 in here. I recognize at that time where her answer
23 might be headed, and I dropped the subject, but the
24 way that she first said something like, well, you
25 have to recognize I was under the influence or

1 something, I didn't recognize that her answer was
2 going to be anything about domestic violence, so.

3 THE COURT: I don't want to get into
4 specific issues. She has already testified she was
5 afraid of him. I think that's enough.

6 GENERAL HAGERMAN: But I think here is
7 the issue, Your Honor, during the course of this
8 domestic incident we are talking about, where he beat
9 her, is when he taunts her, I'll do you like I did
10 Holly Bobo, the world will never find you. And this
11 witness has been impeached about why is she afraid of
12 him so that she didn't come forward to law
13 enforcement.

14 THE COURT: I don't want to get into the
15 domestic violence being that she has already
16 testified that he made the statement, I'll do you
17 like Holly Bobo, they'll never find you.

18 GENERAL HAGERMAN: But the circumstances
19 where she made it become important when she's
20 impeached about it, do you really remember this
21 thing.

22 THE COURT: I think we've gone as far as
23 we need to go, so you need to divert and go a
24 different direction, okay. Are you going to be with
25 the witness awhile long?

1 GENERAL HAGERMAN: Yeah. I'd say at
2 least 20 minutes.

3 THE COURT: Okay. Well, that's why I
4 took a break. Okay. I am telling you, should he
5 testify, he can open this door.

6 (Short break.)

7 THE COURT: What I am going to do, rather
8 than make each of these an exhibit, I'm just going to
9 give them to the court reporter, and they will be
10 collective exhibit, whatever the note was. Okay.
11 And I'll go ahead and tell you what these are. One
12 of them says, what is 404(b) content. I am going
13 tell them that that's a rule of evidence and we
14 really don't need to go into it. It's strictly legal
15 grounds. Okay. And the other one, they wanted to
16 know what game I was playing, I think that's from
17 when the sound went off.

18 GENERAL NICHOLS: Your Honor, before they
19 do come in I did want to put on the record that the
20 State filed a supplement to the State's notes,
21 attempting to use as evidence, I guess -- the 404(b)
22 is attached on the back of that set of motions at the
23 end of May, and in that motion to introduce 404(b)
24 evidence, we included the domestic violence. Well,
25 we included, actually, looks like 12 things,

1 including the information that we sought to admit
2 today. We are asking the Court to allow us to hear
3 that motion. At the time, we had motion hearings and
4 the defense, of course, I guess, did not want us to
5 introduce that, and Your Honor said that we would
6 take that up in the course of the trial as these
7 things came up.

8 THE COURT: Do you want to take it up
9 now?

10 GENERAL NICHOLS: I do, because this is
11 the right witness. This would have been the witness
12 that we --

13 THE COURT: All right. Let's bring the
14 witness in.

15 GENERAL NICHOLS: -- that we would have
16 had to call.

17 THE COURT: Keep the jury out. Once I
18 hand these to you, put a 1 on the first one, 2 on one
19 of these, and 3 on the other.

20 BY GENERAL HAGERMAN:

21 Q. Ms. Earp, you're still under oath, okay. And
22 the jury's not here. There were two things that we
23 started to talk about that we didn't talk about on
24 direct examination. That's what I'm going to ask you
25 about now.

1 Let's start -- let's start on the day that
2 you finally left in July, Zach Adams.

3 A. Okay.

4 Q. Do you remember that date?

5 A. The day that I left?

6 Q. Yes.

7 A. Yes.

8 Q. Is that something you will ever forget?

9 A. Correct.

10 Q. Listen to my question. Is it something that
11 you'll ever forget?

12 A. Oh, no, no.

13 Q. Can you tell us what happened that day?

14 A. We got into it, physically. Him -- I was
15 trying to get away. I took off running, ran in the
16 closet, and he held me down and had -- was trying to
17 tie my feet up with one of his belts, and he told me
18 that he was going to tie me up just like he did Holly
19 Bobo and nobody would ever find me again. And
20 somehow, I got away. He was in his boxer shorts, and
21 I grabbed his manly as tight as I could and pulled
22 him. That's how I got away, and I took off running.

23 Q. And at the time that he said that, was he --
24 his demeanor, was he joking with you?

25 A. No.

1 Q. Was he being very violent with you?

2 A. Yes.

3 Q. Was he being very serious with you?

4 A. Yes.

5 Q. Is that something you'll ever forget?

6 A. No.

7 Q. Rewind to the day that Holly Bobo went

8 missing.

9 A. Okay.

10 Q. You described how Zach came to Joe's Video?

11 A. Yes.

12 Q. Is that correct?

13 A. Yes.

14 Q. You described it as being, getting toward

15 noon?

16 A. Uh-huh.

17 Q. Or getting toward the afternoon; is that

18 correct?

19 A. Yes.

20 Q. What happened when Zach came to Joe's Video?

21 A. The reason why we was into it, I'm not

22 really -- I don't really remember, but when he got

23 out of the truck and he come up to me, forcefully,

24 and grabbed my head as tight as he could and head

25 butted me.

1 Q. That was on the very day that she went
2 missing?

3 A. Yes.

4 Q. Hours after?

5 A. Yes.

6 Q. And when he did that, was he joking or was he
7 doing --

8 A. No.

9 Q. -- violently?

10 A. No.

11 Q. The fact he had been violent with you, were
12 those reasons why you were afraid of him?

13 A. Yes.

14 Q. But you were still there living with him?

15 A. Yes.

16 MS. THOMPSON: Your Honor, I would like
17 to be heard on the 404(b). I don't --

18 THE COURT: I am ready to rule. As far
19 as 404(b), the Court finds that these acts of
20 domestic violence, I find that they did occur by
21 clear and convincing evidence. They might could
22 serve a material issue as far as showing her fear,
23 but as far as the last part of that, the Court must
24 exclude the evidence if its probative value is
25 outweighed by the danger of unfair prejudice, and the

1 Court so finds. So we won't go further into those
2 matters. Let's bring our jury in, please.

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

6 THE COURT: Be seated, please. All
7 right. We're going to go into the evening break.
8 Had a couple more questions. Someone wanted to know
9 what 404(b) content is. I will tell you that that's
10 actually a rule of evidence, but it's something that
11 concerns itself to the court from a legal standpoint.
12 It does not concern the jury. It's a determination
13 that I must make concerning admissibility of certain
14 evidence, okay.

15 Then number two, somebody wanted to know what
16 game I was playing. I don't know who did that. I
17 hit one of these doggone videos, and I did it twice,
18 and it sounded like it was on loud speakers up here.
19 But I think we've got that remedied. I will tell you
20 periodically, I will check things on this. I've got
21 West Law where I can do legal research. I have
22 actually looked at these proceedings that are being
23 televised to make sure that the press is in
24 conformity with what they're allowed to show and not
25 show. So that's some of what I've been doing up

1 here, and I just hit the wrong button.

2 I might have told you, my tech support is my
3 wife and daughter. I'm just -- I can barely get
4 around on this thing, so I make mistakes, but we got
5 it silenced now. Okay. All right. We're ready to
6 proceed.

7 BY GENERAL HAGERMAN:

8 Q. Ms. Earp, you've been questioned and
9 questioned. You've heard about statement and
10 statement and statement and statement; is that right?

11 A. Uh-huh, yes, sir.

12 Q. Try to answer it out loud.

13 A. Yes, sir.

14 Q. We've heard about at times something happened
15 at one time and then a different time, maybe at a
16 different time; would you agree with me?

17 A. Yes.

18 Q. We've heard how your life was back then?

19 A. Yes.

20 Q. Right?

21 A. Yes.

22 Q. We've heard that it was volatile with him,
23 correct?

24 A. Yes.

25 Q. We've heard that you were scared of him?

1 A. Yes.

2 Q. I want to drill down right now just the
3 absolute truth of three or four things?

4 A. Okay.

5 Q. Okay. So can you really listen to my
6 questions?

7 A. Yes.

8 Q. The day when you finally left him.

9 A. Okay.

10 Q. What did he say to you that day?

11 A. On the day that he left -- I don't remember.
12 The day that he --

13 Q. Let me correctly --

14 MS. THOMPSON: I object to any leading,
15 Your Honor.

16 THE COURT: He can ask it another way.
17 She's already given testimony, I think.

18 BY GENERAL HAGERMAN:

19 Q. It's something you've already told us about.

20 A. Okay.

21 Q. Okay. The day that you finally left --

22 A. Uh-huh.

23 Q. Okay. I am not asking you what happened, but
24 the day that you finally left him, what did he say to
25 you?

1 A. I don't remember.

2 Q. Okay. Well maybe I am confused.

3 A. Yeah.

4 MS. THOMPSON: Your Honor, asked and
5 answered.

6 THE WITNESS: He didn't want me to leave.

7 THE COURT: All right. Would you stand
8 when you make your objection?

9 MS. THOMPSON: Oh, I am sorry, Your
10 Honor, yes.

11 THE COURT: It has not been asked and
12 answered. He can ask.

13 BY GENERAL HAGERMAN:

14 Q. When did Zachary Adams tell you he would tie
15 you up like Holly Bobo, and you would never be seen
16 again?

17 A. July the 13th.

18 Q. Well, do you remember that day?

19 A. Yes.

20 Q. Is that not the day that you finally left
21 him?

22 A. Yes. And I called my mother to come get me,
23 and he ended up calling her back saying that
24 everything was okay. But my mother had an instinct
25 to go ahead and send my nephew to come get me.

1 Q. Okay. Let me stop you there.

2 A. Uh-huh.

3 Q. So did my question confuse you before that?

4 A. Yes.

5 Q. It did?

6 A. Yes.

7 Q. Okay. So July the 13th, is that a day you're

8 ever going to forget?

9 A. No.

10 Q. When is your birthday?

11 A. July 14.

12 Q. It's the day before your birthday?

13 A. Yes.

14 Q. It's the day that you finally got away from

15 him, right?

16 A. Yes.

17 Q. Your mother came and picked you up?

18 A. No, my nephew.

19 Q. Your nephew?

20 A. Uh-huh.

21 Q. Well, what did he say to you that day?

22 A. He told me that I better not go to the law or

23 I better not make any statements, otherwise he would

24 hurt me or my family.

25 Q. And you were afraid of him?

1 A. Yes.

2 Q. And is that not the same day that he told you
3 he would tie you up like Holly Bobo?

4 A. Yes.

5 Q. Now, back up. I don't want to confuse you.
6 I need you to really listen. You've been up there a
7 long time.

8 Now, back up, April 13.

9 A. Uh-huh.

10 Q. When Holly goes missing.

11 A. Uh-huh.

12 Q. Where did you wake up that morning?

13 A. Zach's house.

14 Q. Are you absolutely sure?

15 A. Yes.

16 Q. What woke you up that morning?

17 A. Zach.

18 Q. Are you absolutely sure?

19 A. Yes.

20 Q. About what time did that happen?

21 A. Anywhere from 6:00 to 7:00.

22 THE COURT: Speak up, please.

23 THE WITNESS: Anywhere from 6:00 to 7:00.

24 BY GENERAL HAGERMAN:

25 Q. Would you agree with me that you can't say

1 that it was at 6:05? You can't say it was at 6:15?

2 A. Correct.

3 Q. You can't say it was at 6:50?

4 A. Uh-uh.

5 Q. It was between 6:00 and 7:00?

6 A. Yes.

7 Q. And are you sure of that?

8 A. Yes.

9 Q. What did he tell you?

10 A. He kissed me on the forehead and told me to
11 go on back to bed, but not to be late for work and he
12 left.

13 Q. Okay. And what did he tell you about where
14 he was going?

15 A. To the scrap yard.

16 Q. And when he told you this, how close to you
17 is he?

18 A. What do you mean how close?

19 Q. How, physically, close is he to you?

20 A. Standing from me to you. I mean, he was
21 standing at the edge of the bed.

22 Q. At the edge of the bed?

23 A. Yes.

24 Q. And you're in the bed?

25 A. Uh-huh.

1 Q. And y'all are just feet away from each other?

2 A. Uh-huh.

3 Q. And he tells you, not to be late for work and

4 that he's going scrapping?

5 A. Yes.

6 Q. What do you do after he tells you that?

7 A. I go back to bed.

8 Q. You go back to bed?

9 A. Uh-huh.

10 Q. And you sleep some more?

11 A. Yes.

12 Q. Do you know when you woke up?

13 A. It was about 8:00. I mean, well, no, it was

14 about 7:45, something like that.

15 Q. Okay. Would you agree with me, that you

16 don't know if it was 7:45, if it was 7:50, if it was

17 8:00, if it was 8:05?

18 A. I don't really remember.

19 Q. Okay. Well, so that's important.

20 A. Uh-huh.

21 Q. Okay. That's important.

22 A. Okay.

23 Q. Where do you go that morning?

24 A. I go to work.

25 Q. Joe's Video?

1 A. Yes.

2 Q. Do you see Zach later that day at Joe's

3 Video?

4 A. Yes.

5 Q. I am not asking you what he did or what was

6 his demeanor. Was he happy? Was he sad?

7 A. He seemed irritable.

8 Q. Irritable?

9 A. Yes.

10 Q. At that point, did you already suspect that

11 he hadn't been scrapping?

12 A. Yes.

13 Q. Do you know what you did after you got off

14 work that day?

15 A. No.

16 Q. Do you know if you went back to your mom's

17 house?

18 A. I don't remember.

19 Q. Okay. Mom lives in Parsons, right?

20 A. Yes.

21 Q. Do you know if you went back to Zach's house?

22 A. I don't remember.

23 Q. Do you know if you spent the night at your

24 momma's house or Zach's house?

25 A. I don't remember.

1 Q. But do you remember, I am asking you, do you
2 remember in the days after that being in Zach's house
3 with Zach Adams and Shane Austin?

4 A. Yes.

5 Q. And do you remember something coming on the
6 TV about Holly Bobo?

7 A. Yes.

8 Q. And when it did, what happened?

9 A. Shane started laughing.

10 Q. And when Shane laughed, how far from Shane
11 were you?

12 A. I was standing in the kitchen, he was
13 standing in the living room, so probably, from here
14 to the corner of that -- from those piles of paper
15 right there (indicating), a little farther.

16 Q. I don't see papers.

17 A. About right there.

18 Q. It's 10 to 15 feet from you?

19 A. Uh-huh.

20 Q. 10 feet from you. And he laughs?

21 A. Uh-huh.

22 Q. And what does Zach do?

23 A. He makes the comment saying that they'll
24 probably never find her.

25 Q. They'll probably never find her?

1 A. Uh-huh.

2 Q. And did that laugh -- that laugh and his
3 comment, did it have an effect on you?

4 A. Yes.

5 Q. Is it something you remember?

6 A. Yes.

7 Q. And then you described other things?

8 A. Uh-huh.

9 Q. The time you stayed with Zach even after
10 that?

11 A. Uh-huh.

12 Q. Is that right?

13 A. Yes.

14 Q. Were those good days for you?

15 A. No.

16 Q. What truck was Zach driving then, April 13?

17 A. A white Nissan truck.

18 Q. Is there any doubt in your mind about that?

19 A. No.

20 Q. Now, this is the same truck he had been
21 arrested in two, ten days or whatever it was before;
22 is that right?

23 A. Yes.

24 Q. Had he gotten the truck back?

25 A. I guess. He went through so many vehicles, I

1 don't know, but, yes.

2 Q. Listen to my, listen to my question.

3 MS. THOMPSON: Your Honor, I object to
4 the -- she's guessing at something. I object to
5 guessing.

6 THE COURT: Overruled.

7 BY GENERAL HAGERMAN:

8 Q. Listen to my question. What truck was Zach
9 driving on April 13th?

10 A. A white Nissan truck.

11 Q. Okay. And why are you sure of that?

12 A. Because he come up to Joe's Video, and he
13 pulled up right where I was sitting.

14 Q. And did you see it?

15 A. Yes.

16 Q. How far away from you was it?

17 A. Me to you.

18 Q. Three or four feet?

19 A. (Nodded head affirmatively.)

20 Q. Him and his white Nissan.

21 A. Yes.

22 Q. Don't worry about your keys?

23 A. I am not.

24 Q. So had he gotten that truck back after he was
25 arrested?

1 A. After he was arrested when?

2 Q. Exactly. I confused you. The weeks before,
3 the park ranger --

4 A. Yes.

5 Q. -- at Natchez Park?

6 A. Yes, he did.

7 Q. He had gotten the truck back?

8 A. Uh-huh.

9 Q. Were you with him when he got it back?

10 A. No.

11 Q. How do you know he got it back?

12 A. Because it was in Dick's -- it was parked
13 over there between the two houses, Dick's house and
14 his house.

15 Q. So you remember he got it back?

16 A. Uh-huh.

17 Q. And you remember you saw it?

18 A. Yes.

19 Q. There's been questions about, or I heard
20 questions about, well, didn't Zach go scrapping
21 different days; isn't that right?

22 A. Yes.

23 Q. Do you remember that that morning when he
24 kissed you on the forehead, he woke you up, that he
25 actually told you that he was going scrapping?

1 A. Yes. I --

2 Q. Go ahead.

3 A. I even heard the trailer and the truck drive
4 around the house. That was -- I mean, they had the
5 trailer full of scrap.

6 Q. And, in fact, before you left that day, did
7 you do something with a note or something?

8 A. Yes. I wrote a note telling him whenever he
9 got back to put the clothes in the laundry.

10 Q. Whenever he got back to put the clothes in
11 the laundry?

12 A. Or put the clothes in the drier.

13 Q. Okay. And that was just a little --

14 A. On a little notebook.

15 Q. -- piece of paper of some sort?

16 A. Uh-huh.

17 Q. Later on, did something happen to that note?

18 MS. THOMPSON: Your Honor, I object to
19 all the leading.

20 GENERAL HAGERMAN: I am not suggesting
21 what happened to her, I'm just asking her --

22 THE COURT: No, overruled.

23 BY GENERAL HAGERMAN:

24 Q. Later on, did something happen to that note?

25 A. Yes. Part of the bottom paper was ripped

1 off.

2 Q. Okay. And did that happen that day?

3 A. I don't remember.

4 Q. Okay. Why do you remember this note and why
5 do you remember -- why do you remember this?

6 A. Because he was telling me that he had been
7 home and I knew he hadn't. I -- he -- he told me he
8 had been home, but yet the clothes weren't in the
9 drier, and like I said, that paper was ripped, and
10 then the scrap yard's business card was taped on
11 there.

12 Q. Okay. So you had left a note for him.

13 A. Uh-huh.

14 Q. Before you left on April 13 of 2011?

15 A. Yes.

16 Q. Is that right?

17 A. Yes.

18 Q. Asking him something about putting the
19 clothes in the drier?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. And he had told you that he hadn't been home?

24 A. Right.

25 Q. Is that correct?

1 A. Yes.

2 Q. But the note was different?

3 A. Uh-huh.

4 Q. How was it different?

5 A. The bottom paper was ripped.

6 Q. Okay. And what about the -- you said
7 something about a business card or something?

8 A. It was an old business card. It was real
9 dirty, and it was just taped on there.

10 Q. So he had taped on a business card?

11 A. It looked like it was misplaced -- like it
12 wasn't supposed to be taped on there. It was -- I
13 don't know.

14 Q. Okay.

15 A. But I knew I didn't leave it there.

16 Q. Okay. And this made an impression on you?

17 A. Yes.

18 Q. This made an impression on you?

19 A. Yes.

20 Q. This is one of reasons you were so
21 suspicious?

22 A. Yes.

23 Q. And so what did you do with that note?

24 A. I kept it.

25 Q. You kept it?

1 A. Yes.

2 Q. On April 13, the note, you kept it?

3 A. Uh-huh.

4 Q. And what did you do with it after you kept
5 it?

6 A. I later gave it to y'all.

7 Q. You gave it to who?

8 A. To one of the TBI agents.

9 Q. To the TBI agents?

10 A. Yes.

11 GENERAL HAGERMAN: May I approach the
12 witness?

13 THE COURT: You may.

14 BY GENERAL HAGERMAN:

15 Q. What is that?

16 A. The note I wrote Zach.

17 Q. Whose handwriting is that?

18 A. Mine.

19 Q. And what are you telling him?

20 A. Will you put those clothes in the drier for
21 me? Thanks. Have a great day.

22 Q. And when you returned later that day --

23 A. Uh-huh.

24 Q. -- what had happened to the note?

25 A. It was ripped on the bottom.

1 Q. So when you left it, it was a full page of
2 paper?

3 A. Yes, sir.

4 Q. And what else had happened to it?

5 A. A business card was taped on, like, it was
6 halfway taped on the side and on the counter.

7 Q. And what kind of business card is it?

8 A. It's Auto Salvage.

9 Q. And that's what he had told you he was going
10 to do, right --

11 A. Yes, uh-huh.

12 Q. -- was, like, scrap?

13 A. Uh-huh.

14 Q. But you know that he didn't?

15 A. Right.

16 Q. But yet he left that?

17 A. Yes.

18 Q. And so you kept it?

19 A. Yes.

20 Q. You kept it, an actual piece of evidence from
21 April 13th of 2011?

22 A. Uh-huh.

23 GENERAL HAGERMAN: I introduce that into
24 evidence, Judge.

25 THE COURT: Exhibit 65.

1 (WHEREUPON, the above-mentioned document
2 was marked as Exhibit Number 65.)

3 BY GENERAL HAGERMAN:

4 Q. When you were asked about this scrapping on
5 April 11, whether or not you remember it, well, here
6 it is, this is from April 13, right?

7 A. Uh-huh.

8 Q. Here it is. Here it is. This is Exhibit 65.
9 Whose writing is this?

10 A. Mine.

11 Q. What does it say? Read it to me.

12 A. Oh, yes. "Will you put the clothes in the
13 drier, please? Have a great day. Thanks. Love
14 Becca."

15 Q. And it was on a piece of paper when you left
16 on April 13th?

17 A. Yes.

18 Q. When you came back, the paper is ripped?

19 A. Yes.

20 Q. But he told you he hadn't been home?

21 A. Right.

22 Q. And then there's this salvage card taped to
23 it?

24 A. Uh-huh.

25 Q. But you knew he hadn't been scrapping?

1 A. Right.

2 Q. And so you kept this?

3 A. Uh-huh.

4 Q. And you turned it in?

5 A. Uh-huh.

6 GENERAL HAGERMAN: That's all, Judge.

7

8 **RECROSS-EXAMINATION**

9 **QUESTIONS BY MS. THOMPSON:**

10 Q. Okay. So on July 20, 2011, that's after the
11 day in infamy, July 13, 2011, of course; isn't it?

12 A. Uh-huh.

13 Q. Okay. And on that day, you've already left
14 Zachary Adams forever as his girlfriend; is that
15 right?

16 A. Yes.

17 Q. Okay. And at that time when you talked to
18 Ricky Inman, you told him that Zach was still at home
19 when you left for work that morning around 9:15 a.m.;
20 didn't you?

21 A. Yes, I did. But you got to understand, I was
22 under the influence. I was scared to death.

23 Q. Okay.

24 A. And he had already told me, I mean, as all --
25 with all the threats and things that he's given me,

1 of course, I wasn't going to tell the whole truth.

2 Q. Okay. So you weren't going to tell the whole
3 truth, then, right?

4 A. Huh-uh.

5 Q. But between that day and July 20, 2011, you
6 remained friends with Zach Adams up until the time he
7 was arrested?

8 A. I loved him.

9 Q. Didn't you?

10 A. Yes.

11 Q. Okay. You loved him?

12 A. Uh-huh.

13 Q. And you remained friends. You continued to
14 go over to his house and hang out with him; didn't
15 you?

16 A. Yes.

17 Q. Okay. And so later on when you spoke to -- I
18 guess, earlier today, minutes ago, after 3:30 p.m.,
19 when you testified in front of this jury, you told
20 this jury that you woke up on April 13, 2011,
21 sometime between 6:00 a.m. and 7:30 a.m.; didn't you?

22 A. Uh-huh.

23 Q. And then just minutes ago, you told Paul
24 Hagerman, on your redirect, that you woke up sometime
25 between 6:00 a.m. and 7:00 a.m.; didn't you?

1 A. Yes.

2 Q. So you cut 30 minutes of it off?

3 A. It's been six years ago.

4 Q. Okay. So it's been six years. Your memory
5 is fuzzy?

6 A. Yes.

7 Q. Okay. And then I would like to look at this
8 note we just put in. Is this the note right here? I
9 am going to look at this note we just put in. This
10 is the note, and you pull out this note years later;
11 is that right?

12 A. Yes.

13 Q. I mean, you broke up with Zach, July 13,
14 2011, and sometime in 2014 is the first time you
15 produced this note; isn't it?

16 A. I don't remember when I produced it. I don't
17 remember when I gave it to them.

18 Q. Okay. Well, if it doesn't -- it's not
19 mentioned in your report with Ricky Inman; is it?

20 A. No.

21 Q. Okay. And so, you agreed with me earlier
22 that -- from that point, after you talked to Ricky
23 Inman in 2011, the next time you spoke with officers
24 was after Zach had been arrested on these charges;
25 isn't it?

1 A. Yes.

2 Q. Okay. And you came forward, and you say you
3 have this note and this note, right here, a scrap
4 note on a piece of notebook paper is how you remember
5 the day that Zach went scrapping?

6 A. Yes, ma'am.

7 Q. But this note does not have a date on it;
8 does it?

9 A. No.

10 Q. This note, and I think you may have misread
11 it earlier, it says, "Zach, will you put these
12 clothes in drier for me? Thanks. Have a great day."
13 Peace sign, heart, smiley face. "Love, Becca."

14 A. Okay.

15 Q. And it happens to have a card for the Highway
16 191 Auto Salvage taped to it?

17 A. Uh-huh.

18 Q. But this note, in and of itself, doesn't help
19 you remember which day it was that Zach went
20 scrapping; does it?

21 A. It helped me remember, because I knew that
22 that was another reason that he was in a lie. I
23 mean, he told me a lie.

24 Q. Right. But the thing was, if you think about
25 it, because you're saying, you suspected he was

1 cheating on you and when he -- the whole thing about
2 metal scrapping is, he went metal scrapping but you
3 think, maybe, instead, he was cheating on you and
4 didn't really go metal scrapping. That's why you
5 were mad, right?

6 A. I never said that, no.

7 Q. I thought you said you were worried he was
8 cheating on you?

9 A. During our relationship, yeah.

10 Q. No, but I thought on direct, you said you
11 were worried that he was cheating on you?

12 A. At one point in our relationship, yes. But
13 not that morning, no.

14 Q. Oh. I am sorry, I understood that that
15 morning you thought he was cheating on you?

16 A. No.

17 Q. Okay. But in fact, he had, or it's very
18 possible, he had been metal scrapping on other days
19 that same week, right?

20 A. Yes.

21 Q. And this just helps you remember, if you're
22 honest with yourself, it helps you remember you were
23 mad at him about metal scrapping.

24 A. Uh-huh.

25 Q. It's only through an association in your

1 memory that you say it's on that particular
2 Wednesday? It could have been on that Monday;
3 couldn't it? It's possible?

4 A. No, because I specifically remember, that was
5 another reason why he lied to me that day, because I
6 knew he had been at home because of the bottom piece
7 of the paper had been ripped.

8 Q. The bottom piece of the paper being ripped
9 let's you know he was at home some point during the
10 day?

11 A. Yes.

12 Q. Okay. But he could have -- that could have
13 been on Monday? The paper being ripped doesn't help
14 you distinguish Monday from Wednesday; does it?

15 A. No.

16 Q. And as a matter of fact, you were already
17 fussing with him on Tuesday, April 12, because that's
18 why you were at your mother's house late --

19 A. Yes.

20 Q. -- isn't it?

21 A. Yes.

22 Q. That's why you were considering not spending
23 the night with him, because you were already in a
24 fight; isn't it?

25 A. Yes.

1 Q. And you don't specifically now remember what
2 that fight was about; do you?

3 A. No.

4 Q. Okay. So it's possible that the fight on
5 Tuesday had to do with metal scrapping on Monday;
6 isn't it?

7 A. If you say so.

8 Q. No. I am telling you -- I am asking you,
9 it's possible; isn't it?

10 A. No.

11 Q. So the fact that there happens to be an Auto
12 Salvage card taped to this note does not help you
13 remember what specific day this occurred on; does it?

14 GENERAL HAGERMAN: Your Honor, I think
15 this has been asked and answered.

16 MS. THOMPSON: Not this specific
17 question.

18 THE COURT: We're about to beat this
19 thing to death, but go on.

20 BY MS. THOMPSON:

21 Q. Because, in fact, he already knew where to go
22 scrapping, he didn't need a card to go scrap there?
23 He didn't need to pick up a card so he knew where to
24 go that day?

25 A. Correct.

1 Q. So you say that he gets to Joe's Video and
2 you have a fight at Joe's Video with him over
3 scrapping, is that what -- you had an argument with
4 him at Joe's Video over scrapping?

5 A. Yes.

6 Q. Okay. And he shows up at Joe's Video, you
7 say he has the trailer on the truck at Joe's Video?

8 A. No. The trailer wasn't on there, no.

9 Q. Okay. So he shows up only with the car.

10 A. The truck.

11 Q. The truck, sorry.

12 A. Yes.

13 Q. Okay. So if you're having a fight already at
14 Joe's Video about the scrapping, you haven't even
15 gone home yet to see the note; have you?

16 A. Huh-uh.

17 Q. So already at Joe's Video, you suspected,
18 apparently, that he hadn't gone scrapping?

19 A. Uh-huh.

20 Q. So the note, in that case, didn't have
21 anything to do with reminding you about the fight?

22 A. Right.

23 Q. Okay. And it's possible he could have gone
24 scrapping and still gotten home before you; isn't it?

25 A. Yes.

1 Q. Because you don't remember what time you got
2 home that day; do you?

3 A. Correct.

4 Q. And you don't even remember if you spent the
5 night at Zach's house that day or you spent the night
6 at your mom's house that night; do you?

7 A. Huh-uh.

8 Q. No. You don't remember what you had for
9 dinner that day; do you?

10 A. Yes.

11 Q. I thought on direct you --

12 A. Because actually when the conversation
13 brought -- we was watching the news and the
14 conversation come up about her being missing, and
15 Zach said that they'd never find her. I remember
16 what I was cooking that night and eating, and so that
17 was the day that she come up missing.

18 Q. So you're saying this very day now that they
19 caught -- that it comes up on the news and he says
20 they'll never find her --

21 A. Uh-huh.

22 Q. -- is the very day that she disappeared?

23 A. It was either that day or the day after.

24 Q. Oh, but you don't remember?

25 A. No.

1 Q. So now you don't remember. So now, you don't
2 know for sure what you were cooking for dinner?

3 A. I just remember specific details that stuck
4 out to me, that didn't seem right.

5 Q. Okay. Because you left some of these
6 important things out, you didn't mention --

7 THE COURT: You got a question rather
8 than a statement?

9 MS. THOMPSON: I have a leading question
10 for my cross-examination.

11 BY MS. THOMPSON:

12 Q. You have not been charged with lying to any
13 of the TBI agents, even though you have changed your
14 story multiple times; have you?

15 A. Huh-uh.

16 GENERAL NICHOLS: Your Honor, I am going
17 to object. There's not such a charge.

18 MS. THOMPSON: There is obstruction of
19 justice. There is obstruction of justice.

20 THE COURT: You can ask her if she has
21 been charged.

22 MS. THOMPSON: You have not been
23 charged --

24 THE COURT: She says she has not been
25 charged.

1 MS. THOMPSON: No further questions.

2 GENERAL HAGERMAN: No further questions.

3 THE COURT: All right. Step down.

4 Please don't discuss your testimony with anyone.

5 You're free to go.

6 THE WITNESS: Thank you.

7 THE COURT: We're at 5:25, I think it's
8 time to break for the evening. Be ready to go first
9 thing in the morning. I hope we can pick up the pace
10 at that time. It's been a whole lot of repetitive,
11 and I want counsel to concentrate and try to focus to
12 avoid redundancy.

13 Follow the admonitions I gave you at the
14 outset. Leave your notebooks here, be secured over
15 night. I hope you do as well as you can do tonight,
16 okay? Thank you.

17 (WHEREUPON, the jury left the courtroom,
18 after which this concluded Volume VI.)
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