

W2020-07208-CCA-K3-CU

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

5 Plaintiff,

6 vs.

Case No. 17-CR-10

7 ZACHARY ADAMS,

8 Defendant.
9

ORIGINAL

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME VIII OF XVII
14 -----

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

20
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22 BY Shanna Peep D
23 -----

24 Reported by:
ERIN ANGEL
Court Reporter

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1 **VOLUME VIII**

2 **DAY 4**

3 **WEDNESDAY, SEPTEMBER 13, 2017**

4
5 THE COURT: Okay. We got the jury on the
6 way. We'll start back up as soon as they get here.

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

10 THE COURT: You want to get our lights
11 back up?

12 All right. Be seated. Next witness.

13 GENERAL CHRISTENSEN: Marco Ross. Marco
14 Ross.

15 MR. SIMMONS: Your Honor, can we
16 approach?

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

19 MR. SIMMONS: Your Honor, this was the
20 subject of a pretrial motion about excluding the
21 actual physical skull if they intended --

22 THE COURT: I hope we won't.

23 GENERAL NICHOLS: Not unless y'all make
24 it an issue.

25 THE COURT: Okay. I was hoping we could

1 avoid that.

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

4 (The witness was sworn.)

5 THE COURT: Be seated. I want you to
6 state your name for the court reporter and spell
7 first and last, please.

8 THE WITNESS: Marco, M-A-R-C-O. Ross,
9 R-O-S-S.

10 THE COURT: Okay. You can proceed.

11 GENERAL CHRISTENSEN: Thank you, Judge.

12
13 * * *

14 **MARCO ROSS, MD,**
15 **was called as a witness and having first been duly**
16 **sworn testified as follows:**

17
18 **DIRECT EXAMINATION**

19 **QUESTIONS BY GENERAL CHRISTENSEN:**

20 Q. Good afternoon. You can use that microphone,
21 Doctor. It's been pushed up a little bit.

22 What do you do?

23 A. I am forensic pathologist and the deputy
24 chief medical examiner at the West Tennessee Regional
25 Forensic Center.

1 Q. That's in Memphis?

2 A. That's correct.

3 Q. What kind of education do you have to do to
4 be a forensic pathologist?

5 A. In my case, I graduated from Tulane Medical
6 School in 1985. I completed a residency in general
7 surgery at the University of South Carolina in 1991.
8 And then I served as a surgeon in the United States
9 Navy for four years. And from '95 to '99, I
10 completed a residency in anatomic and clinical
11 pathology at the University of Vermont. And then a
12 forensic pathology fellowship at the University of
13 North Carolina, which I completed in 2000.

14 For the next two and half years, I served as
15 a medical examiner in Phoenix, Arizona. Then I
16 served as a medical examiner in Spokane, Washington
17 for approximately four and a half years. And I've
18 been with the Memphis office since March of 2007.

19 Q. Are there any types of continuing education
20 that you do to stay up to date and learn new
21 techniques?

22 A. We are required to do at least 40 hours a
23 year, or actually every two years of continuing
24 education.

25 Q. Do you do any teaching or write any articles

1 or things like that?

2 A. We are involved in educational activities
3 with the University of Tennessee Health Science
4 Center in Memphis. We have clinical appointments
5 there as well as our appointments at the forensic
6 center. We have a fellowship program. We educate
7 fellows and residents as well as medical students.
8 We do some poster presentations with them at national
9 meetings.

10 Q. Do you have any type -- you might have
11 already mentioned this, but do you have any type of
12 certifications and that type of thing?

13 A. I am board certified in anatomic and clinic
14 pathology and in forensic pathology.

15 Q. How many autopsies have you performed?

16 THE COURT: Let's go ahead -- stipulate
17 him as an expert witness in his field?

18 MR. GONZALEZ: We stipulate, Your Honor.

19 THE COURT: All right. Thank you.

20 BY GENERAL CHRISTENSEN:

21 Q. Now, do you remember -- I am going to -- did
22 you bring the report of an autopsy on a Holly Lynn
23 Bobo?

24 A. Yes, I did.

25 Q. What's the first thing you do on an autopsy

1 like that?

2 A. Well, in a typical autopsy that involves more
3 intact remains, of course, we do an external
4 examination of the body, the outer surfaces, and then
5 proceed with an internal examination examining organs
6 and internal structures for evidence of disease and
7 injury. In this particular case, we had already
8 skeletonized remains to examine.

9 Q. The remains here were initially examined by a
10 different doctor, correct?

11 A. That's correct.

12 Q. Was that Dr. Karen Chancellor?

13 A. Yes, she's the chief medical examiner.

14 Q. She's currently on leave, correct?

15 A. That's correct.

16 Q. Now you have her report here; is that
17 correct?

18 A. That's correct.

19 Q. Is that a report that's kept in the normal
20 course of business by the West Tennessee Forensic
21 Center?

22 A. Yes, it is.

23 Q. Are those reports accurate?

24 A. Yes, they are.

25 Q. You're not just relying off that report,

1 though, to testify today; are you?

2 A. No. I actually had the opportunity to
3 examine the remains myself.

4 Q. Okay. I am going to -- and defense counsel
5 has looked at these photographs and some photographs
6 would help you detail for the jury what you were able
7 to find; is that correct?

8 A. Yes.

9 Q. If you could look at these photographs in
10 order, and just let us know if those accurately
11 depict the remains that you were able to examine for
12 your testimony today.

13 A. Yes, they do.

14 Q. They do, okay. Thank you.

15 GENERAL CHRISTENSEN: Your Honor, if we
16 could have these -- I am going to count them, but
17 there are 12 photographs. If we could have those
18 entered as the next.

19 THE COURT: Be 165 through 176 I think.
20 You always add the numbers and subtract one.

21 GENERAL RAGLAND: I think it's 162.

22 THE COURT: Nah.

23 THE REPORTER: It is 162.

24 THE COURT: Well, I can't read my
25 writing. I thought that was 164, it's 161 where I

1 scratched over something. All right. Thank you. So
2 it would be 162 through -- how many did you say? How
3 many?

4 GENERAL CHRISTENSEN: I'm sorry, 12.

5 THE COURT: That will be 171.

6 (WHEREUPON, the above-mentioned
7 photographs were marked as Exhibit Numbers 162-173.)

8 THE REPORTER: Through 173.

9 THE COURT: 173?

10 THE REPORTER: Yes, sir.

11 GENERAL CHRISTENSEN: Are we ready,
12 Judge?

13 BY GENERAL CHRISTENSEN:

14 Q. If you could put Exhibit 162 up for us, and
15 we'll need to zoom out. Bring it in a little bit.
16 That's good.

17 Doctor, are these the items that were
18 delivered to your office from Decatur County?

19 A. Yes, they are.

20 Q. If you could look at those items, there's
21 something -- if we could focus maybe -- focus that a
22 little bit better. It's still not focused very well.

23 You have that in your hand already?

24 A. Yes.

25 Q. There are a couple of -- well describe what

1 we have in that photograph.

2 A. What we received for examination included the
3 skull along with the mandible with some teeth present
4 in there, as well as several individual loose teeth.
5 The left scapula or shoulder blade, and there were
6 six ribs here. There's actually a seventh, what
7 looked like a rib, but is actually this is just a
8 piece of wood, was not a rib. Appears also just
9 another fragment of wood, picked up, I think, was
10 thought to possibly be a bone fragment. Turns out
11 it's just a piece of wood.

12 Down here is the manubrium, which is the
13 upper part of the sternum. And this here is a
14 nonhuman bone that was subsequently identified by the
15 anthropology lab as the bone of a common dog.

16 Q. So I am counting seven actual ribs, is that
17 correct, Doctor? And then there's a piece of wood
18 going from the top on the ribs, that's a rib --

19 A. Yes, there are one, two, three, four, five,
20 six, seven ribs.

21 Q. Okay.

22 A. And then a piece of wood.

23 Q. And then there's a piece of wood.

24 A. That's not in here, yes.

25 Q. And how do you begin your examination with

1 remains like these?

2 A. Well, we will start by documenting what bones
3 are there, which bones may be present with partial
4 remains such as this. We try to document
5 specifically which bones they are. And then we start
6 looking at overall characteristics of the bone,
7 making an evaluation as to whether or not they give
8 any indication of stature or age and the
9 characteristics of the bones themselves in terms of
10 weathering, which may give us some idea as to how
11 long the remains have been at the location of where
12 they were found. And then we will analyze the
13 remains to look for any evidence of disease to the
14 boning structure, is there any evidence of injury.

15 Q. Okay. Now, we see a number of teeth here in
16 the photograph, Dr. Ross. What type of a doctor or
17 what type of a process do you go through to make an
18 identification with teeth like that that are found on
19 a scene?

20 A. We'll usually ask for help from a forensic
21 odontologist who will then examine the dentition as
22 well as the jaws and do comparisons of those with
23 known records available of a suspected individual,
24 deceased individual to try to make an identification
25 on that basis.

1 Q. In this case, was that done?

2 A. Yes, it was.

3 Q. Was that Dr. Hollan Manis?

4 A. That's correct.

5 Q. And she compared the teeth that we're looking

6 at here with some existing dental records of Holly

7 Lynn Bobo?

8 A. Correct.

9 Q. We're going to put what has been marked as

10 Exhibit 163 on the overhead. If you could describe

11 what we're looking at here.

12 A. This is a photo of the back of the skull.

13 These are normal sutures that an individual has on

14 the back of the skull. Skull is actually made up of

15 several different bones early in life that come

16 together and fuse along these suture lines. And the

17 top of the head would be towards the top part of the

18 photograph. Here is the base of the skull down here.

19 So the right side of the skull will be here, and here

20 is the left side. And over on the right side of the

21 back of the skull, there is an ovoid defect here that

22 has internal beveling on it. What that means is that

23 the outer edge of the bone is fairly sharply defined,

24 but on the inside surface of the skull, the bone is

25 beveled in an outward manner. That's pretty typical

1 for a gunshot entrance wound creating that pattern on
2 the bone. In addition, there are these fracture
3 lines that are radiating from the gunshot entrance
4 wound site.

5 Q. Could you show us again those fractures
6 radiating from the --

7 A. Yes. There's one fracture going upward like
8 this (indicating), and there's another fracture going
9 downward right there (indicating).

10 Q. Those would be caused by?

11 A. Those are caused by the bullet causing --
12 actually causing expansion of tissues inside the
13 skull, which then pushes the skull outward and
14 secondarily fracture the skull.

15 Q. Okay. Is that -- that expansion, what causes
16 the expansion?

17 A. As the bullet passes through the tissue, the
18 energy of the bullet is dissipated in the surrounding
19 tissue. And those tissues will literally expand.

20 Q. Okay. And that can cause fractures in the
21 skull?

22 A. Yes.

23 Q. Doctor, we're going to now put what has been
24 marked as Exhibit 164 up, and if that helps you
25 describe the injuries a little bit better.

1 A. This photograph shows also the back of the
2 skull. Now it's taken a little bit more as though
3 from her back right side. You can see over here is
4 what's called the mastoid process. That's the big,
5 bony protuberance that you can feel just behind your
6 ear. And this, again, shows the bullet location a
7 little bit more as looking straight onto the bullet
8 was looking -- as opposed to looking at it on its --
9 a little bit more towards its side in the previous
10 photograph.

11 And again, one can see a photograph extending
12 upward in this direction to the infracture and
13 another fracture extending downward in that
14 direction.

15 Q. Okay. Now Exhibit 165.

16 A. And this view is taken more from the right
17 side. This is looking at the right side of the
18 skull. And again, this here represents the gunshot
19 entrance wound. And of course, the front of the
20 skull is towards the right. This is what remains of
21 the upper jaw on the right side. The orbit or eye
22 would be located just inside the bone in this area.
23 This hole here actually represents the ear canal.

24 Q. It looks like, Doctor, that the bottom part
25 of the skull is -- is that dirt and debris on the

1 bottom part?

2 A. There is. There's some dirt in this area
3 where the skull had been resting on the ground.

4 Q. So it appears -- does it appear to have been
5 resting that way for some time?

6 A. Yes, it did. Even once some of this dirt and
7 material is cleaned off, there was some brown
8 staining of the skull in this area, which is pretty
9 typical when a bone has been resting in an area for a
10 long time. Whereas, the other surfaces of the skull
11 were a bit more weathered because of their exposure
12 to the sun and the elements.

13 Q. Okay. Did you measure, or do you know the
14 circumference of the hole of the entry wound?

15 A. I believe it was approximately 9 by 11
16 millimeters.

17 Q. Okay. If -- well, I'll come back to that.
18 If we could look at Exhibit 166. What are we looking
19 at here, Doctor?

20 A. This is another view of the right side of the
21 skull. This one is taken even more directly right on
22 the right. So the bullet hole is seen here more
23 towards the back of the skull. Of course, the more
24 recognizable orbit and upper jaw up here. Again,
25 this represents the opening to the ear canal. And

1 there are some fractures. In addition to the
2 fracture back here, there's also a fracture of this
3 mastoid process, which again, is associated with the
4 gunshot wound.

5 Q. Are those also -- is that a fracture on the
6 right eye over here, the socket and up to the --

7 A. These are actually normal suture lines. But
8 there is actually a fracture running right along in
9 here on the right side of the maxilla.

10 Q. Could those fractures have been caused by
11 that same bullet?

12 A. They're all consistent with this gunshot
13 wound, yes.

14 Q. Okay. I am going to show you, Doctor, 167.
15 What are we looking at here?

16 A. This is a photograph taken showing the left
17 side of the skull. And again, just the eye orbit
18 here is where the ear would be located. And there
19 are also some fractures that can be seen on this side
20 associated with the gunshot wound.

21 In addition, and it will be better
22 appreciated in other views, but much of the left side
23 of the maxilla is absent, because the bullet actually
24 exited this area of the left side of the face. A
25 portion of that bone is absent because of that.

1 Q. Okay. And did you indicate that some of
2 these fractures on the left side of the skull could
3 also be caused by -- did you already say that? I
4 apologize --

5 A. Yes.

6 Q. -- if I'm asking you again.

7 A. They are consistent with being caused by a
8 gunshot wound.

9 Q. Why is that? Can you tell from this skull
10 the range of the wound or if the wound were, you
11 know, in other words if the gun was pressed against
12 the head or close to the head or within feet of the
13 head?

14 A. No. Based on my examination of the remains,
15 I was unable to determine a range of fire.

16 Q. Would these fractures be consistent with a
17 close-up wound?

18 A. Yes, they would be.

19 Q. 168, Doctor. If I can get that -- I don't
20 know if we can zoom out a little bit on that.

21 Now, we see a metal rod going through. If
22 you could describe to us what this is.

23 A. This is a photograph showing the bottom of
24 the skull. So in this case as if you're standing
25 underneath looking upwards into the skull, this hole

1 here is what's called a foramen magnum. So this is
2 the part of the skull that sits on the top of the
3 spine, and the spinal cord goes up through there and
4 connects to the brain.

5 The front of the skull is up here towards the
6 top of the picture. The back of the skull or the
7 back of the head would be down here towards the
8 bottom of the picture. This is her right side. This
9 is her left side.

10 The bullet or the rod goes through the bullet
11 hole, the entrance wound down here on the right, back
12 side of the skull. This defect here is an area of
13 the skull known as the clivus. It's in the base of
14 the skull. And it's an area right sort of next to
15 where the brain stem would lie. And this part is
16 missing, and there's external --

17 THE COURT: What did you call that?

18 THE WITNESS: The clivus.

19 THE COURT: You want to spell it?

20 THE WITNESS: C-L-I-V-U-S.

21 THE COURT: Okay.

22 THE WITNESS: And the defect here with
23 the external beveling is consistent with a bullet
24 then exiting through this portion of the base of the
25 skull. It continued up through here. And again, a

1 lot of the left maxilla or left upper jaw area is
2 absent because of the gunshot wound continuing
3 through this area causing fractures in that region as
4 well.

5 BY GENERAL CHRISTENSEN:

6 Q. So is that track going, I guess -- well, if
7 you could describe. Is it right to left, downward?

8 A. It's predominantly from her back towards her
9 front and somewhat from her right side towards her
10 left side. And it also had a very slight downward
11 trajectory as well.

12 Q. Okay. Exhibit 169. If you could describe
13 what we're looking at here.

14 A. This is a view of the skull taken sort of
15 from the back of the skull laying on the left side.
16 So the right side of the skull is towards the top of
17 the picture. The left side of the skull is towards
18 the bottom of the picture.

19 And, again, it's looking from the back
20 towards the front, so here is the entrance wound
21 defect with a metal rod just showing the passage of
22 the bullet going through this area here. You can see
23 that's the area of the clivus that the bullet exited
24 at the base of the skull and then continuing into the
25 area of the left maxilla or upper jaw, cheek region.

1 Q. Thank you, Doctor. We'll put 170. This is a
2 closer-up shot. And if you can describe what we're
3 looking at here.

4 A. This is a more close-up view of the base of
5 the skull particularly showing this defect in the
6 clivus, in the base of the skull. And again, showing
7 that the -- this is the external beveling I'm
8 referring to instead of the fact that you've got some
9 bone edge here on the inside layer of the skull. And
10 then the outer area, you got this area of defect is
11 back a little bit further. That's what's referred to
12 as external beveling, and is consistent with a bullet
13 passing from inside the skull out through the clivus
14 in that direction.

15 Q. Okay. Thank you, Doctor.

16 Now, Exhibit 171.

17 A. This is another photograph, again, showing
18 the bottom of the skull. But again, taken a little
19 bit more towards the front. So again, the back of
20 the skull is toward the bottom of the picture. The
21 front of the skull towards the top. The orbits of
22 the eye is easily recognized. And again, the defect
23 in the clivus, the bullet would have exited through
24 here and then continued through the left upper jaw
25 and cheek region. A lot of the bone and the teeth

1 are missing in this area, because they were multiply
2 fractured from the gunshot wound. There is an edge
3 on the maxilla here where there is that external
4 beveling that I mentioned before. And that, again,
5 is consistent with the bullet having passed in an
6 outward direction through that area.

7 And the battery is gone dead in the pointer.

8 THE COURT: Second electrical failure
9 we've had today. This one should be able to be
10 remedied.

11 THE WITNESS: So again, the bullet then
12 would exit through the base of the skull and proceed
13 through the area of the left, upper jaw and cheek
14 area. And again, this area here is where there's
15 some external beveling of bone consistent with the
16 bullet passing out through that area just underneath
17 the left eye.

18 BY GENERAL CHRISTENSEN:

19 Q. And that's going -- it kind of looks like it
20 might be going upward based on that photograph, but
21 it's going downward; is that correct?

22 A. Well, it's a slightly downward trajectory.
23 In other words, it looks upward just because the
24 front of the skull is towards the top of the
25 photograph, so the trajectory is from her back

1 towards her front and from her right towards her
2 left.

3 The downward trajectory refers to as if you
4 were actually looking at the skull from the side.
5 The fact that the entrance defect on the back of the
6 skull is a little bit higher up in the head than this
7 defect in the cheek. So it's just ever so slightly
8 downward because of that -- the location of those
9 defects.

10 Q. I am going to put what's been marked as
11 Exhibit 172 on the overhead. I don't know if this
12 gives us a better view of the injuries to that left
13 side of the face.

14 A. Yes. This is the front of the skull. Again,
15 the eye orbits are easily recognized. But there
16 are -- the gunshot exit wound defect is in the region
17 of the left cheek. A lot of the bones of this cheek
18 and upper jaw are missing, again, due to the gunshot
19 wound having passed through that area causing
20 multiple fractures, and then probably subsequent
21 postmortem loss of those bone fragments.

22 Q. Dr. Ross, would a wound like this -- well, is
23 this wound consistent with a .32 caliber?

24 MR. GONZALEZ: Objection, Your Honor, not
25 qualified in ballistics.

1 THE COURT: If he knows. If it's outside
2 his area...

3 THE WITNESS: The -- well, what a .32
4 caliber bullet is by my understanding has a
5 measurement diameter of .32 inches. By converting to
6 inches, the size of the defect in the back of the
7 skull, that's about a .36 inch defect. So anything
8 .36 or smaller could have caused that defect. So
9 that would be consistent with a .32 caliber bullet
10 causing that defect.

11 BY GENERAL CHRISTENSEN:

12 Q. So anything larger than .36 would likely not
13 have caused that wound?

14 A. Correct.

15 Q. This wound that we've been describing,
16 Doctor, would this be a fatal wound?

17 A. Yes, it would.

18 Q. Did you -- what is the manner of death? What
19 does that mean actually, the manner of death -- or
20 the cause of death? I apologize, the cause of death.

21 A. The cause of death is a gunshot wound to the
22 back of the head. And we certify causes of death are
23 those diseased processes, injuries or entities that
24 do result in death.

25 Q. But it's pretty clear here to you in your

1 expert opinion that the cause of death was the
2 gunshot wound to the back of the head that exited
3 through the left side of the front?

4 A. That is correct.

5 Q. Were you able to determine a manner of death?

6 A. We classify manner of death, in this case, as
7 a homicide.

8 Q. Doctor, I am going to pass forward your -- I
9 think defense counsel has this -- your report. If
10 you could look at this and let us know if that is the
11 autopsy report done on the remains of Holly Lynn
12 Bobo.

13 A. Yes, it is.

14 Q. The report itself is actually larger, because
15 it includes the odontologist and things like that; is
16 that correct?

17 A. The odontology and forensic anthropology
18 report are added onto this to make it part of the
19 full report.

20 Q. Okay. But that --

21 A. But the actual autopsy report that our office
22 did are these pages here, correct.

23 GENERAL CHRISTENSEN: Your Honor, if we
24 could have that admitted as the next numbered
25 exhibit.

1 THE COURT: 174.

2 (WHEREUPON, the above-mentioned autopsy
3 report was marked as Exhibit Number 174.)

4 BY GENERAL CHRISTENSEN:

5 Q. Dr. Ross, one last thing that your office
6 did. Did you send a rib or a portion of a rib
7 somewhere for DNA analysis?

8 A. Yes, we did.

9 Q. Okay. Do you remember when those were sent
10 or -- if you don't remember, that's fine.

11 A. It was in February of 2015.

12 Q. Was it actually two ribs that were sent?

13 A. I believe it was just one rib.

14 THE COURT: When did you say, February
15 what?

16 THE WITNESS: 2015.

17 THE COURT: Okay.

18 GENERAL CHRISTENSEN: Thank you, Dr.
19 Ross, no further questions, Judge.

20 THE COURT: Cross-examination.

21

22 **CROSS-EXAMINATION**

23 **QUESTIONS BY MR. GONZALEZ:**

24 Q. Good afternoon, Dr. Ross, my name is Jerry
25 Gonzalez. I am an attorney for Mr. Adams along with

1 the rest of the defense team.

2 You are actually a licensed physician, right?

3 A. Correct.

4 Q. So you're licensed to practice medicine in
5 the state of Tennessee?

6 A. That is correct.

7 Q. Now, as part of your pathology report, you
8 actually relied in part on the anthropology report;
9 is that right?

10 A. That's correct.

11 Q. In the pathology report, which is actually
12 only two pages, it doesn't mention anything about the
13 size of the internal defect; does it?

14 A. No, it does not.

15 Q. So when you testified that the internal
16 defect, and we're talking about the smaller hole in
17 the back, right of the head that it was 9 to 11
18 millimeters approximately, were you doing that by
19 memory, were you relying on the anthropology report,
20 or what?

21 A. Relying on the anthropology report.

22 Q. Okay. Now, the anthropology report actually
23 reports it as 12.10 by 9.24 millimeters; doesn't it?

24 A. Yes.

25 Q. All right. So your 9 by 11 was just an

1 approximation?

2 A. Based on memory of reviewing that report, I
3 didn't remember specifically, and it was roughly in
4 that range.

5 Q. Understood. Do you understand the terms of
6 premortem and postmortem?

7 A. Yes.

8 Q. Can you explain to the jury what those terms
9 mean?

10 A. Premortem means before death. Postmortem
11 means after death.

12 Q. So an event that occurred premortem means an
13 event that occurred prior to the actual death of the
14 individual; and postmortem means an event that
15 occurred after the death, right?

16 A. Correct.

17 Q. And forensic pathology is essentially, in
18 layman's terms, it's the use of scientific knowledge
19 to answer a question, scientific question, or a
20 criminology question. Something presented that we
21 are going to use scientific evidence to try and
22 resolve, right?

23 A. Correct.

24 Q. When you in the -- or Dr. Chancellor in the
25 pathology report determined that the cause of death

1 was the gunshot wound, did you use any actual
2 scientific test to make that determination?

3 A. Well, the whole part of our evaluation, which
4 really includes part of the practice of medicine
5 involves looking at the overall remains of a case,
6 overall remains of an individual, looking at evidence
7 of disease and injury. So in this particular case,
8 the test, if you will, is that of an examination of
9 the remains. So that is really -- our test is the
10 examination of those skeletal remains.

11 Q. There was nothing in the examination of the
12 actual skeletal remains that actually allowed you to
13 determine that that hole was made postmortem or
14 premortem; was there?

15 A. Well, the one thing that leads us to believe
16 that this is a premortem wound is the presence of the
17 secondary fractures. There actually had been some
18 studies that were done -- with gunshots -- done on
19 skulls, empty skulls. And in those cases, the bullet
20 holes were basically just cut out an entrance and an
21 exit defect without fractures.

22 Fracturing that occurs in the skull from a
23 gunshot wound are secondary fractures. Now in this
24 study that they did, they then would put a gelatin
25 inside the skull to sort of represent what would have

1 been the brain inside the skull. In those cases, you
2 did get fractures.

3 So the -- and of course, there have been
4 studies looking at bullet passages through gelatin
5 molds showing tissue expansion. So in these cases,
6 the secondary fractures are the result of tissue
7 having been present inside the head when the bullet
8 passed through. So at least we know that it wasn't
9 an empty skull that the bullet went through. It was
10 a skull that contained presumably a brain in this
11 case.

12 Q. Right. So we know it wasn't an empty skull,
13 but in the study you just cited, it was a postmortem
14 event; was it not?

15 A. That's true.

16 Q. All right. So they fill the skull with
17 usually ballistic gelatin, right?

18 A. Yes.

19 Q. And then they shoot the skull and see if any
20 fractures occurred. And when they filled it with
21 ballistic gelatin, the fracture did occur, but
22 clearly they weren't shooting a living person, right?

23 A. That is correct.

24 Q. Okay. So that was an example of a postmortem
25 event that still produced the same kind of fractures

1 that you are saying are typical of a premortem event,
2 right?

3 A. Yes.

4 Q. But we know it was postmortem?

5 A. In that study, yes.

6 Q. In the study, all right.

7 So the critical part of the analysis that is
8 relative to the fracturing is whether there is some
9 kind of tissue inside the skull frame that will
10 produce the kind of pressure that you said causes the
11 skull to fracture, right?

12 A. Yes.

13 Q. So when you receive a skull that is empty
14 inside of any tissue or ballistic gelatin or other
15 event, you're presuming that at the time of the
16 shooting, there was something inside the skull,
17 right?

18 A. Yes.

19 Q. Some kind of gelatin substance, brain tissue,
20 or ballistic gelatin, right?

21 A. Correct.

22 Q. But there's no way for you to know that the
23 skull either had -- or was live tissue or it was
24 postmortem tissue inside the skull at the time of the
25 shooting; is there?

1 A. That is true.

2 Q. So going back to my original question, there
3 was no scientific evidence that would allow you to
4 conclusively conclude that at the time the shot was
5 fired into that skull that the individual was alive;
6 is there?

7 A. That is true. There's nothing from our
8 examination to state that that was the case.

9 Q. The only thing you can definitively say is
10 that there was tissue inside the skull at the time?

11 A. Yes.

12 Q. If an individual is shot in the head after
13 they have already deceased, you'll get the same kind
14 of fracturing; won't you?

15 A. That is correct.

16 Q. So when the pathology report says the cause
17 of death was the gunshot wound, it really should say
18 presuming the individual was alive at the time?

19 A. Well, our cause of death is what we believe
20 to be more likely than not the cause of death in this
21 case.

22 Q. And you base that on other information you
23 received, not necessarily scientific data?

24 A. That is correct.

25 Q. Now, you testified when you were asked by the

1 prosecution if the bullet hole would be consistent
2 with a close-up, that whether the fracture was
3 consistent with a close-up wound, do you remember
4 that?

5 A. Yes.

6 Q. But it's also true that it would be
7 consistent with a shot fired at some unknown
8 distance, right?

9 A. That is correct.

10 Q. So again, we go back to the actual written
11 determination in the pathology report that the range
12 of fire is indeterminant, right?

13 A. That is correct.

14 Q. We just don't know from what distance was the
15 gun to the target, right?

16 A. Right.

17 Q. It could be close, it could be far?

18 A. Yes.

19 Q. In fact, the problem with not knowing the
20 determinant range or being able to determine the
21 range, is that as long as that bullet is causing
22 enough pressure to cause that tissue inside the head
23 to expand, you're going to get the fracture, right?

24 A. Correct.

25 Q. So that bullet could be shot point blank,

1 four feet away, across the room, as long as there's
2 that pressure, you're going to get that fracture,
3 right?

4 A. That is correct.

5 Q. You also testified that the bullet hole was
6 consistent with a .32, and then you gave an opinion
7 that a .32 measures at -- what did you say .36 of an
8 inch?

9 A. .32.

10 Q. .32 of an inch. That's actually a rounding
11 figure, right?

12 A. I believe it is.

13 Q. In other words a .32 caliber bullet actually
14 measures at .3125 inches; isn't that right?

15 A. If you say so.

16 Q. Does that sound right to you?

17 A. It sounds correct.

18 Q. And what did you say about the .36 or
19 smaller?

20 A. That based upon the anthropologist
21 measurement of the size of the hole that the smallest
22 dimension that they had in there 9 point something
23 millimeters, that that converts into a .36 inches in
24 size.

25 Q. That the hole does?

1 A. That the hole is, yeah. The hole is .36
2 inches in size. Something that size or smaller could
3 have made a defect. In other words, if a bullet were
4 .37 or .38 or larger in size, it probably could not
5 have made that defect. The defect should have been
6 bigger.

7 Q. Now, that presumes that the bullet at point
8 of impact was intact, correct?

9 A. Yes.

10 Q. So if the bullet had fragmented in route from
11 the gun to the skull, the fragment, if the fragment
12 was .36 or smaller, it could have made that hole;
13 couldn't it?

14 A. Yes.

15 Q. So once again, you really don't know the size
16 of the bullet that made that hole, because there are
17 so many other variables that could have affected that
18 bullet at point of impact, right?

19 A. True.

20 Q. Now, in looking at the exit wound of the
21 skull, would the exit wound, assuming for the moment
22 that it was made by the bullet, would that have
23 knocked out the teeth on that side of the jaw?

24 A. Well, it would have caused a lot of
25 fractures. It may or may not have knocked the teeth

1 out at that time. The teeth may still have been in
2 place, and they were just subsequently lost later on.

3 Q. So it would have knocked out some amount of
4 skull fragments that it would have been spread around
5 or so?

6 A. Well, if the skin was intact over --
7 relatively intact, say for the bullet exit wound,
8 itself, and some bullet fragments may have come out
9 through that exit wound, but as much maxillary skull
10 that was missing, I don't think all of that came out
11 at the time of the shot, but probably was lost later
12 on.

13 Q. But you don't really know?

14 A. No.

15 Q. Now, we all -- and this is regarding your
16 expertise as a licensed physician, and maybe you
17 don't need to be a physician to know this, but we all
18 kind of walk around all day and produce a certain
19 amount of gas within our body, right?

20 A. Yes.

21 Q. So as we go through the day, some way our
22 body expels the gas to a point, but our body is
23 always producing gas and always maintains a certain
24 amount of gas in our body regardless of our efforts
25 to expel the gas; is that right?

1 A. Yes.

2 Q. So when a person dies, that gas is still in
3 the body, right?

4 A. Yes.

5 Q. And if I were to take a body that had just
6 died and push on the belly, for example, there's no
7 longer any muscle tissue or flaps such as the
8 esophagus that is going to hold that gas in, because
9 initially, at least, our muscles sort of relax when
10 we die, right?

11 A. Yes.

12 Q. So that gas would then be expelled?

13 A. Some gas still stays in the body even after
14 death. There are bacteria that start breaking down
15 tissues and actually create even more gas after you
16 die.

17 Q. And the bacteria produce more gas, it stays
18 in the body, and eventually that gas works its way
19 out, right?

20 A. Yes.

21 Q. So if I move a body with either bacterial gas
22 or natural gas, sometimes that gas is going to be
23 expelled?

24 A. Correct.

25 Q. And it may or may not make a noise, right?

1 A. Yes.

2 MR. GONZALEZ: One moment, Your Honor.

3 BY MR. GONZALEZ:

4 Q. Are you familiar with various studies that
5 have tried to replicate gunshot trauma to skulls
6 using other than skulls?

7 A. No.

8 Q. You're not familiar with those studies?

9 A. No.

10 Q. Are you familiar with studies that actually
11 use live skulls -- excuse me, not live skulls, but
12 deceased skulls, but they get them intact with tissue
13 and everything?

14 A. Well, intact skulls with already tissue in
15 them, still a brain intact or something like that?

16 Q. Brain intact, skin intact.

17 A. No, I am not.

18 Q. In other words, are you familiar, maybe not
19 now, but you used to be able to get intact heads from
20 India or China that you could conduct scientific
21 experiments on?

22 A. I am not familiar with that.

23 Q. Not familiar at all?

24 A. No.

25 MR. GONZALEZ: Thank you.

1 THE COURT: Further?

2 GENERAL CHRISTENSEN: Just a couple.

3

4 **REDIRECT EXAMINATION**

5 **QUESTIONS BY GENERAL CHRISTENSEN:**

6 Q. Dr. Ross, you do a lot of work in Memphis,
7 right?

8 A. Yes.

9 Q. So you're familiar with gunshot wounds?

10 A. Yes.

11 Q. If somebody takes a .32 caliber revolver and
12 puts it right on the back of my head or near the back
13 of my head, and it comes all the way through my head
14 and comes out the left side of my face, what's that
15 going to do to me?

16 A. It's going to cause an entrance wound on the
17 back of the head, an exit wound on the front of the
18 head. It will perforate the brain, and it will cause
19 fractures.

20 Q. Am I still going to be here talking to you?

21 A. I wouldn't expect you to be.

22 Q. Is it going to kill me?

23 A. Yes.

24 Q. This wound is consistent, is it not, with a
25 .32 caliber revolver being at or near the back of the

1 head?

2 A. It's consistent with it.

3 GENERAL CHRISTENSEN: Nothing further.

4

5 **RECROSS-EXAMINATION**

6 **QUESTIONS BY MR. GONZALEZ:**

7 Q. The presumption in that hypothetical is that
8 the person is alive, right?

9 A. Yes.

10 Q. So there's no dispute that if alive, that
11 would be a fatal shot, right?

12 A. Correct.

13 Q. If you're dead, is that a fatal shot?

14 A. If you're already dead, it doesn't matter.

15 Q. It's not fatal; is it?

16 A. No.

17 MR. GONZALEZ: Thank you.

18 THE COURT: Step down. You're free to
19 go, Dr. Ross.

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

22 THE COURT: Did we get the report?

23 GENERAL CHRISTENSEN: Yes, sir.

24 GENERAL RAGLAND: Yes, sir.

25 THE COURT: It's with the exhibits?

1 Okay, thank you. Call your next.

2 GENERAL CHRISTENSEN: Your Honor, we have
3 a stipulation. I am not sure how the Court wants to
4 do it. I can pass forward. It's a stipulation with
5 respect to the odontologist.

6 THE COURT: Does it say what that person
7 would have testified if called --

8 GENERAL CHRISTENSEN: Yes, sir.

9 THE COURT: -- to give testimony?

10 I'll read it, and then we'll file it as an
11 exhibit.

12 GENERAL CHRISTENSEN: I'll pass that
13 forward, if I could approach.

14 THE COURT: If I can read it. Let's see
15 how technical.

16 GENERAL CHRISTENSEN: I typed it.

17 THE COURT: Okay. Good. Stipulations.
18 Come now the parties, State of Tennessee by and
19 through the District Attorney General's Office and
20 the defendant, Zachary Adams, to make the following
21 stipulations of fact for trial in the above matter
22 without the necessity of truth herein.

23 Number one, that the chart notes a dental
24 radiograph provided to the Tennessee Bureau of
25 Investigation by Keith Taylor, DDS, oral surgeon are

1 those of a Holly Bobo from a consultation from July
2 8, 2008, and that the subsequent extraction of a
3 tooth on October 15, 2008.

4 Number two, that Dr. Holly Manus, a forensic
5 odontologist, compared the dental records of Holly
6 Bobo provided by Dr. Keith Taylor to the dental
7 remains found in a wooded area in Decatur County,
8 Tennessee, and concluded with a reasonable amount of
9 dental certainty that the records of Holly Bobo are
10 the records of the same individual whose remains were
11 found in Decatur County, Tennessee on September 8 and
12 9, 2014.

13 It's signed by attorneys for the respective
14 parties. When the parties have stipulated to a
15 particular fact, the jury is to accept that
16 stipulation as being proved, okay?

17 That will be filed as Exhibit 175.

18 (WHEREUPON, the above-mentioned
19 stipulation was marked as Exhibit Number 175.)

20 THE COURT: Call your next.

21 GENERAL CHRISTENSEN: Your Honor, if we
22 could have a brief -- very brief recess. Our next
23 witness got here just recently.

24 THE COURT: Okay.

25 GENERAL CHRISTENSEN: Speak with her for

1 just a few minutes.

2 THE COURT: We're running good, folks.
3 I'll say that to both sides. I appreciate that. You
4 folks know how I am. Puts me in a much better mood.
5 We're going to take about 15 minutes. This will be
6 our last recess. And probably we will even conclude
7 a little early today.

8 Follow the admonitions I gave you at the
9 outset. 15 minutes.

10 (WHEREUPON, the jury left the courtroom
11 and a break was taken.)

12 THE COURT: All right. Everybody ready?
13 The jury is about ready to enter. All rise, please.

14 (WHEREUPON, the jury returned to the
15 courtroom, after which the following proceedings were
16 had:)

17 THE COURT: Be seated, please. Call your
18 next.

19 GENERAL CHRISTENSEN: State calls Krystle
20 Rodriguez.

21 THE COURT: Krystle Rodriguez. Come on
22 up. Raise your right hand, please.

23 (The witness was sworn.)

24 THE COURT: Want you to state your name,
25 and spell first and last name for the benefit of the

1 court reporter, please.

2 THE WITNESS: Krystle Rodriguez.
3 K-R-Y-S-T-L-E R-O-D-R-I-G-U-E-Z.
4

5 * * *

6 **KRYSTLE RODRIGUEZ,**
7 **was called as a witness and having first been duly**
8 **sworn testified as follows:**
9

10 **DIRECT EXAMINATION**

11 **QUESTIONS BY GENERAL CHRISTENSEN:**

12 Q. Thank you, Ms. Rodriguez. What do you do for
13 a living?

14 A. I am a senior forensic analyst at the UNT
15 Center for Human ID.

16 Q. Did you say the UNT?

17 A. Yes.

18 Q. What is UNT?

19 A. University of North Texas.

20 Q. Okay. Where is that? Is that in the Dallas
21 area?

22 A. Fort Worth, Texas.

23 Q. Fort Worth, Texas.

24 What kind of education do you have to have to
25 become a senior forensic analyst?

1 A. I obtained a bachelor's degree in biology at
2 Allegheny College in Meadville, Pennsylvania. And
3 then I continued my education to get a masters degree
4 from UNT's health science in Fort Worth in forensic
5 genetics.

6 Q. Do you have continuing education that --

7 A. Yes.

8 Q. -- that you go through to maintain your -- or
9 do you have any certifications or things of that
10 nature?

11 A. I underwent competency testing, and then I am
12 twice a year proficiency tested from an outside
13 organization, and I've passed every time.

14 Q. Have you done a number of tests or DNA
15 analysis?

16 A. Yes. I have done testing on hundreds to
17 thousands of cases.

18 Q. Have you testified before as an expert in DNA
19 analysis?

20 A. Yes.

21 GENERAL CHRISTENSEN: Your Honor, we
22 would tender Ms. Rodriguez as an expert in DNA
23 analysis.

24 MR. GONZALEZ: No objection.

25 THE COURT: Stipulate or do you want to

1 voir dire?

2 MR. GONZALEZ: No objection. We
3 stipulate.

4 THE COURT: All right. She's stipulated
5 as an expert in her field.

6 GENERAL CHRISTENSEN: Thank you, Judge.
7 BY GENERAL CHRISTENSEN:

8 Q. And I have your -- you did some analysis of
9 what in this case, if you could tell the jury?

10 A. Sure. Our lab received three family
11 reference samples for this case. We have one sample
12 from Karen Bobo, the mother of the missing person
13 Holly Bobo; Dana Bobo, the father of missing person
14 Holly Bobo; and Clint Bobo, the sibling of Holly
15 Bobo.

16 Q. Did you receive those samples sometime in
17 2011?

18 A. Yes, sir, May 10, 2011.

19 Q. What did you do with those samples?

20 A. We conducted DNA testing on those samples,
21 received profiles for each of the family members --

22 THE COURT: May 10, 2015?

23 THE WITNESS: 2011.

24 THE COURT: '11?

25 THE WITNESS: Yes, sir.

1 THE COURT: Okay.

2 THE WITNESS: And those DNA profiles were
3 entered into CODIS, which stands for Combined DNA
4 Indexing System. That's a national database where
5 all of the DNA profiles are entered for relatives of
6 missing persons, and those profiles are continually
7 searched against unidentified remain profiles that
8 are in there also.

9 Q. So they are put in that database, and then if
10 some other profile that comes in that matches as a
11 sibling of Clint or a child of Dana or Karen, it
12 will --

13 A. Yes, sir.

14 Q. -- do what?

15 A. Our lab would be notified of the association.

16 Q. But if you get another sample, a known
17 sample, what do you do with that?

18 A. We conduct DNA testing on all the samples
19 that are submitted to us.

20 Q. In this case did you receive a rib sample
21 from the West Tennessee Forensic Center in Memphis,
22 Tennessee?

23 A. Yes, on February 5, 2015.

24 Q. What did you do with that?

25 A. So we conducted DNA testing on that. Our lab

1 does two different types of DNA testing. So I'll go
2 into the nuclear DNA testing, which everybody is
3 mostly familiar with. Your DNA is inherited half
4 from your mother, half from your father. And for the
5 most part, it's the blueprint of the human body. So
6 for the most part, it's the same between all of us.
7 That's why we have two legs, two arms, and a nose.

8 But then there's also areas of that DNA
9 that's different between individuals, and that's what
10 our testing looks at. The only thing is identical
11 twins would have the same DNA profile.

12 So we conduct that testing, and then there's
13 also something called mitochondrial DNA.
14 Mitochondria is an organelle within your cells that
15 produce energy. So it houses its own gene. But it's
16 passed down from mother to child as a unit. So it
17 would be the same throughout a whole maternal
18 lineage. So for example, I share the same
19 mitochondrial DNA profile as my mother, and my kids
20 have the same one as me.

21 Q. So that wouldn't be any to the father, just
22 strictly the mother to the child?

23 A. Yes. So we standardly conduct both testing
24 on all our missing persons' cases. So Karen Bobo,
25 nuclear DNA testing was conducted on her sample and

1 mitochondrial. Dana and Clint both only had nuclear
2 DNA ran on their samples. But then all of the
3 remains that come into our lab, we do both types of
4 testing on them, the nuclear DNA and the
5 mitochondrial DNA. And in this case that was done on
6 the rib that we received in 2015.

7 Q. How do you go about getting DNA from a rib?

8 A. So the first thing we do when we receive
9 evidence is we examine it. We check for seals, check
10 the integrity, we take pictures of it, document
11 everything, and then we cut the bone into small
12 pieces. Those pieces are then ground into bone
13 powder. We add our reagents to that bone powder, and
14 that burst opens the cells releasing the DNA into
15 basically a liquid form. We then subject that DNA
16 extract to commercially available kits which look at
17 15 regions of the DNA that I was talking about
18 differed between each of us. And then we also
19 conduct the mitochondrial DNA testing on that same
20 DNA extract. And then we have our DNA profiles.

21 Q. Were you able to obtain a profile, a DNA
22 profile from the rib that was sent to you from the
23 West Tennessee Forensic Center?

24 A. Yes. It wasn't a complete profile, but it
25 was mostly complete.

1 Q. What did you do with that profile?

2 A. We entered it into CODIS, and there was an
3 association with the family reference samples that
4 were submitted back in 2011 that had been in CODIS
5 since 2011.

6 Q. What does that mean in layman's terms?

7 A. That there was an association. So out of all
8 the cases that were in CODIS, these ones married up.

9 Q. So the DNA profile from the rib is a sibling
10 of Clint Bobo?

11 A. Yes. Essentially that's what it is. The
12 family references are in CODIS, and they're kind of
13 like a puzzle of the missing piece. So the DNA
14 profile from this rib is basically the missing piece.
15 It completed the pedigree.

16 Q. So this rib is a daughter of Karen based on
17 the mitochondrial DNA that you --

18 A. Right. When I looked at the profile, it is
19 consistent with these remains belonging to a child of
20 Karen and Dana Bobo and a sibling to Clint Bobo.

21 Q. Okay. So if there were no other family other
22 than Holly Bobo, then the sample, that rib sample you
23 got, the DNA profile you got would be that of Holly
24 Bobo?

25 A. I have a statistic for how strong that

1 association would be.

2 Q. Okay. Let's have that.

3 A. So the statistical calculation that I did,
4 it's called a likelihood ratio. And so in this
5 you're weighing two different situations. The first
6 situation being that these remains are from a child
7 of Karen and Dana Bobo. The other scenario is that
8 it's just a random person from the population. And
9 so this is all based on frequencies in the population
10 of DNA profiles.

11 And so when we did the comparison, anything
12 greater than one is showing that it's more likely
13 that it's a child of Karen and Dana Bobo versus it
14 being a random person. So the larger that number
15 gets from one, the more strong the association is.
16 When I ran the statistic in this case, it was 21.8
17 billion times more likely that this is a child of
18 Karen Bobo and Dana Bobo and also a sibling of Clint,
19 as opposed to the identified remains being a random
20 person from the Caucasian population.

21 Q. Okay. I'm going to pass forward one document
22 and ask you if you recognize it.

23 GENERAL CHRISTENSEN: If I could approach
24 the witness.

25 BY GENERAL CHRISTENSEN:

1 Q. You recognize that document?

2 A. Yes. This is my report.

3 GENERAL CHRISTENSEN: Okay. Your Honor,
4 if we could have that numbered as the next numbered
5 exhibit.

6 THE COURT: 175.

7 THE REPORTER: 176.

8 GENERAL RAGLAND: 175 was the
9 stipulation.

10 THE COURT: Oh, okay. I didn't write it
11 down. Thank you.

12 (WHEREUPON, the above-mentioned document
13 was marked as Exhibit Number 176.)

14 BY GENERAL CHRISTENSEN:

15 Q. Ms. Rodriguez, do you remember what date you
16 got the rib?

17 A. Let me look, it's on my report. February 5,
18 2015.

19 GENERAL CHRISTENSEN: Okay. Thank you
20 very much, Ms. Rodriguez. No further questions,
21 Judge.

22 MR. GONZALEZ: No questions, Your Honor.

23 THE COURT: All right. Step down.

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

1 THE COURT: I understand that the next
2 witness we expect will be quite lengthy.

3 GENERAL NICHOLS: I believe he will,
4 Judge.

5 THE COURT: I think the defendant
6 probably agrees with that; do you not?

7 MS. THOMPSON: That the next witness is
8 going to be lengthy?

9 THE COURT: Yes.

10 MS. THOMPSON: I don't know who it is.

11 THE COURT: Do you want to tell who it
12 is?

13 GENERAL NICHOLS: TBI Agent Brent Booth.

14 MS. THOMPSON: Yes.

15 THE COURT: They kind of indicated, so we
16 were looking. And they know me, and they didn't want
17 to spring something on me, okay. But I don't want to
18 start and not be able to go. I want you to have
19 adequate time. I want you to have adequate time. So
20 I think it's fair that we recess. We're three days
21 into a trial. This is work that you're not used to
22 doing, okay. And I will promise you that you're more
23 fatigued, and it's more stressful than you really
24 already know.

25 So we're going to be breaking early today.

1 We actually are in good shape on our timeframe. I
2 don't see anything that's going to go beyond our
3 original expectations. I am hoping that we'll be
4 able to shorten it a little bit. My best advice,
5 it's probably impossible, but try as best you can to
6 put this matter out of your mind tonight. Get a good
7 night's rest. Tomorrow could be a long day. You
8 know, today is a short day. Tomorrow could be a long
9 day. We get to certain places, and we have to
10 anticipate the length of witnesses to determine how
11 we're going to do. But I suspect tomorrow will be
12 probably a lengthy day, so you need a good night's
13 rest.

14 Those admonitions, front page of your page,
15 you ought to look at those periodically. But
16 basically, those are rules to assure the parties a
17 fair trial. Keep an open mind. Don't form or
18 express any opinion. Do not discuss the case with
19 anyone, not even with your fellow jurors until the
20 case is submitted to you for final consideration. Do
21 not allow the case to be discussed in your presence.

22 Once again, ignore any news reports. There
23 shouldn't be any available to you, because we
24 basically, we're not giving you TVs or anything.
25 Avoid conversations with parties, witnesses, or

1 attorneys, and report promptly to the Court any
2 violation of the rules. Or if you think that
3 something is just not quite right, please let me know
4 through a court officer, because part of my job is to
5 assure all sides of this have a fair trial.

6 Do you have any questions prior to release
7 for the evening? This ought to give you time for a
8 good evening meal. Like I say, you folks are going
9 to be tireder than you think. I still go to bed real
10 early, but I am waking up even earlier now. So I am
11 sure -- like I say, it's -- try as best you can to
12 put it out of your mind, I know that's impossible.
13 It's like don't think of elephants for the next ten
14 seconds, what's the first thing. Try as best you can
15 to do that, okay? Any questions at all?

16 All right. Let's let our jury exit.

17 (WHEREUPON, the jury left the courtroom,
18 and the court was adjourned for the evening:)

1 **VOLUME VIII**

2 **DAY 5**

3 **THURSDAY, SEPTEMBER 14, 2017**

4
5 GENERAL NICHOLS: May we approach?

6 THE COURT: Yes.

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

9 GENERAL NICHOLS: We were trying to catch
10 you before you got on the bench. The defense gave us
11 a list of things that they need for the next witness,
12 and we have agents pulling it. They just got it this
13 morning. So we need like 15 more minutes. She's
14 been pulling a bunch of reports.

15 MS. THOMPSON: Do we have to delay just
16 because of that?

17 GENERAL NICHOLS: Yes. Yeah, because we
18 may want it.

19 THE COURT: All right.

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

22 THE COURT: Advise the jury it will be
23 about 15 minutes. You can take them back upstairs.
24 We're going to recess. Boy, I love to start the day
25 with a recess. Not. We're going to take about 15

1 minutes.

2 (Short break.)

3 THE COURT: All right. Be seated. State
4 now ready to proceed?

5 GENERAL NICHOLS: We are, Your Honor.

6 THE COURT: For purposes of the record,
7 you had asked for some additional time to transfer
8 some requested information to defense counsel that
9 you thought would expedite. You've now advised that
10 you might change your order of proof.

11 GENERAL NICHOLS: We are going to change
12 our order of proof. I think -- I haven't seen it,
13 but I think the evidence has been located, but the
14 person handling that witness hasn't gone through it,
15 so we're going to call a different witness.

16 THE COURT: All right. Call your next
17 witness, please.

18 GENERAL NICHOLS: Jason Autry.

19 THE COURT: Might be good to get a jury.
20 Hold on.

21 GENERAL NICHOLS: I was like, if you're
22 just asking me, I'll tell you.

23 THE COURT: Let's bring our jury in,
24 please. That's kind of an important part of the
25 puzzle.

1 MS. THOMPSON: Judge, Judge, I am not
2 ready to do Jason Autry. A lot of our Jason Autry
3 stuff is at the hotel. We brought all this Brent
4 Booth stuff here today. I've got all kinds of stuff
5 at the -- you know, we don't have a place here to
6 keep things. So we're having big tubs that we're
7 carrying stuff back and forth.

8 THE COURT: How long do you need to get
9 your stuff?

10 MS. THOMPSON: Probably an hour to go
11 over there and get it all together.

12 THE COURT: Take the jury back upstairs.
13 Tell them we're going to need additional time. Where
14 is your material, hotel?

15 MS. THOMPSON: Yes, Your Honor.

16 THE COURT: All right. We're going to
17 recess. Pronto, okay?

18 MS. THOMPSON: Yes, Your Honor.

19 THE COURT: Pronto.

20 MR. GONZALEZ: 10:20, Your Honor?

21 THE COURT: Yes. Let's round it off to
22 10:30. Give you an hour and eight minutes.

23 (Short break.)

24 THE COURT: All right. Be seated. Bring
25 the jury in two minutes.

1 MR. SIMMONS: Your Honor, can we
2 approach?

3 THE COURT: Yes. Hold the jury. Hold
4 the jury just a moment.

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

7 MR. SIMMONS: Your Honor, John Reaves,
8 our expert on telephone analysis is here this morning
9 sitting in the courtroom. Wanted to --

10 THE COURT: State have any objection
11 to expert remaining in?

12 GENERAL NICHOLS: No.

13 THE COURT: Same thing would go for them.

14 MR. SIMMONS: Certainly.

15 THE COURT: Normally I allow that.

16 GENERAL NICHOLS: No objection.

17 (WHEREUPON, the following proceedings
18 continued within the hearing of the courtroom:)

19 THE COURT: All right. We're ready.

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

23 THE COURT: All right. Be seated,
24 please. Anybody need any additional writing
25 materials? If you do, just ask. Yes? I told you

1 that's kind of a personal thing. I probably got 10,
2 12, maybe 15 pages. She's on her second pad. That's
3 just the way we are.

4 State ready to proceed?

5 GENERAL NICHOLS: We are.

6 THE COURT: I want to apologize for the
7 delay. A trial of this nature, sometimes that
8 happens, okay? Might be something that we need to
9 handle internally. Might be something that
10 eventually might expedite the trial. So don't
11 speculate as to why you're sitting there cooling your
12 jets. You can take my word, it's necessary from time
13 to time. That won't probably be the last time, okay?

14 All right. Call your next witness.

15 GENERAL NICHOLS: Jason Autry.

16 THE COURT: Mr. Autry, raise your right
17 hand, please.

18 (The witness was sworn.)

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

22 THE WITNESS: Jason Autry, J-A-S-O-N
23 A-U-T-R-Y.

24 THE COURT: Proceed.

1 * * *

2 **JASON AUTRY,**

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

5
6 **DIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL NICHOLS:**

8 Q. Mr. Autry, you came in wearing what appears
9 to be prison guard?

10 A. Yeah.

11 Q. Where are you currently housed or staying?

12 A. I stayed last night in Henderson County Jail.

13 Q. And you are charged in the case that is on
14 trial this week?

15 A. Correct.

16 Q. You're charged with murder, kidnapping, rape?

17 A. Yes, ma'am.

18 Q. All right. I want to ask you some questions
19 about your background first, okay?

20 A. Yes, ma'am.

21 Q. Where did you grow up?

22 A. Parsons, Tennessee.

23 Q. And how long -- did you live there your whole
24 life, or did you move around that area?

25 A. I spent probably 16, 17 years in that area,

1 and then I moved into the city of Parsons, in the
2 city. I was raised in the country.

3 Q. And how old are you?

4 A. Ma'am?

5 Q. How old are you?

6 A. 44, fixing to be 44.

7 Q. Do you have family in that area?

8 THE COURT: Did you say, fixing to be 44?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay.

11 BY GENERAL NICHOLS:

12 Q. Do you have family in that area?

13 A. Yes, ma'am.

14 Q. Friends?

15 A. I have a father in the area, 1333 Bear Creek
16 Road.

17 MS. THOMPSON: I am sorry, Your Honor. I
18 can't quite hear what he's saying.

19 THE COURT: You got -- Mr. Autry, you got
20 a hot mic there, so you can speak into that a little
21 more directly or speak up, okay?

22 THE WITNESS: Okay.

23 BY GENERAL NICHOLS:

24 Q. Where do you want it? Is that good?

25 A. Right there.

1 THE WITNESS: Sorry.

2 THE COURT: You're all right.

3 BY GENERAL NICHOLS:

4 Q. They couldn't hear your answer. You have a
5 mother that lives there in the area?

6 A. I have a father --

7 Q. Father.

8 A. -- at 1333 Bear Creek Road.

9 Q. Is it fair to say that you've been in trouble
10 with the law on --

11 A. Multiple times, numerous times.

12 Q. Have you served time in prison?

13 A. I've been to prison four times.

14 Q. Okay. What are the four times for?

15 A. Theft and drugs.

16 Q. And now this?

17 A. This will be the fourth time here with the
18 kidnapping, rape, and murder.

19 Q. All right. So prior to this case, drugs and
20 theft?

21 A. Correct.

22 Q. On more than one occasion?

23 A. More than one occasion.

24 Q. You know a guy by the name of Zach Adams?

25 A. Yes, ma'am.

1 Q. Do you see him in the courtroom?

2 A. (Pointing.)

3 Right there sitting beside counsel.

4 THE COURT: For the record, the
5 defendant.

6 THE WITNESS: The defendant.

7 BY GENERAL NICHOLS:

8 Q. How long have you known Zach Adams?

9 A. Approximately 15 years maybe.

10 Q. Do you know other family members of his?

11 A. I know his brother. I knew his father.

12 Q. His father is deceased?

13 A. Yes, ma'am.

14 Q. What kind of a relationship did you have with
15 his father?

16 A. A drug deal. A drug connection.

17 Q. You said you knew his brother. Who is his
18 brother?

19 A. Dylan.

20 Q. And who is older, Zach or Dylan?

21 A. Zach.

22 Q. And between Zach and Dylan, who were you
23 closer to, or who did you have the most dealings
24 with?

25 A. Zach.

1 Q. Do you know an individual by the name of
2 Shane Austin?
3 A. Yes, ma'am.
4 Q. How do you know Shane Austin?
5 A. I'm first cousins with him.
6 Q. So you know where he lived?
7 A. 30 Yellow Springs.
8 Q. Was that a house or a trailer?
9 A. Trailer.
10 Q. And before he got that trailer, do you know
11 where he lived, like where his parents lived?
12 A. Yes. His parents lived 790 Pugh Road.
13 Q. Is that very close to where the trailer was?
14 A. Within a couple of miles. Approximately a
15 mile and a half maybe.
16 Q. I want to draw your attention back to 2011.
17 Did you have a job in 2011, the beginning part?
18 A. Yes, ma'am.
19 Q. Who did you work for?
20 A. Michael Douglas.
21 Q. What did you do for Michael Douglas?
22 A. I worked on a cattle farm. I was feeding, up
23 keeping, you know, just general labor.
24 Q. Okay.
25 A. Also, I was working with Marvin Taylor

1 Construction.

2 Q. All right. So you had two sort of jobs when
3 they needed you?

4 A. Yeah, I just -- neither one of them was
5 government jobs, they just paid general labor. They
6 were no tax jobs. They were just general labor jobs.

7 Q. Were there periods of time in the first half
8 of 2011 where you didn't have work from either one of
9 them?

10 A. Yes, ma'am.

11 Q. Did you have your own place to live at the
12 beginning part of 2011?

13 A. I lived at 310 Benco Hills Road with Angela
14 Smith Scott.

15 Q. Where did Angela Smith Scott actually -- you
16 gave us an address, but where is that?

17 A. That's in Benton County, Tennessee.

18 Q. Benton County is next to what county?

19 A. Decatur. It's north. It's actually north of
20 Decatur County on 641.

21 Q. And Parsons is in Decatur County?

22 A. It's -- yes, ma'am.

23 Q. Okay. What was Angela -- what was Angela to
24 you, girlfriend, relative, what?

25 A. Girlfriend.

1 Q. Do you remember -- I am not asking for dates,
2 but do you remember approximately how long you lived
3 with Angela Scott?

4 A. It started in 2010 and extended over into
5 2011.

6 Q. And did you all have sort of a routine about
7 working and what time you'd get home and what time
8 she'd get home and that kind of thing?

9 A. We did.

10 Q. Will you explain to the jury, please, what
11 your normal routine was with Angela, both if you were
12 working and if on a particular day you weren't
13 working?

14 A. All right. Me and Angela was in the middle
15 of maybe a decline. The relationship was declining.
16 And I was having to hide my vehicle to keep her from
17 getting in trouble with the children. She had some
18 children by two other men, and my past was causing
19 them to create trouble. And once she was arraigned
20 in court, I had to hide my car at the quick mart.

21 And when I wasn't working, she would be there
22 at 3:30 when she got off, 3:00, 3:30, 3:45, general
23 time, you know, to pick me up. We would leave my car
24 there. We would go on to her house, do our thing.
25 The next morning, she'd drop me off.

1 If I was working, and it was past what time
2 she got off, I would just call her and set up a time
3 to be there at that time. You know, if it was 4:30,
4 5:00 or 6:00, you know, just whatever time the
5 convenience was.

6 Q. All right. So this quick mart was how far
7 away from Angela's house? Doesn't have to be exact.

8 A. I want to say a mile. You could light a
9 cigarette in the driveway and be there before you
10 threw it out the window.

11 Q. Okay.

12 A. I mean, it was quick.

13 Q. You said Angela had a job. So where did she
14 work?

15 A. She worked at Carhartt in Benton County.

16 Q. She went to work Monday through Friday every
17 day?

18 A. Correct.

19 Q. Okay. And you worked some, if either one of
20 those men had either work with the cattle or
21 construction work, then you worked?

22 A. Yeah. And if -- correct.

23 Q. Okay.

24 A. She always -- I never stayed there through a
25 day. You know, I didn't want to be stranded through

1 a day. So if I wasn't working, I had her to take me
2 on to the car where I could enjoy my day, you know,
3 away from the home.

4 Q. All right. Now, I've asked you some
5 questions about your background. I am fixing to turn
6 topics to why we're actually here today.

7 Are your -- are you represented by counsel in
8 this case that you're indicted for?

9 A. Two attorneys.

10 Q. Are they here today?

11 A. Yes, ma'am.

12 Q. All right. And who are they? Who is this
13 one?

14 A. Michael Scholl and Robert Parris.

15 Q. Over here?

16 A. Behind the defense counsel.

17 Q. And right here?

18 A. And right there (indicating).

19 Q. Those two men have been your lawyers for a
20 year or two, two years now?

21 A. Yes, ma'am.

22 Q. And before Mr. Parris and Mr. Scholl became
23 your lawyers on or in this case that you're indicted
24 for, you had other lawyers, right?

25 A. Correct.

1 Q. Those lawyers no longer practice law; is that
2 correct?

3 A. That is correct, yeah.

4 Q. Either one of them?

5 A. Either one of them.

6 Q. Both lost their licenses?

7 A. Both of them lost their license. Run off
8 with the money and all that.

9 Q. All right. What are your expectations,
10 because the jury needs to hear this? What are your
11 expectations, you know what I mean by that, for
12 testifying here today? What do you think is going to
13 happen?

14 A. I am hoping for leniency.

15 Q. What have I told you that you must do today?

16 A. Nothing that I recall.

17 Q. Okay. And I am speaking of telling the truth
18 or telling a lie.

19 A. Telling the truth.

20 Q. How many times do you think I've told you
21 that?

22 A. Multiple.

23 Q. And I've met with you four or five times?

24 A. That is correct.

25 Q. What about Mr. Hagerman? He told you the

1 same thing?

2 A. Every time.

3 Q. And this is the only time I am going to ask
4 you what your lawyers have told you. Have both, Mr.
5 Scholl and Robert Parris told you --

6 MS. THOMPSON: Your Honor, I object to
7 any hearsay coming in. I was allowing -- not
8 objecting to a little bit of it, but I object to
9 that.

10 THE COURT: It's not offered for the
11 truth, it's offered for his expectations. All right.

12 THE WITNESS: They've always said tell
13 the truth.

14 BY GENERAL NICHOLS:

15 Q. Tell the truth. Is that what you're going to
16 do today?

17 A. I am here to testify to the truth.

18 Q. So despite your background, which has
19 admittedly been bad, right?

20 A. Correct.

21 Q. Are you going to tell these 15 people the
22 truth?

23 A. Yes, I am.

24 Q. Then I want to draw your attention to April
25 13, 2011, and ask if you remember that day.

1 A. I do.

2 Q. All right. Actually I am going to back up to
3 the night before, April 12, 2013. Do you remember
4 the night before, that night?

5 A. I do.

6 Q. All right. Where did you spend the night of
7 April 12th?

8 A. 210 Benco Hills.

9 Q. Whose house is that?

10 A. Angela Smith Scott.

11 Q. Were you working at that time?

12 A. I was not.

13 Q. Do you remember what time you got up on the
14 morning of April 13th?

15 A. She had to be at work at 7:00, so
16 approximately 6:30.

17 Q. Okay. What did you guys do when you got up?

18 A. We got up and drank coffee, she took a
19 shower, got ready for work. We get in her Ford
20 Expedition, and she would carry me to the PT -- the
21 silver PT Cruiser, then she would go on to work.

22 Q. So the PT Cruiser was the car that you
23 were --

24 THE COURT: Is this the day before?

25 THE WITNESS: Yes, sir.

1 THE COURT: On the 12th?

2 GENERAL NICHOLS: No.

3 THE COURT: This is on -- we've come to
4 the 13th, you just asked him where he was the day
5 before?

6 GENERAL NICHOLS: The night --

7 THE COURT: Now we're following up with
8 the morning?

9 GENERAL NICHOLS: Yes, sir.

10 THE COURT: Okay.

11 GENERAL NICHOLS: This is the morning of
12 the 13th.

13 BY GENERAL NICHOLS:

14 Q. So this PT Cruiser, that's the car you were
15 driving at the time?

16 A. Correct.

17 Q. I mean, in that timeframe --

18 A. Correct.

19 Q. -- I don't mean that moment.

20 And that's the car that you were hiding, if
21 you want to call it that, at the quick mart?

22 A. That's correct.

23 Q. Okay. You just didn't want it parked in
24 front of her house?

25 A. That is correct.

1 Q. Okay. So after she dropped you off at the PT
2 Cruiser, what did you do?

3 A. I got in the PT Cruiser and went to Camden
4 bottom.

5 Q. What's Camden bottom?

6 A. It's a large refuge.

7 Q. Why did you go there?

8 A. I wanted to kill some time. I wanted to look
9 at the wildlife, view the ducks and the deer. I am a
10 country boy. I enjoy the sights and sceneries.

11 Q. Okay. But why -- for somebody who has your
12 history, that sounds a little odd, you wanted to go
13 look at ducks and deer. Is that a place you've been
14 to multiple occasions or not?

15 A. I fish there regularly.

16 Q. But it's fine to look at scenery, were you
17 actually trying to kill time before you could really
18 do what you wanted to do?

19 A. Yes, ma'am.

20 Q. Okay. Which was what?

21 A. I wanted to make a phone call and establish a
22 connection on Morphine.

23 Q. So that brings us to drugs again. Were you
24 using and addicted to Morphine?

25 A. Yes, ma'am.

1 Q. Any other drugs?

2 A. Methamphetamine.

3 Q. All right.

4 A. Hydrocodone.

5 Q. I'm sorry?

6 A. Morphine, Hydrocodone, and methamphetamine.

7 Q. Okay. You used all of them?

8 A. Yes, ma'am.

9 Q. So you said you needed to waste time, kill
10 time until you could make a connection. Who did you
11 start calling?

12 A. I started a volley of exchanges to Shane
13 Austin and Mr. Adams.

14 Q. You said I started a volley of exchanges --

15 A. I --

16 Q. Just listen to me. Did somebody answer you
17 when you started making these calls?

18 A. No.

19 Q. So by volley, do you mean you were calling
20 both?

21 A. Correct.

22 Q. Did you really care which one you made
23 contact with?

24 A. No.

25 Q. You just wanted to make contact with one of

1 them?

2 A. Correct.

3 Q. In order to do what?

4 A. To get a pill.

5 Q. Okay. And you -- did you have, I guess, a
6 particular drug or particular --

7 A. I did.

8 Q. -- process that you wanted to do that
9 morning?

10 A. I did.

11 Q. Explain it to the jury.

12 A. I enjoyed -- my DOC, maybe, was a cocktail of
13 Morphine and meth together.

14 Q. So you had -- did you have one of those and
15 didn't have the other?

16 A. I had the meth.

17 Q. So you started making phone calls to Shane
18 Austin and to --

19 A. Zach Adams.

20 Q. All right. At any point in the morning, did
21 you make contact with one of them?

22 A. I did.

23 Q. Did you -- which one?

24 A. Mr. Adams.

25 Q. Did he call you or did you call him?

1 A. He called me back.

2 Q. All right.

3 A. And said that he was busy. That when they

4 got to a location that he would call me.

5 Q. Other than telling you he was busy and when

6 he got to a location he would call you, did you ask

7 him any details about what he meant?

8 A. I did not.

9 Q. Did you have any idea of what time in the

10 morning this was?

11 A. It was after 8:00.

12 Q. Okay.

13 A. Probably 8:40, 8:50 maybe.

14 Q. All right.

15 A. Somewhere in that timeframe.

16 Q. Earlier you said you wanted to kill time

17 until you could make a phone call?

18 A. That's correct.

19 Q. How late were you wanting to wait before you

20 started calling them?

21 A. I made the first phone call -- at the river,

22 you can't get a signal. It's pretty tough to get a

23 signal there. It's real low. When I come out of the

24 river, I made the first phone call at approximately

25 8:00 beside Palmer's Tool and Die.

1 Q. So from 8:00 until you actually made contact
2 sometime within the hour, you had called both of them
3 more than once?

4 A. Correct.

5 Q. Hadn't gotten a response, and then he finally
6 called you back?

7 A. That's correct.

8 Q. So what did you do after he told you when I
9 get to the -- I am busy, when I get --

10 A. When I get to the location, we'll contact
11 you. I went that general way. I knew that -- I
12 headed in that direction.

13 Q. Okay. I am sorry. Nobody here but you knows
14 in what direction you're talking about. I went in
15 that direction.

16 A. Well, I left Benton County headed toward
17 Decatur County down Birdsong Road.

18 Q. And why the Birdsong Road area?

19 A. It was the easiest access from where I was to
20 get there, plus it would be a delay -- I mean, it was
21 just the easiest access to get there from where I was
22 other than going down the main road.

23 Q. Did you talk to him again?

24 A. I did.

25 Q. Who?

1 A. Mr. Adams.

2 Q. He call you or did you call him?

3 A. I believe he called me.

4 Q. What did he say?

5 A. He said we're at Cuz's.

6 Q. What did that mean?

7 A. That means that they were at 30 Yellow

8 Springs Road, Shane Austin's house.

9 Q. Your cousin?

10 A. He called him Cuz, too.

11 Q. But that's your cousin?

12 A. Correct.

13 Q. So did you go there?

14 A. I did.

15 Q. How far away were you -- how long did it take

16 you to get there?

17 A. Probably 20 to 30 minutes.

18 Q. Did he just say that we are Cuz's, or did he

19 ask you for something or indicate that he wanted you

20 to come there for some reason?

21 A. When he -- when he called me back, he said, I

22 need to see you, I need your help.

23 Q. And then told you -- is that the first time

24 or the second time?

25 A. The second time. I talked to him first, they

1 were busy. The second time, he told me where he was
2 at and needed my assistance.

3 Q. When he said, I need your help, what did you
4 think he meant at that point? What did you think the
5 problem was?

6 A. I thought a batch of meth was locked up.

7 Q. Meaning something in the cooking process
8 was --

9 A. Meaning it had gained moisture and stopped
10 making.

11 Q. Okay. And so was that fine with you to go
12 help him with a batch of meth?

13 A. I was under that assumption, and it was.

14 Q. Okay. So you headed to Yellow Springs Road?

15 A. 30 Yellow Springs Road.

16 Q. If you're standing on Yellow Springs Road,
17 can you describe for the jury, I guess, the way Shane
18 Austin's house, trailer sat? In other words, was it
19 a driveway down, could you see the trailer from the
20 street?

21 A. From Yellow Springs Road, say this is Yellow
22 Springs Road, there's a fence, gate, downhill into a
23 wooded area of pines, the trailer sat. Approximately
24 50 yards from the road, 40 yards from the road,
25 somewhere in that on the left-hand side.

1 Q. I want you to start at the moment that you
2 pulled into his driveway, and tell the jury what
3 happened.

4 A. Pulled into the driveway and I got out. The
5 first thing I noticed was a burn barrel that was
6 burning. The second thing was Dylan was standing in
7 the doorway with his shirt off. Shane was walking
8 around saying, y'all need to hurry up and get the
9 goddamn hell out of here, and holstered on his side
10 was a firearm.

11 MS. THOMPSON: I'm sorry, I didn't --

12 THE COURT: Can you repeat, please, your
13 last statement?

14 BY GENERAL NICHOLS:

15 Q. Can you say it again, holstered? She
16 couldn't hear.

17 A. Yeah. When I pulled in, there was a large
18 fire burning in the burn barrel. Dylan Adams was
19 standing at the door of the trailer.

20 Q. That's fine. I'm just moving it so you can
21 talk to me. (Attorney moves mic closer to
22 defendant.)

23 A. Dylan Adams was standing at the door of the
24 trailer with his shirt off. Shane was walking around
25 in the yard hollering, y'all need to hurry up and get

1 the goddamn hell out of here with a firearm holstered
2 on the right side. Zach was standing at the door of
3 a white 4x4 Nissan Frontier. I instantly got to Mr.
4 Austin and bought a pill, bought a Morphine, 100mg,
5 walked directly back to the PT Cruiser, broke it in
6 half, cooked it down, and shot it.

7 A few minutes later, I got out and walked
8 back to the 4x4 Nissan where Zach was standing in the
9 door, and he said, I need you to help me bury this
10 body. And I told him I said, goddamn, I hate that
11 y'all killed little Joe Joe. He said, Jason, he
12 said -- he said Train, he didn't say Jason. My
13 nickname was Train. He said, Train, that's Holly
14 Bobo.

15 Q. All right. Who's Joe Joe? Why did you think
16 it was Joe Joe?

17 A. Some days before that, Joe owed some money
18 for some pills. Him and Zach is enemies. They was
19 talking about killing him for the drug debt.

20 Q. Was there also another relationship between
21 or another connection between Joe and Zach?

22 A. Shane.

23 Q. Okay. Was there a woman connection between
24 Joe and Zach that you know of?

25 A. There's a child -- both of them have a child

1 with the same woman.

2 Q. Okay. So you knew there was bad blood about
3 a drug deal, you knew there was bad blood about --

4 A. Some stuff had happened, one of the child --
5 one child got abused maybe.

6 Q. When he said, that's not Joe Joe, that's
7 Holly Bobo, what did you do?

8 A. I was clueless. I didn't know Holly Bobo.

9 Q. You've since come to know who she was or is?

10 A. Well, pictures, TV pictures and stuff like
11 that.

12 Q. All right. So let's be honest, did you
13 really care one way or another about the body that
14 was in the back of the truck?

15 A. I did not.

16 Q. Describe for the jury where the body was and
17 what you did after that.

18 A. The body was laying in a multicolored farm
19 blanket, farm-styled blanket. It looked like
20 multiple colors. Wrapped in the blanket, laying up
21 against the back. So the truck was sitting here
22 (indicating), it's laying against the back. Instead
23 of laying long ways, it's laying this way
24 (indicating).

25 Q. From the moment you figured out that he

1 wanted help with Holly versus help with a batch of
2 meth, were you willing?

3 A. Yes, I was.

4 Q. All right. Tell the jury what happened, what
5 you said, what he said.

6 A. He asked me would I help him bury the body.
7 And I said, yeah. I said, I will. He said -- but I
8 said, under -- I want to leave my car somewhere else
9 besides here. I said, I don't want Shane or Dylan to
10 know that I got involved in this. So I told him, I
11 said, meet me at Yellow Springs Church, I'll park the
12 PT Cruiser in there, and I'll get in the truck with
13 you.

14 Q. So while you were having this conversation
15 with Zach, where was Dylan?

16 A. Dylan never came out of the trailer.

17 Q. Where was Shane?

18 A. Continuing putting stuff into the burn
19 barrel.

20 Q. And you say putting stuff into the burn
21 barrel, could you see what he was putting into the
22 burn barrel?

23 A. The smell, the smell was an appearance of
24 camp fuel and meth. It was a large blaze. You
25 could -- the area was tight, and you could smell the

1 smell of a meth lab burning.

2 Q. Okay. I understand what you could smell, but
3 could you see what he was putting in --

4 A. I could not see -- I never made it that far
5 down. I never made it past the door of that 4x4
6 Frontier.

7 MS. THOMPSON: The door -- I didn't hear.
8 The door of what?

9 THE WITNESS: I never made it past the
10 truck, past the truck door.

11 BY GENERAL NICHOLS:

12 Q. You said earlier that Shane was saying y'all
13 have got to hurry up and get out of here. Did he say
14 why?

15 A. He had a satellite -- he said there was a guy
16 coming to install a satellite, and he didn't know
17 what time he'd be there.

18 Q. So you had him saying a satellite guy, a
19 cable guy, whatever, is coming, and throwing things
20 in the burn barrel. You had Dylan first at the door
21 with no shirt on, and then never came out, correct?

22 A. That's correct.

23 Q. This conversation took place between you and
24 Zachary Adams there between his truck and your
25 Cruiser?

1 A. That's correct.

2 Q. Okay. So what happened?

3 A. I got in the PT Cruiser, I backed out, went
4 to Yellow Springs Church, pulled in. When I walked
5 out to the road, he was backing out of 30 Yellow
6 Springs Road. He picked me up, and I got in the
7 truck. And we go towards 641 down Pugh Road.

8 Q. All right. Mr. Autry, you've now gotten into
9 the truck with a guy who says there is -- Holly Bobo
10 is dead and wrapped up in the truck bed. So tell the
11 jury what you guys talked about.

12 A. As we got going down the road, I brought it
13 to his attention that there were no shovels or
14 pickaxes in the truck. How are we going to bury a
15 body with no shovel or pickaxes. He looks at me like
16 he's lost. And I said, I don't know of nowhere a man
17 can just pull up and get a shovel and pickaxes with a
18 dead body in the vehicle.

19 Q. All right. Keep talking.

20 A. Continue on?

21 Q. Yes.

22 A. We go across --

23 Q. Let me -- before you continue on, you say
24 there's nothing --

25 A. There's nothing to dig.

1 Q. So was an alternative suggested?

2 A. By me.

3 Q. All right.

4 A. I told him that some years back that I had
5 been underneath Interstate 40 bridge, and there was a
6 body floating, and I told him, I said, the only thing
7 holding the body up was the intestines.

8 Q. Okay.

9 A. And we set a course that direction.

10 Q. Why did you mention a body floating, what did
11 you talk about specifically? What was your plan of
12 disposing of Holly's body?

13 A. It was to gut her, put her in the deep end of
14 the slew. I told him, I said, you can put her in the
15 deep end of that slew, turtles and shit will eat it
16 up just like that.

17 MS. THOMPSON: Turtles and what?

18 THE WITNESS: Turtles, animals of
19 opportunity.

20 BY GENERAL NICHOLS:

21 Q. Did you all --

22 A. The only thing holding the other body up was
23 the gases and the guts. I mean, it was floating --
24 just like I am from the river. You see a dead fish,
25 the only thing holding it up is the gases in the

1 intestines. That's the same as it was. You get the
2 guts out, down it goes.

3 Q. So you had a good idea of how --

4 A. I understand, yeah. Yes, ma'am.

5 Q. All right. So where did you all go, and who
6 was driving?

7 A. Mr. Adams was driving. We went to 133, I
8 believe is the -- we went to 133 where the interstate
9 bridge crosses the Tennessee River underneath it.

10 Q. Tell the jury what happened.

11 A. We made a loop of the entire area to scope it
12 out to make sure no one was in the area. There's a
13 boat ramp a mile or so from there. Also there's a
14 beach. And we circled the boat ramp, down by the
15 beach, turned around, come back out. Not back out,
16 but back up to the bridge, made the circle and
17 stopped at a pile of rip-rap.

18 Q. What is rip-rap?

19 A. It's a large limestone rock generally about
20 this size.

21 Q. You're using your hands to make --

22 A. Rip-rap changes.

23 Q. All right. But you're using your hands to
24 show something larger than a dinner plate?

25 A. That is correct.

1 Q. And you said you stopped beside?
2 A. We backed into a pile.
3 Q. Is this an area that you had been to before?
4 A. That's correct.
5 Q. Is this an area -- do you know whether or not
6 Mr. Adams had been to that area before?
7 A. I believe he had.
8 Q. Well, did you tell him where to turn, or did
9 he know where to go?
10 A. He went on his own.
11 Q. Okay. And you said you backed --
12 A. Backed up to a pile --
13 Q. -- of rip-rap?
14 A. -- of rip-rap. There was a pile laying
15 underneath the bridge. The whole underneath of the
16 bridge was rip-rap, but there was some extra piled up
17 to one side.
18 Q. How close to the bridge were you all, did he
19 back his truck up? And I should have said how close
20 to being under the bridge.
21 A. Well, it was something like that
22 (indicating). I don't know footage-wise. I mean, it
23 wasn't directly under the bridge. If you're looking
24 at the bridge this way, if you just look straight
25 down off the bridge, it's probably 20, 30 foot off to

1 one side. We wasn't directly under the bridge.

2 Q. I am going to show you three pictures. You
3 got your glasses?

4 A. I do.

5 Q. Do you recognize what this is a picture of?

6 A. I do.

7 GENERAL NICHOLS: Wait a minute. Let me
8 show defense counsel.

9 (Handed the defendant a laser pointer.)

10 BY GENERAL NICHOLS:

11 Q. I've got three pictures, different views.
12 But I want you to look at the first one and tell me
13 what that's a picture of.

14 A. That's a picture of the Interstate 40 bridge,
15 the location of the pile of rip-rap.

16 Q. Okay. What is the next one? Is this --

17 A. This is the absolute spot.

18 Q. So a closer-up view?

19 A. That's correct.

20 Q. All right. And the third one?

21 A. I guess it's just a replica of the same one
22 you have there.

23 Q. Except for what? Is it even closer?

24 A. Yes, ma'am.

25 Q. Okay. Can you see a trail in the third one?

1 A. To the -- between the rip-rap pile and the
2 lake.

3 GENERAL NICHOLS: All right. Your Honor,
4 I'd ask these be marked as the next numbered
5 exhibits.

6 THE COURT: Be 177, 178, and 179.

7 (WHEREUPON, the above-mentioned
8 photographs were marked as Exhibit Numbers 177-179.)
9 BY GENERAL NICHOLS:

10 Q. I'm going to put the first one on there,
11 Exhibit --

12 THE WITNESS: Can I move this?

13 THE COURT: We'll have the lights down in
14 just a minute.

15 THE WITNESS: Can I move this over a
16 little bit where I can twist around and see?

17 THE COURT: Yes, sir.

18 THE WITNESS: It won't go, Your Honor.

19 THE COURT: Don't have enough cord, okay.

20 THE WITNESS: It will be all right.

21 We'll get 'er done.

22 GENERAL NICHOLS: Is this 177 or 9?

23 GENERAL RAGLAND: 177.

24 GENERAL NICHOLS: 177.

25 BY GENERAL NICHOLS:

1 Q. All right, Mr. Autry, I want you to use the
2 laser pointer and explain to the jury what they are
3 looking at in this photograph.

4 A. Right here (indicating) is Interstate 40 east
5 and west. Right here (indicating) is the Tennessee
6 River bridge. Right here (indicating) this gravel
7 road is the gravel road we entered.

8 Q. I am sorry, you said that's the gravel road
9 you what?

10 A. We entered on, entered.

11 Q. Okay. Okay.

12 A. I'm trying to get it to the mic and to the --
13 We come in in this fashion here (indicating)
14 down here, and this -- down in this general location
15 right here (indicating) is where the beach is that I
16 was telling you about. Over to this side
17 (indicating) is where the other boat ramp is. Right
18 here (indicating) this little white dot right there
19 (indicating) is the pile of rip-rap.

20 Q. I want to ask you: Have you driven over that
21 bridge your whole life basically?

22 A. I have, going to and from.

23 Q. Can -- if you're on that bridge traveling --

24 A. Right here (indicating).

25 Q. -- can you see -- even though it looks like,

1 can you see --

2 A. You cannot.

3 Q. And I didn't finish my question, I think you

4 knew where I was going. Can you see what's below you

5 there close to the rip-rap?

6 A. You cannot. You're lucky to see this right

7 here (indicating).

8 Q. And you're showing the water?

9 A. This would be the lake. This would be the

10 lake.

11 Q. Okay. Let me put the next one up.

12 A. I am sorry about the inconveniences.

13 Q. All right. What is this one?

14 A. This is a picture of Interstate 40, the

15 bridge. This is the rip-rap, and this is the trailer

16 that runs this way.

17 Q. All right. That gravel road that you showed

18 the jury that you came in on.

19 A. Right there it is (indicating).

20 Q. In the previous picture, it just showed that

21 it went further, correct?

22 A. That's correct.

23 Q. Okay. And the next one, sort of a close-up.

24 A. That is correct.

25 Q. In this picture, you see the edge of the

1 highway or the bridge; is that right?

2 A. That is correct.

3 Q. And there appears to be a barrier, in other
4 words, where you won't go off of it --

5 A. Right here (indicating).

6 Q. -- if you're traveling?

7 A. Right here (indicating).

8 Q. Okay. Is that part of what obstructs your
9 view if you're traveling down that road?

10 A. It is. That factored in with elevation.

11 Q. All right. So do you see the pile of --

12 Let me ask you this: Is this what it looked
13 like then, or does it look different now in this
14 picture?

15 A. It looks different than this picture.

16 Q. All right. What is missing or what is
17 different?

18 A. This right here (indicating) was bigger and
19 was green. Like that right there (indicating) was
20 green.

21 Q. What do you mean bigger?

22 A. There was more, more rock.

23 Q. Okay. Show the whole area of where there was
24 rock back when --

25 A. It looked -- you see -- you see how this

1 looks tall, it was all in that fashion running out.

2 Q. Okay.

3 GENERAL NICHOLS: We can take the
4 pictures down and get the lights back up.

5 BY GENERAL NICHOLS:

6 Q. So when Mr. Adams backed his truck up to the
7 pile of rip-rap that you just showed the jury --

8 A. That's correct.

9 Q. I want you to start there, please, tell them
10 what happened.

11 A. We backed up to that pile of rip-rap,
12 approximately the distance of this to that
13 (indicating). We didn't back all the way against it.

14 Q. When you say this to that, you just indicated
15 the witness box to the --

16 A. To the jury box.

17 Q. -- jury rail? Yeah.

18 A. Yes. Approximately five, six foot, room to
19 get out. I got out of the truck with the right hand,
20 and I grabbed the upper torso of Ms. Bobo. Zach come
21 around, let the tailgate down. I brought the upper
22 torso to the end of the tailgate where he grabbed the
23 legs, and I sat the head, the upper end on the
24 rip-rap pile.

25 Q. Did you notice anything about the blanket or

1 the truck, the bed of the truck, did you see
2 anything?

3 A. In the bed of the truck, there appeared to be
4 a small amount of blood.

5 Q. Can you use your hands to describe what you
6 mean by small amount?

7 A. (Indicating.)

8 The bed of the truck was ridged, like the bed
9 of the truck. It looked as if it just lightly
10 skidded over. And the blanket at the upper end of
11 the torso that I grabbed had a small blood spot,
12 maybe the size of an orange.

13 Q. Hold your hands up, because I don't think
14 they can see over here.

15 A. Maybe the size of an orange.

16 Q. Did you look inside the blanket?

17 A. Never.

18 Q. Did you unwrap Holly?

19 A. Never.

20 Q. How were you able to swing her body around
21 and you get the top part and Zachary Adams get the
22 bottom part without unwrapping the blanket?

23 A. I grabbed the blanket just like you would
24 this shirt right here. The body didn't weigh very
25 much. I was in pretty good size shape. I am a

1 pretty good size guy. I grabbed the blanket just
2 like that right there (indicating) and walked to the
3 tailgate of the truck.

4 At that time, he grabs the legs, and we sat
5 the body down with the upper torso on that pile of
6 rip-rap that y'all just shown that we just discussed.

7 Q. After you put Holly's body down on the
8 rip-rap, what happened?

9 A. Mr. Adams goes to the driver's side of the
10 pickup, and I am standing -- I am standing over the
11 top of her with my hands up on my knees. She being
12 right here (indicating). And at that time, I see the
13 foot move, a movement, and a sound of distress that
14 sounded like "hmm" come out of her voice, come from
15 the blanket.

16 At that time I walked to the door, the
17 passenger side door of the pickup. Mr. Adams was
18 digging in a fanny pack. I told him, I said, this
19 fucking bitch is still alive. We just stopped for a
20 second. I walked to the front of the truck, and I
21 told Zach, I said, she's heard my named called and
22 heard me talking and all.

23 At that time, he wheels around, walks back to
24 the driver's side pickup. Out of the floorboard of
25 the pickup, he pulls a pistol. The same pistol that

1 was holstered on Mr. Austin's side at 30 Yellow
2 Springs Road. And I said, whoa.

3 Q. Let me ask you -- you can stop here. Did you
4 say whoa because you thought you were going to save
5 her life and stop him from doing something bad, or
6 did you say whoa for another reason?

7 A. I said whoa for another reason, to go look.

8 Q. Where did you go look?

9 A. We showed you on them three pictures.

10 Q. I am going to put you back Exhibit 177 up
11 there.

12 A. I said, whoa, and I run all the way across
13 here (indicating) to about this area (indicating) and
14 looked that way to see if anything was coming.

15 Q. How far could you see down there?

16 A. Maybe 250 yards. This is a long, pretty long
17 stretch from right here (indicating) to the next
18 curve. I looked around, and when I looked back
19 around, Mr. Adams was standing.

20 Q. Let me stop. You said you looked around, did
21 you stay down there at the corner, or did you come
22 back?

23 A. I stayed right here (indicating) working back
24 and forth, watching.

25 Q. What about looking the other way?

1 A. There was nothing coming. I looked back this
2 way, and I told him there was nothing coming.

3 Q. When did you look back the other way, the way
4 that you came in on?

5 A. Just shortly after I noticed, I looked down
6 here and wasn't nothing coming.

7 Q. Okay. You can get the lights. Hang on.

8 All right. You can keep going.

9 A. I looked around and I told him that there was
10 nothing coming, coast was clear, something to that
11 effect. And at that time, boom, a gun sounded -- a
12 gun went off. And it sound like to me that it shot
13 three or four times underneath that bridge. I had
14 done made it back. I had done started my way back
15 this way. And it sound like boom, boom, boom
16 underneath that bridge. It was just one shot, but it
17 echoed underneath that bridge all the way down that
18 damn river bottom. When that gun went off, there
19 was -- martins went everywhere.

20 MS. THOMPSON: I am sorry. I didn't hear
21 that.

22 THE COURT: Martins.

23 THE WITNESS: Martins, bridge birds.
24 Birds went everywhere, just all up under that bridge.
25 And it just dead silence for just a second. I was

1 still in this general location right here
2 (indicating). And I heard a boat, boat crank up, a
3 boat running somewhere either here (indicating) or
4 over here (indicating), somewhere there was a boat,
5 or either down -- the Tennessee River was right here
6 (indicating). I took off running. Run back over to
7 the truck. And I told him, I said, goddamn, we have
8 been seen or heard.

9 And at that time, Mr. Adams grabs the feet, I
10 grab the same spot at the upper torso. The blood
11 spot was probably the size of a grapefruit at that
12 time. We loaded the body back into the truck in the
13 same fashion, shut the tailgate, and tore out of
14 there like wild Indians, just driving erratic. And I
15 told him, I said, this is a federal refuge. There's
16 no firearms supposed to be allowed down here. If
17 they see us driving like this, we're going to be the
18 suspects. So we slowed down.

19 BY GENERAL NICHOLS:

20 Q. Now, are those the exact words you used? Did
21 you say it that calmly, this is a federal refuge, we
22 will be suspects?

23 A. Of course not. I mean, that's --

24 Q. So what did you say?

25 A. I mean, word for word, I can't -- probably

1 can't, you know, it's over six years ago, you know.

2 Q. Gotcha. All right. But you told him to slow
3 down?

4 A. Told him to slow down, yeah.

5 Q. I want to -- before we go any further about
6 where you went. I want to back up just a little bit.
7 When you looked and saw -- and said nothing is
8 coming, you said you turned around and saw Mr. Adams
9 over Holly?

10 A. That is correct.

11 GENERAL NICHOLS: Your Honor, may this
12 defendant come over here (indicating) and demonstrate
13 what he saw?

14 THE COURT: Yes. Yes.

15 GENERAL NICHOLS: Mr. Autry --

16 THE COURT: Step down.

17 GENERAL NICHOLS: -- and come over here.
18 I want you to stand here facing the jury and show
19 them the position of Holly's body and where Zachary
20 Adams was standing.

21 THE WITNESS: This is the rip-rap. The
22 pile of rip-rap right there (indicating) that we
23 pointed to. I sat the body down with the upper torso
24 inclined, like you would sit like this right here
25 (indicating). When I was standing over here, Mr.

1 Adams was standing at the upper torso at this
2 fashion.

3 BY GENERAL NICHOLS:

4 Q. So he was standing?

5 A. I could not see him below the vegetation.
6 The vegetation right in here (indicating) is pretty
7 high. I mean, it's not mowed and kept up or nothing
8 like that. I mean, it's pretty high vegetation.

9 Q. All right. So you said he was standing here
10 like this (indicating). You mean he was up on the
11 rip-rap looking down on her?

12 A. That is correct, like this (indicating).

13 Q. All right. Did he have anything in his hand?

14 A. Yeah, the pistol.

15 Q. You can sit down.

16 A. He got the pistol out of the truck. He got
17 the pistol out of the truck before I ever went to
18 here (indicating).

19 Q. Right.

20 A. And didn't put it up over here (indicating).

21 Q. So you loaded Holly back up in the white
22 Nissan Frontier?

23 A. That's correct.

24 Q. You told the jury, you take off back down the
25 road?

1 A. Come out this way right here (indicating),
2 get back on this road, back on this little gravel
3 here (indicating). We driving just erratic, just
4 panicking, just pretty much, right?

5 Q. What happens from there?

6 A. We travel back.
7 Do you want this back?

8 Q. Not yet.

9 A. We travel back. We set a course back. I
10 look at my cell phone, and I told him, I said, man, I
11 said, I need to get the hell to Benton County and
12 meet Angela for lunch.

13 Q. When I ask you about your kind of routine
14 with her, when you weren't working, was that part of
15 the routine?

16 A. When I wasn't working, she expected me to be
17 at Benton County Health Department for lunch -- with
18 lunch to spend with her through her lunch period.

19 Q. She had, what, half an hour or so?

20 A. She had half an hour, but she wanted me to
21 get her something to eat and meet her there.

22 Q. Let's be honest, is that the only reason you
23 wanted to get away at that point? You said --

24 A. No, no, no, no. When I realized -- keep in
25 mind, a few minutes before that, I had just shot with

1 one hell of a load of dope. And when I realized and
2 heard the gun go off, I come pretty much to my
3 senses. I realized that this old boy has made some
4 bad mistakes, some bad judgments, and his ass was in
5 a bind. And I was looking for a way to put some
6 distance between me and that situation.

7 Q. All right. So other than telling him to slow
8 down so you guys didn't get caught on your way out of
9 the refuge, did you have any discussion about what
10 had just happened or what had happened before you got
11 to Shane's trailer that morning?

12 A. I did. Approximately -- just a briefly -- I
13 mean, after the most intense part of it got gone, I
14 asked him how did she get here, how did you know her.
15 And he said that Natalie Bobo was working at a strip
16 club at North 40 prostituting for drugs and stuff
17 like that. She had been coming down there fucking
18 him and left the idea that victim, Bobo, was going to
19 be in a threesome with him. Been showing him
20 pictures of her and stuff like that. He also said
21 that the victim had been to his house before.

22 Q. He said all this -- he said all of this from
23 the time y'all left headed back?

24 A. That's correct.

25 Q. Did he tell you how she ended up in the

1 truck, because that doesn't answer that question?

2 How did she end up wrapped up in a blanket in Zach
3 Adams' truck?

4 A. Days later, he did.

5 Q. All right.

6 A. Not that day. It was days later.

7 Q. Okay. So where did you go at that point?

8 A. We went back -- I went back to the PT Cruiser
9 and got back out. Got in the PT Cruiser, went to
10 641, realized that I didn't have enough time to make
11 it to her lunch. And I sat north of Interstate 40
12 texting her through her lunch period. When I pulled
13 out, Zach was pulling back in 30 Yellow Springs Road,
14 which was Austin's.

15 Q. So he dropped you off at your PT Cruiser at
16 the church?

17 A. Back at the PT Cruiser, where at that time, I
18 made an attempt to go to Benton County.

19 Q. Okay. You said when you came around, he was
20 pulling in? So I don't understand.

21 A. He was pulling back in at 30 Yellow Springs
22 Road back where Dylan and Shane was.

23 Q. All right. So he dropped you off at the
24 church, and then he goes back to Shane's?

25 A. That's correct.

1 Q. What's the distance from the church to
2 Shane's?

3 A. Less than a mile.

4 Q. All right. When is the next time that you
5 saw or spoke to Zach Adams that day if you did?

6 A. At approximately 2:15, I established contact
7 again.

8 Q. That's mighty big words, I established
9 contact. Who called who?

10 A. I called. I called. I initiated the call.

11 Q. Tell the jury about it.

12 A. I asked him did -- was they together, could I
13 get another pill. And he said, yeah, that Dinsmore
14 was over at Dottie's, Victor Dinsmore was over at
15 Dottie's. We would run over there and get the pill.
16 And I told him, I said, we're going to have to hurry
17 up, because I got to be back over here at the quick
18 mart at 3:30. This was approximately 2:30 when I
19 arrived back at 235 Adams Lane.

20 Q. All right. So you called him, wanted more
21 Morphine?

22 A. That's correct.

23 Q. All right. He said okay. Y'all were going
24 to go to Dottie's. Who's Dottie?

25 A. Dottie owns the -- she owns a BP and Marine.

1 Victor was working at her home remodeling some
2 cabinets, I believe was what -- don't take -- he was
3 working in the home.

4 Q. Okay. Was Zachary your connection to Victor
5 Dinsmore? Is that why --

6 A. I had two connections to Dinsmore. It was
7 Zach and Shane.

8 Q. Okay.

9 A. At that time me and Dinsmore was not -- I had
10 never purchased nothing directly from him, and I was
11 having to go secondhand to get the stuff.

12 Q. All right. So you said -- where did you meet
13 back up with Zach?

14 A. 235 Adams Lane.

15 Q. Okay. Who lives there?

16 A. Mr. Adams.

17 Q. And is there another house there at the top
18 of the driveway real close?

19 A. Grandpa.

20 Q. Okay. And you had been over there before?

21 A. Yes, ma'am.

22 Q. When you pulled up at Zach Adams' house that
23 afternoon, you said around 2:30?

24 A. That's correct.

25 Q. Who was there?

1 A. Shane, Dylan, and Zach were standing outside
2 the front of Dylan's Silverado pickup.

3 Q. Was the white Nissan Frontier there?

4 A. No.

5 Q. So the car that you had been in -- the truck
6 that you had driven with him to the bridge, it wasn't
7 anywhere to be seen?

8 A. That's correct.

9 Q. What did you see or hear as you --

10 A. When I pulled up, the area was just thick
11 with animosity. You could tell that there had been
12 some fighting and anger amongst them.

13 MS. THOMPSON: I am going to object about
14 any kind of speculation, Your Honor.

15 THE COURT: He can say what he observed.

16 THE WITNESS: Continue on?

17 THE COURT: You may.

18 THE WITNESS: We got in the -- we got in
19 the truck. I got on the passenger side, Austin got
20 in the middle, Mr. Adams got on the driver's seat.
21 There wasn't a word said for just 30, 45 seconds.

22 BY GENERAL NICHOLS:

23 Q. Let me stop you. You talked about two Mr.
24 Adams. Which Mr. Adams was in the driver's seat?

25 A. Zach. Dylan was in the back. It was an

1 extended cab Chevrolet pickup.

2 Q. So all three of y'all were in the front?

3 A. Three in the front, one in the back.

4 Q. Okay.

5 A. From Zach's house to Dottie's house where we
6 was headed is less than two miles. I mean, it's --
7 you can be in there -- I mean, it's less than two
8 miles, probably a mile and a half. I don't know
9 exactly. We got in there and we pulled out of the
10 driveway, him and Shane started arguing.

11 Q. Who is him?

12 A. Zach and Shane.

13 Q. Okay.

14 A. We pulling in --

15 Q. Arguing about what? Finish that thought.

16 A. Yeah. Shane told him, he said, you didn't
17 have to kill her. And Zach told him, said, you're
18 just as damn guilty, you hit it. And Zach told him,
19 said, you shut your fucking mouth. I am sick of it
20 being discussed. We're here. We pulled up, and he
21 told him, he said, I'll whoop your goddamn ass. They
22 got out of the truck at Dottie's and one lick was
23 exchanged. Zach hit Shane. Dinsmore pulls up. I
24 mean, Dinsmore comes outside and this unidentified
25 lady and stops it.

1 Well, Dinsmore comes out, and the fight
2 stops. I look to my right, which is inside the
3 carport, and there's this unidentified lady standing
4 there. I didn't know who she was. They get back in
5 the truck, Dinsmore walks up there. We purchase the
6 pill, Dinsmore said your wife said she spoke to you.
7 And Zach said, I moved four rims in your shop to get
8 my truck in. And he said, Jason, is in a hurry,
9 Train is in a hurry. He didn't call me Jason, he
10 called me Train. He said, Train is in a hurry. We
11 got to get him back over here, and I'll talk to you
12 later.

13 Q. Did Dylan ever get out of the truck?

14 A. He never got out of the vehicle.

15 Q. All right. So let's back up a little bit
16 about the conversation between Zachary Adams and
17 Victor Dinsmore, who said something about somebody's
18 wife?

19 A. Dinsmore said that his wife had spoke to
20 Zach.

21 Q. Okay. My wife spoke to you?

22 A. Yeah. My wife said she talked to you earlier
23 today. Dinsmore said, yeah, I went over there, and I
24 moved four rims out of your shop, and I pulled my
25 truck in.

1 Q. Who said that? Who said, I moved four rims?

2 A. Zach said, I moved four rims out of your
3 shop.

4 Q. Watch hitting the microphone, because it
5 makes a lot of -- I know you got some -- a tight
6 space there.

7 A. Well, I am trying to talk in it and be heard.

8 Q. I know. So you went there to get a pill, did
9 you get a pill?

10 A. I did.

11 Q. Directly to you or through Dinsmore to Zach?

12 A. Dinsmore walked up to the window, we paid,
13 they paid the money, my money, and the pill just come
14 across from one hand to the other to me.

15 Q. Okay.

16 A. And that was kind of the gateway that day
17 that broke the ice that lead into the future of me
18 and Dinsmore being quote, unquote friends. Once I
19 made a drug deal with him, you know, he realized --

20 Q. I want to back up to the part where they were
21 arguing about Holly, and I want you to use names
22 instead of he said or him. Who said what about you
23 didn't have to kill her, and then you're just as
24 guilty, you hit it? It's unclear to me who said
25 what.

1 A. Okay. Mr. Austin said, you didn't have to
2 kill her. And he looked at him. Zach looked at him,
3 he told him, he said, you're just as guilty, you hit
4 it.

5 Q. Are you using the word, you hit it? You hit
6 it?

7 A. Yeah.

8 Q. What does that mean? What does that mean?

9 A. Fucked her.

10 Q. So he said you're just as guilty as I am, you
11 hit it?

12 A. Yeah.

13 Q. Then what happened after that?

14 A. They get into the fight. They get out of the
15 truck, go to the front of the truck, Mr. Adams drills
16 him a good lick, and that ends it. By the time he
17 lands that lick, Dinsmore is running out there
18 saying, y'all can't have this shit going on. Stops
19 the -- basically stops the damn fight.

20 Q. Did you notice whether or not Shane's glasses
21 were broken or whether he had any marks around his
22 eyes or face?

23 A. He got -- two days later, I seen him with a
24 black eye. From the -- from the moment of impact, I
25 wasn't around long enough to see the blackening. I

1 mean, it was red when I got out two days.

2 Q. So you all left Dottie's house; is that
3 correct?

4 A. That's correct. Went straight back to 235
5 Adams Lane.

6 Q. When you got back to Adams Lane, was the
7 white Nissan Frontier back there? Was it still gone?

8 A. It was -- it was not there.

9 Q. Did you hang around, or did you leave when
10 you got back?

11 A. I did not. As I testified, I had to be in
12 another county at 3:30. And that was -- from where
13 Zach lived to where I had to be, it's a 35- to
14 40-minute drive if you pushed it. You really have to
15 go.

16 So I didn't have enough dope -- I didn't have
17 enough meth left to supply, so I wasn't going to stay
18 anyway. I didn't have enough to get everybody high.
19 I just had enough for me. I was an addict. I was
20 looking out for me.

21 Q. You used a phrase a minute ago that that
22 opened or broke the ice, you're talking about what
23 had happened earlier on the 13th?

24 A. With Dinsmore, is that what you're saying?

25 Q. Well, no, I am saying that what you heard on

1 the way to Dinsmore's and at Dinsmore's, sort of --
2 okay. So you're saying that broke the ice with
3 Dinsmore?

4 A. Yeah.

5 Q. Okay.

6 A. As I testified, I didn't -- the reason that I
7 didn't go directly to Dinsmore to buy the meth is
8 because -- I mean, to buy the Morphine is because I
9 had never purchased nothing directly from him.

10 Q. So tell me after you left the afternoon of
11 the 13th, when is the next opportunity you had or the
12 next time you talked to any of the three of them
13 about what had happened on the 13th. I am not asking
14 for a day unless you remember. I am more asking
15 for --

16 A. Two days later.

17 MS. THOMPSON: Your Honor, I am going to
18 object if they're going to get into 404(b) evidence
19 that's not related to these charges. The other thing
20 is I am going to object to hearsay as to what
21 somebody else may have told Mr. Autry and not
22 specifically Mr. Adams.

23 GENERAL NICHOLS: My question was simply
24 when is the next opportunity he had. I didn't ask
25 him what anybody said.

1 MS. THOMPSON: Well, I'm just -- in
2 advance, Your Honor. I am anticipating --

3 THE COURT: Be cautious, please.

4 GENERAL NICHOLS: I will.

5 BY GENERAL NICHOLS:

6 Q. So, Mr. Autry, I want you to listen to my
7 questions very carefully. If I don't ask you what
8 somebody said, don't volunteer it.

9 A. Gotcha.

10 Q. You understand?

11 A. Yes, ma'am.

12 Q. All right. When is the next opportunity that
13 you had to speak to Zach Adams, Dylan Adams, or Shane
14 Austin?

15 A. Two days later.

16 Q. That would have been Friday the 15th?

17 A. That's correct.

18 Q. On that day, which of the three of them did
19 you talk to?

20 A. Zach.

21 Q. Where were you?

22 A. I was in Benton County.

23 Q. All right. And did he come to Benton County,
24 or were y'all talking over the phone?

25 A. He called me, and we agreed to meet behind

1 the Marathon at Interstate 40.

2 Q. Marathon Station at Interstate 40?

3 A. That is correct. Where 641 and Interstate 40
4 crisscross, there is a Marathon.

5 Q. Is Adams Lane right off of 641?

6 A. From that -- from there, it's a mile or so.
7 It's close.

8 Q. Okay. So my question was is Adams Lane --
9 does it run directly onto 641?

10 A. Yes.

11 Q. So it's their driveway. They're on 641, they
12 just have an Adams Lane?

13 A. That is correct.

14 Q. Okay. Did you agree to meet him?

15 A. I did.

16 Q. When you got there, who was there?

17 A. Dylan and Zach.

18 Q. And did y'all just pull up in front of the
19 store, or did you meet somewhere else?

20 A. At the Marathon, there's a side road that
21 cuts back behind it. We met in a wooded area, maybe
22 a quarter of a mile from the Marathon.

23 Q. Is that an area that you had been to before?

24 A. That is correct.

25 Q. All right. What was back there in the

1 thicket?

2 A. Marijuana.

3 Q. Whose plants?

4 A. Mine.

5 Q. Had Zach Adams been in that location with you
6 before, like when you said meet at the Marathon?

7 A. I don't -- he's never been in there with me
8 before.

9 Q. Okay. So y'all -- you pulled up, he pulled
10 up, correct?

11 A. I was there first, and he pulled in behind
12 me.

13 Q. What vehicle were they in, and who was
14 driving?

15 A. They were in Dylan's Chevrolet extended cab
16 pickup.

17 GENERAL NICHOLS: Your Honor, at this
18 time, we need to approach.

19 MS. THOMPSON: Your Honor, I'd ask for a
20 jury-out hearing if there's going to be any kind of
21 evidentiary discussion, so we can get it on the
22 record.

23 GENERAL NICHOLS: There will be.

24 THE COURT: Okay. Take the jury to the
25 jury room, we'll send for them.

1 (WHEREUPON, the jury left the courtroom,
2 after which the following proceedings were had:)

3 THE COURT: Has their food arrived?
4 Let's just take our lunch recess for an hour.

5 GENERAL NICHOLS: We're going to need
6 him -- if we're going to have the 404(b) hearing,
7 we'll need him for a few minutes.

8 THE COURT: All right. Be seated.

9 GENERAL NICHOLS: As Your Honor is aware,
10 the State filed a 404(b) motion earlier, and we are
11 at that portion of the trial where we are seeking to
12 introduce evidence that could very possibly fall into
13 the 404(b) category. Another school of thought is
14 that it actually does not, it is merely contextual
15 for what happened in the aftermath of Holly Bobo's
16 murder. But just in case you find it to be -- fall
17 within 404(b), I didn't want to start it without...

18 THE COURT: Okay.

19 GENERAL NICHOLS: So I think the better
20 outline for you, what I believe, and then I would
21 like to put on proof through Mr. Autry. Once they
22 were parked in the parking lot of this Marathon,
23 there was a conversation between Mr. Autry and Zach
24 Adams. A request was made by Zach Adams, and that is
25 the testimony I am going to ask the witness.

1 THE COURT: Okay. Go ahead.

2 BY GENERAL NICHOLS:

3 Q. So, Mr. Autry, lean forward, make sure the
4 judge can hear you.

5 When you guys -- you were there first, you
6 said, and he pulled up in Dylan's extended cab; is
7 that correct?

8 A. That is correct.

9 Q. All right. Did you get out of your car?

10 A. I did not.

11 Q. Did somebody come to your car?

12 A. Zach come to my car.

13 Q. Okay.

14 A. We proceeded to --

15 Q. Did he get into the car?

16 A. Got into the car, yeah.

17 Q. Okay. He's on the passenger side, you're on
18 the driver's side?

19 A. That is correct.

20 Q. Did you have a conversation?

21 A. That is correct.

22 Q. Would you tell the judge the entire
23 conversation that you had?

24 A. Whenever he got in the car, I handed him a
25 meth pipe. He took a couple of hits off of it, and I

1 asked him, I said, what did you ever do with the old
2 girl. He said, we threw her out over near Kelly
3 Ridge. He said, that's not the main reason I'm here.
4 He said, fucking Dylan ain't been to bed and won't
5 stop talking about it. He said, I want to see if
6 you'll get rid of him, kill him for me. At that time
7 he made an offer for me to get rid of Mr. -- uh,
8 Dylan.

9 GENERAL NICHOLS: Your Honor, it is the
10 State's position that that 404(b) statement of Mr.
11 Adams falls directly into the category of his motive,
12 his intent, his plan to get away with this crime,
13 because at that time, because Dylan Adams hadn't been
14 to bed and wouldn't quit talking, he was afraid --
15 he, being Zach Adams, was afraid Dylan Adams was
16 going to implicate him and that he would be caught.

17 And I truly don't believe it's 404(b). I
18 think truly it's statements made directly after the
19 murder took place and the kidnapping and the rape,
20 but we do seek to offer it.

21 MS. THOMPSON: First of all, Your Honor,
22 this is something that's happening two days later, so
23 it is not directly related to statements directly
24 after the murder, the alleged murder of Holly Bobo.
25 Second of all, it's irrelevant as to whether at that

1 point the crime, the murder of Holly Bobo is
2 completed, it is finished, what happens next is
3 irrelevant, Your Honor. So it's not relevant to
4 whether or not Mr. Adams was involved in shooting
5 Holly Bobo, he shot Holly Bobo, he kidnapped her, or
6 he raped her. It's independent of that.

7 Next, it's highly prejudicial because it
8 paints Mr. Adams out to be a killer of his own
9 brother, somebody -- I mean, that's a second murder,
10 a second attempted murder that they're trying to pull
11 in here. And then after that, it's just -- if you
12 give it any kind of 404 analysis, it's just highly
13 prejudicial, and the prejudice of this outweighs the
14 probative value of whether or not this is, you know,
15 probative value that it has as to whether or not Mr.
16 Adams killed Holly Bobo.

17 We've already heard that. The whole murder
18 is complete. We've already heard all the murder
19 information, and at this point these are just
20 additional crimes and wrongs that they're trying to
21 bring in. It doesn't show a pattern, because it
22 doesn't show anything about the murder. The murder
23 is completed, allegedly, if you're going to believe
24 Mr. Autry. The murder is completed. It's final.
25 And now what they're trying to introduce doesn't go

1 to show anything about the murder.

2 GENERAL NICHOLS: And we, of course --

3 THE COURT: It's contextual. If it's
4 true, then it's showing an attempt to cover a crime
5 by further doing things to keep it from being
6 undetected by other people.

7 MS. THOMPSON: But he's not charged with
8 that crime, Your Honor. He's not charged with trying
9 to cover up the murder.

10 THE COURT: It's part of the context,
11 though. The Court finds that it is particularly
12 probative in this case. And it doesn't really go to
13 a character trait. It goes to an attempt to keep
14 something from being discovered, and the Court finds
15 that its probative value does outweigh the danger of
16 unfair prejudice. So even if it's 404, which I am
17 not sure it is, I think it's contextual. The Court
18 finds nevertheless it would be admissible, okay?
19 Clear and convincing evidence, Court finds.

20 All right. Take lunch. Let's take until
21 1:00, till 1:00, let's just round it off.

22 (Lunch break.)

23 THE COURT: Be seated. Let me say this
24 before we get started: She said I didn't say
25 material. If I didn't, I certainly implied that that

1 particular evidence was material. I said it's
2 relevant as to the entire complete story, and we got
3 a limiting instruction if he so testifies that I will
4 give to the jury immediately afterwards.

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

8 THE COURT: Be seated. We're still all
9 right time-wise. I want to let you know that, okay?

10 All right. Let's bring Mr. Autry back in to
11 give further testimony. Mr. Autry, you may have a
12 seat. We're going to continue with your testimony.
13 You can proceed.

14 GENERAL NICHOLS: Thank you, Judge.

15 BY GENERAL NICHOLS:

16 Q. Mr. Autry, I want to back up a little bit to
17 the place we left off before lunch. I want you to
18 begin with Friday, two days after Holly Bobo was shot
19 in front of you --

20 A. (Nodded head affirmatively.)

21 Q. -- when you met Zach Adams at the Marathon
22 Station, okay?

23 A. Correct.

24 Q. That's where I want to pick up. If you'll
25 back up just a little bit about you showing up and

1 him showing up and then go forward from there, okay?

2 A. So that evening I received a phone call, and
3 he asked me to meet him, at no set location, but I
4 decided -- I named the location, and we met at the
5 Marathon at 641 and Interstate 40 in a pine thicket.

6 Q. What happened?

7 A. I got there early first, Zach and Dylan
8 pulled in behind me in an extended cab Chevrolet
9 pickup. Zach come to the front seat of the car, sat
10 down. I handed him a meth pipe. I asked him a
11 question, I said, what did you do with that girl. He
12 said, we throwed her out near Kelly Ridge. He said,
13 that's not the reason I am here today. He said, I am
14 here over Dylan. Dylan hadn't been to bed, won't
15 stop running his damn mouth about this shit. He's
16 going to get us in trouble.

17 Q. When he told you that, how did you respond?

18 A. I asked him what he wanted done.

19 Q. Okay. Tell the jury what was said.

20 A. He said his grandpa, Dick, would probably
21 pass in a few years, and if I killed Dylan, he'd give
22 me a portion of the money and let me live in one of
23 the houses. I did not make an agreement. I told
24 him, I said, it's something I need to think about,
25 and I am not prepared to do this today.

1 Q. And did he indicate to you how he wanted it
2 done or when he wanted it done?

3 A. He did not.

4 Q. When you said that to him, what did he say?

5 A. He told me if I decided to do that to let him
6 know. And I told him, I said, when I get done with
7 that, you'll probably be next.

8 Q. Meaning what?

9 A. Meaning I was going to kill him, too.

10 Q. What did he say or do after you said that to
11 him?

12 A. He hit the pipe a few times, and I asked him,
13 I said, what's going on with Shane. He said, I
14 hadn't seen him. And I said, well, I am fixing to go
15 visit him.

16 THE COURT: All right. Let me stop just
17 a minute. Ladies and gentlemen of the jury, you have
18 heard testimony that the defendant, Zachary Adams,
19 allegedly attempted to engage this witness to harm
20 Dylan Adams, as well as other potential bad acts.
21 You may not consider such testimony to prove his
22 disposition to commit the crime for which he is on
23 trial, but rather the testimony may only be
24 considered by you for the limited purpose of
25 determining whether it provides the complete story of

1 the crime. That is, whether such testimony in the
2 charged offenses are logically related or connected
3 so that the testimony of the other tends to prove the
4 one charged or is necessary for a complete account
5 thereof. Okay.

6 BY GENERAL NICHOLS:

7 Q. Why did you make the statement that you did
8 to Zach Adams, that if you decided to do it that he
9 would be next?

10 A. I felt like after I had sat and evaluated the
11 situation and the circumstances and the reality and
12 the scope of the situation had fell on me, I felt
13 like in my heart that he should have notified me and
14 let me know before you bring me into a situation like
15 that. Meaning, the day that I called trying to set
16 up and buy the Morphine and you said you needed to
17 see me, you should have said you had a dead body
18 there. I felt that in my heart. I felt that I was
19 brought into that. And I felt that -- that's what I
20 felt.

21 Q. You asked about Shane and then made the
22 statement that you were going to go check on him; is
23 that right?

24 A. That is correct.

25 Q. Okay. So did you do that?

1 A. I left there, stopped at the store at
2 Dottie's, and got two beers, two quarts, two quarts
3 of Bud Light. I proceeded to Shane's house where I
4 ran into a road block at 790 Pugh Road. The officer
5 was Jeremy Inman. I pulled up, and he looked in the
6 car and seen the alcohol. He said, Jason, he said,
7 there's search parties and shit all the over the
8 place down through there. He looks through the car,
9 through the front PT Cruiser, looks in the back in
10 the hatchback, and he said, you need to be careful if
11 you're going to drive through there drinking. And I
12 left, went to Shane's house.

13 Q. And that's the trailer on Yellow Springs
14 Road?

15 A. 30 Yellow Springs Road.

16 Q. And is that the first time you had been back
17 to the trailer since?

18 A. That's the first time I had been around any
19 of them or back to Decatur County since the 13th.

20 Q. All right. Now, you're not going to be able
21 to say what Shane said, but I want you to describe
22 what you did when you got to his trailer and what you
23 observed?

24 A. When I got to the trailer, he was highly
25 inebriated, and he said -- no, I can't say.

1 Q. Right. He was --

2 A. He was highly inebriated, and I took him away
3 from that situation. There was --

4 THE COURT: We're talking about Shane?

5 THE WITNESS: That's correct.

6 THE COURT: Okay. All right.

7 BY GENERAL NICHOLS:

8 Q. Were there search parties all in and around
9 where his trailer was, the road in front of his
10 trailer, the woods?

11 A. There was -- there was maybe a command post
12 set up at Yellow Springs Church, and people just
13 everywhere in that area.

14 Q. And again, you can't say what he said, but
15 you can describe his demeanor for the jury. Was he
16 agitated, was he calm, was he concerned? How would
17 you describe his demeanor?

18 A. Frantic.

19 Q. Frantic. As a result -- because you went
20 there to check on him, right?

21 A. That's correct.

22 Q. So as a result of pulling -- you, yourself,
23 passing a road block, pulling in and seeing all the
24 search parties, you said you wanted to take him away
25 from that situation?

1 A. I did.

2 Q. So what did you do?

3 A. I loaded him in -- got him into the PT
4 Cruiser and left that general location. I noticed as
5 we were going down the road when I turned and hit the
6 brakes that he would go over, nod out and hit the
7 dash. I was having to catch him with my hand. So I
8 thought, I'll take him and feed him. At that time, I
9 took him to Johnny's Bar and Grill and fed him.

10 Q. During the course of your meal with him, did
11 he at any time or did his demeanor change, did he
12 calm down, did he sober up, did you become less
13 concerned?

14 A. You know, we were in a bar, and he was not
15 drinking, so he naturally sobered up a little bit,
16 but there was numerous people in the bar, and we left
17 there and went to another bar. He did kind of sober
18 up after he eat, but he never really come to just
19 complete sobriety.

20 Q. Again, not asking what he said, did you have
21 a conversation with him about what had happened to
22 Holly?

23 A. I did not.

24 Q. Not that night?

25 A. Not that night.

1 Q. Okay. So after taking him to eat and then to
2 another bar, did you take him back home?

3 A. I did. I did. And at that time, dropped him
4 off, went back to 310 Benco Hills to Angela's house.

5 Q. To Angela's?

6 A. Yeah.

7 Q. Okay. So that's the conversation that you
8 had with Zach two days after Holly was killed.

9 When is the next opportunity that you had to
10 talk to Zach about any of this? And I am not asking
11 for a date. I am more asking for an event or --

12 A. I called him, and I told him, I said, I've
13 thought about that, about the offer you made, and I
14 said, I am looking into it. Meaning Dylan. At that
15 time, day or so after that, I loaded Dylan up in the
16 truck with a bass boat and carried him to the
17 Tennessee River.

18 Q. All right. Let me back up. When you called
19 him and said you're looking into it, did you ask him
20 anything about whether his offer was still good?

21 A. I did. Yes.

22 Q. Okay. Tell the jury --

23 THE COURT: Maybe we ought to identify by
24 name rather than pronouns, okay, to make it clear.

25 BY GENERAL NICHOLS:

1 Q. When you called Zach Adams, did you talk to
2 Zach Adams about the offer that he had previously
3 made to you?

4 A. I did.

5 Q. Would you tell the jury the whole
6 conversation?

7 A. It was a brief conversation. I asked him if
8 the offer still stood. He said, yeah, when Pappaw
9 passed and the land and money transfers hands. And I
10 said, all right, I am thinking about going through
11 with it. And I did set up a date to take Dylan to
12 the river.

13 Q. Did you set up a day to take Dylan to the
14 river with Zach, or did you set up a day to take
15 Dylan to the river later on, did you set that up with
16 Dylan?

17 A. I surprised Dylan. I knew that he was home
18 and his pappaw was at the water plant. And I showed
19 up with a boat and a little marijuana and lured him
20 into going.

21 Q. All right. So what did you tell him? And
22 again --

23 A. I asked him if he wanted to go bass fishing.

24 Q. Did he get in the car with you to go bass
25 fishing?

1 A. Just -- yes.

2 Q. Tell the jury what happened after that.

3 A. We go to the Tennessee River, put in the
4 boat. We run to Cubb Creek. We start bass fishing
5 up a bank. Dylan catches a little ole grinnell.

6 THE COURT: A little ole what?

7 THE WITNESS: A grinnell.

8 THE COURT: Okay.

9 THE WITNESS: Asked me to come back there
10 and take it off, he was scared of the teeth that it
11 had. By that time, we had been there maybe an hour
12 or so drinking, smoking pot. I was trolling down the
13 channel looking for a place to put him. And a little
14 ole Jon boat come up, pulled up beside of us that
15 knew -- pulled up beside us and asked if we were
16 catching anything, and he knew Dylan's grandfather.
17 At that point, that stopped everything. We had been
18 spotted. There was no -- you know, he positively --
19 he positively identified him. And I bought the boat
20 from Cherokee Boat Dock, and he knew the owner of the
21 boat that I bought the boat from. So he did not know
22 me, the guy didn't. But he knew the owner of the
23 boat, and he knew Dick Adams.

24 BY GENERAL NICHOLS:

25 Q. So you had a conversation with him and you

1 realized at that point he knows your boat, he knows
2 Dylan, he knows Dick Adams, you've been seen?

3 A. That's correct, been seen. So we finished
4 the day with the portion of the day fishing and just
5 enjoying it, so to speak. He gets inebriated,
6 drinking, and starts talking. And I asked him, I
7 said, man, I said, at any given time, I said, you
8 could have done like me and walked away, because in
9 my mind the last time -- the last time he seen me, I
10 was leaving 30 Yellow Springs Road, and he did not
11 know about the bridge and all that, and he stayed
12 there. So I am thinking that he thought, that he
13 didn't know Jason was involved in anything.

14 Q. What happened?

15 A. He said --

16 MS. THOMPSON: Your Honor, I am going to
17 object.

18 THE COURT: He can't say what he said.

19 THE WITNESS: Huh?

20 THE COURT: You can't say what Dylan said
21 to you.

22 GENERAL NICHOLS: You can't say what he
23 said --

24 THE COURT: You can say what you did in
25 response to it or what you said to him, okay? But

1 you can't say what Dylan said to you.

2 BY GENERAL NICHOLS:

3 Q. Let me see, did he give you certain
4 information?

5 A. That's correct. He give me information as to
6 whereabouts the rape --

7 MS. THOMPSON: Your Honor, I am going to
8 object. He's saying --

9 THE COURT: All right. Hearsay.

10 GENERAL NICHOLS: Understood.

11 BY GENERAL NICHOLS:

12 Q. Okay. It's tricky. So just listen to me
13 carefully, okay?

14 Did he give you certain information about
15 April 13th?

16 A. That's correct.

17 Q. Okay. And after hearing that information,
18 about April 13th and what happened, did you take
19 certain actions, did you do something in response to
20 that information?

21 MS. THOMPSON: Your Honor, I want to make
22 sure they're not trying to back door any hearsay in
23 by then --

24 THE COURT: She knows what my ruling is.

25 MS. THOMPSON: Okay.

1 BY GENERAL NICHOLS:

2 Q. So you can answer that. Based on -- or after
3 hearing that information, did you go somewhere, did
4 you do something?

5 A. I did. After hearing that information, I
6 went to where the alleged rape was occurred --

7 Q. After hearing that information, did you go
8 somewhere?

9 A. I did.

10 Q. Where did you go?

11 MS. THOMPSON: Your Honor, I think now
12 he's saying wherever he went is where the alleged
13 rape occurred. He's now saying that --

14 GENERAL NICHOLS: Judge, I --

15 THE COURT: You'll disregard what he
16 said. Just see if we can get more directly to the
17 point.

18 BY GENERAL NICHOLS:

19 Q. Where did you go?

20 A. I went to my grandmother's barn.

21 Q. Okay. So let's talk about your grandmother's
22 barn. First of all, is your grandmother and Shane
23 Austin's grandmother the same person?

24 A. That's correct.

25 Q. Where was her barn located?

1 A. Yellow Springs Road.

2 Q. Where was her house located?

3 A. 200 yards across the road.

4 Q. All right. So you've got a house on one side
5 and a barn on the other side?

6 A. That's correct.

7 Q. And are they -- I mean, can you -- if you're
8 standing on her front porch, can you see across the
9 road to the area where the barn is?

10 A. You might see the roof in the fall.

11 Q. Okay. Where in relation -- and let me ask
12 you this, had your grandmother recently passed away?

13 A. Grandmother and grandfather.

14 Q. Was the house vacant at that time?

15 A. That is correct.

16 Q. Was the barn being used at that time?

17 A. No, ma'am.

18 Q. All right. So you go to this barn, and
19 again, without saying, without repeating what Dylan
20 told you, what were you doing at the barn?

21 A. I was there to clean up any possible evidence
22 left behind.

23 Q. Did you see any evidence that needed cleaning
24 up?

25 A. I did not.

1 Q. Would you describe for the jury what the
2 inside of that barn looked like?

3 A. It was an old corncrib with hay. If you
4 walked in the front door, there was hay laying to the
5 right with 85 percent probably of the roof blown off.
6 It was in severe deterioration.

7 Q. Did you actually go into the barn to look for
8 evidence?

9 A. From the door, you could see the scope of the
10 entire, you know -- I mean, it was no -- it was no
11 huge barn.

12 Q. Did you move anything, did you clean anything
13 up, or did you just turn around and leave?

14 A. The area looked normal, and I turned around
15 and drove off.

16 Q. How far after the 15th when you were first --
17 when Zachary Adams first proposed that you kill his
18 brother on the 15th, how long a period of time until
19 you were at the barn? In other words, was it May,
20 June, July, August, do you remember?

21 A. It was some months.

22 Q. Weren't marking them on your calendar, were
23 you?

24 A. Absolutely not. In fact, I was just in the
25 area and the idea, thought popped into mind.

1 Q. Popped into mind as a result of getting
2 certain information that we can't talk about?

3 A. That's correct. That I might need to look,
4 and if there's anything out there, dispose of it.

5 Q. Okay. Did you ever have another conversation
6 with Zachary Adams about killing Holly, raping Holly,
7 kidnapping Holly?

8 A. I did.

9 Q. When was that?

10 A. The day that we got caught with the deer
11 stand.

12 Q. All right. Let's talk about the day you got
13 caught with the deer stand.

14 A. Well, the day -- that day we were out riding
15 around.

16 Q. Okay. When you say we?

17 A. Me and Zach.

18 Q. Okay.

19 A. We go to Eagle Creek, Camden, Tennessee in my
20 pickup. Go into this hunting club, he steals a deer
21 stand, and I steal a camera.

22 Q. A what?

23 A. A camera.

24 Q. Okay.

25 A. Trail cam.

1 Q. Gotcha. Trail cam.

2 A. Hot, hot summer day. We stop --

3 Q. Let me ask you this: Is it a hot summer day
4 the year -- the same year, 2011?

5 A. It's not.

6 Q. Okay.

7 A. No, this was August of 2012.

8 Q. Okay. Keep going.

9 A. Carry on?

10 Q. Yes.

11 A. It was a pretty good walk in there. On the
12 way out, we stopped and sit down where a road had
13 been pushed through and the bank, sit on the bank.
14 Took a couple hits off a meth pipe, and I looked at
15 him, and I said, looks like we got by with this shit.

16 Q. Were you talking about the deer stand and the
17 trail cam, or were you talking about something else?

18 A. Talking about the kidnapping, rape, and
19 murder of Holly Bobo. I told him, I said, Dylan
20 said --

21 MS. THOMPSON: Objection, Your Honor.

22 BY GENERAL NICHOLS:

23 Q. Oh, no, actually, you can. This is a
24 statement you made to Zach?

25 A. That is correct.

1 Q. All right.

2 MS. THOMPSON: Your Honor, it's still
3 hearsay. It's double hearsay. It's hearsay within
4 hearsay.

5 GENERAL NICHOLS: May we approach
6 briefly?

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

9 GENERAL NICHOLS: I'm offering this for
10 the truth.

11 MS. THOMPSON: Of course she is.

12 GENERAL NICHOLS: Wait, let me finish,
13 no, I'm not. I'm offering it for Zach's response.

14 THE COURT: Okay.

15 MS. THOMPSON: It's still a way that she
16 can get in hearsay by not having done it. If she
17 comes in and says all this stuff, then it's a way to
18 get in hearsay. She is offering it for the truth.
19 She is saying that Dylan said this and that Dylan
20 meant this, and now he's wanting to know what Zach's
21 response is, saying that the statement that Dylan
22 said is true.

23 GENERAL NICHOLS: I am not offering it
24 for the truth. And I do think Your Honor ought to
25 give them a curative instruction, but because I'm not

1 offering it for the truth, this has crippled our
2 case. This is Zach's response.

3 MS. THOMPSON: Of course it's for the
4 truth. She's trying to show through a back door what
5 it is that Dylan said.

6 (WHEREUPON, the following proceedings
7 continued within the hearing of the jury:)

8 THE COURT: All right. Ask the question.

9 GENERAL NICHOLS: You want me to ask my
10 question?

11 THE COURT: Yes.

12 BY GENERAL NICHOLS:

13 Q. You're at this hunting club; is that right?

14 A. That's correct.

15 Q. You made a statement, looks like we got away
16 with this shit?

17 A. That's correct.

18 Q. Then what did he say?

19 THE COURT: All right. Ladies and
20 gentlemen, as I told you the other day, this is not
21 being offered for the truth of what he said. It's
22 offered to as far as follow-up response. So you
23 shall not consider what he said for the truth of it,
24 okay. All right.

25 BY GENERAL NICHOLS:

1 Q. What did Zach -- or how did Zach respond?

2 A. He said the real -- he said the real reason
3 that we were there was to show Clint how to
4 manufacture meth. He said, we got there early. She
5 come outside screaming and raising hell, and we took
6 her.

7 THE COURT: All right. That's not
8 offered for the truth of it. Besides that, it's
9 allegedly a statement of the defendant, not a third
10 party, okay.

11 BY GENERAL NICHOLS:

12 Q. All right. And how did you respond to that
13 information?

14 A. Just -- I just listened to it. I mean, I did
15 not -- in fact, I brought up the issue that we had
16 been there long enough, let's go. My truck was
17 sitting -- my truck was sitting in plain view down at
18 the locked gate on private property. So I mean, once
19 the -- once the -- once the breath was caught and a
20 few minutes of rest, it was time to go.

21 Q. Time to take the trail cam that you stole and
22 hit the road?

23 A. That is correct.

24 Q. Did y'all do that?

25 A. That is correct.

1 Q. Took the deer stand and the trail cam and
2 left?

3 A. That is correct.

4 Q. Did you have any other conversations with
5 Zach about what happened to Holly?

6 A. I have not.

7 Q. At any point in time, did you go -- you told
8 us about the barn. Did you go look somewhere else
9 because of information you received?

10 A. I did.

11 Q. Okay. First of all, who gave you the
12 information?

13 A. I obtained the information from Zach two days
14 after the 13th, the 15th in the wooded area.

15 Q. So you mentioned earlier that Zach told you,
16 we dumped her at Kelly's Ridge?

17 A. Near Kelly's Ridge.

18 Q. All right. So what is Kelly's Ridge? Where
19 is Kelly's Ridge?

20 A. Kelly's Ridge is in Benton County, Tennessee.
21 It's a hunting club, maybe. It's a long -- there's a
22 gate there and a grate road (sic) that runs down
23 through the property for a long ways. It's just back
24 woods as far as -- you know, for a long ways, yeah.

25 Q. At some point, did you go to Kelly's Ridge?

1 A. I did.

2 Q. Or try to?

3 A. I tried. I come through there one day, and I

4 noticed some birds sitting near a pond bank.

5 Q. You mean like sparrows or some other kind of

6 bird?

7 A. Buzzards.

8 Q. Buzzards.

9 A. This was within a week of the disappearance.

10 Q. Okay.

11 A. I thought that that's where the body was, so

12 I stopped at the house and asked the people could I

13 go --

14 Q. Slow down. So you had the information about

15 Kelly's Ridge?

16 A. That's correct.

17 Q. Did you drive -- you said I was driving

18 through there, did you drive through there on purpose

19 to look around, or did you just happen to be driving

20 through there? If you remember.

21 A. I mean, I wasn't purposefully looking.

22 Q. Okay.

23 A. When I -- when I seen that, it all flashed

24 before the mind.

25 Q. The whole Kelly --

1 A. Yeah, I never -- I never went out with the
2 search parties or --

3 Q. No, I understood that. I'm saying, did you
4 go to -- did you go to that area because Zach Adams
5 had told you we dumped Holly near Kelly's Ridge?

6 A. I rode through there, yeah --

7 Q. Okay. Okay.

8 A. -- looking to see what I could see.

9 Q. All right. You said that you saw buzzards
10 close to a lake?

11 A. There was two ponds there on the property at
12 the entrance of Kelly Road at Kelly's Ridge. I seen
13 buzzards sitting in an old dead tree in the back side
14 of one of the ponds.

15 Q. What did that mean to you?

16 A. Death, something dead.

17 Q. You said you walked up to the house. So is
18 there a house close to those ponds?

19 A. There is a house at the entrance of Kelly
20 Road. I got out and I knocked on the door, and I
21 asked the person living there if I could go fishing
22 down there.

23 Q. You said you asked the person, so somebody
24 answered the door?

25 A. There was -- yes.

1 Q. What did they say?

2 A. They told me, no, that there had been some
3 river otters or creek otters come through there and
4 wiped all the fish out. They didn't want nobody on
5 the property. At that time, I got back in the
6 vehicle and left.

7 Q. And this person that you talked to, was it a
8 male or a female?

9 A. I am not sure. I think there was both people
10 there.

11 Q. But they wouldn't let you?

12 A. They would not -- they would not let me up to
13 the door. I mean, I was met from a distance. Just
14 as soon as I pulled up, they come out to the screen
15 door.

16 Q. Gotcha.

17 GENERAL NICHOLS: May I have one moment,
18 Your Honor?

19 BY GENERAL NICHOLS:

20 Q. I want to back up to the day when you were
21 stealing the trail cam and Zach was stealing the --

22 A. Deer stand.

23 Q. -- deer stand.

24 You said y'all sat down there after --

25 THE COURT: Let me stop just to clarify

1 something, what I told them earlier about hearsay. I
2 thought it was a third party. He said that was what
3 Zach told him. Hearsay doesn't apply to a statement
4 of a defendant. You can disregard what I earlier
5 said about it wasn't offered for the truth, you not
6 to take it for the truth, okay.

7 GENERAL NICHOLS: So if I understand your
8 ruling correctly, they may take it for the truth?

9 THE COURT: They may, because I thought
10 it was a third party at the time. I think he started
11 off saying what a third party said.

12 GENERAL NICHOLS: He did. And then he
13 skipped what Dylan said.

14 THE COURT: That's when we had our
15 conference, and I decided to instruct them, but when
16 he started back, he said that Zach had told him.

17 GENERAL NICHOLS: He skipped the Dylan
18 part.

19 THE COURT: Hearsay ruling would not
20 apply to the statement of a defendant, and they can
21 consider that and give it any weight that they feel
22 it deserves.

23 BY GENERAL NICHOLS:

24 Q. I want to go back to that day, okay?

25 A. Yeah.

1 Q. The trail cam day. You -- before our bench
2 conference you started to tell the jury what you said
3 to Zach. You started the sentence, Dylan said, but
4 then you didn't finish it when we came back?

5 A. That is correct.

6 Q. And I don't know if you misunderstood the
7 judge's ruling, but I want to go back to that. Tell
8 the jury exactly what you told Zach.

9 A. I asked him --

10 Q. You started it with "Dylan said".

11 A. That's correct.

12 Q. That's the part that I'm asking about.

13 A. Dylan said --

14 THE COURT: Now, I don't want Dylan said,
15 though.

16 GENERAL NICHOLS: But this is what he
17 said to Zach. This is what the conference was --

18 THE COURT: Oh.

19 THE WITNESS: I'm telling him --

20 THE COURT: You said Dylan said so and
21 so?

22 GENERAL NICHOLS: Yes.

23 THE WITNESS: That's correct.

24 THE COURT: So we don't need to go into
25 what Dylan said, but then you said Zach had said so

1 and so.

2 GENERAL NICHOLS: Two different things,
3 Judge. And we haven't gone over the part that we had
4 the conference about that does need the curative
5 instruction.

6 THE COURT: All right. If it's something
7 that someone other than the defendant said, it's not
8 offered for the truth of that statement, and you
9 cannot consider it for the truth of that statement.
10 It's to simply show what transpired thereafter.

11 MS. THOMPSON: We don't need to hear what
12 Dylan said, because Zach -- he says what Zach said,
13 and he explained the statement. What Dylan said is
14 irrelevant unless we're offering it for the truth.

15 THE COURT: I think they're offering it
16 for what Zach said.

17 MS. THOMPSON: But we have what Zach
18 said. We know what Zach said. Zach says Clint --

19 THE COURT: I've made my ruling, thank
20 you.

21 BY GENERAL NICHOLS:

22 Q. I want you to go back to that conversation
23 that you had with Zach.

24 A. Okay.

25 Q. You started to tell the jury that, but you

1 haven't finished.

2 A. That's correct.

3 Q. You said, I looked at Zach, and I said,
4 Zach --

5 A. Yeah.

6 Q. -- Dylan said, and then we had an objection.

7 A. That's right.

8 Q. So I want you to finish that statement.

9 MS. THOMPSON: We also have proffered
10 issues, Your Honor. Confrontation. We cannot
11 confront Dylan. He's not here today. I can't
12 confront Dylan about what it is that he said.

13 THE COURT: Let's just go ahead and move
14 along.

15 GENERAL NICHOLS: You mean you don't want
16 me to go back over that part?

17 THE COURT: I'd rather you didn't. We're
18 more interested in Zach's statements.

19 BY GENERAL NICHOLS:

20 Q. During the course of that conversation,
21 something that you said to Zach, something Zach said
22 back to you, was Holly Bobo's rape discussed?

23 A. Yes.

24 Q. Did Zach admit that he raped Holly Bobo?

25 A. Yes.

1 Q. What did he say? And again, you can't talk
2 about what Shane said, you can't talk about what
3 Dylan said. What did Zach tell you about raping
4 Holly?

5 A. He said that it was a brief encounter. And
6 that Brian Vitt was out mowing the yard. And I asked
7 him at that time, I said, how does a man prepare
8 himself to rape someone with two other men. He said,
9 Dylan sucked them off, got them hard. And I told
10 him, I said, that's sick, nasty, man.

11 MS. THOMPSON: I object to the hearsay
12 about what Dylan said.

13 GENERAL NICHOLS: There was no hearsay.

14 THE COURT: He's saying what Zach said.
15 Zach is saying that Dylan took certain actions --

16 THE WITNESS: That's correct.

17 THE COURT: -- not that he said
18 something.

19 BY GENERAL NICHOLS:

20 Q. Did Zach say that all three of them raped
21 her?

22 A. Yes.

23 Q. Did he tell you how they raped her?

24 A. Not really. They didn't -- no -- no -- no
25 fine details. I let it be known that I don't stand

1 for that shit.

2 Q. Did he tell you anything else they did to
3 maintain control of over Holly besides -- or in order
4 to allow them to rape her?

5 A. Dylan was the one that provided that.

6 Q. And you can't talk about what Dylan said.

7 A. Yeah.

8 Q. So you didn't --

9 A. He was the one that provided the information
10 on the -- how the situation unfolded.

11 Q. Okay.

12 A. He understood -- Zach understood that -- that
13 I really wasn't down with it, then the conversation
14 was very abrupt.

15 Q. You've talked about today, on the 13th,
16 seeing a gun holstered on your cousin, Shane's hip?

17 A. First when I pulled in 30 Yellow Springs
18 Road.

19 Q. Had you ever seen that particular gun before
20 that day?

21 A. Yes.

22 Q. Were you present when that gun was first
23 bought, traded, obtained?

24 A. Yes.

25 Q. And whose gun was it?

1 A. Before it was bought or after it was bought?
2 Q. Both?
3 A. Before it was bought, it was um --
4 Q. If you don't remember, you don't remember.
5 A. I don't remember his name.
6 Q. Were you present when it was purchased?
7 A. I was.
8 Q. Who purchased it?
9 A. Shane.
10 Q. All right. And between the time he purchased
11 it and the next time you saw it or -- excuse me.
12 Between the time he purchased it and the 13th, had
13 you seen it any other times?
14 A. I had not. I only seen it the day it was
15 purchased. I was only -- I had no actions of the gun
16 other than just watching the transaction, just a
17 brief transaction.
18 Q. Shane had a lot of guns; didn't he?
19 A. That's correct.
20 Q. I want to show you a gun. Put on your
21 glasses.
22 A. That's the gun minus the aging.
23 THE COURT: Minus the what?
24 GENERAL NICHOLS: The aging.
25 THE WITNESS: The aging.

1 THE COURT: Okay.

2 BY GENERAL NICHOLS:

3 Q. So what do you mean by that, minus the aging?

4 A. Meaning when I seen the gun, it was in good

5 working order. Shining, black.

6 Q. Black. Was the whole gun black?

7 A. Yes, ma'am.

8 Q. Does that appear to be the gun that --

9 A. It does.

10 Q. -- that you saw holstered on Shane?

11 A. That's correct.

12 Q. Now, you indicated that -- you indicated that

13 when you left Shane's trailer, when you left, you

14 pulled out, Shane had the gun on his hip?

15 A. That is correct.

16 Q. When is the next time that you saw this gun?

17 A. When I got in the Nissan Frontier 4x4, laying

18 in the driver's side floorboard.

19 Q. Car driven by whom?

20 A. Mr. Adams.

21 Q. And after seeing it in the floorboard, when

22 is the next time that you saw that gun?

23 A. In his hand right before he shot her.

24 Q. And after -- after the 13th, did you ever see

25 this gun again?

1 A. I did.

2 Q. When is the next time that you saw that gun?

3 A. When me and Austin sold it to Dinsmore.

4 Q. When you say me and Austin, you mean Shane
5 Austin?

6 A. I was with Shane when he traded Dinsmore the
7 gun for meth -- for Morphine.

8 Q. And that was later on that same summer?

9 A. It was approximately four to five months
10 after the incident.

11 GENERAL NICHOLS: Your Honor, at this
12 time I'm going to ask that the gun be marked as the
13 next numbered exhibit. And the --

14 THE COURT: Be 180, is that where we are?

15 THE REPORTER: Yes, sir.

16 GENERAL NICHOLS: There are some live
17 rounds that are separate in a baggy, I'd like those
18 to be marked for ID only.

19 THE COURT: All right. That will be 181.

20 (WHEREUPON, the above-mentioned gun was
21 marked as Exhibit Number 180.)

22 (WHEREUPON, the previously mentioned live
23 rounds were marked for identification as Exhibit
24 Number 181.)

25 BY GENERAL NICHOLS:

1 Q. In the weeks and months that followed Holly's
2 disappearance, at that time nobody knew where she
3 was, were you questioned by law enforcement, actually
4 beginning in July of the same year?

5 A. I was.

6 Q. Were you questioned on more than one
7 occasion?

8 A. I was.

9 Q. Two times?

10 A. (Nodded head affirmatively.) Yes, ma'am.

11 Q. At least?

12 A. At least.

13 Q. In addition to being questioned by law
14 enforcement, were you questioned by Karen Bobo?

15 A. Yes, ma'am.

16 Q. Was her husband there?

17 A. Yes, ma'am.

18 Q. During any of those interviews, either with
19 the Bobo family -- you see them here; don't you?

20 A. Yes, ma'am.

21 Q. Any of those interviews, either the one by
22 the Bobos or the two by the Bobos or law enforcement,
23 did you ever tell the truth about what you knew?

24 A. I did not.

25 Q. Why? Probably pretty obvious, but why?

1 A. One was self preservation. Two, I had family
2 in it. Three, I had a relationship I was trying to
3 save that I didn't want to get destroyed.

4 Q. You lied?

5 A. Plain and simple.

6 Q. And after you were actually arrested for this
7 crime, did you continue to lie?

8 A. I did.

9 Q. Did you grant interviews? Did you grant
10 interviews to the media? And let me say, before --
11 before you were represented by Mike Scholl and Robert
12 Parris?

13 A. That is correct.

14 Q. Who were your lawyers then?

15 A. Mr. Fletcher Long and John Herbison.

16 Q. Were they aware that you were going to grant
17 interviews to the media?

18 A. They set it up, yeah.

19 Q. And you did that from the jail?

20 A. From state prison through Channel 5.

21 Q. State prison. That's just where you're being
22 held on this case, correct?

23 A. That is correct.

24 Q. All right. And you're actually doing some
25 time right now, aren't you, on something else?

1 A. That is correct. Nine -- I believe it's
2 922G.

3 Q. Did you, in addition to granting interviews,
4 and let me just ask you: Did you proclaim your
5 innocence of all knowledge to whoever happened to
6 watch Channel 5?

7 A. I did. I was told by Fletcher -- Fletcher
8 Long sent word --

9 MS. THOMPSON: Objection, Your Honor.

10 THE COURT: He can't say what Fletcher
11 said.

12 BY GENERAL NICHOLS:

13 Q. Let me ask you this: Was it your goal to
14 proclaim your innocence?

15 A. That is correct.

16 Q. Did you do that constantly?

17 A. I did.

18 Q. Did you write letters to various people?

19 A. I did.

20 Q. What did you say in your letters?

21 A. That I did not kidnap, I did not rape, and I
22 did not kill Ms. Bobo. And I did not. But I lied
23 and said that I didn't have no details to it.

24 Q. That was my next question. Did you kidnap
25 her?

1 A. I did not.

2 Q. Did you rape her?

3 A. I did not.

4 Q. Did you kill her?

5 A. I did not.

6 Q. You were involved in it, though; weren't you?

7 A. I was.

8 Q. And that's the part you lied about?

9 A. That is correct.

10 Q. Did you write letters to all sorts of people

11 with the knowledge or not that somebody was reading

12 your mail?

13 A. In the beginning, no. But it was determined

14 shortly after. Meaning, after being there a month or

15 so with correspondence with other people saying the

16 letters had been opened, I figured it out.

17 Q. And that law enforcement or jail personnel --

18 A. Were scanning.

19 Q. -- had a mail cover, they were reading

20 everything you wrote, right?

21 A. Had a subpoena on the mail scanning it.

22 Q. And so did you, with that knowledge, continue

23 to proclaim your absolute lack of knowledge about

24 anything?

25 A. I absolutely did.

1 Q. When you got -- let me just ask: You have
2 given this jury a lot of information today. What
3 made you go from telling the world, I didn't have
4 anything to do with it and don't know anything about
5 it to the things that you have admitted today?

6 A. I told the previous attorneys the very first
7 court date when I asked the judge for a session after
8 court, and he allowed us to go back there. I told
9 him that I had information on the case.

10 Q. You can't say what --

11 THE COURT: That you what?

12 THE WITNESS: That I had information --

13 THE COURT: Okay.

14 THE WITNESS: -- on the case.

15 BY GENERAL NICHOLS:

16 Q. You can't say -- you can't say what your
17 lawyer said, but you told them then?

18 A. That is correct.

19 Q. And I don't want to go too deep into what
20 your -- what they said. But after giving those first
21 lawyers the information, was anything set up between
22 yourself or any request made between yourself and the
23 DAs that were assigned to the case at that time?

24 A. There was not.

25 Q. When you got new lawyers, again, did the

1 situation change?

2 A. It did.

3 Q. Approximately -- sometime last fall, did the
4 situation change for you?

5 A. There did. There was.

6 Q. And since that time, were you driven from
7 state prison in Nashville to a location under the
8 bridge with your lawyers both present?

9 A. Yes, ma'am.

10 Q. With Mr. Hagerman?

11 A. Yes, ma'am.

12 Q. Mr. Ragland, Mr. Christensen, me?

13 A. Yes, ma'am.

14 Q. Did you show all of us in the presence of law
15 enforcement and TBI agents exactly what happened to
16 Holly under the bridge on the 13th?

17 A. I did.

18 GENERAL NICHOLS: Your Honor, I am going
19 to put something up.

20 BY GENERAL NICHOLS:

21 Q. First of all, did I show you this map and
22 this poster this morning?

23 A. You did.

24 Q. Do you recognize the areas depicted on it?

25 A. I do.

1 Q. What area is depicted on it?

2 A. Interstate 40, the Tennessee River bridge,
3 the crime scene, the route there, the route out, the
4 road in.

5 GENERAL NICHOLS: Your Honor, I'd ask
6 this be marked as the next numbered exhibit.

7 THE COURT: Be 182.

8 (WHEREUPON, the above-mentioned document
9 was marked as Exhibit Number 182.)

10 GENERAL NICHOLS: With the Court's
11 permission --

12 THE COURT: I also told the parties that
13 post-trial, I want your big sketches, I want to
14 substitute maybe an 8 by 10 of them. In other words,
15 I don't want the clerk to have to --

16 GENERAL NICHOLS: After deliberation?

17 THE COURT: Yes, yes. After the case is
18 finally concluded, okay?

19 GENERAL NICHOLS: Yes, sir. May Mr.
20 Autry step down again?

21 THE COURT: He may.

22 GENERAL NICHOLS: Sort of a tight
23 squeeze.

24 BY GENERAL NICHOLS:

25 Q. Mr. Autry, are you -- do you see this map

1 with the blue roof sort of mapped out here?

2 A. I do.

3 MS. THOMPSON: I am sorry, I can't see.

4 GENERAL NICHOLS: You might need to come
5 up here.

6 THE WITNESS: This is the route we took.

7 BY GENERAL NICHOLS:

8 Q. When you say, this is the route we took, this
9 is the route who took?

10 A. Me and Zach.

11 Q. On what day?

12 A. The 13th of April.

13 Q. Where did you start?

14 A. (Pointing.) 30 Yellow Springs Road.

15 Q. Okay. This is doesn't appear to be exactly
16 30 Yellow Springs, but it's in this area, correct?

17 A. That's correct.

18 Q. Okay. And show them the route that you all
19 took. Use that so you're not blocking it.

20 A. We traveled Pugh Road to Duck Farm Road.

21 THE COURT: Can you step back a little
22 farther and still show it?

23 THE WITNESS: I can, Judge.

24 THE COURT: Thank you.

25 THE WITNESS: We traveled Pugh Road, Duck

1 Farm Road, Dry Branch Road, Morgan Creek Road, Warren
2 Hill Road, to the location right here (indicating).

3 BY GENERAL NICHOLS:

4 Q. All right. Now, you are using -- keep your
5 pointer there. You're using your pointer from where
6 these red lines meet to the furthestest right point on
7 the right side?

8 A. Yes. This right here (indicating) is this
9 location right here (indicating).

10 Q. And the line goes to what?

11 A. Pile of rip-rap.

12 Q. Show them where you backed the truck in,
13 where Zach Adams backed the truck in?

14 A. Right here (indicating).

15 THE COURT: All right. Lean back just a
16 little. All right. Show again, if you can.

17 THE WITNESS: Right here (indicating).

18 BY GENERAL NICHOLS:

19 Q. Is that where he shot her?

20 A. That is correct, on that pile of rip-rap
21 right there (indicating).

22 Q. And these other pictures?

23 A. This is the route that we take that I showed
24 y'all earlier.

25 Q. On the little one?

1 A. That is correct. That's the bridge. This is
2 where we looked down at the sandy bar (indicating),
3 the Tennessee River. In fact, let's see, right here,
4 right here (indicating) is the actual -- right here
5 (indicating) is the actual river right here
6 (indicating). Right there is the location where she
7 was killed. Right there is the actual Tennessee
8 River. This looks like the river right here
9 (indicating), but that's not. That's a slew. It's
10 on both sides. That's back water. The actual river
11 is right here (indicating).

12 Q. Is there a place or a picture on here that
13 you can show the jury where your intention was to gut
14 her and put her in the water?

15 A. This location right here (indicating) is the
16 channel in this slew. Channel meaning the deepest
17 point.

18 Q. That's where you were going to put her?

19 A. That's where he was going to put her, or we,
20 however you want to say it.

21 Q. All right.

22 A. That -- determining who was going to do what
23 was never made at that point.

24 Q. I understand. But that's where you guys were
25 headed?

1 A. That's correct.

2 Q. You can be seated.

3 GENERAL NICHOLS: Your Honor, I don't
4 have any further questions at this time. Pass for
5 cross.

6 THE COURT: I am assuming that you'll
7 require some time for cross-examination?

8 MS. THOMPSON: Yes, Your Honor.

9 THE COURT: All right. Let's go ahead
10 and take a break. Take 15, follow the rules I gave
11 you at the outset, okay.

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

14 (Short break.)

15 (End of Volume VIII)

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