

W2020-01208-CCA-R3-CD

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

5 Plaintiff,

6 vs.

7 ZACHARY ADAMS,

8 Defendant.
9 -----

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME XI OF XVII
14 -----

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

21 FILED 3rd NW 2020 11³⁰
22 BY Johanna Rehn P
23 -----

24 Reported by:
ERIN ANGEL
Court Reporter

25 FILED

AUG 18 2021

Clerk of the Circuit Courts
Rec'd By *CS*

Vol. 38

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1 **VOLUME XI**

2 **DAY 6**

3 **FRIDAY, SEPTEMBER 15, 2017**

4
5 THE COURT: Let's come to order, please.
6 For the purposes of the record, I told State's
7 attorneys as well as defense attorneys that they need
8 to caution their witnesses, that they don't need to
9 be watching through television or internet the
10 testimony that's given in the courtroom. There was
11 some mention that someone had seen the testimony of
12 Mr. Adams (sic). It's not technically a violation of
13 sequestration rule, because they haven't been told
14 that. But I'm saying just out of an abundance of
15 caution, I want both sides to tell their witnesses or
16 potential witnesses that they're not to view
17 testimony that's given in the courtroom. She said I
18 said Adams, it was Autry that he said he had seen.

19 MR. GONZALEZ: We knew what you meant.

20 THE COURT: You knew what I meant,
21 because there hasn't been an Adams to testify.

22 Jury was finishing up with restroom duties,
23 they'll be here in just a moment.

24 GENERAL HAGERMAN: Your Honor, we told
25 you we were starting with a shorter witness. She had

1 a slight health issue, so we're just going to start
2 with the longer witness.

3 THE COURT: We'll go to about 12:00, so
4 we're probably going to even be breaking up direct
5 testimony if I anticipate. Is it who you had said
6 yesterday?

7 GENERAL HAGERMAN: Yes, sir.

8 THE COURT: TBI agent?

9 GENERAL HAGERMAN: Yes, sir.

10 THE COURT: Okay. I'll probably go to
11 about 12:15 then break it up.

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

15 THE COURT: Be seated, please. Call your
16 next witness for the State, please.

17 GENERAL HAGERMAN: State calls Brent
18 Booth.

19 THE COURT: Brent Booth. This witness
20 might take a while, so I'll go to about 12:15, take a
21 lunch break, and then we'll continue after lunch.

22 (The witness was sworn.)

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

25 THE WITNESS: Brent Booth, B-R-E-N-T,

1 Booth, B-O-O-T-H.

2
3 * * *

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

7
8 DIRECT EXAMINATION

9 QUESTIONS BY GENERAL HAGERMAN:

10 Q. All right, Mr. Booth, what's your job?

11 A. I am a special agent with the Tennessee
12 Bureau of Investigation.

13 Q. And where are -- what are you -- where are
14 you stationed?

15 A. Currently I am the special agent assigned to
16 the 24th Judicial District, which is here in Hardin,
17 Benton, Decatur, Henry, Carroll Counties, so.

18 Q. Where do you live?

19 A. Live in Lexington.

20 Q. How long have you been living in Lexington?

21 A. I am from Lexington, grew up there. Still
22 live there. That's home.

23 Q. How far is it from Lexington to here?

24 A. Approximately 40 minutes.

25 Q. How long have you been in law enforcement?

1 A. 31 years.

2 Q. How long with the TBI?

3 A. I am going into my 22nd year.

4 Q. When is retirement?

5 A. Seven years.

6 Q. All right. I think I am going to ask you

7 about an investigation like you never had before.

8 A. Yes, sir.

9 Q. April 13, 2011.

10 A. Yes, sir.

11 Q. When are you notified that something has

12 happened to Holly Bobo?

13 A. I was working from home that day, working on

14 another case. White collar case that I do a lot of

15 times. A lot of volume, I had paper files I was

16 organizing. I got a call from Ricky Inman, who was

17 the investigator with the Decatur County Sheriff's

18 Office, known many years. Called me at 8:19. Told

19 me he needed help. He had a 20-year-old young lady

20 that was reported as having been drug into the woods

21 near her house.

22 Q. This wasn't the white collar paper case; was

23 it?

24 A. No, sir.

25 Q. Have you had any violent cases before,

1 though?

2 A. Many.

3 Q. Did you know what to do that morning?

4 A. Yes, sir.

5 Q. What did you do?

6 A. I immediately followed protocol. I called
7 special agent in charge, John Mayer, in the Jackson
8 office, told him what Ricky had told me, needed help,
9 and I was getting ready to leave and go. Special
10 Agent Terry Dicus was assigned to Decatur, Benton,
11 and Hardin County at that time. And he -- and John
12 called him, told him what was going on, told him to
13 head that way. And Terry and I conversed over the
14 cell phone in route to Decatur County.

15 Q. Decatur County and to where?

16 A. Decatur County is Lexington's neighbor to the
17 east. So about --

18 Q. Where were you going? Where were you going
19 in Decatur County?

20 A. I was going to 681 Swan Johnson Road in the
21 Darden community. It is a small community just west
22 of Parsons, east of Lexington. It's about 25 minutes
23 from my house. Maybe 20 minutes from Lexington on
24 412, 412 East.

25 Q. Was it a community that you were familiar

1 with?

2 A. It is.

3 Q. Did you know people that lived there?

4 A. I do and I have. I've got friends and family
5 there. My -- excuse me -- father-in-law,
6 ex-father-in-law and mother-in-law go to church there
7 in Corinth in the Darden community with the Bobo
8 family.

9 Q. Did you know the Bobos at all at that point?

10 A. No, I didn't.

11 Q. You ever been to Swan Johnson before?

12 A. If I had, I didn't remember it.

13 Q. So you're in route to Swan Johnson, tell us
14 about when you get there.

15 A. I arrive there approximately 9:15, Agent
16 Dicus was the vehicle right in front of me. We
17 arrived. There was a large number of people. We
18 estimated 100 to 200 maybe, lined the roads.

19 Q. Had you ever seen something like this before?

20 A. No.

21 Q. What kind --

22 A. Not in our community -- not in that
23 community.

24 Q. Who were all these people?

25 A. Friends, neighbors, family.

1 Q. Were there people searching already?

2 A. When I drove up, I saw the Decatur County
3 Sheriff's Office personnel there, Ricky Inman,
4 Sheriff White was in the front yard. Henderson
5 County's Tact Unit, Captain Jeff Middleton, his unit
6 was up on the hill in the edge of the woods with a
7 dog. They looked to me, what do we do, and I
8 motioned, directed them, go.

9 They went into the woods where it was
10 reported that she was taken. Terry Dicus went up to
11 the house, behind the house to secure the crime scene
12 with assistance of Decatur County Sheriff's Office
13 personnel.

14 Karen came down the hill with Ricky Inman,
15 and I talked to her, got Holly's information. The
16 Fusion Center, which is our intelligence division in
17 Nashville that handles getting out Amber Alerts,
18 getting out missing and endangered person alerts,
19 they coordinate all of that. I had them on the
20 phone. We were coordinating getting Holly's photo
21 information out.

22 We were ascertaining what she knew of the
23 facts and what happened. Clint, her brother, was
24 there. I began coordinating and getting critical
25 assets that we needed in place.

1 Q. Critical assets in order to do what? Why did
2 you send those men, those SWAT team guys into those
3 woods?

4 A. With the information we had, was treating
5 this case as -- or what we had as a search and rescue
6 mission.

7 Q. That's what the sending of those men in the
8 woods?

9 A. Yeah.

10 Q. Amber Alert?

11 A. Find Holly. That was our number one mission
12 at that point.

13 Q. Did you personally search the area of the
14 house?

15 A. Yes, I did. Once we got -- we have what we
16 call a mobile office, which is a large motor home
17 that we bring in that is equipped and staffed with
18 information processing capabilities. I had that on
19 the way. Our SAC, special agent in charge, John
20 Mayer, got the Memphis Regional Lab and their
21 personnel in route to work the crime scene.

22 I had learned that, while I was there,
23 Decatur County Sheriff's Office in cooperation with
24 their 911 center had pinged her phone. I'm sorry if
25 I am talking too much. They -- so we knew a

1 direction.

2 Q. What was the direction?

3 A. North.

4 Q. North. North from the house on Swan Johnson?

5 A. Yes, north toward I-40.

6 Q. Toward I-40?

7 A. Benton County. If you're familiar with
8 Decatur County, I-40 runs through the northern edge.
9 It encompasses general mile markers of 120 to about
10 the 130 or the Tennessee River. We had a general
11 direction of travel of her phone.

12 Q. In the minutes that follow after you have the
13 general direction of north, do you start to get other
14 pings with more information?

15 A. Yes, sir.

16 Q. What's that?

17 A. We learned of a ping that had happened at
18 9:25 a.m. south of I-40, about maybe halfway, not
19 quite a few miles from her house, coming back on --
20 looked like it was coming back south.

21 Q. I think you skipped ahead to her last cell
22 phone ping, so let's back up for a second, okay?

23 A. Yes, sir.

24 Q. So listen to me. You described the early
25 pings about the phone heading north --

1 A. Yes.

2 Q. -- is that right?

3 A. That's correct.

4 Q. From those pings and a couple that followed,
5 they give you any information as to where north we're
6 talking about?

7 A. No, very general.

8 Q. I guess that's what I was asking. We'll have
9 a cell phone expert testify later, so I am not asking
10 you to be an expert, okay?

11 A. I am not by any means. I have general
12 knowledge.

13 Q. But does a cell phone ping tell you that the
14 phone is right here?

15 A. No.

16 Q. Does it give you a large radius instead?

17 A. Yes, sir.

18 Q. After those first pings that have her going
19 north, you said, to the interstate --

20 A. Yes, sir.

21 Q. -- are there other pings in that area over
22 the course of time?

23 A. Yes.

24 Q. And in what community or what area are those
25 cell phone pings in?

1 A. Yellow Springs.

2 Q. Now Yellow Springs, were you familiar with
3 the Yellow Springs community before this?

4 A. No, sir.

5 Q. Were you familiar with Holladay, Tennessee
6 right there next to Yellow Springs at the time?

7 A. Yes, sir.

8 Q. Did these pings show that the phone lingered
9 in the Yellow Springs community?

10 A. Yes, sir.

11 Q. On the basis of that information, did y'all
12 do anything? Did y'all send people to do anything?

13 A. We did. Tennessee Highway Patrol had been
14 notified, and they had moved people that way. We
15 sent Decatur County personnel north into that area.
16 We sent the Highway Patrol north into that area.
17 What we typically do, get assets where we need them,
18 human assets, people looking, searching.

19 Q. You sent people with guns in the woods behind
20 the house --

21 A. Yes, sir.

22 Q. -- right?

23 You had seen friends, family, volunteers
24 there at the crime scene that morning --

25 A. Yes, sir.

1 Q. -- right?

2 You knew her cell phone traveled north?

3 A. Yes, sir.

4 Q. You knew it lingered in Yellow Springs?

5 A. We did.

6 Q. And so you alerted THP and everybody else,
7 let's see what we can do?

8 A. Go to that area.

9 Q. Despite all that, nobody found anything?

10 A. That's correct.

11 Q. She was gone?

12 A. Yeah.

13 Q. You're there at that house, Swan Johnson?

14 A. Yeah, yes, sir.

15 Q. Her phone is moving, and then lingering in
16 Yellow Springs?

17 A. I didn't know -- we never assumed anything.
18 I didn't know if that was just her phone or her with
19 the phone. I didn't know. You have to take that
20 into account.

21 Q. Missing 20-year-old girl, though?

22 A. Yeah.

23 Q. The crime scene at the house, you were there
24 when agents, including yourself, searched it, right?

25 A. I was.

1 Q. Inside the house, outside the house?

2 A. Lab personnel did that, forensic scientist,
3 it's what they do for us. Specialized in searching,
4 and they have all the necessary equipment to collect,
5 preserve, maintain, and test evidence for us. They
6 come to the scene, and we turn the scene over, a
7 secured scene to them to process. That took a number
8 of hours.

9 As I recall, it was completed probably around
10 2:00, 2:30 a.m. on the 14th.

11 Q. Despite all that, searching the house,
12 turning over to crime scene personnel, analysis,
13 stuff like that, would you agree with me that as you
14 stood there at Swan Johnson that morning, even after
15 all that --

16 A. Yes, sir.

17 Q. -- that this crime scene wasn't telling you
18 who did this thing?

19 A. No, sir, it wasn't. We searched the house
20 complete, even went under the house. It wasn't
21 telling us --

22 Q. There was blood in the garage. Was there
23 blood in the garage?

24 A. Yes, sir.

25 Q. That's Holly's blood?

1 A. We later learned, yes.

2 Q. So standing there at that crime scene,
3 there's nothing there telling you who did it?

4 A. No, sir.

5 Q. And so they started searching?

6 A. Yes, sir.

7 Q. Started investigating?

8 A. We did. We continued to run this as a search
9 and rescue operation for a long time.

10 Q. People call in with tips or stuff?

11 A. Yeah, they did.

12 Q. What would happen when people called in with
13 tips?

14 A. We sent investigators. We had FBI, US
15 Marshals, THP. We had a number of agencies there.
16 We sent people out to talk to these folks. Whoever
17 called in whatever it was, we sent people.

18 Q. I know that you like being part of a team --

19 A. Yes, sir.

20 Q. -- but you didn't just send people, did you,
21 didn't you go?

22 A. It's what I am. I am hands on. It's what I
23 do.

24 Q. So did you go talk to people that sent in
25 stuff?

1 A. Yeah.

2 Q. Sent in tips?

3 A. I did.

4 Q. When --

5 A. Talked to -- talked to a lot of people.

6 Q. When did you finally stop searching for them?

7 A. When we -- I guess September 7, 2014.

8 Q. When her body was found?

9 A. Yeah.

10 Q. And you were there and you'll tell us about

11 that later --

12 A. Yes, sir.

13 Q. -- okay?

14 Between when you pulled up on Swan Johnson

15 the day that her body was found, how much searching,

16 how much talking, how much investigating did you do?

17 A. I don't remember. I didn't sleep for days.

18 Q. Did you get out in the woods?

19 A. Yeah, I did.

20 Q. Did you search in wells?

21 A. I did.

22 Q. Search in barns?

23 A. I went everywhere, wherever.

24 Q. I want to recall your attention to one of

25 these calls you got, okay?

1 A. Yes, sir.

2 Q. By Mr. Gerald Stevens?

3 A. Yes, sir.

4 Q. Had he found something?

5 A. He had. Gerald called. I didn't know Gerald
6 prior to this day. Found a pair of pink panties
7 laying in the middle of Yellow Springs Road.

8 Q. That's suspicious, would you say?

9 A. It was.

10 Q. Was he smart to call?

11 A. He was.

12 Q. What did you do when you got there?

13 A. Drove straight there, parked in the middle of
14 Yellow Springs Road. He was parked on the side near
15 there.

16 Q. Did you look at what he found?

17 A. Sir?

18 Q. Did you look at what he found?

19 A. I did.

20 Q. Did you call other people to get there?

21 A. I did.

22 Q. What did Gerald do while you were standing
23 there on the phone?

24 A. Gerald, he's a farmer in the area. He
25 walked -- I am just south of Yellow Springs Church.

1 He walked south or north toward the church, just
2 walking down the road. I was at the trunk of the car
3 getting evidence bags, camera. And I observed Gerald
4 walk toward the church, and he stopped and reached
5 down and picked up a piece of paper. And then --

6 Q. Did he bring that piece of paper towards you?

7 A. Well, he yelled for me.

8 Q. What was significant about this piece of
9 paper?

10 A. It had Holly's name on it.

11 Q. It was Holly's stuff?

12 A. It was.

13 Q. In Yellow Springs?

14 A. Yes, sir.

15 Q. Where her phone lingered?

16 A. Yes, sir.

17 Q. On actual Yellow Springs Road?

18 A. Yes, sir.

19 Q. Right near that church?

20 A. Correct.

21 Q. And you were standing there?

22 A. I was.

23 Q. Did you know how close you were standing to
24 Shane Austin's house when you were there in 2011 with
25 Mr. Stevens and those papers?

1 A. I had no idea. I didn't know Shane Austin
2 and hadn't heard that name at that time. This was
3 Friday.

4 Q. This was two days after?

5 A. Two days later at about 2:00.

6 Q. So within two days of this thing, you're
7 standing on Yellow Springs Road next to this church.
8 How many steps from Shane Austin's driveway? How
9 many feet?

10 A. From where I was standing, probably 75 feet.

11 Q. And you didn't even know who he was?

12 A. No, sir.

13 Q. The evidence is collected?

14 A. Yes, sir.

15 Q. And you start chasing tips and leads again?

16 A. We began looking, other law enforcement
17 agencies personnel had arrived.

18 Q. Not just there at Yellow Springs, but are you
19 still chasing leads and tips?

20 A. We're chasing leads, of course, yes. Others
21 are doing that.

22 Q. That early stages of the investigation, and I
23 am not talking about right then on Friday when you
24 were standing on Yellow Springs.

25 A. Yes, sir.

1 Q. But between that day and those next two
2 weeks, all right, early part of this investigation,
3 did the name, Shane Austin, ever come up?

4 A. Yes, sir.

5 Q. Did the name, Zach Adams, ever come up?

6 A. Yes, sir.

7 Q. Did the name, Jason Autry, ever come up?

8 A. Yes, sir. It came up.

9 Q. Other things came up, too?

10 A. Many.

11 Q. What was your priority? What was your
12 priority in those two, three, four weeks?

13 A. We pursued the leads, I guess, more
14 aggressively of the reports that we had that she was
15 alive.

16 Q. So would tips come in, for instance, that
17 Holly's been seen so-and-so place?

18 A. (Nodded head affirmatively.)

19 Q. Is that correct?

20 A. Yes, sir. We had to triage the information
21 that was coming in.

22 Q. Would tips come in that Holly's being held in
23 a barn or in a -- wherever?

24 A. Yes, sir.

25 Q. All sorts of tips?

1 A. A barn, warehouses, basements.

2 Q. Why did you prioritize those versus other
3 leads, like the name, Shane Austin, Zach Adams?

4 A. That she was still alive. Those --
5 information we had then was very vague that they had
6 something to do with it. But the others were where
7 she was being held, tied up in a warehouse, chained
8 to a wall in a basement, put down in a well. She was
9 alive.

10 Q. Did you go to all those places? Did you go
11 to all those places?

12 A. We went to all of those places. I went to
13 most of them.

14 Q. When you went, were you hoping to find her?

15 A. That's what it was all about, was to find her
16 alive and bring her home.

17 Q. But you never found even a trace?

18 A. No.

19 Q. Was there a decision made at some point to
20 speak to or at least look at all the sex offenders in
21 the area?

22 A. For back county and all surrounding counties.

23 Q. She was beautiful, Holly?

24 A. Yes, sir.

25 Q. So that was not a bad idea?

1 A. No, sir.

2 Q. Agents go and interview various sex
3 offenders?

4 A. All of them.

5 Q. We've heard a name in the trial, is Terry
6 Britt one of these sex offenders?

7 A. Yes, sir.

8 Q. Would the investigation at any point really
9 drill down in to Mr. Britt?

10 A. Yes, sir, we focused on Mr. Britt. We took
11 Terry Britt's life apart. We looked at him hard.
12 Terry Britt lived in that area. He was a sex
13 offender. We were working off of the phone
14 information, the proximity of where things were.

15 Q. Phone information, you mean those pings up
16 north?

17 A. Those pings.

18 Q. In the Yellow Springs area?

19 A. Yes, sir.

20 Q. Mr. Britt lived approximately where in
21 relation to the Yellow Springs area?

22 A. Just south, four -- about four miles south of
23 Yellow Springs Church.

24 Q. What did you do to take apart his life?

25 A. Surveillance, physical surveillance. We

1 did -- we wiretapped his phones.

2 Q. That means y'all were listening to phones and
3 he doesn't know it?

4 A. Yes, sir. We wiretapped his house.

5 Q. That means -- he have a wife?

6 A. He did.

7 Q. That means he and his wife are in the house,
8 and y'all are listening?

9 A. That's correct.

10 Q. And they don't even know it?

11 A. That's correct.

12 Q. Is that something we do every day?

13 A. No, sir.

14 Q. Is that something we've ever done in the
15 state of Tennessee?

16 A. No, sir.

17 Q. Did y'all ever search his house?

18 A. We executed search warrants on his house,
19 property, vehicles, outbuildings, yes, sir.

20 Q. Did y'all tear that place apart?

21 A. Yes, sir.

22 Q. And interviewed the people around them?

23 A. Yes, sir.

24 Q. After all that, after all that --

25 A. We didn't find anything related to Holly,

1 that was Holly's.

2 Q. Nothing?

3 A. Nothing.

4 Q. At all?

5 A. Nothing at all.

6 Q. But yet y'all had found a piece of her paper
7 just 70 yards from Shane Austin's driveway?

8 A. Yes, sir.

9 Q. Let me ask you: Had there been a mistake
10 made?

11 A. Yeah, we did.

12 Q. Tell me.

13 A. In the volume of information that came in on
14 this case, we -- case agent is responsible for
15 reading every memo, every report that comes in.

16 Q. Who was the case agent?

17 A. Terry, Terry Dicus. We didn't read those
18 reports thoroughly.

19 Q. What reports?

20 A. Reports that our agents -- the interviews we
21 were doing. The information that was coming in,
22 especially pertaining to Zach Adams, Jason Autry,
23 Dylan Adams, and Shane Austin.

24 Q. Didn't read them, didn't --

25 A. As the old saying goes, the left hand didn't

1 know what the right hand was doing. We were feeding
2 all of this information in, we didn't realize what
3 was there.

4 Q. Didn't realize what was there, but was there
5 also something that y'all simply didn't do?

6 A. Their alibis, their stories were not checked
7 out early.

8 Q. Were not checked out?

9 A. No.

10 Q. You mean the people who said they were with
11 weren't talked to?

12 A. They weren't interviewed early on, no.

13 Q. Why not?

14 A. I don't know. Overwhelmed. Too much coming
15 in too fast. We were --

16 Q. Mistake. Was it a mistake?

17 A. -- we're not that -- when you get right down
18 to it, we're not that big an agency. We don't have
19 people. We're not huge. Very few of us, if you get
20 right down to it. I am not making an excuse, it's
21 just what we are.

22 Q. Was it a mistake?

23 A. Yes, it was a mistake.

24 Q. Was it a bad mistake?

25 A. Yes, sir.

1 Q. Was it one that three years later you figure
2 out how bad it was?

3 A. Yeah, that's right.

4 Q. Other items of Holly's property to be found
5 in various places in the communities; is that right?

6 A. It was. We found other pieces of her paper
7 from school up Yellow Springs Road, in Shane Austin's
8 grandmother's front yard, dollar bill, receipt, other
9 anatomy and physiology papers pertaining to nursing.

10 Q. If I could, Agent Booth, you're familiar with
11 this poster board or something that I am holding?

12 A. Yes, sir.

13 Q. Have you seen this before?

14 A. Yes, sir.

15 Q. Would this aid you in explaining to the jury
16 about where stuff was found in those weeks and months
17 afterwards?

18 A. Yes, sir.

19 GENERAL HAGERMAN: If I can have this
20 marked as an exhibit and will substitute a smaller at
21 the appropriate time.

22 THE COURT: It's 192.

23 (WHEREUPON, the above-mentioned poster
24 board was marked as Exhibit Number 192.)

25 GENERAL HAGERMAN: Can the witness step

1 down, Judge?

2 THE COURT: He may.

3 BY GENERAL HAGERMAN:

4 Q. All right, Agent Booth, let's start with that
5 first paper that Gerald Stevens found just two days
6 after this happened. The first one y'all found right
7 there next to Shane's.

8 A. It's going to be the one closest to Yellow
9 Springs Church.

10 Q. Let me -- because we're blocking some people.
11 Is it better if I do like this?

12 THE COURT: You got her blocked then.

13 GENERAL HAGERMAN: Well, I'll let you
14 come back to me.

15 THE COURT: I am talking about you got
16 your jury blocked. I am not as worried about her and
17 me.

18 BY GENERAL HAGERMAN:

19 Q. You're going to explain this, so if we can't
20 read it, you know, up close and personal, that's
21 okay, Agent Booth.

22 That first piece of paper that Mr. Stevens
23 found right there by Shane's?

24 A. Right here (indicating).

25 Q. And do we see that on this map right here

1 (indicating)?

2 A. Where the line is drawn here (indicating).

3 Q. So we got --

4 A. Got a star.

5 Q. -- a star right here, and that's Yellow
6 Springs?

7 A. Right. And you got a star on the map, Yellow
8 Springs Road here (indicating).

9 Q. And that's the one right next to Shane's?

10 A. Yes, sir.

11 Q. You were telling us about stuff in front of
12 the grandmother's house, Shane's grandmother's.

13 A. That's here. Pink receipt and a dollar bill
14 up here (indicating). It's about maybe a mile, mile
15 and a half at the most.

16 THE COURT: What receipt?

17 THE WITNESS: Sir?

18 THE COURT: What receipt?

19 THE WITNESS: Pink receipt. I believe it
20 was for her books, from the bookstore. She's a
21 nursing student.

22 BY GENERAL HAGERMAN:

23 Q. So Shane and his grandmother lived real
24 close?

25 A. Real close.

1 Q. This is his grandmother's house with a barn
2 across the street?

3 A. Yes, sir.

4 Q. What is this piece of evidence here
5 (indicating)?

6 A. These are other -- that -- let's see. Next
7 one found would have been the paper with Holly Bobo's
8 name on it. That was another one. Found it here on
9 Yellow Springs Road further on down. You can see the
10 road parallel to I-40.

11 Q. Another that says Anatomy --

12 A. Anatomy and Physiology that didn't have her
13 name on it, but it was consistent with what we had
14 found and consistent with what I do as part of what
15 they -- my daughter's a nurse. I've seen these
16 papers before. But the nurse -- obviously, a nursing
17 student, but I took it was hers. It was right up
18 here close to the intersection where Yellow Springs
19 comes into Bible Hill right near a bridge that
20 crosses over I-40.

21 The bridge crosses over, and I'll let you ask
22 that question. There near where her body was found.
23 I took it as a paper trail. It was a paper trail.

24 Q. There were other items found, too, though, a
25 phone and a SIM card; is that right?

1 A. Yeah, down here some days later. I think it
2 was May 3rd. Her cell phone -- let's see, her cell
3 phone was found Mother's Day.

4 Q. Was found what?

5 A. Mother's Day. I believe it was Mother's Day.
6 I wasn't apart of that recovery, but I read that
7 report somewhere.

8 Q. I think it may have been Easter.

9 A. That was near -- found on 641, north of
10 Parsons. Eaton Corporation had a building there.
11 Holly's dad worked next door at McKenzie Tree
12 Service, phone was laying right there in the front,
13 right near the road.

14 Q. There's a sim card found?

15 A. Over on Old Camden Road, Old Camden Road.
16 Secondary road that comes out just east of the town
17 center of Parsons. If you're on 412 going to
18 Tennessee River, that road would intersect just east
19 of town. Runs north and south generally speaking.

20 Q. Well, now we've -- we see a cluster of her
21 stuff in Yellow Springs?

22 A. Yes, sir.

23 Q. We've heard about the cell phone ping
24 lingering in Yellow Springs?

25 A. Yes, sir.

1 Q. But there's other property, other places like
2 down south off of the side of 641, all right?

3 A. Yes, sir.

4 Q. So would you agree with me that even though
5 we found her things, these papers, the ones you
6 recognized, this case wasn't solved, not by a long
7 shot?

8 A. No, sir.

9 Q. You can resume the stand.

10 Did you follow tips, leads, looked in wells,
11 looked at barns, basements, garages, every place we
12 could?

13 A. Yes, sir.

14 Q. We have found her stuff, a lot of it in
15 Yellow Springs, but cell phone, SIM card further
16 south, right?

17 A. Yes, sir.

18 Q. We drilled into Terry Britt's life, right?

19 A. Yes, sir.

20 Q. And we haven't solved this thing yet?

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

23 THE COURT: He's summarizing what's
24 already been testified to, so it's not technically
25 leading.

1 BY GENERAL HAGERMAN:

2 Q. Now, I am not asking you -- listen to me,
3 okay? I am not asking you what anybody told you,
4 okay? I don't want any statement that this person
5 told you, okay?

6 But was there a day that you remember when
7 this investigation changed?

8 A. Yes, sir.

9 Q. Did it come in the form of a phone call?

10 A. Sitting at my desk in Jackson Friday
11 afternoon the 25th of January, phone rang.

12 THE COURT: You want to say what year?

13 THE WITNESS: 2014. That phone call --

14 BY GENERAL HAGERMAN:

15 Q. Did it refocus things?

16 A. It refocused this investigation.

17 Q. After that phone call, were there people that
18 you were interested in talking to?

19 A. Yes, sir.

20 Q. Who were those people?

21 A. The focus of the investigation changed to
22 Zach Adams, Jason Autry, Shane Austin, and Dylan
23 Adams.

24 Q. Now, rewind, we've heard those names before.

25 A. Yes, sir.

1 Q. In the early days of the investigation,
2 right?

3 A. Yes, sir.

4 Q. The same names that Agent Dicus told you had
5 been checked out, right?

6 A. Correct.

7 Q. They all live in and near Yellow Springs?

8 A. Yes, sir.

9 Q. So what do you do?

10 A. We begin pouring through that case file.

11 Q. Going back into the past?

12 A. Took it apart all of it from day one. Pulled
13 out information that we had and didn't realize we
14 had.

15 Q. It had been three years since Agent Dicus
16 told you that their whereabouts had been checked out?

17 A. Yes, sir.

18 Q. What was the first thing you discovered when
19 you started looking into these guys again?

20 A. That their stories were false.

21 Q. Had their stories ever even been checked out?

22 A. No, they weren't. They were not in our files
23 if they ever were.

24 Q. You went to the people they said they were
25 with?

1 A. Yes.

2 Q. And nope?

3 A. Excuse me?

4 Q. And nope?

5 A. No, they hadn't been talked to. Nobody had
6 ever been to them.

7 Q. So after that, do you go out, talk to Mr.
8 Adams' associates?

9 MS. THOMPSON: Your Honor, I object to
10 the leading.

11 THE COURT: That's not leading, go.

12 BY GENERAL HAGERMAN:

13 Q. Did you go out and talk to Mr. Adams'
14 associates?

15 A. Yes, we did.

16 Q. Did you go out and talk to Mr. Dylan Adams'
17 associates?

18 A. Yes, we did.

19 Q. Did you go talk to Mr. Shane Austin's
20 associates?

21 A. We did.

22 Q. And Mr. Jason Autry's?

23 A. We did.

24 Q. We've heard early on the first day of this
25 trial about Mr. Dylan Adams and a man named Dennis

1 Benjamin?

2 A. Yes, sir.

3 Q. After you went out and talked to Mr. Adams'
4 associates, to Mr. Austin's associates, to Mr.
5 Autry's associates, was information provided from Mr.
6 Dylan Adams? Yes or no?

7 A. Yes.

8 Q. At some point Zach Adams was arrested; is
9 that correct?

10 A. Yes, that's correct.

11 Q. Years and years after this; is that correct?

12 A. Yes, sir.

13 Q. Y'all searched his house, right?

14 A. We did.

15 Q. Tore it up?

16 A. We did.

17 Q. I've seen the wood floor that y'all took
18 apart?

19 A. Yes, sir.

20 Q. Did you find any trace of Holly Bobo there?

21 A. No.

22 Q. How many years after this was it?

23 A. This happened April 13 of 2011. This was
24 February or March of 2014. Three years.

25 Q. At that time in February or March of 2014,

1 when y'all are taking apart Mr. Adams' house and
2 searching --

3 A. Yes, sir.

4 Q. -- did y'all have any idea you should have
5 been checking in Shane's grandmother's barn?

6 A. No, sir, we didn't know that at the time.

7 Q. Tell me about the day that y'all found her.
8 Tell me about the day that y'all found her.

9 A. I got a call from Keith Byrd. Keith is a
10 sheriff in Decatur County. There had been a call
11 that came in to the 911 center in Benton County,
12 transferred to Decatur. There had been human remains
13 found near the 120 cell tower located right on the
14 side in his county. He was responding. It was a
15 Sunday about 11:00, Sunday, September 7.

16 I responded, met him there along with about
17 three or four agents, Brant Holt. And I notified, of
18 course, chain of command in our division and --

19 Q. Where was your attention called to, what
20 place?

21 A. Behind the cell tower. I believe it's
22 addressed 1000 County Corner Road.

23 Q. Is it along I-40?

24 A. Yes. It was on the north side of I-40.

25 Q. About how many miles from Shane Austin's

1 house?

2 A. Maybe three.

3 Q. About how many miles from Zach Adams' house?

4 A. County-road-wise, maybe five.

5 Q. What was this place like, this cell phone

6 tower?

7 A. Cell tower located right on the side of the

8 interstate.

9 Q. Probably passed it a million times before;

10 hadn't you?

11 A. It's dense, wooded, dense in back in behind

12 it and around it. Nothing around it other than

13 woods.

14 Q. Those woods, you're a hunter; aren't you?

15 A. I am.

16 Q. People use those woods for hunting?

17 A. Yes.

18 Q. Had you ever been hunting up over there?

19 A. No, sir.

20 Q. What did you find when we got there?

21 A. Found a cranium, upper part of the skull, and

22 the mandible, jawbone.

23 Q. When you saw the skull and mandible, did you

24 know it was her yet?

25 A. I knew. Scientifically, no.

1 Q. You --
2 A. Had to be.
3 Q. Were you a part of the search of the
4 surrounding area?
5 A. Yes, sir.
6 Q. Did you become quickly aware that a wallet
7 had been found?
8 A. Yes, sir.
9 Q. Keys?
10 A. Yes, sir.
11 Q. Driver's license?
12 A. Yes, sir.
13 Q. Promise ring from Drew?
14 A. Yes, sir.
15 Q. Did you know it was her?
16 A. Yeah, I knew it was her.
17 Q. I've got -- and I know we're real bad at
18 this, but I got another one of these poster boards.
19 What do we got on this poster board?
20 A. Yes, sir.
21 Q. What -- don't -- just like generally, what
22 are we looking at?
23 A. You're looking at the area along I-40,
24 location of Holly's body top, left, County Corner
25 Road next.

1 GENERAL HAGERMAN: That's enough now.
2 We're going to look at it -- may I introduce this as
3 the next numbered exhibit?

4 THE COURT: 193.

5 (WHEREUPON, the above-mentioned poster
6 board was marked as Exhibit Number 193.)

7 GENERAL HAGERMAN: May he step down from
8 the stand?

9 THE COURT: Let's break for lunch.

10 GENERAL HAGERMAN: Yes, sir.

11 THE COURT: Then after that we can go
12 over that poster board and anything else.

13 GENERAL HAGERMAN: Yes, sir.

14 THE COURT: Follow the admonitions I gave
15 you at the outset. Your lunch is waiting for you up
16 there. I don't know what little goodies they have
17 for you today, but they'll have something good. Take
18 one hour.

19 (WHEREUPON, the jury left the courtroom,
20 after which the following proceedings were had:)

21 THE COURT: Take one hour, please. Don't
22 discuss your testimony, please.

23 (WHEREUPON, at 12:23 p.m. a recess was
24 taken after which the following proceedings were
25 had:)

1 THE COURT: All right. They are ready to
2 bring the jury in.

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

6 THE COURT: I don't think that needs to
7 be an exhibit. It says, Happy Birthday with a smily
8 face, jury. So I don't really call that a question.
9 I don't think it needs to be an exhibit. Your well
10 wishes are appreciated. Great way to spend a
11 birthday; isn't it?

12 All right. Be seated, please. Let's get Mr.
13 Booth back in.

14 (Witness returned to the courtroom.)

15 THE COURT: You can be seated. You've
16 already been put under oath.

17 You can continue.

18 GENERAL HAGERMAN: Yes, sir. And
19 actually we had him off the stand --

20 THE COURT: Let's get ready.

21 GENERAL HAGERMAN: -- to show us what
22 we're looking at.

23 THE COURT: Okay. Do you want to come
24 around?

25 MS. THOMPSON: Yes, Your Honor.

1 BY GENERAL HAGERMAN:

2 Q. Just to reorient everybody, we were talking
3 about when your attention was called and where y'all
4 found her body -- and where y'all found her body.

5 A. Top left photograph here is the location of
6 Holly's body, approximately 300 feet behind that cell
7 tower.

8 Q. You said 300 feet, like sort of off into the
9 woods?

10 A. Right, yes, in the woods. The cell tower as
11 it would sit on the north side of I-40, would be
12 traveling -- standing at the cell tower here where
13 this little dot is on the map, traveling to that
14 star, that's north.

15 Q. All right. This whole -- this area here,
16 what's it near? What are --

17 A. Dense -- dense woods. You can see a saw mill
18 to your left right here, to the west of it.

19 Q. If the picture was big enough, we would also
20 see a sawmill to the right?

21 A. Yes, sir.

22 Q. Interstate 40 here?

23 A. Yes, sir.

24 Q. And follow our arrow, this is --

25 A. Where it's located on the map.

1 Q. Okay. So --

2 A. Yeah.

3 Q. Okay.

4 A. This is the cell tower as you would see it.
5 When you're driving down I-40, you can clearly see
6 that one right on the side of the interstate.

7 Q. And then it looks like --

8 A. About the 120 mile marker.

9 Q. Looks like what else we got on here is sort
10 of a bunch of other places that we've heard about in
11 this case.

12 A. Yes, sir.

13 Q. Okay. Let's go this way again.

14 A. This is Victor Dinsmore's residence on Yellow
15 Springs Road. It's approximately a mile from the
16 cell tower.

17 Q. Okay. All right. What do we got next?

18 A. Juanita Hickerson's house.

19 Q. That's Shane's grandma?

20 A. That's Shane's grandmother. She's -- has a
21 line that goes here to that one (indicating).

22 Q. Okay. Down here (indicating).

23 A. Zach and Dylan Adams' house, and that's on
24 Adams Lane right off of 641, just south of the 126
25 exit here. And you got Dottie Coolly's house.

1 Q. Is that Ms. Dottie?

2 A. Ms. Dottie. And Ms. Dottie is off of Pugh
3 Road, which intersects Yellow Springs and Highway 641
4 just below the Adams' residence, just south of the
5 Adams' residence.

6 Q. We got Shane Austin's trailer?

7 A. It is. And that's on Yellow Springs Road
8 just south of the intersection of Yellow Springs and
9 Pugh Road.

10 Q. And Yellow Springs Church?

11 A. Yellow Springs Church there (indicating).

12 Q. It's between this church and this house that
13 you found some of the papers?

14 A. Yes.

15 Q. And between this trailer and --

16 A. Juanita Hickerson.

17 Q. Juanita Hickerson's here (indicating) --

18 A. Yes, sir.

19 Q. -- where we found other stuff?

20 A. We did.

21 Q. You can resume the stand.

22 Now we're going to fast forward a big jump,
23 okay?

24 A. Okay.

25 Q. I am not asking you when, okay, or even what

1 he said.

2 But at some point in this investigation a big
3 jump forward, closer to the start of this year and
4 the end of last year, did Mr. Jason Autry provide
5 information that y'all followed up on?

6 A. Yes, sir.

7 Q. When he provided that information, did y'all
8 run out to the barn at Ms. Juanita's house, Shane's
9 grandmother? Did y'all run out there?

10 A. We went out there.

11 Q. And where was the barn?

12 A. The barn is gone. The barn that he described
13 has been torn down. There's remnants, remains of it.

14 Q. Did you -- did y'all go out to the river
15 underneath the bridge?

16 A. We did.

17 Q. This will be the last time we use one of
18 these poster boards, okay?

19 A. Sir?

20 Q. This is going to be the last time we use one
21 of these poster boards.

22 A. All right.

23 Q. I promise.

24 Do you recognize this (indicating)?

25 A. Yes, sir.

1 Q. What is this?

2 A. It's a map of the Tennessee River bridge,
3 I-40, where I-40 crosses in Benton/Decatur County.

4 GENERAL HAGERMAN: Let this be marked as
5 the State's next numbered exhibit, Your Honor.

6 THE COURT: Be 194.

7 GENERAL HAGERMAN: It's already been
8 marked as 182.

9 THE COURT: Okay.

10 BY GENERAL HAGERMAN:

11 Q. We'll look at it real quick here, Agent
12 Booth.

13 Tell us what we're looking at at the top
14 corner.

15 A. This is I-40 westbound, eastbound lanes.
16 This is a road -- the gravel road that comes down --
17 it's actually a federal wildlife preserve there.
18 You --

19 Q. Did you have occasion -- talking about right
20 here, okay?

21 A. Uh-huh.

22 Q. Did you have occasion to go to that location
23 with Mr. Autry and with a security team and everybody
24 else?

25 A. Yes, sir.

1 Q. Mr. Autry stand there at that rip-rap and
2 bend down and show you exactly what he did?

3 A. Yes, sir.

4 Q. Describe the area to you?

5 A. Yes, sir.

6 Q. You actually went there?

7 A. Yes, sir.

8 Q. Stood right there (indicating)?

9 A. Yes, sir.

10 Q. Next to it?

11 A. This is a close-up of the rip-rap where he
12 said he -- where he said this happened. Where he
13 said --

14 Q. And then looking --

15 A. -- Holly was shot.

16 Q. This is going to be a far away picture here,
17 right?

18 A. Yes, sir.

19 Q. And then a far away picture down there in the
20 corner?

21 A. Yeah. Here you can see the access road comes
22 alongside of the interstate. You wouldn't see it
23 unless you're looking for it probably. It goes
24 underneath the bridge here, underneath the I-40
25 bridge there on the west side of the river.

1 Q. If you're traveling on this bridge -- you're
2 familiar with the I-40 bridge?

3 A. Yes, sir.

4 Q. You've been over it hundreds of times.

5 When you're traveling this bridge, can you
6 see down into this area?

7 A. No.

8 Q. Not at all?

9 A. No.

10 Q. There is in blue -- what is this
11 (indicating)?

12 A. This is the route that Mr. Autry drove us
13 when he said he got in the truck with Zach at Yellow
14 Springs Road.

15 Q. So this is a road from -- this is from Yellow
16 Springs to where they went?

17 A. Yellow Springs Church. Holly's body in the
18 back.

19 Q. Okay.

20 A. And drove this route to the river bridge to
21 here (indicating), to that spot.

22 Q. Okay. You can resume the stand.

23 I am not asking what, I am just asking yes or
24 no. Did Mr. Autry also provide information about a
25 gun?

1 A. He did.

2 Q. Did he tell you whether or not he was present

3 when it was sold?

4 A. Said he was.

5 Q. Did he tell you who sold it?

6 A. Yes, sir.

7 Q. Who was that?

8 A. Shane Austin.

9 Q. Did he tell you who he sold it to?

10 A. He did.

11 Q. As a result --

12 A. Victor Dinsmore.

13 Q. Victor Dinsmore. As a result of that

14 information, did you talk to Mr. Dinsmore?

15 A. I did.

16 Q. Ms. Dinsmore?

17 A. I did.

18 Q. Did you have occasion to go out to a little

19 creek, a ditch on the side of a little road, Joe

20 Holladay Road?

21 A. Yes.

22 Q. One time or more than one time?

23 A. Four times.

24 Q. Four times?

25 A. Yes, sir.

1 Q. And metal detectors?

2 A. Yes, sir.

3 Q. Shovels?

4 A. Yes, sir.

5 Q. At some point a backhoe-like thing?

6 A. A backhoe, yes. Dug up the side of the road.

7 Q. But then the fourth time...

8 A. We went back with West Tennessee Dive

9 Service, they have underwater metal detectors where

10 the heads would withstand water and other underwater

11 equipment, and we found the gun.

12 Q. Was it a .180, this gun (indicating)?

13 A. Yes, sir.

14 Q. Were you there when it was found?

15 A. Standing right there.

16 Q. I am almost done asking you questions, but we

17 got to go, unfortunately, and introduce a couple of

18 items of actual physical evidence that we've heard

19 you talk about, okay?

20 A. Yes, sir.

21 Q. Let me start -- let me start here. I am

22 going to hand you an envelope, Agent. Do you have

23 anything to open this with? Do you have scissors or

24 anything?

25 A. Pocket knife.

1 THE COURT: Does he need gloves?

2 GENERAL HAGERMAN: It doesn't matter.

3 GENERAL HAGERMAN:

4 Q. Do you prefer gloves?

5 A. No.

6 Q. Those are small scissors.

7 THE COURT: I've got a pocket knife that
8 Rodney sharpens in Decatur County, and it's real
9 sharp if you want it.

10 GENERAL HAGERMAN: That's okay.

11 THE WITNESS: I've got it, Judge.

12 THE COURT: Okay.

13 GENERAL HAGERMAN: Can I take your knife,
14 Agent?

15 THE WITNESS: Yes, sir.

16 THE COURT: Got some scissors up here,
17 too, if you want them.

18 BY GENERAL HAGERMAN:

19 Q. Do you recognize that, Agent?

20 A. Yes, sir.

21 Q. What is that?

22 A. One of the pieces of paper that we found out
23 on the side of Yellow Springs Road.

24 Q. Yellow Springs, this is the area near Shane's
25 trailer?

1 A. Yes, sir.

2 GENERAL HAGERMAN: If that could be
3 marked as the next numbered exhibit, Your Honor.

4 THE COURT: All right. Be Exhibit 194.

5 (WHEREUPON, the above-mentioned document
6 was marked as Exhibit Number 194.)

7 GENERAL HAGERMAN:

8 Q. You can leave it outside of the envelope,
9 Agent. I think I've got the other envelopes opened
10 for you, so.

11 THE COURT: Do we need the envelope or
12 just the paper?

13 GENERAL HAGERMAN: No, sir. No, sir.

14 THE COURT: All right. Let's don't
15 clutter it. Just give them back the envelope, the
16 paper will be Exhibit 194.

17 GENERAL HAGERMAN: Can I publish it to
18 the jury?

19 THE COURT: You may.

20 BY GENERAL HAGERMAN:

21 Q. This is some sort of billing information or
22 something?

23 A. Yes, sir, from Tennessee Technology Center.

24 Q. This is identified as hers, Agent?

25 A. It does. She's enrolled with the Tennessee

1 Technology Program at the University of Tennessee
2 Parsons campus where she was attending nursing
3 school.

4 GENERAL HAGERMAN: May I approach?

5 BY GENERAL HAGERMAN:

6 Q. What do we got there?

7 A. Looks like a receipt that was laying in Shane
8 Austin's grandmother's front yard along with a dollar
9 bill.

10 Q. Is it identified as hers?

11 A. It's got her name on it. Holly Bobo,
12 Tennessee -- it's Technology Center Drive, Jackson,
13 Tennessee, Tennessee Technology Center.

14 GENERAL HAGERMAN: Next number exhibit,
15 Your Honor.

16 THE COURT: Be 195.

17 (WHEREUPON, the above-mentioned document
18 was marked as Exhibit Number 195 and published to the
19 jury.)

20 BY GENERAL HAGERMAN:

21 Q. That same area of that, was a dollar bill
22 collected?

23 A. Yes, sir.

24 Q. Do you recognize that?

25 A. That is my handwriting and my signature at

1 the top, yes, sir.

2 GENERAL HAGERMAN: Can we introduce that
3 as the next numbered exhibit? You may want to
4 introduce the bag, Judge, because --

5 THE COURT: All right.

6 GENERAL HAGERMAN: -- it identifies that
7 dollar bill versus another one.

8 THE COURT: 196.

9 (WHEREUPON, the above-mentioned dollar
10 bill was marked as Exhibit Number 196 and published
11 to the jury.)

12 BY GENERAL HAGERMAN:

13 Q. (Passes evidence bag.)

14 A. This is the paper identified as -- commonly I
15 saw in my daughter's own nursing. It's part of her
16 anatomy and physiology class.

17 Q. That's some nursing papers that y'all found?

18 A. Yes, sir.

19 Q. And --

20 A. That was near the intersection of Yellow
21 Springs Road and Bible Hill where the bridge is --
22 crosses over I-40. It's about maybe 150 feet from
23 that intersection down Yellow Springs Road laying on
24 the side of the road. It had been blown out.

25 GENERAL HAGERMAN: Be introduced as the

1 next numbered exhibit, Your Honor.

2 THE COURT: Be 197.

3 (WHEREUPON, the above-mentioned document
4 was marked as Exhibit Number 197.)

5 BY GENERAL HAGERMAN:

6 Q. I am holding what has already been identified
7 as Exhibit 29, which is a drug card grade sheet.

8 A. Yes, sir.

9 Q. Pass that to you.

10 A. Yes, sir.

11 Q. About where was this thing found?

12 A. This would have been found in the creek there
13 on Gooch Road. The drug card was probably the -- a
14 grade sheet from the pharmacology part of the nursing
15 program.

16 Q. When it was found, were other drug cards, the
17 actual cards attached to it?

18 A. Yeah, index cards.

19 Q. I am going to pass you five cards, just look
20 at them together. Ask you if these are the cards
21 attached to Exhibit 29 when it was found.

22 A. Yes, sir.

23 GENERAL HAGERMAN: I move those as
24 State's next numbered collective exhibit.

25 THE COURT: 198.

1 (WHEREUPON, the above-mentioned drug
2 cards were marked as Collective Exhibit Number 198.)

3 BY GENERAL HAGERMAN:

4 Q. Cards are all substantially the same?

5 A. Yes, sir.

6 Q. Different drugs?

7 A. Pharmacology part of the nursing program she
8 was in.

9 Q. With her name on the back of it?

10 A. Yes, sir.

11 Q. If you could, leave this in the bag, there's
12 dirt and stuff that's going to spill out if you
13 don't. But tell me what this is.

14 THE WITNESS: May I stand, Your Honor?

15 THE COURT: You may.

16 THE WITNESS: Yes, sir, I recognize that.

17 BY GENERAL HAGERMAN:

18 Q. What is that?

19 A. That's the three-ring binder or binder that
20 was recovered.

21 Q. Where was it recovered from?

22 A. Creek on Gooch Road.

23 GENERAL HAGERMAN: Next numbered exhibit,
24 Your Honor.

25 THE COURT: All right. Be 199.

1 (WHEREUPON, the above-mentioned
2 three-ring binder was marked as Exhibit Number 199.)

3 BY GENERAL HAGERMAN:

4 Q. Is that the binder that we didn't quite take
5 out of the bag, the one we just saw, was that
6 recovered where the lunch box or near the cards?

7 A. Yeah. It appeared to have washed down that
8 creek. It was not a bridge over it. It's a culvert
9 that runs under the county tar and chip road where
10 Gooch Road is. We had had a storm on Thursday right
11 after this happened on Wednesday. Significant amount
12 of rain. And we had had several hard rains in
13 between the time that this happened, between the time
14 the lunch box was found on Thursday and the day in
15 time we recovered those items further down.

16 Q. This is the last thing I am going to pass
17 you, Agent, it's already been marked Exhibit 65
18 through Rebecca Earp, the witness. Do you recognize
19 this?

20 A. Yes, sir.

21 Q. Explain.

22 A. That's the note she left Zach. And that's
23 the business card, scrap yard in Holladay.

24 Q. She turned this over to the TBI?

25 A. Yes, sir.

1 Q. As something from that day?

2 A. Yes, sir.

3 Q. 191 Auto Salvage?

4 A. Correct.

5 Q. Buying your junk -- buying your scrap metal

6 and junk vehicles?

7 A. Yes, sir.

8 Q. Did y'all get the records from 191 Auto

9 Salvage?

10 A. We did.

11 Q. Did Zach Adams scrap anything that morning?

12 A. No, sir.

13 Q. Did Shane Austin?

14 A. No, sir.

15 Q. Jason Autry?

16 A. No, sir.

17 Q. None of them?

18 A. None of them.

19 THE COURT: That was previously moved

20 into evidence as Exhibit 65, correct?

21 GENERAL HAGERMAN: Yes, sir.

22 BY GENERAL HAGERMAN:

23 Q. There's a couple times where you've been

24 talking that you've almost teared up.

25 A. Yeah.

1 Q. Was there pressure -- was there pressure to
2 solve this case?

3 A. Self-imposed, yeah. There's pressure.
4 That's my friends and neighbors. You don't -- you
5 don't get in this work -- this line of work for the
6 money. I don't do what I do for the money. I do
7 what I do because I love people. I fix things. I am
8 a hands-on kind of guy, that take charge and fix
9 things.

10 Q. What's solving this case mean? Does it mean
11 just picking somebody --

12 A. No.

13 Q. -- because there's all this pressure being
14 self-imposed?

15 A. No, I would never do that. We never would do
16 something like that. We pride ourselves on doing the
17 right thing always and the right way. We make
18 mistakes in this one, yeah. One I'll take with me
19 the rest of my life, but --

20 Q. That's all. Excuse me.

21 A. -- but I got the right person. I didn't
22 charge the wrong --

23 MS. THOMPSON: Objection, Your Honor, I
24 object. He's giving opinion testimony right now. I
25 object to that.

1 GENERAL HAGERMAN: I think it's enough.
2 I am not going to ask any further. Thank you, Agent
3 Booth.

4 THE COURT: Cross.

5
6 **CROSS-EXAMINATION**

7 **QUESTIONS BY MS. THOMPSON:**

8 Q. Now, Zach Adams was a regular scrapper at the
9 Birdsong Road Scrap Metal Yard; wasn't he?

10 A. I don't know that.

11 Q. Okay. And Zachary Adams never told you that
12 he went scrapping on the day Holly disappeared; did
13 he?

14 A. Well, without reviewing that, I don't
15 remember that, ma'am.

16 Q. What would you need to review to remember
17 that?

18 A. You asked me if Dylan Adams --

19 Q. Zach Adams.

20 A. Zach Adams.

21 Q. Zachary Adams.

22 A. I've never talked to Zach.

23 Q. Okay. But as far as you know, he never
24 claimed that to be an alibi, did he, that he went
25 scrapping?

1 A. He told that to Rebecca.

2 Q. That's what Rebecca tells you?

3 A. Without seeing his statements that he's given
4 to TBI or other law enforcement, I couldn't tell you.

5 Q. But that's what Rebecca told you, isn't it,
6 that he went scrapping?

7 A. That's what she said that he told her he was
8 going to do.

9 Q. Right. But as far as you know, the only
10 person that you heard it from was Rebecca; didn't
11 you?

12 A. I've heard it from Rebecca, yeah.

13 Q. Yes. Rebecca gave you that note about
14 scrapping in 2014; didn't she?

15 A. She didn't give it to me, no.

16 Q. She turned it over to the --

17 A. Gave it to another agent.

18 Q. -- TBI in 2014; didn't she?

19 A. Without seeing the date on it, I don't know
20 what date it was that we came into possession of it.

21 Q. Let me pass the note back up to you then.

22 THE COURT: 65.

23 THE WITNESS: Yes, 2/28/2014.

24 BY MS. THOMPSON:

25 Q. And that's after you had initiated this

1 search of Zach Adams' property; isn't it?

2 A. Around that time.

3 Q. I'd like Exhibit 16a. I'd like to pass
4 Exhibit 16a up to you. Have you open that and take a
5 look at that. You might want gloves, too.

6 BY MS. THOMPSON:

7 Q. Are they cemented in?

8 A. Yes, ma'am.

9 GENERAL HAGERMAN: I am going to grab
10 this old exhibit, Judge.

11 BY MS. THOMPSON:

12 Q. And is that a pair of pink underwear in
13 there?

14 A. It is.

15 Q. Those are the pink underwear that you found
16 there next to the school worksheet that belonged to
17 Holly Bobo; is that right?

18 A. These were laying in the middle of the road.

19 Q. They were close by but not directly next to;
20 isn't that right?

21 A. Well, probably 100, 150 feet apart.

22 Q. Okay. And they were there near Shane
23 Austin's driveway; isn't that right?

24 A. Yeah, yes, ma'am.

25 Q. But you're familiar with the fact that these

1 underwear themselves did not belong to Holly Bobo;
2 did they?

3 A. That's correct.

4 Q. We saw a picture of these pink underwear.
5 You know that there are pictures made also of this
6 pink underwear; don't you?

7 A. Yes, ma'am.

8 Q. And if I can have the photograph of the
9 underwear. I would like to pass you Exhibit 70.
10 Exhibit 70 is a pair of these same underwear; is it
11 not?

12 A. It appears to be.

13 Q. Okay. And will you pull those underwear out,
14 please, and show them to the jury? Will you just let
15 the jury see that pair of underwear?

16 A. (Complied.)

17 THE COURT: Hold them up again. Okay.

18 Thank you.

19 BY MS. THOMPSON:

20 Q. They were actually DNA tested and shown to
21 not belong to Holly; is that correct?

22 A. That's correct.

23 Q. There was actually another woman's DNA on
24 them?

25 A. Somebody's DNA. It was a mixture of DNA.

1 Q. Now you would agree with me that there have
2 been at least 100 search warrants done in this case;
3 wouldn't you?

4 A. The exact number, I don't know. There's a
5 great many.

6 Q. And you did quite a few of them yourself;
7 didn't you?

8 A. Yes, ma'am.

9 Q. Now, in order to get a search warrant, you
10 have to fill out an affidavit; don't you?

11 A. Yes.

12 Q. And an affidavit is kind of a fancy word for
13 a sworn statement?

14 A. It is.

15 Q. It's done in writing, isn't it --

16 A. Yes.

17 Q. -- write down a paragraph?

18 And in that statement you give the reasons
19 why you believe you need a search warrant of some
20 kind; don't you?

21 A. That is correct.

22 Q. And in this affidavit, then you swear under
23 oath that what you put in the search warrant is true?

24 A. That's correct.

25 Q. And in order to get a search warrant for

1 something, you have to have a legal term called
2 probable cause; don't you?

3 A. That's correct.

4 Q. Which means it's more than a mere suspicion
5 that some crime has been committed?

6 A. Correct.

7 Q. And so in this case, you swore out a warrant
8 to get the -- at some point the banking records of
9 the Bobo family; didn't you?

10 A. Correct.

11 Q. And in your affidavit you specifically said
12 that Holly's mother -- no, Dana Bobo, Holly's father;
13 Karen Bobo, Holly's mother; and Clint Bobo, Holly's
14 brother have made false and misleading statements and
15 omissions to law enforcement concerning critical
16 information as to the disappearance of Holly.

17 A. If that's what it says, ma'am.

18 Q. Okay. And so you -- what were the material
19 misstatements, the false and misleading and omissions
20 that were critical information in the disappearance
21 of Holly?

22 A. I don't recall.

23 Q. So today here, sitting here, you don't
24 remember what that would have been?

25 A. Without reviewing the file, ma'am, I don't.

1 Q. Okay. But at the time, clearly, you believed
2 it and you swore under oath it was true?

3 A. Yes.

4 Q. Okay. Can you think of anything in
5 particular in the file that I could hand you that
6 would help refresh your memory?

7 A. I don't know with -- with a four terabyte
8 file, I don't know where to tell you to look. It
9 would have been prior to that date.

10 Q. Okay. And this would have been -- this date
11 on this is the 10th of January 2013; isn't it?

12 A. I haven't seen the document. I take you at
13 your word that's what it says.

14 Q. Okay. But it was sometime well into the
15 investigation, wasn't it, when you got their banking
16 records; wasn't it?

17 A. About 2013, yes.

18 Q. So when you went to go interview Victor
19 Dinsmore and Sandra Dinsmore in Indianapolis on May
20 18 and 19 of 2017, you recorded that interview;
21 didn't you?

22 A. I did.

23 Q. At that time you did proceed to tell them
24 what Jason Autry was going to testify to; didn't you?

25 A. Some of the facts that would be testified to.

1 I don't recall saying Jason Autry's name, but what
2 would be testified to.

3 Q. And you told them that Jason Autry was going
4 to testify to the fact that the white pickup truck,
5 Zach Adams' white pickup truck was kept in their
6 shop; didn't you?

7 A. I told him that would be testified to.

8 Q. And initially, Victor Dinsmore denied it,
9 didn't he, that the white Nissan was over there?

10 A. Yes. Couldn't remember.

11 Q. And your first conversation with them lasted
12 probably --

13 THE COURT: I don't know that she heard
14 your last statement.

15 THE WITNESS: Said he couldn't remember.

16 BY MS. THOMPSON:

17 Q. Yes. The first conversation that you had
18 with him on the 18th of May lasted approximately 45
19 minutes?

20 A. Sounds right.

21 Q. The second conversation lasted probably 25 to
22 30 minutes?

23 A. That sounds right.

24 Q. And you know who Dennis Benjamin is in this
25 case; don't you?

1 A. I do.

2 Q. And you were -- you've worked on this case
3 from the beginning; that's fair to say?

4 A. Yes.

5 Q. Day one. We heard testimony about a
6 handprint or palmprint that was on Holly Bobo's
7 Mustang?

8 A. Correct.

9 Q. That palmprint, I guess the four suspects in
10 this case, Dylan Adams, Zach Adams, Shane Austin, and
11 Jason Autry were all excluded as being the owner of
12 the palmprint; weren't they?

13 A. Correct.

14 Q. And Dennis Benjamin in this case, he -- you
15 were involved when Dylan Adams entered a guilty plea
16 in federal court to gun charges; weren't you? You
17 were involved in the case when that happened?

18 A. Yes.

19 Q. And that was in the summer of 2014, August?

20 A. I believe you're correct.

21 Q. And you're aware that one of the terms of
22 Dylan Adams' supervised release was that he was to go
23 live with Dennis Benjamin?

24 A. He went to live with Dennis Benjamin, yes.

25 Q. And at that time -- well, I guess initially,

1 the district attorneys in this case were Hansel
2 McAdams and Beth Hall; weren't they?

3 A. Correct.

4 Q. And Hansel McAdams was defeated in election
5 and then Matt Stowe took over?

6 A. Correct.

7 Q. At some point Matt Stowe recused himself, and
8 that's when the -- we got our present district
9 attorneys?

10 A. Correct.

11 Q. Now, we heard you talk earlier about
12 searching Zach Adams' house. You actually searched
13 three different properties. It was 235 Adams Lane.
14 That's Zach Adams' house, correct?

15 A. Correct.

16 Q. And then you all searched, did you not, 260
17 Adams Lane, which was Dick Adams' house?

18 A. Correct.

19 Q. Dick Adams gave you permission to come in and
20 search his house; didn't he?

21 A. Yes.

22 Q. And then there's an old decrepit house that's
23 across the street that you searched also?

24 A. Correct.

25 Q. And you seized four different vehicles in

1 this case; didn't you?

2 A. Yes.

3 Q. That belonged to the Adams'?

4 A. Yes.

5 Q. You took the '98 white Nissan pickup truck?

6 A. Correct.

7 Q. You took a '94 Nissan black pickup truck?

8 A. Correct.

9 Q. You took a -- somewhere in the year 2000s,
10 Chevy Silverado, it's a pewter, gray pickup truck?

11 A. Correct.

12 Q. And then you took a red Jeep, a Jeep Wrangler
13 that hadn't even been purchased by the Adams' family
14 at the time Holly disappeared; didn't you?

15 A. Correct.

16 Q. And all four of those vehicles are still in
17 the custody of the Tennessee Bureau of Investigation?

18 A. Being -- I believe we have them all here,
19 yes, ma'am.

20 Q. So when you searched the Adams' house, you
21 actually took hundreds of items from there; didn't
22 you?

23 A. Many items. I don't know a specific number.

24 Q. Would you agree with me if the lab reports
25 are up to items in the five hundreds, that there

1 might have been as many as five hundred items tested
2 by the lab in this case?

3 A. Could have been.

4 Q. Okay. And you took things such as all the
5 mattress pad -- all the material off the mattress.
6 Like the top of the mattress, you all cut that
7 material away and took it; didn't you?

8 A. We did.

9 Q. You took couches. There was at least one or
10 two couches that you took?

11 A. We did.

12 Q. Took chairs and ottomans?

13 A. We did.

14 Q. You took blankets, sheets, pillow cases,
15 pillows?

16 A. We did.

17 Q. You took carpeting out of the house?

18 A. We did.

19 Q. Took shelving out of the closets; didn't you?

20 A. Probably, yes.

21 Q. Okay. And you spent several days in the
22 house in February of 2014; didn't you?

23 A. I don't recall days. I think maybe 24 hours.

24 Q. Okay. 24 hours. And then on the property,
25 you also brought in a backhoe and used a backhoe in

1 several places to dig; didn't you?

2 A. I don't recall that.

3 Q. You don't recall the backhoe?

4 A. No, I may not -- I don't recall that.

5 Q. So that means it's possible, you just don't
6 remember?

7 A. Correct.

8 Q. And there was a well, do you remember that
9 there was a well on the property that had been
10 covered up years ago when they got city water?

11 A. No.

12 Q. There was --

13 A. I remember an open well.

14 Q. Okay. A well -- across the street on the
15 property was an open well; wasn't it? You all
16 searched that well, too; didn't you?

17 A. An open well on the edge of the property,
18 Adams' property at 235 Lane.

19 Q. You searched that well?

20 A. Yeah.

21 Q. And matter of fact, you did cut a piece of
22 the wooden flooring out that was in Zach's main house
23 in the living room where the couch was sitting. You
24 cut out a very large piece of flooring, sub flooring
25 so that it did go down to the dirt; didn't you?

1 A. Yes, ma'am.

2 Q. You took all that back to the laboratory for
3 testing?

4 A. Yes, ma'am.

5 Q. And there was DNA that was recovered from
6 that, but it didn't match Holly Bobo; did it?

7 A. From the floor?

8 Q. Well, there were people's DNA just from all
9 the searching you did, there was DNA from people that
10 was there?

11 A. Right.

12 Q. It wasn't DNA free?

13 A. Correct.

14 Q. The DNA did not match Holly Bobo?

15 A. We did not find Holly's DNA. We did find
16 nail polish --

17 Q. Okay.

18 A. -- that matched what we found at the body
19 recovery site.

20 Q. Okay. So you found some nail polish. You
21 didn't find any DNA, though, on the nail polish; did
22 you?

23 A. No.

24 Q. There was no .32 ammunition recovered at the
25 Adams' house; was there?

1 A. There was a lot of ammunition recovered.
2 Without seeing the list, I am not sure. We may have.

3 Q. So that's a -- well -- so once you discovered
4 that this alleged gun that was used to shoot her was
5 a .32, you didn't think at the time that maybe you
6 would go back and look to see what was recovered from
7 Zach Adams' house?

8 A. I am sure we did, and we would know that.
9 But I haven't physically -- I didn't -- I was not the
10 agent that did that.

11 Q. Okay. So if they had gone back and found .32
12 ammo at the Adams' house, don't you think someone
13 would have mentioned it to you?

14 A. I am sure we would know, yes, ma'am.

15 Q. Okay. So most likely it was not recovered?

16 A. I haven't had that reported to me, correct.

17 MS. THOMPSON: No further questions.

18 THE COURT: Further?

19
20 **REDIRECT EXAMINATION**

21 **QUESTIONS BY GENERAL HAGERMAN:**

22 Q. Y'all spent a long time at Zach Adams' house?

23 A. Yes, sir.

24 Q. But y'all should have been at Shane's
25 grandmother's barn?

1 A. Correct.

2 Q. It was gone?

3 A. Yes, sir.

4 Q. The day you responded, you started some sort
5 of Amber Alert process; is that right?

6 A. Yes.

7 Q. To do that did you have to ask the Bobos how
8 old their daughter was?

9 A. Yes, sir.

10 Q. What did they tell you?

11 A. Karen first told me she was 17.

12 Q. She lied to you about Holly's age; didn't
13 she?

14 A. Yeah.

15 Q. Why is that?

16 A. Someone had told her that we wouldn't issue
17 an Amber Alert if she was over 18. When, in fact,
18 that's the same process. We treat them the same.
19 Missing and endangered persons are treated almost
20 exactly alike as we would a missing child.

21 Q. But she didn't know that?

22 A. Same protocol. She didn't know that.

23 Q. So she lied to you?

24 A. Yeah.

25 GENERAL HAGERMAN: That's all, Judge.

1 THE COURT: Any further cross?

2

3

RECROSS-EXAMINATION

4

QUESTIONS BY MS. THOMPSON:

5

Q. It was very quickly after this happened that
6 you realized Holly was a 20-year-old woman; isn't
7 that right?

8

A. Within -- yeah, within a few minutes.

9

Q. So that lie was very short-lived at the time?

10

A. We're talking about 20 minutes of back and
11 forth, 20 minutes, maybe 30 before we got that down.
12 It was a lot of controversy between what the Fusion
13 Center was pulling up on her driver's license and
14 what I was being told.

15

Q. Okay.

16

A. We didn't have smart phones back in those
17 days. We had flip phones. Information didn't travel
18 as well as it does now.

19

Q. But that discrepancy was straightened out on
20 April 13, 2011?

21

A. That was.

22

MS. THOMPSON: No further questions.

23

THE COURT: Done?

24

GENERAL HAGERMAN: Done.

25

THE COURT: All right. Step down.

1 Please don't discuss your testimony with anyone. You
2 can come back in the courtroom if you would like,
3 okay.

4 THE WITNESS: Yes, Your Honor.

5 MS. THOMPSON: Your Honor, he's still
6 under subpoena by the defense, and we may or may not
7 call him --

8 THE COURT: All right.

9 MS. THOMPSON: -- depending on how --

10 THE COURT: You'll remain outside the
11 courtroom and don't view any news reports, please.

12 THE WITNESS: Yes, sir.

13 THE COURT: Let's take a recess. Good
14 point to break. 15 minutes, please.

15 (Short break.)

16 THE COURT: Let's come to order. I want
17 to make the attorneys aware, we've got three smokers.
18 I thought it was two, but we've got three smokers.
19 In order to accommodate them, they've got some area,
20 I'm not even sure where it is, they take them. I
21 know it's high, because they said if you've got fear
22 of heights, they might have to decide whether they
23 want to smoke or not. But it's fairly remote.

24 Earlier when they were smoking, someone drove
25 by in a -- as I recall, the sheriff described it was

1 a loud pickup truck and hollered, "F Holly Bobo". I
2 am assuming this is some random redneck, okay? I
3 don't think it was any time type of attempt to
4 influence anything. Sheriff is not even sure that
5 the smokers heard it. But I just want to make y'all
6 aware of that. It's tragic. I could make some
7 statements like he might have a flag sticking out of
8 the back of the truck and some other things. Like I
9 say, just a random event. Somebody thought they were
10 being clever.

11 And that also makes me realize why they could
12 not go to the ball game, okay? It's being provided
13 for them electronically. I didn't fully think
14 through that decision, and I particularly didn't
15 think through it when I knew -- I forgot we were
16 broadcasting. But we very well could have had a
17 major event there even trying to isolate them. So
18 they're not going to be out.

19 And I understand they're going to get the
20 Tennessee, Florida game tomorrow. So we've got
21 Alabama fans and everything, I guess they're just out
22 of luck. Although, I wouldn't be surprised knowing
23 the way the officers are treating this jury if they
24 wouldn't try to get Alabama game for them. I mean,
25 they're being treated as nice as you can, which I

1 would expect, because there's a lot of sacrifice by
2 these people. Just wanted you folks to know that.

3 Y'all ready to proceed?

4 GENERAL NICHOLS: (Nodded head
5 affirmatively.)

6 THE COURT: All right. Bring the jury
7 in.

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

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

13 GENERAL NICHOLS: Steve Deaton.

14 THE COURT: Steve? Steve what?

15 GENERAL NICHOLS: Steve Deaton.

16 THE COURT: Steve Deaton.

17 (The witness was sworn.)

18 THE COURT: Be seated, state your name,
19 spell first and last for the benefit of the court
20 reporter.

21 THE WITNESS: My name is Steve Deaton.
22 First name S-T-E-V-E. Last name D-E-A-T-O-N.

23 THE COURT: Hallelujah. We got a witness
24 that will speak out. He's almost as loud as I am.

25 THE WITNESS: My voice booms, Your Honor.

1 THE COURT: I used to get in trouble in
2 school --

3 THE WITNESS: Yes, sir.

4 THE COURT: -- because I was loud.

5 THE WITNESS: I am familiar.

6

7 * * *

8 STEVE DEATON,
9 was called as a witness and having first been duly
10 sworn testified as follows:

11

12 DIRECT EXAMINATION

13 QUESTIONS BY GENERAL NICHOLS:

14 Q. I am not going to ask you to speak up.

15 A. Thank you, ma'am.

16 Q. But just keep your voice loud enough for them
17 to hear at the end of the jury box, okay?

18 A. Understood.

19 Q. All right. I see you're wearing a shirt with
20 some sort of a logo on it. Mr. Deaton, what is that?

21 A. That is the logo for West Tennessee Dive,
22 Rescue, and Recovery.

23 Q. Slow down. West Tennessee --

24 A. Dive, Rescue, and Recovery.

25 Q. What does West Tennessee Dive, Rescue, and

1 Recovery do?

2 A. We are a group of non-compensated
3 professional volunteers that provide public safety
4 diving and water response services to agencies in
5 West Tennessee that request us. And we are also the
6 public safety dive team and water response team for
7 the Henderson County, Tennessee Sheriff's Department.

8 Q. Okay. So you guys, is it fair to say, you
9 are called upon or gathered to respond in a number of
10 different kinds of situations?

11 A. That would be correct.

12 Q. Including if somebody drowns or if somebody
13 is missing in water?

14 A. Any application where water is involved, we
15 are a viable asset.

16 Q. Included in your services, your shirt says
17 lead diver?

18 A. That is correct.

19 Q. Are you actually a diver?

20 A. I am actually a public safety diver. Have
21 been since 1999.

22 Q. And on some occasions are you asked to look
23 for evidence by law enforcement that doesn't require
24 diving but is simply in the water?

25 A. Yes, ma'am. Any time something is in the

1 water, we are an asset to be used.

2 Q. In a situation where you don't have to dive,
3 but you simply have to be in knee deep water looking
4 for something, how do you do it?

5 A. We actually utilize technology to be able to
6 accentuate our abilities to be able to look places
7 that the visual cues are not available. We use
8 technology --

9 Q. I want you to stop --

10 A. Yes, ma'am.

11 Q. -- and use layman's terms.

12 A. Okay.

13 Q. Stop using utilizing and whatever.

14 A. We use technology to be able to help us see
15 in the water when you can't see with your eyes.

16 Q. How do you do that?

17 A. A number of different ways, primarily metal
18 detectors.

19 Q. So are there metal detectors available that
20 are good under the water?

21 A. Yes, ma'am. There are many metal detectors
22 that are available that are completely usable in
23 water.

24 Q. All right. So I want to draw your attention,
25 please, to this summer, I guess, and ask whether you

1 guys were -- whether your boss, the person that is in
2 charge of West Tennessee Dive, Search, and Rescue
3 contacted you and others and asked you to go to a
4 road in Decatur County, John --

5 A. Yes, ma'am.

6 Q. Okay. Where were you asked to go?

7 A. We were asked to -- originally I was
8 contacted by my chain of command to ready a team for
9 a deployment for a shallow water evidence search.

10 Q. Ready a deployment, does that mean go to a --

11 A. No, ma'am.

12 Q. Okay. What does that mean?

13 A. Ready a deployment would mean be prepared to
14 move.

15 Q. So did you do that?

16 A. Yes, ma'am.

17 Q. Where did you guys go?

18 A. We rendezvoused with agents from the
19 Tennessee Bureau of Investigation at the truck stop
20 at exit 126 on I-40.

21 Q. Once you went to exit 126 at I-40, did you
22 guys all caravan or go to a different location?

23 A. We left from there lead by Tennessee Bureau
24 of Investigation agents to a location on Joe Holladay
25 Road.

1 Q. What location in particular on Joe Holladay
2 Road?

3 A. Near the intersection of Bible Hill Road,
4 sometimes also know as Holladay Road.

5 Q. What were you briefed on -- what were you
6 asked to look for?

7 A. When we arrived on that scene, we were
8 briefed by Agent Booth of the Tennessee Bureau of
9 Investigation that we were there to conduct a search
10 of a drainage feature, ditch, creek, stream, whatever
11 you want to call it that ran alongside of Joe
12 Holladay Road. We were there particularly to search
13 for a piece of evidence that was described to us as
14 being a weapon, further described as a handgun,
15 further described as a revolver.

16 Q. All right. How did you begin your search?

17 A. We assembled the teams together at the
18 location on the north end of the drainage feature,
19 creek, et cetera, near the crossing over of a box
20 culvert there on the Holladay Road or Bible Hill
21 Road, depending on what name you want to call it. At
22 the north end of the Joe Holladay Road, we began at
23 that point.

24 We dispersed our teams from north to south
25 approximately 100 yards apart. And our projected

1 area of search was only within the bounds of the
2 water itself.

3 Q. This was the end of May, I believe?

4 A. May 25th.

5 Q. Did all of you begin at the same point and go
6 out, or did you start at different points? How did
7 you do that?

8 A. No, ma'am. We overlapped our teams. We
9 began with one team at the bridge at the north end of
10 the drainage feature. We deployed a team
11 approximately 100 yards south of there in the middle,
12 and we deployed another team 100 yards south of that.
13 It would be to the south team. And we began from
14 that point headed south, so we had overlapping search
15 areas to cover the area completely.

16 Q. In May, I assume, and tell me if I can't,
17 that while searching, your underwater metal detectors
18 picked up things that weren't a handgun?

19 A. Absolutely.

20 Q. So if you hear a beep or a buzz or whatever,
21 then what did y'all do to see what that particular
22 thing was?

23 A. Our primary first order was to identify any
24 metallic object that the metal detector said that it
25 was passing over. Our objective was to dig every

1 hit. In other words, we were going to identify every
2 piece of metal that we could possibly identify within
3 the bounds of that drainage feature.

4 Q. All right. Once a detector went off, then
5 you would --

6 A. Stop, find out what it was.

7 Q. By digging it up?

8 A. Whatever means necessary.

9 Q. Okay. I am asking you.

10 A. Yes, ma'am. Whatever means necessary. We
11 would dig it to actually identify with our eyes what
12 that piece of metal was.

13 Q. All right. I am going to ask you to look at
14 this picture. Do you recognize it?

15 A. Yes, I recognize that picture.

16 Q. What is it?

17 A. That would be a picture of the drainage
18 feature in question with two members of my team and
19 Agent Booth also in the drainage feature during our
20 search efforts.

21 GENERAL NICHOLS: Ask this be marked as
22 the next numbered exhibit.

23 THE COURT: We're at 200.

24 (WHEREUPON, the above-mentioned
25 photograph was marked as Exhibit Number 200.)

1 BY GENERAL NICHOLS:

2 Q. I am going to publish that just so the jury
3 knows what it looks like.

4 You guys are out there in rubber boots
5 digging along; is that right?

6 A. Yes, ma'am.

7 Q. Who is the person in the forefront?

8 A. It would be --

9 THE COURT: Just hit those beside you.
10 That will help enough I think.

11 THE WITNESS: As we're looking at the
12 picture, to the far right of the photograph is a team
13 member of mine, Chad Gillam. He's a career
14 firefighter and EMT in Henderson County Fire
15 Department. In the middle is Samantha Deaton, she's
16 a biology student at Jackson State Community College.
17 And then, of course, on the left is Agent Booth of
18 the Tennessee Bureau of Investigation.

19 BY GENERAL NICHOLS:

20 Q. So how long were you out there?

21 A. From the time we started to terminus?

22 Q. I am sorry.

23 A. From the time we started to the time we
24 finished?

25 Q. Yes.

1 A. Approximately four and a half hours.

2 Q. Okay. When you say to the time we finished,
3 what made you stop doing what you were doing?

4 A. We located a metal object that was later
5 identified as a revolver.

6 Q. You say we located?

7 A. That is correct.

8 Q. Who located it?

9 A. My team located it.

10 Q. Who was on your team?

11 A. I was on my team and Mr. Chad Gillam that is
12 shown in the photograph, and also Ms. Samantha Deaton
13 is also shown in the photograph.

14 Q. So you all three found that at the same time?

15 A. We were all three within a one foot radius of
16 each other.

17 Q. All three using underwater metal detectors?

18 A. One metal detector, two -- and the other two
19 people were actually identifying the objects that
20 were detected by the metal detector.

21 Q. So when you -- when it beeped this time, you
22 dug down?

23 A. No, ma'am. There was no digging involved.
24 The object was laying on the surface, on the surface
25 of the bottom of the drainage feature under water

1 approximately 15 inches.

2 Q. What did you do?

3 A. The metal detector cited that it was over top
4 of a large, iron-based object. And by that, I mean
5 that the metal detectors make different noises
6 depending on what type of metal it thinks it's over
7 top of.

8 Q. Okay.

9 A. When it made the sound that it was over top
10 of a large, iron-based object, I reached into the
11 water with my gloved hands, I retrieved the object
12 that was underneath the metal detecting search coil.
13 As I brought it toward the surface of the water, when
14 it got about within three inches of the surface of
15 the water, the outline of a revolver was clearly
16 identifiable.

17 Q. What did you do at that point?

18 A. I put the item back on the bottom of the
19 drainage feature, back where it was originally,
20 notified the agents of the Tennessee Bureau of
21 Investigation. Agent Booth was the closest,
22 approximately 15 feet from our location. He came to
23 our place where we were at, and I, once again,
24 reached in, grabbed the item, brought it up from the
25 bottom of the drainage feature until it was clearly

1 visible about three inches below the surface to him
2 that it was clearly the outline of a revolver.

3 Q. If an object like a revolver appears to have
4 been in the water for some period of time, do you
5 just pull it up and dry it off and put it in a bag,
6 or do you do something else?

7 A. No, ma'am. Our protocols are for any
8 evidence that we recover in the water, remains in the
9 water until we are advised by law enforcement agency
10 to remove it from the water.

11 Q. And once removed, is it put in a bucket with
12 water?

13 A. It is always maintained in a container with
14 the ambient water, the water around where it was
15 discovered in that container as well to maintain the
16 evidence.

17 Q. I am going to show you two more pictures.
18 And without showing them to the jury, just tell me if
19 you recognize these two pictures.

20 A. I do.

21 Q. What is the first one?

22 A. That is a picture of the location where the
23 object was found. That is a picture of the actual
24 object.

25 Q. Whose hands are handling that?

1 A. Those hands are my hands that are handling
2 that.

3 GENERAL NICHOLS: All right. I am going
4 to ask that these be marked as the next two.

5 THE COURT: All right. Be 201 and 202.

6 (WHEREUPON, the above-mentioned
7 photographs were marked as Exhibit Numbers 201 and
8 202.)

9 BY GENERAL NICHOLS:

10 Q. And I don't know if you've ever seen this or
11 not. You're the one that found it. Tell me whether
12 or not looking at this picture if you recognize that,
13 if that appears to be the same.

14 A. That does appear to be the same item that we
15 found that night, yes.

16 Q. Just removed from the water?

17 A. Yes.

18 GENERAL NICHOLS: I am going to ask that
19 be marked as the next one, Judge.

20 THE COURT: All right, be 203.

21 (WHEREUPON, the above-mentioned
22 photograph was marked as Exhibit Number 203.)

23 GENERAL NICHOLS: Going to show those to
24 the jury.

25 THE COURT: You going to show them now?

1 GENERAL NICHOLS: Yes, sir.

2 THE COURT: Go ahead and get the next row
3 of lights.

4 BY GENERAL NICHOLS:

5 Q. It's kind of hard to see.

6 A. A little bit.

7 Q. You can see better on the picture itself.

8 Whose arms are these?

9 A. Those are my arms.

10 Q. All right. And what do you have in your hand
11 right there.

12 A. That is the revolver that we found at the
13 bottom of the drainage feature.

14 Q. Was that placed in this bucket?

15 A. It was. This was at the time when Agent
16 Booth had brought the container for us to put the
17 evidence in and had requested that we remove the
18 evidence to the top of the water so that this
19 particular photograph could be taken prior to us
20 putting it into the bucket that had the ambient water
21 in it to contain the evidence.

22 Q. All right. Next one, please.

23 And is this -- you guys, I guess, removing it
24 back to put --

25 A. Yes, ma'am. That is me with the shirt on

1 that says West Tennessee Dive, Rescue, and Recovery
2 on the back.

3 Q. This guy right here?

4 A. That is me.

5 Q. All right.

6 A. And that is at the point where -- just prior
7 to the previous picture was taken, that is where
8 the -- bringing the object up for that previous
9 photograph to be taken.

10 Q. All right. And the last one. Is this
11 what -- what the gun looked like?

12 A. That is what the gun looked like when it came
13 up off -- out of the ditch or out of the drainage
14 feature, yes, ma'am.

15 GENERAL NICHOLS: Thank you. I don't
16 have any further examination.

17 THE COURT: Cross-examination.

18

19 **CROSS-EXAMINATION**

20 **QUESTIONS BY MS. THOMPSON:**

21 Q. Can you please tell me how far under the
22 water the gun was located?

23 A. Approximately 15 inches.

24 Q. So the water was 15 inches deep?

25 A. At that point, yes, ma'am, about 15 inches

1 deep.

2 Q. And how far down under the soil?

3 A. It was laying on top of a substrata on top of
4 the soil. It was not submerged underneath any silt
5 or settling.

6 Q. Okay. Could you see it from the creek, or
7 was the water too deep to see it?

8 A. The water was too deep and also too murky to
9 be able to visually see the bottom at that depth.

10 MS. THOMPSON: No further questions.

11 THE COURT: Done? Are you done with him?

12 GENERAL NICHOLS: I am sorry, Your Honor,
13 yes, sir.

14 THE COURT: Let me just ask you.

15 THE WITNESS: Yes, sir.

16 THE COURT: Did you encounter any bad
17 things going in there?

18 THE WITNESS: Yes, Your Honor. One of
19 members did encounter a venomous reptile.

20 THE COURT: Okay. That's enough.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: I just happen to know that.

23 THE WITNESS: Yes, sir. Thank you.

24 THE COURT: You're free to go, thank you.

25 THE WITNESS: Thank you, sir.

1 MS. THOMPSON: We are going to release
2 him from our subpoena, Your Honor.

3 THE COURT: You're free to go, period,
4 okay? Thank you.

5 30. Pardon, this is the 30th witness. Next
6 witness, please.

7 GENERAL RAGLAND: State calls Agent
8 Cervinia Braswell.

9 THE COURT: I think that's what I'm
10 showing as 30th witness. She doesn't count.

11 GENERAL NICHOLS: I do. I'm going to
12 look.

13 THE COURT: She's showing 33. I just
14 messed it up somewhere.

15 (The witness was sworn.)

16 THE COURT: Be seated. State your name
17 first and last and spell it for the benefit of the
18 court reporter.

19 THE WITNESS: Cervinia Braswell.
20 C-E-R-V-I-N-I-A B-R-A-S-W-E-L-L.

21
22 * * *

23 **CERVINIA BRASWELL,**
24 **was called as a witness and having first been duly**
25 **sworn testified as follows:**

1
2 **DIRECT EXAMINATION**

3 **QUESTIONS BY GENERAL RAGLAND:**

4 Q. Ms. Braswell, where do you work?

5 A. I am employed by the Tennessee Bureau of
6 Investigation. I am a special agent assigned as a
7 forensic scientist to the firearms identification
8 unit.

9 Q. And where are you -- where is your office?
10 Where is crime lab located?

11 A. My office is in Memphis, Tennessee in the
12 Shelby Farms area.

13 Q. How long have you been a special agent with
14 the Tennessee Bureau of Investigation?

15 A. Approximately 12 years.

16 Q. And what are your duties there at the TBI as
17 a forensic scientist?

18 A. I examine fired bullets, cartridge case, shot
19 shells, and other ammunition components to determine
20 the specific firearm that they were fired in, as well
21 as examining those firearms to make sure they're
22 functioning properly. And if they're not, to attempt
23 to get them back in working order.

24 Q. Tell us, the jury, about your educational
25 background.

1 A. I have a bachelor's of science degree from
2 the University of Mississippi in forensic chemistry.
3 After graduating, I worked for the Shelby County
4 Medical Examiner's Office as a forensic scientist.

5 In September 2005 I came to the TBI Crime Lab
6 and underwent training in firearms identification.
7 This involved a two-year, on-the-job training program
8 involving the microscopic examination of over a
9 thousand fired bullets, cartridge cases, shot shells,
10 and other ammunition components to determine the
11 specific firearm they were fired in, as well as
12 examining those firearms.

13 I trained under seven court-qualified
14 firearms examiners with over 100 years of combined
15 experience. I am also trained in muzzle to garment
16 distance determination, serial number restoration,
17 and tool mark identification.

18 As part of that training, I also toured many
19 of the firearm manufacturing plants located
20 throughout the northeast United States, as well as
21 the Remington and Winchester ammunition plants and
22 the Tennessee Cartridge Company. I was able to see
23 firsthand how those different manufacturers make
24 their products and the marks that those machine
25 processes they use leave on the firearms and

1 ammunition components.

2 Q. Have you testified as an expert witness in
3 the courts of Tennessee during your time as a special
4 agent?

5 THE COURT: Stipulate to qualifications?

6 MR. GONZALEZ: Stipulate.

7 THE COURT: All right.

8 GENERAL RAGLAND: Your Honor, we would,
9 therefore, tender her as a firearm examination
10 expert.

11 THE COURT: That's fine. She can express
12 her opinion.

13 BY GENERAL RAGLAND:

14 Q. Agent Braswell, did you have occasion to
15 examine a firearm that was brought to the Tennessee
16 Bureau of Investigation by Special Agent Brent Booth?

17 A. I did.

18 Q. I am going to show you a picture of what's
19 been previously marked as Exhibit 203.

20 GENERAL RAGLAND: May I approach the
21 witness?

22 THE COURT: You may.

23 BY GENERAL RAGLAND:

24 Q. Do you recognize that?

25 A. I do.

1 Q. What is that?

2 A. This is a picture of the right-hand side of
3 the revolver that was brought in by Agent Booth.

4 Q. I want to show you another photo and ask you
5 if you can identify that.

6 A. I can.

7 Q. What is that?

8 A. That's the left side of the revolver.

9 GENERAL RAGLAND: Your Honor, the State
10 would ask this be introduced into evidence as Exhibit
11 204.

12 THE COURT: Be 204.

13 (WHEREUPON, the above-mentioned
14 photograph was marked as Exhibit Number 204.)

15 GENERAL RAGLAND: May I publish?

16 THE COURT: You may.

17 BY GENERAL RAGLAND:

18 Q. This the other side of that gun?

19 A. It is.

20 Q. What did you do when you received that
21 weapon?

22 A. When a rusted firearm comes into the
23 laboratory that has been either submerged in water,
24 exposed to wet environments, they require immediate
25 attention. This is to prevent any further damage or

1 corrosion to the firearm.

2 So this firearm was submitted by Agent Booth
3 to the evidence-receiving unit where it came back to
4 the firearms identification unit. The first priority
5 in examining these type of guns is to make sure the
6 gun is unloaded. In this case, you can see that the
7 cylinder is rusted closed. So in order to open that
8 to remove any cartridges that were in there, the gun
9 had to be soaked in a penetrating oil and rust
10 remover.

11 The gun soaked for approximately 30 minutes
12 where I removed the gun from the solution. I was
13 able to tap the cylinder open with a rawhide mallet.
14 At that time, this particular gun, the cylinder
15 holds -- has seven chambers. Five of those chambers
16 were loaded with .32 auto caliber cartridges. Two of
17 those chambers were empty. I unloaded the gun at
18 this time and put the gun back into the solution.

19 THE COURT: You said two were what?

20 THE WITNESS: Two were empty.

21 THE COURT: Empty, okay.

22 THE WITNESS: I put the revolver --

23 THE COURT: No casing, cylinder is empty?

24 THE WITNESS: Five cartridge cases and
25 two empty cylinders.

1 THE COURT: Okay.

2 THE WITNESS: Or chambers, sorry.

3 THE COURT: Gotcha, gotcha.

4 BY GENERAL RAGLAND:

5 Q. Gun held seven?

6 A. Yes.

7 Q. Had five in it?

8 A. Yes.

9 Q. Two empty?

10 A. Yes.

11 Q. All right. Once you made the gun safe and
12 took the ammunition out, obviously, what did you do?

13 A. I put the revolver back into the solution,
14 and this was late Friday afternoon on May 26. And it
15 remained in the solution until Tuesday morning when I
16 came into work on May 30. At that time, I removed
17 the revolver out of the solution and all -- the
18 hammer and the trigger were starting to move a little
19 bit and a lot of the rust was gone at that time.

20 So I cleaned the gun with gun solvent. And
21 the purpose of that was to remove any of the
22 remaining oil from the solution that it was soaking
23 in, as well as being able to get into the tighter
24 areas, such as inside or underneath the trigger where
25 it goes up into the frame, as well as where the

1 hammer connects down into the frame to remove any
2 other debris that was there.

3 At that point, the gun was now operable, in
4 operable condition. So I was able to test fire the
5 gun. I was able to fire .32 S and W long cartridges,
6 which is what the gun is chambered for, as well as
7 .32 auto caliber cartridges, which is what the
8 cylinder was loaded with when the gun was recovered.

9 Q. What kind of gun is it?

10 A. It's an -- Arminimus is the brand. The model
11 is a HW5, and it's a .32 S and W long caliber
12 revolver.

13 Q. It was loaded with .32 auto cartridges?

14 A. Yes.

15 Q. Those are the same caliber but different
16 what?

17 A. They're a different caliber. They have
18 different names, but the diameters of the bullets are
19 really close, and so they are interchangeable. They
20 will or can be fired in this revolver.

21 Q. Agent Braswell, I'm going to show you what's
22 been previously marked as Exhibit 180, and ask if you
23 can identify. Is that the box you received?

24 A. It is. It's got a barcode that was generated
25 by my laboratory with the unique laboratory case

1 number, exhibit number. It's got my initials and
2 date when I made this package. And it's got my
3 evidence tape and initials where I sealed the package
4 when I was done with my examination.

5 Q. Open that up. Is that the gun that you
6 tested?

7 A. It is.

8 Q. Agent Braswell, also in that box is Exhibit
9 181. It's been marked for identification previously.
10 Do you recognize what Exhibit 181 is?

11 A. I do.

12 Q. What is that?

13 A. This is the five .32 auto cartridges that
14 were loaded in this revolver when it was recovered.

15 GENERAL RAGLAND: Your Honor, at this
16 time the State --

17 THE COURT: Moved into evidence.

18 GENERAL RAGLAND: Thank you.

19 (WHEREUPON, the above-mentioned cartridge
20 cases was moved into evidence as Exhibit Number 181.)
21 BY GENERAL RAGLAND:

22 Q. Special Agent Braswell, I want to show you
23 two more pictures, and ask you if you can identify
24 those.

25 A. I can.

1 Q. You can?

2 A. Yes.

3 Q. You beat me to it before I turned around.

4 What are those?

5 A. This is the right side and left side of that
6 same revolver after it had been soaked and cleaned.

7 Q. And those are pictures of the gun that is in
8 the box?

9 A. It is.

10 GENERAL RAGLAND: Your Honor, the State
11 would ask that those be marked.

12 THE COURT: 205 and 206.

13 (WHEREUPON, the above-mentioned
14 photographs were marked as Exhibit Numbers 205 and
15 206.)

16 GENERAL RAGLAND: 205 will be the one
17 facing right. 206, the one facing left.

18 May I publish those?

19 THE COURT: You may. Do you want to get
20 the lights?

21 BY GENERAL RAGLAND:

22 Q. Special Agent Braswell, Exhibit 205 is on the
23 screen. Tell the jury what they're seeing.

24 A. This is the right side of the revolver that
25 you saw in the previous pictures. This is after I

1 cleaned it.

2 Q. And 206.

3 A. And this is the left side of that same
4 revolver.

5 Q. And did you prepare a report of your
6 examination of this firearm?

7 A. I did.

8 Q. Let me show you another exhibit and ask if
9 you can identify this.

10 A. I can. This is a true and exact copy of the
11 report that I generated for this case.

12 GENERAL RAGLAND: Your Honor, State would
13 ask that that be moved --

14 THE COURT: Be moved into evidence, 207.

15 (WHEREUPON, the above-mentioned report
16 was marked as Exhibit Number 207.)

17 BY GENERAL RAGLAND:

18 Q. So we have the pictures of the weapon as you
19 got it and as you cleaned it?

20 A. Yes.

21 Q. You testified both the .32 S and W long, as
22 well as a .32 auto?

23 A. Yes.

24 Q. And the gun worked with both?

25 A. It did.

1 Q. It's designed to work with both or can work
2 with both?

3 A. It can work with both.

4 Q. Explain to the jury how you go about testing
5 that firearm.

6 A. Well, I will open the cylinder, load
7 cartridges in there, close the cylinder. And I have
8 a water tank. It's a large tank filled with water
9 that I shoot the gun into and that allows me to get
10 bullets that I know came from that gun and cartridge
11 cases that I know came from that gun. So if there's
12 any evidence to compare later down the road, I will
13 have that gun's what we call a mechanical fingerprint
14 available to look at on those bullets and cartridge
15 cases.

16 GENERAL RAGLAND: Thank you. No further
17 questions, Your Honor.

18 THE COURT: Cross-examination.

19
20 **CROSS-EXAMINATION**

21 **QUESTIONS BY MR. GONZALEZ:**

22 Q. Good afternoon, Agent. My name is Jerry
23 Gonzalez. I am with the defense team. I am going to
24 try and win the award for the most loud-speaking
25 attorney, so we'll see how I do.

1 On your report you mentioned a regional
2 N-I-B-I-N system?

3 A. Yes, sir.

4 Q. What is that?

5 A. The regional NIBIN system, it's the National
6 Integrated Ballistics Information Network. And what
7 that is is a system that we put test-fired cartridge
8 cases in. We put the cartridge cases in, and the
9 system takes digital pictures of those cartridge
10 cases. And those images are sent off to a regional
11 hub, and that hub will send back correlations for a
12 list of possible firearm -- or other cases that may
13 be associated with that particular gun. May have
14 that same mechanical fingerprint present.

15 Q. Putting it another way, is it used to help
16 solve other crimes, for example, where you have a
17 bullet, but you don't have a gun, and then you find a
18 gun, so you shoot it and you see if the two bullets
19 match?

20 A. It can be, but it's on cartridge cases only,
21 no bullets.

22 Q. The cartridge cases?

23 A. Yes.

24 Q. Right. But -- so rephrasing that, it's if
25 you have a cartridge case from an unsolved crime, for

1 example, and you find a gun, you shoot the gun with
2 cartridge cases to see if the two cartridge cases
3 match?

4 A. Yes. If you don't know that two cases are
5 linked, that's a way to be able to see if other cases
6 are involved.

7 Q. Right. And then you can say, this gun is
8 correlated with this other casing that was found in
9 the crime scene, for example?

10 A. Right. And then at that point, all the
11 evidence from both scenes would be brought in, and
12 those would be examined under a comparison microscope
13 by a trained firearms examiner.

14 Q. Now, do you know if there was a .32 casing
15 found in this case?

16 A. Not to my knowledge.

17 Q. There was not, right?

18 A. Not to my knowledge, no.

19 Q. So when you were shooting it to get the
20 casing out of the water tank, you weren't really
21 doing that to solve anything unknown about the Holly
22 Bobo case, you were seeing if that gun would match
23 with some other unknown case, right? Not unknown
24 case, but another case other than the Holly Bobo
25 case?

1 A. Correct. It's part of our protocol that if
2 we have a firearm, we will test fire that firearm,
3 and those cartridge cases are entered into the NIBIN
4 system.

5 Q. Do you remember what you used -- what
6 chemicals you used to clean the gun?

7 A. I do.

8 Q. Can you say what those chemicals were?

9 A. So I soaked -- you talking about early, start
10 to finish?

11 Q. Yes.

12 A. The penetrating oil is called Kano Penephte.
13 And that was mixed with a little bit of Evaporust,
14 which is a non-corrosive rust remover. And then when
15 I removed the gun on May 30, I cleaned it with
16 BreakFree and gun scrubber.

17 Q. Did you use an air hose at all to remove
18 excess oil, for example?

19 A. No.

20 Q. One minute. Where is, if you know, where is
21 the Arminius gun manufactured?

22 A. Germany.

23 Q. So it's a German-made gun?

24 A. It is.

25 Q. Do you know what year it was?

1 A. I do not.

2 MR. GONZALEZ: Thank you. That's all I
3 have.

4
5 **REDIRECT EXAMINATION**

6 **QUESTIONS BY GENERAL RAGLAND:**

7 Q. The NIBIN system, you sent your results and
8 put that in the system?

9 A. I did.

10 Q. There were no associations?

11 A. That's correct.

12 Q. But maybe in the future if there's an
13 association, not here, because we've got the gun, but
14 that's put into the system in case something else
15 comes up?

16 A. That's correct.

17 Q. You're not aware of anything else coming up
18 yet in this case?

19 A. I don't.

20 Q. I don't want to belabor this, but you've got
21 your bullet with you, the demonstration bullet?

22 A. I do.

23 Q. Tell the jury the difference between a
24 cartridge casing and the bullet.

25 THE WITNESS: Your Honor, may I stand up?

1 THE COURT: Yes.

2 THE WITNESS: So this entire --

3 GENERAL NICHOLS: Agent, will you step
4 over here. They might be able to see better.

5 THE COURT: Get the other lights.

6 THE WITNESS: The entire component is the
7 cartridge. It's made of a bullet, the gun powder
8 inside the cartridge and the cartridge case and the
9 primer. What happens when the gun is fired, in this
10 case, the hammer will move forward and push the
11 firing pin through the breech face, and that strikes
12 the back of the primer area. That creates a spark.
13 That spark lights the gun powder inside the
14 cartridge. When enough pressure is built up, it
15 forces that bullet out of the cartridge and down the
16 barrel of the firearm. As the bullet travels down
17 the barrel, that gun's mechanical fingerprint is
18 scraped along the side of the bullet. So those are
19 the marks that we would look at under the microscope
20 to examine bullets together.

21 The firing pin and the marks around -- on the
22 breech face, which is the block of metal that
23 surrounds the firing pin are what mark the back of
24 the cartridge case. That same pressure that forces
25 that bullet down the barrel forces that cartridge

1 case back up against the breech face. So we look at
2 those marks under the microscope to see if two
3 cartridge cases were fired from the same gun or any
4 particular gun. So the cartridge cases are what is
5 entered into NIBIN.

6 BY GENERAL RAGLAND:

7 Q. Thank you. Even though you didn't have a
8 cartridge casing or a spent bullet that you could
9 have for comparison, you were able to determine the
10 firearm did work.

11 A. Yes.

12 GENERAL RAGLAND: Thank you.

13 MR. GONZALEZ: One more, Your Honor.

14 THE COURT: Okay.

15
16 **RECROSS-EXAMINATION**

17 **QUESTIONS BY MR. GONZALEZ:**

18 Q. Were you able to read the serial number on
19 the weapon?

20 A. I was.

21 Q. Did you associate that serial weapon with any
22 other known or unknown crimes?

23 A. I don't run the serial number, our agent
24 does.

25 Q. Do you have any information that would help

1 you answer that question?

2 A. I do not.

3 MR. GONZALEZ: All right. Thank you.

4 GENERAL RAGLAND: That's all.

5 THE COURT: All right. You're free to
6 go. Thank you.

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

9 THE COURT: We get her report?

10 GENERAL RAGLAND: We did enter her
11 report.

12 THE COURT: It was in evidence, I want to
13 make sure it's here.

14 GENERAL RAGLAND: 207.

15 GENERAL NICHOLS: May we approach, Your
16 Honor?

17 THE COURT: Yes.

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

20 GENERAL NICHOLS: Can we be done for the
21 day?

22 THE COURT: Do what?

23 GENERAL NICHOLS: Can we be done for the
24 day?

25 THE COURT: Right now?

1 GENERAL NICHOLS: Uh-huh.

2 THE COURT: You know I get a promise when
3 I turn out early.

4 GENERAL NICHOLS: You saw how we paid off
5 yesterday.

6 THE COURT: Okay. Yeah.

7 GENERAL NICHOLS: I mean, this is why
8 we're not going to finish. It's Frizzell. There's
9 no way it's going to be done.

10 THE COURT: Okay. We'll do him first
11 thing in the morning. I am sure they're getting
12 fatigued. It's hot. And that's probably going to
13 spare y'all anything come Monday. I told them to
14 have some fluff ready for Saturday if need be, but I
15 don't think y'all will be going before Monday at the
16 earliest, okay?

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

19 THE COURT: Will it hurt your feelings if
20 I send you to the motel?

21 A JUROR: Absolutely not.

22 THE COURT: That's what I thought. It's
23 hot in here, and we're advising back and forth.
24 We're probably ahead of schedule, but this is a
25 logical breaking time. It will let you get a little

1 rested and relaxed, and then those of you that want
2 to watch Hardin County Tigers on the computer screen,
3 they're going to set that up, the sheriff told me.
4 They've had some electronics people have projection
5 screens. You don't want to watch the Tigers, don't
6 watch the Tigers, okay.

7 Once again, follow the instructions I gave
8 you at the outset. No discussion, keep an open mind.
9 As best you can, put this out of your mind. And
10 avoid any news reports, don't discuss it with anyone
11 or allow it to be discussed in your presence. Any
12 outside communication is done in the presence of an
13 officer.

14 I think I have sworn at least 40-something,
15 so they've got plenty of people that they're rotating
16 in and out to make sure the rules are followed.
17 Questions?

18 All right. We're going to go half a day
19 tomorrow or somewhere around that. Then we're going
20 to take a break on Sunday, you'll get the day to
21 yourself. They'll probably have some entertainment.
22 I understand that potentially they'll be a worship
23 service if you want to participate in that. In other
24 words, our religious beliefs are very close and
25 personal held. I am not going to force anybody with

1 any type of religion. I am a strong believer in
2 separation. If you want to, I understand somebody is
3 coming to the inn and you may attend that. If you
4 don't, personal preference. Got any questions at
5 all? Thank you.

6 (WHEREUPON, the jury left the courtroom,
7 after which the following proceedings were had:)

8 THE COURT: Let me say this: What I said
9 to her was in jest. It was just something I said the
10 other day. I said if somebody wants to quit earlier
11 or something, I said, they're going to have to
12 promise me a little something on the other end, so
13 I'm not trying to direct their case.

14 GENERAL NICHOLS: I will say that we had
15 one witness today who is under subpoena and who got
16 sick.

17 THE COURT: You indicated some health
18 concerns. I understand.

19 GENERAL NICHOLS: That was one reason we
20 had. We had one more that I hope to get here in the
21 next day or two. And then the --

22 THE COURT: And I've told the defense
23 kind of for their sake of planning, they will not be
24 going before Monday so you can relax on that. I told
25 them they might have some short-type witnesses

1 available tomorrow, but that's not necessary. Monday
2 at the earliest, okay? And I got you an order of
3 transport.

4 All right. We'll be in recess.

5 (Short break.)

6 THE COURT: Erin, can you take this?

7 THE REPORTER: Take what? Are --

8 THE COURT: Just -- nah, it's an officer
9 I'm going to swear in.

10 THE REPORTER: Oh, okay.

11 THE COURT: One that's going to do the
12 football game.

13 THE REPORTER: Oh, sure.

14 MR. SCHOLL: Judge, may I approach?

15 THE REPORTER: Do you want this on the
16 record?

17 MR. SCHOLL: Mr. Autry is set for report
18 and is held on a day-to-day basis. I don't know
19 anticipate he is needed anymore. I am asking if we
20 can be excused from the court date until we contact
21 your office for a --

22 THE COURT: Sherry, will get us
23 something.

24 MR. SCHOLL: The State's asked me to sort
25 of stay in contact with them, so if they need me, I

1 will drive back from Memphis to here.

2 THE COURT: Okay. Okay. I am going wait
3 until this one is in the rearview mirror, and then
4 we'll have status on the other two.

5 MR. SCHOLL: I knew we were technically
6 on the record for him to report, so I needed to put
7 something on the record.

8 (WHEREUPON, Officer Derrick Frazier was
9 sworn in.)

10 THE COURT: Give her your name, please
11 spell it.

12 OFFICER FRAZIER: It's Derrick,
13 D-E-R-R-I-C-K, Frazier, F-R-A-Z-I-E-R.

14 (End of Day 6.)
15
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25

1 **VOLUME XI**

2 **DAY 7**

3 **SATURDAY, SEPTEMBER 16, 2017**

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

8 THE COURT: Good morning.

9 THE JURY (IN UNISON): Good morning.

10 THE COURT: I know you folks are getting
11 tired of me. We're going to push this through to the
12 logical conclusion, though, so please be patient.

13 My teams aren't doing very well. The
14 Cardinals lost yesterday. The Hardin County Tigers
15 lost last night, but I have hopes, okay? I have
16 hopes. And then maybe the Titans, who knows.

17 We're ready to get started, you want to -- I
18 guess we are. State ready?

19 GENERAL RAGLAND: State's ready.

20 THE COURT: Defendant ready?

21 MS. THOMPSON: Yes, Your Honor.

22 THE COURT: All right. Call your next
23 witness for the State, please.

24 GENERAL RAGLAND: May it please the
25 Court, the State calls Debbie Dorris.

1 THE COURT: And she'll be witness 34. I
2 just misnumbered some. And next exhibit will be 208.

3 Come on in, face me. Raise your right hand,
4 please.

5 (The witness was sworn.)

6 THE COURT: Be seated. State your name
7 first and last, and spell it for the benefit of the
8 court reporter, please.

9 THE WITNESS: Debbie Dorris, D-E-B-B-I-E
10 D-O-R-R-I-S.

11 THE COURT: All right. Thank you. You
12 can proceed.

13

14 * * *

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

18

19 **DIRECT EXAMINATION**

20 **QUESTIONS BY GENERAL RAGLAND:**

21 Q. Ms. Dorris, what do you do for a living?

22 A. I clean houses.

23 Q. Did you have the opportunity to clean the
24 house of Ms. Dottie in Decatur County, Tennessee?

25 A. Yes, sir.

1 Q. Ms. Dottie was the owner of Dottie's BP and
2 Marine?

3 A. Yes, sir.

4 Q. Let me take you back to April 13, 2011, the
5 day Holly Bobo was taken, do you remember that day?

6 A. Yes, sir.

7 Q. What were you doing that day?

8 A. I was cleaning Ms. Dottie's house.

9 Q. Was Mr. Victor Dinsmore there?

10 A. Yes, sir.

11 Q. What time did you arrive there?

12 A. Probably between 8:00 and 9:00.

13 Q. Mr. Dinsmore, was he there before you got
14 there?

15 A. I am not quite sure which one of us got there
16 first.

17 Q. Was he there that morning with you?

18 A. Oh, yes.

19 Q. How long were you at Ms. Dottie's house?

20 A. Until about 5:00 that afternoon.

21 Q. Was Mr. Dinsmore there until that afternoon?

22 A. Yes, sir.

23 Q. Did some people visit that afternoon?

24 A. Yes, sir.

25 Q. Tell the jury what happened that afternoon.

1 A. Okay. It was probably between 2:30 and 3:30,
2 I was headed to the laundry room, and she has two
3 sliding glass doors, and I see images, so I kind of
4 backed up and looked, and I seen three guys by a
5 pickup truck talking to Victor.

6 Q. Where were these three guys in the pickup,
7 were they talking to Victor?

8 A. Out -- in the driveway at Dottie's, that
9 would be behind the house.

10 Q. The driveway that comes up around the side of
11 the house towards the back?

12 A. Yes, sir.

13 Q. Victor was in the back talking to these
14 three --

15 THE COURT: What time did you say?

16 THE WITNESS: Between 2:30 and 3:30.

17 THE COURT: Between 2:30 and 3:00?

18 THE WITNESS: Yeah, what I can remember.

19 THE COURT: Okay, okay. I didn't quite
20 understand you. I heard you say a time.

21 BY GENERAL RAGLAND:

22 Q. You saw only three people in addition to Mr.
23 Dinsmore in the back?

24 A. Yes, sir.

25 Q. Do you know who one of those three people

1 were?

2 A. Yes, sir.

3 Q. Who was one of those three people?

4 A. Jason Autry.

5 Q. How do you know who Jason Autry is?

6 A. Actually I know his mother.

7 Q. So you knew who Mr. Autry was?

8 A. Yeah.

9 Q. How tall is Mr. Autry?

10 A. Tall.

11 Q. Tall. Do you know what they were talking
12 about?

13 A. I have no idea.

14 Q. Did you see any other activity?

15 A. No, sir.

16 GENERAL RAGLAND: Pass the witness, Your
17 Honor.

18 THE COURT: Cross.

19

20 **CROSS-EXAMINATION**

21 **QUESTIONS BY MS. THOMPSON:**

22 Q. Hello, Ms. Dorris. My name is Jennifer
23 Thompson. Debbie -- I'm sorry. Dottie, Ms. Dottie,
24 everyone is referring to her as Ms. Dottie, but her
25 name is Dottie Cooley; isn't that correct?

1 A. Yes, ma'am.

2 Q. And this day that you were there with Victor
3 Dinsmore, you had not met Victor Dinsmore before that
4 day; had you?

5 A. No, I hadn't.

6 Q. You didn't know him before?

7 A. No.

8 Q. And so how is it that -- have you met him
9 since or seen him since?

10 A. I've seen him maybe a couple times, that's
11 it.

12 Q. What other times have you seen him?

13 A. There was one time my husband used to work at
14 the Shell gas station at the interstate, a guy was
15 there and he came in and got gas. Then and that was
16 probably it. We actually worked two days together at
17 Dottie's.

18 Q. Okay.

19 MS. THOMPSON: No further questions.

20 THE COURT: Done?

21 GENERAL RAGLAND: Yes, sir.

22 THE COURT: Okay. Ms. Dorris, you may be
23 excused or if you wish to join us in the courtroom,
24 you may do so.

25 THE WITNESS: Thank you.

1 THE COURT: You're free to go.

2 THE WITNESS: Okay. Thank you.

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

5 THE COURT: All right. Next.

6 GENERAL HAGERMAN: Mike Frizzell.

7 THE COURT: Is that Frizzell?

8 GENERAL HAGERMAN: Frizzell.

9 THE COURT: With an F?

10 GENERAL HAGERMAN: With an F.

11 THE COURT: I'm going to have him spell
12 it anyway.

13 GENERAL HAGERMAN: Absolutely. There's
14 some Zs and some Ls.

15 THE COURT: Raise your right hand, sir.

16 (The witness was sworn.)

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

20 THE WITNESS: My first name is Michael,
21 M-I-C-H-A-E-L. Last name is Frizzell,
22 F-R-I-Z-Z-E-L-L.

23 THE COURT: Okay. You can proceed.

24 GENERAL HAGERMAN: Before I start
25 questioning, Your Honor, I am going to make an

1 announcement to the Court and to the jury with the
2 consent of the defense, there will be stipulations
3 entered later in this trial with regard to the
4 authenticity of records that Agent Frizzell is going
5 to testify about. We've done that, both sides, to
6 speed this up. There's also going to be provided --

7 THE COURT: Same stipulation be provided
8 the other way?

9 GENERAL HAGERMAN: Absolutely. Both of
10 their records, our records. Also, even to speed it
11 up faster, there's going to be a list provided to the
12 jury of telephone numbers with the people whose
13 telephones that belonged to provided to the jury
14 later as well. Individuals that Mr. Frizzell will
15 testify about today, but other individuals of the
16 defense may be interested in. We've done all that to
17 try to speed -- both sides have done that to try
18 speed everything.

19 THE COURT: I really appreciate it. And
20 as the attorneys are aware, I try to encourage where
21 we could. I really appreciate that.

22
23 * * *

24 MICHAEL FRIZZELL,
25 was called as a witness and having first been duly

1 sworn testified as follows:

2
3 DIRECT EXAMINATION

4 QUESTIONS BY GENERAL HAGERMAN:

5 Q. We're here to talk about phone numbers and a
6 bunch of stuff like that, Agent Frizzell; is that
7 right?

8 A. Yes, sir.

9 Q. It's Saturday, none of us want to be here,
10 all right. We've been in this trial for a week, but
11 some of this stuff may be dry; is that right?

12 A. Yes, sir.

13 Q. We're going to work and get through it, okay?

14 THE COURT: Jury had an opportunity to
15 coffee up this morning.

16 GENERAL HAGERMAN: Oh, good, good.

17 THE COURT: Of course that might bring up
18 another issue. We might have to take a break at some
19 time. If you do, just let me know, okay?

20 BY GENERAL HAGERMAN:

21 Q. Agent, can you tell us who you are and what
22 you do?

23 A. I am an assistant special agent in charge
24 with the Tennessee Bureau of Investigation, part of
25 our technical services unit. I am also assigned to

1 the FBI as a task force officer on the child sexual
2 exploitation task force. And I am a member of the
3 CAST team, which is a cellular analysis survey team
4 for the FBI.

5 Q. And to do those things, in particular, would
6 part of those duties include looking at call detail
7 records, and that is, records produced regarding
8 telephone?

9 A. That's correct, yes.

10 Q. To do that, have you had special training,
11 special education?

12 A. I have. It's CAST training. It's about a
13 five-and-a-half-week program. And that consists of a
14 two-day basic course. If you pass that, you get
15 invited to a one-week advanced course. It's very
16 intense, long. And then if you pass that, you get
17 invited to a four-week certification course. That
18 consists of being trained, looking at records and
19 engineers from each major cell phone provider comes
20 in and teaches us things.

21 MS. THOMPSON: Your Honor, if it would
22 speed things up, we're going to stipulate that he's
23 an expert in the area of cellular telephones
24 tracking.

25 THE COURT: Let the record so reflect.

1 GENERAL HAGERMAN: Yes, ma'am.

2 BY GENERAL HAGERMAN:

3 Q. In fact, you've testified as an expert with
4 regard to short-call detail records many times in the
5 past?

6 A. Yes, sir, I have.

7 Q. You've looked at these things many times in
8 the past?

9 A. That's correct.

10 Q. Have you prepared a report for us today?

11 A. Yes.

12 Q. Does that report include analysis of certain
13 phone numbers that we asked you to look at?

14 A. It does, yes.

15 Q. For us a -- for certain time periods?

16 A. That's correct, yes.

17 Q. Would that report aid in your testimony here
18 today?

19 A. Yes, it would.

20 GENERAL HAGERMAN: Your Honor, I would
21 offer that into evidence at this time, the State's
22 next numbered exhibit.

23 THE COURT: Be Exhibit 208.

24 MS. THOMPSON: That's this report right
25 here?

1 GENERAL HAGERMAN: Yes.

2 (WHEREUPON, the above-mentioned document
3 was marked as Exhibit Number 208.)

4 THE WITNESS: Your Honor, I have extra
5 copies if you'd like to have one to go along with.

6 THE COURT: I'd love it. Thank you.

7 THE WITNESS: Yes, sir.

8 GENERAL HAGERMAN: I am going to publish
9 this as we go, Judge, via this projector and
10 Powerpoint. The Powerpoint is the same as the
11 report.

12 THE COURT: All right. He said he showed
13 you the lights. We get a new person every day. Kill
14 that and then kill that row.

15 BY GENERAL HAGERMAN:

16 Q. All right. This is just the cover page of
17 the report; is that right?

18 A. That's correct.

19 Q. We've got three telephone numbers there; is
20 that correct?

21 A. It is.

22 THE COURT: That will be the light level.
23 You still going to be able to see your report?

24 THE WITNESS: Yes, sir, I can see it
25 fine. Thank you.

1 BY GENERAL HAGERMAN:

2 Q. Would you agree with me we're going to talk a
3 lot about these three numbers as we go through this
4 report?

5 A. Yes, sir.

6 Q. The top number being the number that belongs
7 to Zach Adams?

8 A. That is correct.

9 Q. The second number being the number that
10 belongs to Jason Autry?

11 A. That's correct.

12 Q. And the third number being the number that
13 belongs to the victim, Holly Bobo?

14 A. That is correct.

15 Q. Ah, you've got the advancer.

16 A. I have it. I can operate it for you or you
17 can have it.

18 Q. No, no, no. You're better than me.

19 A. Okay. You just tell me which one you want to
20 go to.

21 Q. The other day I tried to use an easel, it was
22 bad.

23 A. Sure. You just tell me which page you want,
24 and I'll get us there.

25 Q. All right. Let's go up one.

1 All right. This provides background, what
2 was asked for, and need you to explain what kind of
3 records we're looking at and what we're doing with
4 them and stuff like that, Agent.

5 A. Well, phone records, these are all AT&T phone
6 records, all three of these numbers. So they'll come
7 in a certain format. You can see on a slide to come
8 that explains how to read those records. Once we get
9 there, it will be easier for me to show.

10 Q. Go ahead.

11 A. Okay. So here on page 4. So this is an
12 example, so the first column to the left is the date.
13 The second column is the connection time that the
14 call was made or received. Then the seizure time, so
15 what that is is the ring time when the person hits
16 the send button on the phone when they make a call.
17 So that's the ring time.

18 And then you see the originating number,
19 that's who placed the call. Terminating number,
20 that's who received the call. The duration is in
21 seconds, minutes and seconds. In this case, you'll
22 see some, the top one is 16 -- 0:16, says 16 seconds.
23 You can see the next one down 3:39, that's 3 minutes
24 and 39 seconds.

25 Then you see the calling party number, that's

1 the person who placed the call. Then there's an
2 IMEI. That's called International Mobile Equipment
3 Identifier. That's a unique identifier to the actual
4 phone handset itself.

5 Then the next column is called an IMSI,
6 International Mobile Subscriber Identity. That is a
7 number specific to a SIM card that you plug into the
8 phone. That's specific to a subscriber. So the
9 equipment identifier is the phone itself. SIM card
10 is the subscriber identity.

11 Then there's some transaction-type codes
12 here. And then the last column is the cell location.
13 So that's the cell tower that was used. The first
14 number -- and this top one is 1609. Ma'am, can you
15 hear me okay?

16 THE REPORTER: That's good.

17 THE WITNESS: The cord is a little short.
18 Let's try it this way. 1609, that identifies what we
19 call a LAC, a location area code. The next number
20 past that is actually the cell ID, the tower number.
21 The first four numbers 3152 is the tower number. And
22 the last number, in this case 2, is the sector that
23 was used. Then AT&T does it backwards. They have
24 longitude then latitude. That's the location for the
25 tower itself. And then the azimuth of the sector.

1 BY GENERAL HAGERMAN:

2 Q. And you're going to explain to us here in a
3 second the basis of how a cell phone tower works,
4 what it means about these sectors. We're going to
5 hear that in a minute; is that right?

6 A. Sure, yeah.

7 Q. But with regard to records like this that you
8 get, you got these, you said, from AT&T?

9 A. AT&T, yes.

10 Q. And by these records, I can tell what phone
11 called what other phone?

12 A. That's correct.

13 Q. It records the sender and the receiver?

14 A. That's correct.

15 Q. I can tell how long this call lasted for?

16 A. That's correct.

17 Q. Now, can I tell how long they talked, or just
18 how long this call lasted for?

19 A. How long it lasted for.

20 Q. So if I see, for instance, that 16-second
21 call at the start, that could be 16 seconds worth of
22 talking; is that right?

23 A. That's correct.

24 Q. Or that could be just 16 seconds of ringing?

25 A. No. It's going to be a connection time. So

1 it's connected at this point.

2 Q. Okay.

3 A. That's 16 seconds of something that went on.

4 Q. So that's 16 seconds after the ringing?

5 A. That's right.

6 Q. Okay.

7 A. The call was answered.

8 Q. So the ringing is if I go over up -- over to
9 the left to seizure time?

10 A. That's correct.

11 Q. Okay. So for that first call, just simply
12 we're going to try to do this. This first call,
13 there was 27 seconds of ringing; is that right?

14 A. Hit the send button, 27 seconds before it's
15 answered.

16 Q. All right. And then there's an answer and
17 there's some -- whatever is happening on the phone
18 for 16 seconds?

19 A. That's correct.

20 Q. You're given information regarding the actual
21 phone that makes this call?

22 A. Yes.

23 Q. You're given information with regard to the
24 SIM card, I guess, that is responsible for the call
25 or the account?

1 A. Yes. So the phone is the IMEI, so just
2 remember EI equipment identifier. So equipment being
3 the handset. And then the last one, IMSI, just
4 remember SI, subscriber identity. So that's the SIM
5 card that goes in the actual handset.

6 Q. Okay. And then you're given information
7 about what tower this cell phone utilizes?

8 A. That's correct.

9 Q. And information about -- I know we don't know
10 what it is yet, but information about what sector on
11 that tower?

12 A. That's correct.

13 Q. Well explain for us sectors, towers, trying
14 to use these records to get a general idea about
15 where a phone is at a particular time.

16 A. Generally speaking, towers are set up in
17 sectors, so they can -- the providers can offer more
18 capacity. So there's 360 degrees that they have to
19 cover. So think of a compass, or the clock on the
20 back of the wall is a good example back here.

21 Generally, a sector covers 120 degrees.
22 That's not always the case. But generally speaking,
23 that's the way -- so we can get three 120s to make
24 360. So let's take for example, if you'll look at
25 the clock on the back of the wall. So if I see an

1 azimuth --

2 Q. Now, azimuth, I don't know what that is.

3 A. Just think of a compass. So compass, 0 to
4 360 all the way around. So like the clock on the
5 wall, 12 means straight up north. So if I see 0 as
6 the azimuth, that is going to be the center point of
7 that sector. So looking down the center, and I want
8 to go 60 degrees to the left, 60 degrees to the
9 right, 60/60 makes 120. So 12:00 being 0, if I
10 wanted to make just a 12 to 4, so each hour hand
11 would represent 30 degrees on a compass, so 1 would
12 be 30 degrees; 2 would be 60; 3, 90; 4, 120. If I
13 had it set that way, then 12 to 4 would make 120.
14 That would be sector one.

15 From 4 to 8 o'clock, would be -- come on
16 around, that would be my next 120 sector. That would
17 be sector two. And then from 8 o'clock back to 12
18 o'clock is my final 120 sector. It would be sector
19 three.

20 Q. I think I got it. If I am like a cell phone
21 tower, right, I'm divided into three, what we're
22 calling, sectors; is that right?

23 A. That's right.

24 Q. I am listening or whatever they call it, sort
25 of like this out in this direction?

1 A. That's correct.

2 Q. And I'm listening like out this direction?

3 A. That's correct.

4 Q. And then I am set out like this in this
5 direction?

6 A. That's correct.

7 Q. So I've got a total listening to the whole
8 circle?

9 A. Listening to the whole circle.

10 Q. Is divided into three?

11 A. That's correct.

12 Q. So can you use -- can you use records like
13 this in tower information, having to do with what you
14 just explained, the sectors to get a general idea
15 about where a certain phone is at a particular time?

16 A. So when a phone, it has activity on the
17 network is in a call, receiving a call, text message,
18 some sort of activity on the network, it's going to
19 populate in the call records, the call detail records
20 which tower was used, and which sector it was used
21 during that event, that communication event. So we
22 can get an idea about which side of that tower was
23 being used, and we can get a general idea of the
24 geographic location the phone was in. We can't give
25 an exact location.

1 Q. And you said if there's activity?

2 A. Must be activity. So example, this phone is
3 off. This is my phone, but if it were on, it would
4 be in idle mode, because I'm not doing anything with
5 it. It's not going to show anything in a call detail
6 record, because it's just in idle mode. So I have to
7 do something. I have to either make a call, receive
8 a call, initiate a data session, something like that.

9 Q. So right now if somebody was trying to figure
10 out where your cell phone is by looking at your
11 records, you know after today, and your phone is off
12 right there in your pocket right now, there would be
13 no way of knowing?

14 A. No.

15 Q. Okay. You have to actually be getting a call
16 or placing a call or text or some activity?

17 A. Some sort of activity for it to populate in
18 the call record, yes.

19 Q. Explain one more thing for me, and then we're
20 going to get to the meat of things, okay.

21 You said activity, okay?

22 A. (Nodded head affirmatively.)

23 Q. I place a call, receive a call, send a text,
24 get a text, that kind of stuff typically?

25 A. Yes.

1 Q. Is there also occasions where a phone company
2 can ping a phone or somehow create activity or
3 something?

4 A. They can. They can try to get a location for
5 a device. The common word that's used around is
6 called ping. It's location-based services. So to
7 ping a phone what they're trying to do, law
8 enforcement will use these things in Amber Alerts,
9 fugitive cases and things like that to try to pin
10 down a tighter location for a phone rather than just
11 based on a sector. Then they try to triangulate. If
12 they can pull information from more than one tower
13 for a device, we get a more accurate location. If
14 they only pull it -- are able to get it from one
15 tower, then it's not so accurate.

16 So what we can do then with that information,
17 you know, it helps us some. But if we can take that
18 information to get a larger and better picture based
19 on what witnesses have told us in a crime, or say if
20 it's a fugitive, we're looking for somebody, do they
21 live in that area, do they have acquaintances in that
22 area, is there evidence that was found in that area,
23 that gives us a better picture as to what's
24 happening.

25 Q. So I want to understand this. We actually

1 have heard a little bit of testimony about this
2 already, but I want to understand this. If AT&T or
3 whoever your provider is pings a phone, because we're
4 interested, where is it, somebody is missing or
5 whatever it is, and they ping a phone, does that give
6 me like a spot on this earth where that phone is? Is
7 it like GPS or something?

8 A. No, it's not GPS.

9 Q. Okay.

10 A. GPS is satellite-based. This is
11 network-based, cell tower, ground base things. So
12 they're trying to get the cellular tower. I am a
13 tower, and the officer over here in the corner is a
14 tower. If it pulls from all three towers based on a
15 device based on timing, so signal goes out from you,
16 your signal gets to the handset and gets back to you
17 at a certain time. I'm the next tower, and it goes
18 out, comes back at a different time. His is the
19 third. It gives us a better location, but it is not
20 an exact location.

21 Q. So it's not like AT&T can push a button.
22 And, for instance, if my position were your phone,
23 can they push a button and tell you all right, Mike
24 Frizzell's phone is in the courthouse right here in
25 Savannah?

1 A. With newer technology now, it gets a little
2 better. With technology back in 2011 in that area,
3 not so much.

4 Q. Instead from what I understood is they'll
5 give you a possible area?

6 A. They call it confidence level. So they'll
7 give us a radius from -- they'll give us a latitude
8 and longitude to plot. Again, that's not GPS, that's
9 just a best guess estimation. And they'll give us a
10 confidence rating, they call it, based in meters, and
11 it's a radius. So we go out, follow the radius from
12 both sides of that point, now we have our circle, and
13 we can concentrate in that area what we're looking
14 for.

15 Q. So ping Mike Frizzell's phone in 2011, and
16 there's going to be a big circle of a possible area,
17 probably a good idea to start looking?

18 A. In this case particularly, yes. More urban
19 areas, more towers, it gets smaller.

20 Q. We're going to get into the meat of things,
21 but first I want to make one thing clear at the
22 start, okay. At the time of this abduction, all
23 right, and when I ask that, let's say 7:30 to a few
24 minutes after 8:00, okay?

25 A. Okay.

1 Q. At the time of this abduction, looking at
2 cell phone records and tower information, do we have
3 any idea where Zach Adams' phone is, where Shane
4 Austin's phone is, where Dylan Adams' phone is, or
5 Jason Autry's phone is?

6 A. No.

7 Q. Why is it that we have no idea at the time of
8 the abduction?

9 A. Well, there was nothing reflected in the call
10 detail records for those phone numbers you just
11 mentioned. So we didn't see any activity. So
12 there's nothing for us to find there now. There's
13 reasons that can be, either their phones were turned
14 off, just like mine is now, or it was on but there
15 was just not any calls being placed or received, or
16 it was in a service -- in an area that it could not
17 receive service.

18 Q. So with regard to all the defendants at the
19 time of the abduction, either their phones were off,
20 they're not having any activity, or they're in areas
21 where they don't get coverage?

22 A. That's correct.

23 Q. If you can proceed to slide 8, just go ahead
24 and get into the meat of this. I told you it was
25 going to be maybe a little dry, but we're going to do

1 this, okay.

2 Tell me what we're looking at. What box
3 should we start with? What -- these symbols, where
4 should we start, and then start explaining stuff in
5 the first one.

6 A. Well, what this represents is what you've
7 already identified as the victim's phone.

8 Q. Right. So this is her phone number, Holly
9 Bobo?

10 A. (731)549-7352, that is correct.

11 Q. We're looking for -- looks like we're looking
12 at the period of time?

13 A. Period of time from 7:30 a.m. through 9:06
14 a.m. on April 11th -- I mean, excuse me, April 13,
15 2011.

16 Q. All right. Where do we start?

17 A. Well, let's look at 681 Swan Johnson Road,
18 there's a little pink box there, and that's the
19 location of the Bobo residence --

20 Q. Okay.

21 A. -- on this map.

22 So now you see different tower locations.

23 THE WITNESS: I was wondering, would it
24 be okay if I stepped down and point, Your Honor?

25 THE COURT: Yes.

1 THE WITNESS: Thank you. I'll try to
2 speak up for you, ma'am.

3 THE COURT: Yeah, just try to make sure
4 the jury has a clear view of what you're pointing.

5 THE WITNESS: Yes, sir.

6 GENERAL HAGERMAN: Would you rather use a
7 laser pointer?

8 THE WITNESS: You know, lasers tend to
9 get bothersome sometimes I think. So what -- these
10 represent a tower.

11 BY GENERAL HAGERMAN:

12 Q. Okay.

13 A. Okay. This CID is called a cell ID. That's
14 the tower identification number I talked about
15 earlier. So 1253 is the tower number. This last
16 number one is the sector that was used. So based on
17 the information in the call records, I can tell you
18 what that sector, which way it's pointing. So this
19 is what we're looking at.

20 At 7:30 a.m. she was using her -- her phone
21 was using this tower. And the rest of the times down
22 through here 7:31, 7:40, 8:07, 8:09, 8:10, and 8:11.
23 If you'll look at 7:33, tower 1264, sector one was
24 used at 7:33. So that's what these call-out boxes
25 represent. The phone calls at particular times. So

1 if we go from here at 12531 jumps down to here, the
2 southern tower.

3 Q. Does that mean that between 7:30 and --

4 A. 7:33.

5 Q. Does that mean at 7:33 she had already moved
6 necessarily?

7 A. I don't think so in this case, and this is
8 why, because it goes right back -- we see towers
9 being used all through here. There's probably a
10 little area of coverage for this tower, this one down
11 here. Sometimes it's not always the closest tower
12 that's used. Sometimes it's a little island of
13 coverage. Most of the time, what a phone wants to do
14 is use the strongest, cleanest signal when it makes a
15 connection.

16 So let me explain something. So like these
17 chandeliers in the court, pretend like those are
18 towers. So if I wanted to read my credentials right
19 now, what I would want to do is use the best light.
20 Generally the closest tower, so that one.

21 I can see the other towers if this is my
22 phone. I can see those, and sometimes I will connect
23 to one for various reasons just a little further
24 away.

25 Q. So all these are towers and you're standing

1 right there and you're using your cell phone. You
2 may expect it to be on that tower right there?

3 A. I would if we had lights on this, this would
4 be lit, and that would be the one I would use.

5 Q. Okay. But it could be on this tower right
6 here?

7 A. Could be.

8 Q. And maybe even this one over here?

9 A. At times, it could.

10 Q. Okay. So it's not, if I understand it right,
11 it's not a hard and fast if I am standing in a
12 certain place I am necessarily going to utilize a
13 certain tower?

14 A. That's correct. But most of the time it's
15 going to be the closest but not always.

16 Q. So we have Holly, 7:30-ish at this tower
17 closest to her home, is that correct, Holly's phone?

18 A. This one. And then at 7:53 and 7:59 this
19 tower right in the town of Parsons is used. Then
20 from the Parsons tower, the 12573 is the one in
21 Parsons. This one is in a community called
22 Chesterfield. I am very familiar with that
23 community. It comes back over to that tower at 8:07
24 7:40, 8:09, so after the 8 o'clock hour, it's still
25 using this one. This has got a coverage area up

1 here.

2 Where we start seeing transition take place
3 is at 8:17. It moves north. It uses a tower several
4 miles north over her house. This tower 10962 is
5 situated on Shiloh Road right along Interstate 40. I
6 am very familiar with that road as well.

7 Q. Interstate 40 is north of her house?

8 A. Yes. So at 8:17 and again at 8:26, we know
9 that phone used this southern-facing sector for this
10 tower on Shiloh Road.

11 Q. Now, I see another tower over here.

12 A. That tower 31523 is to the east of the Shiloh
13 tower. It was used at 9:06 a.m. All of these are
14 inbound calls after -- you can see incoming,
15 incoming, incoming, all these are incoming calls,
16 nothing is going out. Only thing that went out was
17 at 7:42, 7:33.

18 Q. So she's not making any calls at this point,
19 people are trying to call her or text her?

20 A. People are trying to get in contact with that
21 phone, yes.

22 Q. At this point, we're up here, you said near
23 the tower on Shiloh Road?

24 A. Shiloh Road, yes.

25 Q. This tower here. Where is this one located?

1 A. That's on Cox Road, but basically at the
2 intersection of Highway 641 and Interstate 40.

3 Q. We're going to hear a little bit about later
4 this community right here that I'm circling. What is
5 this community?

6 A. Yellow Springs.

7 Q. Yellow Springs. This is the information, if
8 I am right, that you collected and looked at having
9 to do with her towers?

10 A. That's correct.

11 Q. Okay. Will you proceed to the next slide?
12 Can you proceed to the next slide?

13 A. I did.

14 Q. Oh, you did. I'm slow.

15 We've heard testimony here -- let me just ask
16 you: At some point was AT&T asked to ping this
17 phone?

18 A. Yes. The Decatur County Sheriff's Office had
19 that done, yes.

20 Q. The result of those pings, was that later
21 transmitted to you?

22 A. They were.

23 Q. Tell us what we're looking at now.

24 A. So this is what the ping data would look
25 like. So we have the little pin. So right here at

1 8:57, a location-based services or ping was obtained
2 from AT&T.

3 Q. Let me interrupt you. I know this -- we want
4 to hear about this stuff. Right here we have what
5 looks like what we saw on the before, this tower.

6 A. It's the same thing, same call.

7 Q. On this chart, would you agree with me, we
8 have the two towers that she utilized between 8:17
9 and 9:06, the ones that we just looked at?

10 A. That's correct.

11 Q. The one --

12 A. The 8:26 actually on Shiloh Road.

13 Q. And the other one here near Yellow Springs?

14 A. That is correct.

15 Q. That's the tower stuff that we've already
16 seen?

17 A. Yes.

18 Q. Now these blue dots show something different?

19 A. That's the pings.

20 Q. Okay.

21 A. So the confidence rating we talked about
22 earlier, this one is 4,448 meters, almost 4,500
23 meters. That's a rather large radius. So we take
24 that, go out 4,448 meters this direction, 4,448
25 meters the other direction. Now we have our circle.

1 Q. We have our circle. You can see it here; is
2 that right?

3 A. It's this first circle, yes. There's going
4 to be some overlap.

5 Q. And from a ping like this, I know that we
6 have this pin here, and I assume in the middle of the
7 circle; is that right?

8 A. Yes.

9 Q. Could that phone be over here in the circle,
10 over here in the circle?

11 A. It could be anywhere in that circle.

12 Q. Anywhere in that circle. So the ping doesn't
13 tell you any information about where it is within the
14 circle, just here is the circle you should draw?

15 A. That's correct.

16 Q. This ping is in what area? What areas does
17 this circle encompass?

18 A. That area is just a little bit south of the
19 first one and a little bit east.

20 Q. Let's just talk about the first one. What
21 area of Tennessee, you know, what area is that circle
22 drawn in here?

23 A. That is along Interstate 40.

24 Q. Okay. That's what --

25 A. I know this tower is right on -- not exactly

1 on it, but right at the Henderson County, Carroll
2 County line.

3 Q. Okay.

4 A. So we're in northern Henderson County,
5 southern Carroll County, and right over in here
6 somewhere close is Decatur County line.

7 Q. We got Yellow Springs; is that right?

8 A. Yes.

9 Q. We've got Holladay?

10 A. That's right, which is Benton County.

11 Q. So her phone by 8:57 has made it north, and
12 we've got a circle that encompasses a large area,
13 would you agree with me?

14 A. Yes.

15 Q. To include Yellow Springs and Holladay?

16 A. That's correct.

17 Q. All right. Now, there's a second ping.

18 A. Second one is at 9:02, five minutes later,
19 9:02 a.m. We have a 4,894 meter confidence rating.
20 It's even larger.

21 Q. That's this big circle right here
22 (indicating)?

23 A. That's correct.

24 Q. Again, we have a pin in the middle of the
25 circle, right?

1 A. Yes.

2 Q. But you would agree with me that this phone
3 could be -- look at my laser -- anywhere in the
4 circle?

5 A. Yes. But how these two overlap, they are
6 five minutes apart. If I were searching, I would
7 concentrate in the darker-shaded, because these two
8 overlap. I would look in that area first.

9 Q. And then the next ping is at what time?

10 A. 9:10 a.m.

11 Q. And now we have what looks like to be an
12 enormous circle?

13 A. 7,100 meter confidence rating.

14 Q. And again, we have the pin in the middle; is
15 that correct?

16 A. Yes, sir.

17 Q. This phone could be anywhere; is that
18 correct?

19 A. That's correct.

20 Q. Is it any significance to the shared area
21 right here?

22 A. Highway 641 goes right basically down this
23 leg of this sector here of that tower. That's 641.
24 You can see it coming out here and going down towards
25 Parsons.

1 Q. There's a fourth ping, too, that we'll look
2 at later.

3 A. Yes.

4 Q. Were there four pings total it recovered, or
5 by the technical term from her phone that morning?

6 A. Four, yes, that's it.

7 Q. Let's go look at another phone. Next slide.
8 Whose phone is this?

9 A. This is Mr. Adams' phone, (731)733-0191.

10 Q. Mr. Zach Adams?

11 A. Zach Adams, yes.

12 Q. You explained before that the time Holly was
13 taken, the time was, say, 7:40, 7:50 that morning.
14 Mr. Adams' phone had no activity --

15 A. That's right.

16 Q. -- is that correct?

17 A. That's correct.

18 Q. What is the first activity on it once we get
19 into the a.m. hours of 6:00, 7:00, 8:00, 9:00?

20 A. 8:19.

21 Q. 8:19. So this is the first time that morning
22 that this phone is utilized?

23 A. After the time you just established. There
24 was some around the midnight hour later, some around
25 the almost close to 5:00 a.m. I believe -- if I

1 remember right, 4:54 and 4:58 a.m.

2 Q. Okay. So if I am Zach Adams' -- Zach Adams'
3 phone has activity on it after midnight turning into
4 April 13th; is that correct?

5 A. That's correct.

6 Q. Then it also, if I heard you right, has
7 activity on it in the early, early a.m. hours at
8 4:54?

9 A. I believe that's right. I will look, but I
10 think that's correct, yes.

11 Q. But then between 4:54 and through the time of
12 the abduction up until 8:19 that morning, it has no
13 activity?

14 A. That is correct.

15 Q. So you can't tell us in that stretch where
16 his phone was?

17 A. No, I cannot.

18 Q. But at 8:19 we start getting some
19 information?

20 A. We do.

21 Q. And Zach, this box right here (indicating)?

22 A. It is.

23 Q. And this very -- his first activity, is that
24 reflected here in this 189 -- 1819?

25 A. 8:19.

1 Q. Incoming call?

2 A. Incoming as a -- actually SMS, short message
3 service, that's a text message.

4 Q. Text message. And you're familiar with this
5 number as Jason Autry's telephone; are you not?

6 A. 733-2073, yes.

7 Q. And then to Zach Adams, his number?

8 A. Yes.

9 Q. So at 8:19 this was a text from Jason Autry
10 to Zach Adams; is that correct?

11 A. That is correct.

12 Q. The next activity on the phone is at what
13 time?

14 A. 8:30.

15 Q. 8:30. And this is an outgoing text; is that
16 correct?

17 A. It is.

18 Q. From Zach Adams to Jason Autry?

19 A. That is correct.

20 Q. And there's actually even more communication
21 between Mr. Autry and Mr. Adams shortly following
22 that morning?

23 A. There is.

24 Q. Up to 8:50 -- is that 3 --

25 A. 8:53, it's a little blurry.

1 Q. 8:53.

2 A. Excuse me, 8:55.

3 Q. 8:55. So we have incoming call 8:53. We
4 have outgoing call, that's Jason Autry, incoming
5 call, Jason Autry to 8:55?

6 A. That's correct. And the 8:53 is an incoming
7 call from Jason Autry, and I recognize that 901 phone
8 number there as being AT&T voicemail number. So that
9 call went to voicemail.

10 Q. Okay. So the incoming call from Jason went
11 to Zach Adams' voicemail?

12 A. That's correct.

13 Q. And then an outgoing call to that number, and
14 then an incoming call from that same number; is that
15 right?

16 A. That's right.

17 Q. And all that is like 8:53 to 8:55 that
18 morning?

19 A. That's correct. I'd like to explain
20 something just a little bit more.

21 So I've labeled these sectors two and three
22 to make it easier to understand which sector we're
23 talking about. It's broken out. Remember the last
24 number is the sector. So these calls occurred in
25 sector two. This next block of calls sector three.

1 The last block of calls back to sector two.

2 Q. Okay. And the fact that it's switching
3 sectors, does that necessarily mean the phone is
4 moving?

5 A. It could indicate that.

6 Q. It could?

7 A. It could.

8 Q. But does it necessarily mean that?

9 A. It doesn't necessarily mean that.

10 Q. Okay. So just like we talked about before
11 when we were trying to find your phone, we were
12 saying, using that light or that light or that light,
13 because a phone uses sector two and then turns around
14 and uses sector three, that doesn't necessarily mean
15 the phone is mobilized?

16 A. That's right, it does not.

17 Q. So this activity here at 8:19, you were
18 explaining it. It was on sector two?

19 A. Two.

20 Q. What tower is this?

21 A. This is the tower located at Cox Road or near
22 the intersection of Highway 641 and Interstate 40.

23 Q. That's where -- I know I keep on bringing you
24 back to it, that's the tower that services the
25 community of Holladay; is that correct?

1 A. Holladay, Yellow Springs, Sugar Creek.
2 Q. Yellow Springs, okay.
3 A. Are you -- I see a little house here. What
4 is this?
5 A. My fault, I should have labeled that. That
6 is the Adams' residence.
7 Q. That's where Zach Adams lived?
8 A. Yes.
9 Q. And we have Yellow Springs here?
10 A. Yes.
11 Q. And then at 8:53 we're using -- utilizing a
12 different sector?
13 A. That is correct.
14 Q. But it's that same tower there,
15 Holladay/Yellow Springs?
16 A. That is correct.
17 Q. So between 8:19 and 8:53, 8:55, we're
18 utilizing the same tower, the Holladay/Yellow Springs
19 tower?
20 A. That's right.
21 Q. The phone may or may not be mobile?
22 A. May or may not be.
23 Q. It is the tower that is close to his house it
24 appears?
25 A. It is.

1 Q. And close to Yellow Springs?

2 A. It is.

3 Q. After that, what time is that?

4 A. 8:58.

5 Q. So now we have a different section of time
6 preceding 8:58 to 9:12; is that correct?

7 A. That is correct.

8 Q. Where is the phone then?

9 A. It's using sector two of the same tower.

10 Q. Okay. So we got Zach's phone between 8:19
11 and 9:12 using the tower that services
12 Holladay/Yellow Springs?

13 A. Yes, sir, that's correct.

14 Q. So a general idea about where that phone is
15 between 8:19, which is the first activity, and 9:12
16 is near that tower Yellow Springs?

17 A. That's it.

18 Q. Okay. There's something else on this map,
19 too. We see these pinpoints, what's that?

20 A. Those are the pings we've discussed.

21 Q. Okay. So we've put Holly's cell phone pings
22 between that same time up here on the same map?

23 A. We did.

24 Q. And her circle at 8:57 is right near that
25 same tower that Zach's phone is using?

1 A. It's not too far away, that's right.

2 Q. That second circle in 9:12 is even closer to
3 that tower that Zach's using?

4 A. It's closer, that's correct.

5 Q. When I saw -- I misspeak sometimes, and I
6 don't want to create a false impression, okay?

7 A. Okay.

8 Q. If I say where Zach is, I am actually talking
9 about Zach's telephone.

10 A. His telephone. I don't know who used the
11 phone during these calls. I don't know where it was
12 specifically.

13 Q. And then her third ping at 9:10 is this big,
14 huge circle that includes the area here near Yellow
15 Springs?

16 A. Yes.

17 Q. So on April 13, 2011, between 8:19, which is
18 the first time we know about on this phone, and 9:12,
19 his phone is in the same general area as her phone
20 that's pinging?

21 A. That's correct.

22 Q. Let's talk about -- have you already advanced
23 it?

24 A. No, sir.

25 Q. All right.

1 A. Waiting on instruction.

2 Q. Go ahead then.

3 A. What page is this? I can't see. It's cut
4 off on the --

5 Q. It's page 11. And I think -- because we got
6 ahead of each other in talking. I think basically
7 we're looking at the same thing; is that right?

8 A. We're looking at basically the same thing.
9 So what this slide depicts is the victim's phone and
10 Zach Adams' phone between 8:17, 8:26 call, the
11 victim's phone received and the 9:06 call that she
12 received, and the calls we just discussed with Mr.
13 Adams' phone.

14 Q. All right. I see the added information, like
15 you said, the last slide showed Zach Adams' phone's
16 tower activity; is that right?

17 A. That's correct.

18 Q. At the same time it showed her pings?

19 A. That's correct.

20 Q. Does this slide show Zach Adams' tower
21 activity at the same time as her pings and her tower
22 activity?

23 A. That it does. So I want to clear up this,
24 though. So the pink represents her, the blue
25 represents the tower that he used. So this sector

1 three, I don't know what we're going to call this
2 color. It's not pink and it's not blue, it's a
3 combination of those two.

4 Q. Because -- so pink is for Holly?

5 A. Yes.

6 Q. So there's this tower that's utilized by
7 Holly's phone?

8 A. Yes.

9 Q. And then there's this tower that's utilized
10 by Holly's phone?

11 A. By both, Holly's and Zach Adams'.

12 Q. And Zach's phone uses both sides of this same
13 tower?

14 A. Yes, it does.

15 Q. So there's actually a blue underneath this
16 pink?

17 A. It is.

18 Q. Because it's the same side of the tower?

19 A. That's right.

20 Q. All right. Let's advance to the next slide.
21 We're looking at a different phone now here; aren't
22 we?

23 A. Yes, sir, we are.

24 Can you hear me okay?

25 Q. I was going to try to steal that from you.

1 A. Oh, no, you're not either.

2 THE COURT: What were you going to try to
3 steal? I missed that.

4 GENERAL HAGERMAN: The water.

5 THE COURT: Oh, okay.

6 THE WITNESS: If he tried to get my
7 water, Judge, we're going to have a problem here in a
8 minute.

9 BY GENERAL HAGERMAN:

10 Q. Whose phone are we looking at here?

11 A. This is Mr. Jason Autry's phone, 733-2073.

12 Q. Did I ask you -- did I tell you I want to try
13 to know where Jason Autry's phone was that day?

14 A. You did, yes.

15 Q. What's his first activity?

16 A. 6:50 a.m.

17 Q. 6:50 a.m., outgoing text message; is that
18 right?

19 A. Text message.

20 Q. And later we will, as stipulated to, later
21 this other number will be recognized as belonging to
22 Angela Scott Smith or Smith Scott. I always mess her
23 name up, but Jason's girlfriend.

24 A. Okay.

25 Q. This tower, where is this tower as far as in

1 Tennessee?

2 A. That's up near Camden, Tennessee.

3 Q. Camden?

4 A. Yes, sir.

5 Q. That is a decent distance north of Holladay,

6 north of all these places that we're talking about?

7 A. It is. I can guess -- I've driven that. I

8 am going to guess 15 miles rough, maybe a little

9 less, maybe a little more.

10 Q. It's actually not -- if you take back roads

11 and stuff, not an unpretty drive. It goes through

12 nature preserves and stuff like that; is that right?

13 A. I don't know about the preserve, but yes,

14 it's a rural area, yes.

15 Q. So at 6:50 outgoing text, Mr. Autry's phone

16 is up here in Camden; is that right?

17 A. That is correct.

18 Q. We put an address on here, 3 -- go ahead.

19 A. 310 Benco Hills Road, Camden, Tennessee.

20 Q. We've heard that's the home of Angela Scott.

21 A. Okay.

22 Q. So it's the tower that's in that area?

23 A. It is. It's nearby.

24 Q. We're on the -- have we given the sector a

25 name, two?

1 A. Sector two. It's pointing south in this
2 case.

3 Q. Would that be consistent with Mr. Autry being
4 in the area south of Benco Hills?

5 A. It would.

6 Q. Could it also be consistent, though, I know
7 we're talking about general stuff --

8 A. Yes.

9 Q. -- could it also be consistent with Mr.
10 Autry's phone being in the area north of Benco Hills?

11 A. Maybe. There could be what's called back
12 loads, some solo energy admitted on that sector would
13 go toward the south, but it's not a pretty pie wedge.
14 I want to make that clear. It's going to be -- I
15 don't know how to describe it. I'm going to use the
16 technical word and call it a bob. It's going to be
17 kind of skewed and funny. Back load could be some of
18 that tower that would go to the back side of that. I
19 would expect it to use the other sector, but it
20 didn't in this case if he were at that house at that
21 time.

22 Q. So the fact that he's using this sector, you
23 would expect him not to be using that sector if at
24 6:50 he was sitting inside Benco Hills?

25 A. That's right. I would expect him to use the

1 other sector.

2 Q. In fact, at 6:51, which is shortly after
3 that; is that correct?

4 A. That's right, one minute.

5 Q. We see him on this other tower?

6 A. That's right. So that tells me that most
7 likely that phone is in between those two towers.

8 Q. So in the area between these two towers
9 below, south of Camden and her house?

10 A. That is correct.

11 Q. After 6:51, is it fair to say we have no
12 activity on Mr. Autry's phone until 8:19?

13 A. That's right.

14 Q. So like we said at the very start, at the
15 time of her abduction, we can't tell where Zach
16 Adams' phone is, correct?

17 A. That's correct.

18 Q. We can't tell where Mr. Jason Autry's phone
19 is?

20 A. That's correct.

21 Q. We can't tell where Shane Austin's phone is?

22 A. That's correct.

23 Q. We can't tell where Dylan Adams' phone is?

24 A. That's correct.

25 Q. They have no activity or they may be off?

1 A. That's correct.

2 Q. Or somewhere where they're not receiving a
3 signal?

4 A. That is correct.

5 Q. This next activity we have on Mr. Autry's
6 phone, we've actually already looked at this on
7 Zach's, his communication with Zach's phone --

8 A. That's right.

9 Q. -- is that correct?

10 A. That's correct.

11 Q. At the time he -- that phone is communicating
12 with Zach's phone, what tower is Jason Autry using?

13 A. He's using the tower at Cox Road near Highway
14 641 and Interstate 40.

15 Q. All right. Is this the same tower we've been
16 looking at quite a few times when we looked at Zach's
17 phone and we looked at Holly's?

18 A. It is.

19 Q. This is the tower near Yellow Springs and
20 Holladay?

21 A. That's correct.

22 Q. So by 8:19 through 8 -- I can't read that
23 time.

24 A. 55, 8:55.

25 Q. 8:55, Jason's phone, Jason Autry's phone is

1 on the same tower as Zach Adams' phone?

2 A. Yes.

3 Q. And as we've seen from the previous slide,

4 Holly Bobo's?

5 A. Yes. Hers didn't use this one until 9:06.

6 Q. 9:06?

7 A. Yes, sir.

8 Q. It uses the one -- we have ping information

9 before 9:06?

10 A. We did, yes.

11 Q. So it's the same tower as these circles that

12 we've seen drawn around this tower?

13 A. Yes.

14 Q. You can proceed to the next slide. All

15 right. This is Jason's phone, right?

16 A. It is, yes, sir.

17 Q. What are we showing here?

18 A. This is activity from 9:42 a.m. through

19 approximately 10:48 a.m.

20 Q. Okay. So later on that morning?

21 A. Later on that morning.

22 Q. Next activity at 9:42 a.m. through 10:40

23 a.m., what towers are we using now?

24 A. At 9:42 Mr. Autry's phone utilized a tower

25 right over here (indicating). This is at the

1 Birdsong exit at Interstate 40 right before the
2 Tennessee River.

3 Q. By the Tennessee River?

4 A. Yes.

5 Q. So we were using one well west by Holladay
6 and Yellow Springs?

7 A. Yes.

8 Q. And now we're way out to this tower --

9 A. To the east.

10 Q. -- to the east and by the river?

11 A. That's correct.

12 Q. Does that give you a general idea about where
13 his phone is?

14 A. Well, we can see at 9:42, as I've labeled
15 this sector, used sector 7942. And then nothing
16 until 10:35 and uses the other side of the tower,
17 sector nine, pointing back toward the west.

18 Q. Could that -- would that be consistent with
19 the phone moving from this area or being in this area
20 and the next time it was used being in this area?

21 A. Well, in this case, yes, because we see
22 10:35, 10:36 it's on sector nine, and then at 10:39,
23 three minutes later, it's using the Cox Road tower,
24 641 and I-40, just three minutes later. So it's
25 somewhere in between the two. It indicates to me

1 that the phone most likely was moving.

2 Q. Can you go to the next slide? We got this
3 out of order. This is something we talked about real
4 quick. Zach Adams had activity on his phone early
5 that morning; is that right?

6 A. Yes. Started earlier. I began my analysis
7 around 4:54 a.m., so 4:54, 4:58.

8 Q. And at the time he was using that tower by
9 his house?

10 A. That is correct.

11 Q. You can proceed to the next one.

12 All right. Now, I want to know about Zach
13 Adams' phone, basically those times that we just
14 looked at for Mr. Autry, okay? So we start here at
15 what time?

16 A. This is at 9:10 through approximately 10:37
17 a.m.

18 Q. And I've had you highlight -- I've had you
19 highlight any times that there was communication
20 between what phones are we looking at?

21 A. This is 733-6373.

22 Q. Whose phone is that?

23 A. Shane Austin's.

24 Q. All right. So when we see yellow, and we'll
25 see this as we go, but as we see yellow, that's

1 communication between Zach Adams' phone and Shane
2 Austin's phone?

3 A. That is correct.

4 Q. All right. 9:10, 9:12, those are the first
5 two as far as activity; is that correct?

6 A. During this timeframe, yes.

7 Q. We're utilizing this tower, I recognize now,
8 near Yellow Springs and Holladay?

9 A. That's correct. That's correct.

10 Q. If we skip to the next point in time, we're
11 at 9:50; is that right?

12 A. We're at 9:50, sector seven of the Birdsong
13 tower at the Birdsong exit by the Tennessee River.

14 Q. So now we have Zach's phone in the area by
15 that tower that we saw Mr. Autry's by the Tennessee
16 River?

17 A. That's correct.

18 Q. At 9:50?

19 A. That's correct.

20 Q. And then we see activity after that 10:01,
21 10:03, 10:04, 10:06, 10:06, 10:06, 10:06, 10:10, this
22 is Zach's phone and Shane Austin's phone?

23 A. It is.

24 Q. 10:12 all the way through 10:19. Again, we
25 have Zach's phone and Shane Austin's phone?

1 A. That's correct.

2 Q. 9:20, same?

3 A. 10:20.

4 Q. I am sorry. 10:20. We go all the way

5 through 10:37; is that correct?

6 A. Yes.

7 Q. So --

8 A. Let me look on the paper, this is a little

9 blurry. 10:32.

10 Q. 10:32, okay. So 9:50, 10:32, and if we do

11 jump ahead to these here, 35, 36, 36, and 37, we're

12 all at this tower, Birdsong tower by the river?

13 A. On sector nine, 10:35 through 10:37.

14 Q. We switched sectors?

15 A. Yes.

16 Q. We started the first time we saw this phone

17 at 9:50, we were over here on sector seven on the

18 Birdsong tower --

19 A. Right.

20 Q. -- correct?

21 And the whole time between 9:50 and 10:37,

22 every time we see it, it's on the Birdsong tower,

23 correct?

24 A. That's right.

25 Q. But starting about 10:35, we switch to this

1 other side of the Birdsong tower?

2 A. That is correct.

3 Q. Then we pick up with some numbers over here,
4 10:38, 10:39, a text with Shane Austin's phone
5 through 10:43, a text with Shane Austin's phone. And
6 then 10:49, and by this time, which is 10:38, we're
7 back on a different tower; aren't we?

8 A. Yes. We're back to the west on the I-40,
9 641.

10 Q. The one we keep on looking at Yellow
11 Springs/Holladay?

12 A. Yes. That's cell ID 3152.

13 Q. So if you want to read these chronologically,
14 you have to look at the times. You got to go boom,
15 boom. And then find your next time?

16 A. That's correct.

17 Q. You can't just read straight down?

18 A. No.

19 Q. You can proceed. We've taken a look at later
20 on that morning and turning it into the afternoon; is
21 that right?

22 A. Yes.

23 Q. Now, we're at 11:16 a.m. through 12:18 a.m.

24 A. P.m.

25 Q. P.m.

1 A. Afternoon.

2 Q. Absolutely. Where is Mr. Adams' phone?

3 A. It's in Parsons, using the Parsons tower.

4 Let me phrase it this way, it's using the Parsons
5 tower.

6 Q. So in the area here of the Parsons tower?

7 A. Yes.

8 Q. I am not from this area, okay. But this
9 Parsons tower, we've heard some testimony about Joe's
10 Video in Parsons. You know where that is?

11 A. Not exactly, but Parsons is not very big.

12 Q. No, it's not. You know where the gas station
13 right there in the heart of Parsons is?

14 A. I do.

15 Q. Right across the street used to be a video
16 store --

17 A. Okay.

18 Q. -- called Joe's Video.

19 A. On the Ford dealership's side or the other
20 side of the road?

21 Q. The other side of the road.

22 A. Okay, gotcha.

23 Q. Other side of the road.

24 All right. Is that the tower that would
25 service that area?

1 A. Yes, it would.

2 Q. All right. Proceed to the next slide. We
3 had previously talked about the fact that there are
4 actually four pings on her phone that morning; is
5 that right?

6 A. We did, yes.

7 Q. Okay. We looked at the first three --

8 A. We have.

9 Q. -- is that correct?

10 A. Yes.

11 Q. The ones that traveled north and then around
12 that Yellow Springs/Holladay general area; is that
13 correct?

14 A. That is correct.

15 Q. But was there also a fourth ping on her
16 phone?

17 A. A fourth and final ping, yes.

18 Q. At what time?

19 A. 9:25 a.m.

20 Q. All right. And we have a big circle; is that
21 right?

22 A. Yes.

23 Q. And her house is in that circle?

24 A. It is.

25 Q. So is it fair to say that this circle is

1 south, and another 10, 15 minutes from the circles
2 that we saw before?

3 A. Yes, it is south.

4 Q. Okay. And this ping is at 9 --

5 A. 25.

6 Q. -- 25 a.m.; is that correct?

7 A. It is.

8 Q. When we looked before at about that time and
9 the times around that time, good question, when we
10 looked at that time and the surrounding time, where
11 were Mr. Autry's phones and where was Zach Adams'
12 phones?

13 A. Near the river.

14 Q. Near the river?

15 A. Let's put it this way: I don't know where
16 their phones were. I know they were using the tower
17 located at the Birdsong exit right on I-40 next to
18 the Tennessee River.

19 Q. So at the same time that she's pinging in
20 this big circle that includes, you know, her house,
21 Zach Adams and Jason Autry's phone is in the general
22 area of the Tennessee River?

23 A. Yes.

24 Q. Okay. Well, let me ask you this: At 9:25
25 a.m. when we have this cell phone ping, where is

1 Dylan Adams' phone?

2 A. I don't know.

3 Q. Why do you not know?

4 A. It's no activity.

5 Q. No activity?

6 A. No.

7 Q. In fact, when we see activity on Dylan Adams'
8 phone, when we finally see that morning activity on
9 Dylan Adams' phone, okay, assuming that the distance
10 from this area is 10, 15 minutes from Shane Austin's
11 trailer, okay, would Dylan Adams have time to travel
12 south into this circle and then get back to wherever
13 he was getting back?

14 A. Depending on the route, yes.

15 Q. Because I had you review, did I not, when we
16 next saw activity on Dylan Adams' phone, correct?

17 A. Yes, you did.

18 Q. And the final slide is a mess, but it's sort
19 of a summary; is that right?

20 A. It's a summary of everything we just talked
21 about.

22 Q. And just brief, because we've spent enough
23 time. We have cell phone towers down by her house;
24 is that right?

25 A. We do, that's correct.

1 Q. Serviced the area of her house starting out
2 that morning?

3 A. That is correct.

4 Q. We have tower activity north towards Yellow
5 Springs on her phone?

6 A. That is correct.

7 Q. We start getting her cell phone pings in the
8 Yellow Springs/Holladay area, three of them --

9 A. That's right.

10 Q. -- over a period of time?

11 Over that period of time, Zach Adams' phone
12 is utilizing the same tower?

13 A. Yes.

14 Q. Jason Autry's phone by that time is utilizing
15 the same tower?

16 A. Yes.

17 Q. But it started off up near Camden that
18 morning?

19 A. It did.

20 Q. Zach Adams' phone and Jason Autry's phone go
21 out towards the river at Birdsong tower?

22 A. It is. And that color doesn't really depict
23 the blue and light blue.

24 Q. Is Jason on top of Zach?

25 A. I think that's the case.

1 Q. Is that the color situation?

2 A. Yes.

3 Q. There's a final cell phone ping from Holly
4 here (indicating)?

5 A. Yes.

6 Q. In this circle that is south?

7 A. Yes.

8 Q. At this time Dylan Adams's phone is
9 unaccounted for?

10 A. That is correct.

11 Q. Then we finally have our activity from Zach
12 around 11:16 a.m. where he's utilizing the Parsons
13 tower?

14 A. Yes.

15 Q. You can resume the stand.

16 A. Okay. Thank you.

17 THE COURT: Are we almost through with
18 the sketches for the time being?

19 GENERAL HAGERMAN: Almost the last
20 question.

21 THE COURT: Okay.

22 BY GENERAL HAGERMAN:

23 Q. This final cell phone ping, this circle,
24 okay, in this area here near this Parsons tower,
25 okay, are you aware of whether or not that was the

1 area in which her phone and SIM card were ultimately
2 recovered?

3 A. Yes. That was depicted on the slide
4 previously.

5 Q. That's right. We actually had it labeled
6 previously?

7 A. Yes.

8 GENERAL HAGERMAN: Pass the witness,
9 Judge.

10 THE COURT: Let's take a break. Been
11 going an hour and 17 minutes. Follow the rules I
12 gave you. 15-minute recess, and then we'll do
13 cross-examination.

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

16 (Short break.)

17 THE COURT: Tell them to bring the jury.
18 Y'all ready? We got the jury on the way. Be just a
19 minute. They ready? Bring them. Bring them.

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

23 THE COURT: Be seated, please. All
24 right, Mr. Frizzell, finished your direct
25 examination. The defendant attorneys might have some

1 cross-examination.

2 THE WITNESS: Yes, sir.

3 MS. THOMPSON: No questions, Your Honor.

4 THE COURT: Okay. Maybe they don't.

5 You're free to go, sir.

6 THE WITNESS: Thank you, sir. Here's the
7 exhibit.

8 THE COURT: Is that the exhibit?

9 THE WITNESS: Yes, sir.

10 THE COURT: All right.

11 (WHEREUPON, the witness was excused from
12 the stand and left the courtroom.)

13 THE COURT: Call your next witness for
14 the State.

15 GENERAL NICHOLS: Candace Wood. Judge, I
16 apologize, this witness is slightly out of order. We
17 would have called her earlier, but she was out of
18 town.

19 THE COURT: You can call in any order you
20 want, okay.

21 GENERAL NICHOLS: Just letting you know.

22 THE COURT: Same thing goes for them.
23 You dictate that.

24 GENERAL NICHOLS: I'm going to ask
25 someone to step forward and help us change this back

1 over from PowerPoint to -- unless Mr. Ragland knows
2 how to do it.

3 THE COURT: Come on in here. Raise your
4 right hand.

5 (The witness was sworn.)

6 THE COURT: Be seated. State your name,
7 first and last, and spell it for the benefit of the
8 court reporter.

9 THE WITNESS: Candace Wood, C-A-N-D-A-C-E
10 W-O-O-D.

11 GENERAL NICHOLS: May I proceed?

12 THE COURT: Yes, ma'am.

13
14 * * *

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

18
19 **DIRECT EXAMINATION**

20 **QUESTIONS BY GENERAL NICHOLS:**

21 Q. Ms. Wood, I am not asking what your address
22 is, but where do you live?

23 A. Parsons, Tennessee.

24 Q. Did you grow up in that area?

25 A. Yes, ma'am.

1 Q. And sometime prior to 2011, did you become
2 acquainted with, become friends with somebody by the
3 name of Holly Bobo?

4 A. Yes, ma'am. I grew up in church with her.

5 Q. And did you all go to the same church in
6 2011, or was that even -- did that pre-date that by
7 years and years?

8 A. No, ma'am. Before she went to Corinth
9 Baptist Church, she went to Perryville Baptist Church
10 in Perryville, Tennessee.

11 Q. And because of that, did you know her family
12 as well?

13 A. Yes, ma'am.

14 Q. Both Karen and Dana Bobo and her brother,
15 Clint?

16 A. Yes, ma'am.

17 Q. And in 2011, did you have a boyfriend?

18 A. Yes, ma'am.

19 Q. What was his name?

20 A. Justin Lowery.

21 Q. Where did Justin work?

22 A. He worked at the City of Parsons.

23 THE COURT: Hold up. Can we send someone
24 to check and see the source of that? It really
25 doesn't sound like an alarm.

1 THE DEPUTY: Your Honor, if I may, I
2 believe that is the car alarm warning the dog team
3 that a vehicle got a little too hot.

4 THE COURT: Oh, okay.

5 THE DEPUTY: That is for the K-9 vehicle.

6 THE COURT: Okay. Tell someone to turn
7 the air on for that dog, all right.

8 I am sorry for the disruption.

9 GENERAL NICHOLS: It's okay.

10 BY GENERAL NICHOLS:

11 Q. So my question was: In 2011, did you have a
12 boyfriend?

13 A. Yes.

14 Q. His name was Justin Lowery, I believe you
15 said?

16 A. Yes, ma'am.

17 Q. Where did he work?

18 A. He worked at the City of Parsons.

19 Q. Do you know anybody particular that he worked
20 with?

21 A. He worked with Drew Scott.

22 Q. Who was Drew Scott?

23 A. Holly's boyfriend.

24 Q. Because of the, I guess, the relationship --
25 well, was your boyfriend friends with Drew Scott?

1 A. Yes.

2 Q. As a result of your having known Holly, your
3 boyfriend being friends with Drew, did you guys
4 decide that you were going to go on a double date
5 somewhere?

6 A. Yes, ma'am.

7 Q. Where did the four of you decide you were
8 going to go?

9 A. To the Decatur County Fairgrounds. They had
10 an event.

11 Q. What was the name of the event?

12 A. The event is called the World's Largest
13 Benefit Coon Hunt.

14 Q. Okay. And we've heard about this, the Coon
15 Hunt, is that what it's called?

16 A. Yes.

17 Q. Comes there every year?

18 A. Every April every year.

19 Q. Okay. And so do you recall the weekend --
20 let me ask you this: Do you remember hearing that
21 Holly had been abducted and was missing?

22 A. Yes.

23 Q. Just before that, just a few days before
24 that?

25 A. April 9th.

1 Q. What happened on April 9th?

2 A. From beginning to end?

3 Q. Well, no. Did you do something in particular
4 the weekend before Holly went missing?

5 A. We went to the Coon Hunt, yes.

6 Q. Is that the event that you and Holly and your
7 boyfriends decided to go to?

8 A. Yes.

9 Q. Where did y'all meet up that day?

10 A. We began to meet at Mapco, which is a gas
11 station beside Decatur County General Hospital. Drew
12 went inside to get him something to drink, Dr.
13 Pepper I think, and then we proceeded to the Decatur
14 County Fairgrounds.

15 Q. And do you remember approximately what time
16 you got to the Coon Hunt?

17 A. It was around 10:30, 11:00.

18 Q. Was that a Saturday or a Sunday?

19 A. It was on a Saturday.

20 Q. And how long were you guys there --

21 A. I'd --

22 Q. -- start to finish?

23 A. -- say about two hours.

24 Q. And did the time you were at the Coon Hunt
25 include eating lunch?

1 A. Yes.

2 Q. So I am going to ask you about things that
3 happened from the time you got there, you said 10:00
4 or 10:30?

5 A. Yes.

6 Q. Until you ate lunch, okay?

7 A. Okay.

8 Q. Do you remember something odd happening?

9 A. Yes.

10 Q. Did you actually make note of something?

11 A. Yes.

12 Q. If you'll direct your answers to the jury and
13 tell them what you remember.

14 A. We were meeting at the fairgrounds main
15 building, which is a gray building. And on top of
16 the hill that you go up, it will be a white building,
17 and it will say Decatur County Fair. The four of us
18 went into the fairgrounds building. We walked
19 around, saw the trophies, saw some of the dogs, and
20 then we went up the hill to the Decatur County Fair
21 white building.

22 On either side there are booths going from
23 the front to the back. There's also vendors on the
24 back of the white building. We entered on the right
25 side of the building looking at all the booths, then

1 we went -- the back of the building, saw all the
2 vendors back there. We came around to the left side
3 of the building, we saw the booths there. We then
4 went to the front of the building. We noticed that
5 there were local vendors that we knew.

6 Holly was beside me to the right. Justin was
7 in front of me. Drew was beside him.

8 Q. What were they looking at in particular?

9 A. The local vendors that we knew, they were
10 selling dog collars, dog leashes.

11 Q. So were both of the guys looking at the dog
12 leashes and dog collars?

13 A. Yes.

14 Q. And was Holly sort of looking at that with
15 them?

16 A. Yes.

17 Q. And what -- were you looking at the dog
18 collars and dog leashes?

19 A. At the time I was not interested in looking
20 at any of the items that they had purchased, so I was
21 people watching.

22 Q. Okay.

23 A. And then we stood there for about five or ten
24 minutes, and all of a sudden I saw in the corner of
25 my eye a man to my left.

1 Q. Okay. And what did the man look like?

2 A. He was in camouflage --

3 Q. Okay.

4 A. -- I remember. But everybody that came
5 through was in camouflage, but he was the only one
6 standing still.

7 Q. Was he Caucasian, African American, Hispanic?

8 A. He was Caucasian.

9 Q. Did you see what color his hair was?

10 A. It had a reddish tint to it.

11 Q. Was he tall, short, thin, stalky?

12 A. He was tall and fat.

13 Q. Okay. What was this individual doing?

14 A. So I was looking in the corner of my eye, I
15 saw him on his cell phone. He had a black flip phone
16 to his left ear looking down scooting some dirt in
17 the ground and looking up at me and Holly. He did
18 that again, he looked down, scooted some dirt, and
19 looked back up.

20 Q. When you're saying scooting some dirt,
21 bending over scooting -- what are you talking about?

22 A. He was standing straight with his foot out
23 scooting dirt.

24 Q. Okay. So you saw him eyes down looking at
25 the phone, and then looking back to where you and

1 Holly were?

2 A. Uh-huh.

3 Q. Eyes down on the phone and looked back up?

4 A. He was talking on the phone to someone.

5 Q. Well, I mean, could you actually hear him
6 talking or is that what it appeared?

7 A. It appeared he was talking to someone, yes.

8 Q. But you couldn't hear from where you were?

9 A. No.

10 Q. How far away was he from you?

11 A. About 10 to 20 feet.

12 Q. And was that the end of it?

13 A. He did that about five or six times. After,
14 you know, about five or six times, I felt
15 uncomfortable.

16 Q. Let me ask you this: You said he would look
17 down and look up. Did he look down when you caught
18 his eye, like she sees me looking at her, now look
19 down, or was he --

20 A. When I was glancing toward his way, he looked
21 down, and then when I looked away, he was looking up.
22 But I caught him a few times looking up towards us.

23 Q. And you said that happened five or six
24 different times?

25 A. Yes, ma'am.

1 Q. Over what period of time?

2 A. 15, 20 minutes.

3 Q. And then you indicated you started feeling
4 uncomfortable and y'all left?

5 A. Yes.

6 Q. Did you tell your boyfriend, Justin, mention
7 it to Holly, did you say anything to Drew?

8 A. I tugged on Justin's sleeve, and I said,
9 let's go.

10 Q. So after tugging on his sleeve and saying
11 let's go, did you tell him, or did you tell Drew or
12 did you tell Holly?

13 A. No.

14 Q. Did it -- other than making you feel
15 uncomfortable, were you at that point concerned for
16 your safety, or did you report it to anybody else?

17 A. That day, no.

18 Q. Truth is, did you just think he was looking
19 at the two girls?

20 A. In a flirtacious way, yes.

21 Q. Now, you said a few days later Holly -- you
22 learned that Holly was missing?

23 A. Yes.

24 Q. And within that next week or two -- I am not
25 going to ask you what she said, but did Karen Bobo

1 reach out to you?

2 A. Yes.

3 Q. Was the purpose of reaching out to you
4 because she knew that the four of you had been at the
5 Coon Hunt?

6 A. Yes.

7 Q. And again, can't -- actually, I am going to
8 ask you something, I am not offering it for the
9 truth.

10 Did she ask you if you saw or noticed
11 anything unusual at the Coon Hunt?

12 A. Yes.

13 MS. THOMPSON: Your Honor, I object.
14 We're getting into hearsay.

15 THE COURT: She just stated the purpose
16 before she said it. Your objection is overruled.

17 BY GENERAL NICHOLS:

18 Q. Based on that question, did you subsequently
19 report to Karen Bobo and then to law enforcement what
20 you had seen?

21 A. Yes.

22 Q. And at some point in the next few weeks, were
23 you asked to draw a sketch -- excuse me. Were you
24 asked to assist somebody, a sketch artist in drawing
25 a sketch of the individual?

1 A. Yes, ma'am.

2 Q. Did you do that?

3 A. Yes, ma'am.

4 GENERAL NICHOLS: May I approach?

5 THE COURT: You may.

6 BY GENERAL NICHOLS:

7 Q. Have you ever seen that before?

8 A. Yes.

9 Q. What is that?

10 A. The drawing that the sketch artist drew.

11 Q. And did this appear to be, I guess,
12 accurately reflect the individual that you tried to
13 describe that was watching you and Holly?

14 A. Yes.

15 Q. At the time that you drew this sketch, did
16 you know who the individual was?

17 A. No, ma'am.

18 Q. Did you know his name?

19 A. No, ma'am.

20 Q. Had you seen his picture?

21 A. No.

22 GENERAL NICHOLS: Your Honor, ask this be
23 marked as the next numbered exhibit.

24 THE COURT: Not sure. 209?

25 THE REPORTER: Yes, sir.

1 (WHEREUPON, the above-mentioned drawing
2 was marked as Exhibit Number 209.)

3 BY GENERAL NICHOLS:

4 Q. So at some point in time after you drew the
5 sketch, okay, did Karen Bobo once again ask to speak
6 with you?

7 A. Yes.

8 Q. And did she show you a photograph?

9 A. She did.

10 Q. I am going to pass forward a photograph and
11 ask if you've seen that.

12 MS. THOMPSON: I haven't seen this, Your
13 Honor.

14 GENERAL NICHOLS: It's in the discovery,
15 but let me bring this over here.

16 THE COURT: There's a lot of discovery,
17 so let's give her a little look see.

18 And you folks now know what discovery is,
19 right? You still can't legally practice law despite
20 the fact that I've given you this education, okay?

21 BY GENERAL NICHOLS:

22 Q. (Passes a picture.)

23 Do you recognize that picture?

24 A. Yes.

25 Q. How do you recognize that picture?

1 A. Karen Bobo showed it to me.

2 Q. Is there anything else about that picture
3 that is familiar to you?

4 A. It was the guy I saw at the Coon Hunt.

5 GENERAL NICHOLS: Ask that this be
6 marked.

7 THE COURT: Be 210.

8 (WHEREUPON, the above-mentioned
9 photograph was marked as Exhibit Number 210.)

10 BY GENERAL NICHOLS:

11 Q. When you recognized the individual, not the
12 sketch, the photograph of the individual, at that
13 point in time, did you know who that was?

14 A. No.

15 Q. After Karen Bobo showed you the picture, were
16 you, again, asked to talk to law enforcement?

17 A. Yes.

18 Q. About that photograph?

19 A. Yes.

20 Q. And did they present you with a photograph
21 that looked just like the other one?

22 A. Yes, ma'am.

23 Q. At the time they presented the photograph to
24 you, did they ask you any other information about
25 this, I don't know, the description of the man?

1 A. Maybe the height and weight.

2 Q. And was that information documented
3 somewhere?

4 A. Yes.

5 MS. THOMPSON: Objection if she doesn't
6 know, Your Honor.

7 THE COURT: She just said yes.

8 BY GENERAL NICHOLS:

9 Q. Where was the information documented that you
10 gave to the police, to law enforcement?

11 A. The first time I talked to a TBI agent, he
12 asked me for the height and weight.

13 MS. THOMPSON: Objection, Your Honor, to
14 hearsay.

15 GENERAL NICHOLS: Asking for the height
16 and weight is not hearsay. I'm asking what
17 information she gave in response to that question.

18 THE COURT: In her defense, she wasn't
19 sure what the response was going to be. Go ahead.

20 BY GENERAL NICHOLS:

21 Q. Did law enforcement ask you for a description
22 the first time or the second time or the third time?

23 A. Yes.

24 Q. Did you give them the description?

25 A. Yes.

1 Q. Did you notice where they notated it?

2 A. No.

3 Q. Okay. Do you know who that is a picture of?

4 A. Shane Austin.

5 GENERAL NICHOLS: I have nothing else,
6 Your Honor.

7 THE COURT: Cross?

8

9

CROSS-EXAMINATION

10 **QUESTIONS BY MS. THOMPSON:**

11 Q. This Coon Hunt, banquet, festival, it was on
12 April 9th; wasn't it?

13 A. Yes, ma'am.

14 Q. That was a Saturday; wasn't it?

15 A. Yes, ma'am.

16 Q. Okay. And on that day your testimony is you
17 saw somebody standing still. When you say he's
18 rubbing or pushing dirt, do you mean that he's
19 standing there with his foot kind of going back and
20 forth in the dirt kind of making lines?

21 A. Yes, ma'am.

22 Q. And he appears to be talking on the
23 telephone?

24 A. Yes, ma'am.

25 Q. And he just keeps looking at you and Holly

1 standing there?

2 A. Yes, ma'am.

3 Q. You say it's five or six times while he's
4 standing there?

5 A. Yes, ma'am.

6 Q. And all the time he's got the phone to his
7 ear talking on the phone?

8 A. Yes, ma'am.

9 Q. So when you next -- when you first talked to
10 law enforcement, it's June 26 of 2011; wasn't it?

11 A. Yes, ma'am.

12 Q. So it's several months later?

13 A. Yes.

14 Q. And at the time, even though it disturbed you
15 that he was looking at you, you didn't give it any
16 more thought the next day or the day after; did you?

17 A. I thought about it every day.

18 Q. Well, but it's after Holly disappeared that
19 it became significant to you; isn't it?

20 A. Yes.

21 Q. Then that's what's haunted you, because you
22 feel guilty about this somehow; don't you? I can see
23 you're emotional.

24 GENERAL NICHOLS: Let her answer the
25 question.

1 THE WITNESS: What do you mean guilty?

2 BY MS. THOMPSON:

3 Q. Well, I mean, do you -- you're emotional
4 about what happened; aren't you?

5 A. Yes.

6 Q. And if you've thought about it every day,
7 perhaps you've thought about what ifs in this
8 situation; is that right?

9 A. Yes.

10 Q. I wasn't trying to imply that you were
11 somehow responsible, but you've thought about what
12 ifs?

13 A. Correct.

14 Q. And so that day you went in, and they brought
15 in a professional sketch artist just like you see on
16 television, and you kind of described as best you
17 could from memory?

18 A. Yes.

19 Q. And definitely after Holly disappeared you
20 thought about this a whole lot?

21 A. Yes.

22 Q. And then shortly after you had drawn the
23 sketch, Karen Bobo was present but outside the room;
24 isn't that right?

25 A. During the sketch?

1 Q. She wasn't present during the sketch --

2 A. No.

3 Q. -- but she was around?

4 A. Yes.

5 Q. And so you had stepped out, and that's when
6 she showed you a picture of Shane Austin?

7 A. What timeframe?

8 Q. Well, you tell me what timeframe she showed
9 you a picture of Shane Austin?

10 A. It was a few months after.

11 Q. Okay. A few months after you drew the
12 sketch?

13 A. Maybe a couple of months.

14 Q. Okay. Is it possible that you're confused
15 about that in that she showed you the picture shortly
16 after you had done the sketch?

17 A. Yes.

18 Q. And so it's after you -- she showed you the
19 picture and told you that was Shane Austin that then
20 you put the two together; isn't it?

21 A. Yes.

22 Q. When you first initially gave the description
23 of the person, you said it was a white male between
24 5'7" and 6 feet tall?

25 A. Yes.

1 Q. And weighed approximately 250 pounds?

2 A. Correct.

3 Q. Had glasses?

4 A. Yes.

5 Q. You said he was dressed in camouflage
6 clothing and brown boots?

7 A. Yes.

8 Q. And as you said at the Coon Hunt, everybody
9 was dressed in camouflage clothing?

10 A. Correct.

11 Q. Because the whole idea is you're -- a lot of
12 those people are there to do coon hunting; aren't
13 they?

14 A. Correct, yes.

15 Q. Plus it's a style in Decatur to wear
16 camouflage?

17 A. Yes.

18 Q. You just have to answer out loud for the
19 court reporter.

20 THE COURT: She did.

21 THE WITNESS: Yes.

22 THE COURT: I heard her, okay.

23 MS. THOMPSON: I know. She shook her
24 head at first.

25 THE COURT: Well, she answered. I heard

1 her.

2 BY MS. THOMPSON:

3 Q. And you gave a description, you said that
4 this encounter with this person occurred between
5 11:30 and 12:00 p.m. on that day?

6 A. Yes.

7 Q. So even though you were at the Coon Hunt for
8 several hours, this particular encounter was a
9 30-minute -- today even you said maybe perhaps 20
10 minutes?

11 A. Yes.

12 Q. 15 to 20 minutes. Somewhere between 11:30
13 and 12:00 hour; is that right?

14 A. Correct.

15 MS. THOMPSON: No further questions.

16 THE COURT: Anything else?

17 GENERAL NICHOLS: No, sir.

18 THE COURT: All right. Thank you very
19 much. You're free to go. You can leave or if you
20 wish to come back in the courtroom, you may do that,
21 okay? Please don't discuss the testimony that you've
22 given.

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

25 THE COURT: Call your next.

1 GENERAL NICHOLS: That's all we have for
2 today, Your Honor.

3 THE COURT: All right. Finishing up a
4 little early. We're actually ahead of schedule,
5 okay. So we're going to take this hopefully to
6 conclusion within the timeframe that I gave you at
7 the outset. If not, a little shorter.

8 Once again, follow the admonitions I gave
9 you, try as best you can to put this matter out of
10 your mind. Don't make your mind up. Don't form or
11 express any opinion. Certainly no discussion with
12 anyone. You will be allowed to communicate in the
13 presence of an officer, perhaps even visit, but all
14 of that -- I am sorry about your privacy, but it's
15 got to be done this way. You'll be accommodated,
16 because you've got a day and a half, I hope you get
17 some rest. I don't rest very well. I hope you guys
18 do. But I kind of tune in, and I don't totally
19 relax, but I hope maybe you can be a little more
20 successful. I've been up since 4:00 this morning
21 maybe, and I am not just saying this case. I get
22 keyed up when I am trying a lawsuit. Like when I
23 used to do acting, you get in character. It's not
24 character, it's real life. You get involved, and
25 it's hard to just -- but I'll be watching Tennessee

1 Vols this afternoon, so you guys will, so maybe I'll
2 relax a little bit.

3 I wish you the best weekend. All of these
4 activities are purely optional. I am not going to
5 force somebody to watch Tennessee Vols. The little
6 service tomorrow, you don't have to participate in
7 that. I never would put pressure on somebody to do
8 something you're not comfortable with. So you have
9 the right to say no to any of the activities, okay?
10 Any questions? Thank you so much.

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

13 THE COURT: Let me ask if counsel can
14 spend a few moments just for purposes of trying to
15 streamline. I anticipate, I don't know, as far as I
16 know you might have 30 more witnesses, but if we can
17 kind of give them some estimate timeframe.

18 GENERAL NICHOLS: Tuesday.

19 THE COURT: All right. But you might be
20 done Monday?

21 GENERAL NICHOLS: I say we'll be done
22 Tuesday, could be done Monday.

23 THE COURT: Same as I said the other day,
24 you might have someone waiting that I guess I would
25 define every witness, I am not going to call them

1 lesser, but some of them certainly more material than
2 others. I don't even know if you're going to put on
3 witnesses, but, you know, for sake, you might be
4 ready Monday afternoon, okay? Is that fair enough?

5 MS. THOMPSON: Yes.

6 THE COURT: Anything else?

7 GENERAL NICHOLS: (Shook head
8 negatively.)

9 THE COURT: The minister that's going to
10 be doing the brief service that I told is totally
11 optional, he and his family are very gifted vocalists
12 and musicians. I think they intend to do some music,
13 so anyone that's going to be present with these
14 jurors, I will be putting under oath as an officer of
15 the court. So I want to make sure everybody
16 understands that. I will use the same form that will
17 be done -- be done tomorrow morning. We've already
18 arranged to do that, but I've already got a form like
19 I handed you the other day that's available, so I
20 will list their names. If anybody wants to check it
21 later on, there's nobody remotely associated anywhere
22 that is not going to be sworn as an officer of the
23 court, okay? Anything else?

24 MS. THOMPSON: Maybe -- about the jurors
25 that possibly heard somebody yell about Holly Bobo

1 when they were out smoking, do we want to question
2 the jurors just to see if they heard anything for the
3 record? I don't know.

4 THE COURT: I don't think it would impact
5 the Court if they did or did not. It's just a crude,
6 rude something. I hope they didn't. And I don't
7 want to get into -- in all honesty, despite the fact
8 I've taken great pains and I've had a whole lot of
9 cooperation, people have honored my request not to
10 have placards, T-shirts, support or anything else,
11 and the Court sees this even if it was heard as an
12 isolated incident, that wouldn't have any impact,
13 okay? Anything else?

14 MS. THOMPSON: No.

15 THE COURT: Anything else?

16 GENERAL NICHOLS: No, sir.

17 THE COURT: All right.

18 (End of Volume XI.)
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