

IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH
THE TWENTY-FOURTH JUDICIAL DISTRICT

STATE OF TENNESSEE,
Plaintiff,

ORIGINAL

vs.

Case No. 17-CR-10

ZACHARY ADAMS,

Defendant.

JURY TRIAL

SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

VOLUME XII OF XVII

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

FILED 3rd DAY OF NW 2020 AT 11³⁰ AM
DIANE POLK, CLERK
BY Johanna Peen D CLERK

Reported by:
ERIN ANGEL
Court Reporter

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Rec'd By CG

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1 VOLUME XII

2 DAY 8

3 MONDAY, SEPTEMBER 18, 2017

4
5 THE COURT: Before the jury comes in,
6 I'll say I've been alerted that some people might
7 have been -- in the audience might have been making
8 facial expressions or mouthing things. This is a
9 courtroom, folks. If you're observed doing something
10 like that -- if you don't like their answer, you
11 don't mouth something else or anything like that. If
12 you're observed doing that, you'll be removed. You
13 won't be readmitted.

14 Everybody do all right over the weekend?
15 I'll tell you on my teams, the Titans were the sole
16 exception. Every one of the rest of my teams got
17 beat. Right from the high school Tigers to the
18 Cardinals to the Vols, it's not been a good sports
19 weekend. But the Titans did really well.
20 I'll tell you, we continued to fight climate control
21 problems. The sheriff got some fans, but too much
22 noise. So he's going to try to find some quieter
23 ones that will circulate the air. We're starting 30
24 minutes early so that hopefully we can quit a little
25 early when it really gets hot.

1 THE SHERIFF: The jury is ready, Your
2 Honor.

3 THE COURT: Bring them.

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

7 THE COURT: Be seated, please. Okay.
8 We're starting a little early so that hopefully we
9 can finish a little early. Supposed to be a high of
10 89 today. We get this many people in here, it
11 just -- this unit is under capacity. So we're going
12 to do the best we can. I am not going to say did you
13 have a good weekend. Was it reasonable though?

14 Let me just say that. You guys saw the
15 Tigers get beat on Friday. You saw the Vols get beat
16 on Saturday. The Cardinals have lost their last
17 three games. I've had a pretty good run with my
18 sports teams, but the Titans, you guys probably are
19 not aware of this, won by 31 points. So if you're a
20 Titan fan, you can take a little solace. But other
21 than that, all my teams got bounced pretty bad.
22 Okay. We're ready to proceed. You want to call your
23 next witness for the State.

24 GENERAL NICHOLS: John Maxwell.

25 THE COURT: Raise your right hand, sir.

1 (The witness was sworn.)

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

5 THE WITNESS: John Maxwell. J-O-H-N
6 M-A-X-W-E-L-L.

7 THE COURT: All right.

8 GENERAL NICHOLS: May I proceed?

9 THE COURT: You can proceed.

10

11 * * *

12 JOHN MAXWELL,
13 was called as a witness and having first been duly
14 sworn testified as follows:

15

16 DIRECT EXAMINATION

17 QUESTIONS BY GENERAL NICHOLS:

18 Q. Good morning, Mr. Maxwell.

19 A. Morning.

20 Q. What do you do for a living?

21 A. I currently work for the ambulance service in
22 Decatur County.

23 Q. When you say work for the ambulance service,
24 what do you do?

25 A. I'm an EMT.

1 Q. So if someone makes a 911 call and needs an
2 ambulance, you're the person that goes?

3 A. That's right.

4 Q. Okay. Back in 2011 -- actually, as of April
5 13 of 2011, what was your job?

6 A. Worked for an ambulance service and also
7 dispatch for Decatur County 911.

8 Q. Okay. Now, explain what the dispatch for 911
9 does?

10 A. They take county calls. They dispatch for
11 police, fire, rescue, EMS. They answer all the 911
12 calls. They send appropriate units, whatever is
13 needed, depending on the call.

14 Q. So would you be the voice on the other end of
15 the line when somebody calls 911?

16 A. I would.

17 Q. All right. I want to pass you forward a
18 three-page document and ask if you recognize it,
19 please.

20 A. I do.

21 Q. And what is that?

22 A. It was our log record at the time.

23 Q. At what time?

24 A. The day that -- that was on 4/13 of '11.

25 Q. All right. And what time period is covered

1 by that log record?

2 A. I worked eight -- or 4:00 to 12:00.

3 Q. 4:00 in the morning?

4 A. 4:00 in the evening.

5 Q. So 4:00 p.m. --

6 A. So 4:00 p to 12:00 a.

7 Q. And in fact, is your name indicated on the
8 upper right beside the operator?

9 A. It is.

10 Q. You and some else?

11 A. Montgomery.

12 Q. Okay. And I want to draw your attention
13 specifically to some calls received around 9:45 and
14 ask is that your handwriting?

15 A. It is.

16 Q. Okay.

17 GENERAL NICHOLS: Your Honor, at this
18 time I'd ask this be marked as a collective.

19 THE COURT: All right. Will be Exhibit
20 211.

21 (WHEREUPON, the above-mentioned document
22 was marked as Exhibit Number 211.)

23 GENERAL NICHOLS: And if I can put it on
24 the overhead. Well, I don't know what I just did.
25 It doesn't appear to be focused. If we could get

1 the -- somebody to help me.

2 BY GENERAL NICHOLS:

3 Q. While they're trying, let me draw your
4 attention specifically to -- it says 2147. Do you
5 see that time?

6 A. Correct.

7 Q. What does that mean?

8 A. 2147?

9 Q. Yes, what does 2147 mean? Not military time,
10 regular time?

11 A. Oh, it would be 9:48.

12 Q. All right.

13 GENERAL NICHOLS: I am going to ask for a
14 moment, please. And I am going to take this off and
15 pass it back to the witness while they're working.

16 BY GENERAL NICHOLS:

17 Q. Will you tell the jury about a call you
18 received about -- you said nine -- you said 2147?

19 A. Correct. 9:47 is when we received the call.

20 Q. Okay. And who did you receive a call from?

21 A. Received a call from Dick Adams --

22 Q. Did that person --

23 A. -- at 260 Adams Lane.

24 Q. Okay. And what was the complaint at 9:45 on
25 4/11?

1 THE COURT: You might say p.m. or a.m.

2 THE WITNESS: P.m.

3 BY GENERAL NICHOLS:

4 Q. P.m.?

5 A. Uh-huh.

6 Q. I said 4/11. It's 4/13/2011?

7 A. Right. He stated his grandson was over there
8 causing problems.

9 Q. Did he request that police or someone
10 respond?

11 A. He -- well, yes, he wanted the officers to
12 come.

13 Q. Okay.

14 A. Typically why you call 911.

15 Q. Were there any other calls after that time?

16 A. There was.

17 Q. What time was that?

18 A. At 9:49, which would have been 2149,
19 Mr. Adams advised he did not want officers at this
20 time.

21 Q. Okay.

22 THE COURT: That was what time?

23 THE WITNESS: At 9:49.

24 THE COURT: Okay.

25 BY GENERAL NICHOLS:

1 Q. Were there any other --

2 A. But on here is 2149, whichever way you want
3 it.

4 Q. Were there any other calls?

5 A. There was at 2151, which would have been
6 9:51. Mr. Adams called back, Mr. Dick, from 260
7 Adams Lane, stated grandson back causing problems
8 trying to -- trying to get a gun.

9 Q. Now, I am going to pass forward a disk and
10 ask if you recognize it?

11 A. I do.

12 Q. How do you recognize this particular disk?

13 A. Because I had signed it.

14 Q. Okay.

15 A. Initialed it.

16 Q. And what is -- what is contained on this
17 disk?

18 A. Would be the 911 calls.

19 Q. From whom to whom?

20 A. From Mr. Dick Adams to me at 911.

21 GENERAL NICHOLS: Your Honor, at this
22 time permission to publish this for the jury?

23 THE COURT: You going to make it an
24 exhibit?

25 GENERAL NICHOLS: Oh, yes, sir, before I

1 close. Thank you.

2 THE COURT: Exhibit 212.

3 (WHEREUPON, the above-mentioned disk was
4 marked as Exhibit Number 212.)

5 (911 called played for the jury.)

6 BY GENERAL NICHOLS:

7 Q. Mr. Maxwell, that area is actually not a
8 large area. It seemed like it was taking law
9 enforcement a long time to get to Adams lane that
10 day or that night?

11 A. Correct. They could have been coming from
12 Decaturville, and then you're looking 15-mile.

13 Q. Okay. Were they -- to your knowledge, was a
14 lot of the law enforcement personnel dispatched to
15 the Holly Bobo scene and the surrounding area in
16 Parsons trying to look for her, or do you know one
17 way or the other?

18 A. I couldn't -- I couldn't advise that.

19 Q. But it did take --

20 A. I do know it was a busy night from 4:00 to
21 12:00.

22 Q. And just last question, have you guys
23 changed -- I know you're not an operator anymore, but
24 did they change the system of recording calls?

25 A. They did.

1 Q. Okay. And is that why there are some breaks
2 when it was converted? It doesn't appear that
3 there's a break in conversation, but there appears
4 that there is a --

5 A. From the best -- to my knowledge, the best I
6 remember, it kind of picked up as you're talking
7 also, the recording part of it.

8 Q. So your conversation seemed to be not breaks
9 but yet there were some places in there where you had
10 to wait for it to, I guess, boot back up or whatever;
11 is that correct?

12 A. Correct.

13 Q. All right. To the best of your -- to the
14 best of your recollection, was that recording all
15 that was said between you and Mr. Adams?

16 A. Correct. It was all the whole conversation.

17 GENERAL NICHOLS: I don't have anything
18 else. Thank you.

19 THE COURT: Cross.

20 MS. THOMPSON: Yes, Your Honor. May I
21 see the exhibit, the 911 emergency sheet?

22

23 CROSS-EXAMINATION

24 QUESTIONS BY MS. THOMPSON:

25 Q. I'll come around and put this up on the board

1 for you. Now, the district attorney --

2 MS. THOMPSON: Is the -- is the machine
3 working?

4 GENERAL NICHOLS: No.

5 GENERAL HAGERMAN: No.

6 MS. THOMPSON: Okay. Then I guess we can
7 have the lights back on.

8 BY MS. THOMPSON:

9 Q. So I'd like to pass this exhibit back up to
10 you. And do you see right there where -- at 2047 --
11 is it 2147, where you put down that Dick Adams has
12 called?

13 A. Uh-huh.

14 Q. Will you highlight that for me with yellow?

15 A. The time or the whole call.

16 Q. Just the whole line there. Everything that's
17 related.

18 A. (Complied.)

19 Q. Okay. Now, two sets of officers actually
20 reported that day; didn't they?

21 A. Correct.

22 Q. Okay. And then there's a second line there.
23 So you highlighted that in yellow. It says the time,
24 2147. It says the call is to 911. You noted
25 Dick Adams' home telephone number that he called

1 from; didn't you?

2 A. Correct.

3 Q. Okay. And then you have a line. Says,

4 "Dick Adams at 260 Adams Lane, stated grandson

5 causing problems." And that's what you've written

6 there as the complaint; isn't it?

7 A. Correct.

8 Q. Okay. And then shortly below that is 2148.

9 What does 2148 say? What does --

10 A. "Two county units, they're advised."

11 Q. Is that --

12 A. Meaning they're advised of the call.

13 Q. That's related to this. Will you mark that

14 in pink for us just to keep track of which is which?

15 A. (Complied.)

16 Q. And how do you know that's two units that had

17 been advised?

18 A. Because it says two right above it, top of

19 the page. Follow that column all the way up.

20 Q. Okay. So then the next line is 2149. If

21 you'll mark that in yellow again, just so we -- I'll

22 just let you keep both highlighters.

23 A. (Complied.)

24 Q. And will you read that line to us and explain

25 what it means?

1 A. "At 2149, Mr. Adams advised to Signal 9
2 police." Which Signal 9 means to cancel.
3 Q. Okay.
4 A. And that's what he advised on the recording.
5 I'm still on the open line with him. That's why it's
6 not a to or from numbers or anything out there.
7 Q. Right. Okay. So what happens next? If
8 you'll go down and look, do you see another couple
9 lines?
10 A. And I said, "2149, County units are advised."
11 Q. Okay. Will you mark that in a different
12 color then?
13 A. (Complied.)
14 Q. All right.
15 A. "2151, received another call to 911 from
16 Mr. Adams. Call back at 260 Adams Lane. Stated
17 grandson back causing problems trying to get guns."
18 Q. Okay. So will you highlight that?
19 A. (Complied.)
20 Q. Okay. So then flip the page. What do you
21 see next that's related to this?
22 A. "County units advised."
23 Q. Okay. So will you highlight that for us?
24 A. (Complied.)
25 Q. And again, it's two units? Or it says --

1 A. I was -- it will say that in just a second.
2 I've got 712 and 706 --
3 Q. And that's the --
4 A. -- would be the two units. That would be the
5 officer's call numbers.
6 Q. Okay. And will you highlight that for us
7 then?
8 A. (Complied.)
9 Q. And what time are they advised? What time do
10 you have that down?
11 A. In route at that time at 2154.
12 Q. Okay. And do you see another line that
13 relates to this?
14 A. 2206.
15 Q. 2206. And what does 22 -- what's the time?
16 A. 10:06.
17 Q. Okay. And what does it say?
18 A. "706," which would be the officer's number,
19 "on the scene. 10-97."
20 Q. Okay. So it means he showed up?
21 A. At Adams Lane.
22 Q. Okay. So will you highlight that for us?
23 A. (Complied.)
24 Q. Okay. And do you see anything else that
25 relates to this?

1 A. No.

2 Q. Okay. When did those officers --

3 A. Should be --

4 Q. -- go back into service?

5 A. That's what I was looking for. At 2222, 712,

6 which most of the time if there's two or three

7 officers on the scene we take one's number.

8 Q. Okay.

9 A. "Back 10-8. Verbal argument."

10 Q. Okay. So what does -- say that again because

11 I didn't quite hear it.

12 A. They're back in service. Meaning they're

13 clearing the scene, leaving.

14 Q. Okay.

15 A. Verbal argument.

16 Q. Okay.

17 A. That's what they documented it. That's what

18 they ruled it as.

19 Q. Okay. And so back in service, that would

20 mean that the officer's then free to take other

21 calls?

22 A. Correct. They are leaving.

23 Q. Okay. And does it say anything about -- does

24 that mean all the officers are back in service at

25 that point or just that one?

1 A. Well, most of the time one of them will check
2 back in, but they're both leaving --
3 Q. Okay.
4 A. -- together.
5 Q. And so no arrest was made at that time?
6 A. No.
7 Q. Okay.
8 A. Not according to this.
9 Q. Okay.
10 MS. THOMPSON: No further -- oh, wait. I
11 might have one more question. Let me check. No
12 further questions.
13 THE COURT: Anything else of this
14 witness?
15 GENERAL NICHOLS: No, sir.
16 THE COURT: All right. Mr. Maxwell,
17 you're free to go, sir.
18 (WHEREUPON, the witness was excused from
19 the stand and left the courtroom.)
20 THE COURT: Call your next.
21 GENERAL NICHOLS: Terry Britt.
22 MS. THOMPSON: You Honor, we have quite a
23 few materials for this person. We need a minute. I
24 didn't know he was being called today. So I need a
25 minute to get our materials together.

1 THE COURT: Let's -- it's been going 30.
2 Let's go ahead and take a 15 minutes break. Okay.

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

5 THE COURT: All right. 15 minutes.

6 MS. THOMPSON: We have some materials in
7 the hotel room, Judge. We need to go get those
8 materials.

9 THE COURT: Okay. If we're a few minutes
10 over, it's all right.

11 (Short break.)

12 THE COURT: I told them to hold the jury.
13 Mr. Simmons indicated he thought that Ms. Nichols
14 said something she wanted to take up outside the
15 presence of the jury?

16 GENERAL NICHOLS: That's correct.

17 THE COURT: All right.

18 GENERAL NICHOLS: Your Honor, the next
19 witness, of course, has a criminal history that both
20 sides are well acquainted with, and it is my
21 intention to ask him about his prior felony
22 convictions or get -- elicit from him the fact that
23 he has them. What I wanted to address outside the
24 presence of the jury is the fact that under the rule,
25 you know, you don't get into the facts of the

1 underlying case because that is no longer -- that's
2 not at issue. And I hope to avoid me having to
3 object on cross to that type of testimony, perhaps
4 the defense doesn't intend to elicit that anyway, but
5 Mr. Simmons did not -- I didn't ask him, and he
6 didn't confirm that. So I thought better to address
7 it now before the jury comes in.

8 MS. THOMPSON: That we're not going to
9 get into the -- I mean, we're talking about that he
10 had rape convictions; is that what you're saying?
11 You're going to mention that it's a rape conviction?

12 GENERAL NICHOLS: Absolutely. Both sides
13 are entitled to get in the conviction.

14 THE COURT: What the conviction is. She
15 said the underlying facts. Those convictions cannot
16 be considered except for the purpose of his
17 credibility. So underlying facts will not be coming
18 in, okay?

19 MS. THOMPSON: Yes, Your Honor.

20 THE COURT: All right. Bring our jury.

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

24 THE COURT: Be seated. Okay. 15 turned
25 into 45, but we're ready to go. Okay. Call your

1 next.

2 GENERAL NICHOLS: We called before the
3 break, Terry Britt.

4 THE COURT: Let me -- the next witness
5 will be in Department of Correction uniform as well
6 as some safeguards. You're not to draw any inference
7 at all concerning his credibility based upon that.
8 And then also I will tell you, we had that with a
9 earlier witness, if you find that someone's been
10 convicted of prior crimes, you can only consider that
11 for the purpose of the effect, if any, on their
12 credibility as a witness, okay?

13 All right. Raise your right hand, please.

14 (The witness was sworn.)

15 THE COURT: All right. Be seated. I
16 want you to state your first and last name, and spell
17 it for the benefit of the court reporter, please.

18 THE WITNESS: Terry Britt. T-E-R-R-Y
19 B-R-I-T-T.

20 THE COURT: Thank you. You can proceed.

21

22 * * *

23 **TERRY BRITT,**

24 was called as a witness and having first been duly
25 sworn testified as follows:

1
2 DIRECT EXAMINATION

3 QUESTIONS BY GENERAL NICHOLS:

4 Q. Mr. Britt, do you -- you are wearing, I
5 guess, TDOC uniform; is that correct?

6 A. Yes, ma'am.

7 Q. And are you currently incarcerated?

8 A. Yes, ma'am.

9 Q. Would you tell the jury what you're currently
10 incarcerated for?

11 A. Kidnapping and attempted rape.

12 Q. And I believe you finish your sentence next
13 year; is that correct?

14 A. Yes, ma'am.

15 Q. And that will have been a total of eight
16 years?

17 A. Yes, ma'am. Well, six-nine.

18 Q. And when you get out of jail or prison next
19 year, you start doing some federal time on -- for two
20 guns, a pistol, and a break-in?

21 A. Yes, ma'am.

22 Q. Okay. So -- and I really just want to get
23 this out of the way, because that's not what you're
24 here for today. Before these current charges that
25 you're serving time for and the gun charges that you

1 have to serve time for, do you have other convictions
2 in your history?

3 A. Yes, ma'am.

4 Q. Would you tell the jury what those
5 convictions were for, and if you remember, how much
6 time you had to do on them?

7 A. I had a rape charge and a robbery charge.

8 THE COURT: Can you speak up a little?

9 THE WITNESS: Rape charge, robbery
10 charge, burglary, receiving -- receiving stolen
11 property. I don't know, but I've got about 25 years
12 on it.

13 BY GENERAL NICHOLS:

14 Q. So you said a total of like 25 years --

15 A. (Nodded head affirmatively.)

16 Q. -- for all of your charges put together?

17 And you're in your 50s; is that correct?

18 A. 58.

19 Q. So a large portion of your adult life you've
20 been locked up?

21 A. Pretty much.

22 Q. So I want to go back to 2011 --

23 A. Okay.

24 Q. -- and ask where were you living at that
25 time? I'm not asking for your address, but just the

1 town.

2 A. Parsons, Tennessee.

3 Q. Okay. And who did you live with?

4 A. Janet Britt.

5 Q. And that's your wife?

6 A. Yes, ma'am.

7 Q. And how long have the two of you been
8 married?

9 A. I think we got married in 2004.

10 Q. Okay. Do you remember hearing -- and you
11 have a shoulder injury, right?

12 A. Uh-huh, yes, ma'am.

13 Q. All right. And I am just saying that because
14 I see you rubbing it. In case they're wondering
15 what's --

16 A. Yeah.

17 Q. -- going on.

18 Do you remember hearing that a young lady by
19 the name of Holly Bobo had come up missing from her
20 parent's home there in Parsons?

21 A. Yes, ma'am.

22 Q. Okay. Prior to hearing that news, did you
23 know Holly Bobo?

24 A. No, ma'am.

25 Q. Did you know Dana Bobo?

1 A. No, ma'am.

2 Q. Karen Bobo?

3 A. No, ma'am.

4 Q. Clint Bobo?

5 A. No, ma'am.

6 Q. Any of their family?

7 A. I ain't never met none of them.

8 Q. Okay. Had you ever been to their home on

9 Swan Johnson?

10 A. Not that I know. No, not -- no, ma'am.

11 Q. Okay. And where did you and your wife --

12 what road did you and your wife live on?

13 A. Jeanette.

14 Q. Jeanette?

15 A. Jeanette Holladay Road.

16 Q. Okay. Now, is that close to John Holladay

17 Road or do you know? Like a little cut through road?

18 A. I don't know.

19 Q. And that's the right answer. If I or anybody

20 asks you something that you don't know, just tell us.

21 A. Okay.

22 Q. Okay. So after you heard that Holly Bobo was

23 missing from her home, did you know that you would

24 immediately be someone that law enforcement would

25 look at?

1 A. Yeah, I figured.

2 Q. And that's because of your history?

3 A. Right.

4 Q. All right. Despite having that knowledge or
5 with that knowledge, do you remember law enforcement
6 coming and interviewing you about Ms. Bobo?

7 A. They -- they pulled up in the driveway that
8 morning. Me and my wife just got through unloading a
9 tub. We went to -- where did we go -- Camden and
10 bought. And we just got through unloading it, and we
11 was -- they pulled up in the driveway there and asked
12 me where I -- you know, where I had been.

13 Q. And you were with your -- do you remember
14 what time of day it was? And if you don't, it's
15 okay.

16 A. I don't know what time they pulled up, no.
17 But I mean -- no, that morning.

18 Q. The morning that it happened?

19 A. Uh-huh.

20 Q. Okay. And at the time that they pulled up,
21 you were actually there with your wife unloading
22 some --

23 A. Yes, ma'am.

24 Q. You were remodeling the bathroom?

25 A. Right.

1 Q. Okay. So after that day, were you aware that
2 law enforcement had tapped your telephones?

3 A. No. No, ma'am.

4 Q. Were you aware that for the first time in the
5 state of Tennessee they had actually bugged your
6 house?

7 A. No, ma'am.

8 Q. Were you aware that they were conducting
9 covert surveillance? You know what I mean by that?

10 A. No, I had no idea.

11 Q. And you know what I mean by that? In other
12 words, watching you when you didn't see them.

13 A. I didn't know it. I didn't -- I mean, I
14 didn't know they were, no.

15 Q. Do you remember -- or did they come and
16 actually search your house at some point?

17 A. Yeah, they --

18 Q. Did they search your outbuildings or garages,
19 sheds, that kind of thing?

20 A. Well, they -- they come up with a couple
21 charges so they could hold me in jail all day.

22 Q. All right.

23 A. And they went out to my house, and from what
24 I hear, they blocked the roads off, had the crime
25 scene out there.

1 Q. Okay. Let me ask you this: So you weren't
2 present when they actually searched your house?

3 A. No, I was in jail.

4 Q. Okay. And to explain that for the jury, you
5 were on parole for one of your previous convictions?

6 A. No, I was not on parole.

7 Q. Probation, excuse me.

8 A. No.

9 Q. Nothing?

10 A. No.

11 Q. All right. So was this over the reporting of
12 your job?

13 A. Yes.

14 Q. Okay. And I'll do my best to ask questions
15 that make sense. Were you working as a contractor
16 for the newspaper there in Parsons?

17 A. Yes, ma'am.

18 Q. All right. And is that something you were
19 supposed to report?

20 A. Yes, ma'am.

21 Q. Okay. That was not under the table work,
22 though. You were actually a contract laborer for the
23 newspaper, correct?

24 A. Yes, ma'am.

25 Q. And had you reported that to your -- the

1 person you were supposed to report it to?

2 A. Yes, ma'am.

3 Q. And in the end, that person failed to report
4 it up the chain; is that correct?

5 A. She wouldn't write it down. She said that I
6 didn't have -- that contractor labor didn't have to
7 be --

8 Q. Didn't have to be reported?

9 A. -- put down. And I told her several times,
10 you know, and she just kept saying don't worry about
11 it, I got this.

12 Q. Okay. And ultimately when they found out,
13 she backed you up; didn't she?

14 A. Yeah, uh-huh.

15 Q. She admitted you had reported it?

16 A. Yes, ma'am.

17 Q. But despite that fact, you had to do how much
18 time on that?

19 A. Three months in jail and nine months
20 probation, about a thousand-dollar fine.

21 Q. Okay. All of that kept you from being home,
22 and you were not present when they searched your
23 house?

24 A. No, no. I wasn't in the jail for -- I mean,
25 I hadn't been convicted of nothing --

1 Q. I know.

2 A. -- when they searched my house.

3 Q. Okay. But that's what put you in jail, or
4 you were in jail for all day?

5 A. And driving on revoked.

6 Q. Okay.

7 A. They charged me with that.

8 Q. All right. So when you came back home from
9 that, could you tell that someone had searched your
10 property? Were your things moved around?

11 A. They was -- TBI or FBI one come back there.
12 They kept me locked up all day, wouldn't tell me
13 nothing. And when he came back there and took my
14 fingerprints he says -- said, hey, Britt, if Jennifer
15 agrees to what you're saying about she knew about --

16 Q. Not me Jennifer?

17 A. No.

18 Q. Not Ms. Thompson? Not that Jennifer?

19 A. No, the --

20 Q. A different Jennifer?

21 A. The Jennifer that I had to report to.

22 Q. Okay.

23 A. If she agrees to what you're saying is true,
24 then I'll let you go on your own recog, and you ain't
25 got to make no bond.

1 Q. Right.

2 A. I said, okay. So he goes on and he comes
3 back, and he says, well, she agreed to it. So they
4 let -- they let -- it was dark time when they let me
5 go that night.

6 Q. Okay. So when you got home, could you tell?

7 A. Yeah, they had -- they had -- they had cut
8 pieces of my chair off the couch, my shop trailer
9 busted -- busted the door in, took my vans,
10 computers. It was a mess. Destroyed it.

11 Q. Made a mess of your property. Mr. Britt --

12 A. And I fixed it all back.

13 Q. -- did you, after all of that, after
14 searching of your house, taking your cars, taking
15 your computers, bugging your phones, bugging your
16 house, were you charged with anything to do with
17 Holly Bobo's case?

18 A. No. No, ma'am.

19 Q. Okay. You understand that your name has been
20 brought up?

21 A. Yes, ma'am.

22 Q. Okay. Do you know -- I'm telling you -- if
23 your name has been brought up in this trial as a
24 potential suspect, tell the jury, did you kidnap,
25 rape, murder Holly Bobo?

1 A. No, I didn't. I didn't know the girl. Never
2 seen her in my life that I know of.

3 Q. Are you a telephone expert?

4 A. No, ma'am.

5 Q. Are you a GPS expert?

6 A. No, ma'am.

7 Q. If Ms. Thompson or Mr. Simmons or
8 Mr. Gonzalez ask you -- that's the defense
9 attorneys -- ask you questions about where your phone
10 was at a particular time or where -- do you have a
11 memory from 2011 about where your phone was or where
12 your wife's phone might have been during particular
13 times?

14 A. It was either in the vehicle with us or at
15 the house. One of the two.

16 Q. Okay. In the vehicle with us or in the
17 house.

18 A. Uh-huh.

19 Q. But my question is: Do you have a specific
20 recollection say of where your phone might -- what
21 tower your phone might have been pinging off of?

22 A. Oh, no, no, no.

23 Q. All right. So you're not going to be able to
24 answer those questions?

25 A. No.

1 Q. Would you be able to answer questions about
2 where your wife's phone would be pinging, what tower
3 she would be pinging off of during that time?

4 A. No, ma'am.

5 Q. Don't have any information about that at all?

6 A. No, ma'am.

7 GENERAL NICHOLS: May I have one moment,
8 Your Honor?

9 THE COURT: You may.

10 GENERAL NICHOLS: I don't have anything
11 else. Thank you, Mr. Britt.

12 THE COURT: Cross-examination.

13
14 **CROSS-EXAMINATION**

15 **QUESTIONS BY MS. THOMPSON:**

16 Q. Hello, Mr. Britt, I'm Jennifer Thompson.
17 We've actually met before; haven't we?

18 A. Yes, ma'am.

19 Q. I came to visit you when you were in prison
20 in -- was it Northwest Correctional Facility?

21 A. I think it's West High.

22 Q. Pardon?

23 A. I think you come to West High; didn't you?

24 Q. Okay. And we talked at that time about the
25 fact that you had been a suspect in the Holly Bobo

1 murder; isn't that right?

2 A. Do what now?

3 Q. I'll just strike that question.

4 We've talked before?

5 A. Right.

6 Q. And so I want to go back over, you had an
7 alibi that you gave to police on the day Holly
8 disappeared; didn't you?

9 A. Yes, ma'am.

10 Q. Okay. And your alibi was that you woke up
11 that morning about 6:00 a.m.; wasn't it?

12 A. I think that's -- yeah, I think so.

13 Q. You had a cup of coffee?

14 A. Yes, ma'am.

15 Q. Okay. You waited for your wife to wake up.
16 She woke up about 8:30 or 9:00?

17 A. No, we was gone before then.

18 Q. What time -- so just tell us now what is your
19 alibi for that day, that morning.

20 A. We left and went to Camden at Allgoods and
21 bought a tub, bath tub, and I got a receipt for that.

22 Q. Okay. So what time now do you say that your
23 wife woke up?

24 A. I've never said what time she woke up.

25 Q. So now from your memory, what time did she

1 wake up that morning?

2 A. I can't tell you what time she woke up.

3 Q. What time did you-all leave your home that
4 morning?

5 A. Probably about between 8:00 --

6 GENERAL NICHOLS: Your Honor, I'm going
7 to object unless he knows. He said, "probably
8 about". And I don't think that's appropriate unless
9 he has a specific memory. He can't just speculate.

10 THE COURT: He can answer the question.

11 GENERAL NICHOLS: If he knows.

12 THE COURT: If he knows.

13 BY MS. THOMPSON:

14 Q. Approximately what time did you leave that
15 morning?

16 A. Probably 8-ish, something like that.

17 Q. 8:00. Okay. Where did you go first?

18 A. 8:00 or a little after. I didn't say 8:00
19 now. I said 8-ish, 8-ish.

20 Q. Okay. So around 8:00, 8-ish?

21 A. Okay.

22 Q. Where did you go first?

23 A. We went to -- I think I -- we went to Camden,
24 Allgoods.

25 Q. And which Allgoods did you go to?

1 A. To my -- best I can remember, there's only
2 one over there.

3 Q. Okay. Which one is that?

4 A. Well, it -- well, it might be two. You're
5 right. That's right. One sells rugs up the road. I
6 went to the one on the left that sells -- they sell
7 everything pretty much. Pretty much everything.

8 Q. So if I said it's Allgood Salvage, does that
9 sound right to you?

10 A. It might be.

11 Q. Okay. When you say it's on the left-hand
12 side, can you describe where the building sits?

13 A. Well, you go left -- you turn left, and you
14 go down a hill. It's down there.

15 Q. Okay. And what road are you on when you turn
16 left? What highway is it off of?

17 A. Whatever highway is going to Camden. I don't
18 know.

19 Q. If I say --

20 A. I can't answer that.

21 Q. -- 641, does that sound right?

22 A. Say what?

23 Q. 641, does Highway 641 sound right to you?

24 A. Yeah, I guess.

25 Q. Is it the same highway that goes from I-40 to

1 Parsons?

2 A. Uh-huh.

3 Q. Can you answer out loud?

4 A. Yes, yes.

5 Q. Okay. So you went up there first. And what
6 did you do when you were there?

7 A. Looked for tubs.

8 Q. Okay. What kind of tub were you looking for
9 in particular?

10 A. Just -- I don't -- not nothing in particular,
11 just a bathtub.

12 Q. Okay. So what did you do next? You go there
13 looking for tubs. What do you do next?

14 A. We left there. We found one, but we -- we
15 left there and went to Decaturville I think it was.
16 Over there to that place over there that sells tubs
17 over there. We stopped -- we stopped at the
18 News-Leader first, told them she -- she let them know
19 that she was going to take that -- the rest of the
20 day off because we got -- we had a bad leak. And we
21 went over to -- I don't know what that place is over
22 there. Forget the name of it. But we went over
23 there and looked, and that tub over there was -- it
24 was too big. There's no way we could -- we could of
25 got it down the little hallway that we -- you know,

1 in our house. So then we went back to Camden and
2 bought that one.

3 Q. Okay. Do you remember how much you paid for
4 the tub?

5 A. 300 maybe. I don't -- I don't know. I don't
6 remember.

7 Q. What did -- once you purchased the tub, what
8 did you do?

9 A. Maybe 300. What did we do?

10 Q. Right.

11 A. We loaded up and drove about -- drove about
12 20 to 30 miles an hour all the way from Camden back
13 to the house, because it was so big in the back of
14 the truck, we had it tied down, but it was -- because
15 it was an enclosed thing, you know. You know, what
16 I'm saying? A tub, so...

17 Q. Okay. So approximately what time did you
18 purchase the tub from Allgoods?

19 A. I can't tell you that.

20 Q. How long -- if you --

21 A. Y'all got the receipt. I mean...

22 Q. Well, I'm just asking what time you purchased
23 the tub.

24 GENERAL NICHOLS: And, Your Honor, he
25 said he didn't remember.

1 THE COURT: Okay.

2 BY MS. THOMPSON:

3 Q. So how long did it take you to drive from
4 your house to Allgoods Salvage to begin with? Can
5 you approximate that for me?

6 A. Let's see. 30 minutes maybe, 45 minutes,
7 something like that. I don't know.

8 Q. Okay. And then how long did you stay there
9 looking at the tub the first time?

10 A. How long did I stay at Allgoods the first
11 time I went there?

12 Q. Yes.

13 A. I can't answer that. I don't know. I don't
14 know. I mean, I -- you know, how long do you stay
15 somewhere when you go look for something?

16 Q. I'm just asking you to estimate.

17 A. Well, I mean, I don't know.

18 GENERAL NICHOLS: Your Honor, he said he
19 didn't know.

20 BY MS. THOMPSON:

21 Q. Then --

22 A. But I can tell you this, though. We was back
23 at the house with the tub before lunch.

24 Q. Okay. You're at the house before lunch?

25 A. Yeah, that's when the law pulled up.

1 Q. And you said you strapped it into your
2 pickup. Which pickup truck did you strap it into?
3 A. I only got one. Well, I had two. The Ford.
4 Q. So what color --
5 A. I only got one now, though.
6 Q. What color was the Ford?
7 A. It's gold. Kind of gold-like.
8 Q. And it was an F-150?
9 A. Uh-huh. F-150 Lariat. We still got it.
10 Q. Okay. You said you had a second pickup
11 truck. What kind of truck was your second pickup
12 truck?
13 A. Dodge Dakota. It was black.
14 Q. And it was painted with primer; wasn't it?
15 It was --
16 A. No, I painted it.
17 Q. It was painted flat black. You had --
18 A. Yeah.
19 Q. You had painted it with spray paint?
20 A. No, I painted it with a gun.
21 Q. Okay. You had sprayed paint -- you sprayed
22 it with a gun yourself?
23 A. With a car paint gun.
24 Q. Okay.
25 A. And an air tank.

1 Q. Okay. And it was a flat black color not a
2 shiny color; isn't that right?
3 A. No, it was shiny.
4 Q. Shiny color?
5 A. (Nodded head affirmatively.)
6 Q. Okay. And you had painted over the decals
7 and items on it also; hadn't you?
8 A. There weren't no details on it.
9 Q. Well, you -- so the portion that like said
10 what brand it was and stuff --
11 A. No, I didn't -- no. I taped that off.
12 Q. You took that off?
13 A. Taped it off.
14 Q. Taped it off. Okay. Okay. And then you had
15 three vans. Can you tell us what kind of vans you
16 had?
17 A. Got a '01 Dodge Caravan. I had a --
18 Q. What color was it?
19 A. Red.
20 Q. Okay.
21 A. And I had a '94 Dodge Caravan, red.
22 Q. Okay.
23 A. And I got a white van. I don't know exactly
24 what model it is, but it's a -- it's a -- I can't
25 even think of what it is.

1 Q. If I said it was a Vandura, would that sound
2 familiar?

3 A. Yeah.

4 Q. And what year was it?

5 A. I think it's a '90-something.

6 Q. Okay. And then what else did you --

7 A. It's a work -- it's my work van.

8 GENERAL NICHOLS: I'm sorry?

9 THE WITNESS: My work van.

10 BY MS. THOMPSON:

11 Q. And what else did you have?

12 A. That's it.

13 Q. To be clear, there were two Dodge Caravans?

14 A. Yes.

15 Q. Both red?

16 A. Yes.

17 Q. So you drove the F-150. You're back by noon;
18 is that right?

19 A. (No response.)

20 Q. And if I said that you went -- that you
21 originally said you went to Buck's Building Supply in
22 Decaturville, does that sound right?

23 A. Buck's Building Supply. I think it's Buck's
24 now. I don't know if it was Buck's then or not. I
25 don't think it was Buck's then. It might have been.

1 I don't -- I'm not sure.

2 Q. Okay.

3 A. But it's Buck's now.

4 Q. Okay. And originally in your albi you said
5 that your wife, Janet Britt, was with you the entire
6 day.

7 A. The entire day.

8 Q. You were never apart from one another?

9 A. Never.

10 Q. And you happen to save the receipt from when
11 you bought the bathtub; isn't that right?

12 A. Yeah, I had the -- I had the receipt, yeah.

13 Q. You saved the receipt in your safe at your
14 house; didn't you?

15 A. I guess so. I mean, I didn't save it. My
16 wife did.

17 Q. Okay. So your wife saves the --

18 A. She saves all receipts.

19 Q. She doesn't save all receipts. She saved all
20 the receipts --

21 GENERAL NICHOLS: Your Honor, is that a
22 question? Because I had heard a statement. She did
23 not save all receipts.

24 THE WITNESS: She does save all receipts.

25 BY MS. THOMPSON:

1 Q. And were they all saved in that -- in that
2 safe?

3 A. No.

4 Q. The receipts in the safe were the receipts
5 that you had from Allgoods Salvage where you
6 purchased the tub? Wasn't it in the safe?

7 A. I can't answer that question, 53because I was
8 in jail when they got there. So I didn't know if it
9 was in there or not.

10 Q. Okay.

11 A. I didn't put it in there.

12 Q. Okay. And you had a second receipt from
13 Allgoods Discount Store from that day; didn't you?

14 A. It's a possibility, because we go over there
15 and buy stuff.

16 Q. And you had a receipt from that same day,
17 April the 13th, where you had bought a remnant of
18 vinyl; didn't you?

19 A. I believe so.

20 Q. But the Allgoods Discount Store, is it a
21 different location than Allgoods --

22 A. It's --

23 Q. -- Salvage, isn't it?

24 A. It's on up on -- it's on up through Camden up
25 there on the right.

1 Q. And that day you also -- so once you got back
2 home, you didn't go anywhere else that day? That was
3 your original alibi; wasn't it?

4 A. I believe that's correct. I think that's
5 right.

6 Q. And to -- and to clarify for the record, your
7 wife's name -- your current wife and the wife on
8 April 13th was Janet Britt?

9 A. Yes, ma'am.

10 Q. Okay. Now, when the police showed up at your
11 house to talk with you, the first thing you said to
12 them was, "I didn't rape nobody"; didn't you?

13 A. Right.

14 Q. And that's before they even said anything to
15 you about what was going on; isn't it?

16 A. That's right.

17 Q. Because you had already heard that there was
18 a woman missing?

19 A. That's right.

20 Q. Because as soon as the Amber Alert went out,
21 your wife number four and five, Brenda Seagraves, had
22 called you; hadn't she?

23 A. I don't remember. Maybe.

24 Q. You don't remember that that's how you found
25 out that there was a --

1 A. It -- it may be.

2 Q. -- a woman who was --

3 A. It may be.

4 Q. -- missing?

5 A. Maybe.

6 Q. Do you remember you --

7 A. I think some of her family or something -- I
8 don't -- something about it. I'm not -- I don't
9 remember all of it, but you're probably right.

10 Q. Do you remember you discussing with her the
11 fact that you had --

12 GENERAL NICHOLS: Your Honor --

13 MS. THOMPSON: -- raped --

14 GENERAL NICHOLS: Sorry. That would be
15 hearsay, and he said he's not disputing what she --

16 THE COURT: He can say what he said, not
17 what someone else --

18 MS. THOMPSON: Right.

19 THE COURT: -- said to him.

20 BY MS. THOMPSON:

21 Q. Do you remember that you talked to her about
22 the fact that you hadn't raped anybody that day?

23 A. I talked to her --

24 Q. To Brenda Seagraves?

25 A. I don't know if I did that or not. I don't

1 know. I don't know. I don't -- I don't know.

2 Q. So you don't have a memory now of talking
3 to -- you telling Brenda Seagraves you hadn't raped
4 anybody?

5 A. It's a possibility I did.

6 Q. Okay. Possible.

7 A. Possible.

8 Q. Okay.

9 A. Chances are I did.

10 Q. Okay. So good possibility?

11 A. Good possibility.

12 Q. Now, in fact, you did know Natalie Bobo;
13 didn't you?

14 A. I did not.

15 Q. You had met Natalie Bobo at a party at
16 Kenny Martin's house; hadn't you?

17 A. I saw her. I seen her.

18 Q. Okay. So you had seen Natalie Bobo?

19 A. I have never -- I've never -- I've never
20 spoke to her. I don't even -- I don't know her
21 period.

22 Q. A matter of fact, at that party you had
23 offended her so much you were asked to leave; weren't
24 you?

25 A. No.

1 Q. Okay. And at --

2 A. I wasn't even at the party no way. I went up

3 there -- me and him were doing a job together. I

4 went up there to tell him something about the job.

5 There weren't -- there weren't no party.

6 Q. You met Natalie Bobo at a party?

7 A. She was there drunk. Messed up on drugs, her

8 and some -- her and some other girl. He had two

9 girls there.

10 Q. And it was a party; is that right?

11 A. I don't know if it was a party or not. I

12 weren't -- I weren't there. I live right down the

13 road. I went up there to say something about the job

14 we're doing.

15 Q. Okay. But at some point you said something

16 to Natalie Bobo, and you remembered that you were

17 asked to leave?

18 A. I don't remember that, no.

19 Q. Okay. And, in fact, at one point you saw

20 Natalie Bobo and Holly Bobo at the Dollar General

21 store in Parsons while you were standing in line;

22 didn't you?

23 A. That's not true.

24 Q. Okay. Now, initially you lied about having a

25 cellular telephone; didn't you?

1 A. I lied about what?

2 Q. Having a cellular telephone.

3 A. Who did I lie to?

4 Q. You lied to investigators.

5 A. No. Tell me how I lied, and I'll tell you if

6 I did or not.

7 Q. You denied that you had your own personal

8 cellular telephone; didn't you?

9 A. I didn't have cell -- I don't have a cell

10 phone.

11 Q. On that day --

12 A. On that day --

13 Q. -- on April the 13th --

14 A. -- or any other day. I've never had a cell

15 phone.

16 Q. Okay. There was a cell phone number. It was

17 733-0303; isn't that correct?

18 A. That's -- that's correct. I -- yeah, okay.

19 Q. And that was the cellular telephone that you

20 used; isn't that correct?

21 A. That's correct.

22 Q. And you carried it with you when you would go

23 out on work jobs --

24 A. That's --

25 Q. -- isn't that correct?

1 A. That's correct.

2 Q. And you would call your wife, Janet Britt, on
3 it on a very frequent basis; isn't that correct?

4 A. That's correct.

5 Q. Okay. And as part of the sex offender
6 registry, you're required to give them all your
7 telephone numbers that you use; isn't that correct?

8 A. That's not correct.

9 Q. Okay. You had failed to turn over your
10 cellular telephone number to the sex offender
11 registry; hadn't you?

12 A. That's not true.

13 Q. Okay. And that was part of the reason that
14 they violated you on the sex offender registry --

15 A. That's not true.

16 Q. -- wasn't it?

17 A. That is absolutely a lie.

18 Q. Okay. So your wife had a cellular telephone
19 also at the time; didn't she?

20 A. That's correct.

21 Q. And her cellular phone number was -- can you
22 remember it now for us?

23 A. No.

24 Q. If I said 733-2513, would that sound right to
25 you?

1 A. I will agree to it. That's fine with me.

2 Q. Okay.

3 A. She had one.

4 Q. And you all had a home telephone number also;

5 didn't you?

6 A. That's correct.

7 Q. So you would agree with me if you and your

8 wife were together all day, there would have been no

9 reason for you to have called her on her cellular

10 telephone; wouldn't you?

11 A. That's -- yeah, that's correct.

12 Q. Okay. And so these telephone numbers that

13 your wife had and that you had, you actually bought

14 those phones one month before Holly Bobo disappeared;

15 didn't you?

16 A. I can't answer that. I don't know.

17 Q. You don't remember that?

18 A. No.

19 Q. Okay. If there's a record from Walmart in

20 Lexington showing that you purchased that cellular

21 telephone almost one month to the day from the day

22 she disappeared, that would --

23 A. Well, if you get a record from Walmart saying

24 I purchased a phone, you're in some other world than

25 what I'm in, because we're not in the same world.

1 I've never purchased a phone. I've never purchased a
2 phone.

3 Q. From Walmart?

4 A. From Walmart.

5 Q. Or anywhere else, is that what you're saying?

6 A. Or anywhere else.

7 Q. Okay. So matter of fact, it's purchased with
8 your -- you have a -- had a Supersaver card from
9 Walmart, one that you kind of give them to track your
10 purchases; isn't that right?

11 A. That's not right.

12 Q. Okay. Sometimes you would also buy little
13 credit cards from Walmart to buy gas with in
14 Lexington; didn't you?

15 A. No.

16 Q. Okay. So you never had little cards --

17 A. No.

18 Q. -- you purchased in the store and then go
19 outside and buy gas?

20 A. No.

21 Q. And you would buy extra minutes because your
22 phones were prepaid phones; weren't they?

23 A. No.

24 Q. And they -- your phones worked on the AT&T
25 cellular network; didn't they?

1 A. I believe that's Verizon. And I believe we
2 had both.

3 Q. Okay. So the one that you had on the day
4 that Holly disappeared, those two cellular
5 telephones, they worked on the Verizon -- they worked
6 on the AT&T network; didn't they?

7 A. Whatever she had at that time. I mean, if
8 you say it's AT&T, you must have the records. I
9 don't know.

10 Q. And two days before Holly disappeared, you
11 went back and bought additional cellular telephone
12 minutes; didn't you?

13 A. Why would I go buy minutes when I don't -- I
14 ain't -- I don't have a minute phone? What are you
15 talking about? I mean, I --

16 Q. You had a phone at the time that you had to
17 buy prepaid minutes for; didn't you?

18 A. Prepaid minutes?

19 Q. So you --

20 A. I don't -- I don't --

21 Q. You would buy phone cards for the prepaid
22 minute phone, wouldn't --

23 A. My wife would get a card, yeah. A card,
24 yeah.

25 Q. Okay. And when you would buy a card, it

1 would have prepaid minutes for the phone; didn't it?

2 A. No, it's unlimited. There's no -- there's no
3 minutes.

4 Q. Okay. So sometimes you would buy an entire
5 month of --

6 A. No, it ain't sometimes. It's always
7 unlimited. Always.

8 Q. So if the phone records from Walmart shows
9 something different, they would just be wrong?

10 A. I believe that's correct.

11 Q. Okay. And two days before -- or shortly
12 before Holly disappeared, you went out and bought a
13 large quantity silicone lubricant; didn't you?

14 A. Silicone lubricant?

15 Q. Yes.

16 A. I've got all kind of -- I do remodeling work.

17 Q. Okay. A month after Holly disappeared, you
18 went out and bought a brand new chainsaw; didn't you?

19 A. No. No, that's not --

20 Q. You did not buy a new chainsaw shortly
21 after --

22 A. No.

23 Q. -- she disappeared?

24 A. No, that's not true.

25 Q. Okay. And at some point in the past before

1 Holly disappeared, you had also bought new telephones
2 at the RadioShack there in Parsons; hadn't you?

3 A. I think my wife got a contract phone one
4 time. I can't remember what year that was in,
5 though. But I think it was -- I don't know. It was
6 -- it was a long time before anything about Holly
7 come up. We'd done got rid of that, and she done got
8 another phone but -- because kept it two years
9 because a contract's -- contract's two years. So at
10 one time she got a phone there, contract.

11 Q. Okay. You were also doing work on the side
12 as a carpenter like you just said; weren't you?

13 A. I do remodeling work, yeah. I work for
14 myself, yes.

15 Q. Okay. And you worked some with Kenny Martin
16 doing remodel work?

17 A. One job.

18 Q. Okay. You-all put an ad in the paper
19 together to do remodel work?

20 A. That's correct.

21 Q. Because, in fact, your wife, Janet Britt, she
22 at one time worked for the News Leader; didn't she?

23 A. She was a manager.

24 Q. She kind of ran the whole front office;
25 didn't she?

1 A. Pretty much.

2 Q. And at one time she was the one who did kind

3 of -- she was the girl Friday? She did practically

4 everything except a reporter; didn't she?

5 A. At the News Leader?

6 Q. Yes.

7 A. Yeah.

8 Q. Okay. And she was very important at the News

9 Leader; wasn't she?

10 A. Yes.

11 Q. Okay. And when you -- the bathtub, you said,

12 was leaking, but you did not install the new tub that

13 you purchased on that day, April the 13th; did you?

14 A. No.

15 Q. Okay. It was actually a couple weeks later

16 before you installed the bathtub; wasn't it?

17 A. Probably.

18 Q. Okay. And I think earlier I said that your

19 number was 3030, but it was (731)733-0306. That

20 sounds about right; doesn't it?

21 A. I don't know. I don't remember.

22 Q. Okay. So the police first began to come talk

23 to you about your possible involvement in the

24 Holly Bobo case again around August of 2011; didn't

25 they?

1 A. I don't -- I don't -- I don't -- I don't
2 know. I can't remember. I don't know. I don't
3 remember when they come talked to me.

4 Q. Okay. You were a smoker up until the time
5 you went to the TDOC; weren't you?

6 A. Yes.

7 Q. A heavy smoker; wouldn't you say?

8 A. Yes.

9 Q. Okay. And there were allegations that you
10 had been stalking some women in the Parsons' area;
11 weren't there?

12 A. Not that I know of. I didn't -- I didn't
13 hear nothing about it.

14 Q. As a matter of fact --

15 GENERAL NICHOLS: Your Honor, I am going
16 to object. If he's never heard about it, how can he
17 be asked questions about it?

18 THE COURT: He responded to her question,
19 he'd never heard anything about --

20 GENERAL NICHOLS: Right.

21 THE COURT: -- those allegations.

22 GENERAL NICHOLS: And then she responded
23 with --

24 THE COURT: So he's already said he knew
25 nothing about it.

1 MS. THOMPSON: Right. Well, I was going
2 to ask him specifically, because I think one of the
3 reasons he got in trouble and got locked up was --

4 GENERAL NICHOLS: Okay. This is the time
5 when we're just trying to speech-make for the jury.

6 THE COURT: All right.

7 GENERAL NICHOLS: He's a sex offender.

8 MS. THOMPSON: I'm not --

9 GENERAL NICHOLS: They always look at
10 him.

11 THE COURT: He said he had not heard any
12 allegations.

13 MS. THOMPSON: Okay.

14 THE COURT: So you can't ask him about
15 specific allegations that he's not heard about.

16 MS. THOMPSON: Okay.

17 THE COURT: All right?

18 MS. THOMPSON: Fine.

19 BY MS. THOMPSON:

20 Q. You have a refrigerator trailer truck at your
21 house, don't you, it's painted green?

22 A. I have a -- it's not a refrigerator truck,
23 no. It's a -- we bought it to store -- store stuff
24 in to clean the house up.

25 Q. It was actually not cooled by a refrigerator,

1 it was cooled by ice?

2 A. An 18 wheeler pulls it.

3 Q. Pardon?

4 A. It's one you pull behind an 18 wheeler.

5 Q. Right.

6 A. Whatever you call it. We bought one of them.

7 Paid a thousand dollars for it --

8 Q. And --

9 A. -- to store stuff in.

10 Q. Okay. And it actually was initially made to

11 be refrigerated by ice? I mean --

12 A. Huh?

13 Q. -- you put -- you put chunks of ice in it.

14 Didn't have a refrigerator on it. You just put

15 chunks of ice in it, and it kept things cool inside;

16 is that right?

17 GENERAL NICHOLS: I'm sorry. Is she

18 asking if he did --

19 THE WITNESS: Where did you get that

20 information at?

21 GENERAL NICHOLS: Hang on. There's an

22 objection. Is she saying that he did that or that

23 that was what the original trailer was for?

24 MS. THOMPSON: I am saying that's what

25 the original purpose was for.

1 GENERAL NICHOLS: In which case, unless
2 he knows what the purpose of the trailer was for,
3 it's irrelevant, and he can't speculate.

4 THE WITNESS: I have no idea about no ice
5 in a trailer or none of that mess there you're
6 talking about. We bought the trailer to store stuff
7 in.

8 BY MS. THOMPSON:

9 Q. It's insulated, isn't it?

10 A. What do you mean insulated? Everything is
11 insulated.

12 Q. Okay. So that's a yes, it's insulated?

13 A. Well, I guess it is. I mean, I don't know
14 if -- I guess so.

15 Q. Okay.

16 A. It ain't insulated for ice. To hold ice in,
17 no.

18 Q. Is it insulated to hold cold things in?

19 A. No. No way.

20 Q. And we heard about your past convictions.
21 But you have two past convictions for rape; don't
22 you?

23 A. Yes.

24 Q. And you have two past convictions for sexual
25 assault; don't you?

1 A. Two past? Yeah. Well, counting this one
2 now, yeah.
3 Q. No, I'm talking about one from Lexington,
4 Henderson County.
5 A. Okay.
6 Q. Okay. And then you had one from Gibson
7 County in 1980s?
8 A. Gibson County? I ain't got one in Henderson
9 County. I mean I know -- what are you talking about?
10 What -- tell me what -- what do you mean?
11 Q. Well, you have one that you got like in 1978.
12 70 --
13 A. Okay. Yeah. Okay.
14 Q. Okay.
15 A. Right.
16 Q. And then you have one that you got in the
17 mid-80s?
18 A. Okay. Yes.
19 Q. Okay. And then now you're serving one?
20 A. Yes.
21 Q. So that would be three --
22 A. Yes.
23 Q. -- total convictions.
24 A. Yes.
25 Q. Now, when you spoke to the police officer or

1 law enforcement on the day -- on April the 13th,
2 2011, they initially came to your house late in the
3 afternoon that day, early evening; didn't they?
4 That's when you spoke to the officers?

5 A. Can you tell me who it was come out there?

6 Q. Do you remember speaking to Tony Webber on
7 that day, Jeremy Pratt?

8 A. I don't remember them. No, I don't remember.

9 Q. Do you remember that it was in the after --
10 late afternoon, early evening when they came by and
11 talked to you?

12 A. They ain't no -- you talking about deputy
13 sheriffs?

14 Q. Yes.

15 A. No, they -- I don't -- they didn't come out
16 there and talk to me.

17 Q. On the day she disappeared?

18 A. They pulled up in the driveway and asked me
19 where I had been, then they left. That was it.

20 Q. That's what I am talking about, though.

21 A. Okay. That's it.

22 Q. Okay. And it was late afternoon, early
23 evening when they came to --

24 A. No, it was in the morning.

25 Q. It was --

1 A. I told you that.

2 Q. So your testimony --

3 A. I just got back --

4 Q. -- it was in the morning?

5 A. I just got back with the bathtub. I had just
6 unloaded it and put it in my shop. Me and my wife --

7 Q. So your testimony -- I didn't --

8 A. Me and my wife was right there. The truck
9 was sitting right there in front of my shop where we
10 had just got through unloading it.

11 Q. Okay.

12 A. And they pulled up.

13 Q. Your testimony today is that was before noon?

14 A. I believe that's correct. I believe.

15 Q. Okay. At some point, it was end of January
16 2012 when officers came and did a thorough search of
17 your house and your property; isn't it?

18 A. They come out there that day, yeah.

19 GENERAL NICHOLS: What was the date? I'm
20 sorry.

21 BY MS. THOMPSON:

22 Q. I said it was late January 2012.

23 A. That's probably correct.

24 Q. And they actually came out to your house
25 twice; didn't they?

1 A. What do you mean? I mean --

2 Q. Well, they came to search your house on two
3 separate occasions?

4 A. Not that I know of. I was there -- only once
5 I was -- they might have done it after I was -- you
6 know, later on locked up or something. But only that
7 one time I told you about awhile ago. I mean,
8 it's --

9 Q. Okay.

10 A. -- where they stayed out there all day.

11 Q. So they let you go after they came out and
12 searched the first time; didn't they?

13 A. Yes.

14 Q. They released you from custody?

15 A. Yes.

16 Q. Okay. And then when you went back home, one
17 of the first things that you were heard saying on the
18 wiretap is to your sister -- you have a sister named
19 Sherry Maness; don't you?

20 A. Yes.

21 Q. Okay.

22 GENERAL NICHOLS: Your Honor, I am going
23 to object at this point unless he has knowledge of
24 what he was overheard saying, because he said he
25 didn't even know they had tapped his house.

1 THE COURT: She can ask him if he said
2 that.

3 BY MS. THOMPSON:

4 Q. So you --

5 THE COURT: You don't start by saying
6 this is on the wiretap, whatever. You can ask him if
7 he had a conversation with his sister. You can ask
8 him what he said, not what she said.

9 BY MS. THOMPSON:

10 Q. You had a conversation with your sister where
11 you said, "Be careful what you say", and then you
12 specifically said they may have -- "They be recording
13 in our home"; didn't you say that?

14 A. I don't know.

15 Q. You remember thinking that, though, of
16 course, don't you, that they might have been
17 recording in your home?

18 A. Well, look here, if you've been through what
19 I've been through, you'd be the same way. So I don't
20 know if I said it. If I said it, I said it. If I
21 didn't, I didn't. I don't know.

22 Q. Well, explain what that same way is.

23 A. I don't trust no law.

24 Q. You don't?

25 A. No.

1 Q. Okay. And why is that?

2 A. Why is that?

3 THE COURT: Did you hear what he said?

4 MS. THOMPSON: He said he doesn't trust
5 the law.

6 THE COURT: Okay.

7 BY MS. THOMPSON:

8 Q. And why is that?

9 A. You tell me. You should know.

10 Q. Well, I would like for you to please tell the
11 jury. The jury's --

12 A. I don't have enough time. I ain't going
13 through all my -- I'm not going to do that.

14 Q. Okay. Can you start with reason number one
15 why you --

16 A. Well, the way I've been done dirty by them.

17 Q. And how do you mean they've done you dirty?

18 GENERAL NICHOLS: I'm going to object to
19 relevance.

20 THE COURT: Let's try to move on. This
21 is collateral, what he thinks or doesn't think of the
22 law.

23 BY MS. THOMPSON:

24 Q. Okay. So when they came out to search your
25 house, they actually took two of your vehicle --

1 three of your vehicles that day, didn't they, when
2 they searched your house and seized them?

3 A. I think they -- I think they took two --
4 yeah, I believe -- I believe -- yeah, I think so.

5 Q. Okay. They definitely took the white
6 Vandura; didn't they?

7 A. Yes.

8 Q. And they definitely took one of the red GMC
9 vans?

10 A. The Dodge.

11 Q. I'm sorry, Dodge van?

12 A. Yes.

13 Q. Okay. And also cadaver dogs hit on four
14 tools at your house that day; didn't they?

15 A. I don't know what they hit on. I was in
16 jail.

17 Q. Would it surprise you to know that cadaver
18 dogs hit on --

19 GENERAL NICHOLS: Object to relevance.

20 THE COURT: All right. He said he wasn't
21 there.

22 GENERAL NICHOLS: And whether he was
23 surprised or not doesn't matter.

24 THE COURT: All right. Improper.

25 MS. THOMPSON: Okay.

1 BY MS. THOMPSON:

2 Q. So at one time, you had a friend named
3 Skip Bonnie; didn't you?

4 A. Yes.

5 Q. And you and Skip Bonnie would go sit and
6 drink beer under Interstate 40 at Bible --

7 A. No, no, we wouldn't sit at no Interstate 40
8 and drink beer. We'd ride around, drink beer, and
9 get drunk, yeah.

10 Q. And you would sit over there by County Corner
11 Road?

12 A. Where's that? I don't even know where that
13 is. Tell me where it is, and I'll tell you if I've
14 been there not.

15 Q. You certainly know where the creek on Gooch
16 Road is, by Horny Head -- Horny Head Creek on Gooch
17 Road; don't you?

18 A. Yes.

19 Q. Okay. I mean, that's close to your house,
20 isn't it?

21 A. Yes.

22 Q. Okay. And the State asked you about John
23 Holladay Road. But you know where Joe Holladay Road
24 is as it meets Bible Hill Road; don't you?

25 A. Joe Holladay?

1 Q. Yes.

2 A. I ain't never heard of it.

3 Q. Okay. You know where Bible Hill Road is;
4 don't you?

5 A. Yes.

6 Q. And you know where Holladay Road is; don't
7 you?

8 A. Jeanette Holladay Road, yes.

9 Q. And there's also just a plain Holladay Road
10 over there in that area, too; isn't there?

11 A. I don't -- I guess.

12 Q. Well, you just testified you drive around a
13 lot --

14 A. Well, first of all, hold up, look here. I'm
15 from Lexington, Tennessee. I'm not from Parsons over
16 there. So I don't know. You know, I don't pay
17 attention to numbers and road signs. I pay attention
18 to which way I go.

19 Q. You've lived over there off of Jeanette
20 Holladay Road for ten years or more; didn't you?

21 A. Yes.

22 Q. Okay. And as you just testified, you'd drive
23 around at night drinking beer with your friend,
24 Skip Bonnie?

25 A. No, I didn't -- I didn't say that. I didn't

1 say I rode around at nighttime drinking beer with
2 Skip Bonnie.

3 Q. Okay. What did you say?

4 A. I said we'd ride around sometimes and get
5 drunk.

6 Q. Okay.

7 A. I didn't say if it was day or night. And it
8 was not night, no.

9 Q. You had a paper route where you delivered
10 papers; didn't you?

11 A. Yes.

12 Q. And you delivered them for the News Leader;
13 didn't you?

14 A. Yes.

15 Q. And that paper route would start in the
16 evening time; wouldn't it?

17 A. Yes.

18 Q. And you would drive and deliver -- drop
19 papers off at all the convenient stores in the area,
20 throughout the whole Decatur County; isn't that
21 right?

22 A. Yes.

23 Q. Okay. And it would end at some time late in
24 the morning, 3:00 or 4:00 in the morning; isn't that
25 right?

1 A. That -- that's -- sometimes correct, yes.

2 Q. Okay.

3 MS. THOMPSON: If I can have a moment,
4 Your Honor?

5 THE WITNESS: Your Honor, can I get a
6 drink of water? My mouth -- I am going to have to
7 take my medicine. My mouth's dry.

8 THE COURT: Get a water, please.

9 BY MS. THOMPSON:

10 Q. Do I need to wait for your water or can you
11 go ahead?

12 A. If you don't mind. Well, go ahead. That's
13 okay. Okay.

14 Q. Okay. At the time they searched your house,
15 you had more than one home computer; didn't you?

16 A. Yes.

17 Q. And at the time they searched your house, you
18 had been Googling video searches under the words,
19 rape, abduction, kidnapping; hadn't you?

20 A. I don't know. I don't know.

21 Q. Possible?

22 A. Possible.

23 Q. Okay. And you had been watching pornography
24 of the subjects rape, kidnapping, and abduction;
25 hadn't you?

1 A. I don't know. It's possible.

2 Q. You liked pornography; didn't you?

3 A. Yes.

4 Q. Okay. Now, at the time that you -- the Amber
5 Alert went out, all that was known was that there was
6 a woman who was missing. That's all the information
7 they had; isn't it?

8 GENERAL NICHOLS: Your Honor, I'm going
9 to object. He doesn't know what information they
10 had.

11 BY MS. THOMPSON:

12 Q. That's all the information you had, was that
13 a woman was missing?

14 A. I believe that's correct.

15 Q. Initially there were no allegations of any
16 type of rape, were there?

17 GENERAL NICHOLS: And again, Your Honor.

18 THE COURT: He said that he did not know.

19 MS. THOMPSON: Okay. That's all I'm just
20 trying to confirm, is he did not know about
21 allegations of rape.

22 THE COURT: If he said he did not know,
23 then we're not going to go specifically down if there
24 were allegations of this, this, this, this. He said
25 he did not know. Let's move on.

1 MS. THOMPSON: Yes, Your Honor.

2 BY MS. THOMPSON:

3 Q. And you have a past charge for burglary. And
4 burglary, the jury may not understand what burglary
5 is?

6 GENERAL NICHOLS: Your Honor --

7 THE COURT: We're not going to go into
8 what the jury understands.

9 MS. THOMPSON: Well, I know, but, Your
10 Honor, I just wanted him to say that it's entering --

11 GENERAL NICHOLS: Under the rule --

12 THE COURT: Wait. Let's move on.

13 MS. THOMPSON: Yes, Your Honor.

14 THE COURT: I've already told them that
15 any prior convictions can only be considered for the
16 purpose of what effect, if any, it has on his
17 credibility.

18 MS. THOMPSON: Well, I'm not trying to go
19 into the facts. I'm just not sure the jury
20 understands what a burglary is. It's kind of a
21 technical term.

22 THE WITNESS: You want me to tell you
23 what it is?

24 THE COURT: No. I'm going to charge the
25 jury what the law is.

1 MS. THOMPSON: Yes, sir.

2 THE COURT: Makes it no understand --
3 makes no difference if they understand what burglary
4 or any other crime is.

5 MS. THOMPSON: Okay.

6 THE COURT: They can only consider those
7 crimes if he has been convicted for the purpose of
8 his credibility.

9 MS. THOMPSON: Yes, Your Honor.

10 BY MS. THOMPSON:

11 Q. Now, when I came to visit you in jail, you
12 had admitted to me that at the time the police
13 searched your house you actually were in possession
14 of a gun; didn't you?

15 A. I think so. I am not sure. I believe I
16 could of, yeah.

17 Q. You were, in fact, at the time they searched
18 your house, in possession of a gun that you had
19 hidden from them; weren't you?

20 A. Let's see now. When they searched -- you
21 talking about the day they come out there and spent
22 all day searching my house?

23 Q. Yes.

24 A. No, I didn't have no guns. No.

25 Q. But you recognize that the conversation that

1 we had while you were in jail I recorded?

2 A. Yeah, I had two guns there when they come out
3 there one time, but they didn't search. But they
4 come out there. I -- they just looked on the
5 computer. Yeah, I had two guns. Had a pistol -- had
6 a pistol and .25 automatic and a .22 rifle.

7 Q. Okay. And you remember that at one time
8 Johnny Walker came to talk to you while you were in
9 jail? You remember the Marshall, Johnny Walker,
10 coming to talk to you?

11 A. Yeah, I think that's the one that told me
12 that if Jennifer agreed to what I said, they'll let
13 me go without making bond. She agreed to it, and
14 they let me go.

15 Q. You're talking about Jennifer, is it Rosin?

16 A. I don't know what her name is. I don't
17 know -- I don't know her last name.

18 Q. She was the woman from the sex offender
19 registry?

20 A. Yes.

21 Q. But you remember a one-time offering to plead
22 guilty to the murder of Holly Bobo if you could get a
23 20-year sentence?

24 A. No, no.

25 Q. So you're saying that is not accurate?

1 A. I'm saying that's a lie.

2 Q. Do you remember Terry Dicus coming out to
3 talk to you about the disappearance of Holly Bobo on
4 multiple times?

5 A. Oh, yeah. We all know Dicus; don't we?

6 Q. And you know that he was recording you when
7 he was talking to you; don't you?

8 A. No, I didn't know he was recording me.

9 Q. And when you were talking about the
10 disappearance of Holly Bobo, you at one point were
11 talking about what might have occurred when she
12 disappeared. And do you remember saying that
13 Holly Bobo had a somewhat perfect body, like a toy
14 some would say?

15 A. No, I didn't say perfect body toy. I said
16 she's a -- she was -- from the picture they had on
17 the -- on the -- on the wall at the -- the glass at
18 the store, I said she looked -- she looked good. And
19 I said probably somebody -- whoever got her, probably
20 got her for a sex slave.

21 Q. For a sex slave?

22 A. Yep.

23 Q. Okay. And do you remember saying that the
24 person who got her, that it wouldn't work because
25 once you -- once you took it, you'd have to hide it,

1 you'd have to feed it? Do you remember referring to
2 Holly as an it when you talked to Terry Dicus?

3 A. No.

4 Q. Do you remember saying -- you specifically
5 said, "If you kept it, you would have to hide it, you
6 would have to feed it". So you're denying you said
7 that?

8 A. I ain't denying it. I mean, I don't know --
9 I don't know. I don't know. I might have said -- I
10 don't know.

11 Q. So you might have said it?

12 A. Yeah, I might have said it.

13 Q. Okay. And do you remember saying that, "If
14 you killed it, you would have to hide the body"? Do
15 you remember saying that?

16 A. I probably said it.

17 Q. Do you remember that you -- specifically
18 referring to Holly Bobo as an it? Do you remember
19 that?

20 A. I don't know. I don't remember.

21 Q. Okay. Do remember saying that if the
22 person --

23 A. If I did do it, I was saying -- I was being
24 sarcastic with Dicus because of the way he treated
25 me, so.

1 Q. Do you remember specifically saying that the
2 person that took her, they -- "When they took her, it
3 would have been for their own personal pleasure and
4 have their way with her"?

5 A. I probably -- yeah, I probably said that.

6 Q. And that "they couldn't wait to get her and
7 be alone with her?"

8 A. I said whoever got her, got her for more than
9 likely sex purposes.

10 Q. Okay. And -- and what would those purposes
11 be?

12 A. Whatever they want to do.

13 Q. And you remember specifically saying all that
14 to Terry Dicus; don't you?

15 A. I probably did.

16 Q. Okay.

17 MS. THOMPSON: No further questions.

18 THE COURT: Further direct?

19 GENERAL NICHOLS: Yes.

20
21 REDIRECT EXAMINATION

22 QUESTIONS BY GENERAL NICHOLS:

23 Q. Mr. Britt, is it safe to say that Terry Dicus
24 and all the other law enforcement involved in this
25 case focused on you?

1 A. Yes, they did.

2 Q. They focused on you because of your history?

3 A. Yes.

4 Q. Correct?

5 A. Correct.

6 Q. You can't blame them, can you, for looking
7 into --

8 A. No.

9 Q. -- your --

10 A. No, not really.

11 Q. -- past?

12 A. Not really.

13 Q. And when they came to your house on April the
14 13th, 2011, it was documented. You were out there
15 with this tub. Your wife was there. Y'all unloaded.
16 All that, right?

17 A. Yes.

18 Q. Okay. You had your receipts, correct?

19 A. Yes.

20 Q. Despite the fact y'all -- somebody turned
21 over the receipts, something about the times and the
22 places and whatever that you had been, they didn't
23 stop looking at you; did they?

24 A. No.

25 Q. In other words, that receipt wasn't enough?

1 A. No, no.

2 Q. Okay.

3 A. I guess they thought it was forged or
4 whatever. I don't know.

5 Q. Because they put a wiretap on your phone?

6 A. They went over there at Allgoods and verified
7 it.

8 Q. But whatever they found out --

9 A. It didn't matter. They kept on --

10 Q. Okay.

11 A. -- digging, digging, digging.

12 Q. And they got your computers, right?

13 A. Yes.

14 Q. And as Ms. Thompson has pointed out, they
15 looked up to see what you had looked at, right?

16 A. Right.

17 Q. And they found out that you looked at porn?

18 A. Right.

19 Q. What I would call, I mean, bad porn?

20 A. Well, let me -- let me explain something.

21 Q. Just answer, though. Right?

22 A. Okay. Right.

23 THE COURT: Do you have good porn?

24 GENERAL NICHOLS: I don't know.

25 THE COURT: Okay.

1 THE WITNESS: Well, I was going to
2 explain something to the jury something. When you --
3 when you --

4 GENERAL NICHOLS: She was saying rape
5 porn.

6 THE WITNESS: When you type -- when you
7 get on the computer -- Internet and you type in --
8 start typing porn, all kinds of stuff just floods it
9 on their own. Just pops up there. Don't mean you
10 went to it. It's coming there. That's why -- and
11 while it's coming there, it's viruses that's doing
12 it. So just because something pops up there that's
13 showing you went and seen this, that don't mean you
14 went and done this because it's in there. It's
15 coming up once you go in porn. So, you know, I
16 mean -- you know.

17 BY GENERAL NICHOLS:

18 Q. So bottom line --

19 A. But Dicus was so fixated on me, I guess he --
20 I don't know.

21 Q. Do you know whether Dicus is still a TBI
22 agent?

23 A. No, he's lost his job. I wish he'd get on
24 food --

25 MS. THOMPSON: Objection, Your Honor.

1 THE WITNESS: I wish he would get on food
2 stamps.

3 MS. THOMPSON: I object, Your Honor, to
4 him saying he lost his job. That's not --

5 THE COURT: She's -- he can say --

6 THE WITNESS: He almost destroyed my
7 life.

8 MS. THOMPSON: Not if he doesn't have
9 knowledge.

10 THE COURT: The question was: Do you
11 know if Dicus still works for TBI. His question was
12 responsive, but let's move on.

13 BY GENERAL NICHOLS:

14 Q. All right. So after all that, after all
15 that, you still have to be here today, still
16 answering questions --

17 A. Yeah.

18 Q. -- about something that happened in 2011?

19 A. Just like them cameras back there, they're
20 going to plaster me -- you know, lies on me from here
21 to China again.

22 Q. All right. Is it fair to say Mr. Dicus, that
23 as a result of TBI's investigation, it caused you
24 difficulty?

25 A. Yeah.

1 Q. Okay. Do you understand that even today
2 Ms. Thompson is asking questions about chainsaws
3 purchased a month after -- month before, a
4 refrigerated trailer bought long before? Do you
5 know -- do you know what she is trying to do?

6 A. Yeah.

7 Q. Okay. Let me ask you one final --

8 MS. THOMPSON: Objection, Your Honor, as
9 to what he knows I am trying to do or not. That's
10 speculation.

11 THE COURT: He's already answered. Let's
12 move on.

13 BY GENERAL NICHOLS:

14 Q. So one more time, Mr. Dicus --

15 GENERAL HAGERMAN: Mr. Britt.

16 GENERAL CHRISTENSEN: Mr. Britt.

17 BY GENERAL NICHOLS:

18 Q. Sorry, Mr. Britt, did you have anything to
19 do, anything at all --

20 A. No, I did not.

21 Q. -- with the abduction of Holly Bobo?

22 A. No, I did not.

23 Q. With the rape of Holly Bobo?

24 A. No, I did not.

25 Q. Putting a bullet in the back of her head?

1 A. No, I did not. I wouldn't do that.

2 GENERAL NICHOLS: Nothing else.

3
4 RECROSS EXAMINATION

5 QUESTIONS BY MS. THOMPSON:

6 Q. Now, the receipt that you produced from
7 Allgoods, it's a handwritten receipt on an Allgoods'
8 form; isn't it?

9 A. I believe it is.

10 Q. Okay. And you are aware that Allgoods did
11 not have a matching pink receipt for the receipt you
12 had in their store records; aren't you?

13 A. I think they verified it. I think they went
14 up there, and they verified it I believe.

15 Q. It was missing; wasn't it?

16 GENERAL NICHOLS: Your Honor, he's
17 answered.

18 THE WITNESS: Well, if you want to
19 question whether not I bought a tub --

20 THE COURT: Wait. Wait. Wait.

21 THE WITNESS: -- you can go to my house
22 and look at --

23 THE COURT: Wait. Wait.

24 THE WITNESS: Well, let me -- I want to
25 say right here, you can --

1 THE COURT: No, let me say, he said he
2 had a receipt. You're implying that they might not
3 have had the pink part at Allgoods. He does not know
4 what they did or did not have.

5 MS. THOMPSON: He might have, because
6 they may have shared that with him. The
7 investigation may have shared that with him.

8 GENERAL NICHOLS: In which case that
9 would be hearsay.

10 THE COURT: Hearsay. Move on.

11 BY MS. THOMPSON:

12 Q. When you were -- we talked about the
13 pornography on your computer. You were specifically
14 searching for videos using the term rape; weren't
15 you?

16 A. No.

17 Q. So if it's in your computer history that you
18 were searching on the term rape, that would be
19 inaccurate?

20 A. If it's in there saying I particularly did
21 that for rape, that would be a lie.

22 Q. Okay. And you were specifically searching
23 for abduction; weren't you?

24 A. No.

25 Q. Okay. You were specifically searching for

1 kidnapping; weren't you?

2 A. No.

3 MS. THOMPSON: No further questions.

4 THE COURT: Done?

5 GENERAL NICHOLS: Nothing.

6 THE COURT: All right. You can step
7 down.

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

10 THE COURT: Let's take -- and it really
11 will be 15 this time, okay? 15.

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

14 THE COURT: 15 minutes.

15 (Short break.)

16 THE COURT: All right. They're calling
17 for the jury now.

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

21 THE COURT: Be seated, please. Call your
22 next witness for the State.

23 GENERAL CHRISTENSEN: Your Honor, the
24 State calls Anthony Phoenix.

25 THE COURT: Raise your right hand,

1 please.

2 (The witness was sworn.)

3 THE COURT: Be seated. State your name,
4 first and last, and spell it for the benefit of the
5 court reporter.

6 THE WITNESS: Anthony Phoenix,
7 A-N-T-H-O-N-Y P-H-O-E-N-I-X.

8 THE COURT: Proceed.

9 GENERAL CHRISTENSEN: Thank you, Judge.

10

11 * * *

12 ANTHONY PHOENIX,
13 was called as a witness and having first been duly
14 sworn testified as follows:

15

16 DIRECT EXAMINATION

17 QUESTIONS BY GENERAL CHRISTENSEN:

18 Q. Good morning, Anthony.

19 A. Morning. How are you?

20 Q. You've come a long way to get here today,
21 huh?

22 A. Yes, sir.

23 Q. You don't have to give us an exact address,
24 but where are you living at?

25 A. Texas.

1 Q. Living in Texas. What are you doing in
2 Texas?
3 A. I weld.
4 Q. And you working quite a bit these days;
5 aren't you?
6 A. Yes, sir, about -- about 110 hours a week.
7 Q. 110 hours a week. So you're losing some cash
8 being here with us today, right?
9 A. A little bit.
10 Q. You have a girlfriend there in Texas, too,
11 right?
12 A. Yeah.
13 Q. How is she doing?
14 A. Good.
15 Q. How old are you?
16 A. 32.
17 Q. 32-years-old. And things are going pretty
18 well for you now, right?
19 A. Yes, sir.
20 Q. But things haven't always gone this well for
21 you; is that correct?
22 A. That's correct.
23 Q. You used to live back in Decatur County at
24 some point, right?
25 A. Yes.

1 Q. Where in Decatur did you live?

2 A. A few places, but Parsons.

3 Q. In Parsons. About when was that? Was it
4 around 2010, '11, in that area?

5 A. Yes, sir. I didn't move to Texas until 2016,
6 last year.

7 Q. Okay. So before that, were you pretty much a
8 life-long resident of that area? I am calling it
9 Decatur County, but that general area?

10 A. That and the penitentiary.

11 Q. That and the penitentiary. Tell us a little
12 bit about that. Tell us a little bit about the
13 problems you had in this area.

14 A. I had a drug problem.

15 Q. Okay.

16 A. And no funds to help me with my drug problem.
17 So crime was a recurring offense.

18 Q. All right. So you -- so you had to steal
19 stuff to get money to feed your drug habit?

20 A. Yes, sir.

21 Q. And did you get arrested sometimes for those
22 things, stealing things and drugs?

23 A. Yes, sir.

24 Q. And you're on parole now, correct?

25 A. Yes, sir.

1 Q. What are you on parole for now?
2 A. Promotion and manufacturing and some theft
3 charges.
4 Q. Okay. Methamphetamine?
5 A. Yes, sir.
6 Q. Okay. Do you know -- do you know I always
7 want to -- Shane? Do you know Shane --
8 A. Yes.
9 Q. -- Austin?
10 A. Yes, sir.
11 Q. Did you know him pretty well?
12 A. Not too well but I --
13 Q. You know Dylan -- I'm sorry.
14 A. Not too well, but I knew him.
15 Q. Do you know Dylan Adams?
16 A. Yes, sir.
17 Q. Did you know Jason Autry?
18 A. Not too well, but I knew him.
19 Q. Did y'all kind of run sort of in the same
20 circles back then?
21 A. I ran with some people he ran with.
22 Q. Okay.
23 A. We didn't necessarily run together but --
24 Q. All right. Do you know Zach Adams?
25 A. I did.

1 Q. Do you see Zach Adams in the courtroom today?

2 A. I do.

3 Q. Can you point him out and tell us what he's
4 wearing?

5 A. Gray suit. (Pointed.)

6 THE COURT: For the record, are you
7 referring to -- well, I guess there's really not but
8 one gray suit.

9 MR. GONZALEZ: Not quite.

10 THE COURT: For the record the defendant.
11 That's not gray, is it?

12 BY GENERAL CHRISTENSEN:

13 Q. Did you know the Bobo family?

14 A. I did. My foster dad taught school with
15 Ms. Karen.

16 Q. Did you know Holly Bobo or knew of her?

17 A. Yes. Not personally, but yes.

18 Q. Do you remember on or about, you know, April
19 the 13th?

20 A. Yes.

21 Q. 2011?

22 A. Yes.

23 Q. Do you remember when Holly went missing?

24 A. Yes, sir.

25 Q. Where were you when Holly went missing?

1 A. I was in jail.

2 Q. Okay. What were you thinking when you were
3 in jail when you heard she went missing?

4 A. Actually, the first words that came out of my
5 mouth was I wonder where Zach was.

6 Q. Now, tell us a little bit about what you and
7 Zach used to do back in those days.

8 A. Get high.

9 Q. You were getting high?

10 A. We used to get high and whatever we could do
11 to afford that.

12 Q. Now, you said that you immediately wondered
13 where Zach was when you heard Holly went missing,
14 right?

15 A. Yes, sir.

16 Q. Do you remember -- well, you got out of jail
17 at some point, right?

18 A. Yes, sir.

19 Q. When was that, if you remember?

20 A. I'm not for sure. I was -- I was doing an
21 11/29, so maybe -- I don't know, maybe October.

22 Q. Okay. When you got out in October, did you
23 stay in Decatur County, in that area?

24 A. I did.

25 Q. Did you get back together with Zach?

1 A. I did.

2 Q. Y'all kept hanging out?

3 A. Yes, sir.

4 Q. Do you remember his demeanor whenever the
5 subject -- cause -- and correct me if I am wrong.
6 But the subject of Holly Bobo going missing, was that
7 a pretty big --

8 A. Yes.

9 Q. -- event in Decatur County?

10 A. Yes.

11 Q. And do you remember what his demeanor was
12 whenever that would come up?

13 A. Yes. Sketchy.

14 Q. Sketchy. What do you mean by sketchy?

15 A. Nervous. Well, for instance I was over there
16 one day, and it was quite of few of us over there,
17 but somebody -- I had --

18 MS. THOMPSON: Objection to any kind of
19 hearsay, Your Honor.

20 THE COURT: You can't say what someone
21 said to you. You can say what you did in response to
22 something that was said to you.

23 THE WITNESS: Okay. So I brought up the
24 fact that Holly Bobo was missing, and Zach proceeded
25 to clear the whole house out.

1 BY GENERAL CHRISTENSEN:

2 Q. So was this Zach's house?

3 A. Yes.

4 Q. Were a lot of people over there?

5 A. Yes.

6 Q. And somebody said something about the
7 investigation. Is that the way it went?

8 A. Yes.

9 Q. And his reaction was what?

10 A. Cleaned the house out.

11 Q. Including yourself?

12 A. Yes.

13 Q. Now, you've indicated that you know -- do you
14 know Karen Bobo or do you know who she is? You said
15 you know the Bobo family. Do you know specifically
16 who Karen Bobo is?

17 A. Yes, sir.

18 Q. Do you remember another time when you were
19 talking to Zach, did he mention to you something
20 about a meeting with Ms. Bobo?

21 A. Yes.

22 Q. Tell us about that.

23 A. He mentioned that he had met with Ms. Karen
24 and was real concerned whether or not she believed
25 what he told her. And said he gave her a hug and

1 asked did I think that meant that she believed him.
2 And, of course, you know, what I told him was well,
3 how the fuck would I know? I wasn't there.

4 Q. Okay.

5 A. But he was real, real concerned with his
6 innocence.

7 Q. So he had met with Ms. Bobo, and she was
8 trying to sort of investigate the case. Was that
9 your impression?

10 A. I mean, I didn't -- I don't know why he met
11 with Ms. Bobo.

12 Q. Okay. But he was concerned that the hug --
13 did he say that they hugged?

14 A. Yeah, when he left, he hugged her.

15 Q. And he was worried if that had convinced her
16 of his innocence --

17 A. Yes.

18 Q. -- correct?

19 A. Yes.

20 Q. Did -- at this time, were you even aware if
21 that meeting had actually taken place or did you even
22 know?

23 A. No, I wasn't aware of anything.

24 Q. So Zach just offered that information to you?

25 A. Right.

1 Q. Now, after that -- and you've already
2 indicated that you guys, you and Zach, would -- you
3 had a drug problem?

4 A. Right.

5 Q. And y'all would drive around looking
6 basically for money to sort of fuel the drug problem,
7 correct?

8 A. Correct.

9 Q. Was there a time when you were doing that
10 that you can recall after that, after he mentioned
11 Ms. Bobo?

12 A. Yes, sir. The night before I went to jail we
13 were actually riding around. Whether or not we was
14 looking for something to steal or just keeping our
15 eyes open for something to get, I don't remember.
16 But he made the comment about -- something along the
17 lines of let's rape this bitch, and I looked at him.
18 Of course, I was turning the radio up. I was trying
19 to get him to go pick these four-wheelers up that I
20 had stolen. And I would turn the radio up every time
21 I talked, and he would turn it down. And he made
22 that comment, and I just looked at him.

23 And I said, well, what's this got to do with
24 what we're trying to do right now, and I turned the
25 radio back up. He turned it back down and just kept

1 talking and was like, I couldn't have picked a
2 prettier bitch. And I just -- and right then, it
3 kind of clicked to me, and I told him, well, I don't
4 want to hear about it. And he said something in
5 between that, but in the end, he made the comment
6 that it sure was fun.

7 Q. And did that shock you?

8 A. Did it shock me? No.

9 Q. Okay. So he said -- and was there any doubt?
10 Because at this point, you've already indicated he
11 was paranoid whenever something about Holly Bobo
12 would come up, right?

13 A. Yes.

14 Q. And you've already indicated that he was
15 concerned whether or not he had convinced Ms. Bobo --

16 A. Yes.

17 Q. -- of his innocence, correct?

18 A. Yes, sir.

19 Q. And then you're driving down the road, and he
20 just comes out, let's rape this bitch, right?

21 A. Yes, sir.

22 Q. And then he says, I couldn't have picked a
23 prettier bitch, correct?

24 A. Yeah.

25 Q. And then he said something else that you

1 couldn't -- you don't remember exactly what that was?

2 A. No, sir.

3 Q. And then he said it was fun?

4 A. (Nodded head affirmatively.)

5 Q. Is there -- is there any doubt in your mind,
6 Mr. Phoenix, that he was talking about Holly Bobo --

7 A. None.

8 Q. -- when he was -- when he said that?

9 A. None.

10 Q. Thank you, Mr. Phoenix.

11 GENERAL CHRISTENSEN: No further
12 questions.

13 THE COURT: All right.
14 Cross-examination.

15

16 CROSS-EXAMINATION

17 QUESTIONS BY MS. THOMPSON:

18 Q. Hello, Mr. Phoenix. My name is Jennifer
19 Thompson. I am Mr. Adams' attorney. Now, you gave
20 some statements to the police regarding what
21 Mr. Adams said; didn't you?

22 A. Yes.

23 Q. Okay. One of the statements that you gave
24 was in March of 2014, March 1st.

25 A. Okay.

1 Q. And another statement that you gave was March
2 5th of 2014.

3 A. Okay.

4 Q. Does that sound about right?

5 A. Yes.

6 Q. Both of those were after Mr. Adams had been
7 arrested?

8 A. Yes.

9 Q. Okay. Matter of fact, at one time you were
10 fairly good friends with Mr. Adams; weren't you?

11 A. Yes.

12 Q. Okay. You were -- spent some time at his
13 house even, living at his house; didn't you?

14 A. I don't know about living, but I spent some
15 time there.

16 Q. Spent the night at his house?

17 A. Yes.

18 Q. Slept over?

19 A. Yes.

20 Q. Okay. And also you have a past conviction
21 for theft, theft over a thousand dollars. You got a
22 two-year sentence on that; didn't you?

23 A. Yes, ma'am, I have all kinds of past
24 convictions.

25 Q. Okay.

1 MS. THOMPSON: And I would like to at
2 this time pass this up. See, I'd like to pass this
3 to you, see if this -- ooh -- reflects the conviction
4 you had.

5 GENERAL CHRISTENSEN: Judge, I think he's
6 admitting to his convictions.

7 MS. THOMPSON: Well, I would like to go
8 ahead and put that into evidence, Your Honor, then.
9 It's a certified copy of his conviction.

10 GENERAL CHRISTENSEN: It's not really
11 admissible. He's not denying it.

12 THE COURT: He's just admitted it.

13 MS. THOMPSON: I know, Your Honor. It's
14 just a certified copy.

15 THE COURT: Why do you need to file a
16 certified copy if he's admitted it?

17 MS. THOMPSON: Well, it's for the record,
18 Your Honor. Just trying to make a complete record.

19 GENERAL CHRISTENSEN: It's on the record.

20 THE COURT: The record clearly
21 established that he admitted a theft over a thousand
22 dollars and two-year sentence. Plus he said, I've
23 got all kinds of other convictions. It doesn't come
24 in.

25 MS. THOMPSON: May I have this marked for

1 identification, Your Honor? And I would like just to
2 make it a part of the record as a proffer, an offer
3 of proof.

4 THE COURT: Sure. Be Exhibit 213. Will
5 not be passed to the jury.

6 (WHEREUPON, the previously mentioned
7 document was marked for identification as Exhibit
8 Number 213.)

9 BY MS. THOMPSON:

10 Q. And these times when you were around
11 Mr. Adams, you had also been using drugs of course?

12 A. Yes, ma'am.

13 Q. Okay. And you were using meth; isn't that
14 right?

15 A. Yes, ma'am.

16 Q. What other drugs were you using at the time?

17 A. Meth.

18 Q. And you and Mr. Adams were meth buddies;
19 weren't you?

20 A. Yes.

21 Q. And Mr. Adams was a big talker when he would
22 get high on meth; wasn't he?

23 A. No.

24 Q. He was not a big talker?

25 A. No.

1 Q. Okay. And the times that he was saying these
2 things, you of course were stoned, too; weren't you?

3 A. Yes.

4 Q. You were high?

5 A. Yes. Not stoned. High.

6 Q. Okay. Is there a difference to you?

7 A. Yes.

8 Q. Okay. So you say the time that somebody
9 mentioned Holly Bobo, Mr. Adams -- or times when
10 people would mention Holly Bobo, Mr. Adams would get
11 a funny look on his face. Can you describe that?

12 A. I didn't say anything about a funny look.

13 Q. I thought you said he had a sketchy demeanor?

14 A. Right.

15 Q. Okay. Can you describe what a sketchy
16 demeanor means to you?

17 A. Paranoid.

18 Q. Paranoid. So paranoid, what does that mean
19 to you?

20 A. What's the definition?

21 Q. Well, I am asking you what's your definition
22 of paranoid?

23 A. Something to hide.

24 Q. Okay. So how did he have a sketchy, paranoid
25 demeanor? What were some of the things he would do?

1 What were his physical actions?

2 A. Well, if we were having a good time, we
3 wouldn't be. Like I said, there were six, seven of
4 us at the house, having a good time. Everybody got
5 to leave now.

6 Q. Okay. So at some point, he just says, you
7 know what, I am done with the party, everybody out?

8 A. No, not at some point. At the point I
9 mentioned Holly Bobo.

10 Q. Okay. He says everybody out of the house?

11 A. Yes.

12 Q. Okay.

13 A. Okay what?

14 Q. Anything else?

15 A. No.

16 Q. No? Okay. And when you say that you-all
17 were riding around together -- and you're in your
18 car, is that right, when he's talking about rape?

19 A. No, we're in his truck.

20 Q. Okay. In his truck. And the music's on?

21 A. Yeah.

22 Q. Now, he never specifically said Holly Bobo;
23 did he?

24 A. No.

25 Q. Okay. And that's something that you've

1 assumed he meant?

2 A. Yes.

3 Q. Okay. And you know that at some point your
4 name came up in this investigation as you being
5 possibly involved?

6 A. Too bad. I was locked up.

7 Q. That's fortunate for you; isn't it?

8 A. Yes, ma'am.

9 Q. But you're aware that your name did come up
10 as you being possibly involved?

11 A. No, but not something I would do high or
12 sober.

13 Q. But I'm not asking about that. You knew that
14 at different points, different people, rumors were
15 that you had been involved?

16 A. No.

17 Q. No?

18 A. No.

19 Q. You weren't aware of those rumors?

20 A. No.

21 Q. Okay.

22 MS. THOMPSON: If I can have a minute?

23 BY MS. THOMPSON:

24 Q. Now, when he was -- you say Mr. Adams said
25 something about rape. It was future tense. He's --

1 you're saying today he said, "Let's rape this bitch";
2 is that right?

3 A. Yes.

4 Q. So it was future tense, not past tense?

5 A. If that's what you want -- I don't know. He
6 said, "Let's rape this bitch". So whether it was
7 future or past, I don't know.

8 Q. Okay. And then when he said, "I couldn't
9 have picked a prettier bitch. It sure was fun", he
10 didn't specifically say anything in that sentence
11 about rape; did he?

12 A. In the -- no, not in that sentence.

13 Q. Okay.

14 MS. THOMPSON: No further questions, Your
15 Honor.

16 THE COURT: Anything else?

17 GENERAL CHRISTENSEN: Just a couple,
18 Judge.

19 THE COURT: Okay.

20

21 REDIRECT EXAMINATION

22 QUESTIONS BY GENERAL CHRISTENSEN:

23 Q. You've come up here all the way from Texas to
24 tell the truth today, right?

25 A. Yes, sir.

1 Q. And you've told us about your background?

2 A. Yes.

3 Q. But you're doing much better today, right?

4 A. Yes.

5 Q. Is there any doubt in your mind when you're
6 driving around with this man you've identified as
7 Zach Adams, given the entire context of everything
8 you knew about him, when he said, "Let's rape this
9 bitch," then he said, "I couldn't have picked a
10 prettier bitch. It was fun," that he was talking
11 about the rape and murder of Holly Bobo?

12 A. No, sir.

13 GENERAL CHRISTENSEN: Nothing further,
14 Judge.

15

16 RECROSS EXAMINATION

17 QUESTIONS BY MS. THOMPSON:

18 Q. So after he said that, Mr. Adams made those
19 statements, you were so concerned and so convinced he
20 meant Holly Bobo, you booted him out of -- or you
21 jumped out of the truck, and you went straight to the
22 police and told them about this; didn't you?

23 A. Do you have it on paper that I did? No, I
24 didn't.

25 Q. Okay.

1 MS. THOMPSON: No further questions.

2 THE COURT: All right. Done?

3 GENERAL CHRISTENSEN: Yes, sir.

4 THE COURT: You can step down. Please
5 don't discuss the testimony you've given in the
6 courtroom.

7 THE WITNESS: Yes, sir.

8 THE COURT: You're excused. Call your
9 next.

10 (WHEREUPON, the witness was excused from
11 the stand and left the courtroom.)

12 GENERAL RAGLAND: One moment, Your Honor.
13 Jamie Darnell, the State calls Jamie Darnell.

14 (The witness was sworn.)

15 THE COURT: Be seated in that chair.
16 State your first and last name, and spell them for
17 the court reporter, please.

18 THE WITNESS: Jamie Darnell, J-A-M-I-E
19 D-A-R-N-E-L-L.

20 THE COURT: Thank you. Proceed.

21

22 * * *

23 JAMIE DARNELL,
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. Mr. Darnell, you're going to need to speak
5 into that because you're kind of soft spoken. Speak
6 directly into that microphone, okay?

7 A. Yes, sir.

8 Q. Mr. Darnell, I'm not going to ask you where
9 you live. But what area do you live in?

10 A. North end of the county.

11 Q. Speak into that microphone.

12 A. North end of Decatur County.

13 Q. Northern Decatur County?

14 A. Yes, sir.

15 Q. How long have you lived in Northern Decatur
16 County?

17 A. Pretty much my whole life.

18 Q. Do you know a man named Zachary Adams?

19 A. Yes, sir.

20 Q. Do you see Mr. Adams in the courtroom?

21 A. Yes, sir.

22 Q. Point him out, please.

23 A. (Pointed.)

24 GENERAL RAGLAND: And I will say let the
25 record reflect --

1 THE COURT: For the record, the
2 defendant.

3 BY GENERAL RAGLAND:

4 Q. How long have you known Mr. Adams?

5 A. Pretty much his whole life. We -- I mean,
6 since he was about five, he started riding the --
7 riding the bus, same school bus that I did.

8 Q. You rode the same school bus as he did?

9 A. Yes, sir.

10 Q. Are you familiar with the case that has been
11 known as the Holly Bobo case from April of 2011?

12 A. Yes, sir.

13 Q. Do you know that because you live in Decatur
14 County?

15 A. Yes, sir.

16 Q. Fair to say that was big news in Decatur
17 County?

18 A. Yes, sir, it was.

19 Q. Did you know Ms. Holly Bobo?

20 A. No, sir.

21 Q. Do you know any of her family?

22 A. Ms. Bobo taught fourth grade.

23 Q. You know Ms. Karen Bobo?

24 A. Yes, sir.

25 Q. Is she a school teacher?

1 A. Yes, sir.

2 Q. I want to take you to July 2012. Did you own
3 or have a home in Decatur County?

4 A. Yes, sir, Yellow Springs Road.

5 Q. And did Mr. Zach Adams come to your house in
6 July of 2012?

7 A. Yes, sir.

8 Q. Tell this jury what happened in July of 2012
9 when Zach Adams came to your house.

10 A. He came over to the house one night, and it
11 was -- he was feeling pretty good, you know, and he
12 wanted to go to the bathroom and share some drugs
13 with me. We went to the bathroom --

14 Q. Let me interrupt you. You say he was feeling
15 pretty good. What do you mean by that? What did you
16 observe about him that night, Mr. Darnell?

17 A. It seemed like he was just wound up. Like he
18 had -- you know, energetic and stuff, you know.

19 Q. You think he was under the influence of
20 drugs?

21 A. Yes, sir.

22 Q. All right. You went into the bathroom?

23 A. Yes, sir, he approached me with a -- with a
24 syringe and wanted to shoot me up with some meth, and
25 I refused. I didn't -- I don't like -- I don't do

1 the needle thing. Never have.

2 Q. And you used drugs, though? You did use
3 drugs, correct?

4 A. Yes, sir.

5 Q. You're not proud of that; are you?

6 A. No, sir, not at all. Not at all.

7 Q. Did you do methamphetamine?

8 A. Yes, sir.

9 Q. You didn't do it with a needle, though; did
10 you?

11 A. No, sir.

12 Q. You don't like needle dope; do you?

13 A. No, sir.

14 Q. Is that what Mr. Adams wanted to do that
15 night?

16 A. Yes, sir.

17 Q. All right. I interrupted you. Go ahead
18 about what's going on that afternoon.

19 A. Well, he wanted -- you know, wanted to do
20 that, and, you know, I was trying to get it the other
21 way, any other way than the needle. He got -- seemed
22 like he got agitated. Kind of upset him a little
23 bit.

24 Q. Mr. Adams got agitated and upset?

25 A. Yes, sir.

1 Q. You need to speak up, Mr. Darnell.

2 A. I'm sorry.

3 Q. Look back -- look at the jury. Speak into
4 that microphone, okay?

5 A. Yeah, he act -- seemed like he got upset and
6 kind of bothered over it. Like a -- you know, like
7 he -- like he was offended or something.

8 Q. Did you think he was mad at you, because you
9 wouldn't do the needle dope with him?

10 A. Yes, sir, seemed like he was. Seemed like it
11 was -- you know, bothered him. He showed me --

12 Q. You didn't do the needle dope?

13 A. No, sir. He showed me a knife that he had
14 and kind of -- I was kind of like intimidated by it.
15 Since he was, you know, trying to intimidate me with
16 it. I asked him to look at it, and I was checking it
17 out and asked him how much he would take for it. He
18 told me that if I knew what that knife had done, that
19 I would probably be afraid of holding the knife. I
20 was like, does it involve what I think it is, and he
21 just smiled, and I gave it back to him.

22 Q. What were you talking about? The Holly Bobo
23 case?

24 A. Yes, sir.

25 Q. So you didn't get that knife?

1 A. No, sir. No, sir, I gave it back
2 immediately. He -- we proceeded outside the
3 bathroom. As we walked out of the bathroom, he -- my
4 girlfriend at the time was sitting on the couch,
5 watching TV, facing the open door. It was hot, you
6 know.

7 Q. Open door, is that the front door, back
8 door --

9 A. Front door --

10 Q. -- side door?

11 A. - yes, sir. Yes, sir, front door. I
12 didn't know -- I didn't even know he had a pistol
13 with him. He pulled the pistol out and shot it right
14 over the top of her head out the front door. I took
15 the gun from him.

16 Q. Mr. Adams shot that gun?

17 A. Yes, sir.

18 Q. Over the top of the girlfriend's head out the
19 front door?

20 A. Yes, sir, I mean, like a foot over the top of
21 her head. It was -- it was close.

22 Q. Did you know he had a gun?

23 A. No, sir.

24 Q. What happened after he shot the gun over your
25 girlfriend's head out the front door?

1 A. I kind of pushed the gun down toward the
2 floor into -- kind of -- the side door that led
3 outside was to his right. So I kind of pushed the
4 door -- pushed the gun down and walked him toward the
5 door, and told him, you know, you can't be doing
6 that, acting like that in my house. You know, he
7 couldn't be doing stuff like that.

8 Q. It scare you?

9 A. Yes, sir.

10 Q. Surprise you?

11 A. Yes, sir.

12 Q. What was Mr. Adams -- what his emotional
13 state while he had this condition he was in that you
14 described and after he had shot that gun over your
15 girlfriend's head out the front door?

16 A. After he -- after he -- after he did that, as
17 soon as we made the -- made the exit of the house, he
18 kind of -- he broke down and started crying. He -- I
19 took the gun from him, and he was crying. He was
20 apologetic, you know. He immediately started
21 apologizing for what he was doing.

22 Q. When he was crying and apologetic for what he
23 was doing, where were you-all standing?

24 A. We were standing on the -- it would be the
25 west side of the house at the time on the -- by the

1 side door.

2 Q. Outside?

3 A. Yes, sir.

4 Q. Do you know why he was crying?

5 A. Looked like he just had -- having a
6 breakdown. Like he just, you know, finally at wits'
7 end or something. I really couldn't tell. Kind of
8 remorseful I guess it was for what he had done, you
9 know. For --- you know, for the gunshot and
10 everything.

11 Q. What did you tell him that night after that
12 gunshot about things?

13 A. I told him that he couldn't -- I couldn't be
14 having him come back around to the house like that,
15 acting like that. You know, I got my kids coming
16 over and stuff, and, you know, he just -- I didn't
17 want any kind of trouble. You know, didn't want --
18 didn't want stuff like that happening in the house.
19 You know, I tried to handle it -- get close the best
20 that I could. You know, I didn't -- he had -- he has
21 a reputation of, you know, a guy you don't want to
22 make mad at you, you know. So you just kind of --
23 can't be forceful with running somebody like that off
24 your house. So I kind of pampered it the best I
25 could, you know. I told him that until he cleared

1 his name of everything, all the accusations and
2 everything, he wasn't welcome back home -- or back to
3 my house. He said that --

4 Q. So let me make sure I understand. You've got
5 to speak up.

6 A. I'm -- I'm sorry.

7 Q. You're kind of nervous. You're nervous,
8 aren't you?

9 A. Yes, sir.

10 Q. You're also shy?

11 A. Yes, sir.

12 Q. He had been crying?

13 GENERAL NICHOLS: Somebody just turned
14 the heat on.

15 GENERAL RAGLAND: Smells like they turned
16 the heat on.

17 THE COURT: You smell something?

18 MS. JONES: Something's burning.

19 GENERAL NICHOLS: We do, too.

20 MS. JONES: Is the heat on?

21 GENERAL NICHOLS: It's like they've
22 turned the heat on.

23 GENERAL CHRISTENSEN: Smells like they
24 turned the heater on.

25 THE COURT: The heat?

1 GENERAL NICHOLS: I'm tell -- it smells
2 like that back here.

3 THE COURT: I smell it. What's going on?
4 It's the heat. I think it's back on. No?

5 GENERAL NICHOLS: Can we take a
6 five-minute?

7 THE COURT: Let's just go ahead and take
8 lunch recess until we can get our climate figured
9 out, okay? It's one thing if we get a little warm.
10 It's something else if they're turning the heat on.
11 It might be a few minutes before your lunch comes in.
12 We'll take right at an hour, though.

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

15 THE COURT: All right. We're going to
16 take about an hour. Hopefully, we'll have this
17 figured out. You can step down. Do not discuss your
18 testimony, okay?

19 THE WITNESS: Yes, sir.

20 THE COURT: All right.

21 GENERAL RAGLAND: One hour, Mr. Darnell.

22 THE COURT: All right. We'll recess for
23 right at an hour. Maybe slightly -- he said about a
24 quarter of before they were going to bring their
25 lunch. So somewhere around there.

1 (LUNCH BREAK.)

2 THE COURT: I've sent for the jury.

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

6 THE COURT: Be seated. You want to
7 get -- you want to get Mr. Darnell, the witness, back
8 in here?

9 You speak softly, and you kind of mumble a
10 little. So try as best you can to raise your voice
11 and talk clearly, okay?

12 THE WITNESS: Yes, sir.

13 THE COURT: All right. Thank you. You
14 were placed under oath, and then we had to take an
15 early lunch because of our heating and cooling
16 problem. So they're going to now continue with your
17 direct examination.

18 THE WITNESS: Yes, sir.

19 BY GENERAL RAGLAND:

20 Q. All right. Mr. Darnell, as the judge just
21 said, I talk fast. You talk fast. And that's not an
22 a good combination.

23 A. No, sir.

24 Q. And it's important for you to look up and
25 speak in that microphone and speak to the jury.

1 Also, I want you to understand this lady sitting here
2 in front of you, our court reporter, it's important
3 for her to hear you. So don't mumble. Don't nod.
4 Just answer the question.

5 A. Yes, sir.

6 Q. Have you got any questions for me? Do you
7 understand?

8 A. Yes, sir.

9 Q. All right. Now, before we went to lunch, it
10 got awfully hot in here.

11 A. Yes, sir.

12 Q. And we got distracting because of when the
13 heat came on, but it's a lot cooler now. I think
14 we're all in better shape. You ready to go?

15 A. Yes, sir.

16 Q. You've had some illness problems. You were
17 kind of -- you've taken care of that today, right?

18 A. I believe I got it under control.

19 Q. All right. You ready to go? You feel good?

20 A. Yes, sir.

21 Q. All right. Let's go back just a little bit.
22 You and Mr. Adams came out of that bathroom at your
23 house, and he shot the gun over your girlfriend's
24 head out the front door, right?

25 A. Yes, sir.

1 Q. Now, tell the jury, slow and don't mumble,
2 what happened after he shot that gun.

3 A. Well, I pushed the gun down toward -- toward
4 the ground.

5 Q. Talk slow.

6 A. I pushed the gun toward the ground and
7 kind -- pushed him in the same motion towards the
8 exit to where the side door -- to outside and asked
9 him what was going on, you know, what was he
10 thinking, you know. And he broke down and started
11 crying. And he was apologetic, you know, over what
12 he -- over shooting the gun. And I told him that I
13 couldn't have him coming back around the house, you
14 know, acting like that and behaving like that. My
15 kids and stuff coming in and out. And --

16 Q. I can't hear you, Mr. Darnell.

17 A. I'm sorry.

18 Q. I'm standing back that at the edge of the
19 jury box. So it's okay. Just speak up. And that
20 microphone will pick it up, so get a little closer to
21 it.

22 A. And he was apologetic, you know, of
23 everything that he just -- what just happened. He
24 took -- I told him I couldn't have him coming back
25 over to at my house, you know, behaving like that

1 with the, you know, kids and everything. I told him
2 that he's more than welcome to come back after he's
3 cleared his name of everything that was going on and
4 everything that he was being accused of,¹ you know, in
5 the neighborhood and the community and whatnot.

6 Q. And you told him he needed to clear his name?

7 A. Yes, sir.

8 Q. What did you mean when you told him he needed
9 to clear his name?

10 A. Of the rumors and the -- that was going
11 around of, you know, whether -- the speculations of
12 Bobo case, of everything that was going on. It was a
13 hot topic at the time around the area.

14 Q. So you told him he needed to clear his name
15 about his involvement in the Holly Bobo --

16 A. Yes, sir.

17 Q. -- kidnapping, rape, and murder?

18 A. Yes, sir.

19 Q. What did Mr. Adams say after you told him he
20 needed to clear his name?

21 A. He said that he couldn't do that. He was too
22 far involved into it, and there was no way he
23 could -- he could do that. That he --

24 Q. Did he tell you he knew what had happened to
25 Ms. Bobo?

1 A. No, sir, not -- not that I can recollect.

2 Q. But he told you he was too deep into it?

3 A. Yes, sir.

4 Q. Did he talk about his drug use?

5 A. He showed me the marks, the drag marks, I

6 think they call it, on his arms where he had been --

7 he said this is what meth and morphine does to you,

8 and he had bruises all over his arms and stuff where

9 he had been shooting it up.

10 Q. You said -- what did you say, drag marks?

11 A. Yes, sir.

12 Q. What is that?

13 A. It's like bruises. It's like a -- like

14 spots, you know.

15 Q. Show the jury where on his arm -- where on

16 your arms he was pointing on his arms, what you saw

17 on his arms.

18 A. The bend -- the bend of his elbow on the

19 inside of his arm.

20 Q. Inside right here?

21 A. Yes, sir, on this side of his arm. The bend

22 of the elbow and stuff. It was pretty bad.

23 Q. Did he tell you what it made him? How it

24 made him act?

25 A. I didn't -- no, but I could tell by the way

1 he was acting that night in particular that it wasn't
2 a good combination. It wasn't -- it wasn't good
3 for -- it wasn't good for anybody. I mean, it was --
4 he was acting really crazy.

5 Q. Mr. Darnell, was there any question in your
6 mind to what you-all were talking about that night
7 was Mr. Adams' involvement in the Holly Bobo case?

8 A. Could you -- could you elaborate, please?

9 Q. You understood you-all were talking about the
10 Holly Bobo?

11 A. Yes, sir.

12 Q. Did you ever have anything to do with
13 Mr. Adams after that night he wanted you to do needle
14 dope and shot that gun out your house?

15 A. Not that I can recollect. I think -- I think
16 he honored my wish by not coming back around. Best I
17 can remember he didn't. If he -- maybe something in
18 the passing. You know, seeing him at the gas station
19 or something. But as far as coming back over, I
20 don't think he did.

21 Q. No more socializing?

22 A. No, sir.

23 Q. Mr. Darnell, you've had a little trouble in
24 the past with the law, right?

25 A. Yes, sir.

1 Q. Aggravated burglary conviction?

2 A. Yes, sir.

3 Q. Misdemeanor conviction?

4 A. Yes, sir.

5 Q. That aggravated burglary was when you were
6 how old?

7 A. 18.

8 Q. How old are you?

9 A. 30 -- 40. I turned 40 last Monday.

10 Q. 40?

11 A. Yes, sir.

12 Q. That felony was 22 years ago?

13 A. Yes, sir.

14 GENERAL RAGLAND: Pass the witness, Your
15 Honor.

16 THE COURT: Cross.

17

18 CROSS-EXAMINATION

19 QUESTIONS BY MS. THOMPSON:

20 Q. Now, Mr. Darnell, you remember speaking with
21 one of my investigators -- or two of my
22 investigators, Amber Treat and Sarah Dunsing; don't
23 you?

24 A. Yes, ma'am.

25 Q. One of them, the woman over there?

1 A. Yes, ma'am.

2 Q. And that was at your home, correct?

3 A. Yes, ma'am.

4 Q. That was June the 26th of this year?

5 A. Around about, yes, ma'am.

6 Q. Okay. And at that time, you remember
7 specifically telling them that you were not
8 testifying solely for -- not simply to do the right
9 thing. That you were also interested in the reward;
10 didn't you?

11 A. I told them that -- I told them that I wasn't
12 like everyone else and saying that I wasn't
13 interested in the money, because, you know, who
14 wouldn't be, you know?

15 Q. Right. And you told her that the State would
16 decide -- would divide the money up amongst the
17 people that testified against Mr. Adams?

18 A. No, ma'am. I told them that what -- word
19 that I heard from the, you know, people around the
20 community. It's a small neighborhood. Everyone
21 talks, and that's what, you know, where it is.
22 Everyone split it up, you know, a hundred, two
23 hundred people, whatever.

24 Q. But amongst those people that help convict
25 Mr. Adams?

1 A. Yes, ma'am.

2 Q. Okay. The first time you told -- you've
3 talked to the police on several occasions in this
4 case; haven't you?

5 A. Yes, ma'am.

6 Q. First time you spoke to the police was on
7 March the 1st, 2014, after Mr. Adams was arrested;
8 wasn't it?

9 A. I guess. I couldn't tell you the exact date,
10 ma'am.

11 Q. Around then?

12 A. Yes, ma'am.

13 Q. And then you spoke to them again April the
14 11th of 2014?

15 A. Yes, ma'am.

16 Q. Okay. And then you spoke to them a third
17 time, which was September the 29th of 2014?

18 A. Yes, ma'am.

19 Q. Now, all of those times when you told your
20 story, you did not mention that your girlfriend was
21 standing in the doorway when Mr. Adams shot the gun;
22 did you?

23 A. She was sitting -- she was sitting on the
24 couch.

25 Q. Okay. So you didn't mention your girlfriend

1 was near the gunshot the first three times you told
2 the story; did you?

3 A. I didn't -- I didn't change the story none,
4 so.

5 Q. And I didn't mean to say the first three
6 times you told the story. The three times you spoke
7 to the police, you didn't mention that your
8 girlfriend was in the direction of the bullet; did
9 you?

10 A. I couldn't tell you.

11 Q. Okay. So that's a new fact that you added
12 later on?

13 A. No, ma'am.

14 Q. But it's -- it became new to the police
15 because they hadn't heard it before, right?

16 A. I couldn't -- couldn't tell you exactly
17 how -- you know, what I told -- what I said
18 word-for-word the first time, you know.

19 Q. Matter of fact, you gave a written statement
20 in this case?

21 A. (Nodded head affirmatively.)

22 Q. And I guess somebody else wrote it up for
23 you, and you signed it?

24 A. Yes, ma'am. I think -- I think I wrote one
25 myself, too.

1 Q. And you've had an opportunity to review that
2 statement?

3 A. Oh, yes, ma'am.

4 Q. And you would agree with me that your
5 girlfriend's not mentioned in that statement?

6 A. Not that I -- not that I recall.

7 Q. Okay. And you know Victor Dinsmore; don't
8 you?

9 A. Yes, ma'am.

10 Q. And you would say Mr. Dinsmore is a dishonest
11 person; wouldn't you?

12 GENERAL RAGLAND: Objection.

13 MS. THOMPSON: He knows --

14 GENERAL RAGLAND: I don't believe it's
15 relevant. I don't believe -- I don't believe it's
16 relevant.

17 THE COURT: One's opinion on someone
18 else's credibility is appropriate.

19 MS. THOMPSON: It's 607, Your Honor. It
20 has to do with impeachment and his reputation in the
21 community for honesty. And this witness has personal
22 knowledge about whether or not he's honest. 608, I'm
23 sorry. It's evidence of character and conduct of a
24 witness in specific instances of conduct and
25 impeaching somebody based on someone's opinion for

1 their honesty.

2 THE COURT: All right. Ask.

3 MS. THOMPSON: Okay.

4 BY MS. THOMPSON:

5 Q. You know Mr. Dinsmore, Victor Dinsmore; don't
6 you?

7 A. Yes, ma'am.

8 Q. And you would consider him a dishonest
9 person; wouldn't you?

10 A. Certain -- certain aspects of his life, yes,
11 ma'am.

12 Q. I mean, he stole some money from you; didn't
13 he?

14 A. In a round about way, yes, ma'am.

15 Q. Did he sell you a house he did not own?

16 A. Yes, ma'am.

17 Q. All right. And how much money did you pay
18 him for that house?

19 A. Right at 21,000.

20 Q. Okay. And turned out he didn't own it to
21 sell it to you; did he?

22 A. No, ma'am.

23 Q. And at one point, Mr. Dinsmore tried to rape
24 your ex-wife; didn't he?

25 A. I found out yesterday, yes, ma'am.

1 Q. Okay. So you wouldn't trust Mr. Dinsmore;
2 would you?

3 A. No, ma'am.

4 Q. Matter of fact, you look somewhat mad. Do
5 you dislike Mr. Dinsmore?

6 A. Yes, ma'am.

7 Q. Are you getting mad right now?

8 A. No, ma'am. Nervous.

9 Q. Nervous, okay.

10 A. Yes, ma'am.

11 Q. I'm sorry. Don't be nervous.

12 Now, after -- let's see -- specifically when
13 you were saying that you told Zach to clear up his
14 name, you were clear with the investigators that you
15 did not mention the name Holly Bobo to Zach when you
16 told him that; did you?

17 A. No, ma'am.

18 Q. Okay. You just said you need to clear up
19 your name and everything that's being said about you;
20 didn't you?

21 A. Clear your name of what's going on.

22 Q. And Zach simply replied he couldn't clear up
23 his name, he was in too deep?

24 A. Yes, ma'am.

25 Q. And this is right after he shot the gun in

1 your house; is that right?

2 A. Yes, ma'am.

3 Q. And you would admit with me -- agree with me
4 that he was high at the time he was shooting the gun?

5 A. Yes, ma'am.

6 Q. He had been using meth and other drugs?

7 A. Presumably, yes, ma'am.

8 Q. I'm sorry? I can't --

9 A. I think -- I think he was. He didn't -- you
10 know, he didn't do nothing in front of me. So, I
11 mean, you know.

12 Q. Okay. But he was certainly -- strike that.
13 So -- and when he responded to you, he did
14 not specifically say Holly Bobo's name; did he?

15 A. No, ma'am.

16 Q. You assumed that you both knew what you were
17 talking about; didn't you?

18 A. Yes, ma'am.

19 Q. Okay.

20 MS. THOMPSON: No further questions.

21 THE COURT: Anything else?

22

23 REDIRECT EXAMINATION

24 QUESTIONS BY GENERAL RAGLAND:

25 Q. You assumed he knew because that was big news

1 in that county?

2 A. Yes, sir. That's the only -- the only topic
3 going around. I mean, that was --

4 Q. And you thought he was involved?

5 A. Yes, sir.

6 Q. And that's why you told him to clear his
7 name?

8 A. Yes, sir.

9 Q. And he couldn't do it because he was in too
10 deep?

11 A. Yes, sir.

12 GENERAL RAGLAND: Thank you, Your Honor.

13 THE COURT: Done?

14 MS. THOMPSON: No further questions.

15 THE COURT: All right. Step down.

16 You're free to go. Please don't discuss any
17 testimony given in court.

18 THE WITNESS: Yes, sir.

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

21 THE COURT: Call your next.

22 GENERAL NICHOLS: Carl Stateler.

23 THE COURT: Raise your right hand,
24 please.

25 (The witness was sworn.)

1 THE COURT: I want you to sit down.
2 State your first and last name for the record, and
3 spell it for the court reporter, please.

4 THE WITNESS: All right. Carl Stateler,
5 C-A-R-L S-T-A-T-E-L-E-R.

6 THE COURT: Spell the last name again.

7 THE WITNESS: S-T-A-T-E-L-E-R.

8 THE COURT: Okay.

9 GENERAL NICHOLS: May I proceed?

10 THE COURT: You may.

11

12 * * *

13 **CARL STATELER,**
14 **was called as a witness and having first been duly**
15 **sworn testified as follows:**

16

17 **DIRECT EXAMINATION**

18 **QUESTIONS BY GENERAL NICHOLS:**

19 Q. Mr. Stateler, I want you to direct your
20 answers to the jury but keep your mouth -- I mean
21 keep your voice up, okay?

22 A. Yes, ma'am.

23 Q. And we can -- I'll pull it up because you're
24 kind of tall.

25 Where do you live?

1 A. Parsons, Tennessee.
2 Q. Okay. Speak up.
3 A. Parsons, Tennessee.
4 Q. There you go.
5 A. Sorry about that.
6 Q. They can hear you.
7 Did you grow up around there?
8 A. Yes, ma'am.
9 Q. Okay. And how old are you?
10 A. 28.
11 Q. Do you know a person by the name of
12 Zach Adams?
13 A. Yes, ma'am.
14 Q. Do you see him in the courtroom?
15 A. Yes, ma'am.
16 Q. Could you point him out, please?
17 A. (Pointed.)
18 THE COURT: For the record, the
19 defendant.
20 BY GENERAL NICHOLS:
21 Q. Okay. Do you know a person by the name
22 Shane Austin?
23 A. Yes, ma'am.
24 Q. And where is Shane Austin?
25 A. Dead from what I hear.

1 Q. Okay. What about Dylan Adams, do you know
2 him?

3 A. Incarcerated. Yeah.

4 Q. Okay. So you know all -- you know all of
5 those individuals. What about a guy named Shane --
6 excuse me -- Jason Autry.

7 A. Yes, ma'am.

8 Q. I want to draw -- take your attention back to
9 2011. Are you the same person today that you were
10 then?

11 A. No, ma'am.

12 Q. Are you working?

13 A. Yes, ma'am.

14 Q. Have you been working for several years?

15 A. Yes, ma'am.

16 Q. Stable?

17 A. Yes, ma'am.

18 Q. Back in the day, were you, I guess, not
19 living the same life you're living now?

20 A. Yes, ma'am.

21 Q. During that time, is that when you knew
22 Zach Adams and Shane Austin?

23 A. Yes, ma'am.

24 Q. Okay. And let me just ask you: Were you
25 sort of involved in the drug culture back then?

1 A. Yeah, I was just kind of just raised up in
2 the area, and that's all I ever known until I had
3 enough sense to get myself out of it.

4 Q. And you moved to Nashville?

5 A. Yes, ma'am.

6 Q. All right. Because other witnesses have been
7 asked, I want to ask you the same thing. Do you have
8 any felonies?

9 A. No, ma'am.

10 Q. Despite not having any felony convictions, do
11 you have some misdemeanors?

12 A. Yes, ma'am.

13 Q. Okay. So back in 2011, you said you knew
14 Zach Adams?

15 A. Yes, ma'am.

16 Q. Do you remember hearing that a young lady by
17 the name of Holly Bobo from Parsons had come up
18 missing?

19 A. Yes, ma'am.

20 Q. Okay. And was that big news in your town?

21 A. No.

22 Q. It was not big news?

23 A. I mean, it's just a person, another person
24 that come up missing around there, you know?

25 Q. Was it on the television?

1 A. Yes.

2 Q. Okay. And did you personally know anything
3 about that?

4 A. No.

5 Q. Okay. Did you know her?

6 A. No.

7 Q. Did you know her family?

8 A. No.

9 Q. Didn't know Karen Bobo; Clint Bobo, Holly's
10 brother; Dana Bobo, her father?

11 A. No, ma'am.

12 Q. Back in 2011, where did you live? Do you
13 remember?

14 A. Yeah, with Victor Dinsmore.

15 Q. Okay. And that was off of Yellow Springs
16 Road?

17 A. Yes, ma'am.

18 Q. Okay. Believe you were dating his daughter,
19 maybe?

20 A. Yes, ma'am.

21 Q. Okay. And the jury has seen a picture, the
22 aerial, of the Dinsmore house and the big shop, I
23 guess, that was out there.

24 Did you live there on a permanent basis or
25 were you sort of coming and going?

1 A. Coming and going.

2 Q. Okay. Now, did you have occasion after Holly
3 was reported as missing to ever have a discussion
4 with Zach Adams about that?

5 A. Will you repeat the question?

6 Q. Okay. That was kind of probably not an easy
7 question. The summer after Holly went missing -- she
8 went missing in April. So the summer after that, do
9 you recall a time when you were riding around in
10 Zach's truck with him?

11 A. Yes.

12 Q. Okay. And did he make a statement to you
13 about what you believed to be Holly Bobo and her
14 disappearance?

15 A. Yes, ma'am.

16 Q. Would you tell the jury what he said?

17 A. He said, "I let Shane hit it."

18 THE COURT: Said what?

19 THE WITNESS: "I let Shane hit it."

20 BY GENERAL NICHOLS:

21 Q. And what did you take that to mean?

22 A. The only thing that it could mean as far as I
23 knew Zach Adams was concerned and the Holly Bobo
24 disappearance.

25 Q. What did the word -- and you may not want to

1 say it, but what did --

2 A. Rape.

3 Q. Rape, all right. Did you ask him any
4 questions about it?

5 A. No, ma'am.

6 Q. Did you want to know about it?

7 A. No, ma'am.

8 Q. In addition -- and that was the summer
9 after --

10 A. Yes.

11 Q. -- Holly came missing?

12 A. Yes.

13 Q. Or during the summer, I guess.

14 Did you also have an occasion to be at a bar
15 with him on a different day when he made certain
16 statements?

17 A. Yes, ma'am.

18 Q. And where was this bar located?

19 A. Johnny's Bar and Grill, Parsons, Tennessee.

20 Q. Okay. And where in Parsons is Johnny's Bar
21 and Grill?

22 A. It is about halfway down towards the
23 interstate, towards Cherokee Heights, Woodland Shores
24 area.

25 Q. Okay. And I know you don't know the date,

1 but you believe this to be that same -- the end of
2 that same summer?

3 A. Yes, ma'am.

4 Q. And what, if anything, did Zach say to you
5 regarding Holly Bobo?

6 A. What did he say to me?

7 Q. Uh-huh. Or say to somebody else that you
8 overheard?

9 A. He said, "I'll kill you like I did
10 Holly Bobo."

11 Q. And who did he say that to?

12 A. The bartender.

13 Q. And was that bartender a male or a female?

14 A. Female.

15 Q. What was her name?

16 A. Misty Tubbs.

17 Q. "I let Shane hit it." "I'll do you like I
18 did Holly Bobo." Did he make one more statement to
19 you about Holly Bobo, and who was --

20 A. Yes.

21 Q. -- and who was responsible?

22 Who did he say to you?

23 A. He said, "I did it."

24 Q. Where were you when he said, "I did it"? Is
25 that also at that same bar?

1 A. Yes, ma'am.

2 Q. Okay. Did you ask him any questions?

3 A. No, ma'am.

4 Q. Did you want to know about it?

5 A. No, ma'am.

6 Q. And until law enforcement came and talked to
7 you in -- did you ever report it?

8 A. Yes.

9 Q. Who did you report it to?

10 A. The TBI.

11 Q. And when they asked you, you told them what
12 you knew?

13 A. Yes, ma'am.

14 GENERAL NICHOLS: One moment. I don't
15 have anything else, Mr. Stateler. Thank you. The
16 defense may have questions.

17 THE COURT: Cross-examination.

18

19 **CROSS-EXAMINATION**

20 **QUESTIONS BY MS. THOMPSON:**

21 Q. Now, Mr. Stateler, the first time the TBI
22 came to talk to you about possible information
23 regarding Zach Adams, you denied knowing anything;
24 didn't you?

25 A. I don't recall that.

1 Q. The first time they came to interview you,
2 you denied knowing anything about Holly Bobo and who
3 was responsible?

4 A. I don't recall that.

5 Q. So that's a memory that you don't have now;
6 is that correct?

7 A. It's been a long time, but yes.

8 Q. Okay. So didn't you say when you were
9 driving around, Mr. Adams said, "I let Shane hit it"?

10 A. Yes, ma'am.

11 Q. And you assumed what he meant was that he
12 allowed to -- he allowed Shane to rape Holly Bobo?

13 A. Yes, ma'am, I assumed.

14 Q. But you didn't ask any follow-up questions?

15 A. No.

16 Q. Okay. And then you heard him say at a bar to
17 Misty Tubbs, "I'll do you like I did Holly Bobo"?

18 A. Yes, ma'am.

19 Q. But in the past didn't you specifically say
20 you heard him say, "I'll do you like Holly Bobo"?

21 A. What past are you referring to, the night at
22 the bar?

23 Q. Before when you've repeated that statement,
24 wasn't it slightly different in that you said
25 Zach Adams said, "I'll do you like Holly Bobo",

1 instead of, "I'll do you like I did Holly Bobo"?

2 A. I don't remember the specifics. I just
3 remember him telling the bartender that night that he
4 would kill her like he did Holly Bobo.

5 Q. But he didn't say kill. He said, "I'll do
6 you"?

7 A. I'm not sure the exact words, but it was
8 serious enough to --

9 Q. Okay. But it's possible --

10 GENERAL NICHOLS: Wait. I'm sorry. Your
11 Honor, he's still talking. She cannot --

12 THE COURT: I think he finished.

13 GENERAL NICHOLS: -- cut him off.

14 THE COURT: He said it was serious enough
15 was his statement.

16 GENERAL NICHOLS: Okay. I couldn't hear
17 the end of it.

18 BY MS. THOMPSON:

19 Q. And then on one more occasion you heard him
20 say, "I did it" when you were at the same bar?

21 A. Yes.

22 Q. And you took that to mean that he was
23 confessing that he had killed Holly Bobo?

24 A. Yes.

25 Q. Or was involved?

1 I don't mean to talk over you. I'm sorry.

2 A. Yes.

3 Q. But you didn't ask any follow-up questions
4 regarding that?

5 A. No, ma'am.

6 MS. THOMPSON: No further questions.

7 THE COURT: Anything else?

8 GENERAL NICHOLS: Yes.

9

10 **REDIRECT EXAMINATION**

11 **QUESTIONS BY GENERAL NICHOLS:**

12 Q. Ms. Thompson asked whether or not you denied
13 having information. Actually, the first time TBI
14 came to you was on December the 8th, 2011. I don't
15 suppose you remember that date? I mean the exact --

16 A. No, not specifically. No, ma'am.

17 Q. Okay. But on that date, in addition to the
18 things you've testified to, did you also provide them
19 with additional information about Zach Adams
20 regarding his drug usage in the immediate days
21 following Holly's disappearance?

22 A. Will you repeat the question, please?

23 Q. Okay. Did you also tell TBI about
24 Zach Adams' drug usage right after Holly Bobo came up
25 missing?

1 A. Yes.

2 Q. Tell the jury what you told them back in
3 2011.

4 A. I said that he had been high out of his mind
5 for days or weeks. Just out of his -- like high.
6 Too high to function.

7 Q. And that was in the days and weeks following?

8 A. Yes, ma'am.

9 Q. Okay. And that's also the same interview
10 that you told them that he blurted out, "I let Shane
11 hit it"?

12 A. Yes, ma'am.

13 Q. Okay. It's also the same interview where you
14 told them that at Johnny's Bar in Decatur County, he
15 became upset with Misty Tubbs and made the statement
16 that he did about Holly?

17 A. Yes, ma'am.

18 Q. Okay. During the time that -- they talked to
19 you again several years later, and at that time, you
20 indicated that Zach Adams was driving several
21 different cars during that period of time; is that
22 correct?

23 A. Yes, ma'am.

24 Q. Did you know him to drive a white Nissan
25 truck?

1 A. Yes, ma'am.

2 Q. Did you know him to drive occasionally -- and
3 that Jason Autry was driving a PT Cruiser?

4 A. Yes, ma'am.

5 Q. And that Shane Austin was driving a Crown
6 Victoria?

7 A. Yes, ma'am.

8 Q. Thank you.

9 GENERAL NICHOLS: That's all I have.

10

11 RECROSS EXAMINATION

12 QUESTIONS BY MS. THOMPSON:

13 Q. Now, you remember speaking to our
14 investigators, two women, that came to talk to you --

15 A. Yes.

16 Q. -- don't you?

17 And so you specifically told them -- you
18 described Zach Adams as being passive aggressive and
19 liked to mess with people's heads --

20 A. Yes.

21 Q. -- didn't you?

22 And so just a moment ago also you testified
23 that Zach Adams, there was a point at which he was so
24 high, he was using so many drugs that he was unable
25 to really function?

1 A. Yes.

2 Q. Okay. And --

3 A. Of sound mind.

4 Q. At the time he talked about letting Shane hit
5 it, that was right during the middle of that time
6 when he was so high he was having a hard time
7 functioning?

8 A. Yes, ma'am.

9 Q. Okay.

10 MS. THOMPSON: No further questions.

11 GENERAL NICHOLS: One more to follow up
12 on that.

13 THE COURT: All right.

14

15 **REDIRECT EXAMINATION**

16 **QUESTIONS BY GENERAL NICHOLS:**

17 Q. You indicated that -- I left this out on
18 purpose the first time, but Ms. Thompson asked about
19 head games. Was he playing head games when he pulled
20 guns on you multiple times?

21 MS. THOMPSON: Objection, Your Honor.
22 It's outside the scope.

23 GENERAL NICHOLS: Oh, how is that outside
24 the scope?

25 THE COURT: Let's just move on. All

1 right. You can be excused. Do not discuss your
2 testimony with anyone.

3 THE WITNESS: Thank you.

4 THE COURT: Step down.

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

7 THE COURT: Next do we call.

8 GENERAL NICHOLS: Corey Rivers.

9 THE COURT: Raise your right hand,
10 please.

11 (The witness was sworn.)

12 THE COURT: Be seated. I want you to
13 state your name, first and last, and spell it for the
14 court reporter.

15 THE WITNESS: Corey Rivers. C-O-R-E-Y
16 R-I-V-E-R-S.

17
18 * * *

19 COREY RIVERS,
20 was called as a witness and having first been duly
21 sworn testified as follows:

22
23 DIRECT EXAMINATION

24 QUESTIONS BY GENERAL NICHOLS:

25 Q. Mr. Rivers, I'm going to ask that you speak

1 up. I'm actually going to adjust the microphone for
2 you because you're sort of soft spoken, okay?

3 A. Yes, ma'am.

4 Q. I want you to do your best to direct your
5 answers so that all the jury can hear you, okay?

6 A. Yes, ma'am.

7 Q. Because I couldn't hear you at all just now.

8 A. Oh, yes, ma'am.

9 Q. Okay. Lean forward.

10 Where do you live, Mr. Rivers?

11 A. Jacksonville, Florida.

12 Q. Jacksonville, Florida. And how long have you
13 lived there?

14 A. All my life.

15 Q. Grew up there, family there?

16 A. Yes, ma'am.

17 Q. You have a job?

18 A. Yes, ma'am.

19 Q. How long have you had this job?

20 A. For about a year.

21 Q. And you drove up here in the last couple of
22 days to -- at the State's request?

23 A. Yes, ma'am.

24 Q. I'll draw your attention back to 2016 and ask
25 if you found yourself in Tennessee?

1 A. Yes, ma'am, I did.

2 Q. Okay. How did you come to be in Tennessee in
3 2016?

4 A. Me and a couple of my friends were driving up
5 here, and we was actually -- I don't know what -- I
6 think we was heading up north. And we got --

7 Q. Speak up.

8 A. We was heading up north, and we got pulled
9 over by Williamson County. And my other friends,
10 they tired of driving. We had drove from Florida.
11 So I drove, but I didn't have any license. And so my
12 homeboy said, well, you can use my license. So when
13 we got pulled over, I used his license. Come to find
14 out, his was suspended. So --

15 Q. Let me stop you here. So you see the blue
16 lights, right?

17 A. Yes, ma'am.

18 Q. And before the police get up to your door,
19 your friend passes you his license?

20 A. Yes, ma'am.

21 Q. And that's the license you presented?

22 A. Yes, ma'am.

23 Q. All right. So what happened after that? And
24 then you find -- he checks that license --

25 A. Yes.

1 Q. -- and finds out that's suspended?

2 A. Yes, ma'am. So I'm like, oh my God. So I
3 end up -- by me being out of state, they told me that
4 I have a bond of a thousand dollars to -- that I
5 would have to still have to go and turn myself in.
6 So I didn't want to tell the police that, you know,
7 this is not me. I just paid the thousand dollars and
8 just got from up here. And I ended up coming -- went
9 going back to down to Florida, and I guess I did a
10 year -- I had did a year down there, because I was
11 fighting something down there. So I did a year in
12 the county down there and got out, and I had to do --
13 I had a case up here, because they had found out that
14 it wasn't me. So I ended up taking a plea of 60 days
15 and two years probation, which is what I'm doing now.

16 Q. So you're on probation now?

17 A. Yes, ma'am, I am.

18 Q. So the 60 days that you got for using
19 somebody else's identity --

20 A. Yes, ma'am.

21 Q. -- where did you do your 60 days?

22 A. In Frank -- Will -- Franklin, Tennessee,
23 Williamson County.

24 Q. In Williamson County?

25 A. Yes, ma'am.

1 Q. Okay. So I want to ask you if -- and you
2 were actually incarcerated for your 60 days last
3 year?
4 A. Yes, ma'am.
5 Q. Like April through June?
6 A. Yes, ma'am.
7 Q. Somewhere around April 8th through June 9th?
8 A. Yes, ma'am.
9 Q. Okay. And while you were incarcerated in
10 Williamson County, did you come to know or meet an
11 individual by the name of Zachary Adams?
12 A. Yes, ma'am.
13 Q. Do you see him in the courtroom today?
14 A. Yes, ma'am.
15 Q. Would you point him out?
16 A. (Pointed.) Right there.
17 THE COURT: For the record, the
18 defendant.
19 BY GENERAL NICHOLS:
20 Q. Now, before you got here, before you got
21 locked up on this driving charge, did you know
22 anything about the case regarding Holly Bobo that
23 happened in Decatur County, Tennessee?
24 A. No, ma'am.
25 Q. Before you got locked up on your driving

1 charge, did you know anything about an individual by
2 the name of Zachary Adams?

3 A. No, ma'am.

4 Q. What about Dylan Adams?

5 A. No, ma'am.

6 Q. What about Shane Austin?

7 A. No, ma'am.

8 Q. What about Jason Autry?

9 A. I still don't know who them people are. No,
10 ma'am.

11 Q. Okay. The man that you pointed out a minute
12 ago, Zachary Adams, how did you come to know him when
13 you were locked up in Williamson County?

14 A. We was cell -- we was next door cellmates for
15 60 days.

16 Q. Okay. Now, if you're next door cellmates,
17 does that allow for opportunities for you talk to one
18 another?

19 A. Yes, ma'am.

20 Q. How does that work?

21 A. We can talk through the vent, or we can talk
22 through the door.

23 Q. And does that happen a lot?

24 A. Every day, yes, ma'am.

25 Q. Okay. Just prior to your making the

1 acquaintance of Zachary Adams, how were you spending
2 some of your time of confinement? Doing what?

3 A. Either working out or reading my Bible or
4 just reading.

5 Q. I want to ask you some questions about
6 reading your Bible. Do you -- do you know whether or
7 not Zachary Adams saw you reading your Bible?

8 A. Yes, ma'am.

9 Q. Okay. Did you-all actually have a
10 conversation about that?

11 A. Yes, ma'am, a few times we did.

12 Q. I want you to explain to the jury what he
13 said, what you said and what he said.

14 A. Nothing. He just used to walk by and he
15 would see me reading my Bible, and he asked me, you
16 know, about the forgiveness. You know, like, will
17 God ever forgive him. You know, we just used to talk
18 on a day-to-day basis. And I was like, yeah, God
19 will forgive you no matter what, you know, human make
20 -- human people see you as, God will forgive you if
21 you just be honest, you know, whatever situation you
22 going through. And we just used to confide in like
23 that.

24 Q. Did he indicate whether or not he was
25 interested -- you said as long as you do what, tell

1 the truth?

2 A. Yeah. Yes, ma'am.

3 Q. Did he indicate to you at all what his
4 intentions were?

5 A. No, ma'am.

6 Q. Now, was this before or after you knew what
7 he was charged with or both, before and after?

8 A. We started talking that night. It's like
9 when I first get in there and the person ask you like
10 what are you in for, you know. The first couple of
11 days you shy. Don't really say too much. I gave him
12 the story of why I was in there, and he kind of
13 semi-told me that -- why he was in there, but I
14 didn't know it was anything like that this, so.

15 Q. Did he tell you that he was charged with
16 kidnapping, rape, and murder?

17 A. Yes, ma'am.

18 Q. When you heard that news -- well, just tell
19 the jury how that conversation went.

20 A. Well, when I heard it, I still didn't kind of
21 like give him no -- I still didn't like stop talking
22 to him because, you know, everybody's been accused of
23 a similar situation like that. Should I elaborate on
24 that?

25 Q. Sure. You start at the beginning.

1 A. You know, my mom was like that. She was
2 accused of murder when I was 4-years-old. I had got
3 molested. At the age of 4, I had to get 36 stitches.
4 So, you know, she came home from work, and she seen
5 my stepdad inside of me, so she killed him. And they
6 sentenced my mom to life without parole. So, you
7 know, with not knowing what defects behind it, but in
8 the system, my stepdad's sister was a police officer.
9 So that's why she got that much time. But she fought
10 for me. I was her -- I'm the only child. So my mom
11 is out now. She only did nine years, and you can't
12 even tell she went in. So I didn't really like try
13 to pass judgment against him, because I'm not knowing
14 the background of why he's accused of that. So I
15 didn't --

16 Q. So you just kept talking to him?

17 A. Yeah, I just kept talking to him like a
18 normal person.

19 Q. Okay. Did he tell you anything about what he
20 was charged with? Did you ask him what happened?

21 A. Not at first, but I mean, as -- through
22 day-to-day, weeks-to-weeks, we talked, and when he
23 come out for his hour, I come out for his hour, we
24 talking through when it's, you know, nothing to do.
25 He was elaborating of -- you know, I asked him what

1 happened, you know.

2 Q. Tell them. You asked him what happened?

3 A. Yeah, I asked him what happened, and he
4 really didn't go into much detail. He was just like,
5 you know, him and a couple of his friends got drunk
6 and, you know, they went --

7 Q. Let me stop you here. Did he say a couple of
8 his friends or did he say a family member and another
9 guy?

10 A. He didn't elaborate on that.

11 Q. Okay. Okay.

12 A. He just said a couple his friends had went
13 into the -- you know, they got drunk, and they went
14 into the woods with this girl. And, you know, one
15 led -- one thing led to another, and then he was
16 like, you know, I was -- I was there for the worst of
17 it. And I was like, well, did you do it? And he was
18 like, I was there for the worst of it, and he just
19 left it like that. He -- he never -- we never really
20 even got into detail about that.

21 That's when the subject, again, got on about
22 the forgiveness, and, you know. You know, just be
23 honest. No matter what the outcome is, at least
24 you're right with God, you know. So it just went on
25 like that.

1 Q. Okay. So he told you that he and a couple of
2 his friends got drunk and did what, got her in the
3 woods?

4 A. Yes, ma'am.

5 Q. Okay. And then without giving any details,
6 he told you he was there for the worst of it?

7 A. Yes, ma'am. He didn't go into detail.

8 Q. He didn't tell you what the worst of it was?

9 A. No, ma'am.

10 Q. Okay. When he told you that, did you stop
11 talking to him or did you continue to, I don't know,
12 try to be his friend or --

13 A. I just continued to talk, because I never --
14 I didn't know it was, you know, anything as dramatic
15 (sic) as this. So we -- I just continued to talk.
16 Because here I am in the same predicament you is, I'm
17 just not, you know, charged with the same thing. So
18 I try not to judge people by that.

19 Q. Did he tell you what had happened to her
20 body?

21 A. Yes, ma'am, he did. He told me that the
22 bottom -- the bottom side was found in one part of
23 Tennessee and some other -- some other pieces was
24 found other wheres (sic), so --

25 MS. THOMPSON: I'm sorry. I didn't hear

1 that.

2 THE WITNESS: And --

3 THE COURT: Can you repeat?

4 THE WITNESS: And other pieces was found
5 other -- other places. That's what he told me.

6 BY GENERAL NICHOLS:

7 Q. But did he say what had happened to her body
8 before that?

9 A. He -- it had got chopped up. Said it was --
10 it had been chopped up.

11 Q. And specifically --

12 MS. THOMPSON: I'm still -- I'm sorry.
13 He's just dropping his voice.

14 THE WITNESS: It had got chopped up.

15 BY GENERAL NICHOLS:

16 Q. Specifically, did he tell you that they had
17 found her upper torso?

18 A. Yes, ma'am.

19 Q. When you heard all of this, I know that you
20 tried not to judge, but did you on your own reach out
21 to law enforcement?

22 A. Yes, ma'am.

23 Q. Did they come and talk to you?

24 A. Yes, ma'am, they did.

25 Q. Was that while you were still locked up doing

1 your 60 days?

2 A. Yes, ma'am.

3 Q. At that point, when they came and talked to
4 you, did you ask for anything from them?

5 A. No, ma'am.

6 Q. Did you want anything from them?

7 A. No, ma'am.

8 Q. You had already pled guilty to your case.
9 You had your days, right?

10 A. Yes, ma'am. 60 days, yes, ma'am.

11 Q. Did you share with law enforcement what
12 you've told the jury?

13 A. Yes, ma'am.

14 Q. Mr. Rivers, did he -- when it came time for
15 you to get out in June, did Zachary Adams that you've
16 pointed out here tell you or mention a video?

17 A. Yeah, he actually -- I told him, you know, to
18 let me know how, you know, everything turn out, and,
19 you know, I told him -- you know, we prayed and stuff
20 before I left. I actually left him my Bible.
21 Because he had already had one, but I still left him
22 my Bible so he can pass over to somebody else, and he
23 gave me his number. And he said, man, I'm going
24 to -- he said, do you have a Facebook or YouTube
25 account or Facebook account. I was like, yeah. And

1 I gave him my, you know, Facebook and stuff
2 information, and he was like, man, I want to call you
3 and I'm going to give you -- I want to give you
4 something. I was like, all right. I wasn't really
5 thinking nothing much. I'm ready to go. My time is
6 up. I'm ready to go home. So I really wasn't
7 thinking nothing of it. So when I did get out about
8 a week later, he did call, but I didn't -- I never
9 picked up because I never put no money on the phone.
10 And once I started, you know, researching and
11 Googling --

12 Q. All right. And you can't talk about what you
13 said. But after you got out in June, did you look up
14 this case, decide that you weren't going to talk to
15 him anymore?

16 A. Yes, ma'am.

17 Q. Okay. Now, what I'm asking -- I asked you
18 that before you left, did he tell you about a video
19 and then you jumped to the Facebook and the --

20 A. Yes.

21 Q. -- and the YouTube. So what did he tell you
22 about the video?

23 A. He told me that it was something, you know,
24 he had something he wanted to show me. He wanted to
25 tell me to look up when I got out about a video.

1 Q. Did he make any reference to it being right
2 under the noses --

3 A. Oh, yes. He said --

4 Q. All right. Tell the jury.

5 A. Yes, ma'am. He told me it was right under
6 the nose of, you know, the people who's looking into
7 this. Looking into this --

8 Q. But that what? They hadn't found it?

9 A. No, they haven't found it. So he told me he
10 was going to -- when he called me, just pay close
11 attention to what he said. But when he called, I
12 never put no money on the phone or no time on the
13 phone.

14 Q. Okay. Is everything that you told the jury
15 here true?

16 A. Yes, ma'am.

17 GENERAL NICHOLS: I don't have anything
18 else. Thank you.

19 THE COURT: All right.

20 Cross-examination.

21

22 CROSS-EXAMINATION

23 QUESTIONS BY MS. THOMPSON:

24 Q. Now, Mr. Rivers, where you were staying in
25 the Williamson County Jail, that's protective

1 custody; isn't it?

2 A. Yes, ma'am.

3 Q. Okay. And as a matter of fact, everybody is
4 locked up 24 hours -- 23 hours a day in their cells?

5 A. That is correct, ma'am.

6 Q. And you were in protective, because you were
7 a sex offender on the sex offender registry?

8 A. That is correct, ma'am.

9 Q. As a matter of fact, you have a felony sex
10 offense for child molestation?

11 A. That's not correct, ma'am.

12 Q. You're on the sex offender registry for?

13 A. Lewd and lascivious.

14 Q. Lewd and lascivious -- lascivious behavior
15 with someone under the age of 16?

16 A. That's not correct, ma'am.

17 Q. It's not correct?

18 A. No, ma'am.

19 Q. Okay. So it's an error if the record shows
20 that?

21 A. On whoever part, it's got to be. Yes, ma'am.

22 Q. Okay. And so even when people are let out of
23 jail for their one hour a day, everybody in this unit
24 is let out at different times; aren't they?

25 A. That's -- yeah. Yes, ma'am.

1 Q. And they can then leave their small six by
2 four foot cell to go into the main rec room; isn't
3 that right?

4 A. Yes, ma'am. What do you mean by small rec
5 room?

6 Q. Okay. No --

7 A. We're in the dormitory --

8 Q. Okay. You --

9 A. -- on the top floor.

10 Q. You can into the -- but you can go into the
11 main part of the dorm -- like the large rec room is
12 where you go when -- during your one hour of release
13 time; isn't that right?

14 A. If you're on the top floor, you have to kind
15 of like stay on the top floor. If you're on the
16 bottom, you stay on the bottom unless you're using
17 the phone. Otherwise, it's no moving around.

18 Q. Okay. But you get to come out of your cell
19 and you can walk up and down --

20 A. The aisle, yes, ma'am.

21 Q. -- the aisle by the other cells?

22 A. That's correct, ma'am.

23 Q. And you -- that's the time when you take a
24 shower and you can go down and use the telephone?

25 A. That's correct, ma'am.

1 Q. And there's one telephone in the main area of
2 the pod; isn't that right?
3 A. Yes, ma'am.
4 Q. So all the cell doors kind of open out into
5 this common area?
6 A. If it's your time to come out, yes, ma'am.
7 Q. Okay. But what I'm saying is, all the doors
8 face this opening of the common area; don't they?
9 A. Yes, ma'am.
10 Q. Okay. And there's one television that people
11 watch; isn't that correct?
12 A. Yes, ma'am.
13 Q. And you actually share that television with
14 another unit?
15 A. No, ma'am.
16 Q. Control? Well, I guess the downstairs and
17 the top -- upstairs share the television, right?
18 A. Yes, ma'am.
19 Q. So if you're going to watch television, you
20 actually have to stand in your cell and look out the
21 little bitty window in the door?
22 A. Not in my -- not the room I was in. I can
23 sit on my bed and actually watch TV, yes, ma'am.
24 Q. Okay. So --
25 A. But that is the case on similar situation.

1 Q. Okay. And so -- and each door has a very
2 small window that looks out; doesn't it?

3 A. That is correct, ma'am.

4 Q. Kind of a long rectangular window?

5 A. Yes, ma'am.

6 Q. Okay. So you're only allowed out of your
7 cell one hour a day?

8 A. Yes, ma'am.

9 Q. And you're not free to really be -- have
10 physical contact with anybody else in the cell?

11 A. No, ma'am.

12 Q. Okay. Now, you've been in one more than one
13 jail over your lifetime; haven't you?

14 A. Yes, ma'am, I have.

15 Q. Okay. And in jail, would you agree with me
16 that people like to maintain a kind of a, in general,
17 a tough demeanor so that they are not picked on or
18 bullied by other inmates?

19 A. You can say that.

20 Q. I mean, it's kind of survival of the fittest
21 in jail; isn't it?

22 A. Yes, ma'am.

23 Q. Okay. And what you said earlier about when
24 you got stopped in the car, this is while you were
25 driving around, and you lied and gave them somebody

1 else's ID that -- just to -- you were stopped driving
2 and you handed them somebody else's ID, somebody
3 else's driver's license?

4 A. That is correct, ma'am.

5 Q. And that was just for your pure own self
6 survival, right?

7 A. Yes, ma'am.

8 Q. To try to keep you out of trouble?

9 A. Pretty much.

10 Q. And so you lied to police in order to benefit
11 yourself; didn't you?

12 A. Yes, ma'am.

13 Q. Okay. And so now you initially contacted the
14 police before you were released from jail about
15 Mr. Adams; didn't you?

16 A. That is correct, ma'am.

17 Q. Okay. You contacted police on May the 4th,
18 which was -- you hadn't even been there a whole month
19 when you contacted the police about him?

20 A. Six days shorter than a month, yes, ma'am.

21 Q. Okay. Because at that point, you thought --
22 you say it was just to -- you said you contacted them
23 because it was such a serious crime. That's why you
24 came forward?

25 A. Yes, ma'am, when I -- what he told me, yes,

1 ma'am.

2 Q. But you recognized that there might be some
3 benefit to you?

4 A. What benefit was it towards me, ma'am?

5 Q. Well, you recognized that sometimes they do
6 let people out of their sentence, they get a lighter
7 sentence if they come forward with information, don't
8 -- didn't you?

9 A. Yes, ma'am, but I still kept my 60 days and
10 two years probation, which I only have eight more
11 months now that I'm going to do to the door.

12 Q. That's right, because there wasn't an
13 opportunity for you to testify before your time
14 expired; was there?

15 A. I didn't know, because I didn't know anything
16 about the case at that time as far as that detail.

17 Q. But you did have television where you were in
18 your cell?

19 A. Williamson County didn't broadcast that. I
20 didn't see it.

21 Q. Okay. They did broadcast the news, though?

22 GENERAL NICHOLS: Your Honor, she's
23 arguing with him.

24 THE WITNESS: I mean, they do -- they
25 do -- they did broadcast the news.

1 THE COURT: Ask him the question. Let
2 him answer.

3 MS. THOMPSON: Okay.

4 THE WITNESS: They broadcasted the news,
5 ma'am, but I didn't see anything as far as in what
6 Zach is accused of at that time.

7 BY MS. THOMPSON:

8 Q. Okay. He didn't give you any more details
9 about the crime than what you've said here in front
10 of the jury; did he?

11 A. No, ma'am.

12 Q. Okay. And -- but he did just admit to you
13 that he was involved in it?

14 A. Yes, ma'am.

15 Q. A person he had just met?

16 A. Yes, ma'am.

17 Q. Another criminal that's being housed in
18 protective custody along with him?

19 A. Yes, ma'am.

20 Q. And he also talked to you about religion?

21 A. Yes, ma'am.

22 MS. THOMPSON: If I can have a minute?

23 BY MS. THOMPSON:

24 Q. And then before you were released from
25 custody, you called the TBI back and talked to them

1 one more time; didn't you?

2 A. Yes, ma'am.

3 Q. And this time you said he continued to talk
4 to you while you were in jail; didn't you?

5 A. Yes, ma'am, I did.

6 Q. That was your claim?

7 A. Yes, ma'am.

8 Q. Okay. Even though you did admit that he said
9 his attorney had told him to not talk about the case?

10 A. Yes, ma'am.

11 Q. Okay.

12 A. His attorney and his Paw Paw. That's what he
13 used to call his grandfather, his Paw Paw.

14 Q. Paw Paw?

15 A. Yes, sir. Yes, ma'am.

16 Q. And you don't believe everything people tell
17 you in jail; do you?

18 GENERAL NICHOLS: Object to relevance.

19 THE COURT: Sustained.

20 MS. THOMPSON: No further questions.

21

22 REDIRECT EXAMINATION

23 QUESTIONS BY GENERAL NICHOLS:

24 Q. Mr. Rivers, Ms. Thompson just asked you about
25 why you were on the sex offender registry. Does that

1 relate back to a charge that you got when you were in
2 State custody when your mother was in prison?

3 A. Yes, ma'am, I was in a juvenile program.

4 Q. Okay. And you were how old?

5 A. I had -- well, I was 17 when I was accused.
6 I didn't get formally charged until I was 18. He was
7 16. He touched me. I touched him. He told me that
8 if -- we had -- he told me if I didn't let them know
9 what I did, that he was going tell so I can catch
10 more time. But I was -- you know, I was so ignorant
11 at that time that I didn't care. I was ready to go.
12 So he told of what happened, that I touched him and
13 he touched me. So they had to wait until I was 18 to
14 formally charge me, which was a year later, but I was
15 so ignorant with the law to I took a plea. And that
16 was when I was 18. I'm now 32. I have never, ever
17 had any other crime like that. Never even dealt with
18 nothing else like that in my life.

19 Q. You could actually be off the sex offender
20 registry in Florida --

21 A. Yeah. I didn't know.

22 Q. -- at this time, but you just didn't get off?

23 A. I didn't even know until somebody -- until a
24 lawyer reached out to me and told me -- looked into
25 my case and told me that I can't fight it because

1 it's so old, but I can get off the registry. But I
2 just -- I don't -- I'm back working. I'm in school.
3 And right now, I just don't have the funds to pursue
4 that to get off right now. But it's in the making,
5 yes, ma'am.

6 Q. And since Ms. Thompson was asking you some
7 questions sort of about your -- I don't know -- your
8 credibility, I see you have two tear drops.
9 Sometimes that's associated with gang killings. What
10 are yours for?

11 A. Mine is for my grandmama. I got them in 2008
12 when she passed.

13 Q. Okay.

14 A. It was for my grandmother.

15 Q. When Zach told you about the two other people
16 that got Holly with him, that got Holly into the
17 woods, did you also report that --

18 MS. THOMPSON: Objection to leading, Your
19 Honor.

20 GENERAL NICHOLS: I'm not suggesting. He
21 can say yes. He can say no. I've just got to get
22 him to a certain place, Judge.

23 THE COURT: Go.

24 BY GENERAL NICHOLS:

25 Q. Did you also report a statement that Zach

1 made about what one of the other individuals
2 ultimately did to himself?

3 A. Yeah, I couldn't --

4 MS. THOMPSON: Objection, Your Honor, as
5 to relevance.

6 THE WITNESS: I can't remember if it was
7 his --

8 THE COURT: Wait. Wait. Wait.

9 GENERAL NICHOLS: Wait just a minute,
10 Corey.

11 THE COURT: The question again.

12 GENERAL NICHOLS: Was what -- something
13 else Zach told him about one of the individuals
14 involved.

15 THE COURT: All right.

16 THE WITNESS: I couldn't remember what
17 was said, because it's been over a year. I don't
18 remember. I don't recall if it was his brother or
19 his cousin, but he said someone had, you know,
20 committed suicide and killed their self.

21 BY GENERAL NICHOLS:

22 Q. Because why?

23 A. Because --

24 Q. What --

25 A. -- of the situation that they had got into.

1 Q. And did he tell you because he felt so bad?

2 A. Yes. Yes, ma'am.

3 Q. Okay. Are those my words or are those --

4 A. No, those are my words.

5 Q. Okay. Your words or are they Zach's words?

6 A. Well, they were Zach's words. I'm sorry.

7 GENERAL NICHOLS: That's all. Thank you.

8

9 RECROSS EXAMINATION

10 QUESTIONS BY MS. THOMPSON:

11 Q. So I want to understand. You're saying that
12 this charge that I asked you about, it was not with
13 someone under 16. It was with someone who was 16?

14 A. That is correct, ma'am.

15 Q. Okay.

16 A. You wasn't precise, so I didn't answer.

17 Q. And -- okay. So I got it a little wrong.

18 And then you're saying that you were not
19 guilty of it, but they charged you when you were 18
20 and you went ahead and took a plea to prevent further
21 trouble?

22 A. They -- I had -- they had -- I was -- well, I
23 had been in a juvenile program since I was
24 14-years-old. I didn't get out until I was 18. I
25 was so -- I didn't have my mother at the time. I was

1 raised by the streets, so I was ignorant with the
2 law. So they offered me 35 years or -- versus take
3 five years probation with a plea, and I took it,
4 because I didn't have no lawyer or anything to
5 represent me, and I didn't know nothing about the law
6 at that time.

7 Q. You did not have a lawyer on a case that
8 serious?

9 A. A public defender.

10 Q. Okay. But a public defender would be an
11 attorney, right?

12 A. Yes, ma'am.

13 Q. Okay. And so what you're saying is you lied
14 about being guilty in order to get yourself a better
15 benefit?

16 A. So I wouldn't take 35 years.

17 Q. And you went to court and you lied about
18 being guilty in front of the court?

19 A. So I wouldn't take 35 years.

20 MS. THOMPSON: Okay. Just to be clear.
21 Thank you.

22 THE COURT: Done?

23 GENERAL NICHOLS: Done.

24 THE COURT: All right. You're free to
25 go, sir. Please don't discuss your testimony with

1 anyone.

2 THE WITNESS: Yes, sir.

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

5 THE COURT: How long is your next
6 witness?

7 GENERAL HAGERMAN: Not terribly long.

8 THE COURT: All right. Let's go ahead
9 and get another, and then we'll take a break, okay?

10 (End of Volume XII.)

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