

W2020-01208-CCH-K3-CD

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

ORIGINAL

5 Plaintiff,

6 vs.

Case No. 17-CR-10

7 ZACHARY ADAMS,

8 Defendant.
9

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME XIII OF XVII
14 -----

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

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Court Reporter

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VOLUME XIII

DAY 8

MONDAY, SEPTEMBER 18, 2017

GENERAL HAGERMAN: State calls
Shawn Cooper.

THE COURT: Raise your right hand,
please.

(The witness was sworn.)

THE COURT: Come up here and be seated.
State your first and last name, spell it for the
benefit of the court reporter.

THE WITNESS: Shawn Copper, S-H-A-W-N
C-O-O-P-E-R.

* * *

SHAWN COOPER,
was called as a witness and having first been duly
sworn testified as follows:

DIRECT EXAMINATION

QUESTIONS BY GENERAL HAGERMAN:

Q. Now, Mr. Copper, you're going to have to keep
your voice up, okay?

A. Yes, sir.

1 Q. Even louder than that.

2 A. Yes, sir.

3 Q. All right. And speak into that microphone so
4 we can hear you over here, okay?

5 A. Yes, sir.

6 Q. Okay. You're in a prison outfit; aren't you?

7 A. Yes, sir, jail outfit.

8 Q. Jail? What jail are you in?

9 A. Hardeman County.

10 Q. Why are you in jail in Hardin County?

11 THE COURT: Hardeman I think he said.

12 GENERAL HAGERMAN: Hardin.

13 THE COURT: Hardeman?

14 THE WITNESS: Hardeman. Yes. Violation
15 of probation. Not paying my fines and not showing
16 up.

17 BY GENERAL HAGERMAN:

18 Q. Not paying your fines and what?

19 A. Not showing up to see her.

20 Q. Not showing up for your meetings?

21 A. Yes, sir.

22 Q. Is that right?

23 A. Yes, sir.

24 Q. And what were you on probation for?

25 A. Theft under 500 and driving on suspended.

1 Q. All right. So two misdemeanors?

2 A. Yes, sir.

3 Q. But you do have two felonies in your past; is
4 that correct?

5 A. Yes, sir.

6 Q. Aggravated assault and arson?

7 A. Yes, sir.

8 Q. And how long ago was that?

9 A. 2008.

10 Q. Did that involve your ex-wife?

11 A. Yes, sir.

12 Q. I want to ask you about another time you were
13 in jail, okay?

14 A. Yes, sir.

15 Q. March of 2014, March the 4th of 2014.

16 A. Yes, sir.

17 Q. Did something happen that day?

18 A. Yes, sir.

19 Q. All right. Speak up loud. Tell me and the
20 jury what happened that day.

21 A. I was sitting there and a lady --

22 Q. Where were you sitting?

23 A. I was sitting on the bench after court. Just
24 sitting there -- all the inmates were sitting there.
25 We're getting -- waiting until the other inmates go

1 to court and stuff.

2 Q. So is there like a room outside the courtroom
3 where the inmates are locked up or whatever?

4 A. It's just a hallway.

5 Q. Just a hallway?

6 A. Yeah. We was just sitting on a bench all
7 cuffed.

8 Q. Okay.

9 A. A lady come out and said, does anybody think
10 they're going to be able to bond out or go home
11 today. And I raised my hand -- or raised my finger
12 just joking. She said, no, Mr. Cooper, you're going
13 to go Obion County. You got a hold.

14 Q. Okay. So let me interrupt you. A woman
15 comes out, is anybody going to go home today, is
16 anybody going to bond out or get time served or
17 whatever go home today?

18 A. Yes, sir.

19 Q. And you raised your hand, but you knew you
20 weren't going home today?

21 A. No, I knew -- I knew I wasn't going.

22 Q. Did you say it was a joke?

23 A. Yeah.

24 Q. And she told you what?

25 A. You have a hold in Obion County.

1 Q. Okay. A hold means they want you in Obion
2 County for something; is that right?

3 A. Yes, sir.

4 Q. So that means that you would -- if you left
5 their jail, you would be going to a different jail?

6 A. Yes, sir.

7 Q. To the Obion County Jail?

8 A. Yes, sir.

9 Q. After she told you that, did anybody say
10 anything to you?

11 A. Zach -- Zachary Adams was sitting there.

12 Q. Now, did you know Zachary Adams?

13 A. No, sir.

14 Q. So before that day, is it fair to say you
15 didn't even know who he was?

16 A. Yes, sir, I didn't know him.

17 Q. Never hung out with him?

18 A. No.

19 Q. Nothing like that?

20 A. No, sir.

21 Q. All right. Tell me what happened.

22 A. He said, you going to Obion County. He said,
23 you know who I am. I said, no. He said, I'm Zachary
24 Adams. I'm the Holly Bobo murder case. I said, oh.
25 And he said, is there any way you can talk to any

1 inmates when you get there on the federal side. I
2 said, I don't know, maybe through the door.

3 Q. Now, let me interrupt you, okay? When he
4 asked is there any way that you could talk to other
5 inmates there on the federal side, what is he talking
6 about?

7 A. It's a federal holding facility. It holds
8 the fed -- federal inmates.

9 Q. Okay. So Obion County has prisoners like
10 you, but they also may have some prisoners that are
11 federal defendants?

12 A. Yes, sir.

13 Q. Is that correct?

14 A. Yes, sir.

15 Q. And he asked you whether or not you were
16 going to be able to talk to any of them?

17 A. Yes, sir.

18 Q. And what did you tell him?

19 A. I said I might can. If I'm in F Pod or E
20 Pod, maybe through the door, you know, I might could
21 talk to him.

22 Q. Okay.

23 A. And I can't really remember what name he told
24 me, but he told me it was his brother he said. He
25 said you tell him if he don't keep his mouth shut,

1 I'm going to put him in a hole beside her.

2 Q. Beside who?

3 A. Holly Bobo.

4 Q. He told you -- and you said a name you can't
5 remember, but that it was his brother?

6 A. Yeah, he said it's my brother.

7 Q. And he better do what?

8 A. Keep his mouth shut before I put him in a
9 hole beside her.

10 Q. Before I put him in a hole beside her?

11 A. Yes, sir.

12 Q. And what did you say to him?

13 A. I told him he better quit talking to me, and
14 I said a few cusswords to him, and he shut up. And
15 then they come got me and -- he went -- he went in
16 the court and got his bond.

17 Q. All right. Well, let me interrupt you right
18 before that, okay?

19 A. Yeah.

20 Q. You said some cusswords to him?

21 A. Yeah.

22 Q. Why did you say some cusswords to him?

23 A. Because it hit me wrong, so it made me mad.

24 Q. You threaten him?

25 A. I said something to him. I can't really

1 remember.

2 Q. Okay.

3 A. I'm going to slap you or something.

4 Q. That you were going to slap him or something?

5 A. Yeah.

6 Q. Is it fair to say you didn't want him talking
7 to you?

8 A. Yeah, not after that.

9 Q. Did you want to be a part of this at all?

10 A. No.

11 Q. All right. You said he went into court then
12 and came back?

13 A. Yeah.

14 Q. What happened then?

15 A. He was walking out, he said something about I
16 got a blah, blah, blah bond.

17 Q. Talking about his bond?

18 A. Yeah.

19 Q. Okay.

20 A. Like it was a joke or something.

21 Q. Like it was a joke?

22 A. Yeah.

23 Q. So he had gone into court and whatever
24 happened in court happened in court. And now he has
25 come back, and he's made some joke about his bond?

1 A. Yes, sir.

2 Q. Do you remember the exact words he used?

3 A. No, something about I got a blah, blah, blah

4 bond like it was cool or something.

5 Q. Like it was cool?

6 A. Something.

7 Q. Did you think it was cool?

8 A. No, I just wanted to go home.

9 Q. You just wanted to go home?

10 A. Yeah.

11 Q. But you weren't going home, you were going to

12 Obion County?

13 A. Yeah.

14 Q. Did he make any other statements back there

15 with you about the case?

16 A. Not that I remember.

17 Q. Okay. And were --

18 A. It's been so many --

19 Q. -- there any other people back there with you

20 when this happened?

21 A. Yeah, there was a couple of people sitting

22 there.

23 Q. Would there -- be fair to say they were other

24 inmates?

25 A. Yes, sir.

1 Q. Did you personally know any of those other
2 inmates?

3 A. No, sir.

4 Q. All right. So you hear Jack -- Zach Adams
5 ask you will you be able to talk to the federal
6 inmates in Obion County?

7 A. (Nodded head affirmatively.)

8 Q. You tell him maybe?

9 A. Yes, sir.

10 Q. He tells you to get a message to his brother;
11 is that correct?

12 A. Yes, sir.

13 Q. Lie her in a hole next to Holly -- or next to
14 her?

15 A. Yes, sir.

16 Q. Is that right?

17 A. Yes, sir.

18 Q. You hear him joking about his bond?

19 A. Yes, sir.

20 Q. And so after you hear this, do you run to the
21 police? Do you run to the police and try to get
22 credit for this, see if maybe you can get out of
23 going to Obion County?

24 A. No, sir.

25 Q. Instead, how do the police find out about

1 this?

2 A. I was talking to my old lady, because I was
3 sort of stunned about it all.

4 Q. All right. Now, you mumbled that. So say it
5 again.

6 A. I was sort of stunned, so I was trying to
7 tell my old lady, like, in a secret way in court --
8 or on the phone, you know, about what happened in
9 court.

10 Q. All right. So right after you got out of
11 court, did you call your old lady?

12 A. Yeah, sometime that day.

13 Q. Had you tried to tell her what you heard?

14 A. Yeah. I said, can't believe what this dude
15 said to me.

16 Q. And the police must have been listening to
17 that, right?

18 A. I guess.

19 Q. Because then they came to you?

20 A. Yeah.

21 Q. And when they came to you nine days later,
22 did you tell them the truth just like you've told us
23 today?

24 A. Yes, sir.

25 Q. Have you ever received anything in return for

1 this?

2 A. No, sir.

3 Q. Have I ever done anything for you?

4 A. No, sir.

5 Q. Has anybody ever done anything for you?

6 A. No, sir.

7 Q. You're serving time because you didn't pay
8 your fines and you missed some probation meetings?

9 A. Yes, sir.

10 Q. Would it be fair to say nobody's helped you?

11 A. Nobody's helped me.

12 Q. You talked about how you were going to Obion
13 County. What -- where were you presently when this
14 happened, what county?

15 A. Chester County.

16 Q. Chester County. And is that where this
17 conversation took place in the lockup?

18 A. Yes, sir.

19 Q. Do you see Mr. Adams in the courtroom today?

20 A. Yes, sir.

21 Q. Can you point to where he's seated?

22 A. Right there. (Pointed.)

23 GENERAL HAGERMAN: The record will
24 reflect --

25 THE COURT: For the record, the

1 defendant.

2 GENERAL HAGERMAN: Thank you, sir. No
3 further questions.

4 THE COURT: Cross.

5
6 **CROSS-EXAMINATION**

7 **QUESTIONS BY MS. THOMPSON:**

8 Q. Now, Mr. Cooper, in fact you did tell other
9 inmates about what you claim Mr. Adams said; didn't
10 you?

11 A. Other inmates?

12 Q. Other inmates, yes.

13 A. I asked -- I think I asked one if they heard
14 it. I don't know if I told any of them, but I asked
15 the one dude next to me if he had heard. And I don't
16 remember what he said. It's been years ago.

17 Q. But, in fact, you did tell other people in
18 your cell with you what Mr. Adams had said. You-all
19 discussed it; didn't you?

20 A. I don't remember.

21 Q. So it's possible you did and you just don't
22 remember now?

23 A. I mean, I don't -- I don't remember.

24 Q. Can you answer it louder?

25 A. I don't remember.

1 Q. Okay. So that's a memory you don't have at
2 this point?

3 A. Yeah, I don't remember that.

4 Q. Okay. And this happened in Chester County.
5 You went to Obion County, what -- you went to Obion
6 County, because you had a failure to appear; is that
7 right?

8 A. I don't remember.

9 Q. Your failure to appear in Obion County got
10 dropped; didn't it?

11 A. I served, I don't know, 10, 15 days there.

12 Q. Well, that was before you had your court date
13 and you had your hearing on it; isn't it?

14 A. I don't remember about all that.

15 Q. Okay. And matter of fact, at the time all
16 this happened, you were telling people that Zach
17 Adams was bragging about having a two-million-dollar
18 bond. Do you remember bragging -- telling people
19 that?

20 A. Yeah, I remember him bragging about that.
21 That's when he come out the courtroom --

22 Q. And do you now remember saying that he was
23 bragging about have a two-million-dollar bond?

24 A. I remember it, but I don't remember telling
25 nobody that. I remember what he said, though. I'll

1 never forget all of it.

2 Q. And do you remember at the original time you
3 said -- you never mentioned Holly Bobo's name. You
4 quoted Mr. Adams as saying if he didn't shut up, he
5 would put his brother in a hole right beside her?

6 A. Yeah, because he told me before that that he
7 was the Holly Bobo murder case. That's how I knew,
8 you know, Holly Bobo.

9 Q. Now, you would agree with me that people in
10 jail talk big; don't they?

11 A. They try to. They try to.

12 Q. They try to. And you don't believe
13 everything people in jail say to you; do you?

14 A. Not some stuff.

15 Q. And you've talked big in jail before
16 yourself; haven't you?

17 A. Not really. I mind my own business, stay to
18 myself.

19 Q. Okay.

20 MS. THOMPSON: No further questions.

21 GENERAL HAGERMAN: Nothing further,
22 Judge.

23 THE COURT: All right. He can step down.
24 Let's take a recess. It's right at 2:00. We'll
25 resume at 2:15. Follow the admonitions I've given

1 you from the outset. We'll try to quit around 5:00
2 today since we started a little early.

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

5 (Short break.)

6 THE COURT: I've sent for the jury.

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

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

12 GENERAL HAGERMAN: Jason Kirk.

13 THE COURT: Jason -- we don't have
14 anybody at the door, do we? Jason Kirk. This is not
15 the Highway Patrolman, I understand. We had a
16 Highway Patrolman named Jason Kirk.

17 GENERAL HAGERMAN: He's not the Captain
18 of the Starship Enterprise either.

19 THE COURT: Okay. Well, that particular
20 Trooper wrote tickets until he got writer's cramp
21 almost, but he was extremely professional.

22 Any of y'all intimately acquainted with
23 Officer Kirk or not?

24 PROSPECTIVE JUROR: He's short.

25 (The witness was sworn.)

1 THE COURT: Be seated. I want you to
2 state your name, first and last, and spell it for the
3 benefit of the court reporter.

4 THE WITNESS: Jason Kirk. J-A-S-O-N
5 K-I-R-K.

6 THE COURT: Thank you. Proceed.

7
8 * * *

9 JASON KIRK,
10 was called as a witness and having first been duly
11 sworn testified as follows:

12
13 DIRECT EXAMINATION

14 QUESTIONS BY GENERAL HAGERMAN:

15 Q. Apparently there's a Jason Kirk that is a
16 Highway Patrolman, but that's not you; is it?

17 A. No, same initials, everything.

18 Q. Far from it?

19 A. Yeah.

20 Q. You're in prison clothes, right?

21 A. Yes, sir.

22 Q. Where are you in prison at?

23 A. South Central in Clifton.

24 Q. How far away is that from here, an hour or
25 so?

1 A. 25 minutes.

2 Q. How long of a sentence are you serving?

3 A. I just started a new sentence, which is 25

4 years.

5 Q. It's a long sentence?

6 A. Yes, it is.

7 Q. When do you have a parole date?

8 A. My parole date's in 13 years.

9 Q. That's a long time from now?

10 A. Yes.

11 Q. You earned a good deal of that sentence

12 though; didn't you?

13 A. Yes, I did all of it.

14 Q. Walked away from the jail; is that right?

15 A. Yes, sir.

16 Q. Stole a truck?

17 A. Yes, sir.

18 Q. Is that right?

19 A. Yes, sir.

20 Q. High-speed chase; is that right?

21 A. Yes, sir.

22 Q. Hid out for a few days; is that right?

23 A. Yes, sir. Yep.

24 Q. And then turned yourself in?

25 A. Yes, sir.

1 Q. You had been in trouble with the law before
2 that, too; hadn't you?
3 A. Yes, sir.
4 Q. This wasn't even your first high-speed chase;
5 was it?
6 A. No, sir.
7 Q. You have felony convictions for other
8 high-speed chases away from the police?
9 A. Yes, sir.
10 Q. For stealing?
11 A. Yes, sir.
12 Q. Do you have any other felony convictions?
13 A. All thefts, chases, running, things
14 associated with that.
15 Q. All right. Theft, chases, and running
16 culminating in what you're in jail for now?
17 A. Yes, sir.
18 Q. I want to ask you, in March of 2014,
19 particularly March the 4th of 2014, when you got
20 locked up for what we're talking about, high-speed
21 chase, stealing a truck, were you ever in the Chester
22 County Jail?
23 A. Yes, sir.
24 Q. And did a conversation or did some statements
25 happen around you?

1 A. Yes, sir.

2 Q. Can you tell me where you were, why you were
3 there, and what happened?

4 A. I was in the Chester County Jail. I was
5 there for -- was accused of stealing a Ford truck and
6 doing a high-speed chase.

7 Q. When you say accused, I think you probably
8 did it; didn't you?

9 A. That one, no.

10 Q. That one, no?

11 A. That one, no.

12 Q. All right. But there's other ones you have
13 done?

14 A. Yes, everything else I did. That was one of
15 the first ones that I didn't do.

16 Q. Okay.

17 A. But I did the high-speed chase and it -- and,
18 you know, fought the officers and everything else
19 that went with it.

20 Q. You just didn't steal the truck?

21 A. I just didn't steal the truck.

22 Q. All right. Tell me what happened. Where
23 were you, what happened?

24 A. The theft or the jail or --

25 Q. Excuse me?

1 A. With the jail or --

2 Q. With the jail, yes.

3 A. Yeah, I had been in jail about a month. I
4 was going up for arraignment. I was kind of late
5 coming into the court area because my lawyer,
6 Chip Sherrod, had come in to see me, and he pulled me
7 aside. And I went in, and in Chester County, it's a
8 long hallway with a bench on the side. And a guy
9 named Cooper, who was in the pod with me, was sitting
10 at the front of the bench. And I went up and I sat
11 next to him, and he told me he had already been
12 inside. And Zach (pointed) was standing in front of
13 us at the -- on the wall.

14 Q. Let me interrupt you. You said Zach and you
15 pointed. Is that the defendant here today?

16 A. Yes, sir.

17 GENERAL HAGERMAN: The record would so
18 reflect.

19 BY GENERAL HAGERMAN:

20 Q. Did you know Zach at that time?

21 A. No, I had never seen him before in my life.

22 Q. Never seen him before in your life.

23 Okay. What happened?

24 A. He was leaning against the wall, and I asked
25 Cooper what happened in his court hearing. He said

1 that he was done in Chester County, and he had to go
2 to another jail. And Zach stepped forward and said,
3 hey, my brother's in that jail. Will you give him a
4 message for me? Cooper said, yeah. He said, tell
5 him if he doesn't keep his fucking mouth shut, I'm
6 going to plant him next to that bitch. And --

7 Q. If he doesn't keep his mouth shut, I'm going
8 to plant him next to that B?

9 A. Yeah, and Cooper, you know, looked taken
10 aback and asked him what's up with that? Oh, my
11 brother, he's telling on me and it was -- went into a
12 rant about, you know, his brother got caught with
13 something, I wasn't sure what it was, with the feds.
14 And to get out of it, was trying to tell on him. And
15 then --

16 Q. And did you know what he was talking about?
17 Did you know what case he was talking about at that
18 time?

19 A. Oh, yeah, I'd been on the phone, and I talked
20 to people, and we knew he was in the jail and --

21 Q. So you knew -- even though you had never seen
22 his face, you knew what he was there for?

23 A. Yes, we all knew.

24 Q. At some point, did you go into the courtroom?

25 A. Me and Cooper talked for about five minutes

1 about my bail. I had a million-dollar bail. He
2 commented on the bail situation.

3 Q. When you say he, who are you talking about?

4 A. Zach.

5 Q. All right.

6 A. He commented on my bail. Said that he'd
7 probably have higher bail, and I told him probably
8 so. I said considering what you're charged with. I
9 said mine was excessive. And about that time, they
10 called me into the courtroom. And I went in there,
11 had my arraignment. I come back outside, and I went
12 and I sat down at the other end of the bench. I
13 wanted to be away from my codefendant. And he moved
14 up to the front, so I moved back to the back of the
15 bench. And Zach was pacing around, and he come up,
16 and we talked a little bit about bail situation
17 again, and then he was last. So they called him in,
18 and he was in there for a little while, and he comes
19 back out and -- comes back and he's like, I got two
20 million. He said, I guess you got to kill a bitch to
21 get that kind of bail around here.

22 Q. I got two million. Make sure I get it right.
23 I guess you got to kill a bitch to get that around --

24 A. That kind of bail around here.

25 Q. -- here?

1 A. Yeah. And he said, but I'm not worried. He
2 said, don't have no body. They don't have no gun.
3 They don't have no conviction, because they don't
4 have a body and they don't have a gun.

5 Q. Got no body, got no gun --

6 A. No conviction.

7 Q. -- so no conviction?

8 A. Yes, sir.

9 Q. Because no body and no gun?

10 A. Yes, sir.

11 Q. Had you ever talked to Zach Adams before that
12 day?

13 A. No, sir. Never seen him before in my life.

14 Q. Have you been promised anything in return for
15 your testimony?

16 A. No, sir.

17 Q. You've received nothing at all?

18 A. Nothing at all.

19 GENERAL HAGERMAN: Pass the witness,
20 Judge.

21 THE COURT: Cross.

22

23 **CROSS-EXAMINATION**

24 **QUESTIONS BY MS. THOMPSON:**

25 Q. Now, Mr. Adams had recently been arrested on

1 the Holly Bobo case; hadn't he?

2 A. From what I understood at that time, yeah.

3 Q. And it had been in the news that they had
4 been searching his house and his property regarding
5 Holly Bobo; wasn't it?

6 A. Well, I was in the jail, and the only
7 information I had was what -- when I would call home.
8 You know, my mom is from Decatur County, and so she
9 would tell me little bits and pieces of things.

10 Q. Okay.

11 A. But I only knew secondhand knowledge. So the
12 Chester County Jail has no newspapers, no TV, no
13 source of news at all. So I knew very little about
14 what was going on on the outside.

15 Q. But your family did, and they were passing
16 some information on to you?

17 A. Yes.

18 Q. And in fact, though Mr. Adams was not facing
19 a murder charge out of Chester County, he was facing
20 his charge out of Decatur County. Your mother was
21 from Decatur County?

22 A. Yes, she is.

23 Q. Okay. And so you knew that that
24 Holly Bobo -- the Holly Bobo murder was out of
25 Decatur County?

1 A. Yes, and that he was -- from what we
2 understood, he was being held in Chester County.

3 Q. Okay. And did you know at the time he was in
4 protective custody?

5 A. No, I didn't.

6 Q. Okay. He never came to the pod with you-all;
7 did he?

8 A. No, they had him in a special pod towards the
9 front of the jail.

10 Q. Just a special single cell right there by the
11 main office?

12 A. Yes.

13 Q. Okay. And people in jail, they talk big;
14 don't they?

15 A. Yes, they do.

16 Q. I mean, in a way, you want to kind of talk
17 big to protect yourself?

18 A. We brag.

19 Q. Okay. And it would not be uncommon for
20 somebody who's possibly in protective custody to want
21 to brag and protect themselves more than others;
22 would you agree with me?

23 A. Yes.

24 Q. Okay.

25 MS. THOMPSON: No further questions.

1 THE COURT: Anything else?

2 GENERAL HAGERMAN: Nothing further,
3 Judge.

4 THE COURT: All right. You can have
5 Mr. Kirk back. Thank you.

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

8 THE COURT: Call your next.

9 GENERAL HAGERMAN: Your Honor, we would
10 offer into evidence at this time a certificate of
11 authenticity with regard to documents that have been
12 marked for identification previously. Facebook Adams
13 of Mr. Zach Adams, Exhibit 62, for identification
14 through the witness Rebecca Earp. We also have a
15 certificate of authenticity, and we would introduce
16 one page of those records, page 184, and pass those
17 to defense forward to the Court.

18 THE COURT: Defense --

19 MS. THOMPSON: I've seen them.

20 THE COURT: Defense seen them?

21 MS. THOMPSON: Yes, Your Honor, it's
22 fine.

23 THE COURT: Okay. So you want to file as
24 an exhibit?

25 GENERAL HAGERMAN: Yes, sir.

1 THE COURT: All right. Be 214?

2 THE REPORTER: Yes, sir.

3 THE COURT: All right.

4 (WHEREUPON, the above-mentioned document
5 was marked as Exhibit Number 214.)

6 GENERAL HAGERMAN: I'm going to publish
7 this by reading it, Judge.

8 THE COURT: Okay.

9 GENERAL HAGERMAN: This is a certificate
10 of authenticity of domestic records of regularly
11 conducted activity. I, Beth Jarvis, certify I am
12 employed by Facebook, Inc., headquartered in Menlo
13 Park, California. I am a duly authorized custodian
14 of records for Facebook and am qualified to certify
15 Facebook's records of regularly conducted activity.

16 I have reviewed the records for this by
17 Facebook in this matter in response to the search
18 warrant received on March 12, 2015. The records
19 include search results based on subscriber
20 information, messages, photos, videos and other
21 content and records for, and then it give a long
22 account number.

23 The records provided are an exact copy of the
24 records that were made and kept by the automated
25 systems of Facebook in the course of regularly

1 conducted activity as a regular practice of Facebook.
2 The record was saved in electronic format after
3 searching Facebook's automated systems in accordance
4 with the legal process. The records remain at or
5 near the time the information was transmitted by the
6 Facebook user. I declare under penalty of perjury
7 that the forgoing certification is true and correct
8 to the best of my knowledge, Beth Jarvis, dated May
9 of 2017.

10 It's a Facebook picture entitled "Who am I
11 looking for" from Zach Adams' Facebook account.

12 GENERAL CHRISTENSEN: We call our next
13 witness.

14 THE COURT: Next witness is?

15 GENERAL CHRISTENSEN: State calls
16 Christopher Swift.

17 THE COURT: You want to kill the
18 machines? Raise your right hand.

19 (The witness was sworn.)

20 THE COURT: All right. State your first
21 and last name. Spell it for the court reporter.

22 THE WITNESS: Chris Swift, C-H-R-I-S
23 S-W-I-F-T.

24 ///

25 ///

1 * * *

2 **CHRIS SWIFT,**

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

5
6 **DIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL CHRISTENSEN:**

8 Q. Good afternoon, Chris.

9 A. Afternoon.

10 Q. I want to talk to you first about your past a
11 little bit. You have a couple felonies over the
12 years, right?

13 A. Yes, sir.

14 Q. What have you pled guilty to over the years?

15 A. I've got a forgery. I've got third degree
16 rape, attempted spousal rape, and aggravated assault.

17 Q. In those cases --

18 THE COURT: Your voice is kind of
19 trailing off. Can you speak up, please?

20 THE WITNESS: Yes, sir.

21 BY GENERAL CHRISTENSEN:

22 Q. If you -- if can speak to where I can hear
23 you back here, then we should be okay.

24 A. Third degree rape, forgery, attempted spousal
25 rape, and aggravated assault.

1 Q. All right. And you're currently on the SOR,
2 Sex Offender Registry, and probation; is that
3 correct?

4 A. Correct.

5 Q. But what are you doing now? What's your life
6 like now?

7 A. Well, now I'm a foreman at Jones Brothers
8 Contracting.

9 Q. I'm sorry. Will you speak up just a little
10 bit? Maybe you can lean into the microphone or --
11 there you go.

12 A. Working at -- for Jones Brothers.

13 Q. Jones Brothers?

14 A. Yeah.

15 Q. What is that? What do you do there?

16 A. Heavy excavation construction work.

17 Q. Okay. And did you say you were a foreman
18 with them now?

19 A. Yes, sir.

20 Q. Okay. Now, I want to take you back to a
21 couple of -- a couple of years ago. This was in
22 2016. All right. You were -- were you in jail in
23 2016 at some point?

24 A. Yes, sir.

25 Q. What jail were you in?

1 A. Williamson County.

2 Q. And were you serving some time for that last
3 offense that you had?

4 A. Yes, sir.

5 Q. Did you at some point meet Zach Adams?

6 A. Yes, sir.

7 Q. And speak up just a little bit..

8 A. Yes, sir.

9 Q. Do you see Zach Adams here in the courtroom?

10 A. Yes.

11 Q. Okay. If you could point him out and
12 describe what he's wearing?

13 A. (Pointed.) Right there, orange tie.

14 THE COURT: All right. For the record,
15 the defendant.

16 BY GENERAL CHRISTENSEN:

17 Q. How did -- how did you get to know Zach in
18 the jail?

19 A. We just got to talking every day and kind of
20 struck up friendship.

21 Q. How did that work when you say talking every
22 day? Are you guys talking like over lunch or is
23 it -- how does it work exactly in that jail?

24 A. No, we was talking at -- on recreation,
25 whenever we come out. We were locked down 23 hours a

1 day. You would come out -- you know, it's solitary
2 confinement. We was out an hour a day. And whenever
3 I'd come out, I'd go down, talk to him. Whenever
4 he'd come out, he'd come over and talk to me.

5 Q. Would you also -- and I remember you telling
6 me that your -- your -- your particular cell was
7 situated in a spot where he might walk by --

8 A. Yeah, I --

9 Q. -- on a regular basis?

10 A. On the top tier there was a shower at the
11 very end of the wall. My cell was right there in the
12 corner right beside the shower.

13 Q. Okay.

14 A. So he had to come by my cell every day.

15 Q. And would sometimes when he -- when he walked
16 by your cell on his way to the shower, would he --
17 would he stop by and talk to you a little bit?

18 A. Yes, sir.

19 Q. You -- now, when you were in jail, I know you
20 still are, but you were a religious man and you
21 prayed frequently; is that right?

22 A. Yes, sir.

23 Q. Did Mr. Adams notice when you were praying
24 one time?

25 A. Yes, sir, he did.

1 Q. And did that spark a little conversation?
2 A. It did.
3 Q. Tell the jury about that.
4 A. He asked me if I thought that -- if, you
5 know, God would forgive him. And I'd asked him, I
6 said, forgive you for what? He said my case. And I
7 said, what do you mean? And he said the Holly
8 killing. And I told him, I said, yeah, God will
9 forgive you for everything. It says in the Bible,
10 you know, He'll forgive you of your sins if you just
11 ask for forgiveness. And he asked if I would pray
12 for him, and I said, yeah.
13 Q. So he saw you praying. And were you actually
14 praying when he saw you?
15 A. Yes.
16 Q. And he asked you if -- was this when you were
17 in your cell?
18 A. Correct.
19 Q. And he asked you if God would forgive him?
20 A. Correct.
21 Q. And you asked him why, and he said for the
22 Holly Bobo killing?
23 A. Correct.
24 Q. What else did he say?
25 A. He just wanted to know if I would pray for

1 him.

2 Q. Did you pray for him?

3 A. I did.

4 Q. Did he -- he talked to you a little bit more
5 about the Holly Bobo killing and rape; didn't he?

6 A. He did.

7 Q. Was it that same day?

8 A. No, sir, it was over a period of time.

9 Q. Okay. So tell us what he told you the next
10 time. Did he talk to you the next day or the next
11 week or --

12 A. It was the next day.

13 Q. Okay.

14 A. It was over, you know, a couple-day period
15 here that, you know, he was -- he wasn't involved in
16 the killing is what he -- is how he worded it. He
17 said I wasn't involved in the killing. I was
18 involved in the worst part of it.

19 Q. Okay.

20 A. And I didn't press him for anything further.
21 I wasn't -- didn't really want to know any of that,
22 you know. And he had let me know that, you know, it
23 was some boy that hung himself, and I guess it was
24 his brother that was involved in the killing is what
25 he said.

1 Q. Okay. Did he mention the rape?

2 A. Yeah, he said that they were in a back room
3 having sex with her, so.

4 Q. Who was in the back room having sex with her?

5 A. His brother and some boy that hung himself.

6 Q. Okay. And did he say something went wrong?

7 A. Yeah. He said something went bad wrong and,
8 you know, he said he was involved in the worst part
9 of it.

10 Q. He was involved in the worst part of it. But
11 he didn't tell you specifically if the part that he
12 was involved in was the rape or if the part that he
13 was involved in was the kidnapping or if the part
14 that he was involved in was the murder?

15 A. No, sir.

16 Q. Or if the part that he was involved in was
17 the disposal of the body?

18 A. Correct.

19 Q. He just told you that he was involved in the
20 worst part of it?

21 A. In the worst part of it.

22 Q. And he wanted to be forgiven for that?

23 A. Correct. He just -- all he said he was he
24 wasn't involved in the killing.

25 Q. Now, what did you do with this information?

1 A. I sat and thought about it for a couple days,
2 about what I should do about it. And then my lawyer
3 come visited me, and I told my lawyer about it. He,
4 I guess, contacted the district attorney or TBI or
5 someone.

6 Q. Okay. And did TBI come talk to you about it?

7 A. They did.

8 Q. How long did they talk to you about it?

9 A. It was about 15, 20 minutes.

10 Q. And did you tell them what you remembered at
11 that point?

12 A. I did to an extent. I was pretty nervous.

13 Q. Okay. Is that kind of the only time you
14 talked to them about it?

15 A. Yeah. And then I met with someone else and
16 discussed it with them as well.

17 Q. Did -- now, you indicated also that there was
18 a time when you thought that Zach was going to come
19 have a visit with his lawyer or something like that?

20 A. Yeah. There --

21 Q. And -- I'm sorry. Go ahead.

22 A. His attorney had come visited him, and he
23 come back and he was pretty depressed and -- you
24 know, for about a week or two.

25 Q. Before that though, I want go -- take you a

1 little bit before that.

2 A. Okay.

3 Q. Did he -- did he ever tell you a little bit
4 about what he thought about the case?

5 A. Yeah.

6 Q. What did he tell you he thought about the
7 case as far as the strength of the case?

8 A. He said as soon as the trial was over he was
9 going home. They didn't have a body. They didn't
10 have the murder weapon nor a motive.

11 Q. No body, no murder weapon, no motive, so he
12 thought that when he went to trial, he'd be going
13 home?

14 A. Correct.

15 Q. Then, I guess, he had a meeting with his
16 lawyer, and then you go ahead and tell us about that.

17 A. Yeah, he had a meeting with his lawyer, and
18 he come back and he said it didn't look good. He
19 said it didn't look good for him. And that -- he
20 didn't go into any more detail than that.

21 Q. After that -- after that meeting with his
22 lawyer, did he -- did he talk much more to you?

23 A. Not really. Not a whole lot about the case.
24 He had another meeting with his attorney, and
25 whenever he come back, he was pretty depressed. And

1 he looked at me and was like -- I said, well, you
2 know, it sucks being depressed. He looked at me and
3 said, yeah, maybe I should just pray about it.

4 Q. And was that one of those conversations where
5 he was on his way to shower and he stopped by your --

6 A. Correct.

7 Q. -- your cell?

8 A. Yes, sir.

9 Q. How did you take that when he said that to
10 you?

11 A. As a threat.

12 Q. Were you nervous because you were still in
13 the same area that he was at this point?

14 A. Yes.

15 Q. Did they finally move you out of there?

16 A. Yes.

17 Q. What -- now, at this point -- let me ask you
18 this, Chris: You -- when you first went to TBI, when
19 you first told everybody what happened, why did you
20 tell them what happened?

21 A. Seemed like the right thing to do.

22 Q. You ask them for anything for your testimony
23 here today?

24 A. No, sir.

25 Q. Did you get anything from your testimony here

1 today?

2 A. No, sir. I missed a days worth of work.

3 Q. And you -- in fact, when this all first began
4 to happen, your deal, whatever it was that you got
5 for the crimes that you committed, was already set?

6 A. Correct.

7 Q. And it didn't change any; did it?

8 A. No, sir.

9 Q. So you served whatever time you're supposed
10 to serve, right?

11 A. Yes, sir.

12 Q. And you got out of jail on the probation,
13 correct?

14 A. Yes, sir.

15 Q. Did Zach Adams contact you subsequent to
16 that?

17 A. Yes, sir. He had called me from another
18 inmate's pin number and was just, you know, asking
19 how you -- how I was doing. You know, how it felt
20 being out. And, you know, I said, well, good I'm --
21 you know, I'm real proud of you. And then he said I
22 probably wouldn't be talking to anybody else. He
23 said you take care of yourself and then hung up.

24 Q. Okay. I probably wouldn't be talking to
25 anybody else.

1 Now, based on what you knew about Zach Adams
2 and what you learned about him spending time in
3 prison with, or jail, did you take that as a threat?

4 A. Yeah, I sure did.

5 Q. Did he -- did he ever mention to you -- and
6 I'm going before that last conversation. The phone
7 call you just mentioned where he said I probably
8 wouldn't be telling (sic) anybody else if I were you,
9 did he ever mention to what kind of sentence he might
10 get for the crime?

11 A. Yeah, he said was going to get the death
12 penalty.

13 Q. Okay. Thank you very much.

14 GENERAL CHRISTENSEN: No further
15 questions, Judge.

16 THE COURT: Cross.

17

18 **CROSS-EXAMINATION**

19 **QUESTIONS BY MS. THOMPSON:**

20 Q. Mr. Swift, I'm Jennifer Thompson. So the
21 first time you spoke with the police, it was on
22 October 17, 2016; is that correct?

23 A. I believe so, yes.

24 Q. And up until shortly before that time, you
25 said Mr. Adams was going around kind of bragging,

1 saying no body -- they don't have a body and without
2 a body, no motive, they'll never get a conviction?

3 A. I never said he was bragging about it, no,
4 ma'am.

5 Q. Okay. So he was just telling you, though,
6 that there was no murder weapon and no body, and they
7 wouldn't get a conviction?

8 A. Right.

9 Q. Okay. And you indicated that it was sometime
10 shortly before you spoke with the police that his
11 attorney came to see him and he got depressed?

12 A. Yes.

13 Q. Okay. And at that time, he said that he
14 would probably be going to death row?

15 A. He said he was going to the row, yes.

16 Q. And you have television there in that jail;
17 don't you?

18 A. A little bit. We -- they -- we don't get to
19 pick the channels we watch.

20 Q. You --

21 A. We don't --

22 Q. Right.

23 A. Yeah.

24 Q. There's actually another pod that picks the
25 channels you watch; isn't that right?

1 A. I wasn't sure on how all of that went.

2 Q. Okay. But you remember meeting with my
3 investigators that came to see you? We have two
4 women that came out to talk with you.

5 A. No one ever came out and talked with me.

6 Q. Okay. Did they talk to you on the telephone?

7 A. Yes.

8 Q. Okay. But you remember talking with an
9 investigator from the defense team?

10 A. Yes, I'd returned a call. They left a note
11 on my door and said that they would like for me to
12 call them back.

13 Q. And do you remember telling them that you
14 didn't think that Zach had actually committed the
15 crime?

16 A. I do.

17 Q. And that you didn't think he was capable of
18 it?

19 A. I remember that.

20 Q. And that was accurate. That was honest, what
21 you told them, right?

22 A. Right. From what I was told by him that he
23 didn't have anything to do with the killing, that's
24 what I told the investigators.

25 Q. Okay. And when people are in jail, they do

1 tend to brag a lot; don't they?

2 A. Some do and some don't. Usually the ones
3 that are bragging, you know, they're just trying to
4 show off. But the ones that are quiet and don't
5 really talk about it a lot, they just talk about it a
6 little, those are usually the ones that you got to
7 watch out for.

8 Q. But that's just a generalization on your
9 part, right?

10 A. Yes.

11 Q. Okay.

12 MS. THOMPSON: Can I have a minute? No
13 further questions, Your Honor.

14 THE COURT: Anything else?

15 GENERAL CHRISTENSEN: Just a couple,
16 Judge.

17 THE COURT: All right.

18

19 **REDIRECT EXAMINATION**

20 **QUESTIONS BY GENERAL CHRISTENSEN:**

21 Q. Now, when you talked to their investigator,
22 you told them that you didn't think he did it?

23 A. Correct.

24 Q. What do you mean by that exactly?

25 A. They asked me about the conversation that was

1 had and -- between, you know, Zach and I,
2 conversations that we had had. And they said, well,
3 do you think he done it? I said, well, you know,
4 according to what he said, no, I don't think he done
5 it. And what little time I knew him, I -- he didn't
6 seem like he would be capable of doing something like
7 that.

8 Q. And according to what he said, which was he
9 told me he was involved in the Holly Bobo case, he
10 said he was involved in the worst part of it. But
11 you don't know -- you've already testified you didn't
12 know what that was?

13 A. Right.

14 Q. And then he said his brother and the guy that
15 hung himself -- you don't know Shane Austin; do you?

16 A. No, sir.

17 Q. Was involved in the rape, and they had sex
18 with her, and he said something went wrong, and he
19 and his brother, the guy that hung himself, killed
20 her, right?

21 A. Not -- Zach didn't say that he and his
22 brother killed her. He just said he had to help his
23 brother. Something went bad wrong.

24 Q. Okay. But he knew everything about the case?

25 A. (Nodded head affirmatively.) Yes, sir, I

1 guess. He didn't tell me everything, but I'm
2 assuming he knows, you know, what went on.

3 Q. Okay. But it sounds like he was -- was he
4 trying to minimize his involvement when he talked to
5 you?

6 A. I mean, that's a good possibility, yeah.

7 Q. Okay. And when he told you not to talk to
8 anybody, you still took that as a threat, right?

9 A. Oh, yeah.

10 Q. So you were concerned enough about him to
11 feel threatened by that conversation after you left
12 the jail; is that right?

13 A. Yeah.

14 Q. Okay.

15 GENERAL CHRISTENSEN: Nothing further,
16 Judge.

17 MS. THOMPSON: No, Your Honor.

18 THE COURT: All right. Step down.
19 You're free to go. Do not discuss your testimony.
20 Call your next.

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

23 GENERAL NICHOLS: Your Honor, ladies and
24 gentlemen of the jury, on behalf of the State of
25 Tennessee, we rest our case in chief.

1 THE COURT: Okay. When they say we rest
2 our case in chief, that simply means they finished
3 their proof in their case in chief. As I told you at
4 the outset, they have the burden of proof. The
5 defendant is not required to prove his innocence or
6 to prove anything, but they can present such proof as
7 they wish or desire. We're going to take a 15-minute
8 recess at this point. Then we'll continue.

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

11 THE COURT: Okay. Let's take our recess.

12 (Short break.)

13 THE COURT: All right. They're bringing
14 the jury.

15 MS. THOMPSON: I want to do my motion,
16 Your Honor for judgment --

17 THE COURT: Do what?

18 MS. THOMPSON: I want to do my motion for
19 judgment of acquittal before the jury comes in.

20 THE COURT: I thought you probably would.
21 You haven't said a word, though.

22 MS. THOMPSON: Okay.

23 THE COURT: I told him to hold the jury,
24 so --

25 MS. THOMPSON: Okay.

1 THE COURT: -- let's be fairly succinct,
2 please.

3 MS. THOMPSON: Yes, Your Honor.

4 THE COURT: I'll be glad to hear you on
5 your motion for judgment of acquittal at -- hold the
6 jury the out there -- motion for judgment of
7 acquittal at the conclusion of the State's proof.
8 Okay.

9 MS. THOMPSON: Your Honor, at this time,
10 I would like to make a motion for judgment of
11 acquittal. There's multiple counts of first degree
12 murder, aggravated rape, and especially aggravated
13 kidnapping. As far as the aggravated rape goes, Your
14 Honor, we've heard testimony from Jason Autry as to
15 the aggravated rape, but we have not heard any type
16 of corroboration. And as far as criminal -- let's
17 see. Evidence is insufficient to sustain a
18 conviction if solely based on the uncorroborated
19 testimony of one or --

20 THE COURT: What about the two other
21 witnesses that said they heard Zach says words to the
22 effect of hitting it --

23 MS. THOMPSON: Hitting it.

24 THE COURT: -- hitting it, and then they
25 used the word that is the street name for what

1 hitting it was? You had two separate witnesses that
2 said that.

3 MS. THOMPSON: Right. Well, we say that
4 they were presuming what Zach meant by that, but he
5 didn't specifically refer to rape. He just said hit
6 it and they -- both those witnesses said that they
7 presumed what he meant was sex with Holly. But that
8 that's not exactly what Zach said. So I say that
9 that's not corroboration.

10 THE COURT: I think it's pretty clear
11 from the context that that's what the reference was,
12 or at least one that the jury can draw, okay?

13 MS. THOMPSON: As far as the kidnapping,
14 Your Honor, there's no evidence that she was forced
15 to go anywhere. The description specifically was not
16 that of Zach Adams. That Zach Adams, at the time,
17 was tall, thin, had dark hair -- he has dark hair.
18 The person that was mentioned was a hundred --
19 approximately 200 pounds and had dark hair, length of
20 the shoulder, and was between five -- I can't
21 remember, something up to six feet tall. So I say
22 that doesn't match the description of Mr. Adams.

23 THE COURT: Court's constrained to
24 observe that I'm probably going to have to charge
25 facilitation, which is my least favorite charge in

1 our pattern instructions, but probably as to all
2 offenses. I'll just go ahead. I'll keep an open
3 mind about the parties. And as far as forcible
4 abduction, I think the finding of the blood there,
5 the description of what the brother saw certainly
6 supports that.

7 MS. THOMPSON: And as far as the murder,
8 we have Jason Autry's testimony, but there's not
9 corroboration from another source as to corroborate
10 the homicide, Your Honor.

11 THE COURT: Corroboration, the cell phone
12 guy was pretty -- was pretty direct in placing things
13 at various places to corroborate the testimony of
14 Mr. Autry. So your motion for judgment of acquittal
15 will be overruled as to each count.

16 State wish to add anything else?

17 GENERAL NICHOLS: It sounds as though the
18 Court's already made up your mind, so I will not.

19 THE COURT: Well, okay. I don't even
20 take a lot of notes, and I've got a lot of
21 information, okay? Let's bring the jury in.

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

25 THE COURT: Be seated, please. All

1 right. Call your first witness for the defense,
2 please.

3 MS. THOMPSON: Yes, Your Honor. The
4 defense calls Rita Austin.

5 THE COURT: Rita?

6 MS. THOMPSON: Rita Austin.

7 THE COURT: All right. Rita Austin.
8 Raise your right hand, please.

9 (The witness was sworn.)

10 THE COURT: Be seated. State your
11 first --

12 THE WITNESS: Right here?

13 THE COURT: Yeah, in the witness chair.
14 State your first and last name, and spell it for the
15 court reporter.

16 THE WITNESS: Rita Austin, R-I-T-A
17 A-U-S-T-I-N.

18
19 * * *

20 RITA AUSTIN,
21 was called as a witness and having first been duly
22 sworn testified as follows:

23
24 DIRECT EXAMINATION

25 QUESTIONS BY MS. THOMPSON:

1 Q. And, Ms. Austin, are you related to
2 Shane Kyle Austin?

3 A. Yes, Jimmy Austin and I, Rita Austin, have a
4 son named Shane Kyle Austin.

5 Q. Okay. And can you tell us back in April of
6 2011, where was your son living?

7 A. He was living -- Shane was living at 30
8 Yellow Springs Road in Holladay, Tennessee.

9 Q. And where was -- what kind of residence was
10 that?

11 A. It is a trailer about two miles away from our
12 house at 790 Pugh Road.

13 Q. Can you speak up just a little because your
14 voice is trailing off?

15 A. Okay.

16 Q. Where do you live?

17 A. I live at 790 Pugh Road, and Shane lived at
18 30 Yellow Springs Road, which is about two miles
19 away.

20 Q. Okay. And his residence, how did -- how did
21 he come to live in that trailer? How did you come to
22 own it?

23 A. Jimmy and I purchased this trailer to move
24 him out of our house into his own residence.

25 Q. Okay. And what about the items at the house?

1 A. All of the furnishings were -- Shane and
2 Melanie both had gone to college and came back and
3 forth and moved back in and out of our house. So we
4 accumulated a lot of furniture, pots and pans,
5 bedding. Just probably any -- everything that was
6 over there at that trailer was provided by me and his
7 dad.

8 Q. Okay. And so are you familiar with the items
9 he had at that house?

10 A. Yes, I am.

11 Q. Okay. So tell me about quilts that Shane
12 would have had at that house. Can you tell the jury
13 about that?

14 A. Shane wouldn't have had any quilts at that
15 house. He moved in the -- like the last week of
16 March of 2011. In his bedroom at my house at 790
17 Pugh Road, he slept with an air conditioning running
18 pretty much year around. So he did not have a quilt.
19 And, you know, all of my quilts are at home, and he
20 got everything from our house. He didn't go out and
21 buy anything. He didn't have any money to buy
22 anything, so to speak.

23 Q. Okay. And tell the jury about a burn barrel
24 that would have been at that trailer.

25 A. Shane didn't have a burn barrel at his

1 trailer. The way that we did his garbage, my
2 son-in-law worked for a cooling tower company, and
3 they brought a group container that had a locking top
4 on it. And it was put at the -- at the foot of the
5 trailer where that hitch like is, and it was put
6 right there and had a top on it. His neighbors had
7 dogs and so that was what we did. And we live in the
8 country, rural country, and we don't have any garbage
9 service. So me and my husband, Jimmy, would pick up
10 his garbage when we took our garbage out and away.

11 Q. Okay.

12 A. Which way am I suppose to look?

13 Q. That's fine. Yes, look at the jury.

14 A. Okay.

15 Q. And it's a balance with that microphone being
16 too close, and it kind of gives a little bit of a
17 puff, too far away, and it's hard to hear.

18 A. Okay. I'm going -- okay. If I'm not doing
19 good, tell me.

20 Q. Okay. And then let me direct your attention
21 to the property, the driveway. Did the driveway have
22 a gate?

23 A. No, the driveway did not have a gate at that
24 time. We did put a gate and a fence up, and that was
25 June of 2011 after we bought Shane a puppy.

1 Q. Okay. And then it's another background
2 matter. Would you tell the jury about your mother,
3 Juanita Hickerson?

4 A. My mother is Juanita Hickerson. She passed
5 away on March 11th of 2011. Shirley King, which is
6 Jason's mother, is my sister. That was our mother,
7 Juanita Hickerson, that passed away March of 2011.

8 Q. And where was her property located?

9 A. Her property was 820 Yellow Springs Road,
10 which was probably about a mile from Shane's trailer
11 on Yellow Springs Road. If you were going to the
12 interstate, it would be looking around going toward
13 Bible Hill Road.

14 Q. Okay. Next I would like to switch topics and
15 direct you towards Shane's appearance in the spring
16 of 2011. Would you tell the jury what Shane looked
17 like in that -- the spring of 2011?

18 A. Shane had a motorcycle wreck in 2009, in
19 April of 2009. He had some really bad scars on his
20 face. He wrecked into a tree and his -- he didn't --
21 wasn't wearing a helmet. And he had a -- he was
22 airlifted to Vanderbilt. And he had a scar kind of
23 like right below. The wreck actually tore through
24 this area. He had a lot of stitches into this area
25 out to the corner of his mouth. So because of --

1 Q. Can I interrupt you? When you say this area,
2 I know you're pointing, but for the record, will you
3 use words to describe that area?

4 A. Okay. It was a thick, red, raised scar,
5 thick, red, raised. Not real well fixed, because it
6 was a accident that really mangled that area up on
7 this part of his face. So most of the time or
8 pretty much -- no, all of the time, he wore a goatee
9 to try to help camouflage this. He was very
10 self-conscience about that scar on his face.

11 Q. And when you were pointing to where the scar
12 was, you're pointing to here. Use a word to describe
13 where here is.

14 A. Right up above the corner of his mouth, kind
15 of out toward the cheek area. You know, it kind of
16 went down and out to about right here on the -- on
17 the -- went out toward the cheek and toward the jaw
18 area, just halfway. Halfway between the cheek and
19 the -- and the chin area.

20 Q. And what about his eye?

21 A. Oh, that was even worse. On this same wreck
22 he had in April of 2009, it crushed his orbital
23 socket, and it also crushed this bone right here in
24 the nose area. So his nose was kind of flattened out
25 and this eye socket, and that also clipped a nerve in

1 his eye. They repaired that the first night when we
2 were at Vanderbilt. They repaired that tear in that
3 tendon. But subsequently, he had two more surgeries
4 on this eye trying to build enough tissue to try hold
5 the eye correctly in the socket, but it didn't ever
6 get where it was okay.

7 And what happened is, when you looked at
8 Shane, you would see a defect. It was -- he had
9 beautiful blue eyes, but it was defected. His eyelid
10 hung down enough that you could see the white
11 underneath his eye, and you could see that all the
12 time. And anybody that looked at him, that would be
13 one of the first things that you noticed, is his eye
14 wasn't right. I've even had a friend ask me --

15 GENERAL NICHOLS: Your Honor, objection;
16 hearsay.

17 THE COURT: Sustained.

18 BY MS. THOMPSON:

19 Q. Oh, okay. Just -- it's not important what
20 the friend said.

21 A. Okay.

22 Q. Let me ask you about the goatee. You
23 mentioned a goatee. Did he have a goatee in April of
24 2011?

25 A. Yes. We have some pictures that had that in

1 it, yes.

2 Q. Okay. And let me ask you about Shane's
3 transportation, his truck. In April -- around April
4 the 13th of 2011, what kind of transportation did
5 Shane have?

6 A. Shane didn't have any working transportation.
7 He had a truck parked behind his house. And if you
8 could ever believe this story, it's another last week
9 of March of 2011, Shane had a Chevy S10 truck. He
10 was coming home from 641, going toward his house at
11 30 Yellow Springs Road. He lost control. He spun
12 the truck around and slammed into a telephone pole.
13 That messed the whole frame of the truck up. It
14 drove the passenger side and at the -- at the bed of
15 the truck, it hit between the passenger and the
16 tailgate. Drove that chair on the passenger side all
17 the way into the console on the passenger side.

18 The -- because he hit that like that, the top
19 of the telephone pole broke in half and hit the top
20 of the cab and messed the cab up. They got the truck
21 off of the -- off of the telephone pole, and it was
22 like it was driving sideways down the road. He got
23 it over to his trailer, parked it behind his trailer,
24 and that's where the truck was. The people searching
25 for --

1 Q. Well, let me --

2 A. Okay.

3 Q. Just before we get to that.

4 A. Okay.

5 Q. About the truck, how do you know though that
6 it -- since it didn't drive well but it could move,
7 how do you know that he wasn't driving it at that
8 time?

9 A. We took the keys away from him. He -- Shane
10 wasn't in a good place. And that truck drove
11 sideways, and it was dangerous for him to get out in
12 that truck that wouldn't drive. So we had a set,
13 too, and we took the keys away.

14 And we also had an FBI agent visit us during
15 that time, and I went into the safe in our room and
16 produced that set of keys for him to see.

17 Q. Okay. And so did Shane have access to your
18 house during this time?

19 A. He never had a -- keys to my house. He
20 didn't have keys to any of our vehicles. He did not
21 even have a key to the door. Like I said, people
22 that are not in good places don't have access to --
23 he never. From the time he was 16-years-old, we
24 bought vehicles that didn't require major -- they
25 just required insurance on them and they --

1 GENERAL NICHOLS: Your Honor --

2 THE WITNESS: -- all this was in --

3 GENERAL NICHOLS: Your Honor --

4 MS. THOMPSON: Okay.

5 THE WITNESS: Okay.

6 GENERAL NICHOLS: -- I'm going to object
7 as to relevance. This was ten years after.

8 THE COURT: I think it was volunteered.
9 Let' just --

10 GENERAL NICHOLS: Yeah, I understand.

11 THE WITNESS: He didn't drive any --

12 THE COURT: Listen --

13 THE WITNESS: -- of our vehicles.

14 BY MS. THOMPSON:

15 Q. Okay.

16 THE COURT: Ms. Austin, listen to the
17 questions, make your response. If you feel you need
18 to explain, you're allowed to do so. But listen to
19 the questions. Just respond. Okay?

20 THE WITNESS: Okay.

21 THE COURT: Thank you.

22 BY MS. THOMPSON:

23 Q. Okay. I wanted to ask you about Yellow
24 Springs Church. Can you please tell the jury about
25 Yellow Springs United Methodist Church? Where is it

1 located?

2 A. Yellow Springs Church is on Yellow Springs
3 Road. It sits right in the corner. Pugh Road comes
4 up, and Yellow Springs Church is right in the corner
5 of that road. Well, if you come up the hill, you
6 would be at Yellow Springs Church. One road goes one
7 way. It's in the corner of Pugh Road and Yellow
8 Springs Road.

9 Q. Okay. And did anything in particular take
10 place at Yellow Springs Church on Thursday, April the
11 14th?

12 A. Yes, it did. On -- I went to pick up Shane
13 to take him to work at 2:30 in the afternoon on the
14 14th. And when I started coming up the hill, there
15 were cars everywhere. There were school buses there.
16 And they had set up a command search post for
17 Holly Bobo.

18 Q. Okay. I'd like to move on then to your
19 nephew, Jason Autry. Can you tell me about Jason's
20 paternal grandmother?

21 A. Paternal grand -- yes. Jason, his
22 grandmother is Sudie Autry.

23 Q. Say that again.

24 A. Sudie, S-U-D-I-E, Autry.

25 Q. Okay.

1 A. She is the sister to Ruby Bobo.

2 Q. Okay.

3 A. Gary's daddy and Dana Bobo are first cousins.
4 So --

5 Q. How did that make him related to Holly Bobo
6 then?

7 A. Third cousins. She would be a second cousin
8 to Gary, and a third cousin to Jason.

9 Q. Okay. Would Jason have known this
10 information?

11 A. Yes, he would.

12 GENERAL NICHOLS: Your Honor, I'm
13 going --

14 THE WITNESS: Yes, he would.

15 GENERAL NICHOLS: I'm going to object to
16 speculation unless she's -- absolutely knows that he
17 knows. I mean, that's --

18 THE COURT: Okay.

19 THE WITNESS: Okay. Well, I absolutely
20 know that he knows.

21 BY MS. THOMPSON:

22 Q. And then have you visited Jason Autry since
23 he's been charged in this case?

24 A. We began -- I don't know for sure if he was
25 charged in this case, but he was in jail in Decatur

1 County, and we went to visit him every week, some of
2 our family. It -- not -- not -- not be me every
3 time, but every week we went to see him at the jail.
4 Sometimes we'd even take Isabelle Hickerson, his
5 great aunt.

6 Q. Okay. And then after that, did you continue
7 to see him once he went to Nashville?

8 A. He got transferred first to Dyersburg, and
9 Jason told us that he didn't think that he would be
10 there very long. And then he got transferred to
11 Riverbend, and then we began to visit him at
12 Riverbend Prison. And we did -- when we got approved
13 for a visit, we went.

14 Q. Okay. And then while there, was there
15 anything in particular that you took note of while
16 you would visit Jason?

17 A. One time when we visited Jason, he had a copy
18 of a report about some pink underwear. And I was
19 elated. He stuck it up on the window, and I was
20 elated that -- that he had this report, because it
21 said none of --

22 GENERAL NICHOLS: Your Honor, objection.

23 THE WITNESS: Okay.

24 THE COURT: Sustained.

25 BY MS. THOMPSON:

1 Q. The pink -- okay. So --

2 THE COURT: I don't think it's really an
3 issue. We've had other testimony. So let's --

4 MS. THOMPSON: Right.

5 THE COURT: -- kind of get to the point.

6 MS. THOMPSON: Okay.

7 BY MS. THOMPSON:

8 Q. But what that was -- some evidence in this
9 case?

10 A. Yes, it was.

11 Q. And were there other times that he shared
12 evidence in this case with you?

13 A. Only the -- this -- that same time, he told
14 us that she had been shot. And he --

15 GENERAL NICHOLS: Your Honor, I'm going
16 to object what he told her. It's hearsay. Not --
17 I'm not objecting to what she said or saw or
18 witnessed, like the report.

19 THE COURT: What Jason said to her is
20 hearsay.

21 MS. THOMPSON: Well, but, Your Honor, I'm
22 not trying to prove -- offer it for the truth of the
23 matter. I'm trying to offer it to show that Jason
24 had knowledge that he was in possession of discovery
25 in this case. I had asked Jason specifically, and he

1 had denied some of that. And so this is some
2 impeachment. One, it's impeachment. And two, it
3 goes to show his knowledge. Not whether or not it's
4 true. I'm not offering it for the truth of what was
5 said.

6 THE COURT: I think that's exactly what
7 he testified to in here, but go ahead and ask her.

8 THE WITNESS: He told us that she had
9 been shot through the back of the head, and the
10 bullet come out on the right side, right under her
11 right eye. He said at the scene there was three
12 bullet casings, a .308, a .380, and a .410.

13 THE COURT: I think we've gone far
14 enough.

15 MS. THOMPSON: Okay.

16 THE COURT: You know, what discovery he
17 shared with them, we --

18 MS. THOMPSON: Okay.

19 THE COURT: -- we could spend the rest of
20 the afternoon, probably. It just shows he was
21 getting discovery through his attorneys is the only
22 thing that shows, okay?

23 MS. THOMPSON: Yes.

24 THE COURT: Let's go.

25 BY MS. THOMPSON:

1 Q. And so the green way under the Interstate 40
2 bridge, have you ever been there?

3 A. Yes, we walk our dogs at different places.
4 The river and under this Tennessee River bridge, it's
5 very beautiful area.

6 Q. And how would you describe that area?

7 A. It's a National Refuge. And you come in a
8 one-lane road into the refuge area, and you drive
9 around a body of water. And then you go over a body
10 of water that's called -- that's called Tie Yard. I
11 don't know if you're fishermans (sic), but that's Tie
12 Yard. And then you go on following the road, and you
13 go out to the main channel of the river. And that's
14 the river bank where we walked most of the time with
15 our dogs.

16 Q. Okay. And this Tie Yard, what's the water
17 like there in the Tie Yard?

18 A. Well, we didn't walk near -- we -- you have
19 to cross over this, okay? There's a spillway, and
20 you have to cross over it to go on into the -- to the
21 river. But it's grown up. It's got big rip-rappy
22 rocks around it, and it's all grown up except a
23 little place where you can pull in a -- you can pull
24 in, and people fish there. They go in there and
25 fish. It's really good fishing area. And even Shane

1 and Jimmy fished there. It's not any -- so that
2 water is backwater. Backwater. What backwater,
3 dark, dank-looking water. It's not a -- it's not
4 fresh water.

5 Q. Okay. And then we've heard some talk about
6 Shane and Shane's suicide. Can you please tell the
7 jury kind of some of the surrounding facts regarding
8 Shane's suicide? Let's start with his drug issues.

9 A. In -- February 23rd, 2015, Shane took his
10 life. He was down in Florida trying to work and get
11 his life straight. He was working on cooling towers.
12 He began using drugs again. He was making \$1,500 a
13 week. And when he -- we got his bank account, he
14 didn't have but \$200. So he was using a lot of
15 drugs. And my son-in-law was his boss, and he fired
16 him on Tuesday. He had give him all kinds of chances
17 trying to help him, and on Tuesday he fired him. And
18 Josh was going to bring him to the airport on
19 Saturday.

20 And Shane was so messed up at the airport
21 that he didn't get on the plane with his plane ticket
22 that we purchased. And so when he called us --
23 before he lost his phone, he called us very messed
24 up. Very --

25 Q. And I don't want you to say what he said to

1 you when he called you.

2 A. Okay.

3 Q. But what happened after that?

4 A. The law -- Shane went back to the hotel where
5 they had been staying, and he was mad. He was mad at
6 Josh. He kind of kicked in the -- some of the air
7 conditioning stuff. The hotel man was called to do
8 something with him. And Josh begged him to take him
9 to jail. He said, please, just take him to jail, and
10 the man wouldn't do it. Shane had been down there
11 for a month or more working and renting, and he said
12 he would not press charges.

13 So Josh loaded him up and took him to another
14 motel and paid for it, and told him to get in there
15 and stay in there. And then we were in the process
16 of going to rescue him, and we got down there, and he
17 was dead. He was in his room locked in, and he was
18 dead.

19 Q. Okay. But he had had a long struggle with
20 drugs; is that right?

21 A. Absolutely, a long struggle with drugs.

22 Q. And his struggle with drugs, did that begin
23 before or after Holly Bobo disappeared?

24 A. No, it didn't begin just when she
25 disappeared. He's had a history since he was

1 16-years-old in high school, on and off. He got
2 clean, and we had eight good months before he went to
3 work with Josh. And then when he went to work. I
4 said he does really well if he don't have any money.
5 But he went to work with him and he got ahold of
6 money, and he started right back using again.

7 Q. Okay. Okay.

8 A. Okay.

9 MS. THOMPSON: If I could have just one
10 moment? No further questions, Your Honor.

11 THE COURT: Cross.

12 GENERAL NICHOLS: Jenks material, please.

13 MS. THOMPSON: I don't have any written
14 reports.

15
16 **CROSS-EXAMINATION**

17 **QUESTIONS BY GENERAL NICHOLS:**

18 Q. Ms. Austin, I'm Jennifer Nichols. I spoke to
19 you in the hall, but --

20 A. Right.

21 Q. -- I'm not sure if you knew who I was.

22 A. Right.

23 Q. Listening to you talk about Shane, it's fair
24 to say that his drug problem had very much affected
25 yours and Mr. Austin's life?

1 A. Absolutely.

2 Q. And in fact, do you remember after Holly

3 disappeared when Karen and Dana and --

4 A. I surely do.

5 Q. -- Anthony --

6 A. I surely do.

7 Q. -- came to your house --

8 A. Yes.

9 Q. -- to talk --

10 A. Yes.

11 Q. -- about it.

12 A. We let them in just --

13 Q. And you know by that time, Shane's name was

14 already out there --

15 A. Yes, it was.

16 Q. -- as being a suspect in this?

17 A. Yes, it was.

18 Q. And you told Karen that you had to move --

19 you had to buy that trailer and move him into that

20 trailer because of the people and the drugs that he

21 was bringing into your house?

22 A. Exactly.

23 Q. And that's not the way you raised him?

24 A. No, no. He -- he had a --

25 Q. Okay.

1 A. He had a silver spoon in his mouth.

2 Q. So to get that element, those people that you
3 didn't approve of and those drugs, out of your house,
4 you bought that trailer?

5 A. Well, I'm going to go ahead and clarify that.
6 I didn't speak about his friends that did drugs. I
7 said we had to get Shane out of our house and get the
8 drugs out of our house.

9 Q. So you weren't worried about the people he
10 was hanging around with?

11 A. I -- you know, really he didn't bring those
12 people to my house.

13 Q. Okay. Well, that sort of carries me to my
14 next one.

15 A. Okay.

16 Q. Now, you said he doesn't have a burn barrel.
17 Sounded like didn't have access to a burn barrel.
18 But you have to -- you have to agree with me that
19 Shane kept --

20 THE COURT: You need to back off just a
21 little there.

22 THE WITNESS: Okay. Sure.

23 BY GENERAL NICHOLS:

24 Q. Shane kept things from you and your husband?

25 A. He kept things, but we went over there to get

1 his garbage just like we did ours, and --

2 Q. So that -- that's a yes with an explanation.
3 Yes, he kept things from you. But yes, you believe
4 you would have seen a burn barrel?

5 A. I know I would have seen a burn barrel.

6 Q. Had the burn -- you would have seen that burn
7 barrel if the burn barrel had been in the front yard
8 in front of the trailer?

9 A. I would have seen the burn barrel.

10 Q. Would you have seen the meth in his house?

11 A. I saw it in my house, so I'm sure I would
12 have. I mean --

13 Q. Would you have seen him cooking it?

14 A. No, he didn't cook it to my knowledge in my
15 house.

16 Q. Okay. So if he did cook it, that's something
17 he didn't do in front of you?

18 A. That is right. He did not cook meth in front
19 of me.

20 Q. Okay. You know that he was hanging out with
21 Zachary Adams, right?

22 A. Yes, I do.

23 Q. You know that he was hanging out with
24 Zachary Adams' brother?

25 A. Yes, I do.

1 Q. In fact, he was particularly close to
2 Dylan Adams?

3 A. I think he liked Dylan Adams, yes.

4 Q. And when all this happened and Shane's name
5 got out there, you and your husband took measures to
6 try and help him, right, as any parent would?

7 A. Absolutely, we got concerned about this.

8 Q. Sure. I mean, your son was a suspect in the
9 kidnapping --

10 A. Absolutely. We sure --

11 Q. Okay. Let me finish.

12 A. He was a suspect. Sure.

13 Q. Your son was a suspect in the kidnapping, the
14 rape, and the murder of Holly Bobo?

15 A. Now, at the -- when we was first
16 acknowledged, it wasn't rape and murder. It was in
17 her kidnapping. That was -- we knew it from the time
18 that his name was associated with the kidnapping.

19 Q. And --

20 A. Now, this rape and murder stuff came like
21 later.

22 Q. Okay. But --

23 A. But we was well aware that his name was --

24 Q. And I'm not trying to trick you.

25 A. Okay.

1 Q. Because as the case progressed, you did know
2 that Shane was a suspect in both the rape and the
3 murder, just like he was in the kidnapping?
4 A. Absolutely.
5 Q. Okay. That's what I mean. I'm not trying to
6 trick you. I'm just trying to --
7 A. No, I just want to be as honest I can be.
8 Q. Gotcha you.
9 A. I want this to be done.
10 Q. And you and your husband got an attorney for
11 him; didn't you?
12 A. We didn't get an attorney until 2014.
13 Q. Okay. My questions was: You and your
14 husband got an attorney for him?
15 A. Not until 2014.
16 Q. Didn't ask when.
17 A. Well, that's too bad.
18 Q. Really?
19 A. Really.
20 Q. Okay. So you and your husband got an
21 attorney; didn't you?
22 A. Yes --
23 Q. There you go.
24 A. -- in 2014.
25 Q. And his name is Luke Evans, correct?

1 A. That is right.

2 Q. And he's a family member of y'all's; isn't
3 he?

4 A. Yes, he is.

5 Q. Luke Evans negotiated with the DA at the time
6 assigned to that case?

7 A. Yes.

8 MS. THOMPSON: Your Honor, I'm going to
9 object unless she has specific knowledge.

10 THE COURT: She just said yes, so.

11 BY GENERAL NICHOLS:

12 Q. And in fact, there were times when you were
13 present at those meetings, correct?

14 A. I was never present with Luke Evans and
15 Shane Austin in any kind of discussions. Never.

16 Q. Did you become aware that your son provided
17 information to the District Attorney's Office
18 about -- let me finish -- about the kidnapping, the
19 rape, and the murder of Holly Bobo?

20 MS. THOMPSON: Your Honor, I'm going to
21 object. May we approach?

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

24 MS. THOMPSON: I object, Your Honor. I
25 think she's trying to backdoor in some type of

1 agreement and hearsay from Shane Austin that she
2 couldn't get in directly. Whatever occurred --
3 Shane Austin has passed away. Whatever has occurred
4 between Shane Austin and the District Attorney's
5 Office is not admissible at this point. And I object
6 to her trying to get it in through the mother.

7 THE COURT: Your objection's overruled.
8 You can ask the question.

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

11 BY GENERAL NICHOLS:

12 Q. Do I need to repeat my question?

13 A. Sure enough.

14 Q. Okay. Did you become aware that your son
15 provided information to the District Attorney's
16 Office regarding the kidnapping, rape, and murder of
17 Holly Bobo?

18 A. I know that Shane and his lawyer had a
19 meeting with the District Attorney's Office. What
20 information he provided, I don't know.

21 Q. You'd recognize his handwriting, though;
22 wouldn't you?

23 A. Absolutely.

24 Q. I'm going to hand you a document. That's
25 your son's handwriting; isn't it?

1 A. Yes, it is.

2 Q. I'm going to ask you to review but don't read
3 aloud.

4 A. (Reviews document.) Yep.

5 Q. That's Shane's writing; isn't it?

6 A. Yes, it is.

7 Q. Have you ever seen this piece of paper
8 before?

9 A. No, I have not.

10 Q. Did you ever discuss these things with your
11 son?

12 A. No. He had told me from day one --

13 MS. THOMPSON: Objection, Your Honor.

14 THE COURT: All right. Hearsay.

15 TE WITNESS: No, he did not. We
16 didn't -- he didn't ever say that he knew anything
17 about this case to me.

18 BY GENERAL NICHOLS:

19 Q. And yet, you just read five things in his
20 handwriting that showed you otherwise; doesn't it?

21 A. Well, it doesn't show -- I mean, you have to
22 know what the questions was on that. You have to
23 know the situation before you know he --

24 Q. You don't want to answer that question, do
25 you, Ms. Austin?

1 A. Well, I -- why don't you clarify where that
2 was at and what -- how -- how he said -- he said he
3 knew these things? Is that what you're saying, that
4 he knew these things?

5 Q. It's his handwriting; isn't it?

6 A. Did it say he knew those things?

7 Q. Answer my question.

8 MS. THOMPSON: Your Honor, I object. Her
9 question is confusing.

10 THE COURT: That document is hearsay, so
11 let's move long.

12 THE WITNESS: Okay.

13 BY GENERAL NICHOLS:

14 Q. His writing, right?

15 A. Absolutely.

16 Q. Okay. At the time of Shane's death, you very
17 honestly told the jury that he was in a bad place?

18 A. Right.

19 Q. That's not the first time he had been in a
20 bad place, though?

21 A. No, it was not.

22 Q. And you said it had been off and on since he
23 was 16?

24 A. That's right.

25 Q. Would you agree with me that Holly's

1 abduction and rape and murder haunted him?

2 MS. THOMPSON: Objection, Your Honor.

3 THE WITNESS: No.

4 THE COURT: Let her answer the question.

5 THE WITNESS: No, I would not say it did,
6 because he vehemently said he knew nothing about it,
7 and he knew nothing about that. That's why we didn't
8 hire a lawyer until 2014. He says he's innocent of
9 all this, and I believe that.

10 BY GENERAL NICHOLS:

11 Q. All right. And so the -- that's what he told
12 you, right?

13 A. That's right.

14 Q. And yet, I just shared with you a document in
15 his handwriting, not going to get into what's in it,
16 but you see something different; don't you?

17 A. I see --

18 Q. Just yes or no --

19 A. I see --

20 Q. -- then explain.

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

23 THE COURT: She is entitled to a yes or
24 no answer and then if she wants to explain.

25 THE WITNESS: Okay. Well, I'm going to

1 say no then because I want to --

2 BY GENERAL NICHOLS:

3 Q. This doesn't change anything for you?

4 A. I want to say no, because you haven't told me
5 why -- where he made those statements or where he
6 wrote those statements. You don't have to tell me --
7 you don't have to tell everybody what the statement
8 said. Just tell me, was this I confess to this? I
9 mean, did he confess to that? I mean, you have to
10 tell me the contents of what's on that paper. Not
11 the contents so to speak, but the situation involved
12 with those statements.

13 MS. THOMPSON: May I please see the
14 document the district attorney --

15 GENERAL NICHOLS: She has it, Judge.

16 MS. THOMPSON: Well, I don't know
17 specifically --

18 GENERAL NICHOLS: In fact --

19 THE COURT: It was recited in Decatur
20 County --

21 GENERAL NICHOLS: Yes.

22 THE COURT: -- one time if it's what I'm
23 thinking.

24 GENERAL NICHOLS: It is.

25 THE COURT: And it's hearsay at this

1 point.

2 GENERAL NICHOLS: And for the record,
3 Your Honor, we actually got it from defense counsel
4 of Shane Austin at that time, so they have it.

5 MS. THOMPSON: Those are facts not in
6 evidence, Your Honor.

7 THE COURT: Do what?

8 MS. THOMPSON: She's arguing facts not in
9 evidence.

10 GENERAL NICHOLS: I'm not arguing about
11 what's written.

12 THE COURT: Let's get on with this.

13 GENERAL NICHOLS: Okay.

14 BY GENERAL NICHOLS:

15 Q. You remember after Holly disappeared that the
16 searches and whatnot were all up and down that road,
17 right?

18 A. Yes, I do.

19 Q. Most people's property that lived all around
20 there, people were going through it, right?

21 A. Yes.

22 Q. Including Shane's -- the property surrounding
23 Shane's trailer?

24 A. Now, I know that the searchers were on
25 every -- on every road around us, so yes. I would

1 say, yes. I know that Shane's property was
2 specifically searched on the 17th of April with a dog
3 team present.

4 Q. And TBI sort of moved on, but they came back
5 and started asking questions again a few years later
6 about --

7 A. Yes.

8 Q. -- Shane, correct?

9 A. Yes.

10 Q. And it was at that time that your husband
11 painted the inside, outside of that trailer with lead
12 paint, right?

13 A. The outside, it's not painted with lead
14 paint. We didn't touch that trailer until 20 --
15 2014. We decided that we may have to sell that to
16 get money to defend him when it came back to -- when
17 it came back that they were starting to look at him
18 again. And we decided at that point, we probably
19 better be getting a lawyer. Up until that point, we
20 thought, we don't need to get a lawyer.

21 Q. Shane went to the Coon Hunt the Saturday
22 before Holly's disappearance; didn't he?

23 A. Well, I was not -- I didn't take him there.
24 I did not take him there, and I did not see him
25 there, and I worked that morning in the fish booth.

1 Q. But you know he admitted to being there at
2 the Coon Hunt?

3 A. Okay.

4 MS. THOMPSON: Objection if she doesn't
5 have --

6 THE WITNESS: I don't have proof that he
7 went.

8 BY GENERAL NICHOLS:

9 Q. Okay.

10 A. I didn't see him there.

11 Q. So doing the drugs, cooking the meth, going
12 to the Coon Hunt, there are a lot of things that you
13 didn't know about his life?

14 A. Yes, that's correct.

15 Q. The night before Holly was kidnapped, you
16 took Shane to the Double D to play cards and have
17 some beers with his friends?

18 A. Yes, Shane didn't drive anywhere, and we took
19 him there every week to play cards. He played Texas
20 hold 'em on Wednesday night. My husband was working
21 that night, and he ended up picking him up on the way
22 home. He -- yes, I did.

23 Q. And you said on the day that she disappeared
24 you picked him up from his trailer at 2:30 in the
25 afternoon?

1 A. No, that was Thursday.

2 Q. That's the day after?

3 A. The day after --

4 Q. The day that the -- I think you --

5 A. Yes --

6 Q. -- did say that was the 14th.

7 A. -- that's the day after.

8 Q. Okay.

9 A. She disappeared on a Wednesday, and I took

10 him to cards that night at, I would say 6:00, between

11 6:00 and 6:30. I think I made him a hamburger, took

12 that to him, and we ended up -- he eat it, and I took

13 him on down to the bar.

14 Q. Okay. Just one moment.

15 A. Sure.

16 Q. You were asked a number of questions about

17 your sort of relatives and whatnot. Your mother had

18 a barn across the street from the house, right?

19 A. Yes.

20 Q. And that barn --

21 A. Yes, she did.

22 Q. And in 2011, that barn was in pretty bad

23 shape; wasn't it?

24 A. Yes, it was standing, but it was in -- not in

25 great shape, no.

1 Q. And were you there on April the 13th, 2011?

2 A. Yes.

3 Q. Okay. And can you tell us a little bit about
4 the property and the buildings that are on the
5 property?

6 A. Okay. Well, there's a house, of course,
7 that's on -- if you're going -- well, I don't know
8 which side of the road it would be on. If you're
9 coming from the church, the house is on the left
10 side, and on the right side is the pastures, okay.
11 And over there, there was at that time two buildings,
12 okay. One building that was by the road was a
13 tractor shed sort of. It was. My father backed his
14 tractor up underneath it. And then on that same
15 shed, the tractor shed, there was like two stalls.
16 That's where the horses would go in and eat. And if
17 I -- you know, I kept the feed in that little room
18 that was right there where they went in. So that was
19 one of the buildings.

20 The other building was a big building that
21 sat -- you could see it from the road, and it was in
22 really bad shape. And it was -- some people called
23 it a barn. But what it was, was at one point,
24 probably back in the 70s, my father raised pigs. And
25 so that building was made to hold corn. So it was

1 just a corncrib, okay. I don't know if y'all know
2 what that is, but that's just a big building that's
3 made out of wood. And it would have -- there was two
4 holes cut out in the top where you could put a grain
5 elevator in there, and you could scoop the corn onto
6 the grain elevator and get it over into that. So it
7 didn't have any partitions in it or anything. It was
8 just if you looked into it, there was two doors, and
9 you just see in there. It was just wide open. There
10 was not anything that you couldn't see if you opened
11 that door or either of the doors. It would show you
12 the same thing. You would just look in and
13 everything that was in there, you would be able to
14 see, so.

15 Q. Okay. What kind of condition was it in?

16 A. It was in really bad condition. I don't know
17 when he stopped raising hogs. I don't remember. I
18 went in the military in 1982, and I don't know after
19 that when exactly he stopped. But in 2011, it wasn't
20 in good shape, because nothing had ever been put back
21 in it. I think when he quit raising hogs, he didn't
22 do anything else with that. And I don't know that he
23 could have because it was raised up. The floor was
24 made of wood, and it was raised up just a little bit
25 like that. I guess where the corn wouldn't be right

1 Q. And by 2014, '15 it was gone?

2 A. I think actually in 2013.

3 Q. So by 2014 or '15 it was gone?

4 A. Yes.

5 Q. Okay.

6 A. Yes. Sorry. Sorry.

7 Q. That's all right. It was 2014 when things

8 started heating back up. You said you painted the

9 trailer, because they were coming back around asking

10 Shane questions and asking everybody questions about

11 Shane?

12 A. Right.

13 MS. THOMPSON: Objection, Your Honor.

14 That's not what she said.

15 THE WITNESS: I --

16 THE COURT: She can correct her if it's

17 not.

18 THE WITNESS: 2014 is -- actually, we

19 didn't touch that trailer until 2014. It sat there

20 with Shane living in it on and off. And 2014, we

21 decided that I'm probably going to have to have some

22 money to pay for a lawyer.

23 BY GENERAL NICHOLS:

24 Q. Do you remember if that was at the first part

25 of 2014 or the last part?

1 A. It was at the first part of 2014. It was --
2 we started work on the trailer, and I think we didn't
3 get a lawyer for Shane until like April or May of
4 2014. Somewhere -- I think April, but I'm not
5 positive of that date.

6 Q. And so it was sometime after you got that
7 lawyer that, though you weren't present, you know
8 there were meetings between the lawyer, who's
9 actually a relative --

10 A. He only -- he only had one meeting with the
11 lawyer. We -- Shane flew in from Murfreesboro -- he
12 flew in from Scranton, Pennsylvania. We picked him
13 up at the airport, and we took him to Luke Evans'
14 office. And that was the only time that I know that
15 he met with Luke Evans.

16 Q. So you picked him up and took him there, but
17 you just didn't go in?

18 A. We weren't allowed to. We -- they were --

19 Q. That's fine.

20 A. -- TBI agents --

21 Q. And I wouldn't -- and there was law
22 enforcement present, correct?

23 A. There were TBI agents there.

24 Q. Okay. That's what I mean by law enforcement.

25 A. Okay. TBI --

1 Q. Okay.

2 A. -- TBI agents.

3 Q. And --

4 A. I'm going to tell you. I'm not real familiar
5 with this stuff.

6 Q. You're doing fine.

7 So do you remember, was that in April or May
8 or was that after this meeting?

9 A. You probably have a copy of that agreement.
10 I do not know the exact date that that was made. I
11 want to say March -- he left going on a job, and they
12 was calling him on the telephone before -- well, I
13 tell you what. Do you know which day that it was
14 that they searched that property out at Dick Adams'
15 house that last time?

16 Q. Was it close in time to that?

17 A. Yeah, the reason it being it snowed and it --
18 and it froze everything up. And Shane told the TBI
19 agents, hey, I'm leaving out on Monday --

20 MS. THOMPSON: Objection.

21 THE WITNESS: -- to go to work.

22 THE COURT: All right. Hearsay. You
23 can't say what --

24 THE WITNESS: Okay.

25 THE COURT: -- he said.

1 THE WITNESS: Okay.

2 BY GENERAL NICHOLS:

3 Q. So it was close -- my questions was: It was
4 close in time to the search at Dick Adams and it --

5 A. It was after the search at Dick Adams'.

6 Q. You're saying Dick Adams -- Zach Adams has a
7 house there, too. It's right at the top, right?

8 A. Dick and Zach have a house --

9 Q. Right.

10 A. -- side by side.

11 Q. All right. So is it fair to say that from
12 the time you were concerned enough to get your
13 trailer ready to maybe sell, get him a lawyer, that
14 the heat was never off between that time in 2014 and
15 when your son took his life in February of 2015?

16 A. I would say that they were question -- yeah,
17 I would get -- let's see. Yes or no?

18 Q. Yeah.

19 A. Okay.

20 Q. In other words --

21 A. Repeat.

22 Q. -- they remained interested --

23 A. Repeat that. Repeat that.

24 Q. From that time forward until your son took
25 his life, TBI was still interested in not only Shane

1 but in Zach Adams, fellow looking at me, and
2 Dylan Adams and Jason Autry?

3 A. Well, I can't answer what they were looking
4 at with them. But after Shane did his immunity
5 agreement, they said they were going to arrest him.
6 They didn't come and arrest him. And after that
7 immunity agreement, they left him alone.

8 Q. You mean after the -- they said they were
9 going to arrest him?

10 A. Yeah, on the television. It was on the
11 television saying that they would give us notice when
12 they come to arrest him.

13 MS. THOMPSON: Objection to hearsay.

14 THE COURT: TV's hearsay.

15 THE WITNESS: Oh, okay. Okay.

16 BY GENERAL NICHOLS:

17 Q. And then -- and then --

18 A. But they didn't come.

19 Q. And then the drug usage got worse, correct?

20 A. No, actually, for the last part of 2014, he
21 went away to work. And then --

22 Q. Okay. And then it got worse?

23 A. And then in -- when he went back at Christmas
24 of 20 -- no, no. Let me get that right. When he
25 come in at Christmas, I suspected he was using drugs.

1 But he left again in January going back to Tampa,
2 Florida to work. And we hoped when he got back to
3 work that he would be okay.

4 Q. Let me --

5 A. But he started using again in November of
6 2014.

7 Q. That's when you started suspecting it?

8 A. Right. Well, that is -- that was when I
9 thought so, yes.

10 Q. Okay. So my question was: And the drug use
11 got worse at the end of 2014 until the time he took
12 his life?

13 A. Beginning in 2015.

14 Q. So that's a yes?

15 A. Yeah, I would say it's escalated. Yes.

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

18 THE COURT: Further direct?

19 MS. THOMPSON: No, Your Honor.

20 THE COURT: All right. Step down.

21 Please don't discuss your testimony with anyone.

22 THE WITNESS: Okay.

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

25 THE COURT: Call your next.

1 MS. THOMPSON: She can stay in the
2 courtroom, right?

3 THE COURT: If she wants, yeah.

4 THE WITNESS: I need to go around?

5 THE COURT: Yes.

6 MS. THOMPSON: We'd like to call
7 Judy Evans.

8 THE COURT: Raise your right hand,
9 please.

10 (The witness was sworn.)

11 THE COURT: Be seated. State your first
12 and last name, and spell your name for the court
13 reporter.

14 THE WITNESS: Judy Evans. J-U-D-Y
15 E-V-A-N-S.

16 THE COURT: All right. Proceed.

17

18 * * *

19 JUDY EVANS,

20 was called as a witness and having first been duly
21 sworn testified as follows:

22

23 DIRECT EXAMINATION

24 QUESTIONS BY MS. THOMPSON:

25 Q. And, Ms. Evans, how are you related to

1 Shane Kyle Austin?

2 A. Shane is my nephew. Rita is my sister.

3 Q. Okay. And are you also related to

4 Jason Autry?

5 A.

6 Yes. Shirley King is also my sister. So

7 they're both my nephews.

8 Q. Okay. And can we talk about your mother's

9 property at 820 Yellow Springs Road?

10 A. Yes, ma'am.

11 Q. Okay. Who owns that property now?

12 A. I do.

13 Q. Okay. And who owned it in April of 2011?

14 A. In April my -- can I -- I'll just start back

15 with the situation. My mother passed away in March

16 of 2011. And there were four of us. I've got

17 another sister, too, and we were all supposed to

18 share the estate equally. So we got together, and it

19 was decided that they got other things, and I wanted

20 to buy the house and the acreage that was across the

21 road, okay? And so at that time, I was getting a

22 loan to buy it -- the part -- their part of it.

23 There was some money that I had to pay them to buy

24 the amount of that property. So I had been to the

25 bank, and there was a loan in process for me to get

1 my -- to get the money to give to them to get it over
2 into my name.

3 Q. Okay.

4 A. So that was the deal on that.

5 Q. Okay. And at that time, did you have any
6 involvement in the property April 13th -- on April
7 13th --

8 A. I did.

9 Q. -- 2011?

10 A. Yeah, my horses -- I've got two horse, and
11 they had been over there. I don't know how many
12 years, but several, I kept them over there. I rode
13 horses at one time. And I would go over there every
14 afternoon, because no one was living there anymore.
15 My mother died, so I didn't move. There was reason I
16 didn't move. I was -- I wasn't ready to, right? I
17 had to get the money to get the place. And also, I
18 was going on a vacation. I was going to Mount
19 Everest. So I was not going to move until I made
20 that trip. So that was going to happen sometime
21 later on in the summer. So I didn't move. But I did
22 go over there and check on the horses and feed them
23 every day. Usually, you know, sometimes before --
24 after school or before dark at different times. But
25 I would go over there and feed them.

1 on the ground or something like that.

2 Q. Right.

3 A. But anyway, the tin had come off the top of
4 it. Rain had went into it all those years and rotted
5 out a lot of the spots in the floor. And also, there
6 was a tree growing up through there. So it really
7 wasn't in good shape at all. But it was standing
8 there in April of 2011.

9 Q. Okay. And at some point, you heard about
10 Holly Bobo disappearing?

11 A. I did.

12 Q. Okay. And did you ever search this property?

13 A. I -- yes, I did. And that would have been on
14 April -- that would have been on Friday, and I guess
15 that would be April the 15th, Friday. The -- I work
16 as a school teacher, and the Director of Schools let
17 students go search if they wanted to.

18 And that day, I also guess that I heard it on
19 the radio or maybe the news or something that the law
20 enforcement was asking people to go look on their
21 property. So I said, yeah, well, I'll do that.

22 Sure. And so that afternoon I went over there. And
23 actually, I called my sister. I said, I'm going over
24 -- I called it my mother's place. I'm going over to
25 Mama's, and I want to look over there. And she said,

1 I'll well, I'll go. So I'll just meet you. So we
2 went.

3 Q. Which sister is this?

4 A. That's Rita Austin, yes.

5 Q. Okay.

6 A. Okay. And so we went over there. She met me
7 there, and we went into the house. Nothing was
8 disturbed in there. It was just like it was the last
9 time I opened the door on it. And then we come on
10 the outside, and we're getting to ready to go across
11 the road over there where all those buildings were,
12 or those two, not all. Sorry. The two buildings
13 are.

14 We were going across the street, and I looked
15 up the road toward Hohammer Road, and there were
16 people coming. And the -- those were the searchers.
17 There were a lot of people searching, I guess, just
18 out. I guess they were organized searches. I don't
19 know. I remember they -- there were just a lot of
20 people, okay. And they were over in the field, and
21 some people were in the road, and then others were on
22 the side of the road where my house was walking, you
23 know, toward where we were. They were looking.

24 And so they come on, and I stood there. You
25 can see everything across the road from the edge of

1 the driveway. I was standing there, and I watched
2 and actually spoke to some of them. I recognized
3 some of the people that were out there. And they
4 looked inside that corncrib/barn, and they -- there
5 were two people that opened both of the doors, and
6 they looked in and shut it back, and they just
7 carried on. And that was that.

8 They also looked in there where the horse
9 feed was, and I guess they walked around in front of
10 the tractor to see that, too. I don't remember that.
11 But I'm sure they did that. And then they went on
12 down the road toward the Yellow Springs Church. And
13 then she and I went over there. And I threw the
14 horses some feed, and then we walked over there to
15 that corncrib. I opened up the doors and looked in,
16 and I didn't see anything either. It looked exactly
17 like it always did. I mean, it was falling down. It
18 was the same thing. I didn't notice anything
19 disturbed in there. And then we shut it back, and
20 that was it. And then I went -- I guess I went home
21 after that.

22 Q. Now, if somebody had been screaming in the
23 corncrib, would you have been able to hear them from
24 the street?

25 A. Yeah, you would. Yes.

1 Q. Okay. And do you know who Jason Autry's
2 paternal grandmother is?

3 A. Yes, ma'am, Ms. Sudie Autry.

4 Q. And do you know how she is related to the
5 Bobos?

6 A. I do. She's related to Ms. -- I think her
7 name's Ruby Bobo. I think. They're sisters.

8 Q. Okay.

9 A. Yeah.

10 Q. And do you know who Ruby Bobo is related to?

11 A. Well, it would be Dana's mother, I guess.

12 Q. Okay. And did Jason spend much time with his
13 paternal grandmother growing up?

14 A. Yes, he did. A lot of time with her, yeah.

15 Q. Okay. Going back to the corncrib. What
16 happened to that corncrib?

17 A. Okay. What happened to that? So I guess it
18 would be in the last part of 2011 -- or I'm sorry.
19 In the last part of 2012 and early 2013, my husband
20 tore it down, okay. He looked at it. We didn't have
21 a barn at that time, and he was going to build
22 something. So there was nothing that could be done
23 to that. It was in such bad shape that he just
24 decided that he would take it down and keep what was
25 useful. The stuff that could be reused, he would

1 keep it. So he separated out the tin and some wood
2 and stuff that was good and usable, and the rest of
3 it, he just knocked it down with a backhoe and then
4 dug a hole in the ground and pushed that stuff in it,
5 set it on fire. And then when the fire went out, he
6 covered it up.

7 And then with that material, he built another
8 barn which is out there now that you can see from the
9 road also, so --

10 Q. Okay.

11 A. -- that's what happened to that.

12 MS. THOMPSON: No further questions.

13
14 **CROSS-EXAMINATION**

15 **QUESTIONS BY GENERAL HAGERMAN:**

16 Q. You probably never thought that we would talk
17 so much about this old corncrib; did you?

18 A. Hey, I know, right.

19 Q. It was in bad shape and falling down?

20 A. Yeah.

21 Q. And you can actually get to the corncrib
22 through the woods behind it, correct?

23 A. In a car or how are you talking about
24 getting?

25 Q. Yes, ma'am.

1 A. In a car?

2 Q. Is it possible to get a car through those

3 woods back way into the corn -- to the corncrib?

4 A. Okay. I'm confused.

5 Q. Is it possible to get a car back through the

6 woods to the back of the corncrib?

7 A. Well, if you came off of the road, you would

8 be driving just through -- there was a road there

9 sort of that had grown up with grass, and you would

10 drive to that. And I guess you could pull back. Are

11 you asking me can you pull behind it?

12 Q. Absolutely.

13 A. Okay. Okay. I didn't understand. There is

14 woods behind it. That's why I was getting confused.

15 I don't know if you can drive from the woods.

16 It's -- there's a set of woods that's behind that. I

17 didn't understand the question. But yes, I suppose

18 you can drive --

19 Q. Yeah, you can get back there to the --

20 A. Right.

21 Q. -- to the corncrib going through the back?

22 You said you thought you would be able to

23 hear somebody scream if they were in the corncrib

24 screaming from the street?

25 A. Right.

1 Q. Would you agree that depends on a lot of
2 different things; doesn't it?

3 A. Well, like what? I guess I don't --

4 Q. Like if there's other noises out there, like
5 a loud lawnmower?

6 A. Okay. Right.

7 Q. Agree?

8 A. Yeah, sure.

9 Q. Like if she was drugged, restrained, and
10 unable to scream as she was being raped in that old
11 corncrib, right?

12 A. You're saying if she was?

13 Q. Yeah.

14 A. If? I suppose so. Right.

15 Q. Because standing there at the street in your
16 mom's house or standing there, you think you would be
17 able to hear, but you can't see into that corncrib at
18 all; can you?

19 A. No. Not from the road, no.

20 Q. The door's shut, private place, right?

21 A. It would be, right.

22 Q. On the edge of the woods that you can get to
23 in the back?

24 A. No, you can't get to it from the back.

25 Q. From the side?

1 A. (No response.)

2 You would have to park behind it, I guess. I

3 don't know.

4 Q. That's what I'm asking.

5 A. Okay. Okay. Because you're -- there is

6 woods behind it. You would not be able to drive your

7 vehicle out from the woods to get to that. You would

8 have to come in from the road is what I -- I -- I

9 think -- I think that's what you asked. Or did you

10 ask can you come through the woods?

11 Q. Can you get to the back of that corncrib with

12 a car?

13 A. Yes. Okay.

14 Q. Would you be far off the road at that point?

15 A. Well, would be basically the same distance I

16 guess. You would just be behind it, yeah.

17 Q. Behind it hidden?

18 A. Right.

19 Q. And this road we're talking about, it's a

20 road that you knew the searchers searched, right?

21 A. Yes, I did.

22 Q. Did you know her stuff was found there?

23 A. Which road are you talking about?

24 Q. By your mother's?

25 A. The Yellow Springs Road?

1 Q. Uh-huh.

2 A. I had heard that, but I never did know if
3 that whatever -- if that was true or not. I heard a
4 lot of things.

5 Q. It is true.

6 A. Okay.

7 Q. Did you know her stuff was found within 75
8 yards of Shane Austin's house?

9 A. No, I didn't.

10 GENERAL HAGERMAN: Nothing else, Judge.

11

12 **REDIRECT EXAMINATION**

13 **QUESTIONS BY MS. THOMPSON:**

14 Q. When you went over to the property on the
15 15th of April, did you notice any tire tracks behind
16 the corncrib?

17 A. No.

18 Q. Okay.

19 MS. THOMPSON: No further questions.

20 THE COURT: Done?

21 GENERAL HAGERMAN: Done.

22 THE COURT: All right. Step down. Don't
23 discuss your testimony with anyone. If you want to
24 return to the courtroom, you may do so. It's up to
25 you, okay?

1 THE WITNESS: All right. Thank you.
2 (WHEREUPON, the witness was excused from
3 the stand and left the courtroom.)
4 THE COURT: Call your next.
5 MS. THOMPSON: That's our last witness,
6 Your Honor.
7 THE COURT: All right. We'll break a
8 little early.
9 MS. THOMPSON: For today.
10 THE COURT: We started a little early.
11 Do what?
12 MS. THOMPSON: For today. Just for
13 today.
14 THE COURT: Okay. I understood. Okay.
15 Once again, follow the admonitions I gave
16 you. Put this matter out of your mind. Don't form
17 or express any opinion. No conversation with anyone,
18 not even amongst yourselves. Don't allow anyone to
19 discuss the case with you or in your presence.
20 Continue to avoid all news reports. And I hope you
21 have a good evening as you can. We'll start again at
22 8:30 in the morning, okay? That work all right for
23 everybody? It's not quite as hot right now either,
24 so. All right. Thank you.
25 (WHEREUPON, the jury left the courtroom,

1 after which the following proceedings were had:)

2 THE COURT: We'll try to run 8:30 to
3 around 5:00 tomorrow.

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1 VOLUME XIII

2 DAY 9

3 TUESDAY, SEPTEMBER 19, 2017

4
5 THE COURT: Thank you, Mr. Gilkey. I
6 never get tired of it. Probably need to get him a
7 gavel and let him strike once. I will give -- this
8 isn't really law school. This is just informational.
9 But by and large, the number of strikes when they
10 open court indicates the number of judges on the
11 bench. If they strike (three strikes), then they
12 open, it will be a three-judge appellate panel. If
13 they strike five times, Tennessee Supreme Court. The
14 exception is I think -- and I haven't checked on it,
15 but I -- I've had the pleasure to be in the audience
16 at United States Supreme Court. Matter of fact, I've
17 been there twice. Once I was introduced as a member
18 of the Bar. I don't think they strike nine times.
19 But generally the number of strikes has to do with
20 the number of judges. Okay. Little more
21 information. We now know broadly about hearsay,
22 404(b), discovery, and now the number of strikes in
23 opening the court, so.

24 All right. We're ready to continue. Defense
25 ready to proceed?

1 MS. THOMPSON: Yes, Your Honor.

2 THE COURT: State ready to proceed?

3 GENERAL CHRISTENSEN: Yes, sir.

4 GENERAL HAGERMAN: Yes, sir.

5 THE COURT: All right. Call your next.

6 MS. THOMPSON: Terry Dicus.

7 THE COURT: Mr. Dicus, raise your right
8 hand.

9 (The witness was sworn.)

10 THE COURT: Be seated. State your name,
11 first and last, and spell it for the court reporter.

12 THE WITNESS: Terry Dicus, T-E-R-R-Y
13 D-I-C-U-S.

14

15 * * *

16 **TERRY DICUS,**

17 **was called as a witness and having first been duly**
18 **sworn testified as follows:**

19

20 **DIRECT EXAMINATION**

21 **QUESTIONS BY MS. THOMPSON:**

22 Q. And, Mr. Dicus, how are you currently
23 employed?

24 A. I'm an attorney in Savannah, Tennessee.

25 Q. And on April the 13th, 2011, how were you

1 employed at that time?

2 A. I was a criminal investigator assigned to the

3 24th Judicial District. I was assigned to Hardin,

4 Decatur, and Benton Counties.

5 Q. An investigator with which entity?

6 A. Tennessee Bureau of Investigation.

7 Q. Okay. And just to be clear, you were the

8 case agent on this case?

9 A. Yes, ma'am --

10 Q. On the --

11 A. -- I was the original case agent.

12 Q. Okay. And how many years were you the case

13 agent?

14 A. From April 13, 2011, until some time in June

15 of 2013. So a little over two years.

16 Q. Okay. And when you left, what did you go to

17 do?

18 THE COURT: Did you say June 2015?

19 THE WITNESS: No, no, Your Honor. I said

20 June 2013. A little over two years, 2011 to 2013.

21 THE COURT: Okay. Okay. Beg your

22 pardon.

23 BY MS. THOMPSON:

24 Q. Now, in investigating this case, I'd like to

25 direct your attention first to the investigation of

1 Mr. Adams since we're here today in his case.

2 Did you, in fact, investigate Mr. Adams as
3 part of your investigation of the disappearance of
4 Holly Bobo?

5 A. I did.

6 Q. Okay. And what did -- what were the facts
7 that you investigated? What were the leads that you
8 followed? Will you please just tell the jury?

9 A. Zach Adams, his name came up very early in
10 the investigation. The first time that I remember --

11 Q. Can you speak a little more into the
12 microphone?

13 A. Yes.

14 Q. Just move the microphone closer to you if it
15 will?

16 A. Okay. Well, the first time that I remember
17 Mr. Adams' name coming up was about the first week of
18 the investigation. So I sent four FBI agents, two
19 TBI agents, and a dog team from the Shelby County
20 Sheriff's Department to go out to a friend of his,
21 Shane Austin. He went out to Shane Austin's house.

22 Shane's, we had information on all these.
23 They're a little click, the Adams, Autry, and Austin.
24 They were supposedly together that day. So I believe
25 that's the first thing that came up with

1 Shane Austin.

2 So they went out there, and they interviewed
3 him. They ran dogs through his trailer to see if
4 there -- these were cadaver dogs that supposedly can
5 tell the scent of human decomposition. So they go
6 out to this house. They go out to Austin's house,
7 check him out. I didn't act -- I didn't actually
8 meet any of them at the time. I was in the command
9 post.

10 Q. Okay. So when they went to the house what
11 did they discover there?

12 A. Well, it was a trailer. It was a mobile home
13 on Yellow Springs Road. And by the time they went
14 there, we had already -- we had already found -- or
15 we didn't find it. But a citizen in Decatur County
16 had already found some items that we know were
17 Holly's on this road, Yellow Springs Road, in
18 northern Decatur County. So that peeked our interest
19 even more in Mr. Austin and this whole crew.

20 Q. Okay. So when the group -- what -- which
21 investigators actually went to talk to Mr. Austin?

22 A. I can't -- I can't tell you the names of the
23 FBI guys because I'm not sure. I don't -- I don't
24 know it.

25 Q. Okay.

1 A. I believe it was Joe Walker and Brent Booth
2 that went to Austin's house originally and
3 Ricky Inman, the Decatur County investigator. So
4 there was eight total investigators that went to
5 Austin's house there initially.

6 Q. And what did they do at his house?

7 A. Well, they interviewed him. They got his
8 story. They checked out his -- checked out his
9 mobile home. The dog --

10 Q. When you say "checked out", what do you mean
11 by that?

12 A. Well, they searched it. He gave them consent
13 to search. So they went -- they went all the way
14 through his trailer. They noted that he had a rifle
15 right there close to them. And he told them that he
16 was a gun nut. So they talked to him, got his story,
17 find out where he was at around the time of the
18 kidnapping.

19 Q. And did they have a dog search team there
20 also?

21 A. Yes, ma'am. That cadaver dog team that
22 searched, they alerted to something, and it may have
23 been a -- not a cadaver dog, but a biological
24 material dog, because it allegedly alerted to a sock
25 that was somewhere in Austin's bedroom.

1 Q. And what did they determine about that sock?

2 A. Well, they believe the sock was used as a
3 rag, for lack of a better term, a rag to clean up
4 biological material.

5 Q. And what biological material -- did they
6 reach a conclusion about what that sock had been used
7 to clean up?

8 A. Semen. Like you use it to clean up semen.

9 Q. And they then asked Mr. --

10 GENERAL HAGERMAN: Your Honor, I'm going
11 to object to the hearsay.

12 BY MS. THOMPSON:

13 Q. But they reached a different conclusion also
14 about the semen?

15 GENERAL HAGERMAN: Your Honor, I'm going
16 to object as it calls for speculation, some sort of
17 scientific conclusion.

18 THE COURT: It's something that some --

19 MS. THOMPSON: It's not.

20 THE COURT: Ask the question.

21 BY MS. THOMPSON:

22 Q. Okay. But there's something about that semen
23 that then they didn't -- and they weren't concerned
24 about it being a rape. So what was it that they
25 decided about that semen; do you remember?

1 A. Okay. They determined that he was
2 masturbating into a sock, and he was using it as a
3 cum rag. I apologize for saying it. I don't know
4 how to say it any different.

5 Q. Okay. Just to be clear on what the whole
6 issue with the sock was.

7 Okay. And then he gave an alibi that day or
8 gave a statement of what he was doing. Did you check
9 into that?

10 A. I didn't personally at that time. I was -- I
11 was ordered to stay in the command post at all times.
12 So that stayed for several months that I -- that I
13 was in the command center as everybody was coming in.
14 You got to understand, Autry, Adams -- you know, we
15 had many, many Autry and Adamses come in at the time.
16 People calling in say you better check out my
17 ex-boyfriend, he's mean, he could have done it.
18 Okay. Well, that would be a lead that we'd have to
19 follow and rule him out somehow. So there was a
20 whole lot of information that was coming in, and I
21 was compartmentalizing and prioritizing the
22 information that was coming in to see what we do
23 next.

24 Q. Okay. So -- but at some point did the TBI
25 check out his alibi?

1 A. Yes.

2 Q. Okay. And then what else did you do about

3 Mr. Adams -- to investigate Mr. Adams?

4 A. Mr. Adams, there was a trooper that --

5 Rainey, Warren Rainey went and talked to Mr. Adams.

6 I believe he was the first or one of the first to

7 actually talk to Mr. Adams and check him out, see

8 what he was doing. He came back and told some --

9 told some things that he noticed that were very

10 strange and saying you need to look -- y'all need to

11 look a little further into it. So I believe it's

12 this same group. And I don't know that I told them

13 or they just -- they did it on their own. I

14 believe -- I believe they probably did it on their

15 own. They went out and checked out Zach Adams. They

16 interviewed him. They went through his house the

17 same way that everything they knew to do.

18 Q. Okay. And didn't the FBI go out to talk to

19 Mr. Adams also?

20 A. I believe -- yes.

21 Q. Okay.

22 A. Well, they did with me one time for sure, but

23 I know they did around the time of the kidnapping as

24 well.

25 Q. Okay. And when was the first time that --

1 when's the second time that Mr. Adams was
2 interviewed?

3 A. I don't -- I don't know. I can't tell you
4 the date.

5 Q. Okay. Ricky Inman -- excuse me. Ricky Inman
6 actually interviewed Mr. Adams at some point; didn't
7 he?

8 A. Correct.

9 Q. And what was the result of that interview?

10 A. I believe -- I believe that Mr. Adams told
11 him essentially the same story that he had told
12 before. That he was at home and with his brother and
13 his girlfriend at the time, Rebecca Urp, and they
14 woke up. They left and picked up Shane Austin that
15 morning. Okay. Shane Austin, one of the -- one his
16 buddies, who didn't have a vehicle, and Zach's truck
17 was supposedly tore up. So they went in Dylan's
18 Chevrolet. They went in Dylan's Chevrolet, left
19 where they lived. They live on Adams Lane, which is
20 northern Decatur County.

21 They left sometime between 9:00 and 10:00
22 that morning. They pick up Shane Austin. When they
23 pick up Shane Austin, then they go up to the
24 interstate to where the -- there's a gas station up
25 there. They get gas, but gas is always high there.

1 I agree with him. Gas is unbelievably high there.
2 So they just put -- like I believe around \$5.00 gas
3 in the vehicle to go back to -- into Decatur County
4 into to Decaturville, Parsons where gas is much
5 cheaper.

6 So they're just putting it in right there to
7 get them to another spot. And Adams said that at
8 that time, Adams, Austin, and Dylan Adams all said
9 that they noticed a wave of police cars coming down
10 the interstate. A wave of black SUVs that were
11 flying down the interstate. Zachary Adams --

12 Q. Can I stop you right there? During this
13 investigation were you-all able to obtain video
14 surveillance from different businesses?

15 A. Yes.

16 Q. Okay. And at one point, did you obtain some
17 video surveillance from AmPharm --

18 A. I did.

19 Q. -- business?

20 Okay. I'd like to pass you some pictures?

21 A. Okay.

22 Q. Now, did you spend a lot looking at the
23 AmPharm video?

24 A. Days.

25 Q. You personally?

1 A. Days and weeks, yes.

2 Q. Okay. And do you recognize these pictures
3 right here?

4 A. Yes, these are -- these are pictures taken
5 from the AmPharm close -- the camera closest to the
6 door. It's a -- it's a perfect angle of the parking
7 lot. They're also in the background catches all
8 traffic going south and north on 641. That's what
9 these pictures are.

10 Q. Okay. And was there a time and date stamp on
11 the AmPharm videos?

12 A. Yes, ma'am.

13 Q. Okay. And those pictures right there, what
14 time and date stamp do they have?

15 A. The first one with a one black SUV is 11:04.
16 Date 4/13/2011. Sorry. The second one 11:05:01.
17 Same date, 4/13/2011, the day of the kidnapping.

18 Q. Okay.

19 MS. THOMPSON: And, Your Honor, I would
20 like to have those two marked as exhibits at this
21 point.

22 GENERAL HAGERMAN: No objections.

23 THE COURT: 215 and 216. Am I correct?

24 THE REPORTER: Yes, sir.

25 THE COURT: Okay. We still all right on

1 tablets? Everybody good? Let me know, okay?

2 (WHEREUPON, the above-mentioned

3 photographs were marked as Exhibit Numbers 215 and

4 216.)

5 MS. THOMPSON: So can we put the first

6 timeline one -- it's first in time. That's the

7 second in time, I believe, so.

8 BY MS. THOMPSON:

9 Q. Okay. And the first in time -- and let's

10 see. We have a pointer right here.

11 MS. THOMPSON: Will you pass him a

12 pointer?

13 BY MS. THOMPSON:

14 Q. All right. And would you please point out

15 the vehicle in there? What does that vehicle -- for

16 the record. What does it appear to be?

17 A. That is a black SUV. I'm not -- I'm not sure

18 exactly what kind. It's either --

19 THE COURT: Give me the location of this

20 photo again.

21 THE WITNESS: It is at AmPharm. It's

22 a -- it's a pharmaceutical company --

23 THE COURT: Okay.

24 THE WITNESS: -- in Decatur County.

25 THE COURT: Okay. Okay.

1 THE WITNESS: Yes.

2 BY MS. THOMPSON:

3 Q. And --

4 A. Right there on -- this is Highway 641,

5 Highway 69.

6 Q. And is it closer to Parsons or closer to the

7 Interstate, AmPharm?

8 A. It's much closer to Parsons. It's

9 actually -- you're coming into Parsons right now as

10 that vehicle is coming into the city limits of

11 Parsons.

12 Q. Okay. So in this picture -- and I see a

13 little tree in this picture. Where is the truck in

14 relation to that tree, the little tree in the

15 landscaping?

16 A. The SUV?

17 Q. Yes.

18 A. It's right here. This is -- this is the

19 vehicle that you're asking me about.

20 Q. Right. So is it before or after the tree?

21 A. It's after the tree.

22 Q. Okay. So then if we move to the next

23 picture -- so in this picture what do you see here?

24 A. Well, it's the same type -- and it's tough to

25 make out the kind of vehicles these are. But this is

1 another SUV-type vehicle that's right around -- a
2 little -- almost even with the tree, little bit --
3 little bit south of even.

4 Q. Okay. So it's not past the tree yet?

5 A. That's correct.

6 Q. And then what about the second vehicle there?

7 A. The second one is maybe six car lengths,
8 seven car lengths behind the tree.

9 Q. And so you can kind of tell the distance that
10 they're going perhaps by the timing between the two
11 pictures. And how many parking spaces would you
12 see -- say are between those two cars?

13 A. I would say perhaps five or six.

14 Q. Okay. And did you know something about the
15 TBI that day and what was going on in the Jackson TBI
16 office?

17 A. Yes. Special Agent with the Medicaid Fraud
18 Unit was having a retirement party in Jackson.

19 Q. Okay. And so what did that mean about
20 people -- about the SUVs? How did that relate to the
21 SUVs?

22 A. Well, this guy, he had worked there forever
23 with all kinds of different agencies. So a large
24 portion of the responding officers, whether it be
25 TBI, Secret Service, FBI, they were coming from

1 Jackson to get to the Holly -- you know, the scene of
2 the kidnapping, 681 Swan Johnson.

3 Q. Okay. So to you then would it fit with what
4 you knew about the TBI, that there would be these
5 three SUVs in a row?

6 A. Yes.

7 Q. Okay.

8 MS. THOMPSON: So I'd like to go ahead
9 and just put those into -- they're already in
10 evidence.

11 THE COURT: Yes.

12 MS. THOMPSON: Move one. We can --

13 THE COURT: 215 and 216.

14 BY MS. THOMPSON:

15 Q. Okay. And then did you also have information
16 about the kind of car that Mr. Adams was in that
17 morning? What car did he tell you he was in that
18 day?

19 A. It was an extended cab Chevy Silverado, black
20 in color I believe.

21 Q. Was it black?

22 A. I don't remember. I don't remember the
23 color.

24 Q. Okay. Dark? Would you say it's dark in
25 color?

1 A. Might have been dark blue, dark green.

2 Q. I'd like to pass another picture up to you.

3 A. It had Georgia license plates.

4 Q. Okay.

5 A. If that helps you.

6 Q. Well, were you able to see any license plates

7 when you looked at the AmPharm video?

8 A. No, ma'am.

9 Q. Okay.

10 A. It's much too far away, and it's not the

11 right angle.

12 Q. And what does that appear to be a picture of?

13 A. That is an extended cab, probably either GMC

14 or Chevrolet pickup truck.

15 Q. Okay. And what time is that picture made?

16 A. 11:07 and 24 seconds.

17 Q. Okay.

18 MS. THOMPSON: And I'd like to have this

19 marked as my next exhibit, Your Honor.

20 THE COURT: Be 217.

21 (WHEREUPON, the above-mentioned

22 photograph was marked as Exhibit Number 217.)

23 BY MS. THOMPSON:

24 Q. Do you recognize where that picture came

25 from?

1 A. Yes, ma'am, it's the AmPharm video from the
2 one closest to the front door.

3 Q. Okay. And can you for the jury point out
4 where that pickup truck is?

5 A. Right here is the pickup truck you're
6 referring.

7 Q. Okay. Okay. And then we --

8 MS. THOMPSON: I think for a few minutes
9 we're done with the overhead projector.

10 BY MS. THOMPSON:

11 Q. Okay. Are there other things that you did to
12 check out Mr. -- well, first of all, in your
13 investigation we've heard some about telephone
14 records. What did you do to check out the telephone
15 records?

16 A. The telephone records of?

17 Q. Well, what -- whose telephone records did you
18 get copies of?

19 A. Okay. The first thing we did with the
20 telephone records is we got a tower dump for every
21 cell phone in -- close to Decatur County. What a
22 tower dump does is it tells you every bit of
23 activity, whether somebody's receiving a call, making
24 a call or they're having a SMS message, anything. It
25 tells you every bit of information for everybody in

1 this area, which was larger than Decatur County. So
2 that's the first thing I did. I got a search warrant
3 for AT&T, Verizon, T-Mobile. I believe that's it.
4 Q. Okay.
5 A. So we got all these search warrants. So we
6 have all this data of if you were in Decatur County
7 that day, we know where you were -- where your cell
8 phone was if you used it at all.
9 Q. Okay. And at some point did you get records
10 on Holly Bobo's cellular telephone?
11 A. Yes, ma'am. We got a search warrant for AT&T
12 for her and everybody in her family for geolocate,
13 which tells you where her phone is at a particular
14 point in time.
15 Q. Now, does it tell you exactly where a phone
16 is?
17 A. It could. If this was a 3G network where
18 they can triangulate, they'll tell you -- if you're
19 using your phone, they can give you your at 2800
20 Smith Road in Savannah. Decatur County at the
21 time -- and they have since upgraded I believe. But
22 at the time, they were a 2G network, which basically
23 all they could tell you a cell phone -- a cellular
24 tower has either three or four quadrants, and, you
25 know, a quadrant has 120 degrees.

1 So if they're telling you where the cell
2 phone is, basically they're telling you the center
3 point to that cellular quadrant. And they'll give
4 you a confidence -- you know, how confident they are
5 that this is accurate of how every many meters, 4,000
6 to 7,000. So it doesn't tell you exactly where it
7 is, but you can -- you can piece it together with
8 looking at where her cell phone has been to make a
9 good educated guess as to where her cell phone is at
10 a certain time.

11 Q. And did you-all actually go to AT&T to get
12 additional information about this cellular telephone
13 network?

14 A. Actually, we had an engineer with AT&T come
15 out to Decatur County, and he rode every road in
16 Decatur County that had something, you know, that was
17 important to us. So when he's riding the roads, he's
18 got a -- he's got a device where he can measure which
19 tower at the point --

20 GENERAL HAGERMAN: I'm sorry to
21 interrupt. Your Honor, I object at this point.
22 We -- I think even by Mr. Dicus' own admission, he's
23 not a cell phone expert like Mr. Frizzell is. I
24 think he'll even acknowledge that Mr. Frizzell is a
25 cell phone expert. So to the extent that his

1 testimony goes into anything about cell phone
2 expertise --

3 THE COURT: How it operates or anything.
4 He can set up that somebody's driven around and
5 things like that.

6 MS. THOMPSON: Right. That's what I'm
7 trying to set up is that --

8 BY MS. THOMPSON:

9 Q. And so not to say exactly what the
10 information was showing, but he was able to determine
11 which tower the phone was hitting off of at different
12 places in the road; is that right?

13 A. That's correct.

14 Q. And did he come up with a map that reflected
15 that?

16 GENERAL HAGERMAN: And here, Judge, I
17 think we need to hear from like Mr. Frizzell, a cell
18 phone expert, who can explain to us what this map is.

19 MS. THOMPSON: Well, right now, Your
20 Honor, I'm trying just to lay the groundwork for my
21 cell phone expert that's --

22 THE COURT: Okay.

23 MS. THOMPSON: -- going to come in, so.

24 THE COURT: All right.

25 BY MS. THOMPSON:

1 Q. And did you come up with a map that showed at
2 what point this phone was pinging off of what tower?

3 A. Yeah, but that's a little -- a little
4 misleading.

5 Q. Okay.

6 A. That map shows which tower at a certain point
7 is utilizing that cell phone. His device was telling
8 him where -- which tower -- you know, the -- all the
9 towers around Decatur County, the four or five, which
10 tower if you're -- if you're on this road right here,
11 if you're on Cypress Hill Road, which tower are you
12 going to be using. So that map shows which tower
13 you're going to be using at this road.

14 Now, you drive a hundred feet down the road,
15 you may be on a different tower. But that's what
16 that map did. That's the importance of that. We can
17 tell each point on the route -- each point on the
18 potential route of where her cell phone would have
19 been. If it was here, which tower would it have been
20 hitting off of.

21 Q. And also, you did a -- you've got from AT&T a
22 map that showed kind of the different cell phone
23 towers and where the coverage of those cell phone
24 towers was expected to be?

25 A. Correct.

1 Q. It's a multicolored map with -- with -- that
2 showed kind of where cell towers signals faded in and
3 out?

4 A. Yes, ma'am.

5 Q. Okay. So then again, you were still talking
6 about the cell phone records and with Holly's phone
7 and how you had gotten the geolocates.

8 A. Yes, ma'am.

9 Q. I interrupted you. So can you continue from
10 there?

11 A. I don't -- I mean, we got all her cell phone.
12 So we get all this data. We also had some pings
13 where the Decatur County Sheriff's Department, before
14 I got there, they had -- they had already initiated a
15 ping. Which a ping is where the cellular provider is
16 sending out a where are you -- a where are you signal
17 to the cellular provider. So we had pings starting
18 at 8:56 that morning. Well, 8:56 they actually had
19 no location for her. But we had several pings.
20 Maybe four or five pings that day that told us where
21 her cell phone was within that cellular quadrant.
22 Keep in mind, it tells you a center point. It
23 doesn't tell you anything else. But that's what we
24 had.

25 MS. THOMPSON: Okay. And I'd like to

1 have these two maps just passed up and marked for
2 identification purposes.

3 THE COURT: Be 218, 219 for ID only.

4 BY MS. THOMPSON:

5 Q. Now, I want to just pass those to you and see
6 if do you recognize those as being the maps that were
7 generated by AT&T?

8 A. Yes, ma'am, they are very familiar to me.

9 Q. Okay. And the first one, the one that's
10 actually when you were driving different routes --

11 A. The first --

12 Q. -- that's the -- that's the one we'll have
13 marked with the lower number.

14 A. Parsons area 7.

15 Q. Okay. Is that what it says at the top?

16 A. Parsons area 7 7/2011.

17 Q. Okay. We'll pass that one first. And then
18 the second --

19 THE COURT: Be 218.

20 (WHEREUPON, the previously mentioned map
21 was marked for identification as Exhibit Number 218.)

22 BY MS. THOMPSON:

23 Q. The second, what is that one?

24 A. This one is a map indicating the coverage of
25 all these towers.

1 Q. We're not going to show it --

2 A. Oh.

3 Q. -- to the jury just yet but --

4 A. I'm sorry. This is a map showing the overlay

5 of the coverage of the cell towers in Decatur County.

6 Q. Okay. Very good.

7 (WHEREUPON, the previously mentioned map

8 was marked for identification as Exhibit Number 219.)

9 BY MS. THOMPSON:

10 Q. And at some point did you-all get the

11 cellular telephone records of Mr. Adams?

12 A. I believe so.

13 Q. And in determining whether or not his

14 alibi -- he had an alibi for any of that time, did

15 you make any determination about that?

16 A. Well, there was one indication on his cell

17 record that -- well, within the tower dumps that

18 showed that at 8:28 a.m. he was hitting off the tower

19 that's in the northeast -- northeastern portion of

20 Decatur County, which would have covered northeastern

21 part where his -- where his residence is.

22 Q. And what time was that?

23 A. I believe it was 8:28.

24 Q. Okay. And then what else -- what else did

25 you determine?

1 A. (No response.)

2 Q. Well, did you compare that with something

3 else in order to try to make a determination about

4 his alibi?

5 A. Right. His cell phone at 8:28 is hitting off

6 a tower that's several miles from the tower that

7 Holly's cell phone was hitting off at 8:26 a.m. So

8 two-minute drive time, there's no way that Zach's

9 cell phone could have been --

10 GENERAL HAGERMAN: Your Honor, again, I

11 think we're getting into phone expertise.

12 THE COURT: All right. That's outside

13 his area of expertise.

14 BY MS. THOMPSON:

15 Q. But did you use that information and to make

16 determinations --

17 A. Yes.

18 Q. -- in your investigation?

19 A. Right.

20 Q. Okay. And what determination did you make at

21 that time?

22 GENERAL HAGERMAN: I think it's just a

23 backdoor way of trying to get cell phone expert

24 testimony in from somebody that's not.

25 THE COURT: He's not a cell phone expert.

1 MS. THOMPSON: Right. I'm -- I'm --
2 BY MS. THOMPSON:
3 Q. But about Mr. Adams' alibi, what
4 determination did you make about his alibi?
5 A. The determination I made is that he could not
6 have been involved in the kidnapping.
7 Q. Okay. And what about Rebecca Urp, did you
8 mention Rebecca Urp earlier, his girlfriend?
9 A. Yes.
10 Q. Okay. And did you speak with her?
11 A. I did.
12 Q. When did you speak with her?
13 A. Give me just a second. It's a big file. I
14 believe it was -- the first time I spoke to her was
15 probably sometime after July the 4th of 2011, because
16 I talked to A-Train on July the 5th, 2011. So as
17 part of --
18 Q. Now, you say A-Train. Who are you referring
19 to when you say A-Train?
20 A. Jason Autry.
21 Q. Okay.
22 A. I spoke to him on July the 5th. These guys
23 kept on coming up. You know, coming up with -- for
24 stupid reasons, you know, saying I'm going to put
25 your -- you know, you'll end up like Holly if you do

1 this. And okay, good, let's get back on them. So we
2 checked them out several times. Around July I said
3 I'm going to check them out for good and ending it.
4 So I talked to Jason Autry first with -- I believe it
5 was my buddy, Brent Booth, and Joey Hudgins. We
6 spoke to him at his mother's trailer. We left there.
7 We spoke to Jason -- I mean Zach Adams and his
8 brother, Dylan, at their house on Adams Lane.

9 And then at the end, I called Rebecca Urp,
10 and I said Ms. Urp, you have given information to
11 other people. I haven't talked to you yet. My
12 name's Terry Dicus. I'm the case agent on this. I
13 want you to think about this very carefully. When I
14 ask you a question and if you lie to me, I'll make
15 your life miserable. If you tell me the truth, you
16 know, I'm going to help you. And at that point she
17 said --

18 GENERAL HAGERMAN: I'm going to object to
19 the hearsay, Judge.

20 THE COURT: Sustained.

21 BY MS. THOMPSON:

22 Q. Okay. So after you talked with you her, what
23 determination did you make?

24 A. That I was wasting my time.

25 Q. Wasting your time doing what?

1 A. Investigating these idiots. I'm sorry. No
2 offense.

3 Q. Now, these idiots, can you be more specific
4 about these idiots?

5 A. Well, these idiots that keep on saying I'm
6 going to put her in the well and --

7 Q. All right. But give who's -- give names for
8 the jury, please.

9 A. Jason Autry, Zach Adams, and Shane Austin and
10 Dylan Adams.

11 Q. Did you have any special affiliation --
12 affinity for those four men?

13 A. No, I never met them before this case.

14 Q. Okay. And so let's talk about some of the
15 other people that you investigated regarding this
16 case, some of the other suspects that you had. Will
17 you tell the jury, please, about John Dodd and what
18 evidence you have that he might be a suspect in this
19 case?

20 A. John Dodd, he's a troublemaker is the
21 information we had. Now, I found him like a fairly
22 likable, young man but he was -- he's a troublemaker.
23 He'd done several things that I would classify as
24 extremely mean and devious. He had actually tried to
25 commit a theft at the Bobo house. And there were --

1 Q. So he would have been familiar with the Bobo
2 house?
3 A. Correct.
4 Q. Okay.
5 A. And he also was seen in area between 8:30 and
6 12:00, somewhere in there. There's several different
7 witnesses that see him driving a 4-wheeler, you know,
8 up on two wheels the way they explained it, just
9 going crazy getting around the corner.
10 Q. And what day is this?
11 A. On April 13, 2011.
12 Q. Okay. And so what else -- what other
13 evidence did you have that pointed towards him? Did
14 you use dogs in the situation?
15 A. We had -- we had dogs come down. And, you
16 know, I love my dog, but, you know, I don't know how
17 beneficial they are in law enforcement activities.
18 But we had a dog that came out that alerted that the
19 scent of Holly Bobo went towards his grandfather,
20 Grafton Dodd's, house on -- I can't think of the name
21 of the road. But anyway, Grafton Dodd had a -- had
22 a -- had a cabin north of the Bobo's, probably three
23 or four miles north of the Bobo's. And these dogs
24 supposedly alerted and said -
25 GENERAL HAGERMAN: Excuse me. Are we --

1 I assume Mr. Dicus was there. But it sounds like --

2 THE WITNESS: I was there.

3 MR. HAGERMAN: You were there, okay.

4 THE WITNESS: I did go there, yeah.

5 BY MS. THOMPSON:

6 Q. Okay. They alerted.

7 A. They alerted and -- I'm sorry. I'm sorry.

8 They told me that the scent is kind of weak as if

9 somebody had walked through here a couple of weeks or

10 a week before this happened.

11 Q. And in relation to when Holly Bobo had

12 disappeared, how long were the dog -- how much later

13 after she disappeared were the dogs doing their scent

14 search?

15 A. It's hard to believe, but it was about a week

16 or two weeks after that, you know.

17 Q. Okay. And so that gave you reason -- well,

18 what did you do then with that information?

19 A. I interrogated Dodd. I went through his

20 life, everything about him.

21 Q. What kind of car did he have?

22 A. He had a white Ford Ranger, I believe.

23 Q. Okay. A pickup truck?

24 A. Correct.

25 Q. Okay. And you --

1 A. Yeah, we went through the -- we went through
2 his truck, too, and at the --
3 Q. And did you --
4 A. Go ahead.
5 Q. Oh, go ahead.
6 A. At the time that I was interrogating him, we
7 had an FBI team of eight to ten people sifting
8 through his truck, doing everything with his truck,
9 so.
10 Q. What about his phone records and Facebook
11 account?
12 A. We obtained both of those.
13 Q. Okay. And did you make a determination about
14 where he was living? You said his grandfather had a
15 cabin over there. Did you decide where John Dodd was
16 living at the time?
17 A. He had been staying with his grandfather.
18 Q. Okay. Okay. Let's move on --
19 A. But --
20 Q. Oh.
21 A. You probably don't want me to -- to ask that,
22 but I will say but at the time of the kidnapping, he
23 was supposedly staying with a friend of his, and he
24 had -- he had an alibi.
25 Q. But you had some people that had seen him

1 that morning near the Bobo home?

2 A. Correct.

3 Q. Okay. Let me ask you then about a man named

4 Keith White.

5 A. Keith White. Keith White was -- Keith White

6 hired James Barnes to build a deck -- build a deck at

7 his house. So, I mean, he was there at the time

8 Barnes got there.

9 Q. Okay. What about Larry Hamm?

10 A. Larry Hamm, interesting enough, his wife

11 called and said y'all need to look at my husband.

12 He's good for this. So that was all we had. And

13 sure enough, he was turkey hunting that morning. He

14 kind of fits the physical description, his clothes

15 that our witnesses provided. Somewhat anyway.

16 That's all -- that's I remember.

17 Q. And what had he been wearing that morning?

18 A. Camouflage, he had been turkey hunting.

19 Q. Okay. And did he have an alibi for the time?

20 A. (No response.)

21 Q. Did he have anybody else that could verify an

22 alibi?

23 A. No, nobody could verify it. I believe his

24 phone records may have provided -- the US Marshal

25 Service, I sent -- they're the best with phone

1 besides Mr. Frizzell. I'm sorry, Mr. Frizzell. But
2 they are very good at working phone records, because
3 they do that all the time to chase down fugitives.
4 They'll look at phone records and figure out where
5 they're at. So I sent two marshals to go check him
6 out, and they went through everything. In the end, I
7 mean, I wouldn't tell you 100 percent that he
8 couldn't have done it, but he wasn't -- he wasn't --
9 he didn't fit a lot of other stuff that we knew when
10 we were getting in, so.

11 Q. Okay. What about Richard Townsend?

12 A. We checked him out, yes.

13 Q. Why did you suspect him?

14 A. I'm kind of uncomfortable disclosing this,
15 because my boss said that we wouldn't. So I would
16 really prefer if I --

17 Q. Okay. I'll withdraw my question then.

18 A. Thank you.

19 Q. How about James Barnes?

20 A. James Barnes?

21 Q. Yes.

22 A. You know, me --

23 Q. Ed Barnes.

24 A. -- me personally, at no point did I ever
25 suspect James Barnes of doing anything wrong

1 whatsoever. And I know that wasn't necessarily a
2 consensus opinion, but that was my opinion, because
3 at 7:47, he's the one that's alerting everybody to
4 hey, this is happening. It's idiotic to think he was
5 involved with it.

6 Q. Right.

7 A. You know.

8 Q. But did you direct an investigation towards
9 him?

10 A. I did not. Not me personally.

11 Q. The TBI, did the TBI direct an investigation
12 towards him?

13 A. Well, we checked him out very thoroughly.

14 Q. Okay. So what did you check out about him?

15 A. His phone records, where -- Keith White, we
16 talked to him. We went to -- I was part of this. We
17 went to either Perry County or Wayne County to one of
18 his friend's house and checked out that area. We
19 searched a huge area. We talked to -- Mr. Keith
20 Clark was -- who was his good buddy. And this is a
21 guy who was supposedly with him at the time they saw
22 Holly and Natalie Bobo, Holly's cousin, walking, and
23 they were supposedly staring at them. So we looked
24 at them every way we could, including his mom, who he
25 lived right beside, Ms. Kathy Wise.

1 Q. Okay. And what about the dogs, did the dogs
2 alert on anything regarding the Barnes' house?

3 A. Yes.

4 Q. What did the dogs alert to?

5 A. Well, not to his house. There was a pond
6 beside it, and I believe the dogs alerted to the
7 pond. You know, dogs came in from everywhere. And
8 we did -- we didn't have certifications. We didn't
9 know if they were great. You know, you're not going
10 to turn them around. You're looking for somebody
11 that's missing, and if they want to go search -- they
12 want to go search some woods, go ahead. They want to
13 go search a pond, go ahead. But I don't know how
14 these dogs -- some of them absolutely had to be
15 wrong, 100 percent, so.

16 Q. Okay.

17 A. And in this case, Mr. Barnes, 100 percent
18 those dogs had to be, I don't know, looking for a
19 chicken leg or something.

20 Q. Okay. What about Kathy Wise, James Barnes'
21 mother, did you-all investigate her?

22 A. Yes.

23 Q. What did you do to investigate her?

24 A. Same type of thing. We did everything with
25 everybody. We --

1 Q. Okay. And was there a reason to be
2 suspicious of her regarding a kidnapped victim?

3 A. To me, no. There were some people that were
4 suspicious of that allegation.

5 Q. Okay. What's the allegation?

6 GENERAL HAGERMAN: Judge, I don't -- I'm
7 going to object to the relevance of this.

8 MS. THOMPSON: It's a reason that they
9 investigated her, Your Honor. They got her phone
10 records and thoroughly investigated her, and it's an
11 allegation that came up.

12 THE COURT: You can ask.

13 THE WITNESS: I believe there was a --
14 there was a girl -- an underage girl who may have
15 been a Mennonite or something like that, and she -- I
16 wouldn't say kidnapping. She said, hey, you can stay
17 with me, because there might have been allegations of
18 abuse or something along that line or neglect. And
19 she told this girl you can stay with me. So the girl
20 stayed with her. It didn't result in any criminal
21 charges. It might have been something that half of
22 us would do and the other half would say I'm not
23 going to get involved in it.

24 BY MS. THOMPSON:

25 Q. So she had harbored a runaway?

1 A. Correct.

2 Q. Okay. What about -- you mentioned

3 Keith Clark. Can we go into Keith Clark?

4 A. Sure.

5 Q. Who was Keith Clark?

6 A. Keith Clark was James Barnes' best friend.

7 Q. Okay. And you started to say something about

8 he had seen Holly and Natalie. Can you explain that

9 a little more in depth?

10 A. Yes, I believe it was Natalie Bobo gave us

11 information that Holly and her would go walking.

12 They'd walked several times already that year up and

13 down Swan Johnson. James Barnes lived close to them,

14 and on at least one occasion they had walked by and

15 Keith Clark and James Barnes had stared at them.

16 They were fairly good looking ladies, though.

17 Q. Okay. And so what all did you do? What

18 records or other items did you obtain to investigate

19 Keith Clark?

20 A. We -- same thing. We did everything. We got

21 everything we could possibly get on everybody

22 that anybody came up with. This guy needs to be

23 looked at, we got them.

24 Q. What does that include, phone records?

25 A. Phone records, interviewing them, checking

1 out their alibi, doing everything we can to rule them
2 in or rule them out.

3 Q. Okay. What about Blake Barnett?

4 A. Blake Barnett was an ex-boyfriend of Holly's.
5 I believe he was actually not the most current
6 ex-boyfriend, but the ex-boyfriend before that.
7 Mr. Barnett worked with Holly's boyfriend's dad,
8 Boo Scott (phonetic), and he worked at Food Giant in
9 Parsons, and he was at work at 9:01 that morning.

10 Q. Okay. So he was at work at 9:01, but not at
11 the time that she actually disappeared from her home?

12 A. I mean, here's the way I -- when I got my
13 bearings about me, she was kidnapped at 7:45. Her
14 phone is moving at 8:00. Her phone, that we can
15 tell, is disassembled between 9:25 and 9:40. So I'm
16 looking for someone that cannot give a good excuse of
17 where they're at from 7:45 to 9:40. That's all I
18 care about. Because if you're not -- if you're not
19 where Holly's phone is, I don't care -- I don't care
20 where you were at or what you were doing. That's
21 what I'm looking at. So Blake Barnett could not
22 have, in my opinion, been the one that kidnapped her.
23 So that's how I ruled him out.

24 Q. Okay. So just because of the 9:00, and he
25 checked in at 9:00 that was at -- he clocked into

1 work you said?

2 A. That's correct. And, you know, we talked to
3 people that worked there as well and, you know, asked
4 how he was doing, what was his demeanor, was he --
5 how was he acting. You know, it would be hard to
6 imagine that someone could have done this and went on
7 about their business and not shown a reaction
8 whatsoever. So that was an important part of it.

9 Q. What about Joseph Raguso (phonetic)?

10 A. Very entertaining man. Tony the Tiger.

11 Q. Why do you call him Tony the Tiger?

12 A. That was his nickname. That was his
13 nickname. He lived -- this guy lived in the woods on
14 somebody else's property. So when you go up the --
15 when you go up to see him, you hear dogs barking. He
16 had like 15, 20 dogs. All strays people had dumped
17 off. Well, this man he -- you know, he didn't have
18 money to eat himself, but he had plenty of dog food.
19 He fed every one of these dogs, took care of them.
20 And on every tree close to where he was staying is a
21 snake. He's killing snakes and eating them. So God
22 bless him for that. That's why I say he's a very
23 good man. He wore them out.

24 Q. Okay.

25 A. And he had no vehicle. He didn't fit the

1 physical description. His voice didn't sound like
2 what we're looking for so -- and he was at work that
3 day. So anybody you name, I probably can give you
4 four or five reasons why I know that person did not
5 kidnap Holly.

6 Q. What about John Rusem (phonetic)?

7 A. John Rusem, he --

8 Q. What led you to him to begin with?

9 A. I don't remember. It may have been -- it may
10 have been simply where he was living at the time or
11 someone may have called in. I don't remember. It
12 was -- it was very weak information that we had.

13 Q. Okay.

14 A. He was on probation. So when I went out
15 there, people that are on probation, they don't have
16 a right to deny you to go in their house. So we
17 carried everybody and went through all his house. He
18 had all kinds of camo, but I ruled him out because
19 he's bald-headed. We had several people confirm that
20 he's bald-headed. He showed me his foot, and it
21 looked -- it looked very, very bad. I don't know
22 what the medical term is, but I believe it's -- had
23 something to do with diabetes, and he had trouble
24 walking. He had trouble walking. He only had access
25 to a motorcycle. He didn't have a car. You know, he

1 just --

2 Q. So he did have some transportation?

3 A. He had a motorcycle, yes.

4 Q. Okay. And did he have an alibi for the time

5 that she disappeared?

6 A. No, I don't believe he did. He was -- he

7 was -- he applied for a job that morning probably

8 around 9:00 at the North 40 Truck Stop. I don't

9 believe it was at the truck stop, but it was

10 somewhere right around the truck stop. May have been

11 the auto body shop or -- but anyway, he -- that was

12 what he was doing that day, so.

13 Q. Were you able to clearly rule him out or did

14 he remain a partial suspect?

15 A. He didn't do it. I mean, yeah, I ruled him

16 out. I mean, he didn't --

17 Q. Okay.

18 A. -- he didn't fit on anything. And everybody

19 you've named -- everybody you've named you've said

20 well, what about this person as a suspect. I'm

21 trying to put together a puzzle, and if I find five

22 pieces that don't fit, I'm done. Or two pieces that

23 don't fit, I'm done. It's not this person, you know.

24 And everything I dis -- I mean, you may disagree with

25 me that that wasn't enough, but I'm look -- all you

1 really have to have is one fact that says this person
2 couldn't have kidnapped her, and you need to go do
3 something else. So I had several facts that said he
4 didn't do it, so I moved on.

5 Q. Okay. What about Michael Alexander?

6 A. Michael Alexander was at work that morning.
7 He was working on a machine that he had been working
8 on for two years that was going to Australia. He
9 worked for a company in Parsons named American
10 Coating -- American Coating and Machine, something
11 like that. It's right there on 641. But he was at
12 work that morning, and he was confirmed by every one
13 of his coworkers and they all -- his boss. We had
14 time sheets. Every which way you can imagine, he
15 was -- he was not there. He couldn't have done it.

16 Q. Okay. What about Jason Nichol?

17 A. Okay. He -- we looked at him early on, very
18 early on. Probably within -- we already had the
19 mobile command post, but we didn't get it that first
20 day. I would say --

21 Q. Now --

22 A. -- I would say probably by the 15th or 16th
23 we were on Jason Nichol.

24 Q. 15th or 16th?

25 A. Of April.

1 Q. Okay.

2 A. Yes.

3 Q. Now --

4 A. Very early.

5 Q. -- his phone actually had some common pings

6 with her phone that morning; did it not?

7 A. I don't -- I don't believe the -- I don't

8 believe so. I don't believe so. And I -- with him,

9 at 9:30 he was at a doctor's office. This is what I

10 remember. He was at a doctor's office in Benton

11 County with kidney stones.

12 Q. What were the reasons you suspected

13 Jason Nichol to begin with?

14 GENERAL HAGERMAN: Your Honor, I think

15 he's testified at this point he's ruled him out. So

16 I don't see the relevance.

17 MS. THOMPSON: It is relevant.

18 THE COURT: He can say why he was looking

19 at him.

20 THE WITNESS: He stalked a girl in

21 Jackson. Officer Hedin (phonetic) with the Jackson

22 Police Department got a warrant on him for that. He

23 fit the description of an evident -- an attempted

24 abduction or stalking from a week to two weeks before

25 in Dickson.

1 BY MS. THOMPSON:

2 Q. Okay. Tell us about that attempted abduction
3 in Dickson.

4 GENERAL HAGERMAN: Object to the
5 relevance.

6 THE COURT: Relevance.

7 MS. THOMPSON: Well, but this man --

8 THE COURT: Sustained.

9 BY MS. THOMPSON:

10 Q. Did -- are you aware --

11 THE COURT: He's already testified he
12 ruled him out. What happened in Dickson a week prior
13 to this is irrelevant.

14 MS. THOMPSON: Well, there was a
15 kidnapping six days before this one -- an attempted
16 kidnapping in Dickson, Tennessee where a person
17 pulled up in a car and tried to pull a woman who was
18 similar in appearance --

19 THE COURT: Enough. It's irrelevant. He
20 said he ruled this person out. This is your witness.

21 BY MS. THOMPSON:

22 Q. So when you ruled him out, it was only
23 because of the doctor's appointment that morning; is
24 that right?

25 A. That's not the only way we ruled him out.

1 Q. Okay.

2 A. All right. So we did other things that are
3 not admissible in court but --

4 Q. Okay.

5 A. -- that's not the only thing we did. No, I'm
6 under oath. I can't tell you that's the only thing
7 we did.

8 Q. Okay. What about Jerry Evans?

9 A. Jerry Evans, he lived really close to the
10 Bobos. Really close to the Bobos. And actually
11 where he lived, I believe he probably would have seen
12 the vehicle going by at the time of the kidnapping if
13 he had been looking. The route of the kidnapper
14 indicates that more than likely he went right by --
15 right in front of his house, and that's a pretty good
16 ways off the road. But -- so Evans, that morning,
17 saw a flatbed truck -- a green flatbed truck.

18 Q. Uh-huh.

19 A. And he came to the -- he came to one of
20 the -- one of the roadblocks and tried to give some
21 information about it. And they -- you know, I don't
22 know. They didn't take that information. But I
23 followed up on that at a later time. And you got to
24 understand, I mean, while he's trying to give the
25 information, Holly's cell phone is going all through

1 the county. So again, he's not the kidnapper
2 according to just that, and Holly's cell phone went
3 past his house. And it turns out the vehicle that he
4 saw was a -- used in cattle. They were feeding
5 cattle. Hispanic man drove it that morning for one
6 of the cattle farms.

7 Q. Okay. And what about Clint Bobo, was he a
8 suspect at one time?

9 A. He was a suspect for probably 12 hours in my
10 mind.

11 Q. Okay. What about other people in the
12 department? Did they think he was a suspect?

13 A. Yes.

14 Q. Okay. And so what did -- what evidence kind
15 of pointed towards him?

16 GENERAL HAGERMAN: Are we talking
17 about -- Mr. Dicus had excluded him as a suspect
18 after 12 hours. So are we talking about other
19 investigators?

20 THE COURT: Are you talking about his
21 investigation?

22 BY MS. THOMPSON:

23 Q. Your investigation, what evidence did you
24 initially think pointed towards him being a suspect?

25 A. Well, look, you know, I'm not -- I'm not

1 immune to the same type of things that other people
2 were saying. Other people were thinking how could he
3 have done this, you know, he did this, he didn't do
4 this.

5 Q. What do you mean by he did this, he didn't do
6 this?

7 A. Well, there was a lot of people that gave him
8 grief. You know, a lot of Captain Americans that
9 said, well, if I had been there, I'd done this.
10 Yeah, you might have died right there in the carport.
11 But a lot of people thought that was -- that was
12 strange that what he saw, it took him a few minutes
13 -- literally, it's just a few minutes. It took him a
14 few minutes to react to it and to figure out what was
15 going on. So I think that was -- that was the main
16 part of it, that people like, uh, why didn't he do
17 something. You know, he didn't know what was going
18 on.

19 And when I say I ruled him out in my mind,
20 when I found out for sure Holly's cell phone is gone,
21 it's moving, when I found out for sure there's no
22 body in or around the house anywhere, yeah, he didn't
23 kidnap her, so I forgot about it. Forgot about him
24 as a suspect.

25 Q. Okay. And then what about Terry and Janet

1 Britt, did you investigate them?

2 A. I did.

3 Q. Okay. And what were the reasons that you
4 thought they would be involved, Terry Britt would be
5 involved?

6 A. Have a seat, it's going to be a while. So
7 Terry Britt is a registered sex offender, a violent
8 sex offender. He lives north of Decatur -- northern
9 Decatur County. He has black hair. He weighs 200
10 pounds, and he's six foot fall. So I got on to him
11 because number one, he is the exact size of what our
12 witness said the abductor looked like, okay? His
13 history tells me he's capable of kidnapping her. So
14 you put that together and his alibi for that morning
15 was kind of weak. His main alibi was his wife.
16 Which ordinarily, that's not a bad alibi. That's
17 what most people have. You know, the wife -- the
18 wife was with you. That's it. But this wife had
19 been with him on more than one occasion where he had
20 picked up a woman and got accused of trying to
21 sexually assault her or rape her.

22 So that brought him as a suspect after
23 Ms. Karen -- Ms. Karen put me on him. She called me
24 one day and said you got to talk -- you got to find
25 out about this guy Natalie calls Chester the

1 Molester. That's what she knows him by. That
2 Natalie and Holly were in Dollar General Store a
3 couple of weeks before the kidnapping and this guy
4 was staring at them. So at the same time she calls
5 -- I believe it was the same day. I was dealing with
6 a frantic girl that's saying this guy has been
7 stalking me, and he won't stop. He won't stop
8 stalking me. The first time he stalked her --
9 Q. And who is this?
10 A. Shelly Keene (phonetic).
11 Q. Okay.
12 A. No, Kristen Smith. I'm sorry.
13 Q. Kristen Smith. Okay.
14 A. I believe it's Kristen Smith. Okay. But --
15 THE WITNESS: Your Honor, if -- can we --
16 can we say initials on these girls? I don't want him
17 to get out and do something.
18 THE COURT: Any problem?
19 MS. THOMPSON: No, Your Honor.
20 THE COURT: All right.
21 THE WITNESS: Okay. So this girl
22 reported to me this guy is stalking her. So I meet
23 her at the sheriff's department. I walk in, me and
24 Ricky Inman. First thing I notice about her, she's
25 got blonde hair, blue eyes. She looked a lot like

1 Holly. And she actually said that she had been
2 pulled over by officers that thought she was Holly.
3 And at first I kind of thought, you know, they might
4 be punking me or messing with me, because she looked
5 similar -- she looked very similar to her. She was
6 not her first cousin. I believe her second cousin or
7 third cousin.

8 But anyway, she tells me about this guy on
9 three separate occasions that has been following her.
10 Followed her home one time, and she followed through
11 on it. She got a tag number. One of her friends had
12 pulled up some information on the sex offender
13 registry. She came and told me his name is Terry
14 Britt. This is the guy that is stalking me. And she
15 said this is not -- I've known this guy for years,
16 because I used to work at Joe's Video with Janet
17 Britt. And at that point, you know, I -- you know,
18 I'm going crazy, but I got Ms. Karen telling me you
19 better check out Chester the Molester.

20 Well, at the same time, I go talk to Natalie,
21 and Natalie tells me Chester the Molester is Terry
22 Britt. So I've got Terry Britt seeing Holly shortly
23 before the abduction, and he's stalking somebody that
24 could pass as her sister the weekend after the
25 abduction. I got a little curious.

1 BY MS. THOMPSON:

2 Q. Okay. So what did you do next, just in terms
3 of the stalking victim?

4 A. In terms of the stalking --

5 Q. Well, just stalking victims.

6 A. Okay. We kept getting more information about
7 all these girls in Decatur County that he had been
8 stalking around the time of the kidnapping. And, you
9 know, of course, this is -- this is what I'm looking
10 for. Somebody that -- I don't -- I don't believe
11 that somebody accidentally got in the woods that
12 morning. Thank God, Ms. Karen's gone to work.
13 Dana's gone to work, and Clint's vehicle is parked
14 somewhere else. I don't believe that. I believe
15 they had to -- they had to look into it. They had to
16 put a little bit of effort into kidnapping her. A
17 little bit of thought into it. They thought about
18 where they were going to park the vehicle. They
19 thought about where they were going to take her to.
20 I just don't -- I don't believe this was a
21 random-type thing where hey, let's -- you know, I'm
22 checking the water meter and then well, let's commit
23 a class A felony.

24 So a total of eight different women has told
25 us different things, and some of them are a little

1 dated a few years back but the -- all the information
2 is kind of similar. He would pull up. He got caught
3 stopped in the road staring at these girls. Another
4 lady said she caught him staring, and her husband
5 worked as a deputy sheriff. So, I mean, you think
6 about how brazen someone would have to be to stalk a
7 deputy sheriff's wife, right? Just about as brazen
8 as you would have to be to go and kidnap somebody off
9 their carport.

10 So that deputy sheriff went and talked to him
11 at the time that happened. Said you ain't going to
12 do it. You know, you're not -- you're not going to
13 do it. And that stopped --

14 GENERAL HAGERMAN: Your Honor, I'm going
15 to object to any sort of hearsay. And we're getting
16 in a lot of Mr. Dicus' opinions about things, which I
17 don't believe is the purpose of this testimony. I
18 believe Your Honor's actually already ruled on it.

19 MS. THOMPSON: But it's to show why his
20 investigation moved in a certain direction, Your
21 Honor.

22 THE COURT: I've given great latitude to
23 show everyone that he's checked out and excluded.
24 Let's pick this up a little.

25 BY MS. THOMPSON:

1 Q. Okay. So you had eight women that you were
2 able to determine had been stalked. Did they -- was
3 there a type that these women looked like?
4 A. Most of them were blonde-headed and
5 blue-eyed. The majority of them were.
6 Q. Okay.
7 A. Very good looking women. He had very good --
8 Q. So then what did you do to check out
9 Mr. Britt, Terry Britt?
10 A. The first thing I did was check prior reports
11 on whatever -- what had we done to exclude him or get
12 him off -- be off his trail. So that's the first
13 thing I did. I went back and read everything else.
14 And, you know, I checked his -- I checked what his
15 alibi was. His alibi was he got up that morning --
16 well, first of all, he delivered newspapers with his
17 wife on Tuesday nights. So they delivered newspapers
18 until 3:10 a.m. on the morning of the kidnapping.
19 But allegedly they got up that morning for a bathtub
20 that had been leaking for several weeks, and they
21 decided they were going to go get a bathtub that
22 morning, and she laid out of work. She didn't go to
23 work that day at a newspaper -- you know, at a
24 newspaper in Decatur County the day Holly was
25 kidnapping, so.

1 Q. And what was the significance of that to you?

2 A. Well, there was only -- there's normally four
3 people -- four or five people that work at this
4 newspaper. But on Wednesdays they only have Jan and
5 another guy. So when she laid out of work that day,
6 she left one guy, who told me himself he was a low
7 functioning alcoholic, as being in charge of the
8 newspaper on the biggest news day in the history of
9 the state of Tennessee. So I thought that was
10 significant. So I went back over --

11 Q. Was it a scheduled day off that she took?

12 A. No, she didn't tell anybody. She didn't --
13 she just laid out. That's what we had heard. I
14 found out later that she didn't lay out. She went to
15 work, and he called her and made her leave work.

16 Q. Okay. So go ahead. What else about their
17 alibi?

18 A. So their alibi, they got up that morning and
19 went and got a -- got a bathtub. There's several
20 different parts of that that I checked out, but the
21 first thing I wanted to know is was there any type of
22 discrepancy. Because since he's on the sex offender
23 registry, a good buddy of mine -- brilliant idea. At
24 the very beginning, he gave -- he gave ord ers to
25 some of the Decatur County investigators or sheriff's

1 deputies, said go out and find every sexual offender
2 in this county, find out where they're out, and where
3 they've been. That was brilliant. That worked
4 great.

5 But when they went out, they came back and
6 told us -- and I think they -- when they -- when they
7 were checking on these sex offender reg -- sex
8 offenders, they didn't really -- they didn't really
9 keep up with their time that much. So they said --

10 GENERAL HAGERMAN: And, Your Honor, is
11 this -- is this an opinion? He said I think.

12 MS. THOMPSON: Well, if he knows --

13 GENERAL HAGERMAN: This is speculation --

14 THE COURT: If he knows.

15 GENERAL HAGERMAN: -- entirely.

16 BY MS. THOMPSON:

17 Q. Do you know?

18 A. Yeah, I'm just -- I'm just trying to say that
19 I don't blame them for being wrong, okay? So -- but
20 they were -- they were wrong. They were off on what
21 time they went out. So they go out there in --
22 around 1:45. Two deputies go out looking for
23 Terry Britt. And at the time they go out, there's at
24 least three vehicles missing from the house.

25 GENERAL HAGERMAN: And is this --

1 Mr. Dicus there for this? I'm --

2 MS. THOMPSON: Your --

3 THE WITNESS: It's in the report. It's
4 in the report.

5 GENERAL HAGERMAN: All right. Well,
6 Mr. Dicus isn't here for this. So, you know, we've
7 objected continuously on something that's not --

8 THE COURT: He's testifying someone else
9 observed three vehicles were missing?

10 MS. THOMPSON: Yes, but it's part of his
11 investigation, Your Honor.

12 THE COURT: It's still hearsay.

13 BY MS. THOMPSON:

14 Q. Okay. We'll skip that portion for now then.

15 A. So the Britts were not home at 1:45, okay?
16 And they were -- so they were gone somewhere at that
17 time. They go back -- the deputies go back later on
18 that day, 3:00 to 3:30, and they see the Britts
19 unloading --

20 GENERAL HAGERMAN: And again, we're
21 getting into -- I know we've had -- we've heard --

22 THE COURT: They --

23 GENERAL HAGERMAN: -- testimony about
24 this, but this is not --

25 MS. THOMPSON: Okay.

1 GENERAL HAGERMAN: -- his observations.

2 THE COURT: Hearsay.

3 BY MS. THOMPSON:

4 Q. We heard testimony about this. You can

5 skip --

6 A. Okay.

7 Q. -- that part, too.

8 A. All right. Well, I mean --

9 Q. Okay.

10 A. I checked his alibi and found out it was

11 garbage.

12 Q. Okay. So what about the -- what else about

13 the alibi was garbage? Why did you think the albi

14 was garbage?

15 A. We pulled his phone -- we pulled Jan's phone

16 records. Britt had always said I don't -- I don't

17 have a phone. I don't have a phone at all. He told

18 that to the -- well -- okay. He had told that

19 repeatedly. And when we -- when we checked out her

20 phones -- well, actually Danny Haynes told me that --

21 Q. And who is Danny --

22 THE COURT: All right.

23 THE WITNESS: That's bad? Okay.

24 BY MS. THOMPSON:

25 Q. It gets tricky, but who is Danny Haynes?

1 A. Danny Haynes is Jan's boss.

2 Q. And did you interview him in -- during your
3 investigation?

4 A. Yes.

5 Q. Okay. So after talking to Danny Haynes, what
6 then were you looking for in the telephone records?

7 A. Well, from what Danny Haynes told --

8 Q. Not from what he said but --

9 A. Okay.

10 Q. -- what were you looking for in the telephone
11 records when you get the telephone records?

12 A. I'm looking to see if Jan and Terry talk to
13 each other at all that day.

14 Q. Were you looking for a specific time?

15 A. Yes, any time that day. Because their story
16 is they're together all day.

17 Q. Okay. But how did you figure out what his
18 telephone number was if he said he didn't have a cell
19 phone?

20 A. We didn't -- we didn't know his cell phone
21 for sure until we got up on a wiretap and it --

22 Q. Well, before that you knew -- you had already
23 tapped a telephone that you thought belonged to him.
24 So by looking at Janet Britt's telephone records,
25 what was it that clued you in to what might be his --

1 Terry Britt's telephone number?

2 A. It was the only number that called. It was
3 the only number that called. And if he's calling
4 every day at lunch time, then there should be a
5 record of that, and if he's making a phone call from
6 the parking lot, then he's probably got a cell phone.

7 Q. Okay. So based on that, you have -- you now
8 have a telephone number that you think is
9 Terry Britt's cell phone number. What do you do with
10 that?

11 A. I got geolocate information. In other words,
12 the same as I did with Holly's phone. Find out where
13 it was that entire day.

14 Q. Okay. And I think their alibi was that they
15 were together the entire day; is that correct?

16 A. That is correct.

17 Q. Okay. So knowing that that was their alibi,
18 by looking at the phone records, what were you able
19 to determine?

20 A. That their alibi was a lie.

21 Q. Why?

22 A. Because 12:17 Britt calls --

23 Q. Well, first of all, what kind of activity was
24 on Mr. Britt's phone that morning?

25 GENERAL HAGERMAN: Your Honor, I think

1 we're getting into sort of some like some cell phone
2 expertise. And I think it's demonstrated --

3 THE COURT: No, he can say the calls or
4 texts. We're not getting into technical.

5 BY MS. THOMPSON:

6 Q. Right. No technical, but what kind of
7 telephone calls were you able to --

8 GENERAL HAGERMAN: Well, I think it's
9 easily illustrated by what he just said, Your Honor.
10 He said Britt called as if he can testify as to who
11 has a telephone in their hand at a certain time.

12 THE COURT: He can say from the telephone
13 records.

14 BY MS. THOMPSON:

15 Q. Okay. From the telephone records, what were
16 you able to determine?

17 A. The first call that --

18 Q. What records were that morning? What --
19 first of all, what did they -- the records show?

20 A. There was no incoming, outgoing calls that
21 morning.

22 Q. Okay.

23 A. So --

24 Q. When is the first call then?

25 A. 12:17.

1 Q. Okay. And what happens at that time?

2 A. Britt's cell phone communicates with an

3 ex-wife, and Britt's story is that that's the first

4 time he found out about the abduction of Holly Bobo.

5 Q. Okay. And then what did you determine next

6 regarding his alibi that he was with his wife all day

7 long, Janet Britt?

8 A. His cell phone called Janet's cell phone and

9 talked to it for 2 minutes and 56 seconds.

10 Q. Okay. So why did you suspect that? I mean,

11 what -- why did you find that significant?

12 A. Well, it's obvious that it's not true, so.

13 Q. What's not true?

14 A. His alibi is not true. It's fabricated.

15 Q. Okay. So what else did you do to investigate

16 his alibi from that day?

17 A. Um.

18 Q. Did Janet Britt -- did they present you with

19 any kind of physical documentation?

20 A. Janet Britt did not. At one point -- at one

21 point one of our TBI agents and an FBI agent went out

22 and spoke to Britt, and they attempted to -- Britt

23 contacted his wife who came to the scene and --

24 Q. Where were they at the time?

25 A. Janet was at work, and Terry Britt was at his

1 house, 3138 Jeanette Holladay Road.

2 Q. Okay.

3 A. So he's talking to them, and, you know, Britt
4 says hold on, let me call and get the receipt here,
5 and they're like uh. But he calls, and she comes up
6 there, shows them the receipt for a bathtub, which is
7 what they supposedly bought that day.

8 Q. And where was the receipt from?

9 A. It was from Allgoods Salvage. It's a place
10 in Benton County just north of Decatur County.

11 Q. And did you personally do anything then to
12 try to check out that alibi at Allgoods Salvage?

13 A. Yes, I went and -- I went and spoke to every
14 employee from Allgoods that was working that day.
15 None of them could really remember Terry Britt.

16 GENERAL HAGERMAN: I object to the
17 hearsay.

18 BY MS. THOMPSON:

19 Q. Okay. Would --

20 THE COURT: Sustained.

21 BY MS. THOMPSON:

22 Q. Did anybody -- were you able to find anybody
23 that could verify that he had been in the store that
24 day?

25 A. No. They had no surveillance video. They

1 had no receipt that matched the receipt that they had
2 showed.

3 Q. Now, explain that about no receipt that
4 matched. What does that mean?

5 A. So they have -- they have these old-timey
6 receipts. Got a stack of them sitting on the desk.

7 Q. Where does the stack sit?

8 A. It set right on the desk by the cash register
9 up front.

10 Q. Okay.

11 A. They have these stack of receipts, and
12 whenever they make a sale, they'll pull off one of
13 these receipts and write it up as what they've
14 purchased. They'll undo it, give the -- they give
15 the customer one copy, and then they'll retain a
16 copy -- a carbon copy.

17 Q. Okay. And so what did you ask Allgoods
18 Salvage to do for you?

19 A. I asked the accountant for Allgoods -- they
20 had already turned in the receipt to the accountant,
21 and I asked them to pull the receipts and find out if
22 there was a purchase of bathtub on April 13th, 2011,
23 or any time that week. So they pulled up the whole
24 week, and there was no receipt to it.

25 Q. So the carbon copy of the receipt that

1 Terry Britt showed you, that was his alibi for where
2 he had been that day, it was missing from the store's
3 copies?

4 A. That's correct.

5 Q. Okay. And did he present you with any other
6 receipts from that day?

7 A. No -- well, let me -- let me correct you a
8 little bit there. He didn't present me with any
9 receipts. We got his receipts out of his safe when I
10 did a search warrant in January of 2012. So he
11 didn't actually give me the receipts. I took them.

12 Q. Did they have a lot of receipts in the safe
13 or just a few?

14 A. There were -- there were several receipts. I
15 mean, I don't --

16 Q. Were they from different days or just that
17 day?

18 A. They -- he had -- he had receipts from
19 different days. There wasn't a whole lot of
20 receipts, but there were a -- there were a few in
21 there.

22 Q. Okay. And he had other receipts from that
23 day also; didn't he?

24 A. Yes.

25 Q. Okay. And what -- do you remember what those

1 other receipts were?

2 A. Yes, he had a -- and this is another part of
3 his alibi that's fabricated. His story is they got
4 up, they went to Allgoods Salvage. They looked for
5 bathtubs. They were worried about the price. So
6 they decided to go to Buck's Supply -- Buck's
7 Building Supply in Parsons and check them out there.
8 So they go to Parsons. They check out the bathtubs
9 there.

10 Q. Now, was it Parsons Building Supply,
11 Decaturville?

12 A. Decaturville -- Decaturville Building Supply.
13 That's right. So they check them out there. Then
14 they go back to Buck's -- go back to Allgoods and
15 purchase a bathtub. So they went to Camden twice
16 that day. That's it. This other receipt was from an
17 Allgood -- a Discount Bin -- Allgoods Discount
18 Bargain Bin or something like that, where on that
19 day, on April 13th, they had purchase some vinyl
20 remnants. So that would have put it at three times
21 of going to Benton County. So that was -- when I
22 interviewed Britt, that was something he just stared
23 like you got me. He had no answer for this. Because
24 I said, was that possible? Did you go up there three
25 times? Have you been lying all this time? No.

1 Well, maybe you had the vinyl remnant in there with
2 the bathtub? No, there's no way it would have fit.
3 I was like, okay, thank you.

4 Q. So he denied going to Allgoods Bargain --
5 Allgoods Discount on the 13th of April?

6 A. That's correct.

7 Q. Although he had a receipt that showed he was
8 at Allgoods Discount that day?

9 A. That's correct.

10 Q. Okay.

11 A. And he's in Benton County that afternoon
12 around 2:30 or so buying gas at a gas station in
13 Benton County.

14 Q. So say that again, please?

15 A. He was in -- well, he -- we have a receipt
16 from a credit card or debit card where he was in
17 Benton County around 2:30. His cell phone shows that
18 it was up there later on that afternoon on the day of
19 the 13th.

20 Q. Okay. So at that point, what did you do
21 next?

22 A. At that point -- let's see. I've already --
23 I've already interviewed Jan's boss. I've already
24 interviewed the person that had -- that had
25 supposedly seen them that day on that Wednesday when

1 they came in, the guy that was working there that
2 they left there. At that point, I began drafting a
3 wiretap application to wiretap the home and the cars,
4 cell phones of the Britts, and I also drafted a
5 search warrant application.

6 Q. And before we get into that, what about the
7 voice? Because I heard you say something earlier
8 about he had a voice that matched. What did you do
9 to try to identify his voice?

10 A. Okay. Well, that's -- that's -- that's in
11 January, okay?

12 Q. Okay.

13 A. So we did the search warrant. We did the
14 wire -- we installed all the wiretap devices January
15 17th of 2012. Part of a wiretap, what you do is, you
16 know, you -- you -- you monitor conversations, and
17 then you need to stimulate it. You need to do
18 something that gets them talking about you want them
19 to talk about. So part of that -- part of that
20 stimulation, January 25 or so I asked to interview
21 Britt. So I went through -- at that point, recorded
22 his voice and, you know, went through the whole story
23 with him that day. He had -- at an attorney's
24 office. He had hired an attorney, so we were there.

25 And then -- and then after that, I let Clint

1 listen to some audio recordings that had his voice in
2 it.

3 Q. Okay. And did Clint identify anybody when he
4 listened to audio recordings?

5 A. Yeah, Clint had trouble distinguishing
6 between Allen Snelling. If anybody knows him, he's
7 got a -- you know, he's got a deep voice.

8 Q. Who is Allen Snelling?

9 A. He's a Sergeant with the Savannah Police
10 Department.

11 Q. And was there any way he was a possible
12 suspect in the disappearance of Holly Bobo?

13 A. No, he's -- he was at work that day, and he's
14 about five-eight, 150, 60 pounds.

15 Q. Okay.

16 A. So -- and real short hair, so. So I let
17 Clint listen to them, and he asked is that -- is that
18 the same voice, two and five. And five was Britt.
19 Two was Allen Snelling. And I said, no, it's -- I
20 can't -- I can't answer that. I just want you to
21 tell me if you recognize the voice from that morning.
22 And he says, well, you know, they sound very similar.
23 I can't distinguish them, but it's the same tone and
24 the same pitch as what I heard that morning, both
25 voices.

1 And at that point, the first time I let Clint
2 listen to it, he kind of leaned more heavily on
3 Allen Smelling than he did Britt. Well, I came back
4 after I let him listen to this, because I recorded
5 Britt saying, you have the right to remain silent,
6 anything you say can and will be -- you know, the --
7 basically the Miranda warnings. And then I went
8 around to several police officers here in Savannah
9 and said read this for me, I need to have a voice
10 identification, you know. So that's what I did.

11 Well, the second time I went there, I
12 recorded a much longer story. So I had
13 Allen Snelling basically repeat 11 -- 10 or 11
14 minutes of the story that Terry Britt told --

15 GENERAL HAGERMAN: Your Honor, this is a
16 very long story for him to tell the story about how
17 Clint Bobo couldn't identify anybody's voice.

18 THE COURT: Can we shorten this up?

19 BY MS. THOMPSON:

20 Q. Okay. So the second time you did an extended
21 voice test?

22 A. Correct.

23 Q. Okay. What was the result of the second
24 test?

25 A. Okay. Before the second test, I let him

1 listen to the original recording again, and he
2 leaned -- he was fairly certain that it was Britt,
3 the voice he heard. He listened to the entire thing,
4 and he says, yes, I'm not absolutely certain, but
5 that's -- I believe that's the voice I heard.

6 Q. And did he give you a percentage of
7 certainty?

8 A. He -- I believe he said it was 80 percent.
9 He was 80 percent sure. Not absolutely certain.

10 Q. Okay. So then in order to get the wiretap --
11 now, the wiretap was signed by the court; is that
12 right?

13 A. Correct.

14 Q. And in order to get the wiretap, you put down
15 multiple reasons why you had probable cause to
16 believe that Terry Britt was involved in the
17 disappearance of Holly Bobo?

18 GENERAL HAGERMAN: I'll object to
19 hearsay, Judge. We're talking about reasons that are
20 in a wiretap application. It is plainly hearsay to
21 say the least.

22 THE COURT: He had to make an affidavit.
23 You can ask.

24 BY MS. THOMPSON:

25 Q. There was an affidavit that was prepared;

1 wasn't there?

2 A. Yes, ma'am.

3 Q. Okay. And the standard to get a wiretap is

4 probable cause; isn't it?

5 A. Probable cause on steroids is what we say.

6 Q. Because to get a wiretap you actually have to

7 have a -- you have to show that other efforts were

8 exhausted?

9 A. That's correct.

10 Q. Okay.

11 A. Or either exhausted or would be unfruitful.

12 Q. Okay. So you filled out a -- or you did the

13 affidavit and the application. What was the result

14 of the wiretap?

15 A. The result of the wiretap is I found out that

16 Janet Britt was not involved in the kidnapping of

17 Holly Bobo.

18 Q. Okay. When you did that the wiretap, did

19 you -- was there something that occurred on the

20 wiretap that made you believe that the -- Terry Britt

21 suspected you might be listening to him?

22 A. Yes, he mentioned in the wiretap off -- the

23 very beginning, watch what you say. I bet -- I bet

24 they're -- they bugged the house or bugged the area.

25 And if I can explain that a little further?

1 Q. Yes.

2 A. Is it okay?

3 GENERAL HAGERMAN: I'm going to -- you
4 heard Mr. -- he testified to what he heard Mr. Britt
5 say in the wiretap, and that's not objectionable and
6 perfectly fine. But as far as getting into opinion
7 testimony, again, this is what Your Honor's --

8 THE COURT: Okay.

9 GENERAL HAGERMAN: -- already addressed.

10 THE WITNESS: I would simply explain
11 how -- I was going to explain how he knew that, but
12 that's all.

13 GENERAL NICHOLS: Did the Judge rule?

14 THE COURT: Said we're not going into any
15 technical aspect or opinion.

16 GENERAL NICHOLS: Okay.

17 BY MS. THOMPSON:

18 Q. Okay. With the AmPharm video, were you able
19 to do anything with the AmPharm video that you
20 matched up pictures that you thought were indicative
21 of Mr. Britt's activities on the day that Holly Bobo
22 disappeared?

23 A. Yes.

24 Q. What was that?

25 A. So Britt calls his ex-wife at 12:17. He

1 called his wife at 12:20 or 12:21. So I looked at
2 the AmPharm video to see if he's coming down south on
3 641 going towards where she works. And I found a
4 champagne colored F-150 extended cab coming down the
5 AmPharm video right about the time -- and I drove
6 this several times, right, about the drive time it
7 would have taken to go from his house down to where
8 that video is -- where the camera is.

9 Q. Okay. Did you have a reason to believe that
10 Terry Britt had changed his appearance after it came
11 out that there was witness to Holly Bobo's
12 disappearance?

13 A. Yes.

14 Q. What was that?

15 A. So I pulled all of Britt's photos from 34
16 years going back and he's always had long --

17 Q. What do you mean his photos?

18 A. His photographs, every time -- when you're in
19 prison, they take photographs of you intake and
20 outtake, and I think they must take them some other
21 times. But, you know, we have a photograph of him
22 with long hair, shoulder length hair all these times.
23 Around the time of the kidnapping according to
24 several -- three different people, he changed his
25 appearance by cutting his hair off short. I don't

1 know if it was before the kidnapping or after the
2 kidnapping, but it was around that time.

3 Q. Okay. And so, also, where is Mr. Britt's
4 residence located in relationship to where some of
5 the evidence in this case was discarded?

6 A. It's basically at the geographic center of
7 it. Northeast -- northeast of Holly's house.
8 Probably five to eight miles northeast of Holly's
9 house.

10 Q. Okay. And also, did you have reason to
11 believe -- or what did your investigation tell you
12 about Mr. Britt's knowledge of the area where the
13 items had been thrown out -- where Holly's items had
14 been thrown out along the road?

15 A. So the Yellow Springs Road where the first
16 item was thrown out, there used to be a trailer
17 there. It was a friend of Britt's. They would go
18 there quite frequently. So right in front of this
19 trailer is where Holly's first receipt was thrown
20 out.

21 Q. Okay. And what about Mr. Britt being
22 familiar with County Corner Road and the area of the
23 cellular tower where her body was found?

24 A. Yeah, so Britt used to put \$20 in gas in the
25 car and drive around and drink all day. And that is

1 one of the areas where they would go to quite
2 frequently. There's no cops there. You never see
3 a -- you never see a car there. We'd go -- we would
4 monitor the traffic, and we'd see one or two cars for
5 an hour and that was -- that was it.

6 Q. Okay. And did you check in with Mr. Britt's
7 cohorts?

8 A. I did.

9 Q. Okay. And after you did that, what kind of
10 information did you learn from checking with them?

11 GENERAL HAGERMAN: I object to hearsay.

12 THE COURT: Hearsay.

13 MS. THOMPSON: It's not -- I'm --

14 THE COURT: He can say what he did in
15 response to information.

16 BY MS. THOMPSON:

17 Q. Okay. What did you do in response to the
18 information that you learned from checking with his
19 companions?

20 A. Are you referring to Skip and --

21 Q. Sure.

22 A. -- Hostetler (phonetic)?

23 I don't know. We just -- we just kept trying
24 to gather more information. We did -- I did conduct
25 a specific search at New Prospect Cemetery, which is

1 right up there on the route of where her cell phone
2 traveled.

3 Q. Okay. At some point did you confront
4 Terry Britt about stalking these women?

5 A. I did.

6 Q. And what was the result after you confronted
7 him with that?

8 A. There was probably -- it was a huge mistake
9 because he confronted -- he threatened two of the
10 women that he had been stalking after I confronted
11 him with all the information that I had that he was
12 stalking other women. I didn't tell him any names or
13 where they worked or anything, but unfortunately, he
14 knew who he had been stalking. So he followed one of
15 them home, stopped in the middle of the road and
16 stared at her.

17 The other one, we got surveillance video that
18 he's -- she worked at the RadioShack right beside an
19 Ace Hardware. They were connected, owned by the same
20 people, had the same door. So he's in Ace Hardware
21 staring at her. He goes and buys something for 60
22 cents then goes back, stares at her again. Yeah,
23 that was -- that was a huge mistake. I should have
24 never said that.

25 Q. Okay. At some point then, did you get a

1 search warrant to search his home?

2 A. I did. That was actually before I confronted
3 him. We did the search warrant before we ever
4 confronted him.

5 Q. Okay. And so what did you find when you
6 searched his home?

7 A. All kinds of stuff. I mean, we found -- we
8 found videos on his computers. We found --

9 Q. So let's talk about the videos on his
10 computers. Okay. What kind of videos did you find
11 on his computers?

12 GENERAL HAGERMAN: There's one thing. I
13 don't believe Mr. Dicus is the agent that extracted
14 any sort of videos from his computer and from the
15 computer --

16 THE COURT: Then he won't be giving
17 testimony.

18 MS. THOMPSON: Well -- but, Your Honor,
19 it was all part of the case file and he reviewed
20 these --

21 THE COURT: Doesn't make any difference.
22 If it's hearsay, it's still hearsay.

23 MS. THOMPSON: Okay. It's coming from
24 Mr. -- it's not hearsay. It's coming from
25 Mr. Britt's computer.

1 GENERAL NICHOLS: That's hearsay.

2 THE COURT: It's what someone told him

3 was in the computer.

4 MS. THOMPSON: Okay.

5 BY MS. THOMPSON:

6 Q. I'd like to pass these images up and have you

7 just identify them as images that you recognized as

8 having come from Mr. Britt's computer.

9 GENERAL HAGERMAN: And again --

10 GENERAL NICHOLS: It's the same --

11 GENERAL HAGERMAN: -- he's going to be

12 relying on information he got from somebody else.

13 THE COURT: He can ask --

14 MS. THOMPSON: Well, I want him to

15 identify this.

16 THE COURT: He can ask -- he can be asked

17 if he recovered these.

18 MS. THOMPSON: Okay.

19 THE COURT: If someone else recovered,

20 then it's not competent testimony.

21 BY MS. THOMPSON:

22 Q. Did you -- did you review a report that was

23 made after the extraction?

24 GENERAL HAGERMAN: Your Honor, I think

25 you directed her exactly what the question should be,

1 and she didn't ask it. Did you recover these?

2 THE COURT: Did you recover these images?

3 BY MS. THOMPSON:

4 Q. Did you recover --

5 THE COURT: If he didn't, then it's not

6 competent testimony.

7 MS. THOMPSON: Well, I can't pass him the

8 images yet.

9 GENERAL NICHOLS: He'll -- he knows

10 whether or not he recovered any images, Your Honor,

11 and he didn't.

12 BY MS. THOMPSON:

13 Q. Did you recover any images off of the

14 computer?

15 A. Did I?

16 Q. Yes.

17 A. No.

18 Q. Okay. After -- was there a search done of

19 his computer the same time you searched his house?

20 A. Yes.

21 Q. Where this computer was seized?

22 A. Correct.

23 Q. Okay.

24 A. Several computers were seized.

25 Q. And then they were sent to the lab; is that

1 right?

2 A. That's correct.

3 Q. Okay. And after that came back, did you ever

4 discuss that material with Terry Britt?

5 A. I did.

6 Q. Okay. And did he deny that any of that

7 belonged to him or did he acknowledge it?

8 A. He couldn't stop looking at it.

9 Q. He what?

10 A. He could not stop looking at it.

11 Q. Okay.

12 A. But he did not deny it.

13 Q. Okay. So anyway, you said you found videos

14 on his computer. What else did you find at his

15 house?

16 A. We recovered probably 100 items all together.

17 We found -- we had more dogs there. These dogs were

18 human decomposition dogs. We recovered a shovel, a

19 couple of hammers, and an axe that had been out in

20 one of his storage sheds, and, you know, the dogs

21 alerted to them as being around the scent of human

22 decomposition, and two of his vehicles alerted to

23 that as well. We got the receipts.

24 Q. So now --

25 A. We got cell phones. I mean --

1 Q. Now, I'd like to pass forward to you a
2 photograph. Now, do you recognize that photograph?

3 A. Yes, ma'am, these are the antique --

4 Q. Antique?

5 A. Correct. Well, that's antique, yeah.

6 Q. So --

7 A. Antique items at the Britt's.

8 MS. THOMPSON: And I'd like to have this
9 then marked as an exhibit.

10 THE COURT: Be Exhibit 220.

11 (WHEREUPON, the above-mentioned
12 photograph was marked as Exhibit Number 220.)

13 BY MS. THOMPSON:

14 Q. Now, I'd like to show this to you. Can you
15 please describe --

16 THE COURT: You're going to have to uncap
17 us there.

18 BY MS. THOMPSON:

19 Q. Will you please describe for the jury what
20 these items are? I'm going to zoom in so you can see
21 some of them a little better. What are these items?

22 A. This is a hammer.

23 Q. Yes.

24 A. Okay. This is a axe. This is a shovel.

25 Q. A shovel.

1 A. And this is a -- you'll have to forgive me.
2 I'm not exactly a manly man, but I believe that's --
3 would be considered a hammer, too.

4 Q. Okay. And why was it that you were referring
5 to these as being antiques?

6 A. Because after we took them, I was constantly
7 requested to get them back to them because they were
8 antiques that had been in the family forever.

9 Q. Did they appear to you to be antiques?

10 A. Again, I don't know what an antique shovel
11 looks like. I'm sorry.

12 Q. Okay. And who was requesting to get it back?

13 A. Janet Britt.

14 Q. And did you ever return it to her?

15 A. I don't remember.

16 Q. Okay. And I wanted to ask you also, in the
17 description that you got of the person that possibly
18 took -- or the description of the person that walked
19 away with Holly Bobo, was the person compared to
20 anybody else? Do you remember there being a
21 comparison?

22 A. Yes.

23 Q. From Clint Bobo?

24 A. Yeah, Clint said that the guy was built just
25 like his cousin, Richie Pratt. So we carried -- and

1 Holly and Ms. Karen were the same height. So we
2 carried Ms. Karen and Richie Pratt basically to the
3 same area that Clint saw. We tried to measure the
4 height. So Clint's saying the guy is a little bit
5 shorter than Richie Pratt. So we got -- we did some
6 surveillance on Terry Britt. We took some picture of
7 him as he's walking in and out at the News Leader.
8 And we also had Mr. Richie Pratt walk through at the
9 same area, and we took pictures of him to compare
10 side-by-side.

11 Q. Okay. I just passed you two pictures. What
12 do you recognize these two pictures to be?

13 A. Okay. This is one picture of Terry Britt,
14 one picture of Richie Pratt taken in the back parking
15 lot of the News Leader.

16 Q. Okay. And will you hand me the picture of
17 Richie Pratt first?

18 A. Yes, ma'am.

19 MS. THOMPSON: I would like to have this
20 marked as an exhibit.

21 THE COURT: 221.

22 MS. THOMPSON: And then my next exhibit
23 of Terry Britt.

24 THE COURT: 222.

25 (WHEREUPON, the above-mentioned

1 photographs were marked as Exhibit Numbers 221 and
2 222.)

3 BY MS. THOMPSON:

4 Q. First I'm going to put up this picture here.
5 Now, who is this a picture of?

6 A. That is Mr. Richie Pratt. He is the cousin
7 of the Bobos.

8 Q. Okay. And now, who is this a picture of?

9 A. That is Mr. Terry Lee Britt.

10 Q. Okay. And just for the record, Terry Britt
11 is the one that has on the shorts in the picture; is
12 that right?

13 A. That's correct.

14 Q. Okay. Was that another factor that you
15 looked at when you were considering that Mr. Britt
16 might be involved in this?

17 A. Yes.

18 Q. Did you recover any Xerox copies -- just to
19 kind of speed things along, did you recover any Xerox
20 copies at the Britt's home that you found suspicious
21 or odd?

22 A. Not that I remember.

23 Q. How about from a yearbook?

24 A. From a -- oh, yeah, yeah. Okay. That -- one
25 of the -- one of the -- the lady that I told you that

1 worked at RadioShack, she -- they had a locked shed
2 in the back and --

3 Q. Who's they?

4 A. Jan and Terry had a locked shed behind their
5 house, and in this shed in a -- in a carpenter's
6 binder, you know the one they flip up? In that they
7 had a picture of this girl highlighted, Nicole -- NA.

8 Q. Okay. And so this picture that they had of
9 her, where did it come from?

10 A. It came from the News Leader where Jan
11 worked.

12 Q. And why would her picture have been in the
13 News Leader?

14 A. I believe she had gotten a scholarship or
15 graduated from high school, something like that.

16 Q. Okay. Did you ever come across a reason why
17 Holly's photograph would have been in the News
18 Leader?

19 A. Yes, when she graduated she was in there,
20 too. Got a \$500 scholarship for something and made
21 --

22 Q. And this person, this NA, that you said her
23 photograph from her yearbook was Xeroxed, is that the
24 same way that it appeared in the News Leader, her
25 yearbook photograph?

1 A. I believe so.

2 Q. Okay. And so what -- do you remember what
3 school she went to in relationship to Holly?

4 A. I think she went to Riverside, the same
5 school, or it might have been Scotts Hill.

6 Q. Okay.

7 A. It's one of the two.

8 Q. Okay.

9 A. There's only two. So I -- it might have been
10 Scotts Hill.

11 Q. Okay. Very good.

12 A. I know the other -- the other lady that I was
13 talking to you about, she went to the other school.
14 She went to Riverside. The lady that he followed
15 home.

16 Q. And the pink underwear that was found kind of
17 near Shane Austin's trailer, did you have a working
18 theory on why that pink underwear was found outside
19 his trailer?

20 GENERAL HAGERMAN: I'm going to object to
21 any sort of opinion or theory, Judge.

22 THE COURT: He -- question's all right.
23 Go.

24 BY MS. THOMPSON:

25 Q. Did you have a working theory as to why that

1 underwear was found there?

2 A. My theory, after we figured out that it
3 wasn't Holly's was that someone was cleaning out
4 their car, and there was another pair of another
5 woman's underwear in there, and they grabbed them and
6 threw them out just going down the road. That was my
7 theory.

8 Q. And was it related at all to the materials
9 that belonged to Holly?

10 A. No.

11 Q. When you said cleaning out their car, that
12 means just a litterbug threw them there?

13 A. Yeah. Well -- so the route that Holly's cell
14 phone probably traveled as best we can tell is
15 certainly -- when you do the drive times and you do
16 the cell pings and all this, the route that she
17 traveled, at around 9:00, she's going down Yellow
18 Springs -- the abductor is going down Yellow Springs
19 Road, 9:02, 9:05, he's going down that time. So at
20 that point, my theory is he was throwing stuff out,
21 getting ready to go back home or go do --

22 Q. What stuff out?

23 A. He's throwing out her --

24 Q. Who's her?

25 A. Okay. The abductor is throwing out Holly's

1 receipts. He's throwing out the panties that just
2 happen to be in the vehicle, because they dealt with
3 another girl. He continues on the route until he
4 gets to the creek on Gooch Road where he throws out
5 the majority of the stuff that he doesn't plan on
6 keeping. He throws out her lunchbox. He throws out
7 her -- her --

8 Q. Notebook, does he throw out a note --

9 A. -- notebooks. Her notebooks. Her -- you
10 know, throws out all this stuff and, you know, my
11 theory -- my working theory is at that time, you
12 know, Holly was dead.

13 Q. Okay. And so why is it that you thought that
14 by the time the abductor threw out the lunchbox,
15 Holly would have been dead?

16 GENERAL HAGERMAN: I'm going to object to
17 his opinion. I think we've spent way too much time
18 talking about theories and opinions.

19 THE COURT: No. Objection sustained.
20 Anybody in the world can have a theory or speculate,
21 okay?

22 MS. THOMPSON: I know, but he's the lead
23 agent on the case, Your Honor, directing the
24 investigation and his --

25 THE COURT: Enough.

1 BY MS. THOMPSON:

2 Q. Okay. About the palm print that was found on

3 the Mustang, did you-all test Terry Britt's

4 palmprint?

5 A. I don't remember that. I thought we did. I

6 thought we did. Maybe we didn't. I --

7 Q. He was not excluded; was he?

8 A. That's right. He was not excluded as -- but

9 he wasn't -- they didn't say it was his, but they --

10 you know, they said -- they couldn't say that it

11 might have been.

12 Q. Also, did you find any connection between

13 Zach Adams and Clint Bobo --

14 A. No.

15 Q. -- in your investigation?

16 A. None.

17 Q. Did you find any evidence at all that led you

18 to believe that Zach Adams and Clint Bobo had been

19 meth buddies?

20 A. That's ridiculous, no.

21 Q. Why would that be ridiculous?

22 GENERAL HAGERMAN: Objection to his

23 opinions and his theories again, Judge.

24 BY MS. THOMPSON:

25 Q. What evidence --

1 THE COURT: Go ahead and answer.

2 THE WITNESS: We talked to everybody that
3 Clint Bobo knows, everybody that Holly Bobo knows,
4 Ms. Karen, Dana, everybody, and the information we
5 had on drug use from the Bobos was simply that
6 Clint had smoked marijuana three times in his life.
7 The last time in 2008.

8 THE COURT: I think we're getting far
9 astray.

10 THE WITNESS: Okay.

11 BY MS. THOMPSON:

12 Q. So there was no evidence, though, that he had
13 been involved in drugs?

14 A. Not one person told us that.

15 Q. And did you know what his current job was in
16 the spring of 2011?

17 A. He worked -- he worked for a nursing home
18 company that had several different nursing homes, and
19 he was a counselor. So he would go in and work at
20 one nursing home one day and then go to a different
21 one on a different day.

22 Q. And so do you know whether or not he was drug
23 tested in relation to that job?

24 A. I don't.

25 Q. Okay. What about Natalie Bobo and

1 Zach Adams, did you find any connection between those
2 two in your investigation?

3 A. I believe there was a connection between
4 Natalie -- I believe there was a connection between
5 Natalie and Zach, or we had information there was.

6 Q. Okay.

7 A. That at one point in time they had had a
8 relationship.

9 Q. But did -- when you investigated that, did it
10 lead to anything? Did you ever uncover any evidence
11 that there was, in fact, a relationship?

12 GENERAL HAGERMAN: He just said yes. He
13 just said yes to that question.

14 MS. THOMPSON: Well, he said -- I think
15 he said that they -- he got tips, right?

16 GENERAL NICHOLS: He didn't say that.

17 MS. THOMPSON: He said --

18 THE COURT: Said they had information.

19 BY MS. THOMPSON:

20 Q. Okay. Did you check out that information and
21 did it turn out to be accurate?

22 A. Well, the only way we can check that out is
23 by looking at their cell phone and see if they talk,
24 okay? Looking at -- asking them, hey, have you had
25 something to do with him.

1 Q. And did you find any records on their cell
2 phone that they had been talking with one another?
3 A. Not that I recall.
4 Q. Okay. And matter of fact, did you
5 investigate Natalie Bobo with regard to the
6 disappearance?
7 A. No.
8 Q. Well, did you do a preliminary investigation
9 of her?
10 A. We interviewed her. We checked out, you
11 know, other people that --
12 Q. So she was ruled out as a suspect?
13 A. We have a witness that said it was a man.
14 What do you --
15 Q. Okay.
16 A. -- what do you want me to tell you? I
17 mean --
18 Q. Okay. I just --
19 A. -- she was ruled out as a suspect, yes.
20 Q. Okay. Just wanted to confirm.
21 A. In reality she was ruled out as a suspect.
22 Q. Okay. Very good.
23 MS. THOMPSON: If I can have a minute,
24 Your Honor.
25 BY MS. THOMPSON:

1 Q. And are you familiar with people that are
2 chronic meth users? You've come into contact with
3 them; haven't you?

4 A. Unfortunately, yes.

5 Q. And people that are chronic meth users, have
6 you ever heard the term meth bugs? What is meth
7 bugs?

8 A. So it's actually not bugs. It's a -- it's a
9 phenomenon. There's a chemical in meth that makes
10 people's parts of their body dehydrate. So when they
11 dehydrate it looks like a -- it looks like -- first
12 it looks kind of like a pimple. But --

13 Q. Like a what?

14 A. A pimple.

15 Q. Okay.

16 A. A zit. And then it feels like -- it feels
17 like it itches. Feels like something's crawling is
18 my education and information. I've never experienced
19 this, but it feels like a -- mites. They call it
20 mites. So they scratch it. They scratch that area
21 where they're -- where they're itching, and, you
22 know, it's usually on the face. If y'all have ever
23 seen the before and after pictures of meth heads,
24 yeah, that's a lot of what you see on their face is
25 this thing called formication. And it's basically a

1 dehydrating of an area of their body --

2 Q. Okay. And --

3 A. -- which causes it to itch.

4 Q. And people that are on meth, do they tend to

5 pick at their scabs and things?

6 A. Yes.

7 Q. And why is that?

8 A. Because their skin feels like it's crawling.

9 It just feels like it's crawling. And there's

10 actually some people that will pick at it and eat the

11 scab, because that chemical is in the scab.

12 Q. What chemical?

13 A. I don't know the -- I don't know the

14 chemical, but it's one of the -- it's whatever gets

15 you high from the meth. So it's there, right there,

16 at that sore. They pick it and eat it, and they get

17 a little bit of high out of it.

18 Q. So you're saying it's almost like there's a

19 little meth in the scab that they eat and get high

20 from?

21 A. Well, not all of them, but there are people

22 that do that, yeah.

23 Q. Okay. And I wanted to pass up some

24 photographs to you. You testified that you had

25 pulled --

1 GENERAL HAGERMAN: Your Honor, these
2 are -- these are old booking photographs of --
3 GENERAL NICHOLS: From the 80s and 90s.
4 GENERAL HAGERMAN: -- Terry Britt from
5 the 80s and the 90s just like she tried before of an
6 old booking photo of Jason Autry. Had absolutely no
7 relevance at all.
8 MS. THOMPSON: He specifically said that
9 he pulled old photos from 30 years. I want to pass
10 these --
11 THE COURT: Concerning the change in
12 appearance?
13 MS. THOMPSON: Yes.
14 THE COURT: Are we getting close to
15 concluding?
16 MS. THOMPSON: Yes, Your Honor.
17 THE COURT: Okay.
18 BY MS. THOMPSON:
19 Q. So I'd like to pass -- and there's one more.
20 I'd like to pass these photographs up to you.
21 GENERAL NICHOLS: Yeah, this has got a
22 report.
23 BY MS. THOMPSON:
24 Q. I'd like to pass these photographs up to you.
25 See if these are, in fact, the booking photographs

1 that you were talking about that you reviewed
2 regarding change in his appearance. Just one more.

3 GENERAL NICHOLS: I'm sorry --

4 GENERAL HAGERMAN: The last one isn't
5 even a -- it's a -- it's a small picture on a booking
6 report.

7 GENERAL NICHOLS: It's not a booking
8 photo.

9 GENERAL HAGERMAN: Talking about
10 something from 10 years, 15 years.

11 BY MS. THOMPSON:

12 Q. And I'm going to pass a tee-tiny little
13 picture that I've torn off of the report. Are these
14 the pictures that you reviewed to see that he had had
15 a change in appearance?

16 A. Yes, ma'am.

17 GENERAL NICHOLS: So I understand the
18 question, change in appearance from the 80s, that's
19 what you were looking at?

20 THE COURT: That's all right. Collective
21 Exhibit 223. Move on.

22 (WHEREUPON, the above-mentioned
23 photographs were marked as Collective Exhibit Number
24 223.)

25 MS. THOMPSON: No further questions, Your

1 Honor.

2 THE COURT: All right. Let's take a
3 recess. Follow the admonitions I gave you at the
4 outset. We'll take 15 minutes.

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

7 MS. THOMPSON: Your Honor, can we just
8 make clear on the record how many of those -- how
9 many photographs were in that collective exhibit?

10 THE COURT: There's how many regular size
11 and one tee-tiny, is that what you called it?

12 MS. THOMPSON: Yes.

13 MR. GONZALEZ: Five large and one teeny
14 tiny.

15 THE COURT: All right. Tee-tiny is what
16 she said.

17 MR. GONZALEZ: Tee-tiny.

18 THE COURT: You said teeny tiny.

19 GENERAL RAGLAND: That was 223?

20 THE COURT: A little photo. That's 223
21 collective.

22 (Short break.)

23 THE COURT: I've sent for the jury.
24 Rise, please.

25 (WHEREUPON, the jury returned to the

1 courtroom, after which the following proceedings were
2 had:)

3 (End of Volume XIII.)

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