

W2020-01208-CCA-R3-CO

1 IN THE CIRCUIT COURT OF TENNESSEE AT SAVANNAH

2 THE TWENTY-FOURTH JUDICIAL DISTRICT

3 -----
4 STATE OF TENNESSEE,

5 Plaintiff,

6 vs.

Case No. 17-CR-10

7 ZACHARY ADAMS,

8 Defendant.
9 -----

10 -----
11 JURY TRIAL

12 SEPTEMBER 9, 2017 - SEPTEMBER 23, 2017

13 VOLUME XIV 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 FILED 3rd DAY OF NOV 2020 11³⁰ AM
21 BY Shana Poon DUG
22

23 -----
24 Reported by:
25 ERIN ANGEL
Court Reporter

FILED

AUG 18 2021

Clerk of the Appellate Courts
Rec'd By CG

Vol. 4

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1 VOLUME XIV

2 DAY 9

3 TUESDAY, SEPTEMBER 19, 2017

4
5 THE COURT: Be seated, please.

6 Ms. Thompson, you passed the witness, correct?

7 MS. THOMPSON: Yes, Your Honor.

8 THE COURT: All right.

9 Cross-examination.

10
11 CROSS-EXAMINATION

12 QUESTIONS BY GENERAL HAGERMAN:

13 Q. Mr. Dicus, you've been up there for a little
14 while.

15 A. Yes, sir.

16 Q. Okay. We're going to start where you started
17 with your testimony, okay?

18 A. Okay.

19 Q. Shane's trailer two or three days after she
20 was taken. That's where you started, right, with the
21 testimony?

22 A. Yes. Yes, sir. That was -- that was where
23 we started, correct.

24 Q. Shane's trailer that was about 75 yards from
25 papers of Holly's that had been found on Yellow

1 Springs?

2 THE COURT: Wait just a second. Pass

3 these over if they need some more, too.

4 THE DEPUTY: Yes, sir.

5 BY GENERAL HAGERMAN:

6 Q. Is that correct?

7 A. I don't know the distance, but I would --

8 it's about right. That's pretty close.

9 Q. Pretty close?

10 A. Yes, sir.

11 Q. So you did what you should? You sent agents

12 there to talk to him and see what they could see; is

13 that correct?

14 A. Yes, sir.

15 Q. Were you aware that they found drugs and a

16 kit to inject drugs hidden up in the tall area of the

17 house -- of the trailer?

18 A. I don't remember that per se. Very well

19 could have been.

20 Q. Were you aware that they found all sorts of

21 holes and stuff that had been dug in the backyard

22 behind the house for hiding places and stuff?

23 A. Yes, sir, I remember that.

24 Q. Were you aware that they saw a burn barrel

25 that they looked at?

1 A. I don't recall that. Maybe. Perhaps.
2 Again, it's tough to tell you what somebody else saw.
3 Q. Were you aware that they saw a vehicle?
4 A. His S-10 pickup? Yes, in the back.
5 Q. S-10 pickup?
6 A. Correct.
7 Q. And you were aware that they found a sock
8 that had some sort of biological material?
9 A. Yes, sir.
10 Q. Right?
11 A. Yes, sir.
12 Q. And I took from your testimony that Shane
13 said he had been masturbating into the sock; is that
14 right?
15 A. Well, that's what --
16 MS. THOMPSON: Your Honor, I'm going to
17 object to any kind of hearsay if he doesn't know what
18 Shane Austin said.
19 THE COURT: Sustained. This is precisely
20 what we objected to earlier.
21 BY GENERAL HAGERMAN:
22 Q. I took from your testimony that whatever
23 Shane Austin said, the agents and you accepted it?
24 A. I believe that would be accurate, yes, sir.
25 Q. And so it wasn't collected?

1 A. No, it was -- I don't believe it was
2 collected, no, sir.

3 Q. So you didn't test it?

4 A. No, sir.

5 Q. Instead you took Shane Austin's word for it?

6 A. Well, among other things.

7 Q. Is it smart to take the word of somebody
8 who's living in a trailer with drugs hidden, with
9 hiding holes about 75 yards from where her property
10 was taken?

11 A. It would not be if we didn't have a witness
12 that can describe the abductor, so.

13 Q. Well, we'll get there --

14 A. Okay.

15 Q. -- eventually. But right then don't you
16 think we should have gotten that, looking back in
17 retrospect?

18 A. In retrospect, I can say that the officers
19 that went there are the best in the world, and they
20 did what they thought they needed to do at the time.
21 And I'm not going to look back and say they should
22 have done this or that.

23 Q. Okay.

24 A. They did what they should have done.

25 Q. It wasn't collected, and it wasn't tested,

1 correct?

2 A. I believe that's correct.

3 Q. And every time thereafter when the officers
4 went to Mr. Austin's trailer, that sock was no where
5 to be found, correct?

6 MS. THOMPSON: Objection if he knows,
7 Your Honor.

8 GENERAL HAGERMAN: He's the case officer
9 back then, Judge.

10 THE COURT: Go ahead.

11 THE WITNESS: Well, hopefully he cleaned
12 it. I don't know.

13 BY GENERAL HAGERMAN:

14 Q. You don't know what he did with it?

15 A. Yeah, it wasn't there the one time I went to
16 Shane Austin's trailer.

17 Q. It wasn't around to be collected and tested
18 anymore, correct?

19 A. I didn't see it.

20 Q. Correct. From Shane Austin's trailer, we
21 then began talking about a litany of names, okay?

22 A. Yes, sir.

23 Q. I heard numerous names. I heard
24 James Barnes. I heard Keith Clark. I heard
25 Jason Nichol. I heard Jonathan Dye. I heard

1 Jerry Evans. I heard name after name after name,
2 correct?

3 A. Yes, sir.

4 Q. And you looked into those people, correct?

5 A. Yes, sir, I did.

6 Q. And time and time again they were excluded,
7 excluded, excluded, excluded?

8 A. Yes, sir.

9 Q. Correct?

10 A. Yes, sir, to the best we could at any
11 particular time.

12 Q. But yet for some reason we talked about them
13 today?

14 A. Correct.

15 Q. But there was nothing there?

16 A. Correct.

17 Q. And then we jumped to Mr. Adams to Mr. Austin
18 to Mr. Dylan Adams and to Mr. Jason Autry, correct?

19 A. Yes, sir.

20 Q. Names that had come up, correct?

21 A. Yes, sir.

22 Q. Early on?

23 A. That's right.

24 Q. Names that had kept on coming up in the
25 investigation?

1 A. Yes, sir.

2 Q. And if I understood you right, you went to
3 these people to try to establish their whereabouts
4 that day, correct?

5 A. (Nodded head affirmatively.) That's correct.
6 I went back and doubled up on what everybody else had
7 done and told me starting around July the first --
8 the first time I met them.

9 Q. Because that's important?

10 A. Yes, sir.

11 Q. These guy whose names keep coming up, one of
12 them who lives right next to her property that's been
13 found in that suspicious trailer with all that stuff,
14 we need to establish where these people were that
15 day, correct?

16 A. We needed to establish where they were from
17 7:45 to 9:40 a.m.

18 Q. In your mind, 7:45, the time she was
19 abducted?

20 A. Yes, sir.

21 Q. To the time that you think the phone was
22 discarded?

23 A. The phone was disconnected. It wasn't
24 discarded until later on that day.

25 Q. Okay. So until the time the phone stops?

1 A. Correct. Until the battery was taken out.
2 Q. The time she's taken then follows the cell
3 phone pings?
4 A. Correct.
5 Q. To the time that's over?
6 A. Yes, sir.
7 Q. And their whereabouts that day, they said
8 they were with each other except for Jason Autry,
9 right?
10 A. Yes, sir.
11 Q. So your -- three of your suspects whose names
12 kept on coming up, coming up, coming up, said they
13 were all with each other?
14 A. Yes, sir.
15 Q. Right?
16 A. Correct.
17 Q. You opined about somebody else's alibi
18 before. You said it was like garbage?
19 A. Yes, sir.
20 Q. You have three suspects whose names keep on
21 coming up, and they're trying to alibi each other; is
22 that right?
23 A. Yes, sir.
24 Q. Except Mr. Autry, right?
25 A. Right. He got up with them later on that day

1 I believe.

2 Q. Mr. Autry tells you he gets with them later,
3 correct?

4 A. Yes.

5 Q. But at the critical time, he gives you
6 another alibi, right?

7 A. Yes, that's correct.

8 Q. About working on a farm?

9 A. Correct.

10 Q. Correct?

11 A. Yes, sir.

12 Q. With a coworker there, too, correct?

13 A. Yes. I believe he said he was working with a
14 Douglas guy.

15 Q. Did you check that out?

16 THE COURT: Wait. Wait. He was working
17 with what? Somebody coughed.

18 THE WITNESS: OJ or Mike Douglas. One of
19 those.

20 THE COURT: Okay.

21 THE WITNESS: Some Douglas man I believe.

22 BY GENERAL HAGERMAN:

23 Q. In fact, it was Mr. Douglas' farm and working
24 with another man?

25 A. Right.

1 Q. We're talking about the same people, right?

2 A. Correct.

3 Q. And when you checked that the first time, did

4 that check out?

5 A. Yes.

6 Q. But it didn't stop there; did it?

7 A. What do you mean?

8 Q. I mean you got information after that; didn't

9 you?

10 A. Yes.

11 Q. And the information after that was that, no,

12 I was wrong, he wasn't at my farm this morning, you

13 need to look at him, correct?

14 A. Yes.

15 Q. So you have three people, Shane, Dylan, and

16 Zach, alibiing each other --

17 A. Yes, sir.

18 Q. -- that day, and then you have Jason Autry,

19 alibi not checking out at all, correct?

20 A. I wouldn't say that. Jason Autry, at one

21 point, he's north of the interstate calling

22 Lisa Autry or Angela Scott, one of his

23 ex-girlfriends. So his phone record showed that he

24 was at a different part other than where Holly was.

25 And on top of that --

1 Q. Let's take one at a time.

2 A. -- Jason Autry is huge.

3 Q. You remember -- remember what you were about

4 to say. Okay.

5 A. Okay. All right.

6 Q. Let's take these -- I want to help you.

7 MS. THOMPSON: Your Honor, can he just

8 finish his answer first?

9 GENERAL HAGERMAN: I mean, I wanted to

10 come back to it. If I could take it in pieces, I

11 think it would be easier.

12 BY GENERAL HAGERMAN:

13 Q. Even though these farmers had told you, no,

14 he wasn't with us, you said that you have his cell

15 phone north of the interstate that morning, correct?

16 A. Yes, sir.

17 Q. Talking to, as you remember it, either his

18 wife or his girlfriend, Angela Scott?

19 A. Right.

20 Q. Correct?

21 A. Yes, sir. That's right.

22 Q. And you're right about that. At 6:50 in the

23 morning, okay, he is up in Camden north of the

24 interstate --

25 A. Okay.

1 Q. -- leaving his girlfriend's house, okay?

2 A. Okay.

3 Q. So think about this.

4 A. Okay. I'm with you. All right.

5 Q. Are crimes always committed by one person?

6 A. Sexual crimes are invariably committed by one

7 person. Sexual predators work alone.

8 Q. So that was an assumption that you were

9 making back then, correct?

10 A. Yes. That --

11 Q. This was a sexual abduction, whatever you

12 want to call it, right?

13 A. Well, when you rule out all the other motives

14 for a kidnapping, you are left with sexual -- an

15 abduction for sexual purposes, and sexual predators

16 invariably work alone.

17 Q. And as I -- I think I understand what you're

18 saying.

19 A. Okay.

20 Q. I think the answer to that is yes, it was an

21 assumption that you were making?

22 A. It was an assumption that the Behavioral

23 Analysis Unit --

24 Q. Based on --

25 A. -- told us to make.

1 Q. This assumption --

2 A. Based on research of all the crimes that they
3 look at over and over again of these sexual crimes,
4 they tell us rule out -- don't even consider looking
5 at two people. Don't even look at it. Look at one
6 person. It happened from one person.

7 Q. And is that assumption -- is that assumption
8 back then what led you to ignore these alibis between
9 Dylan and Zach and Shane about being with each other,
10 about Jason's alibi not checking out? I mean, is
11 what happened? Is that why you ignored that?

12 A. I didn't ignore it, sir. I didn't ignore it
13 at all. But I've got eyes, and I looked at
14 Jason Autry. Okay. If Clint Bobo is lying about
15 what the abductor looked like, then I don't know who
16 did it, okay? We'll never know. But if he's tell
17 the truth, it was not Jason Autry. You can go
18 through that as much as you want to --

19 Q. And that's --

20 A. -- but it always comes back that.

21 Q. It's the same assumption that one man did it.
22 What it always comes back to, what you just talked
23 about, the person that took her into the woods
24 doesn't fit the description of Jason Autry?

25 A. It doesn't.

1 Q. Doesn't fit the description of Zach Adams?

2 A. It doesn't.

3 Q. But you know what? Do you know who

4 Clint Bobo said it fit the description of?

5 Shane Austin.

6 A. Okay. And if Shane Austin had a car at the

7 time --

8 MS. THOMPSON: Objection, Your Honor.

9 That's not a question.

10 BY GENERAL HAGERMAN:

11 Q. If Shane Austin had a car at the time? Well,

12 he did. But do you know what Zach had at the time?

13 MS. THOMPSON: Your Honor, can he please
14 ask questions? He's not asking questions.

15 THE COURT: He just did. He said --

16 BY GENERAL HAGERMAN:

17 Q. Do you know what --

18 THE COURT: -- do you know what kind of
19 car Zach Adams had at the time.

20 BY GENERAL HAGERMAN:

21 Q. -- Zach had at the time?

22 MS. THOMPSON: I misunderstood. Sorry.

23 THE WITNESS: Zach had a -- I believe it
24 was supposed to be tore up, but he had a white Nissan
25 pickup at the time.

1 BY GENERAL HAGERMAN:

2 Q. Supposed to be tore up?

3 A. Right.

4 Q. He actually had two trucks. He had a black

5 one and a white one. Do you remember that or not?

6 A. Well, there was one lead that came in that

7 Jason Autry and Zach Adams were fishing one day,

8 pulling a boat with a black truck. So I would assume

9 you might be right there.

10 Q. So two trucks?

11 A. Okay.

12 Q. Including the white one that you said was

13 supposed to be tore up?

14 A. Right.

15 Q. Would it surprise you to turn learn that

16 Zach Adams told investigators that around that time,

17 he was driving that white truck?

18 A. Nothing would surprise me at this point.

19 Q. Exactly. Because we sit here in 2017 knowing

20 a lot more about this case. You stopped on this case

21 in 2013?

22 A. Correct.

23 Q. Correct?

24 A. Yes, sir.

25 Q. Your testimony has been almost a trip into

1 the past, into the first two or three years of this
2 investigation. But you can't tell us anything about
3 the three and four years after that?

4 A. You're right. I don't know what y'all have
5 done since then. What the State's done since then.

6 Q. That he was driving a white truck? That's
7 very interesting; isn't it?

8 MS. THOMPSON: Your Honor, I object to
9 this. The prosecution --

10 THE COURT: That was a statement. Ask a
11 question.

12 MS. THOMPSON: Well, but also the
13 prosecutor is putting into evidence that Zach Adams
14 admitted at some point he was driving a white truck.
15 I don't think that's accurate, Your Honor. I do not
16 believe it's accurate that he ever said on that day
17 he was driving a white truck.

18 THE COURT: The jury can go by what the
19 evidence is, okay? Go.

20 BY GENERAL HAGERMAN:

21 Q. Zach Adams driving a white truck, is that
22 interesting?

23 A. Is it interesting? Yeah, it could be.

24 Q. Were you aware that Mr. John Babb saw a white
25 truck leaving the scene fast that morning?

1 A. Yes, sir.

2 Q. Were you aware that Natalie Bobo had seen
3 Zach's truck driving by her and Holly?

4 A. No, I wasn't aware of that. Or I don't
5 remember it if I was aware of it at the time. I
6 remember John Babb, though.

7 Q. But you assume his truck was tore up,
8 correct?

9 A. The information I had was his truck was tore
10 up, and I had no reason to doubt it. I don't know if
11 it was or not, but I didn't meet him until July.

12 Q. Let me correct you a little bit. You said
13 you had no reason to doubt it. You mean you had no
14 reason because your involvement stopped in 2013 --

15 A. Correct. Correct. I had no --

16 Q. -- is that correct?

17 A. I had no reason then to doubt what I had
18 heard.

19 Q. You showed a picture and there was a picture
20 from that AmPharm video, right?

21 A. Yes, sir.

22 Q. That's on the way to Parsons?

23 A. It is.

24 Q. That's from a time that's well after the
25 critical time?

1 A. Yeah. Yes, sir.

2 Q. I believe you said about 9:25 or -45,
3 whatever it is, that --

4 A. Yeah. I believe the one that Ms. Thompson
5 was saying that might have been hers, was around
6 11:00.

7 Q. Is that --

8 A. Or after 11:00.

9 Q. The critical time period you were talking
10 about, though, ended around 9:30 or 9:45 when the
11 phone was gone, right?

12 A. Yes, sir. 9:40.

13 Q. And this is picture is from at least an hour
14 and 15 or hour and 20, whatever, it is --

15 A. Right.

16 Q. -- minutes later, right?

17 A. Right.

18 Q. And it's a dark truck, you can see in the
19 distance, just like you can? You spent hours looking
20 at this AmPharm video?

21 A. Yeah. And you can -- all you can tell is
22 it's a dark truck, you know.

23 Q. You don't whose truck it is?

24 A. Correct.

25 Q. Could be my truck, right?

1 A. Where were you at that day?

2 Q. Exactly.

3 A. Just kidding.

4 Q. Could be my truck, correct?

5 A. Right.

6 Q. Could be anybody's truck, correct?

7 A. Well, not anybody. It wasn't mine. But just

8 about anybody else I guess I would...

9 Q. Anybody's truck, including Dylan Adams'

10 truck? Were you aware he had a dark pickup truck?

11 A. Yes, that's what -- the information we had

12 was they were in Dylan's truck that day.

13 Q. Dylan Adams' pickup truck headed south,

14 correct?

15 A. Yes.

16 Q. Dylan Adams' pickup truck headed south, he

17 would have gone by the area where some of that

18 property was found, right?

19 A. Yes, where her cell phone was thrown out.

20 Q. That morning?

21 A. It was thrown -- I believe it was thrown out

22 that morning. It could have been thrown out up to

23 maybe 10 or 11 days after it, because it wasn't found

24 until around the 24th.

25 Q. They alibied each other?

1 A. Yes, sir.

2 Q. This white truck is interesting. But Zach

3 never told you he went to the river that morning; did

4 he?

5 A. Zach? No, he did not.

6 Q. No. And Jason never told you he went to the

7 river that morning; did he?

8 A. As best I can remember, both of them said

9 they met up at Victor Dinsmore's house. Victor was

10 doing some work for Dottie that owns Dottie's Marine.

11 He was building a garage or something. They met up

12 there. Shane and Zach got into a fight, but then

13 they -- after the words, they went to a bar and --

14 well, they went and got some drugs, and then they

15 went to a bar and played cards until 10:00 that

16 night.

17 Q. And the day ended, right?

18 A. Right.

19 Q. At that point it ended?

20 A. Well --

21 Q. Whatever it is, the day ended?

22 A. Mr. Austin told me his mom came and got him.

23 So that was the end of his.

24 Q. So let's go back. I want to talk about

25 something you just said.

1 A. Okay.

2 Q. But I think you misheard my question.

3 A. Okay. I'm sorry.

4 Q. Did either Zach or Jason tell you that they

5 went to the river that morning?

6 A. No, absolutely not.

7 Q. Absolutely not?

8 A. Right.

9 Q. But Zach did say the day ended sort of like

10 you described it, correct?

11 A. Yes.

12 Q. Did he not tell you that the police had to

13 come to his house that night?

14 A. Who? Which one?

15 Q. Zach?

16 A. Did Zach tell --

17 MS. THOMPSON: Objection, Your Honor. I

18 think Mr. Dicus testified that it was Shane Austin

19 that told him he went to play cards not Mr. Adams. I

20 think it --

21 THE COURT: He can ask the question.

22 BY GENERAL HAGERMAN:

23 Q. Did Zach Adams tell you the police had to

24 come to his house that night?

25 A. If he did, I didn't -- I don't recall it.

1 Q. Did he tell you that he was trying to get
2 guns that night?

3 A. No.

4 Q. Did he tell you that he was all emotional and
5 crazy that night?

6 MS. THOMPSON: Objection, Your Honor.
7 That's some type of conclusion that the District
8 Attorney is drawing.

9 THE COURT: He's just saying did Zach
10 tell him that.

11 BY GENERAL HAGERMAN:

12 Q. No?

13 A. No, sir.

14 Q. That would be interesting?

15 A. Interesting, yes, sir. A couple of things
16 you said would be interesting.

17 Q. But as we said, because we sit here in 2017,
18 you stopped looking at them?

19 A. I looked at Zach personally a total of two or
20 three times. So whenever that was over -- whenever
21 the last one was over with, I stopped looking at
22 them.

23 Q. You stopped looking at them even though that
24 property had been found close to Shane's?

25 A. Correct.

1 Q. You stopped looking at them even though
2 Warren Rainey had seen what he saw, Zach running
3 around, acting however you want to call it, correct?

4 A. Yes, sir.

5 Q. You stopped looking at them even though their
6 alibis were with each other, right?

7 A. Yes, sir.

8 Q. You stopped looking at them even though
9 Jason Autry's alibi was, I think your word earlier
10 for Mr. Britt's, garbage?

11 A. Well, if you've got phone records saying he
12 had called at 6:50, and what I remember when I had --
13 when I had Mr. Kevin Helms with Shelby County
14 Sheriff's Department check out their phone records,
15 what he told me is that they're not -- you know, it's
16 not consistent with Holly's phone records. That's
17 what I recall. If that's wrong, then so be it. But
18 that's what I -- that's what I remember about
19 checking out the phones.

20 Q. And at that time, as you explained to us,
21 you're making an assumption based on things you've
22 been told and experts or whatever, you're making an
23 assumption that one person committed this crime?

24 A. Well, I would prefer you call it a logical
25 conclusion.

1 Q. Very good.

2 A. Okay.

3 Q. You're making a logical conclusion at that
4 point, and you don't have to put an exact date on it,
5 but 2011 or 2012 that one person committed this
6 crime?

7 A. Yes, sir.

8 Q. Correct?

9 A. Yes, sir.

10 Q. So if Jason Autry's phone started off in
11 Camden, well, he must not have done it, correct?

12 A. That's not the only thing, but yes.

13 Q. You see what I'm saying?

14 A. Yeah, right, right. I agree with that.

15 Q. You didn't account for that time -- and this
16 is hindsight. I'm not -- you're not on trial.

17 A. No, I understand.

18 Q. Okay? This is hindsight. This is 2017, all
19 right? You didn't account for the fact that more
20 than one person could have been involved?

21 A. I don't -- I wouldn't --

22 Q. Correct?

23 A. -- say that I didn't account for that.
24 That's --

25 Q. Okay. Well --

1 A. I mean --

2 Q. -- if Jason -- if you stopped looking, if one

3 of the reasons that you stopped looking at Jason is

4 that he started out in Camden, but what if she was

5 abducted by Zach and Shane, and Jason met them later

6 that morning? You see what I'm saying? Like, if

7 more than one person had committed this crime, there

8 would be different dynamics going on, correct? I

9 mean --

10 A. I don't know that I agree with that, because

11 there's a dynamic of the reward going on. You know?

12 And --

13 Q. Now, that doesn't have anything to do with --

14 you mentioned Jason's phone records start out in

15 Camden?

16 A. Right.

17 Q. So I'm like, well, that doesn't fit --

18 A. Okay.

19 Q. -- okay?

20 And the behavioral scientist or whoever it

21 was gave you information that caused you to make a

22 logical conclusion that one person committed this

23 type of crime, okay?

24 A. Okay.

25 Q. So based on those phone records and him being

1 in Camden, that told you something, right?

2 A. Right.

3 Q. But the problem is, if this crime is

4 committed by more people, if Jason committed this

5 crime but somebody else abducted her, if he came to

6 them later on, then the information you had back then

7 didn't tell you anything, right?

8 MS. THOMPSON: Is that a question, Your

9 Honor?

10 BY GENERAL HAGERMAN:

11 Q. Didn't tell you anything, correct?

12 A. I don't -- I don't know how to respond to

13 that without giving you my opinion as to the merits

14 of that. So I don't know what to tell you.

15 Q. Part of this 2017 versus 2012, I don't know

16 what date you want to put on it.

17 A. I don't know everything that y'all have found

18 out about these guy. I will say that.

19 Q. The name Natalie Bobo came up. I meant to

20 ask you this before when they were talking about

21 other suspects or something?

22 A. Right.

23 Q. And I saw the way you reacted, she's not

24 another suspect, correct?

25 A. Right.

1 Q. But it came up like that, all right. Were
2 you aware that she had been stripping at Teazers,
3 which is less than a mile from Mr. Adams' house?
4 A. Yes, I know that. I don't see how it has
5 anything to do with what we're here for today, but
6 yes, I knew that.
7 Q. Were you aware that previously she had lived,
8 before this crime happened in a little house with
9 Rebecca Urp?
10 A. Yes.
11 Q. Were you aware that she had met Zach Adams on
12 more than one occasion before this?
13 A. I think I was. I know that she knew him
14 somehow.
15 Q. Were you aware that she had been trading sex
16 for drugs with Mr. Adams?
17 MS. THOMPSON: Objection, Your Honor.
18 THE COURT: He can ask if he's aware of
19 that.
20 MS. THOMPSON: It's not relevant.
21 THE WITNESS: I never witnessed that, no.
22 BY GENERAL HAGERMAN:
23 Q. You weren't aware of that?
24 A. Not aware of it.
25 Q. But we moved on to Terry Britt?

1 A. (Nodded head affirmatively.)
2 Q. His size was good for the abductor's size,
3 right?
4 A. His size was exactly what we're looking for.
5 THE COURT: You said we've moved on to
6 Terry Britt. So that's who you're talking?
7 GENERAL HAGERMAN: Yes, sir.
8 THE COURT: Okay.
9 BY GENERAL HAGERMAN:
10 Q. The size was good for the abductor's size,
11 correct?
12 A. His size perfectly matched what Clint
13 described. Perfectly.
14 Q. Just like Shane's?
15 A. No, not just like Shane's.
16 Q. If Clint Bobo testified same body type and
17 everything as Shane Austin?
18 A. Excuse me?
19 Q. If Clint Bobo testified the same body shape
20 and everything as Shane Austin, would that surprise
21 you?
22 A. Well, Clint's a very honest young man. I
23 would -- if he says that, I believe him.
24 Q. And --
25 A. But you're forgetting part of it.

1 Q. Go ahead. Go ahead.

2 A. Because the body type also goes with the

3 hair, and Shane Austin had reddish-blondish hair, and

4 Clint said he had black hair, shoulder length black

5 hair.

6 Q. Reddish-brownish hair.

7 A. Shane Austin?

8 Q. Uh-huh.

9 A. Yeah, reddish-blondish not black hair. He

10 did not have black hair for sure.

11 Q. And were you aware that Zach Adams told

12 Karen Bobo that that man that walked her into the

13 woods was quote "Shane"?

14 MS. THOMPSON: Your Honor, I object to

15 this.

16 GENERAL HAGERMAN: We heard the testimony

17 from Ms. Bobo herself.

18 MS. THOMPSON: That she said -- that he

19 said that the man that walked her into the woods was

20 Shane? I don't remember that testimony on direct

21 from Ms. Bobo.

22 GENERAL HAGERMAN: She testified about

23 speaking with Mr. Adams at the end of her testimony.

24 She said she walked away with two things. The first

25 thing was that he had some sort of spoof card that he

1 could call people from different numbers. And she
2 said the second thing was that Zach said that Shane
3 was the one that walked her into the woods.

4 THE COURT: Okay. You can ask.

5 THE WITNESS: I did not know that. I did
6 not know that.

7 BY GENERAL HAGERMAN:

8 Q. He had a change in appearance, correct?

9 A. Britt, yes.

10 Q. And you said that you don't know or don't
11 remember, whichever one -- I'm not -- I know this is
12 years.

13 A. Sure.

14 Q. Whether or not the change of appearance was
15 weeks before or weeks after, you just can't say,
16 correct?

17 A. Well, I can say what the -- what the people
18 were telling me.

19 Q. Uh-huh.

20 A. What they -- I remember what they told me.
21 And they can't remember if it was -- you know, if it
22 was before or after or right around that time.

23 Q. Except for Mr. Britt's son, right?

24 A. Terry Kenneth?

25 Q. Terry Kenneth. Remember talking to him?

1 A. I do.

2 Q. IR420, that's early on in the investigation,
3 because now it's up to almost 3,000 or something.

4 A. Yeah.

5 Q. IR420. Isn't it true his son told you --

6 MS. THOMPSON: Objection to hearsay, Your
7 Honor.

8 GENERAL HAGERMAN: He's talked about
9 information other people provided him about
10 Mr. Britt's change of appearance.

11 MS. THOMPSON: Which --

12 GENERAL HAGERMAN: This is what this goes
13 towards.

14 THE COURT: He can be cross-examined.

15 MS. THOMPSON: Which the State objected
16 to.

17 THE COURT: He can be cross-examined on
18 this.

19 BY GENERAL HAGERMAN:

20 Q. Isn't it true that you asked
21 Mr. Terry Kenneth Britt, his son, whether or not his
22 father, Mr. Britt, had changed his appearance at all?

23 A. I'm sure I would have asked him that, yeah.

24 Q. And isn't it true that he replied, "Dad had a
25 long ponytail after he got out of prison. I'm not

1 sure when he cut it, but it was maybe around two
2 years ago"? And that IR is written in February of
3 2012.

4 A. He did cut his ponytail. He did cut his
5 ponytail. When we did the search warrant, we got it.
6 So he did cut the ponytail, but I don't know when.
7 His hair now, or the last time I saw him, is the size
8 of mine. It's the length of mine. So what I'm --

9 Q. All right. So I understand now. The idea
10 that he's changed his appearance --

11 A. Right. Right. He cut --

12 Q. -- you admit and you had information he had
13 changed his appearance, cut his hair -- ponytail some
14 two years before?

15 A. Right.

16 Q. But you didn't know if he took other steps
17 weeks before or weeks after with regard to the length
18 of his hair or whatever?

19 A. There you go. Yes, sir, that's correct.

20 Q. You talked about his phone and his wife's
21 phone, correct?

22 A. (Nodded head affirmatively.)

23 Q. And when I heard you talk about it, you
24 were -- you were talking about times from like noon
25 on that day, correct?

1 A. Yes, sir.

2 Q. Is it fair to say that there was no activity
3 on his phone or his wife's phone that morning, like
4 8:00, 9:00, 10:00, 11:00, all that stuff?

5 A. That's correct. There was no activity.

6 Q. So we'd know about if there were?

7 A. Yes, sir.

8 Q. Correct?

9 A. We would have got that information.

10 Q. And would you agree with me there's
11 absolutely nothing about that that's inconsistent
12 about those phone records? Inconsistent with
13 Mr. Britt and his wife traveling up to Allgoods that
14 morning if they did it before noon, because you would
15 have no idea, right? Do you understand what I'm
16 saying about the phone records?

17 A. No, I don't -- I don't agree with that. I
18 don't agree with it.

19 Q. But you --

20 A. Go ahead.

21 Q. Between 8:00 and 12:00 you don't know where
22 the phones are?

23 A. Right.

24 Q. So for all you know, they could be at
25 Allgoods Salvage or the Allgood Salvage right down

1 the street, or they could be at wherever or wherever?
2 I mean, you just don't know.

3 A. I don't know where their phones are at that
4 time, correct. But they went to Camden after lunch.

5 Q. Well, I'm talking about that morning.

6 A. Right. But I -- well, you know, they --

7 Q. I'm talking about the morning.

8 A. Right.

9 Q. You don't know?

10 A. I don't know. That's true.

11 Q. You had Clint listen to voices; is that
12 correct?

13 A. Yes, sir.

14 Q. And one of the voices was like a police
15 officer's voice, somebody you knew didn't commit the
16 crime?

17 A. Yes, sir.

18 Q. And Clint said, well, I think it may be that
19 one, but I can't tell the difference between this
20 other one. And so you went back to him again and
21 again. I think maybe even three times.

22 A. Actually it was two.

23 Q. And it's true that he never told you I'm 100
24 percent certain that's the voice I heard in that
25 garage, right?

1 A. That's correct.

2 Q. And when you play those voices to him, did
3 you play Shane Austin's voice?

4 A. No.

5 Q. No. Did a wiretap on his house, right?

6 A. Yes.

7 Q. Wiretapped his phones, right?

8 A. Yes.

9 Q. Searched his house?

10 A. Yes.

11 Q. Not a single drop of Holly's blood, right?

12 A. Correct.

13 Q. Not a single Holly Bobo fingerprint --

14 A. Correct.

15 Q. -- correct?

16 A. Correct.

17 Q. Not anything linked to her DNA in that house,
18 correct?

19 A. Nuclear DNA, no.

20 Q. Not a single one of her personal possessions
21 or anything that she owned or she had with her that
22 morning, correct?

23 A. Correct.

24 Q. Nothing?

25 A. Correct.

1 Q. 2017. You leave the TBI in 2013?

2 A. Yes, sir.

3 Q. Three and a half, four years later, we're

4 here today, correct?

5 A. Yes, sir.

6 Q. Are you aware that Zach Adams' cell phone

7 that morning, when it was utilized about 8:19 through

8 9:00 a.m., was hitting on the same tower that Holly's

9 phone was pinging on?

10 MS. THOMPSON: Objection, Your Honor.

11 THE COURT: He can ask him if he's aware.

12 BY GENERAL HAGERMAN:

13 Q. You aware of that?

14 A. No. There was -- there was one point in time

15 where Zach's phone was on a different tower than

16 Holly's phone was on.

17 Q. Absolutely there was. While Dylan was

18 getting rid of it, and he and Jason driving her to

19 the river.

20 MS. THOMPSON: Objection, Your Honor.

21 That's mischaracterization.

22 THE COURT: All right. Question.

23 Question. You can ask a question.

24 BY GENERAL HAGERMAN:

25 Q. Between 8:19 and 9:00, were you aware that

1 Zach Adams' phone and Holly's phone were pinging on
2 the same tower?

3 A. Well, if Zach was at home, that would make
4 sense.

5 Q. If Zach were at home or if Zach were at
6 Shane's or if Zach were at Shane's grandmama's barn,
7 they're all in the same place?

8 MS. THOMPSON: Your Honor, he's being
9 asked to testify as to location. I tried to get him
10 to testify -- or I -- the State objected when I was
11 going into location on direct, and now they're asking
12 him to testify as -- where the phones say on
13 location. If they're going to proceed with this line
14 of questioning, I absolutely want to ask him
15 questions on redirect about the location of those
16 cell phones.

17 GENERAL HAGERMAN: If we got too far into
18 specifics about the location, I understand the
19 objection.

20 THE COURT: Okay.

21 GENERAL HAGERMAN: I will keep it
22 general --

23 THE COURT: Okay. General. All right.

24 GENERAL HAGERMAN: -- like it was on
25 cross.

1 THE WITNESS: I don't understand the
2 question, because Holly's cell phone moved. You
3 know, 8:17 she's on the home tower. 8:26 she's on
4 the next tower, and then at 8:57 she's on a different
5 cell tower. And then 9:02, 9:06 she's on a different
6 tower, and then 9:25 she's on a different tower. So
7 I don't understand the question because --
8 BY GENERAL HAGERMAN:
9 Q. I'm asking you questions that, would you
10 admit, would it probably be better answered by
11 Mr. Frizzell?
12 A. A better answer because if you say the one
13 tower that Holly -- that doesn't make sense to me.
14 Q. Okay.
15 A. Because --
16 Q. Right.
17 A. -- she was on several towers.
18 Q. So I need to ask that stuff of Mr. Frizzell,
19 correct?
20 A. That's a very good man to ask.
21 Q. So if he drew circles of where her pings were
22 and at the same time her showed us where Zach
23 Adams -- what tower his phone was using --
24 MS. THOMPSON: Objection, Your Honor.
25 This is again asking him questions in supposition

1 about locations of the cell phone.

2 THE COURT: Objection overruled.

3 BY GENERAL HAGERMAN:

4 Q. He would be the person I'd ask about that?

5 A. He'd be the person I would ask about that.

6 Q. He'd be the person even you would ask about
7 that?

8 A. Correct.

9 Q. Are you aware that Zach Adams said, "I
10 couldn't pick a prettier bitch, it was fun"? Were
11 you aware of that?

12 A. No.

13 Q. Were you aware that Zach Adams said when
14 asked, "I can't clear my name, because I'm too far
15 involved in it"?

16 A. No, I didn't remember that.

17 Q. Were you aware that Zach Adams said, "I let
18 Shane hit it"?

19 A. No. No.

20 Q. Were you aware that Zach Adams confessed his
21 involvement in this crime to two different people?

22 A. No, sir.

23 MS. THOMPSON: Objection, Your Honor.

24 I'm going to say that that is -- that's a
25 mischaracterization of the evidence.

1 THE COURT: It's up to the jury what the
2 evidence shows, okay?

3 MS. THOMPSON: Yes, sir.

4 THE COURT: But the other thing is, given
5 the date he departed his employment, I'm not sure
6 some of that existed at that time.

7 GENERAL HAGERMAN: I think that's exactly
8 right.

9 THE COURT: Okay.

10 BY GENERAL HAGERMAN:

11 Q. Those things didn't exist in 2013?

12 A. Correct.

13 Q. We stand here in a different place now,
14 right?

15 A. (No response.)

16 Q. Her body was recovered before or after you
17 left?

18 A. After.

19 Q. After you left. Were you aware of where it
20 was found?

21 A. I have been made aware since then.

22 Q. Off the interstate, cell phone tower back in
23 the woods?

24 A. Yes, sir. A little bit farther north than I
25 thought she was taken. Just a little bit farther.

1 Q. Between two saw mills?
2 A. Yes, sir.
3 Q. Were you aware that Dylan Adams hung out at
4 one of those saw mills?
5 A. Yeah, with Corey Tubbs I believe.
6 Q. Were you aware that Zach Adams had been seen
7 at that saw mill?
8 A. I don't -- I don't remember that.
9 Q. I've heard you say, I think you admit,
10 sometimes, I think, or my opinion or my logical
11 conclusion, you said that, correct?
12 A. Yes, sir.
13 Q. Would you agree with me though that we got to
14 base what we do on evidence and on proof?
15 A. Yes, sir.
16 GENERAL HAGERMAN: Pass the witness,
17 Judge.
18 THE COURT: Further direct?
19 MS. THOMPSON: Yes, Your Honor.
20

21 **REDIRECT EXAMINATION**

22 **QUESTIONS BY MS. THOMPSON:**

23 Q. Now, during your investigation of
24 Terry Britt, you actually got a lot of his financial
25 records?

1 A. Yes, ma'am.

2 Q. Didn't you?

3 A. Yes, ma'am.

4 Q. Okay. And some of those records came from

5 stores like Walmart?

6 A. Yes, ma'am.

7 Q. Okay. And then you were able to review a lot

8 of the past purchases he had made there; weren't you?

9 A. Yes, ma'am. And when I say I got them, an

10 FBI agent obtained some of them, and Brent Booth

11 obtained some of them.

12 Q. And you got them from places like RadioShack.

13 Can you remember some of the places you got his

14 records from?

15 A. Yeah, RadioShack was one. Ace Hardware.

16 Q. Ace Hardware. We said Walmart. What about

17 his banking records? Did you get banking records?

18 A. We did.

19 Q. Okay. While they're reviewing those, I'm

20 going to ask you: You knew about the John Babb white

21 truck connection; didn't you?

22 A. That came out -- that came out very early.

23 We heard that that day.

24 Q. Okay. And so why was it that you were not

25 concerned about the white truck that John Babb saw?

1 Explain to the jury.

2 A. First of all, it would have -- it would have
3 been going -- according to what he told us, around
4 7:30, it was well before the kidnapping. And he
5 was -- he was so far away from it, he just knew it
6 had a loud sound and was a white full-size pickup
7 truck. Not a whole lot of extra information to go
8 on. And we've got Ed Barnes going from his house --

9 Q. So first of all, which direction was the
10 white pickup truck going?

11 A. He said it was going southbound.

12 Q. Okay.

13 A. So --

14 Q. And what did you know about Holly's phone?

15 A. Holly's phone was traveling northbound, you
16 know, right at about 7:45 to 8:00 --

17 GENERAL HAGERMAN: This is where I think
18 we're getting into phone technicalities, Judge, where
19 this witness is not familiar with this technology.

20 MS. THOMPSON: They offered his --

21 THE COURT: He can say things generally.

22 MS. THOMPSON: Okay.

23 THE COURT: Okay?

24 MS. THOMPSON: Yeah.

25 THE COURT: He is not a cell phone

1 tower -- cell phone expert.

2 BY MS. THOMPSON:

3 Q. But you knew in general Holly's phone was

4 traveling northbound?

5 A. Yeah, we drove the route --

6 Q. Okay. So but --

7 A. -- 20 times. So we knew it had to -- had to

8 go north to be able to get to the tower -- to the

9 next tower.

10 Q. So in order to -- and you said -- you also

11 John -- Ed James Barnes, what did you -- how did you

12 put John Babb's information together with what

13 James Barnes had said?

14 A. Okay. So James Barnes is outside getting oil

15 for his truck, getting ready to go to work. And at

16 7:47 he's calling his mom and saying about -- saying

17 that he heard the screams. Well, the whole time he's

18 pretty confident that there was nothing else -- no

19 other vehicles coming down the road. On top of that,

20 there was another neighbor that lived at the end of

21 the road who was outside from like 7:25 to 7:45 --

22 GENERAL HAGERMAN: Your Honor, I don't

23 know if we're getting into hearsay. That's what

24 it -- that's what it sounds like.

25 MS. THOMPSON: It's not hearsay. This is

1 all -- already been testified to. It's just this
2 is -- he took information. It's information from
3 John Babb and Ed Barnes that's already into the
4 record, and this is how he analyzed it to --

5 GENERAL HAGERMAN: If it's something
6 that's already testified, that's fine, Judge, but I
7 think he was talking about somebody else.

8 BY MS. THOMPSON:

9 Q. Well, just stick with --

10 A. Yeah.

11 Q. -- James Barnes and --

12 A. Okay. James Barnes --

13 Q. -- John Babb.

14 A. -- and another neighbor was outside and
15 neither one of them reported that they saw another
16 vehicle.

17 Q. Okay.

18 A. So what that probably says is sometime after
19 7:47 when Barnes is gone, the vehicle comes in to
20 play to remove Holly from the scene, which fits with
21 her cell phone moving the area around 8:00. You
22 know, at 8:00 it starts moving from the house.

23 Q. So you made the determination that the truck
24 that John Babb saw was too early in time to be
25 related to Holly's kidnapping?

1 A. That's correct.

2 Q. I want to pass forward some receipts. Pass

3 this one first. These two, two receipts. Now, do

4 you recognize these two receipts?

5 A. These are two receipts where -- that we got

6 from the Britt's. I'm not sure which one.

7 Q. Okay.

8 A. But they --

9 Q. Now, these are -- this is when you did the

10 Walmart record pull; is that right?

11 A. That's correct. And they purchased a cell

12 phone on March the 11th, 2011, and then purchased

13 another one on March the 12th, 2011.

14 Q. Okay. And did they also -- was there

15 anything else you see that they purchased along with

16 the cellular telephone?

17 A. Looks like they got a thousand minutes on

18 it -- on one of -- yeah, a thousand minutes.

19 Q. On one or both phones?

20 A. I don't see it on both of them.

21 Q. It's not the top line?

22 A. ST 684.

23 Q. Okay. Anyway --

24 A. I don't -- I don't see it on one of them.

25 Q. And what are the dates on those two?

1 A. March 11th, 2011. March --

2 Q. Okay. Will you pass me that one? I'll have
3 that one marked first, the 11th.

4 THE COURT: All right. Be 224.

5 MS. THOMPSON: And then the one on the
6 12th.

7 THE COURT: Be 225.

8 (WHEREUPON, the above-mentioned March
9 11th and March 12th receipts were marked as Exhibit
10 Numbers 224 and 225.)

11 BY MS. THOMPSON:

12 Q. And then I'm going to pass you up another
13 receipt. Okay. And what is that a receipt for?

14 A. This is a receipt from Walmart again where a
15 thousand minutes were purchased. Two different lots
16 of a thousand minutes were purchased on April the
17 11th, 2011.

18 Q. And these again came from Mr. Britt's home?

19 A. Correct.

20 Q. Not from Mr. -- these were from Mr. Britt's
21 receipts that you got from Walmart; is that right?

22 A. That's correct.

23 MS. THOMPSON: Okay. I'd like to have
24 this receipt marked.

25 BY MS. THOMPSON:

1 Q. And then I'm going to pass you one more.

2 THE COURT: That will be 226. Let her
3 mark it.

4 (WHEREUPON, the above-mentioned receipt
5 was marked as Exhibit Number 226.)

6 BY MS. THOMPSON:

7 Q. Okay. And then this is a final Walmart
8 receipt. What do you see that's interesting or
9 significant on this receipt?

10 A. Well, he bought a -- looks like he bought a
11 chainsaw and some motor oil, different things for a
12 chainsaw.

13 Q. Okay.

14 MS. THOMPSON: And I'd like this one --

15 THE COURT: Be 227.

16 (WHEREUPON, the above-mentioned receipt
17 was marked as Exhibit Number 227.)

18 BY MS. THOMPSON:

19 Q. And what's the date on that one?

20 A. April the 29th, 2011.

21 THE COURT: April?

22 MS. THOMPSON: 29th.

23 THE COURT: 29th. Okay.

24 BY MS. THOMPSON:

25 Q. Now, just to be clear, one of the ways that

1 an FD302.

2 THE COURT: Okay.

3 THE WITNESS: All interviews no matter
4 what it is.

5 BY MS. THOMPSON:

6 Q. Just explain to the jury what a 302 would be.

7 A. It's a interview or federal document, FD302.
8 All interviews are done on that document.

9 Q. You mean a report?

10 A. A report, interview report, period.

11 Q. And that's just the number they call it?

12 A. That's always been that way for decades.

13 Q. Okay.

14 A. FD302 we call it.

15 Q. Okay. But you did a 302 on your meeting with
16 Brent Booth -- I mean, and Terry Britt?

17 A. Terry Britt. And again, I don't have that
18 document. But I can't remember the exact times, but
19 I just remember when we talked to him, Terry Britt
20 insisted that he contact his wife, Janet, who was
21 working at the newspaper, and she came out quickly.
22 And she came to the house right away, went to the
23 safe and got that receipt, and they talked about how
24 they went to get the tub that morning.

25 Q. Okay. And --

1 messed up that day. So Dylan and Zach go to Shane's
2 house. They pick them up.

3 Q. And did they say what car they were in?

4 A. They were in Dylan's truck.

5 Q. Okay. They go to Shane's house. What
6 happens next?

7 A. They pick up Shane. They go to the
8 interstate, get gas, get \$5 worth of gas. They see
9 the SUVs coming southbound. They go from there to
10 another convenient store. And I asked both of them
11 how they were acting that day, how was the other one
12 acting, did they act strange or unusual. So at the
13 second gas station there in Parsons, they got more
14 gas, and then went and bought Xanax. Shane
15 supposedly had money. So they bought \$200 worth
16 Xanax and got messed up, and that was -- that was
17 their day.

18 Q. Okay.

19 A. Besides going to -- going to the house that
20 Victor Dinsmore was working on and seeing Jason Autry
21 at that point.

22 Q. Now, driving Shane home, is that a place that
23 you would pass -- would you pass Dottie Cooley's
24 house if you were driving Shane home from Parsons?

25 A. Can you give me the address of it? I don't

1 you ruled Zach Adams out --

2 GENERAL HAGERMAN: Your Honor, I would
3 like to object to the leading.

4 THE COURT: I don't know if she's leading
5 or not.

6 MS. THOMPSON: Okay.

7 THE COURT: She hadn't finished the
8 question.

9 BY MS. THOMPSON:

10 Q. You testified on your cross-examination
11 regarding some of the locations. And I don't want
12 you to get into details and technical issues, but you
13 used the cell phone records of Holly and Zach Adams
14 to make a determination regarding whether or not it
15 would have been possible for him to be involved?

16 A. Yes, ma'am.

17 Q. Okay. And using those records, you were
18 referring to something at 8:26. What specifically
19 were you referring to?

20 A. 8:26, Holly's cell phone is transitioned from
21 her home tower up to the northwest tower. So she's
22 on the northwest portion of Decatur County.

23 Q. And what about around the exact same time,
24 where was Zach Adams' telephone?

25 A. I believe he was on the Cox Road tower, which

1 A. March 11th, 2011. March --

2 Q. Okay. Will you pass me that one? I'll have
3 that one marked first, the 11th.

4 THE COURT: All right. Be 224.

5 MS. THOMPSON: And then the one on the
6 12th.

7 THE COURT: Be 225.

8 (WHEREUPON, the above-mentioned March
9 11th and March 12th receipts were marked as Exhibit
10 Numbers 224 and 225.)

11 BY MS. THOMPSON:

12 Q. And then I'm going to pass you up another
13 receipt. Okay. And what is that a receipt for?

14 A. This is a receipt from Walmart again where a
15 thousand minutes were purchased. Two different lots
16 of a thousand minutes were purchased on April the
17 11th, 2011.

18 Q. And these again came from Mr. Britt's home?

19 A. Correct.

20 Q. Not from Mr. -- these were from Mr. Britt's
21 receipts that you got from Walmart; is that right?

22 A. That's correct.

23 MS. THOMPSON: Okay. I'd like to have
24 this receipt marked.

25 BY MS. THOMPSON:

1 Zach Adams' phone and Holly's phone were pinging on
2 the same tower?

3 A. Well, if Zach was at home, that would make
4 sense.

5 Q. If Zach were at home or if Zach were at
6 Shane's or if Zach were at Shane's grandmama's barn,
7 they're all in the same place?

8 MS. THOMPSON: Your Honor, he's being
9 asked to testify as to location. I tried to get him
10 to testify -- or I -- the State objected when I was
11 going into location on direct, and now they're asking
12 him to testify as -- where the phones say on
13 location. If they're going to proceed with this line
14 of questioning, I absolutely want to ask him
15 questions on redirect about the location of those
16 cell phones.

17 GENERAL HAGERMAN: If we got too far into
18 specifics about the location, I understand the
19 objection.

20 THE COURT: Okay.

21 GENERAL HAGERMAN: I will keep it
22 general --

23 THE COURT: Okay. General. All right.

24 GENERAL HAGERMAN: -- like it was on
25 cross.

1 THE WITNESS: I don't understand the
2 question, because Holly's cell phone moved. You
3 know, 8:17 she's on the home tower. 8:26 she's on
4 the next tower, and then at 8:57 she's on a different
5 cell tower. And then 9:02, 9:06 she's on a different
6 tower, and then 9:25 she's on a different tower. So
7 I don't understand the question because --

8 BY GENERAL HAGERMAN:

9 Q. I'm asking you questions that, would you
10 admit, would it probably be better answered by
11 Mr. Frizzell?

12 A. A better answer because if you say the one
13 tower that Holly -- that doesn't make sense to me.

14 Q. Okay.

15 A. Because --

16 Q. Right.

17 A. -- she was on several towers.

18 Q. So I need to ask that stuff of Mr. Frizzell,
19 correct?

20 A. That's a very good man to ask.

21 Q. So if he drew circles of where her pings were
22 and at the same time her showed us where Zach
23 Adams -- what tower his phone was using --

24 MS. THOMPSON: Objection, Your Honor.
25 This is again asking him questions in supposition

1 about locations of the cell phone.

2 THE COURT: Objection overruled.

3 BY GENERAL HAGERMAN:

4 Q. He would be the person I'd ask about that?

5 A. He'd be the person I would ask about that.

6 Q. He'd be the person even you would ask about
7 that?

8 A. Correct.

9 Q. Are you aware that Zach Adams said, "I
10 couldn't pick a prettier bitch, it was fun"? Were
11 you aware of that?

12 A. No.

13 Q. Were you aware that Zach Adams said when
14 asked, "I can't clear my name, because I'm too far
15 involved in it"?

16 A. No, I didn't remember that.

17 Q. Were you aware that Zach Adams said, "I let
18 Shane hit it"?

19 A. No. No.

20 Q. Were you aware that Zach Adams confessed his
21 involvement in this crime to two different people?

22 A. No, sir.

23 MS. THOMPSON: Objection, Your Honor.

24 I'm going to say that that is -- that's a
25 mischaracterization of the evidence.

1 THE COURT: It's up to the jury what the
2 evidence shows, okay?

3 MS. THOMPSON: Yes, sir.

4 THE COURT: But the other thing is, given
5 the date he departed his employment, I'm not sure
6 some of that existed at that time.

7 GENERAL HAGERMAN: I think that's exactly
8 right.

9 THE COURT: Okay.

10 BY GENERAL HAGERMAN:

11 Q. Those things didn't exist in 2013?

12 A. Correct.

13 Q. We stand here in a different place now,
14 right?

15 A. (No response.)

16 Q. Her body was recovered before or after you
17 left?

18 A. After.

19 Q. After you left. Were you aware of where it
20 was found?

21 A. I have been made aware since then.

22 Q. Off the interstate, cell phone tower back in
23 the woods?

24 A. Yes, sir. A little bit farther north than I
25 thought she was taken. Just a little bit farther.

1 Q. Between two saw mills?

2 A. Yes, sir.

3 Q. Were you aware that Dylan Adams hung out at
4 one of those saw mills?

5 A. Yeah, with Corey Tubbs I believe.

6 Q. Were you aware that Zach Adams had been seen
7 at that saw mill?

8 A. I don't -- I don't remember that.

9 Q. I've heard you say, I think you admit,
10 sometimes, I think, or my opinion or my logical
11 conclusion, you said that, correct?

12 A. Yes, sir.

13 Q. Would you agree with me though that we got to
14 base what we do on evidence and on proof?

15 A. Yes, sir.

16 GENERAL HAGERMAN: Pass the witness,
17 Judge.

18 THE COURT: Further direct?

19 MS. THOMPSON: Yes, Your Honor.

20

21 **REDIRECT EXAMINATION**

22 **QUESTIONS BY MS. THOMPSON:**

23 Q. Now, during your investigation of
24 Terry Britt, you actually got a lot of his financial
25 records?

1 A. Yes, ma'am.

2 Q. Didn't you?

3 A. Yes, ma'am.

4 Q. Okay. And some of those records came from
5 stores like Walmart?

6 A. Yes, ma'am.

7 Q. Okay. And then you were able to review a lot
8 of the past purchases he had made there; weren't you?

9 A. Yes, ma'am. And when I say I got them, an
10 FBI agent obtained some of them, and Brent Booth
11 obtained some of them.

12 Q. And you got them from places like RadioShack.
13 Can you remember some of the places you got his
14 records from?

15 A. Yeah, RadioShack was one. Ace Hardware.

16 Q. Ace Hardware. We said Walmart. What about
17 his banking records? Did you get banking records?

18 A. We did.

19 Q. Okay. While they're reviewing those, I'm
20 going to ask you: You knew about the John Babb white
21 truck connection; didn't you?

22 A. That came out -- that came out very early.
23 We heard that that day.

24 Q. Okay. And so why was it that you were not
25 concerned about the white truck that John Babb saw?

1 Explain to the jury.

2 A. First of all, it would have -- it would have
3 been going -- according to what he told us, around
4 7:30, it was well before the kidnapping. And he
5 was -- he was so far away from it, he just knew it
6 had a loud sound and was a white full-size pickup
7 truck. Not a whole lot of extra information to go
8 on. And we've got Ed Barnes going from his house --

9 Q. So first of all, which direction was the
10 white pickup truck going?

11 A. He said it was going southbound.

12 Q. Okay.

13 A. So --

14 Q. And what did you know about Holly's phone?

15 A. Holly's phone was traveling northbound, you
16 know, right at about 7:45 to 8:00 --

17 GENERAL HAGERMAN: This is where I think
18 we're getting into phone technicalities, Judge, where
19 this witness is not familiar with this technology.

20 MS. THOMPSON: They offered his --

21 THE COURT: He can say things generally.

22 MS. THOMPSON: Okay.

23 THE COURT: Okay?

24 MS. THOMPSON: Yeah.

25 THE COURT: He is not a cell phone

1 tower -- cell phone expert.

2 BY MS. THOMPSON:

3 Q. But you knew in general Holly's phone was
4 traveling northbound?

5 A. Yeah, we drove the route --

6 Q. Okay. So but --

7 A. -- 20 times. So we knew it had to -- had to
8 go north to be able to get to the tower -- to the
9 next tower.

10 Q. So in order to -- and you said -- you also
11 John -- Ed James Barnes, what did you -- how did you
12 put John Babb's information together with what
13 James Barnes had said?

14 A. Okay. So James Barnes is outside getting oil
15 for his truck, getting ready to go to work. And at
16 7:47 he's calling his mom and saying about -- saying
17 that he heard the screams. Well, the whole time he's
18 pretty confident that there was nothing else -- no
19 other vehicles coming down the road. On top of that,
20 there was another neighbor that lived at the end of
21 the road who was outside from like 7:25 to 7:45 --

22 GENERAL HAGERMAN: Your Honor, I don't
23 know if we're getting into hearsay. That's what
24 it -- that's what it sounds like.

25 MS. THOMPSON: It's not hearsay. This is

1 all -- already been testified to. It's just this
2 is -- he took information. It's information from
3 John Babb and Ed Barnes that's already into the
4 record, and this is how he analyzed it to --

5 GENERAL HAGERMAN: If it's something
6 that's already testified, that's fine, Judge, but I
7 think he was talking about somebody else.

8 BY MS. THOMPSON:

9 Q. Well, just stick with --

10 A. Yeah.

11 Q. -- James Barnes and --

12 A. Okay. James Barnes --

13 Q. -- John Babb.

14 A. -- and another neighbor was outside and
15 neither one of them reported that they saw another
16 vehicle.

17 Q. Okay.

18 A. So what that probably says is sometime after
19 7:47 when Barnes is gone, the vehicle comes in to
20 play to remove Holly from the scene, which fits with
21 her cell phone moving the area around 8:00. You
22 know, at 8:00 it starts moving from the house.

23 Q. So you made the determination that the truck
24 that John Babb saw was too early in time to be
25 related to Holly's kidnapping?

1 A. That's correct.

2 Q. I want to pass forward some receipts. Pass
3 this one first. These two, two receipts. Now, do
4 you recognize these two receipts?

5 A. These are two receipts where -- that we got
6 from the Britt's. I'm not sure which one.

7 Q. Okay.

8 A. But they --

9 Q. Now, these are -- this is when you did the
10 Walmart record pull; is that right?

11 A. That's correct. And they purchased a cell
12 phone on March the 11th, 2011, and then purchased
13 another one on March the 12th, 2011.

14 Q. Okay. And did they also -- was there
15 anything else you see that they purchased along with
16 the cellular telephone?

17 A. Looks like they got a thousand minutes on
18 it -- on one of -- yeah, a thousand minutes.

19 Q. On one or both phones?

20 A. I don't see it on both of them.

21 Q. It's not the top line?

22 A. ST 684.

23 Q. Okay. Anyway --

24 A. I don't -- I don't see it on one of them.

25 Q. And what are the dates on those two?

1 is the northeast corner of Decatur County. That
2 tower is right on the interstate. So towers on the
3 interstate, they have less range than other towers
4 because they have to take all the -- all the calls --

5 Q. Okay.

6 A. -- that are coming through on the interstate.

7 Q. So how far apart physically are those two
8 towers from one another?

9 A. I'm not sure, but I would say probably 10 to
10 15 miles.

11 Q. Okay. And so that was -- and did that happen
12 again at another time also? That morning, was there
13 another time when those phones -- when the two towers
14 the phone were utilizing were miles apart from each
15 other?

16 A. It might have been. I was just looking for
17 one time --

18 Q. Okay.

19 A. -- you know. So it might have been more than
20 one.

21 Q. Okay. And Zach Adams, what did he tell you
22 he had done that morning?

23 A. He woke up. Rebecca Urp went to work, his
24 girlfriend at the time. Dylan gets up. He talks to
25 Shane Austin. They decide they're going to go get

1 remember it.

2 Q. She's on Pugh Road. If her house --

3 A. She's on Pugh Road. Depending on which way
4 you go, you should have passed it.

5 Q. Okay.

6 A. It's right there close to Shane's.

7 Q. Now, would it surprise you if that 911 call
8 that came in on the night of April the 13th at
9 Zach Adams's house, if it were said three times on
10 that call that Zach Adams was looking for a vehicle
11 to drive that he had no vehicle?

12 A. No, that would be consistent with what I knew
13 at the time.

14 Q. Okay. And would it surprise you if on that
15 911 call it was said that Zach Adams did not have a
16 gun?

17 A. No, it wouldn't surprise me. He is a
18 convicted felon I believe.

19 Q. Okay.

20 A. Sorry, I didn't mean to say that.

21 Q. The physical description of Zach, what did
22 Zach Adams' appearance, what was his physical
23 appearance in April of 2011?

24 A. He was --

25 Q. Does he look like what he looks now?

1 A. No, he has fattened up nicely. He was 135
2 pounds is what I documented when I talked to him.
3 6'2, 6'3, really tall. His hair was much shorter,
4 but his face looked totally different. It was sunken
5 in. He looked sort of like the Joker back then. You
6 know, really --

7 Q. The Joker?

8 A. Yeah, really skinny. Whatever --

9 Q. From the Batman TV show or from the movies?

10 A. The comics. The comics.

11 Q. The comics, okay.

12 A. Right.

13 Q. And what about Jason Autry's physical
14 appearance in April of 2011?

15 A. He was impressive. He is huge. He was a lot
16 taller than Brent Booth, and Brent Booth is probably
17 6'3, 6'4. So I would say Autry is every bit of 6'6,
18 if not maybe taller.

19 Q. Okay. And Shane Austin's physical
20 description. What was his physical description back
21 in 2011?

22 A. Shane was right about my height. Maybe -- I
23 saw some --

24 Q. How tall are you?

25 A. About 5'10 if I stretch it out really good.

1 So we're -- we were about even. He had --

2 Q. What about his weight?

3 A. His weight, well, I would say would have been
4 around -- I'm not good at that, but I would say
5 probably between 180 and 220, 225.

6 Q. Okay.

7 A. Somewhere in there.

8 Q. And --

9 A. So his weight could have been within the
10 frame of what we're looking at.

11 Q. What about his hair color and hair length?

12 A. He had real short reddish hair.

13 Q. Would it -- would you consider it black?

14 A. No, absolutely not.

15 Q. And what about Dylan's physical appearance,
16 Dylan Adams?

17 A. He's rather tall himself. Not exactly -- not
18 exactly as tall as Zach but probably 6'1. He was
19 slender but not as thin as Zach. So I say he
20 probably weighed 165. 6'1, 165 is the best I can
21 give.

22 Q. And how was his hair styled?

23 A. He had -- he had short hair at the time I saw
24 him. He had dark hair.

25 Q. Okay. So Terry Britt's albi, to be clear

1 about the alibi that Terry Britt gave you, where did
2 he say that he started that day? Where did he go?

3 A. He said that he got up, got coffee that
4 morning. And I asked him what time he got up. And
5 he says, well, my feet can't hit the floor without my
6 wife knowing it. You know, he made a false statement
7 that he was trying to deflect. But at that point,
8 you know, he says, well, I don't know exactly what
9 time. He said I usually get up between 6:00 and
10 7:00, sometimes earlier. Probably institutionalized.
11 You know, breakfast is at 7:00 in the morning. You
12 better be up to eat it so.

13 But he got up really early. Jan got up
14 sometime later on. Jan gets up with the dogs
15 barking. He had Chihuahuas in the house. She gets
16 up with the dogs barking. So Jan couldn't tell me
17 what time she woke up that morning, but she thought
18 it was around between 9:00 and 10:00. Well, if it
19 would have been 10:00, you know, with the dogs
20 barking, that was interesting.

21 Q. Okay. So where did he say they went first?

22 A. The first place they went is to Allgoods
23 Salvage to check out the bathtubs. They saw them,
24 but they called Buck's because --

25 Q. They said they called Buck's?

1 A. No, no. They -- they -- they went to Buck's.

2 Q. Okay.

3 A. I'm sorry. They went to Buck's.

4 Q. Okay.

5 A. After going to Allgoods, and Buck's only had
6 a two-piece or only had a three-piece. They
7 couldn't -- it wasn't exactly fit. Now, Buck's --

8 Q. The --

9 A. -- does not carry bathtubs in their store.
10 But he says he sees them, and it wasn't what he had.
11 So he went back to Allgoods, bought the bathtub.

12 He's coming back that morning and the officers come
13 to him, and they were together the rest of the day.

14 Q. And he did not say they went back to Camden
15 any time in the afternoon?

16 A. No.

17 Q. Okay.

18 A. No, he said the officers got there by lunch,
19 okay? And then that was it. They were together the
20 rest of the day.

21 Q. Okay.

22 A. But the officers got there 3:30.

23 Q. Now, when you were searching Terry Britt's
24 house, did you find some hairs that were consistent
25 with Holly Bobo's hair?

1 GENERAL HAGERMAN: Your Honor, are we
2 asking for scientific testimony with regard to the
3 comparison of hairs from this agent?

4 BY MS. THOMPSON:

5 Q. I'm not asking for microscopical, but are you
6 aware of hairs that were found there that were
7 consist with being Holly Bobo's hair, and if so,
8 where?

9 A. So there were hairs that were found that were
10 microscopically and macroscopically identical to
11 Holly's found in the vans that we took to the crime
12 lab.

13 Q. And which van was that?

14 A. It was the Caravan. It was in some rope
15 debris in the back.

16 Q. In rope?

17 A. A rope, yes. A rope.

18 Q. Okay. Now --

19 A. But, but we tested that with DNA, and it did
20 not match Holly's.

21 Q. Okay. Did you do regular DNA testing?

22 GENERAL HAGERMAN: Your Honor, I don't
23 think he did any DNA testing. It was sent to the
24 FBI. At this point, we're getting into hearsay. It
25 wasn't hers.

1 THE COURT: He's already said DNA
2 excluded, okay?

3 BY MS. THOMPSON:

4 Q. Were you aware that Zach Adams had said some
5 very crude things about Holly Bobo when you were
6 doing your investigation?

7 A. I was -- I mentioned that to him quite
8 forcefully.

9 Q. Okay. You were asked about did you -- were
10 you aware of any specific statements. But what can
11 you -- do you remember generally what you were aware
12 of?

13 A. I know he told one female that you're going
14 to end up in a hole just like Holly, or you're going
15 to end up in a well just like Holly. He told -- he
16 told someone -- allegedly told. I wasn't there. He
17 allegedly told another guy something very bad about
18 Holly.

19 Q. Okay. And during your investigation, did you
20 find that other people had also said -- or made crude
21 statements about Holly Bobo?

22 GENERAL HAGERMAN: I'm not objecting to
23 the general question, but if we're going to start
24 getting into hearsay statements, I will.

25 THE COURT: You can answer.

1 THE WITNESS: This case was different
2 than any other case I've ever heard of in my life,
3 because people like Zach Adams talking, running their
4 mouth, there was many, many people that would do
5 that. And, you know, I just say thank you, good, we
6 don't have anything else to do. Let's go -- let's go
7 interview this idiot who's saying her head's in a
8 freezer, you know.

9 Q. So was there actually someone who said that
10 Holly's head was in the freezer?

11 A. Yeah, head's in the freezer, she's in my
12 basement. We had all kind of garbage. All kinds
13 of --

14 THE COURT: We're going to be here for
15 weeks if we go into every lead that came in. So
16 let's kind of --

17 MS. THOMPSON: Well, I'm not doing that,
18 but, Your Honor, the State has made a big deal about
19 what Mr. Adams has said, and I would like to go a
20 little bit into the fact that there were multiple
21 other people who were making crude comments and
22 taking "credit".

23 THE COURT: You've asked him that, and I
24 think he might have varied from your question.

25 BY MS. THOMPSON:

1 Q. Okay. Were there people who were taking
2 credit for Holly Bobo's disappearance?

3 A. There were several people that were making
4 statements to that effect, yes.

5 Q. And did you check those people out? Did it
6 turn out they were, in fact, responsible?

7 A. Right. We checked them out, and they were
8 not responsible.

9 Q. Okay. And how many times do you think you
10 got in reports where people were -- had made
11 statements or claimed responsibility or --

12 A. I would estimate more than 10 but less than
13 20.

14 Q. Okay. And so when you were investigating
15 Mr. Adams, you were aware of some of these statements
16 that had been made?

17 A. Yes, I was.

18 Q. By him?

19 A. Yes, ma'am.

20 Q. Okay. And let me ask you this: In all your
21 years of investigation when somebody is in jail and
22 comes forward with information in jail --

23 GENERAL HAGERMAN: Your Honor, I'm going
24 to object to any sort of opinion testimony. I think
25 this is exactly what this is.

1 MS. THOMPSON: It's not opinion
2 testimony.

3 THE COURT: What are we asking?

4 GENERAL HAGERMAN: Your Honor, can we
5 approach?

6 THE COURT: I would like to get this
7 witness finished, okay?

8 MS. THOMPSON: Right. So I'm just asking
9 him if in his years of experience when people say --
10 come forward in jail and are jailhouse snitches and
11 say somebody has said something to me in jail, is
12 that something he takes seriously, or is that
13 something that he investigates pretty thoroughly
14 because that is a frequent occurrence?

15 THE COURT: All right. Answer.

16 THE WITNESS: I've had plenty of
17 jailhouse snitches that ended up giving really good
18 information.

19 BY MS. THOMPSON:

20 Q. Okay.

21 A. I've had others that just blowing, you know,
22 blowing smoke. They didn't really know. But yeah,
23 it's helped in a number of investigations.

24 Q. Okay. So it can go either way, is that what
25 you're saying?

1 A. That's correct.

2 Q. Okay.

3 MS. THOMPSON: No further questions.

4 THE COURT: Further cross?

5 GENERAL HAGERMAN: Very quick.

6

7

RECROSS-EXAMINATION

8

QUESTIONS BY GENERAL HAGERMAN:

9 Q. You mentioned a second ago or some minutes
10 ago about her cell phone again and how it traveled --

11 A. Yes, sir.

12 Q. -- is that correct?

13 A. Yes, sir.

14 Q. Would you agree with me that answers to those
15 questions, where her cell phone was at a particular
16 time, where it wasn't, where Zach Adams' phone was at
17 a particular time and where it wasn't or anybody's
18 phone that they wanted to know about where it was and
19 where it wasn't. Would you agree with me that
20 Mike Frizzell is a better person to answer that
21 question than you?

22 A. It's hard to, but I would agree to it.

23 Q. Okay. And you were asked what Zach told you
24 with regard to his whereabouts that day, correct?

25 A. Yes, sir.

1 Q. And the three of them "alibied each other"?

2 A. Yes, sir.

3 Q. Correct?

4 A. Yes, sir.

5 Q. And finally, were you aware that Mr. Austin
6 admitted to going to the Coon Hunt?

7 A. Yes, sir. He admitted that to me actually.

8 GENERAL HAGERMAN: That's all my
9 questions.

10 MS. THOMPSON: One final follow-up
11 question, Your Honor.

12

13 **REDIRECT EXAMINATION**

14 **QUESTIONS BY MS. THOMPSON:**

15 Q. Now, you said that these three people alibied
16 each other, but actually they didn't alibi each other
17 for the time period when Holly's phone was actually
18 moving; did they?

19 A. Right, right. That's accurate. They weren't
20 all together at the same time. You know, Zach's over
21 here. Shane's over here so.

22 Q. It was actually later in the day when they
23 said they got together?

24 A. That's correct.

25 Q. So all three of them for the time period that

1 Holly's phone was moving and the actual time she's
2 taken from her house, they didn't have an alibi for
3 that time; did they?

4 A. Well, they had an alibi. Whether you believe
5 it or not, I don't know but --

6 Q. Okay. I'm sorry. I phrased that wrong.
7 They didn't have another person that they were
8 necessarily with during that time?

9 A. Who?

10 Q. Shane Austin didn't?

11 A. Shane Austin was by himself, correct.

12 Q. Okay.

13 A. Correct.

14 MS. THOMPSON: Okay. No further
15 questions.

16 GENERAL HAGERMAN: Nothing further,
17 Judge.

18 THE COURT: We're going to take a lunch
19 recess. Take one hour for lunch. Follow the
20 admonitions that I gave you at the outset.

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

23 THE COURT: Okay. Recess until 1:05.

24 (LUNCH BREAK.)

25 THE COURT: All right. Let's bring the

1 jury, please.

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

5 THE COURT: There's more tablets in my
6 office. There's still one up there, but you might
7 get them and have them handy.

8 All right. Be seated, please. Did you have
9 a good lunch?

10 THE JURY (in unison): Yes, sir.

11 THE COURT: All right. Given the
12 context, they're taking pretty good care of you;
13 aren't they?

14 THE JURY: Very much.

15 THE COURT: All right. All right. I
16 know that the Sheriff and his staff have gone out of
17 their way. They realize that this is a hardship, but
18 they're doing what they can to make it as pleasant as
19 possible. So I commend he and his staff.

20 Let's call our next witness.

21 MS. THOMPSON: Art Viveros.

22 THE COURT: Well, you're going to have to
23 sit something down then raise your right hand. Okay.

24 (The witness was sworn.)

25 THE COURT: Be seated. State first and

1 last name, and spell it for the benefit of the court
2 reporter.

3 THE WITNESS: Arthur, A-R-T-H-U-R, middle
4 initial G for Gregory. Last name Viveros, V as in
5 Victor, I, V as in Victor, E-R-O-S.

6 THE COURT: Thank you, sir. Proceed.
7

8 * * *

9 **ARTHUR VIVEROS,**
10 **was called as a witness and having first been duly**
11 **sworn testified as follows:**
12

13 **DIRECT EXAMINATION**

14 **QUESTIONS BY MS. THOMPSON:**

15 Q. How are you -- how were you employed back in
16 April of 2011?

17 A. I was a Special Agent with the FBI.

18 Q. Okay. And were you involved in the
19 disappearance of Holly Bobo?

20 A. Yes, I was.

21 Q. And what role did you take in that case?

22 A. I was the case agent for the FBI.

23 Q. Okay.

24 A. The lead agent.

25 Q. Lead agent?

1 A. For the FBI.

2 Q. Okay. And did you participate in the
3 investigation of Terry Britt?

4 A. Yes.

5 Q. Okay. And did you participate in the search
6 of his house?

7 A. Yes.

8 Q. Okay. And what significant items did you
9 take note of in the search of Mr. Britt's house?

10 A. Well, there were numerous things. I don't
11 have a -- any documents. It's totally off the top of
12 my head.

13 Q. Sure.

14 A. They vacuumed the vehicles. Our forensic
15 people -- team, ERT people, Evidence Response Team,
16 went out there, vacuumed the vehicles for hairs and
17 fibers. We entered all the buildings. The TBI -- am
18 I speaking for the TBI, because they took the
19 evidence? We did certain things.

20 Q. Just --

21 A. But they took other things, and like I said,
22 that's my memory.

23 Q. Just what is -- what was significant to you?

24 A. Because it was their search warrant, but we
25 help them.

1 Q. Right. But like just talk about the tools.
2 I think earlier you mentioned something about tools
3 when we were talking. So what do you remember about
4 the tools?

5 A. Again, it's by memory. We had a cadaver dog
6 team go out there from the academy, from Quantico,
7 and they did hit on some tools, some shovels. And
8 they also hit on some of the -- one or two of the --
9 one of the vans.

10 Q. Okay.

11 A. And there was a blonde hair found in one of
12 the vans.

13 Q. Okay.

14 A. And they -- well, they seized even a
15 ponytail.

16 Q. From --

17 A. That belonged to Terry Britt. He used to
18 have a tail -- a ponytail.

19 Q. Okay.

20 A. Long hair. I think TBI seized also a receipt
21 from the safe that Janet Britt opened for us. A
22 receipt when they purchased a bathtub enclosure.
23 They took, of course, pictures. Well, I mean they
24 photographed and videotaped I believe, if I remember
25 correctly. That's standard practice.

1 Q. Right. Okay. And did you participate any in
2 the wiretap and the recordings of the home and the
3 telephones of Mr. Britt?

4 A. Yes, I did.

5 Q. Okay. And when you were listening to that,
6 was there anything significant that came -- that you
7 heard while you were listening, especially about him
8 knowing whether or not he was being recorded?

9 A. Of course, I don't know the date, but I just
10 remember his sister called him on his landline. And
11 of course, I can't remember her name, but they talked
12 about -- she warned him -- I think she warned him --

13 Q. Okay.

14 A. -- not to speak on the phone because the
15 police might be tapping the lines, that -- something
16 to the effect, yeah, I know.

17 Q. This is what he said?

18 A. That's what -- this is -- I'm listening to
19 them speak to each other --

20 Q. Right.

21 A. -- on a landline.

22 Q. Right.

23 A. And he says, yes, I know. You know, and
24 these -- excuse me language. He said, these whores,
25 law enforcement, are going to try to pin this

1 Holly Bobo case on me, and so we're going to have to
2 watch it. And then the sister said something about,
3 yeah, you remember when mom and I burglarized those
4 homes way back, whatever, the police did something to
5 them to get them charged, and they were kind of
6 arguing back and forth. And -- and I --

7 Q. But what about him knowing --

8 A. That's all I can really remember, but I think
9 it was like a ten-minute call.

10 Q. What about him knowing that they were
11 recording him at the house?

12 A. Well, he said that, yeah, I agree with you.
13 Yes, I agree with you that they probably are.
14 These -- these -- like I said, he said, these whores,
15 law enforcement, are trying to pin this thing on me,
16 and they'll probably do something like that. But
17 he -- they kept on talking.

18 Q. Okay.

19 A. Like they didn't care even though they spoke
20 about it.

21 Q. Okay. And were you involved at all in the
22 investigation of other suspects in this case?

23 A. Of -- what do you mean by others?

24 Q. Well, I mean --

25 A. There were numerous people throughout -- in

1 the very beginning.

2 Q. Okay. Will you tell -- just explain a little
3 bit about that to the jury.

4 A. You mean name names?

5 Q. No, but just how extensive the investigation
6 was and what kind of evidence you had in the
7 beginning to go over.

8 A. Well, we didn't seize any evidence. We ended
9 up helping the TBI.

10 Q. Right.

11 A. So they seized all the evidence at the house.
12 So whatever evidence there is, they have.

13 Q. Okay.

14 A. I end up doing some interviews with
15 Brent Booth of Clint, the day one, and of Drew Scott,
16 the boyfriend, day one there outside the house. Then
17 James Barnes, the neighbor. Cathy Wise, his mother,
18 lived next door.

19 Q. Okay.

20 A. There were numerous early suspects. Then we
21 kind of moved on to others. And Brent Booth and I
22 went and interviewed Terry Britt like a week after
23 the event because we were trying to catch up with all
24 the sex offenders --

25 Q. Yes.

1 A. -- and get a -- get an interview of them, an
2 official interview.

3 Q. And at some point, did you determine that he
4 had lied about his alibi?

5 A. Lied about his alibi?

6 Q. Yes. The timing and everything of -- about
7 his alibi?

8 A. Well, I would have to look at my FD302, the
9 interview. But I want to say that -- and I -- this
10 is off the top of my head. He gave us a different
11 time, and I'm just trying to remember. But I don't
12 have that 302 in front of me, but I heard something
13 on that --

14 THE COURT: That what 302?

15 THE WITNESS: FD302, sir.

16 THE COURT: Okay. FD302.

17 THE WITNESS: A federal document 302.
18 It's what we call the interview.

19 THE COURT: Because she's taking down
20 what we say, and sometimes, not just you, but we get
21 into acronyms or --

22 THE WITNESS: Yes, sir.

23 THE COURT: -- document numbers and
24 things. Trying to makes sure our record --

25 THE WITNESS: All interviews are done on

1 A. And then later on after that phone call, that
2 same day we're talking about that phone call, I heard
3 also that same time after he hung up, I heard on the
4 microphone that we installed -- that was installed
5 inside the trailer, I heard Terry Britt say to
6 Janet Britt, I recognized the voices, and he said
7 that, you know, again, you know, they're going to
8 hang -- those whores, law enforcement, are going to
9 hang this case -- Holly Bobo case on me.

10 Q. Okay.

11 A. He says, I didn't know even who, excuse my
12 language, the bitch was -- Holly, who the bitch was.
13 And he says I didn't -- I couldn't even -- I can't
14 even remember what we did that day. And then
15 Janet Britt spoke up and says we left the house about
16 10:30. We went to Camden. We bought that tub. And
17 he goes -- he says, oh, yeah I remember that old man
18 sold us a \$300 tub for \$150, and then we went to
19 Decaturville, came back to the house by 1:00, and
20 that -- you know, that son of a bitch cop came by and
21 talked to me, asked me what I was doing that day.

22 Q. Okay. So they were clearly repeating an
23 alibi over in the house?

24 A. Yes, that's -- I heard it on the microphone.

25 Q. And this is after they had acknowledged that

1 they thought they were being recorded?

2 A. Yes, after they hung up. But the problem
3 with that recording, it's not -- it was not recorded
4 electronically because apparently -- the phone call I
5 think was, but the microphone would not record,
6 because I think there was a technical glitch where
7 the microphone wasn't plugged in correctly, and
8 there's not a recording, but there's a note that I
9 made about -- generally about what they said. But
10 not in great detail, because I didn't want to go
11 against the recording because I only heard it one
12 time.

13 Q. Right.

14 A. So I didn't want it to conflict.

15 Q. So what you're saying is you could hear it,
16 but it wasn't preserved?

17 A. Right. But I believe I did a -- once I heard
18 it wasn't preserved electronically, I'm pretty sure I
19 did an FD302 about what I could remember from what I
20 heard on the microphone.

21 Q. Okay.

22 A. So I'm pretty sure there is one in the file.
23 Pretty sure.

24 Q. Okay.

25 MS. THOMPSON: No further questions.

1 THE COURT: Cross.

2
3 **CROSS-EXAMINATION**

4 **QUESTIONS BY GENERAL HAGERMAN:**

5 Q. Were you aware that the blonde hair that was
6 found was sent to the FBI, up to the laboratory --

7 A. Yes, sir.

8 Q. -- compared DNA and it was not Holly Bobo's?

9 MS. THOMPSON: Your Honor, I'm going to
10 object to this.

11 THE COURT: He can ask if he's aware of
12 that. We went through this earlier.

13 MS. THOMPSON: But -- but -- but I think
14 what -- that's misleading as to what the report was,
15 because they didn't test the DNA. They tested the
16 mitochondrial DNA and it came back --

17 GENERAL HAGERMAN: Your Honor --

18 THE COURT: He can ask the question.

19 BY GENERAL HAGERMAN:

20 Q. Are you aware?

21 A. Yes, sir. It was not a DNA match. It was a
22 microscopic match. She compared her hair -- her
23 known hair from her brush and the hair there, and she
24 said it was -- but it was not a DNA match.

25 Q. Exactly.

1 A. Yes.

2 Q. Looked at it and saw whether or not it had
3 similar characteristics --

4 A. Yes.

5 Q. -- like color and stuff like that.

6 A. Yes.

7 Q. And then they actually did a DNA analysis and
8 not hers?

9 A. Yeah. See -- okay.

10 Q. You talked about this little conversation
11 that you heard that was first on the phone. And it
12 was over the phone that either the sister or whoever
13 said something about phones may be recorded or
14 something like that --

15 A. Yes.

16 Q. -- is that correct?

17 And it was after that that phone call was
18 hung up that you heard Mr. Britt and Mrs. Britt talk?

19 A. Yes, Janet Britt.

20 Q. Okay. Did Mr. Britt or Janet Britt ever say
21 anything like I wonder if our house is bugged?

22 A. No, there's never any kind of mention of
23 that.

24 Q. Just --

25 A. I don't think they had no idea whatsoever.

1 Q. Just about the phones. No idea.

2 Just one final thing. Did you have occasion
3 in this investigation to speak with Dylan Adams?

4 A. Yes, I did in December --

5 Q. I know you were -- go ahead.

6 A. December of 2011.

7 Q. All right. And I'm not asking you what
8 Dylan Adams said, but did anything unusual happen
9 while you were talking to Dylan Adams?

10 A. I had just -- I was sitting in my car at
11 their house, and I was just wrapping up the interview
12 of Dylan, and Zach drives up and he sees me there and
13 sees that I'm law enforcement. He gets out of the
14 car and starts yelling at me, you know, get the fuck
15 out of there -- out of here. I identify myself. He
16 said, yeah, you get the -- you know. I left my card.
17 So I said I'm leaving my card here. I just spoke to
18 your brother. And he said, yeah, well, get the F out
19 of here. So I just left.

20 GENERAL HAGERMAN: No further questions,
21 Judge.

22 MS. THOMPSON: I have one thing.

23

24 **REDIRECT EXAMINATION**

25 **QUESTIONS BY MS. THOMPSON:**

1 Q. I want to pass you a document. You -- to be
2 clear, when Terry Britt is talking to his sister on
3 the phone, they do talk about the fact that the house
4 is potentially bugged?

5 A. I can't remember if they said the phone is
6 tapped.

7 Q. Okay.

8 A. I think they referred to the phone. I don't
9 remember --

10 Q. If I found a document -- is there a document
11 that might help refresh your memory on that?

12 A. Yes, yes.

13 Q. Okay. Let me pass forward to you -- this
14 document to you and see if you recognize this?

15 A. And it's all in the highlighted section?

16 Q. Yes, if you'll just review that. See if it
17 refreshes your memory.

18 A. It sounds familiar, but there aren't any
19 initials, and I can't remember the date. So I can't
20 say if it's mine or not to tell you the truth.

21 Q. Okay. Does that refresh your memory, though,
22 as to whether or not they thought that the house
23 might also be bugged?

24 A. I don't remember the house being bugged, but
25 definitely the phones. And like I said, I remember

1 filling out a document for the TBI --

2 Q. Right.

3 A. -- to summarize the call. But there aren't
4 any initials, so I can't positively identify it if
5 would me mine or not.

6 Q. I'm just asking if it helps you remember them
7 talking about the house being bugged?

8 GENERAL HAGERMAN: And I think he's
9 answered no, Judge.

10 THE COURT: I think he has answered a
11 couple of times. Ask one more.

12 THE WITNESS: But I do remember the
13 conversation, but I don't know if it's this
14 conversation or not.

15 BY MS. THOMPSON:

16 Q. Okay. Okay. And what is the date that's
17 documented there?

18 GENERAL HAGERMAN: Are we talking --
19 we're talking about the document that he doesn't
20 recognize and doesn't know anything about?

21 THE COURT: He's not authenticated this
22 document.

23 THE WITNESS: I would have to study the
24 document --

25 BY MS. THOMPSON:

1 Q. Okay.

2 A. -- for a little bit.

3 Q. Okay.

4 A. Because it says January 18th, 2012, and I do

5 remember we -- the wire was going on then. That

6 sounds about right.

7 Q. Yes.

8 A. But I just can't remember the shift --

9 Q. Sure.

10 A. -- I was on.

11 Q. And you --

12 A. That kind of thing.

13 Q. I mean, you're -- clearly, you want to be

14 crystal clear.

15 A. Yes, I can't speak about it if I haven't got

16 my initials on it if I don't recognize it exactly.

17 Q. Okay.

18 A. But I do remember they talked about the phone

19 being bugged or not, but they kept on speaking about

20 it.

21 Q. Okay.

22 A. But I can't say this is the right document or

23 not.

24 Q. Very good.

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 step
5 down. You're free to go, sir.

6 THE WITNESS: All right, sir. Thank you.

7 THE COURT: Thank you. Call your next.

8 MR. GONZALEZ: Dave Barela.

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: David Barela. That's
13 B-A-R-E-L-A.

14

15 * * *

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

19

20 **DIRECT EXAMINATION**

21 **QUESTIONS BY MR. GONZALEZ:**

22 Q. Mr. Barela, how are you employed presently?

23 A. I'm a private investigator.

24 Q. Did you have law enforcement experience in
25 your past?

1 A. Yes, sir. I'm a former Special Agent with
2 the United States Army, Criminal Investigation
3 Command.

4 Q. Did you have occasion to measure different
5 calibers of bullets and do a photo lineup-type thing?

6 A. Yes, sir.

7 Q. I'm going to hand you some documents, see if
8 you identify -- if you remember them.

9 A. Yes, sir, I do.

10 Q. Are these a fair and accurate representation
11 of the documents you've created or printed out?

12 A. Yes, sir.

13 MR. GONZALEZ: Your Honor, I move these
14 into the next three numbered exhibits.

15 THE COURT: All right. There's three of
16 them?

17 MR. GONZALEZ: Yes, sir.

18 THE COURT: 28, 29, and 30.

19 (WHEREUPON, the above-mentioned documents
20 were marked as Exhibit Numbers 228, 229, and 230.)

21 MR. GONZALEZ: Permission to publish,
22 Your Honor?

23 THE COURT: Yes.

24 BY MR. GONZALEZ:

25 Q. If you look over your left shoulder there, is

1 this the document you just reviewed?

2 A. Yes, sir.

3 Q. What is this?

4 A. It's a .32 caliber. If --

5 THE COURT: Why don't you identify your
6 exhibits? Is that 228?

7 MR. GONZALEZ: 228, yes, sir.

8 THE COURT: All right.

9 BY MR. GONZALEZ:

10 Q. Go ahead.

11 A. This is a .32 caliber bullet -- round.

12 Q. Can you see the bullet diameter listed on
13 here?

14 A. Yes, sir, it's .125 inches.

15 Q. Can you look at it again?

16 A. I'm sorry .3125 inches.

17 Q. And looking at 229, what is this?

18 A. That's a .380.

19 Q. And what's the diameter of the .380?

20 A. The diameter of that is .355 inches.

21 Q. Exhibit 230, what is this?

22 A. This is a lineup of photographs that I
23 submitted.

24 Q. Did you do this lineup?

25 A. Yes, sir, I did.

1 Q. And those annotations at the bottom of each
2 bullet, did you do those?

3 A. Yes, sir, I did.

4 Q. And where did you get the diameters that are
5 measured there?

6 A. I used a digital calliper that I measured
7 each round, and then I documented that information
8 onto the photograph.

9 Q. And where did you measure on the round?

10 A. Right above the casing, as close as I could
11 to the top of the casing.

12 Q. So like right here where the actual bullet
13 meets the casing?

14 A. Yes, sir.

15 Q. And you measured it with a caliper?

16 A. Yes, sir.

17 Q. Now, you have both millimeters and inches on
18 there it looks like?

19 A. Yes, sir.

20 Q. How did you go from one to the other?

21 A. The calipers I was using was digital, and all
22 I did was hit a button and it went from what I was
23 reading in millimeters to inches. And I recorded
24 that information on there.

25 Q. And as to the .32, did you measure more than

1 just one bullet?

2 A. Yes, sir.

3 Q. And did it vary at all?

4 A. Yes, sir.

5 Q. By how much would you say?

6 A. Minuscule amounts, but they still vary just a
7 little bit.

8 MR. GONZALEZ: That's all I have, Your
9 Honor.

10 THE COURT: Cross.

11

12 **CROSS-EXAMINATION**

13 **QUESTIONS BY GENERAL NICHOLS:**

14 Q. Good afternoon.

15 A. Good afternoon, ma'am.

16 Q. Just to be clear, you're not an expert in
17 ballistics; is that right?

18 A. That is correct.

19 Q. And if I --

20 THE COURT: I think she wanted the lineup
21 back on.

22 MR. GONZALEZ: They're right there at the
23 corner of the table.

24 THE COURT: Am I correct?

25 GENERAL NICHOLS: You are correct.

1 THE COURT: Not my first trial actually.

2 BY GENERAL NICHOLS:

3 Q. And I'm putting back on the screen Exhibit
4 230, the lineup. If I heard you correctly,
5 Mr. Barela, you said that you measured the diameter
6 as close as you could to the top of the casing; is
7 that correct?

8 A. Right at the top of the casing, measuring the
9 bullet itself.

10 Q. Okay. And these other two documents that
11 have been put into evidence through you, these are
12 more, I guess, what the manufacturer --

13 A. Yes, ma'am.

14 Q. -- would say that the diameter is of the
15 various rounds, correct?

16 A. Yes, ma'am.

17 Q. So let me grab my glasses. So for instance,
18 on the .32, which is third from the left, correct?

19 A. Yes, ma'am.

20 Q. If we go to the -- one of the two previous
21 exhibits, according to the manufacturer it's supposed
22 to be a .3125, correct?

23 A. Yes, ma'am.

24 Q. And what did you say you measured?

25 A. I measured --

1 Q. In inches?

2 A. -- a .005 on that particular round.

3 Q. And that's because -- and this -- I read your
4 box at the bottom. This is ammunition you had on
5 hand, correct?

6 A. Yes, ma'am.

7 Q. And that's because you measured it at the
8 top?

9 A. Right at the edge of the casing where the
10 casing meets the actual bullet.

11 Q. And if I told you that an expert in forensics
12 and ballistics said that to get an accurate
13 measurement, if you'll look over your left shoulder,
14 you have to remove the projectile from the casing and
15 measure it at the bottom, would that surprise you?

16 A. No, ma'am, it would not.

17 MR. GONZALEZ: Objection. What he's
18 surprised at is not relevant.

19 THE COURT: Objection overruled.

20 BY GENERAL NICHOLS:

21 Q. So it wouldn't surprise you.

22 Would you also agree with me that when a
23 person fires a weapon and the projectile goes forward
24 and in a revolver, the casing doesn't, correct?

25 A. Correct.

1 MR. GONZALEZ: Objection. Calling for
2 opinion testimony.

3 THE COURT: He can state that.

4 BY GENERAL NICHOLS:

5 Q. And so really what hits the object, if it
6 hits something, would be a different -- and if it
7 goes through something, that would be a different
8 measurement than when you actually measure something
9 inside of that casing, correct?

10 A. I'm assuming it would be because of the
11 rifling on -- and the barrel would change things a
12 little bit.

13 Q. Well, the rifling would change it and the
14 fact to fit inside something, it's got to be smaller.
15 That's why it's called a casing. So what's inside
16 would be slightly smaller than what's holding it.
17 Doesn't that make sense?

18 A. Yes, ma'am. I'm not an engineer, ma'am.

19 Q. Right. So that might account for perhaps the
20 variance in what the manufacturer said the diameter
21 of a caliber is and what you measured when you
22 measured at the top of the casing, correct?

23 A. Correct.

24 Q. All right. Thank you.

25

1 **REDIRECT EXAMINATION**

2 **QUESTIONS BY MR. GONZALEZ:**

3 Q. Are you an expert in how a bullet acts when
4 it leaves the barrel?

5 A. No, sir.

6 Q. Do you know about the effect that the length
7 of a barrel has on how the bullet is stabilized once
8 it leaves the barrel?

9 A. I'm not an expert at that, sir.

10 Q. Are you an expert in the gyroscopic technique
11 of twisting the bullet or rifling to stabilize it as
12 it leaves the barrel?

13 A. No, sir, I'm not an expert at that either.

14 Q. Are you familiar with ballistics or
15 engineering on how a bullet acts as it goes through
16 the air per a given distance?

17 A. Not as an expert, no, sir.

18 Q. Okay. So when she's asking you about what
19 that bullet does after the leaves the gun, it was
20 just speculation on your part; wasn't it?

21 A. From a layman's term, correct.

22 MR. GONZALEZ: Thank you. No further
23 questions.

24 THE COURT: Anything else?

25 GENERAL NICHOLS: No, sir.

1 THE COURT: All right. Step down.

2 You're free to go. Thank you, sir.

3 THE WITNESS: Thank you, sir.

4 (WHEREUPON, the witness was excused from
5 the stand and left the courtroom.)

6 THE COURT: Call your next.

7 MS. THOMPSON: Travis Dunavant.

8 (The witness was sworn.)

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

11 THE WITNESS: Travis Dunavant,
12 T-R-A-V-I-S D-U-N-A-V-A-N-T.

13

14 * * *

15 **TRAVIS DUNAVANT,**
16 **was called as a witness and having first been duly**
17 **sworn testified as follows:**

18

19 **DIRECT EXAMINATION**

20 **QUESTIONS BY MS. THOMPSON:**

21 Q. Mr. Dunavant, how are you currently employed?

22 A. Through Decatur County Sheriff's Office.

23 Q. And how were you employed on April the 13th,
24 2011?

25 A. Through Decatur County Corrections, through

1 the jail.

2 Q. Okay. And that's still with the sheriff's
3 department?

4 A. Yes, sir -- ma'am.

5 Q. No problem.

6 A. Sorry.

7 Q. And on April 13th you were called into duty
8 regarding the disappearance of Holly Bobo; weren't
9 you?

10 A. Yes, ma'am.

11 Q. Okay. And you made a report on that day?

12 A. Yes, ma'am.

13 Q. Or you made a report regarding that day?

14 A. Yes, ma'am.

15 Q. Okay. And what was it that you were asked to
16 do on that day?

17 A. I'm not sure. I'm going to have to review
18 the report.

19 Q. Would reviewing the report help you --

20 A. Yes, ma'am.

21 Q. -- your memory?

22 It's been a long time, hasn't it --

23 A. Yes, ma'am.

24 Q. -- since that day? (Passes document.)

25 A. Yes, ma'am.

1 Q. So were you asked to check on sex offenders
2 on that day?

3 A. Yes, ma'am.

4 Q. Okay. And did you, in fact, go to Jeanette
5 Holladay Road?

6 A. Yes, ma'am.

7 Q. Okay. And so who did you check on on
8 Jeanette Holladay Road?

9 A. Jeanette Holladay Road would be Mr. Britt's.

10 Q. Okay. And was anyone home -- what address
11 does it say that Mr. Britt's residence is?

12 A. 3138 Jeanette Holladay Road.

13 Q. Okay. And does it say whether or not anybody
14 was home at that time?

15 A. There was nobody at home.

16 Q. Okay. And what does it say about the cars
17 that were there?

18 A. A red broken down van.

19 Q. Were there other cars noted there?

20 A. No, ma'am.

21 Q. And was that part of what you were asked to
22 do, is go around and note what cars were at each
23 residence?

24 A. Yes, ma'am.

25 Q. Okay. And does it say what time it was that

1 you were there?

2 A. Not on Mr. Britt's.

3 Q. Okay. Does it say -- you visited somebody

4 else on that same road; didn't you?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. Mr. Christenson.

8 Q. So Mr. Christenson, what time were you at his

9 house?

10 A. 1340, 1:40.

11 Q. And so 1:40?

12 A. P.m.

13 Q. Okay. And what's his address? Is it 2800?

14 A. Holladay Road.

15 Q. Jeanette Holladay Road?

16 A. Holladay Road. 2800 Holladay Road.

17 Q. Okay.

18 A. There's a difference between Holladay Road

19 and Jeanette Holladay Road.

20 Q. Okay. So that happens to say Holladay Road?

21 A. Yes, ma'am.

22 Q. So you can extrapolate then, can you, what

23 time you think you would have been to the next

24 location?

25 A. Probably 15 minutes --

1 Q. Okay.

2 A. -- delay.

3 Q. Okay. Very good. I'll just take that back
4 from you.

5 And when you got to 3138 Jeannette Holladay
6 Road, did you knock on the door?

7 A. Sergeant Ryker did.

8 Q. Okay. And you were present with
9 Sergeant Ryker?

10 A. Yes, ma'am.

11 Q. And was anybody -- did anybody answer the
12 door?

13 A. No, ma'am.

14 Q. Did you hear anybody moving around inside?

15 A. No, ma'am.

16 Q. Okay.

17 MS. THOMPSON: No further questions.

18 THE COURT: Cross.

19 GENERAL NICHOLS: No cross.

20 THE COURT: All right. You can step
21 down. You're free to go.

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

24 THE COURT: Call your next.

25 MS. THOMPSON: We'd like to call

1 Dick Adams.

2 THE COURT: Raise your right hand, sir.

3 (The witness was sworn.)

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

7 THE WITNESS: John D. Adams.

8

9 * * *

10 **JOHN ADAMS,**
11 **was called as a witness and having first been duly**
12 **sworn testified as follows:**

13

14 **DIRECT EXAMINATION**

15 **QUESTIONS BY MS. THOMPSON:**

16 Q. And will you spell your name, please? Spell
17 your name, please.

18 A. J-O-H-N D A-D-A-M-S.

19 Q. Okay. And do people call you Dick? Do you
20 go by Dick?

21 A. That's right.

22 Q. And, Mr. Adams, how are you related to
23 Zach Adams?

24 A. He's my grandson.

25 Q. Where do you live?

1 A. Next door to me.

2 Q. No. Where do you live?

3 A. Oh, I live at 260 Adams Lane.

4 Q. Okay. And where did Zachary Adams live?

5 A. 235 Adams Lane.

6 Q. Okay. And does your -- does your house have

7 a basement?

8 A. No.

9 Q. What about the -- Mr. Adams' house?

10 A. No.

11 Q. Does it have a basement?

12 A. No.

13 Q. And on April the 13th, 2011, the day

14 Holly Bobo disappeared, who lived with you at your

15 house?

16 A. Dylan Adams.

17 Q. Okay. And who is Dylan Adams related -- how

18 is he related to you?

19 A. He's my grandson.

20 Q. Okay. And how is he related to Zachary

21 Adams?

22 A. His brother.

23 Q. Okay. Let me ask you about guns. At any

24 time around April 2011, did you know of Zach Adams to

25 own a .32 revolver?

1 A. No.

2 Q. Okay. And at that time around April 2011,
3 did you own a .32 revolver?

4 A. No.

5 Q. Have you owned one since that time?

6 A. No.

7 Q. Now, let me ask you about a well on your
8 property. At one time did 260 and 235 Adams Lane
9 have a well?

10 A. A what?

11 Q. A well, a water well?

12 A. Yes, yes.

13 Q. Okay. And when was that?

14 A. In '88. We discontinued it in '88.

15 Q. Okay. And what did you do with the well?
16 Why did you discontinue it?

17 A. We got city water.

18 Q. Okay. And what did you do with the well once
19 you discontinued it?

20 A. I filled it in.

21 Q. Okay. So it's not a well that's a hole
22 anymore?

23 A. No.

24 Q. Okay. And in April of 2011, who was it that
25 was living with Zachary Adams? Was anybody living

1 with him?

2 A. Rebecca Urp lived with him sometime in there.
3 I don't exactly know when.

4 Q. Okay. And how was she related to
5 Zachary Adams?

6 A. Girlfriend.

7 Q. Okay. Since Mr. Adams is your son -- or
8 grandson, do you happen to know what size shoe he
9 wears?

10 A. 13.

11 Q. A 13. Okay. And do you have -- at some time
12 did you come into possession of Croc shoes that
13 belonged to Mr. Adams?

14 A. Do what?

15 Q. Croc shoes. I'd like to -- let me pass these
16 shoes up to you.

17 At any time did you pick up some shoes from
18 the Williamson County Jail for Mr. Adams?

19 A. I did.

20 Q. And are those the shoes that you picked up
21 from the Williamson County Jail?

22 A. Looks like it.

23 Q. Okay. And what size are those shoes? If you
24 turn them over, what size do they say they are?

25 A. Says 13.

1 MS. THOMPSON: Your Honor, we'd like to
2 put those into evidence.

3 THE COURT: They we will be admitted into
4 evidence as 231, but later a photo will be
5 substituted.

6 MS. THOMPSON: Yes, Your Honor.

7 (WHEREUPON, the above-mentioned shoes
8 were marked as Exhibit Number 231.)

9 THE COURT: I mean, it's kind of like the
10 big boards. Once we finish this case, photos will be
11 substituted for all these bulky items.

12 MS. THOMPSON: Yes.

13 THE COURT: Okay.

14 BY MS. THOMPSON:

15 Q. And can you tell me what your cellular
16 telephone number was in April of 2011?

17 A. Do what?

18 Q. What was your cell phone number in April of
19 2011?

20 A. My telephone number?

21 Q. Yes.

22 A. Home or cell?

23 Q. Cell.

24 A. 549-5002.

25 Q. Okay. And what about your home number back

1 then?

2 A. 847-6566.

3 Q. Okay. And did you provide a cellular
4 telephone to your grandson, Zach Adams?

5 A. Yeah, I did.

6 Q. And do you remember back in April of 2011,
7 was it a flip phone?

8 A. I don't know what kind of phone it was.

9 Q. Okay. Do you remember at some point turning
10 over Dylan's flip phone to Brent Booth with the TBI?

11 A. I think he picked it up at the -- at the
12 office. I'm not sure. And they also picked some up
13 at my house, I think. I'm not sure.

14 Q. Okay. But you remember turning some
15 telephones over to them?

16 A. Yeah.

17 Q. Okay. I want to ask you some questions about
18 your grandson Dylan now. Now, Dylan, was he in
19 special education when he was in school?

20 A. He was.

21 Q. Okay. And why was he in special education?

22 A. He had a learning problem.

23 Q. Okay. And does he have a high or a low IQ?

24 A. It's below average.

25 Q. Okay. And are there certain things that

1 Dylan cannot do in day-to-day life?

2 A. Yes.

3 Q. What are those things?

4 A. Well, if he had a watch, he had to have a
5 digital watch. He couldn't tell time.

6 Q. Okay. Can't tell time. What else?

7 A. He was bad to tell you a story, too.

8 Q. Okay. So does that mean he's not clear
9 sometimes on facts and --

10 A. Right.

11 Q. What about money? Who handles his money?

12 A. Do what?

13 Q. Who handles Dylan Adams' money?

14 A. I guess I did.

15 Q. Okay. Is there a reason that Dylan lived
16 with you?

17 A. He lived with me.

18 Q. Why? Why was he living with you? Why didn't
19 he have his own place?

20 A. Well, he lived with his mama until he was 18,
21 then he moved in the house with me.

22 Q. Right. Why didn't he go out and get his own
23 apartment?

24 A. I don't know.

25 Q. Well, was it related to his -- the fact that

1 he had a learning disability?

2 A. Yeah, and he wouldn't hold a job.

3 Q. Okay. Let me ask you about Dennis Benjamin.

4 Are you familiar with a man named Dennis Benjamin?

5 A. I just know of him. He was a -- he was a
6 customer of ours, on our water.

7 Q. So when you say customer, you mean he's a
8 water customer?

9 A. Yes.

10 Q. Okay. And is he a close friend of the
11 family?

12 A. No.

13 Q. Is he a person that Dylan would have known or
14 been close to?

15 A. I wouldn't think so.

16 Q. I want to ask you also about your wife,
17 Becky Adams. Can you please tell the jury when she
18 died?

19 A. Do what?

20 Q. When she died. When did Becky Adams die?

21 A. Last day of March. The last day of March on
22 Friday night. Was buried the 2nd.

23 Q. She was buried on what day?

24 A. 2nd of April.

25 Q. April 2nd. And what year is that?

1 A. 2010.

2 Q. Okay. And then your grandson, Zach, he was
3 arrested shortly thereafter. Do you remember when he
4 was arrested?

5 A. 2000 -- it was on the 4th; wasn't it?

6 Q. Okay.

7 A. 4th or 5th.

8 Q. So April 4th 2000 -- what year? Same year?

9 A. 2010, yes.

10 Q. '11. If your wife died in '11, he was
11 arrested in 2011?

12 THE COURT: He actually testified 2010.

13 MS. THOMPSON: Okay.

14 BY MS. THOMPSON:

15 Q. I'm sorry. What year did your wife die?

16 A. 2010.

17 Q. Are you certain she died in 2010?

18 A. 2010 or 2011. I don't know.

19 Q. Do you know in relation to when Holly Bobo
20 disappeared, was it a --

21 A. That was 2010; wasn't it?

22 Q. Well, if Holly Bobo disappeared in 2011 --

23 A. Okay.

24 Q. -- did your wife --

25 A. '11. '11.

1 Q. So your wife died --
2 A. 2011.
3 Q. -- close in time to the time Holly Bobo
4 disappeared?
5 A. Just a few days before.
6 Q. Okay. Very good.
7 Okay. So when Zach Adams was arrested, do
8 you remember -- if he was arrested on April 4th, do
9 remember where he was arrested?
10 A. Well, Natchez Trace Park.
11 Q. Okay. And the car that he was driving, do
12 you remember what car he happened to be driving when
13 he was arrested on the 4th?
14 A. He was driving my pickup.
15 Q. And what kind of pickup was that?
16 A. A Nissan.
17 Q. What color was it?
18 A. White.
19 Q. What year was it?
20 A. '98.
21 Q. '98 white Nissan. Let me see just -- if I
22 can pass you forward. I'd like to pass you forward
23 a -- this is a copy, not the original, of a
24 certificate of title. Do you recognize what that's
25 the title to?

1 A. I do.

2 Q. What is that the title to?

3 A. Do what?

4 Q. What is it a title to?

5 A. Me.

6 Q. To what? No, no. What car does it belong
7 to?

8 A. Oh, that belongs to the '98 Nissan.

9 Q. Okay.

10 MS. THOMPSON: I'd like to put that in as
11 an exhibit, Your Honor.

12 THE COURT: Be 232.

13 (WHEREUPON, the above-mentioned document
14 was marked as Exhibit Number 232.)

15 MS. THOMPSON: I don't wish to publish it
16 to the jury.

17 BY MS. THOMPSON:

18 Q. So after he was arrested in your pickup
19 truck, what did you do with that truck?

20 A. I went and picked it up at a towing service,
21 brought it back to Billy Bell's house and put it in
22 the shed.

23 Q. Okay. I'd like to pass this forward to you.
24 Do you recognize what that is?

25 A. That's where I picked it up.

1 Q. Okay. So that's a tow receipt from where --

2 A. Yeah.

3 Q. And did you pay to get the car?

4 A. Yes.

5 Q. You the one that paid the money?

6 A. Yes.

7 Q. Okay. And now, how long was it there at
8 the -- is it Don's Towing?

9 A. Don's Body Shop.

10 Q. And how long was it there for?

11 A. I really don't know.

12 Q. Okay.

13 A. Somebody called me, and I --

14 GENERAL NICHOLS: Your Honor, I'm going
15 to have to object to the hearsay.

16 THE WITNESS: -- believe they said if I
17 picked it up within three days, it wouldn't be any
18 late charge.

19 BY MS. THOMPSON:

20 Q. Okay. So --

21 GENERAL NICHOLS: No objection to that.

22 BY MS. THOMPSON:

23 Q. So within three days, it wouldn't be a what?

24 A. A late fee.

25 Q. Okay. And so is there a late fee that's

1 documented --

2 A. No.

3 Q. -- on that?

4 A. No.

5 Q. Okay.

6 MS. THOMPSON: So, Your Honor, at this
7 time we'd like to put this receipt in.

8 THE COURT: All right. Exhibit 233.

9 (WHEREUPON, the above-mentioned document
10 was marked as Exhibit Number 233.)

11 BY MS. THOMPSON:

12 Q. So you picked it up within two to three days
13 of the time that it was towed in from the arrest; is
14 that right?

15 A. Yes.

16 Q. Okay. And had it -- and you said you took it
17 to Billy Bell's mother's house?

18 A. Billy Bell's mother, yes.

19 Q. Okay. Now, who is Billy Bell?

20 A. Who is Billy Bell?

21 Q. Yes. Explain to the jury, please, who
22 Billy Bell is.

23 A. Well, he's a friend of mine, and he works
24 with me.

25 Q. Okay. And why did -- who is his mother?

1 What's her name?

2 A. Betty.

3 Q. And why did you take it to his mother's
4 house?

5 A. She's the one that carried me up there to get
6 it.

7 Q. Okay.

8 A. She was a friend of the family.

9 Q. Okay. So she drove you over to -- where was
10 it originally towed to? What city?

11 A. Lexington.

12 Q. Okay. So she drove you over there. And why
13 would you not just bring it back home?

14 A. Well, I didn't want to -- I didn't want to
15 have it there where I'd have to, you know -- he'd
16 want to drive it again. He wasn't suppose to be
17 driving it.

18 Q. Why was he not supposed to be driving?

19 A. He didn't have his driver's license.

20 Q. Oh. So you didn't want him to drive it. And
21 so who had the keys to this car?

22 A. He did at that time, and when he went
23 anywhere in it, he was -- his girlfriend or somebody
24 drove him, was supposed to.

25 Q. Okay. Now, let's go back to the white truck.

1 When you got the -- when you picked up the truck from
2 the tow lot, where were the keys to the truck?

3 A. They were in it.

4 Q. Okay. And whose keys were those? Were those
5 your keys or were those Zachary's keys?

6 A. There wasn't but one set.

7 Q. Okay. One set of keys?

8 A. Right.

9 Q. They were in the truck. And you picked up
10 the truck. You drove it to Billy Bell's mother's
11 house. What did you do with the keys then?

12 A. I carried them home with me.

13 Q. How do you know that Zachary Adams didn't go
14 into your house and get those keys at some point?

15 A. I don't know. I know he -- I had them.

16 Q. Yes.

17 A. So he'd had of taken them away from me.

18 Q. Okay. So you kept them on you so that he
19 couldn't get the truck?

20 A. Right.

21 Q. And you know that he didn't at any point take
22 those keys away from your person?

23 A. Right.

24 Q. Okay. And so how long did the truck stay
25 there?

1 A. I'd say nearly two weeks.

2 Q. And so during that time, did he know where

3 the truck was?

4 A. Who?

5 Q. Did Zachary Adams know where the truck was?

6 A. No.

7 Q. What did you tell him about the truck?

8 A. I don't remember him asking me.

9 Q. Okay. Okay. Now, on April the 13th, 2011,

10 were there other cars at your house for Zachary Adams

11 to drive?

12 A. Other cars?

13 Q. Yes. What cars did you personally own?

14 A. I owned a van.

15 Q. A van?

16 A. Yes.

17 Q. And who drove that van?

18 A. I did.

19 Q. Okay. What else did you own?

20 A. That was all I owned.

21 Q. Okay. What about Zach? Did he own any other

22 cars?

23 A. He had a -- he had two trucks sitting there.

24 One of them --

25 Q. Okay.

1 A. Both of them was -- one of them was tore up,
2 and the other one was wrecked.

3 Q. Okay. So which one was wrecked?

4 A. An '03 Chevrolet.

5 Q. Okay. And when did it get wrecked?

6 A. I'm not sure.

7 Q. Was it before or after --

8 A. Oh, it was before, yes.

9 Q. Okay. And who wrecked it?

10 A. Zachary.

11 Q. Okay. And was it wrecked just days before,
12 or was it wrecked a significant time before?

13 A. No, it was wrecked weeks before.

14 Q. Okay. And then what was the other car that
15 was there?

16 A. It was a 2000 -- '94 Nissan.

17 Q. 2094?

18 A. I mean a '94 Nissan.

19 Q. Okay.

20 A. Four-wheel drive truck had a radiator busted
21 or something on it.

22 Q. How did the radiator get busted?

23 A. I think he run it in a tree top, hit some
24 limbs.

25 Q. What do you mean a tree top?

1 A. Huh?

2 Q. What does that mean, he ran it into a tree
3 top?

4 A. Well, it punctured the radiator.

5 Q. With a tree branch? Is that what you're
6 saying?

7 A. Yeah.

8 Q. Okay. And what about Dylan? What kind of
9 truck did Dylan have?

10 A. Dylan had a 2006 Silverado pickup, extended
11 cab.

12 Q. Okay. And who had the keys to that truck?

13 A. Dylan.

14 Q. So if Zachary would have wanted to have
15 driven that truck, who would he have had to of gotten
16 the keys from?

17 A. If he'd what?

18 Q. If he were going to drive Dylan's truck, who
19 would he have needed to get the keys from to drive
20 it?

21 A. From Dylan.

22 Q. Okay. And did Dylan make it a regular habit
23 to loan Zach his truck?

24 A. He wasn't in the habit of it, no.

25 Q. Okay. And on April 13th, the day that

1 Holly Bobo disappeared, do you remember what time you
2 left for work that day?

3 A. It was around 7:00, 7:30.

4 Q. Okay. And where was Dylan that morning when
5 you left for work?

6 A. He was in the bed.

7 Q. Okay. And -- the bed at your house?

8 A. Right.

9 Q. Okay. And that morning, did you happen to
10 see Zach, Dylan, and Shane on April the 13th, 2011 --

11 A. I did.

12 Q. -- the day that Holly disappeared?

13 A. I did.

14 Q. Where did you see them?

15 A. They was on 641 Highway. They come across
16 the interstate headed south.

17 Q. Okay. And where were you at that time?

18 A. I was -- I don't remember whether I was
19 coming out from the Shell station or I was there at
20 the Shell station. I might have been turning in or
21 coming out.

22 Q. Okay. But how do you specifically remember
23 it so many years later? Did you have anything that
24 helped you with your memory?

25 A. Yes, I did.

1 Q. What was that?

2 A. Shane is -- name had already been throwed
3 out.

4 Q. Okay. But -- no, but I'm saying that day,
5 how did you remember where you were and what you were
6 doing that day?

7 A. Because I'd -- like I said, his name had
8 already been throwed out. I'd heard a lot about her
9 disappearance. His name had been throwed out, and I
10 seen him in the truck with them.

11 Q. Okay. And so the way you remembered it is
12 just stuck in your head? Is that what you're saying?

13 A. That -- yes.

14 Q. Okay. Did you also keep a log at that time?

15 A. I did.

16 Q. Okay. Do you still keep a log?

17 A. Do?

18 Q. Do you still keep a log --

19 A. I do.

20 Q. -- of what you do?

21 And it's kind of a daily diary?

22 A. That's it.

23 Q. And what do you record in your log?

24 A. Usually what we do that day.

25 Q. By what you do, you mean work-wise?

1 A. What we do. We -- if we fix a leak, check
2 meters, whatever we do that day.

3 Q. While she's looking at that, let me ask you,
4 what color was that '94 Nissan truck that you had?

5 A. There was two there. They was black.

6 Q. So --

7 A. One was regular cab, and one was extended
8 cab.

9 Q. Okay. But the -- one of them was white. The
10 '98 was white?

11 A. Was white.

12 Q. And it was a Nissan?

13 A. Yes.

14 Q. And then the '94 was black?

15 A. Black.

16 Q. It was a --

17 A. That belonged to Zach.

18 Q. Okay. And it was a Nissan?

19 A. The other Nissan was a regular cab.

20 Q. Okay.

21 A. I bought it for Dylan. It never did run.

22 Q. Okay. And I'd like to pass forward to you a
23 page out of your diary that you have. Now, that
24 diary page doesn't specifically mention anything
25 about seeing Zach Adams that day; does it?

1 A. Do what?

2 Q. It -- that diary page doesn't specifically
3 mention that you saw Zach Adams on the highway that
4 day?

5 A. No.

6 Q. Okay. And can you read it to us? What does
7 it say?

8 A. The rest of it?

9 Q. Yeah. What does the diary say?

10 A. Well, it said, "We met Jug and Siegler at
11 Siegler's house and fixed the blow off where the
12 county had hit it with a bush hog. Turned the water
13 on for Smith property. Meter covered up." I don't
14 -- just business --

15 Q. So --

16 A. -- is what I -- what I kept on the log.

17 Q. Okay. But it's through that that it jogged
18 your memory where you were that day when you saw
19 Zach Adams; is that right?

20 A. Yeah.

21 Q. Okay. Because you were actually going from
22 one job to another?

23 A. Oh, yes.

24 Q. Okay.

25 MS. THOMPSON: And, Your Honor, at this

1 time, I'd like to have that marked as an exhibit.

2 THE COURT: Be 234.

3 (WHEREUPON, the above-mentioned document
4 was marked as Exhibit Number 234.)

5 BY MS. THOMPSON:

6 Q. And over the years, you allowed various
7 people to come in and search your property for Holly;
8 didn't you?

9 A. Sure.

10 Q. And you don't have any facts that would --
11 that you know of that would point to Zach Adams being
12 involved in this kidnapping; do you?

13 A. No.

14 Q. If you had known facts that lead to
15 Zach Adams being involved, would you have told?

16 A. I guess -- I believe I would.

17 Q. Okay.

18 MS. THOMPSON: No further questions.

19

20 **CROSS-EXAMINATION**

21 **QUESTIONS BY GENERAL NICHOLS:**

22 Q. Good afternoon, Mr. Adams. Can you hear me?

23 A. Barely.

24 Q. All right. Then I'm just going to get a
25 little closer.

1 A. Okay.

2 Q. How is this?

3 A. That's better.

4 Q. Is that a lot better?

5 A. That's a lot better.

6 Q. All right. I understand. I have trouble
7 hearing myself.

8 The day that Ms. Thompson has asked you
9 about, April the 13th, 2011 --

10 A. Okay.

11 Q. -- that's the day that Holly was missing.

12 A. Right.

13 Q. You and Billy were working that day like you
14 do most days, right?

15 A. That's right.

16 Q. Now, I understand that when you get to work
17 sometimes you get there a little bit early, sometimes
18 he gets there a little bit early, and you hang out
19 some?

20 A. Yes.

21 Q. And then when you get back to the office,
22 sometimes you hang out there a little while after?

23 A. Right.

24 Q. To make sure there's no more calls that come
25 in?

1 A. Whatever comes up.

2 Q. Yeah. Sometimes -- and I understand from
3 Billy that you're the person that keeps the logs
4 on -- or the log on where you go?

5 A. I'm the one that has to report it.

6 Q. Right. And so on this particular day, I was
7 reading what you wrote -- I was reading along with
8 you and you went -- you met Jug at the Siegler's; is
9 that right?

10 A. Siegler.

11 Q. Siegler's to fix a blow off?

12 A. Right.

13 Q. And then you went to the Smith property,
14 right?

15 A. Right.

16 Q. To -- I guess the meter covered up or tried
17 to turn the water off or something?

18 A. Right.

19 Q. Okay. Now, you don't say in here how you got
20 from one of the jobs to the other though, right?

21 A. No.

22 Q. Okay. Sounds like you don't need to. That
23 you're pretty familiar with the roads and whatnot?

24 A. Right.

25 Q. Okay. Now, do you remember on July the 14th,

1 July the 14th of the same year that -- let's see,
2 Ricky Inman and Terry Dicus came to the office to
3 talk to you?
4 A. I talked to several.
5 Q. Oh, I know. This was about 11:15 in the
6 morning. You know, Ricky Inman, though, right?
7 A. I do -- I know Ricky Inman.
8 Q. Okay. And you know Terry Dicus, right?
9 A. Who?
10 Q. Terry Dicus, TBI. Does that ring a bell?
11 A. No.
12 Q. Okay. But you know Inman? You --
13 A. I know Inman.
14 Q. -- remember Inman?
15 Okay. You remember Inman coming to talk to
16 you at some point?
17 A. I don't remember it but...
18 Q. Okay. If Inman made a report that he came
19 and talked to you, would you have any reason to think
20 that that wasn't true?
21 A. No.
22 Q. Okay. And they came to ask you what you knew
23 about, or if anything, about Holly, right?
24 A. I don't remember it.
25 Q. Okay. Not because they thought you were

1 involved in any way, but they came to ask about your
2 grandson and his friends; didn't they?

3 A. About the what?

4 Q. About your grandson and his friends.

5 A. I don't remember. I don't remember them
6 coming to --

7 Q. Did you --

8 A. I remember --

9 Q. Did you make the statement --

10 MS. THOMPSON: Your Honor, if he doesn't
11 remember then --

12 THE COURT: She's going to ask him if he
13 made a statement.

14 MS. THOMPSON: If she's going to ask him
15 his opinion as to people's involvement, Your Honor --

16 THE COURT: So far the question is
17 appropriate.

18 MS. THOMPSON: I object to her asking his
19 opinion as to who would be involved, because I wasn't
20 allowed to put on Terry Dicus' opinion as to who's
21 involved.

22 GENERAL NICHOLS: Well, that's --

23 THE COURT: She wasn't asking that.

24 MS. THOMPSON: Okay.

25 GENERAL NICHOLS: And the reason why I'm

1 going to ask this question, in case there's further
2 objection, Your Honor, is because this is after the
3 day where he just talked about the car being tucked
4 away, so anyway.

5 BY GENERAL NICHOLS:

6 Q. Did you make the statement, "I don't know
7 anyone specifically that you should look, but I would
8 look at all of Zach's friends." Did you say that?

9 A. I don't remember that.

10 MS. THOMPSON: Your Honor, that's an
11 opinion.

12 THE COURT: She can ask him if he said
13 it, okay? He can either say yes, I did; no, I
14 didn't; I don't remember.

15 BY GENERAL NICHOLS:

16 Q. And, in fact, I'm required to ask you before
17 I can bring in extrinsic proof. Did you make that
18 statement?

19 A. I don't remember it.

20 Q. Okay. You don't remember it for sure? You
21 didn't say it? You did say it, you just don't
22 remember it?

23 A. I don't remember it.

24 Q. Okay. And do you remember them coming back
25 to talk to you, ooh, like February of 2014? So like

1 three years later where Brent Booth and Chuck Baker
2 came to talk to you again at the office?

3 A. I remember Brent Booth and Jeff Jackson.

4 Q. Okay. Well, I think several people have been
5 to talk to you; haven't they?

6 A. Yeah.

7 Q. Okay. On this day, Brent Booth was there.
8 Do you remember -- well, let me go back.

9 So when they talked to you in 2011, do you
10 remember telling them that you were out in the field
11 that day, which is what you just told us, that you
12 were working that day, right?

13 A. Right. I don't remember it, but if they
14 asked me, I told them.

15 Q. Yeah, because that was where you were, right?

16 A. Yeah.

17 Q. And I hate to bring up something sad, but did
18 you tell them, "all of that time is a blur for me,
19 because my wife passed away on April 1st, 2011, and
20 was buried on April 3rd"?

21 A. I don't remember telling them that.

22 Q. Would that have been true, though? I know
23 when bad things --

24 A. To some extent.

25 Q. Yeah, things sometimes get blurry. Okay.

1 So they were asking you about what you did
2 and you said you were working, because you were,
3 right?

4 A. Right.

5 Q. We saw that. We read -- you wrote the log.

6 Now, when they came back three years later to
7 talk to you about the same stuff -- it's always about
8 the same stuff; isn't it?

9 A. Yes.

10 Q. Yeah. Do you remember telling them that day
11 that you knew about seeing Zach and Dylan and Shane
12 in Zach's truck, a dark green 2003 Chevy, because
13 they were in front of the Shell station at the 126
14 exit and were traveling south, and that it was at
15 10:00 in the morning?

16 A. I don't remember the 10:00, but I remember
17 telling them I had seen them.

18 Q. Okay. So when they came to talk to you right
19 after it happened, you didn't remember, right?

20 A. I did remember.

21 Q. Right when it happened?

22 A. I remembered the day it happened. I seen
23 Shane and Zach.

24 Q. Okay. So -- but when the -- when law
25 enforcement asked you about it, you told them you

1 didn't remember it?

2 A. No, I didn't.

3 Q. Okay. But then you later came to remember
4 not only that you saw them but exactly what road you
5 were on, what exit you were on, what gas station you
6 were at, and which way they were traveling?

7 A. I remember that well.

8 Q. Okay. Is there any reason that you didn't
9 tell them about that three years before?

10 A. I don't remember them asking me that three
11 years before.

12 Q. Okay. So by the time they came back to talk
13 to you, your grandson's name was still out there,
14 wasn't it, with Shane's?

15 A. Yeah.

16 Q. Okay. Do you remember telling the law
17 enforcement that Shane was at Zach's house a lot
18 during that time period?

19 A. I don't remember it.

20 Q. Do you remember now?

21 A. No, I don't.

22 Q. You don't remember Shane --

23 A. I don't remember -- not a lot.

24 Q. Not a lot?

25 A. I've seen him there.

1 Q. Yeah. In 2011?

2 A. I don't remember what year it was.

3 Q. But you remember --

4 A. I seen him there after that.

5 Q. Yeah. After 2011?

6 A. A time or two, yeah. I seen him. He'd come
7 and picked Dylan up. Dylan would go pick him up.

8 Q. Yeah. You remember saying that Zach and
9 Shane were good friends during that time?

10 A. They've always been friends, I reckon.

11 Q. And that -- did you make the statement, "If
12 Zach did this to Holly, he's a good candidate for it
13 because of the people he runs with and all the things
14 he is in to"?

15 A. I said he was a good candidate for it.

16 Q. And that you "don't ask him a lot of
17 questions because I don't want him lying to me"?

18 A. No, that's Dylan.

19 Q. Okay. "He needs to tell you what he did and
20 I will do everything in my power to" help him -- "to
21 make him cooperate". Did you tell -- is that what
22 you said?

23 A. No.

24 Q. Did you tell law enforcement --

25 MS. THOMPSON: Can we know what day this

1 is? She's --

2 GENERAL NICHOLS: Still on the same day.

3 MS. THOMPSON: What day is that? What
4 day --

5 GENERAL NICHOLS: July -- same day we
6 started with. Activity date, same report.

7 THE COURT: This is the three years
8 later.

9 MS. THOMPSON: This is after he's been
10 arrested? Is this after March -- or after they
11 searched the house?

12 GENERAL NICHOLS: This 2/28/14.

13 MS. THOMPSON: Okay.

14 BY GENERAL NICHOLS:

15 Q. Do you remember telling law enforcement that
16 "Zach and Dylan don't work, and they don't have any
17 money except for what I give them"?

18 A. I could have.

19 Q. That would be true, correct?

20 A. Right.

21 Q. You talked about Dylan. You said earlier
22 that Dylan was slow. He needed a digital watch
23 rather than --

24 A. Right.

25 Q. -- one with the hands?

1 And he was in some special ed classes, right?

2 A. Do what?

3 Q. He was in some special classes at school?

4 A. Special ed through school.

5 Q. But he was able to drive. He could find his
6 way from one place to the other?

7 A. He got his driver's license.

8 Q. Right. So to get your driver's license, you
9 have to be able to read --

10 A. Right.

11 Q. -- because you have to take a test?

12 So the man can read?

13 A. Yeah.

14 Q. He's able to feed himself?

15 A. Yeah.

16 Q. He's able to get his clothes on?

17 A. Yeah.

18 Q. You didn't have to pick out his clothes for
19 him?

20 A. No.

21 Q. He can -- knows his way around the kitchen if
22 he's hungry? I'm not saying he's a chef, but he can
23 fix himself something to eat?

24 A. He did.

25 Q. He could work. He just didn't keep a job is

1 what you said, right?

2 A. Right.

3 Q. So he was slow, but it's not -- it didn't
4 affect his ability to make it through the day? In
5 other words, he didn't need a babysitter? He didn't
6 need somebody holding his hand, right?

7 A. Right.

8 Q. Okay.

9 GENERAL NICHOLS: One moment.

10 BY GENERAL NICHOLS:

11 Q. Now, do you remember Mr. Booth, Brent Booth,
12 and I coming to your house to talk to you a few
13 months ago?

14 A. Sure.

15 Q. Okay. And I had never met you before that?

16 A. Right.

17 Q. And I asked you on that day about a 911 call.
18 Actually, a couple of 911 calls that you made on the
19 day that Holly was missing, right?

20 A. That's what you told me, it was made then.

21 Q. Right. And at that time when I asked you,
22 you said that didn't happen?

23 A. I don't remember it.

24 Q. And that when I asked you some more details
25 about it, about what Zach was doing to make you call

1 911, you didn't remember that either?

2 A. I don't remember it.

3 Q. Okay. Do you remember making any 911 call
4 regarding Zach's behavior at your house?

5 A. Sure.

6 Q. Okay. More than one?

7 A. Yes.

8 Q. Do you remember a night when you were asleep
9 in bed, Dylan was there asleep you said, and that
10 Zach came up in there --

11 MS. THOMPSON: Your Honor, I'm going to
12 object if they're going to mention some kind of
13 404(b) evidence at this time.

14 GENERAL NICHOLS: It's the same -- it's
15 the call.

16 THE COURT: Is this the call?

17 GENERAL NICHOLS: Yes, sir.

18 THE COURT: We've already been through
19 it. She can.

20 MS. THOMPSON: Okay. I just want to make
21 sure.

22 THE COURT: She can ask if he remembers
23 it.

24 MS. THOMPSON: Okay.

25 BY GENERAL NICHOLS:

1 Q. And you remember a night when you were asleep
2 in bed on Wednesday night, Dylan was in there, and
3 Zachary burst into your house and jumped on you, woke
4 you up trying to get guns out of your house?
5 A. I don't ever remember him waking me up to get
6 a gun.
7 Q. Okay. Do you remember him that same night
8 trying to talk you into giving -- giving you his car
9 key? Giving you -- I'm sorry, your van key?
10 A. (Shook head negatively.)
11 Q. Okay.
12 A. I remember him giving -- wanting the van
13 keys. That's when he called the sheriff to me.
14 Q. He called the sheriff on you?
15 A. Yes.
16 Q. That was your work van; wasn't it?
17 A. Yes.
18 Q. Okay. That's not a van that you'd like to
19 give him; is it?
20 A. No.
21 Q. Okay. So that must be a different night.
22 The night I'm talking --
23 A. That was in the daytime.
24 Q. Oh, that was in the daytime.
25 Okay. And do you remember him coming in your

1 house at night and you actually having him getting
2 guns and you having to get them away from him?

3 A. We -- I had a gun his daddy bought me for my
4 birthday. He wanted it for some reason. I wouldn't
5 let him have it. But I don't remember it being a
6 particular time.

7 Q. Right. Was that in the daytime or was that
8 at night?

9 A. It was one evening. It wasn't -- I hadn't
10 been in the bed either.

11 Q. Okay. Different time.

12 GENERAL NICHOLS: All right. Thank you,
13 sir.

14 THE COURT: That it?

15 GENERAL NICHOLS: Yes, sir.

16 THE COURT: Done?

17 MS. THOMPSON: One minute, Your Honor.

18

19 **REDIRECT EXAMINATION**

20 **QUESTIONS BY MS. THOMPSON:**

21 Q. Now, around the time that they were searching
22 your house regarding Holly Bobo's disappearance, so
23 I'm taking about February of 2014, do you remember
24 when all the TBI agents descended on your property to
25 search it? Do you remember that, Mr. Adams?

1 A. Yeah, sure.

2 Q. And at that time they were telling you that
3 they were going to arrest Zach for the murder of
4 Holly Bobo; weren't they?

5 A. Yes.

6 Q. Okay. And they told you that he -- that they
7 knew he had done it, they were confident; didn't
8 they?

9 A. They said they had the evidence.

10 Q. Real evidence that he had done it?

11 A. Yes.

12 Q. Okay. And that's when you talked to them and
13 said you would talk to Zach and tell him he needed to
14 tell -- he needed to tell police what he knew?

15 A. Yeah.

16 Q. Because at that time you believed the police,
17 what the police were telling you was true; didn't
18 you?

19 A. I went to talk to him.

20 Q. Okay. But you believed what the police were
21 telling you at that time was true; didn't you?

22 A. They told me I needed --

23 Q. Okay. I don't --

24 A. -- to talk to him.

25 Q. Okay. I don't want to get too much into

1 hearsay. Hearsay is what they may have told you at
2 another time. But -- and you were trying to get Zach
3 to do what you thought was the right thing at the
4 time?

5 A. Right.

6 Q. Okay. And you've always tried to be honest
7 with law enforcement; haven't you?

8 A. I have.

9 Q. Okay.

10 MS. THOMPSON: No further questions.

11 THE COURT: Done?

12 GENERAL NICHOLS: Yes, sir.

13 THE COURT: All right. You can be
14 excused. You can come back in the courtroom if you
15 would like, okay?

16 THE WITNESS: Thank you.

17 THE COURT: Don't discuss your testimony
18 with anyone.

19 THE WITNESS: Thank you.

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

22 THE COURT: We're going to take afternoon
23 recess. Follow the rules I gave you at the outset.

24 (WHEREUPON, the jury left the courtroom
25 and a short break was had.)

1 THE COURT: All right. Let's come to
2 order. They're bringing the jury.

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

6 THE COURT: Call your next witness,
7 please.

8 MS. THOMPSON: Billy Bell. Actually, I
9 think it's William Bell.

10 THE COURT: I kind of like Billy. It's
11 catchy, Billy Bell. And then the mother's name, what
12 was that? Betty Bell maybe?

13 MS. THOMPSON: Betty Bell, yeah.

14 THE COURT: They go on my all-American
15 name list. Raise your right hand, please.

16 (The witness was sworn.)

17 THE COURT: Be seated. State your name,
18 first and last, and spell them for the court
19 reporter, please.

20 THE WITNESS: It's William Bell. I go by
21 Billy, but William, W-I-L-L-I-A-M B-E-L-L.

22

23

* * *

24

WILLIAM BELL,

25

was called as a witness and having first been duly

1 sworn testified as follows:

2
3 **DIRECT EXAMINATION**

4 **QUESTIONS BY MS. THOMPSON:**

5 Q. Okay. And I'd like to point your attention
6 to the day that Holly Bobo disappeared, and that's
7 April the 13th, 2011, okay.

8 And are you familiar with Dick Adams?

9 A. Yes.

10 Q. Okay. And how do you know Dick Adams?

11 A. Him and -- him and his wife and my mom and
12 dad was friends, been friends all my life.

13 Q. Okay.

14 A. And I've knew him all my life, yeah.

15 Q. Okay. And so then do you also work with
16 Mr. Adams?

17 A. I do.

18 Q. Okay. Where do you work and what do you do?

19 A. Do what, ma'am?

20 Q. Where do you work and what do you do?

21 A. We work at North Utility Water District, and
22 we cover two counties, Decatur and Benton County.

23 Q. Okay. And so many times on a day-to-day
24 basis, do you work directly with Dick Adams?

25 A. Yes, it's usually me and him. We'll go out

1 and do whatever we have to do.

2 Q. Okay. So are you also familiar with
3 Zach Adams, Zachary Adams?

4 A. I am.

5 Q. Okay. And let me ask you about a truck, a
6 white Nissan truck, that Dick Adams owned in April of
7 2011. Okay. Are you familiar with that truck?

8 A. Yes.

9 Q. Okay. How is it that you're familiar with
10 it? Will you just tell the jury?

11 A. We used to work in it. It was our work
12 company truck that --

13 Q. Can you speak up just a little?

14 A. It was our work truck that we used all the
15 time. Our company truck that he -- they paid him
16 mileage for, but we used it, you know, on a daily
17 basis.

18 Q. Okay.

19 A. So I've rode a many of miles in it.

20 Q. Okay. And then at some point it was no
21 longer -- Dick was no longer using it for work?

22 A. They -- the district bought a new company
23 truck, and Dick was driving in that one at the time.

24 Q. Okay.

25 A. And he stopped using the Nissan.

1 Q. Okay. And so on April the 13th, do you have
2 personal knowledge about where that truck was?

3 A. I think it was at my mom's house.

4 Q. Okay. You said you think. Do you think --

5 A. Well --

6 Q. -- that or do you know that?

7 A. I'm -- everybody that know me knows I'm a
8 coon hunter, and I got dogs at my parent's house.
9 I'm there at night feeding them, and I -- and I seen
10 it at night when I pulled up there.

11 Q. So you definitely saw it. When was the first
12 time you saw it at your mother's house?

13 A. Me and my wife, we got -- I got married on
14 April 1st. We was actually in Mexico. I flew
15 back -- we stayed for a while through our honeymoon,
16 and I flew back April the 6th. The Nissan truck was
17 there on the 6th.

18 Q. Okay. And then what about on the 13th?

19 A. I remember seeing it at night every time I
20 was there.

21 Q. Okay. So you're sure it was there at night
22 on the 13th?

23 A. I think it was there for two to three weeks
24 at night, that I can know at night.

25 Q. Okay. Now, on the day that Holly

1 disappeared, you were with Dick on that day doing
2 various --

3 A. We was. I don't know exactly the time I
4 clocked in. Usually either from 7:00 to 3:00, might
5 have been 8:00 to 4:00. But that day we, you know,
6 would probably have stayed there maybe to 9:00. I
7 don't know. Usually we stay there to 9:00. Our
8 office manager comes in and she -- and she has the
9 calls for us. We go out and...

10 Q. Okay. And to be clear, on that day, you
11 don't remember seeing Zach Adams driving around in a
12 truck that day?

13 A. I do not remember seeing him that day.

14 Q. Okay. So that's just to be perfectly honest
15 and direct, you don't remember that?

16 A. I do not.

17 Q. Okay.

18 MS. THOMPSON: No further questions.

19 THE COURT: Cross.

20

21 **CROSS-EXAMINATION**

22 **QUESTIONS BY GENERAL NICHOLS:**

23 Q. Hi, Mr. Bell.

24 A. Hey.

25 Q. You and I got to speak yesterday I think --

1 A. Yes.

2 Q. -- for a few minutes. I just have a couple
3 of follow-ups from things that we talked about
4 yesterday.

5 Because of everything that was going on with
6 you, you got married, you went on your honeymoon --

7 A. Yeah.

8 Q. -- you had to come back and live with your
9 parents until your house was ready. You have a
10 pretty good memory of this timeframe is what it seems
11 like to me?

12 A. Yeah.

13 Q. Okay. And you told me that you were a coon
14 hunter, very careful to keep your dogs on the same
15 eating schedule so if you want to hunt at night --

16 A. That's right.

17 Q. -- you're not going to feed them before you
18 go hunting?

19 A. Uh-huh.

20 Q. Is that right?

21 A. That's right.

22 Q. And so that's how you know that you would be
23 at your mom's house around 10:00 p.m.?

24 A. Yeah.

25 Q. Now, it's my understanding that Dick and your

1 mom -- or I guess your mom had given Dick permission
2 to put the white Nissan Frontier -- had some like
3 graphics on the side of it I think?

4 A. It did. It did.

5 Q. Okay. Behind the building in the back? I
6 can't remember what you said yesterday.

7 A. Yeah. What I knew -- because I had got back
8 and it was already there.

9 Q. Right.

10 A. Dick had told me that he went and got it out
11 of im -- he actually drove his van to my mom's where
12 he -- she carried him to get it out of impound and
13 dropped --

14 Q. In Lexington?

15 A. -- and dropped him -- yeah, that's right.

16 Q. Uh-huh.

17 A. And then when he come back, he had two
18 vehicles there. So he left the Nissan and hid it
19 back there behind -- there was two -- there's two red
20 shop buildings. This a big property. Left it
21 behind -- in between the two shop buildings.

22 Q. Okay. And are the shop buildings wider than
23 the width of the truck?

24 A. Oh, yeah.

25 Q. Okay. So this property, does it sit back off

1 the road?

2 A. The house, you know, sits up on a hill, and
3 then the shops are sitting even behind it.

4 Q. Even behind that?

5 A. That's right.

6 Q. And I believe you told me that though your
7 mom is not in good health now, at the time you
8 thought her mind was okay in 2011?

9 A. It was probably better, yeah, than it is now.

10 Q. But not great?

11 A. No, absolutely.

12 Q. Okay. And I believe you also told me that
13 you believed that you were certain, without a doubt,
14 that Zach Adams, or anybody else, could have come and
15 gotten that truck out and your mom wouldn't have
16 known it?

17 A. That's correct.

18 Q. And because you are the kind of person you
19 are and noticed the truck between the shops, you
20 believe you would have noticed had it been gone after
21 10:00 p.m.? Is that --

22 A. Yeah, I mean, I can't not think it wasn't
23 there when I pulled up there. I think maybe if -- --
24 if wasn't there, I would have said, you know,
25 somebody got Dick's truck. But I think every time I

1 pulled up there and fed my dogs, it was at that
2 property.

3 Q. Is there -- and you use words like I think I
4 would have noticed, I think I would have said
5 something, but the truth is, there is a possibility
6 that the truck could have been gone for a night, and
7 you might not have noticed it one night?

8 A. I mean, it could be I guess. I mean, I had a
9 lot going on. We -- I was trying to get into my --
10 our house, and it was actually on down the road and
11 across the highway. We was remodeling it to -- and
12 yes, I had a lot going on.

13 Q. Now, on another topic. Dick testified today.
14 You told me that he kept a journal or sort of a log
15 of what y'all did.

16 A. That's right.

17 Q. Because you worked with him on a daily basis,
18 right?

19 A. Yep, that's right.

20 Q. You still work with him?

21 A. That's it.

22 Q. You care about him?

23 A. Yeah. Oh, yeah.

24 Q. Went back to April 13th, 2011?

25 A. Uh-huh.

1 Q. And in his log it said that he wrote -- that
2 he wrote on that date, "Billy and I met Jug at
3 Siegler's and fixed blow off", and something else. I
4 couldn't read the writing. Do you remember that?

5 A. I had to hear that where we was at. I
6 couldn't recall --

7 Q. Uh-huh.

8 A. -- you know exactly where we was at. When he
9 said that, it brought back memories of -- I remember
10 kind of how we went that day to get there. And I --
11 you know, I remember leaving the plant and the way we
12 went. I remember hearing -- I got a phone call. I
13 don't know what time it was.

14 Q. Uh-huh.

15 A. I remember exactly where we was at. A friend
16 of mine called me and said they took Dana Bobo's
17 daughter. And I said I didn't even know he had a
18 daughter. I knew of Clint, but I didn't know of
19 Holly. And I just remember that exact place, and I
20 remember how we went.

21 Q. Right. Because you do remember that -- and
22 it's not surprising. That was -- that was quite a
23 piece of information for you to get. Tell the jury
24 exactly where you were and what -- and then the roads
25 that you took to get to your next destination.

1 A. We was on Old State Highway 69, and it's
2 rural. It runs -- we run over to, I think, a road
3 called Franks Road. Went down Franks Road to Duck
4 Farm Road and crossed the highway -- crossed 641
5 going towards Yellow Springs or Pugh Road. And we
6 would have went around through there and that
7 would've connected back across to Jeanette -- or to
8 Bible Hill Road. I know we went to Bible -- down
9 Bible Hill Road, because I remember the 2010 flood,
10 it had the bridge down at Holladay out of -- you
11 know, we couldn't cross. So we had to take the Joe
12 Holladay Road that veered around to Allen's property.
13 And I remember that.

14 Q. Did you and Dick go by the front of the Shell
15 station at the 126 exit that day?

16 A. I can't --

17 Q. Around 10:00 a.m.?

18 A. I can't remember that.

19 Q. When you say that, does that mean that's not
20 the way you went?

21 A. I'm -- if it's logged in where he had it
22 logged in when we went to that --

23 Q. No, he -- it wasn't logged in.

24 MS. THOMPSON: Your Honor, I object to
25 the --

1 THE COURT: Ask the question.

2 BY GENERAL NICHOLS:

3 Q. I read you the log.

4 A. Yeah.

5 Q. So now I'm asking you. And you just told us
6 the direction you went?

7 A. That's the way I remember it.

8 Q. Okay. And you don't remember going past exit
9 126?

10 A. (Shook head negatively.)

11 Q. And you don't remember seeing --

12 THE COURT: Wait. Wait. Wait. He shook
13 his head. You need to answer out. She's taking down
14 what you say. I know you shook your head because I
15 saw you.

16 THE WITNESS: No.

17 BY GENERAL NICHOLS:

18 Q. So no, you didn't go by the 126.

19 Did you see -- well, first of all, do you
20 know Zach Adams?

21 A. (Nodded head affirmatively.)

22 THE COURT: There you go again.

23 THE WITNESS: Yes. Yes. I'm sorry.

24 THE COURT: Okay.

25 THE WITNESS: I'm sorry.

1 THE COURT: No, you're fine.

2 BY GENERAL NICHOLS:

3 Q. Everybody does it.

4 THE COURT: I'm not trying to embarrass
5 you. A lot of people do it, but you need to speak
6 out, okay?

7 THE WITNESS: I'm sorry.

8 BY GENERAL NICHOLS:

9 Q. She's doing this to see if it's a yes or no.
10 And you said yes, correct?

11 A. Yes.

12 Q. Known him his whole life?

13 A. (Nodded head affirmatively.)

14 Yes. Yes. I'm sorry.

15 THE COURT: We're going to get you
16 trained about the time we turn you loose, okay.

17 BY GENERAL NICHOLS:

18 Q. What about Dylan Adams?

19 A. Yes.

20 Q. What about Shane Austin?

21 A. Yes.

22 Q. Know all three of them?

23 A. Yes.

24 Q. Would you have recognized them if you saw
25 them at the Shell station?

1 A. Yes.

2 GENERAL NICHOLS: I don't have anything
3 else. Thank you.

4 THE COURT: Further direct.

5 MS. THOMPSON: Yes.

6

7 **REDIRECT EXAMINATION**

8 **QUESTIONS BY MS. THOMPSON:**

9 Q. Mr. Bell, you did cross over 641 that day
10 from Duck Farm Road to Pugh Road; didn't you?

11 A. Yes.

12 Q. That's the way you remember going?

13 A. That's right.

14 Q. And when you crossed over 641, that's where
15 641 comes down from the Shell station towards
16 Parsons; isn't it?

17 A. Yeah. We was on a rural -- I mean, it's a
18 rural area right there where it's -- actually,
19 Mr. Adams, Dick, they live -- they own on all four
20 corners at that -- at that location.

21 Q. Okay.

22 A. And we crossed over -- I'm sorry. We crossed
23 over to Pugh Road and went that way.

24 Q. Okay. And so it's possible that Zach Adams
25 could have been in an oncoming car as you crossed

1 over and you didn't see him?

2 A. It's possible.

3 Q. Because you --

4 A. I mean --

5 Q. You weren't paying careful attention that day
6 to -- I mean, you weren't particularly on the lookout
7 for him at that time; were you?

8 A. That would be correct.

9 Q. Okay.

10 MS. THOMPSON: No other questions.

11 THE COURT: Done? Follow-up? Okay.

12

13 **RECROSS EXAMINATION**

14 **QUESTIONS BY GENERAL NICHOLS:**

15 Q. I know you care about him, but Dick Adams
16 forgets stuff a lot; doesn't he?

17 A. Well, he's getting old. Yes. Yes.

18 Q. I understand, and I mean no disrespect. It's
19 just a fact of life; isn't it?

20 A. I'm seeing it through my mom.

21 Q. And I appreciate --

22 THE COURT: What was your last statement?
23 Something about your mama.

24 THE WITNESS: I said I'm seeing it -- she
25 was asking about his mind.

1 THE COURT: Okay.

2 THE WITNESS: My mom's mind's bad.

3 THE COURT: Okay.

4 THE WITNESS: But I mean, I -- he's -- I

5 don't -- I mean, it's --

6 BY GENERAL NICHOLS:

7 Q. It's hard for you; isn't it?

8 A. Yeah, that's it.

9 Q. Right.

10 THE COURT: Done?

11 MS. THOMPSON: Yes, Your Honor.

12 THE COURT: All right. Step down.

13 You're free to go or you can come back in the

14 courtroom if you'd like.

15 (WHEREUPON, the witness was excused from

16 the stand and left the courtroom.)

17 THE COURT: Call your next.

18 MS. THOMPSON: Your Honor, we call

19 Linda Littlejohn.

20 (The witness was sworn.)

21 THE COURT: Be seated. State your name,

22 first and last, and spell it for the benefit of the

23 court reporter.

24 THE WITNESS: Linda Littlejohn, L-I-N-D-A

25 L-I-T-T-L-E-J-O-H-N.

1 * * *

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

5
6 **DIRECT EXAMINATION**

7 **QUESTIONS BY MS. THOMPSON:**

8 Q. And how are you employed, Ms. Littlejohn?

9 A. I'm employed at the Tennessee Bureau of
10 Investigation Crime Laboratory in Nashville,
11 Tennessee.

12 Q. Okay. And on April the 13th, or around in
13 there, were you involved in an investigation
14 regarding the disappearance of Holly Bobo?

15 A. I received some evidence in April of 2011 --

16 Q. Okay.

17 A. -- but I did not go to the crime scene.

18 Q. Okay. But you were involved in processing
19 some of that evidence?

20 A. Yes, I was. That's correct.

21 Q. And some of that evidence that you were
22 involved in processing was the -- a footprint that
23 was found in a carport, does that sound right?

24 A. A shoe print, yes.

25 Q. Right. Not footprint. Shoe print? There's

1 a difference --

2 A. Yes.

3 Q. -- if you're technical about it, okay.

4 MS. THOMPSON: I'd like to see Exhibit
5 44, if I could. Those are not 44. 44 is a picture
6 of a shoe print, not a footprint.

7 BY MS. THOMPSON:

8 Q. Okay. And I'd like to pass up to you some
9 photographs of a shoe print.

10 THE COURT: Your exhibit number again?

11 MS. THOMPSON: Okay. I have here 44,
12 40 -- well, I need glasses for that one. 45, 46, and
13 47.

14 THE COURT: All right.

15 BY MS. THOMPSON:

16 Q. And I'd also like to direct your attention
17 just to save time to a report that you did regarding
18 Exhibits 02a, 03a, 05d, and 05e, which is dated
19 5/25/11. Because what I've noticed in your office is
20 you don't number your reports with a unique number.
21 So you kind of have to go by date issued and then
22 some side information.

23 A. Well, the lab number is on every piece of
24 evidence in this case.

25 Q. Right.

1 A. And --

2 Q. So do you see the report to which I am
3 referring --

4 A. I do.

5 Q. -- if I say those things?

6 Okay. And so did you use this photograph or
7 photographs -- similar photographs of this shoe print
8 in order to do some comparisons?

9 A. I used different photographs than these. I
10 made -- on the gel lifts that were used to collect
11 these shoe prints from the crime scene, I took
12 photographs of those, enlarged those to scale, and
13 then I compared those with the shoes.

14 Q. Okay. So that's actually more technical even
15 than a photograph would be?

16 A. It's more technical than these photographs,
17 yes.

18 Q. Okay. Yes. And then based on that, did you
19 also then do a comparison to shoes that came from
20 Clint Bobo?

21 A. I did.

22 Q. Okay.

23 MS. THOMPSON: And if we can have that
24 large bag of materials over there. The biggest of
25 all the bags. And in there is going to be two shoes.

1 BY MS. THOMPSON:

2 Q. If I pass up to you a bag of shoes -- okay.
3 If you look in that bag of shoes, are those some of
4 the shoes that you examined? Can you tell what
5 number those...

6 A. I can identify this bag with my case number,
7 the -- my exhibit number and my initials.

8 Q. And what exhibit number is that? Is that --

9 A. 5e.

10 Q. -- 5e and d? 5e, I guess.

11 A. Just 5e.

12 Q. Okay.

13 A. These are the shoes. I can --

14 Q. Okay.

15 A. -- identify it by, again, my case number and
16 my initials on --

17 Q. Okay. And so then you --

18 A. -- the exhibit number.

19 Q. You compared those shoes with the gel shoe
20 print that you had lifted off the -- or that you been
21 provided?

22 A. Yes.

23 Q. Okay. And are those shoes consistent with
24 making the footprint that was lifted from the floor
25 of the carport?

1 A. They are consistent with respect to size,
2 shape, and tread design to the lift from the carport.
3 That means that this shoe, and this is the right
4 shoe, could made -- could of made that print or
5 another shoe just like that. There were no
6 individual characteristics, so I cannot say for sure
7 that it was this shoe to the exclusion of all others.

8 Q. Okay. So by individual characteristics, you
9 would mean if like part of the tread were cut or if
10 there was something that made that tread different
11 from the mold of the tread that would have made the
12 sole of the shoe?

13 A. Yes. When shoes are made, classic
14 characteristics are put on the shoes by the
15 manufacturer, that size, shape, and tread design.
16 That comes from the mold that they are made out of.
17 As you wear the shoes, it's possible that you'll get
18 cuts, tears, and gouges on the bottom of those shoes
19 that make them unique to that pair of shoes. And in
20 this case, I was not able to find any of those on the
21 shoe or in the print to conclude that this shoe could
22 have made it. So it's just a class characteristic
23 match. Means that a shoe like this or another one
24 with these same type of class characteristics could
25 have made it.

1 Q. Okay. And I would like to pass up a report
2 to you and see if that looks like the same report to
3 which you've been referring.

4 A. Yes, it is a copy of my official report.

5 MS. THOMPSON: And, Your Honor, at this
6 time, I would like to put this report into evidence.

7 THE COURT: Be 235.

8 (WHEREUPON, the above-mentioned document
9 was marked as Exhibit Number 235.)
10 BY MS. THOMPSON:

11 Q. I'll take the shoes.

12 A. Yes, thank you.

13 Q. I'll take the photographs back from you if
14 you like. And on these photographs there's also
15 another shoe print that's not related to the shoes
16 that you -- that was a flip-flop print; is that what
17 you decided?

18 A. I was not able to match the additional --
19 there were two additional shoe prints, and I was not
20 able to match those to any shoes that were submitted.

21 Q. Okay. Very good.

22 MS. THOMPSON: No further questions.

23 THE COURT: Cross.

24 GENERAL HAGERMAN: Your Honor, just a
25 couple.

CROSS-EXAMINATION

QUESTION BY GENERAL HAGERMAN:

Q. You didn't actually go to the crime scene, right?

A. I did not.

Q. Were you aware that there were literally hundreds of people at the crime scene by the time TBI arrived?

A. I've heard that. I do not know.

Q. All right. To your knowledge, were any other shoes from any of these hundreds of people ever submitted for comparison?

A. No, they were not.

Q. Just the one pair having to do with Clint?

A. Two pair from Clint, and then maybe some additional that were found in different places, but not anybody -- any -- not identified from another person other than Clint Bobo.

Q. Okay. So Shane Austin's shoes were never sent to you for comparison against these?

A. That's correct.

GENERAL HAGERMAN: That's it, Judge.

THE COURT: Done?

MS. THOMPSON: Done, Your Honor.

1 THE COURT: All right. Step down.
2 You're free to go.

3 THE WITNESS: Thank you.

4 (WHEREUPON, the witness was excused from
5 the stand and left the courtroom.)

6 THE COURT: Call your next.

7 MS. THOMPSON: Amber Treat, Your Honor.

8 THE COURT: Last name Treat?

9 MS. THOMPSON: Treat, yes.

10 THE COURT: Raise your right hand,
11 please.

12 (The witness was sworn.)

13 THE COURT: Be seated. State your name,
14 first and last, spell it for the benefit of the court
15 reporter.

16 THE WITNESS: First name is Amber,
17 A-M-B-E-R. Last name Treat, T-R-E-A-T.

18

19 * * *

20 **AMBER TREAT,**

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 how are you employed, Ms. Treat?

2 A. I'm a private investigator. I work with AK
3 Investigations.

4 Q. Okay. And in this case, did you happen to
5 drive some specific routes in Decatur County?

6 A. Yes, I drove three separate routes.

7 Q. Okay. And will you just explain to the jury
8 kind of which routes you drove, where you went, and
9 why did you do this?

10 A. I drove three routes. One was from the
11 Yellow Springs Church, which is at Yellow Springs
12 Road and Pugh Road. I drove that to the Tennessee
13 River under the I-40 bridge via Ward Hill Road. And
14 then I returned to the church at Yellow Springs Road
15 via a different route. And then the third route that
16 I took was the tracking of Holly Bobo's cell phone
17 from April 13th, 2011, based on the opinion of
18 John Walker, who at the time was a Senior Inspector
19 for the United States Marshal Service.

20 Q. Okay. And did you make -- you made
21 documentation of your routes?

22 A. I did. I measured the routes for both time
23 and distance.

24 Q. Okay. I would like to pass this up to you.

25 A. Thank you.

1 Q. Okay. So let's start with the first route
2 you drove. Each time you got to a different
3 intersection, you made a notation of the time?

4 A. Correct. The time was kept on a stop watch,
5 and I lapped it each time moved on to a new road.

6 Q. Okay.

7 A. So the route -- the time from one road to
8 another is notated, as is the total elapsed time.

9 Q. Okay. And then if you wanted to know how
10 long it took to get between two points in the route,
11 you just have to add up the different times to the
12 different intersections; is that right?

13 A. That's correct, yes.

14 Q. Okay. And those were -- you drove three
15 different routes based on directions that I gave you?

16 A. That is correct, yes.

17 Q. Okay.

18 MS. THOMPSON: Your Honor, at this time
19 we'd like to put those into evidence.

20 THE COURT: Are there -- didn't she say
21 she did it three times?

22 MS. THOMPSON: There's three different
23 routes, yes, Your Honor.

24 THE COURT: All right. Are all of them
25 on one?

1 MS. THOMPSON: No, there's three
2 different sets.

3 THE COURT: All right. That's what I
4 need to know.

5 MS. THOMPSON: And we have the map
6 pre-done so there's no map drawing. Okay.

7 THE COURT: Exhibit 236, 237, 238.

8 MS. THOMPSON: Okay. So the one that
9 goes from the Yellow Springs Church to the Tennessee
10 River will be the first one.

11 (WHEREUPON, the above-mentioned document
12 was marked as Exhibit Number 236.)

13 BY MS. THOMPSON:

14 Q. And that's based on a route that I gave you?

15 A. Correct, yes.

16 Q. Okay. And then the one that goes from the
17 Tennessee River to the Yellow Springs Church, that's
18 based on the second route I gave you?

19 A. Yes.

20 MS. THOMPSON: And this is the second
21 one.

22 (WHEREUPON, the above-mentioned document
23 was marked as Exhibit Number 237.)

24 BY MS. THOMPSON:

25 Q. And then the little loop around possible

1 routes of Holly's cell phone is a third route that I
2 gave you?

3 A. Yes.

4 (WHEREUPON, the above-mentioned document
5 was marked as Exhibit Number 238.)

6 BY MS. THOMPSON:

7 Q. Okay. And then the first one -- so if we
8 look at this first report right here.

9 THE COURT: Why don't you go ahead and
10 get us another level.

11 THE DEPUTY: Okay.

12 BY MS. THOMPSON:

13 Q. You go from Yellow Springs Church to Duck
14 Farm Road to Duck Road to McIllwain Road; is that
15 right?

16 A. Yes. Yellow Spring Church to Duck Farm Road,
17 Duck Farm to Duck Road, Duck Road to McIllwain,
18 McIllwain to Old Highway 69, Old Highway 69 to Sugar
19 Tree School Road, Sugar Tree School Road to North
20 Morgan Creek, North Morgan Creek Road to Birdsong
21 Road, and then Birdsong Road to Ward Hill Road, and
22 then you access the river via a private route, which
23 you cannot see on the map.

24 Q. Okay. And then you've marked -- you've
25 premarked a map here on your route on how you went;

1 is that right?

2 A. That's correct.

3 Q. Okay. Okay. Then the next one that goes
4 from the Tennessee River back to Yellow Springs
5 Methodist Church, what route did you take there?

6 A. For that I started at the Tennessee River,
7 the same location I ended on the first route, and I
8 took the access road to Ward Hill Road. And instead
9 of turning right, I went straight on Ward Hill,
10 turned on to Nix Landing Road, Nix Landing to North
11 Morgan Creek Road, North Morgan Creek to Sugar Tree
12 School Road, Sugar Tree School Road to Old Highway
13 69, Old Highway 69 to McIllwain Road, McIllwain Road
14 to Duck Road, Duck Road to Duck Farm Road across to
15 Pugh and then back to the church.

16 Q. Okay. And how long did that route take you
17 to come back?

18 A. That's like approximately 32 minutes.

19 Q. And the first route you took -- oh, technical
20 problems. I think I hit it with my foot.

21 And the route going there, how long did that
22 take you?

23 A. The route going out there took approximately
24 26 minutes.

25 Q. Okay. That one.

1 And then you also drove a route kind of
2 tracking a possible route of Holly's telephone pings
3 that morning; is that right?

4 A. That's correct.

5 Q. And how long did it take you to do that route
6 total?

7 A. That route total was approximately 43
8 minutes.

9 Q. Okay.

10 MS. THOMPSON: Okay. No further
11 questions.

12 THE COURT: Okay. Cross.

13 GENERAL HAGERMAN: Really quick, Judge.
14 Really quick.

15 THE COURT: Do you want the lights up or
16 down?

17 GENERAL HAGERMAN: It doesn't matter.
18 They can stay down.

19 THE COURT: Okay.

20 GENERAL HAGERMAN: This won't take two or
21 three minutes.

22

23 **CROSS-EXAMINATION**

24 **QUESTIONS BY GENERAL HAGERMAN:**

25 Q. Were you following the traffic laws when you

1 were driving?

2 A. As best I could. I did not actually see any
3 speed limit signs on any of the roads that I
4 traveled.

5 Q. If you weren't, I was going to prosecute you.

6 THE COURT: I give her immunity, okay.

7 GENERAL HAGERMAN: Exactly.

8 BY GENERAL HAGERMAN:

9 Q. Is it fair to say that you weren't, as the
10 expression goes, driving like a bat out of hell
11 trying to escape from something?

12 A. I would say I was driving the route to get a
13 time.

14 Q. Excuse me?

15 A. I was just driving the route to get a general
16 time.

17 Q. Is that --

18 A. From point A to point B.

19 Q. So were you trying to follow the traffic
20 laws? That's all I'm asking is were you driving as
21 absolutely fast as you could like a race car driver?

22 A. No, sir.

23 Q. Or were you driving like a normal person?

24 A. I would say I was driving like a normal
25 person.

1 Q. That's all.

2 THE COURT: All right.

3 GENERAL HAGERMAN: That's all that I was
4 asking.

5 THE COURT: Okay. I'm sorry. You said
6 that was all. That triggered something. You got
7 some more questions?

8 GENERAL HAGERMAN: That's it, Judge.

9 THE COURT: Now, that is all. Okay.
10 Anything else?

11 MS. THOMPSON: No, Your Honor.

12 THE COURT: All right. Step down.

13 THE WITNESS: Thank you, sir.

14 (WHEREUPON, the witness was excused from
15 the stand and left the courtroom.)

16 MS. THOMPSON: Your Honor, that's our
17 last witness we have today.

18 THE COURT: All right. We're going to
19 get you out of here early. It's warming up. We're
20 in good shape time-wise. I hope you can take my word
21 for it. I'm not going to jinx it if I tell you --
22 telling you when I think you'll get it to start your
23 deliberations, but we're moving along fairly well.

24 Follow the instructions I gave you the first
25 day. They're also listed in your notebook. We will

1 continue this case in the morning, and I feel certain
2 we'll have the proof completed. I'm hopeful that we
3 can get closing arguments and get further than that.
4 But I feel certain that we'll have the proof
5 concluded. Is that a fair guesstimate tomorrow?

6 MS. THOMPSON: I would say.

7 THE COURT: They're saying. But don't
8 hold us to it. It's a very important case. I've
9 tried to allow both sides the liberty to try their
10 case with their techniques as they felt they are led.
11 You folks know I'm high-g geared. I'm time compulsive.
12 Sometimes it's hard for me, but I want them to be
13 able to fully explore their cases. So I don't want
14 to jinx it, but we're getting to where we need to be.
15 It's also warmed up considerably in here, although
16 it's been better today so far. So follow those
17 admonitions. We'll see you tomorrow.

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

20 THE COURT: Going to give you some
21 instructions. They're open to debate but -- to
22 debate, but this should be fairly close. And I can't
23 tell you how forward I'm looking to reading these,
24 not.

25 MS. THOMPSON: Are we going to have a

1 charge conference after we read these today?

2 THE COURT: No. There'll be time.

3 MS. THOMPSON: Okay.

4 THE COURT: I don't want to push you,
5 okay?

6 MS. THOMPSON: Okay. I just needed to
7 know if I needed stick around or not.

8 THE COURT: No. There's a lot here.

9 (End of Volume XIV.)

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