

XII No. 90
IN THE CRIMINAL COURT FOR SEVIER COUNTY, TENNESSEE

AT SEVIERVILLE, TENNESSEE

FILED

MAR 7 1994

SUPREME COURT CLERK

STATE OF TENNESSEE,

Appellee,

-vs-

GARY WAYNE SUTTON and,
JAMES ANDERSON DELLINGER

Appellants.

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CASE # 5033, 5035

TRANSCRIPT OF THE EVIDENCE:

Trial

February 16-24, 1993

Volume 10 of 22 Volumes

BEFORE THE HONORABLE **REX HENRY OGLE**, PRESIDING JUDGE,
AND JURY

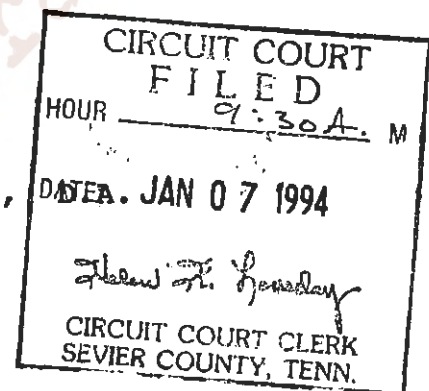
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1 Q. Is that the report that you filed?

2 A. Yes, sir, it is.

3 Q. If I may see that to make sure it's the same one
4 I have. You did identify that as being your report?

5 A. Correct.

6 MR. MILLER: Could we file that as an exhibit, Your
7 Honor?

8 THE COURT: Sure.

9 (EXHIBIT #5 - Report; marked and filed.)

10 BY MR. MILLER:

11 Q. If you will read, please, sir, to the jury the body
12 or the narrative of that report setting forth all the facts that
13 took place that day.

14 A. Do you want me to just start at the very beginning?

15 Q. On the narrative, yes.

16 A. "On Saturday 2/15/92 between 04:00 a.m. and 05:00
17 p.m. James Dellinger, residing at 2555 Bluff Heights Road,
18 Sevierville, Tennessee reported someone had shot a building
19 adjacent to his trailer. Damage was done to one window, one
20 screen glass, and one projectile went through the front wood
21 section of the building. No one was at home when the incident
22 occurred. Weapon which was probably used appeared to be a .22
23 caliber weapon due to the small holes found. According to Mr.
24 James Dellinger, he had been receiving calls from James and Bill
25 Griffin over an assault where Mr. Dellinger was to testify."

1 Q. And that's your complete report of the events that
2 took place up there at the call at the James Dellinger residence
3 on 2/15, is that correct?

4 A. Correct.

5 MR. MILLER: Your Honor, could we pass that to the
6 jury, and let them view it?

7 THE COURT: Sure.

8 **BY MR. MILLER:**

9 Q. And it's fair to say that nowhere in that complete
10 report that you prepared up there on 2/15 did you mention
11 anything about wiping out the -- James Dellinger saying, "I'll
12 wipe out that whole hill of Griffins?"

13 A. No, sir.

14 Q. In fact, it was -- what date was it you first
15 brought that to anybody's attention?

16 A. It was March 2nd, 1992.

17 Q. And that was after both the bodies of Tommy Griffin
18 and Connie Branum had been found, is that correct?

19 A. To the best of my knowledge, yes.

20 Q. And there was currently an investigation going on
21 to try to solve those, is that correct?

22 A. Correct.

23 Q. As a matter of fact, I think two or three days
24 after that the case was to be taken before the grand jury in
25 Sevier County, is that correct?

1 A. I have no idea about that.

2 Q. You don't know that the case was taken to the grand
3 jury on March the 5th?

4 A. No, sir. I was a patrolman then, and wasn't
5 involved in the investigation.

6 Q. How did it come up about this statement?

7 A. Detective Jeff McCarter with the sheriff's
8 department notified me, and asked me if I had -- there had been
9 any other statements that Mr. Dellinger had made while I was at
10 the scene, and I advised there was.

11 Q. He asked you on 3/2 if there was any other
12 statements?

13 A. Correct, if he had said anything while I was there.

14 Q. And I take it you told Detective McCarter that he
15 did say some other things?

16 A. Yes, sir, he did.

17 Q. And that's just by your memory? That's what, over
18 two weeks later you remember this?

19 A. Correct.

20 Q. In fact, at the time when your memory was very
21 fresh, and you made that, what you referred to as a complete
22 report of everything that took place up there when you talked
23 to James Dellinger, you didn't include anything about that
24 statement?

25 A. No, sir, Mr. Dellinger was upset, and I didn't

1 write his threats in the report.

2 Q. You didn't think that was important?

3 A. No, sir, not at that time.

4 Q. You didn't think it was important to a complete
5 report?

6 A. No, sir. That report was complete to the best of
7 my knowledge.

8 Q. Except for that part?

9 A. Correct.

10 Q. All right. Now, let's tell the jury a little bit
11 about how you told Detective McCarter about this. Did you just
12 tell him about it or was there a statement taken?

13 A. He asked for me to commit a statement, and I did.

14 Q. And you've been an officer, I think you testified,
15 for five years, is that correct?

16 A. That is correct.

17 Q. How many times during those five years have you
18 been asked to write out a statement and sign your name to it
19 while there at the sheriff's department?

20 A. On more than one occasion.

21 Q. You don't know how many times?

22 A. No, sir, I do not know.

23 Q. Detective McCarter required you to write out this
24 statement and sign your name to it?

25 A. That is correct.

1 Q. What's the purpose, in law enforcement, of having
2 a statement written out, and having the witness sign their name
3 to it? So it's believable?

4 A. To be in his own words with his signature affixed
5 to it, yes, sir.

6 Q. So he can hold you to that statement?

7 A. Yes, sir.

8 Q. And you and Detective McCarter felt it was
9 necessary for you to sign your name to it? He didn't believe
10 you, in other words?

11 A. No, sir. Detective McCarter contacted me, and
12 asked me if I would write a statement on the incident when I was
13 at Mr. Dellinger's residence. I did fill it out, and I did sign
14 my name at the bottom of it.

15 Q. At this time you knew that the investigation was
16 under way, these alleged crimes had not been solved, and the
17 truth of the matter is, Officer, you had to -- you all needed
18 this statement, is that correct?

19 A. No. I was not involved in any type of
20 investigation.

21 Q. Well, let's say Detective McCarter needed it. He
22 was certainly involved in the investigation?

23 A. Yes, sir. He contacted me, and asked me to come
24 in, and give a statement.

25 Q. And you all certainly had suspects at the time.

1 You knew that Mr. Dellinger was a suspect at the time?

2 A. Not to my knowledge, sir.

3 Q. You didn't watch any T.V. or anything at that time?

4 A. No, sir.

5 Q. You didn't read anything in the newspaper at that
6 time?

7 A. I was not involved in the investigation, and didn't
8 hear any...

9 Q. You were at the sheriff's department, and there was
10 this alleged, big crime, and you didn't know anything about it -
11 - anything about the suspects?

12 A. No, sir. The criminal investigation division was
13 conducting their investigation.

14 Q. And you knew these boys had come in on the 25th and
15 28th of February, days before that, and you say you didn't any
16 idea about that?

17 A. No, sir, I didn't.

18 Q. Were you working that week?

19 A. My shift was two 12 hour days, and then off two
20 days.

21 Q. And it is your testimony you didn't read any
22 newspapers or watch any T.V., or see any...

23 GENERAL SCHMUTZER: I object, Your Honor, to that.
24 That's repetitious.

25 THE COURT: He's already answered it.

BY MR. MILLER:

Q. I believe you said back at that time, and maybe the reason you didn't know anything about it was that you were just a patrolman?

A. Correct.

Q. I believe Mr. Schmutzer referred to you -- you are now a detective?

A. That is correct.

Q. You've got another stripe on your shoulder, so to speak?

A. Yes, sir.

MR. MILLER: That's all, Your Honor.

THE COURT: Mr. Webb?

**

CROSS-EXAMINATION

BY MR. WEBB:

Q. Detective Brown, you have done these charts...

MR. WEBB: If I can approach the witness, Your Honor?

THE COURT: Sure.

BY MR. WEBB:

Q. This chart here, obviously that's not to scale, and I think even in your direct examination you -- obviously the lines are not as straight as you are saying, is that correct?

A. That is correct.

1 THE COURT: If we could, before we go any further,
2 so that the subsequent witnesses can refer to it,
3 please hand those to the court reporter so she can
4 mark those, if you will, Mr. Webb.

5 MR. WEBB: I'll be glad to, Your Honor. Your
6 Honor, I've not had a chance to look at this
7 distance and time thing, and what I'd like, if need
8 be, would be to call John Brown back at a later
9 time.

10 THE COURT: That will be fine if you want to do
11 that.

12 MR. WEBB: I'm not going to get into that right
13 now.

14 BY MR. WEBB:

15 Q. Detective Brown, you are very familiar with the
16 Maryville and Sevier County areas, I take it?

17 A. Correct.

18 Q. You've diagramed a chart that leads from the Blount
19 County Jail, and goes out Highway 321 past the Townsend Shopping
20 Center on to Wears Valley, then from Wears Valley to Walden's
21 Creek Road and Goose Gap Road, is that correct?

22 A. Correct.

23 Q. Okay. Now, what we're basically doing -- let me
24 show you this map, and see if you can identify it as being a map
25 of the area that you've just testified to?

1 THE COURT: Is that a tax map?

2 MR. WEBB: Your Honor, we got this out of a map
3 book. It's basically a map of Sevier County and
4 Blount County. It's a topographical map showing
5 the mountains, and that type of thing.

6 BY MR. WEBB:

7 Q. We couldn't blow it up as much, but let me point
8 out some things. This is Maryville. I've marked in yellow the
9 route that you've just described leaving the city limits of
10 Maryville going out 321, then winding around what's called
11 Chilhowee Mountain to the intersection of Wears Valley, then
12 Wears Valley to Walden's Creek, then to Goose Gap, then to
13 Gibson Hollow, is that correct?

14 A. That's correct.

15 Q. And for the record, that's marked in yellow, is
16 that right?

17 A. Yes, sir.

18 Q. And basically what you've got to do to get around -
19 - this road starts out straight leaving from Maryville, but then
20 it has to go around what the map people say is Chilhowee
21 Mountain, is that correct?

22 A. That is correct.

23 Q. Okay. I don't know if we call it Chilhowee
24 Mountain, but that's what the map calls it. Officer Brown,
25 being familiar with this area, you know that you can leave the

1 city limits of Maryville, and travel Highway 411 to Chapman
2 Highway, and go down Chapman Highway just a little bit, turn off
3 on Sugar Loaf Road right to Gibson Hollow Road, is that correct?

4 A. That is correct.

5 Q. And likewise -- and that's, for the benefit of the
6 Court and jury, I've marked that in green, is that correct?

7 A. That is correct.

8 Q. Okay. Then we've got another route that you can
9 leave from Maryville and go out 321 a little piece, and take a
10 left, and go down Ellijoy Road to Knob Creek Road, and come out
11 at the "Y" on Chapman Highway. From the "Y" on Chapman Highway
12 you would go just a little piece to Sugar Loaf, and go on to
13 Goose -- Gibson Hollow, is that correct?

14 A. That is correct.

15 Q. And that's marked in red, is it not?

16 A. Correct.

17 Q. And of all three of these different ways, would you
18 agree with me, wouldn't you, sir, that the route from -- that's
19 marked in red is the closest route to the Gibson Hollow area?

20 A. I'll have to estimate the road ways.

21 Q. I'll let the jury look at it, but if you'll -- can
22 you agree with me, as we marked this in green, and we marked it
23 in yellow going around Chilhowee Mountain, and we marked this
24 in red, which one appears to you -- just what you're looking at,
25 which one is the closest route?

1 A. This one right here in red.

2 MR. WEBB: Your Honor, if I could make this an
3 exhibit, please?

4 THE COURT: You may.

5 (EXHIBIT #6 - Map; marked and filed.)

6 MR. WEBB: Your Honor, can I pass this to the jury
7 for them to look at?

8 THE COURT: You may.

9 MR. WEBB: Your Honor, could I have one moment,
10 please?

11 THE COURT: Yes. If you will, make sure that the
12 alternate jurors also see all the exhibits that are
13 passed.

14 MR. WEBB: I apologize to the alternate jurors.

15 THE COURT: It's not your fault, it's the Court's
16 fault.

17 MR. WEBB: That's all from this witness. Thank
18 you.

19 THE COURT: Anything further by either party?

20 MR. WEBB: Let me ask another question if I could,
21 your Honor, and I would recall the right to recall
22 Detective Brown back.

23 THE COURT: You sure may.

24 MR. WEBB: I've really not had a chance to look at
25 this.

1 BY MR. WEBB:

2 Q. Let's see, now. Looking at Exhibit #4, Detective,
3 what we're -- you stated somewhere that they went to Red -- you
4 said a distance from some place to Red Gap Road, is that
5 correct? Is that on this chart?

6 A. No, sir.

7 Q. Did you mention Red Gap Road, or what was that road
8 you mentioned?

9 A. Rushing Gap Road.

10 Q. That's just one of several routes that one can
11 travel from Walden's Creek or Wears Valley Road to Gibson
12 Hollow, is that correct?

13 A. Correct. At that turn off you can go straight to
14 Goose Gap/Walden Creek intersection.

15 Q. And you go down about a mile or so, and take a left
16 onto Walden's Creek, and then go up to Fox's store, and take
17 your right, and go out Gibson Hollow -- strike that -- Goose Gap
18 to Gibson Hollow, is that correct?

19 A. Correct.

20 MR. WEBB: Thank you, Your Honor.

21 MR. MILLER: I have just a couple of questions.

22 THE COURT: Yes, sir.

23 **

1 RECROSS-EXAMINATION

2 BY MR. MILLER:

3 Q. Referring back to Exhibit #2, Detective, of the
4 McDermon residence in relation to the Tommy Griffin trailer, and
5 so forth, how far is the McDermon residence up the road from
6 Tommy Griffin's trailer?

7 A. From Tommy Griffin's to the McDermon residence?

8 Q. Yes.

9 A. I do not have the slightest calculations on that.

10 Q. Well, you've been up in there. What is your
11 estimation in yards?

12 A. To the best of my knowledge, approximately 20
13 yards, 25 yards from the McDermon residence to Tommy Griffin's
14 trailer.

15 Q. Then from the McDermon residence to the Henry
16 residence, would that be less than 20 yards?

17 A. To the best of my knowledge, approximately 25.

18 Q. And you pointed out the street light there. You
19 can't say whether or not a year ago this street light was
20 operational, can you?

21 A. Repeat the question, sir.

22 Q. Can you say whether or not a year ago that street
23 light was operational?

24 A. No, sir, I do not recall.

25 MR. MILLER: That's all, Your Honor.

1 THE COURT: You may step down, Officer Brown.

2 GENERAL SCHMUTZER: I have some questions, Your
3 Honor.

4 THE COURT: I'm sorry.

5 **

6 REDIRECT EXAMINATION

7 BY GENERAL SCHMUTZER:

8 Q. Detective Brown, you stated that you have filed
9 your original report, and you also have the supplemental report,
10 is that correct?

11 A. Yes, sir.

12 Q. Containing the statement that you recorded?

13 A. Yes, sir.

14 Q. I'll ask you, sir, did Detective McCarter tell you
15 what to say this man said?

16 A. No, sir.

17 Q. Did this man say what you reported in that report,
18 or did he...?

19 A. He did, sir.

20 GENERAL SCHMUTZER: That's all.

21 THE COURT: You may step down.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Next witness, General Schmutzer.

24 GENERAL SCHMUTZER: The State calls Ms. Terri
25 Lilly.

1 MR. WEBB: Your Honor, while she's coming in, could
2 I ask -- could the general and I approach the
3 bench?

4 THE COURT: Yes.

5 (A bench conference is held on the record, to-wit:)

6 MR. WEBB: Your Honor, in view of the testimony
7 that was made by John Brown attributed directly
8 towards Mr. Dellinger, once again, I would renew
9 the motion to sever for that reason, and I don't
10 want to belabor it or anything, but just for...

11 THE COURT: I know. The Court has already ruled
12 on it several times, and I understand that's a
13 continuing motion and objection.

14 MR. WEBB: I'm not sure for purposes of the record
15 that we have to come up here every time.

16 THE COURT: You don't. I understand that is a
17 standing objection, and I tell you that for
18 purposes of this hearing that I understand that's
19 a continuing objection, and I tell you that you
20 don't have to continue to make that objection for
21 purposes of preserving your record.

22 MR. WEBB: And I wanted to appreciate the Court
23 for the cautionary instruction, and we may ask you
24 to do that from time to time. I think you'll do
25 it, you did it on your own right then, and

1 certainly at any time that comes up, I think the
2 Court knows we're going to make a motion to sever.

3 THE COURT: Sure.

4 GENERAL SCHMUTZER: I take it the Court will, at
5 a later time, also tell them they can consider that
6 if it becomes material.

7 THE COURT: All material evidence -- I sure will.

8 MR. MILLER: Your Honor, in anticipation of Ms.
9 Lilly's testimony possibly dealing with crimes in
10 Blount County, we would renew the motion that
11 evidence not be offered until the Court has made
12 a determination as to whether the evidence is clear
13 and convincing, and ask for a hearing under State
14 vs. Parton.

15 THE COURT: I understand. The Court has already
16 ruled on that.

17 MR. DANIEL: We, of course, would join in that
18 motion.

19 THE COURT: I understand. Thank you.

20 (Said bench conference being completed, the
21 following proceedings are had in open court.)

22 **

1 TERRI LILLY was called, and being duly sworn, was
2 examined and testified as follows:

3 DIRECT EXAMINATION

4 BY GENERAL SCHMUTZER:

5 Q. Ms. Lilly, if you will, please, state your full
6 name.

7 A. Terry Lynn Lilly.

8 Q. And where do you reside?

9 A. Blount County.

10 Q. And your occupation?

11 A. Merchandising.

12 THE COURT: I'm sorry.

13 THE WITNESS: Merchandising.

14 THE COURT: Okay. If you will, would you scoot up
15 close to the microphone, please.

16 GENERAL SCHMUTZER: That microphone, the one with
17 the long neck, if you will pull that down to you,
18 please.

19 THE WITNESS: Is that better?

20 THE COURT: Yes.

21 BY GENERAL SCHMUTZER:

22 Q. Back in February of last year, where were you
23 working?

24 A. Howie's Hideaway.

25 Q. And what is Howie's Hideaway?

- 1 A. It's a bar.
- 2 Q. And where is it located?
- 3 A. On 321 in Maryville.
- 4 Q. Is it out -- on 321, is it going towards Walland
- 5 and Townsend?
- 6 A. Townsend, uh-huh (affirmative.)
- 7 Q. Okay. And as you go out 321 from Maryville, which
- 8 side of the road is it on?
- 9 A. It would be on the left.
- 10 Q. Were you working there back on a Friday, February
- 11 the 21st of last year?
- 12 A. Yes, sir.
- 13 Q. About what time did you come to work that day?
- 14 A. 5:00.
- 15 Q. Is that 5:00 in the afternoon?
- 16 A. In the afternoon.
- 17 Q. Were you replacing someone?
- 18 A. Yes.
- 19 Q. And who was that?
- 20 A. Jamie.
- 21 Q. And her last name?
- 22 A. Forsythe.
- 23 Q. And when you came to work that afternoon -- that
- 24 Friday afternoon, did you see either one of these two defendants
- 25 there?

Jenny S. Brookshire, OCR
Fourth Judicial District, State of Tennessee

Testimony of: Lilly
Direct Examination by: Schmutzer

- 1 A. Yes, sir.
- 2 Q. Which one?
- 3 A. Both of them.
- 4 Q. And did you see -- were they alone or with someone?
- 5 A. They were with someone.
- 6 Q. And did you get an opportunity to look at him?
- 7 A. Yes.
- 8 Q. Have you later seen photographs, and been able to
- 9 identify him?
- 10 A. Yes.
- 11 Q. Do you now know what his name is?
- 12 A. Yes.
- 13 Q. Who?
- 14 A. Tommy.
- 15 Q. And when you saw them, where were they?
- 16 A. They -- the first time I saw them they were
- 17 shooting pool.
- 18 Q. During the course of the afternoon -- about how
- 19 long did they stay there that afternoon?
- 20 A. A couple of hours.
- 21 Q. While they were there did you ever have an
- 22 opportunity to talk to any of them?
- 23 A. Just to serve them.
- 24 Q. Okay. Did you go to the table to wait on them?
- 25 A. Yes.

1 Q. Was anyone else with them beside the three of them?

2 A. No, just the three of them.

3 Q. The one that you mentioned his name was Tommy, when
4 you were over at the table was he very talkative and everything
5 with you?

6 A. No, he was very -- like shy or something.
7 Everytime I approached the table he would put his head down, and
8 wouldn't even make -- he wouldn't make eye contact with me or
9 respond to me in any way.

10 Q. When -- about what time was it -- were you there
11 when they left?

12 A. Yes.

13 Q. About what time was it when they left?

14 A. I would say probably about 7:00.

15 Q. When they left did you continue to work that
16 evening?

17 A. Yes.

18 Q. How late did you work?

19 A. 12:00.

20 Q. Did the place stay open after 12:00 or did you work
21 until closing?

22 A. No, I worked till closing.

23 Q. From the time that they left at around 7:00 until
24 closing did they ever come back in, either one of the three of
25 them?

1 A. No.

2 Q. I believe that officers came out and talked to you
3 about this shortly after this occurred, is that correct?

4 A. Yes.

5 Q. Shortly after this date -- some few days later?

6 A. Correct.

7 GENERAL SCHMUTZER: You may cross examine.

8 **

9 CROSS-EXAMINATION

10 BY MR. MILLER:

11 Q. Ms. Lilly, I believe you said you came on duty at
12 5:00 p.m.?

13 A. Yes, sir.

14 Q. And that's on Friday?

15 A. Yes.

16 Q. And they were there when you got there, or they
17 came in after you got there?

18 A. They were there whenever I got there.

19 Q. Okay. Is Friday night a busy night there at
20 Howie's?

21 A. Sometimes, sometimes not.

22 Q. And if you can, tell the jury -- describe a little
23 bit the bar itself, how many people it can hold, the seating
24 arrangements, and so forth, so we have an idea of what we're
25 talking about.

1 A. It's a small bar. There's probably -- give me a
2 minute. There's a bar, and it has some bar stools around it,
3 probably about 10, and then there's a few tables, maybe three
4 or four -- four tables on one side, and then two on the other
5 side. It's not a real large bar.

6 Q. And there's a dance floor, is that correct?

7 A. Well, no. There's a little area where you can
8 dance, but to say there's a dance floor, no.

9 Q. People do dance out there though?

10 A. Not very often, but there has been times whenever
11 there has been someone get up and dance?

12 Q. And music is played out there?

13 A. Yes, we have a jukebox.

14 Q. Do they keep it going about all the time -- the
15 jukebox?

16 A. Pretty steady.

17 Q. And I don't know if I asked you this, and I don't
18 know if you answered it. Do you remember how many people were
19 in there on Friday?

20 A. We weren't real busy, but yeah, there was -- there
21 were several people in.

22 Q. Okay. When you say several, are we talking about
23 10, 20, 30?

24 A. No, Howie would get excited. I would say probably
25 about 10.

1 Q. Okay.

2 THE COURT: What was that?

3 THE WITNESS: I said Howie would get excited if
4 there were 30 people in there. It's not a real
5 busy place. I'm sorry.

6 BY MR. MILLER:

7 Q. How many times did you go to the table to serve
8 these gentlemen?

9 A. I would say -- do you mean to serve them beer or
10 just to go check on them?

11 Q. Well, to serve them beer?

12 A. Well, I probably served them -- probably about
13 three beers that night. I went to the table more often because
14 I make my rounds just to check to see where they're at on their
15 beer and stuff.

16 Q. And working at Howie's you've probably had occasion
17 to see several people who have had a little bit too much to
18 drink?

19 A. Yes, sir.

20 Q. Now is that the way Tommy appeared to be? You said
21 he held his head down. Was that similar to the people you've
22 seen that have had too much to drink?

23 A. No.

24 Q. It wasn't? Was his eyes closed or open or what?

25 A. Just whenever I would approach to see if -- you

1 know, when I was there, "Are you okay," like on your beer, he
2 would just put his head down. He wouldn't make eye contact with
3 me, and he really didn't -- he did none of the talking. The
4 beer was usually purchased by one of the other -- well, not one
5 of the other two, but by the older gentleman who I know now as
6 James Dellinger.

7 Q. Could you tell me -- you may not be able to answer
8 this, but did it look like he may be on some sort of drugs?

9 A. No -- I mean, that's in my opinion.

10 Q. Okay. What time did they leave?

11 A. It was around 7:00. They were only there for a
12 couple of hours after I came on at 5:00.

13 Q. And how can you be sure of that time?

14 A. Well, I came on at 5:00, and I know that I only
15 served them a couple of beers -- two or three beers, and they
16 were only there for a couple of hours, and after they left, I
17 pulled my car up, and it was right around 7:00. I like parking
18 by the door, and that spot was clear, so I went outside, and
19 pulled my car back up to the front so I could watch it.

20 Q. Would it be fair to say it could have been later
21 than 7:00?

22 A. I don't think any later. Maybe a little earlier,
23 but I wouldn't say later than 7:00.

24 Q. Okay. And if you can remember, and it's been, I
25 notice from my notes here, March 25th, 1992 -- you had a

1 conversation with an investigator from my office by the name of
2 Van Helton -- the public defender's office. Can you remember
3 talking with her?

4 A. I talked to a lot of people. I can't tell you.

5 Q. Do you remember telling her or anybody for that
6 fact, but specifically her, on March 25th, 1992 that -- when
7 asked what time they left, you told her that they were there -
8 - you do not think they were there any later than 7:00 or 8:00?

9 A. I don't remember telling her that, no.

10 Q. You don't remember specifically?

11 A. I remember saying that I can't give a specific
12 time. I can't say it was 7:00 or 7:05 or 7:30. I couldn't tell
13 you exactly. I'm just saying that they were there for a couple
14 of hours.

15 Q. All right.

16 MR. MILLER: I believe that's all, Your Honor.

17 **

18 CROSS-EXAMINATION

19 BY MR. DANIEL:

20 Q. Ms. Lilly, as I understand it, you came to work,
21 and you were there for a while, and you served all three of
22 these boys beer, is that correct?

23 A. Yes, sir.

24 Q. And isn't it correct, ma'am, that you can't tell
25 us what time they left, you have no way to tell us exactly when

1 they left, do you?

2 A. If you're asking me the minute, I can tell you how
3 long they were there, whether it was two or three hours.

4 Q. And didn't you make a statement that you couldn't -
5 - "I don't remember what time they left because we were pretty
6 busy." Do you remember giving that statement to anyone?

7 A. I remember saying I don't remember exactly what
8 time they left because we were busier that night.

9 Q. So when you pulled your car up there at 7:00 --
10 sometime around 7:00 or maybe even before 7:00, they had already
11 gone by that time, is that correct?

12 A. Yes.

13 Q. Now, I believe you stated they were shooting pool?

14 A. Yes, sir.

15 Q. Laughing and cutting up, and have a good time?

16 A. Yes, sir.

17 Q. And that's the statement that you've made
18 previously, and that's exactly what happened? You say no
19 problems, no fights, no arguments out of them, did you?

20 A. I saw nothing out of them. I did never state that
21 Tommy was laughing and cutting up, and having a good time.

22 Q. You've never stated that?

23 A. I stated that the other two gentlemen were -- I
24 didn't see -- I thought they were all three friends. I didn't
25 see any problems between the three of them.

1 Q. Okay. They were just all sitting there drinking,
2 shooting pool -- all three of them shooting, is that right?

3 A. I believe all three of them were shooting.

4 Q. All three of them were drinking?

5 A. All three of them were drinking.

6 Q. Thank you, ma'am.

7 THE COURT: Anything further?

8 **

9 REDIRECT EXAMINATION

10 BY GENERAL SCHMUTZER:

11 Q. Ms. Lilly, when -- who did the talking when you
12 would go over to the table?

13 A. James Dellinger.

14 Q. You didn't know him by his name at that time, but
15 you've since learned it, is that right?

16 A. Yes, sir. No, I didn't know it at the time.

17 Q. How long was it from the time they left until you
18 went out and moved your car?

19 A. They had just left when I went out.

20 Q. Okay. How did you know that, that they had just
21 left?

22 A. Because, obviously, they were parked right at the
23 door because that was the spot that I always park in, and as
24 soon as that car was moved I went outside. They had just left,
25 and I noticed that my parking place was free, so I went and

1 parked my car in my place right by the door.

2 Q. So they were parked in the spot that you would
3 normally park in?

4 A. Yes, sir.

5 Q. And when they left, you moved your car into that
6 spot?

7 A. Yes, sir.

8 Q. Thank you. You may come down.

9 THE WITNESS: Can I be excused?

10 THE COURT: Is she free to leave?

11 GENERAL SCHMUTZER: No, Your Honor, subject to
12 being recalled.

13 THE COURT: So you will have to wait outside.

14 THE WITNESS: Okay.

15 GENERAL SCHMUTZER: The State calls Ms. Cindy
16 Walker.

17 **

18 CINDY WALKER was called, and being duly sworn, was
19 examined and testified as follows:

20 DIRECT EXAMINATION

21 BY GENERAL SCHMUTZER:

22 Q. Ms. Walker, if you will, please, state your full
23 name.

24 A. Cynthia Ann Walker.

25 Q. And where do you live?

- 1 A. In Knoxville, Tennessee.
- 2 Q. Are you married?
- 3 A. Uh-huh (affirmative.)
- 4 Q. And your husband's name?
- 5 A. Kenneth Walker.
- 6 Q. Okay. And where are you employed?
- 7 A. Rural Metro Corporation.
- 8 Q. And what is -- is that in Blount County or Knox
- 9 County?
- 10 A. Knox County.
- 11 Q. And what do you do with Rural Metro?
- 12 A. I'm in human resources.
- 13 Q. Back on Friday the 21st day of February of last
- 14 year, did you and your husband -- were you and your husband out
- 15 on the Alcoa Highway that afternoon or evening?
- 16 A. Yes, sir.
- 17 Q. And where were you -- when you were on the Alcoa
- 18 Highway did something occur or happen that caught your
- 19 attention?
- 20 A. Yes. I was driving, and my husband was riding with
- 21 me, and we were going northbound, and right before we came to
- 22 the exit for Hunt Road, there was a car pulled off on the right
- 23 hand side, and there was a fight going on the passenger side.
- 24 And I said, "Look, there's a fight." So my husband had his
- 25 radio with him -- his portable radio -- and he called in to get

Jenny S. Brookshire, OCR
Fourth Judicial District, State of Tennessee

Testimony of: Walker
Direct Examination by: Schmutzer

1 the police to come out there, and see if they could break it up
2 or whatever.

3 Q. Okay. Now you were headed -- you say,
4 northbound...

5 A. Uh-huh (affirmative.) Going towards Knoxville.

6 Q. Going towards Knoxville?

7 A. Uh-huh (affirmative.)

8 Q. Was this car -- you say it was stopped there at the
9 -- at this Hunt Road -- is there some sort of an exit or
10 something there -- a ramp?

11 A. Yeah, it was right before -- it was before you get
12 to the exit on the right hand side.

13 Q. Okay. And what kind of car was it? Were you able
14 to notice or tell?

15 A. Yeah, it was a dark Camaro.

16 Q. I'll show you ma'am, a diagram. If you don't mind
17 to step down here.

18 A. Okay, sure.

19 THE COURT: Is she going to be down there a while?

20 GENERAL SCHMUTZER: No, Your Honor.

21 THE COURT: Okay.

22 BY GENERAL SCHMUTZER:

23 Q. Now, this diagram -- this diagram of Hunt Road,
24 would this help you in explaining to the Court and jury what you
25 saw, and where you saw it?

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1 A. Uh-huh (affirmative.)

2 Q. I believe this shows the dual lane highway going
3 through...

4 A. That is the two lane -- yeah.

5 Q. Two lanes here going...

6 A. Northbound.

7 Q. ...northbound, and that would be the lane -- that
8 would be what you were in?

9 A. Yeah, we were in -- I don't remember if I was in
10 the left or the right hand lane, but we were headed northbound,
11 and this is the -- I'll call it the emergency lane -- right
12 shoulder, whatever. The car was pulled off on the right, and
13 it was before you get to the exit to take to Hunt Road. So it
14 would have been somewhere in this area.

15 Q. Okay. And would you mark that, please, with a pen?

16 A. Okay.

17 Q. And this is where you saw the car pulled over?

18 A. Uh-huh (affirmative.)

19 Q. Were both -- were the doors open on both sides?

20 A. The passenger side.

21 Q. On the passenger side. Was the car headed in the
22 same direction that you were going?

23 A. Yeah, sure was.

24 Q. And you say there was fighting. Did it look like
25 there was anybody outside or inside the vehicle?

1 A. There were at least the two people. From what I
2 can remember, there was at least one outside, and there was one
3 inside.

4 Q. All right. Now, this vehicle that you saw, you say
5 it was a dark Camaro. Could you describe it any better than
6 that?

7 A. I saw the car probably basically from the rear, but
8 it was a dark colored car, and it was not an older model. It
9 was probably -- I'm guessing -- I would say at least five or six
10 years -- probably 80's, somewhere around there in the 80's.
11 It's a newer model car -- a newer model Camaro, let's put it
12 that way. I don't know when they started making that model, but
13 it's a newer model.

14 Q. Okay. I'll show you some photographs, and ask you,
15 ma'am, if you've had an opportunity to look at these?

16 A. Okay.

17 GENERAL SCHMUTZER: While she's doing that, Your
18 Honor, may we file this as an exhibit?

19 THE COURT: Yes, the...

20 MR. DANIEL: May we approach the witness?

21 MR. WEBB: Just to look at them.

22 THE COURT: Sure.

23 (EXHIBIT #7 - Diagram; marked and filed.)

24 BY THE WITNESS:

25 A. It was definitely this body style.

1 THE COURT: So what exhibit is the map that you're
2 just now putting that on, General Schmutzer?

3 GENERAL SCHMUTZER: Exhibit #7.

4 THE COURT: Okay, #7. Thank you.

5 BY GENERAL SCHMUTZER:

6 Q. Now, you're looking at the photographs, and you say
7 it was definitely that body style?

8 A. Yes, sir.

9 GENERAL SCHMUTZER: May this be filed, Your Honor,
10 as an exhibit?

11 THE COURT: It may.

12 GENERAL SCHMUTZER: That would be for
13 identification.

14 (EXHIBIT #8 - Two (2) photographs; marked and
15 filed.)

16 BY GENERAL SCHMUTZER:

17 Q. Now, you -- after you passed by and saw this, you
18 say you radioed? Did you have some sort of a radio?

19 A. Yeah, my husband has a portable radio. He's in
20 various organizations, so he has one, and he has a radio number,
21 and he called into the Blount County location of Rural Metro,
22 and called them, and then they called 9-1-1.

23 Q. About what time was this?

24 A. 7:00, somewhere in that area. It had to be at
25 least that time for me to have gotten from Knoxville to

1 Maryville and back, so it was around 7:00.

2 Q. All right.

3 GENERAL SCHMUTZER: You may cross examine.

4 **

5 CROSS-EXAMINATION

6 BY MR. MILLER:

7 Q. You were going from Maryville to Knoxville for what
8 purpose?

9 A. Returning from my mom's house.

10 Q. Okay. I believe you had taken your mom home who
11 stayed with your child?

12 A. Right.

13 Q. I just wanted to make sure I understood that.

14 A. Right.

15 Q. And this car you described as the Camaro, I think
16 you described it one time, at least, as being a black Camaro?

17 A. Dark. I can't say for sure if it was a dark navy
18 blue or a dark black or something. It was a dark Camaro.

19 Q. Do you remember giving a statement, at least, to
20 one of the detectives or officers in Blount County? Do you
21 remember telling them that it was a black Camaro, or might you
22 have said that?

23 A. No, sir, I really don't remember now.

24 Q. Okay. And I think you testified today that there
25 was two people, as far as you tell, or you couldn't tell if

1 there was more than two people?

2 A. No, sir, not for sure.

3 Q. And I take it you can't identify either of
4 those...?

5 A. No, sir.

6 MR. MILLER: That's all, Your Honor.

7 THE COURT: Okay. Mr. Daniel?

8 **

9 CROSS-EXAMINATION

10 BY MR. DANIEL:

11 Q. Mrs. Walker, as I understand it, ma'am, you were
12 driving, and your husband, was he riding in the rear seat?

13 A. In the middle seat. We have a mini van, and he was
14 in the middle seat.

15 Q. He was in the middle seat in the mini van?

16 A. Uh-huh (affirmative.)

17 Q. And I believe you stated in a statement you made,
18 and you correct me if I'm wrong, that you -- when you called in
19 you were way down past the road because you couldn't think of
20 the name of the road, is that right?

21 A. Yeah, it took me a minute or so to remember the
22 name of the exit after we passed it.

23 Q. And I think you're on out -- as you go on out Alcoa
24 Highway toward Knoxville you go under the underpass there at
25 Hunt Road, and then you go on over to the -- the airport's on

1 your left?

2 A. Uh-huh (affirmative.)

3 Q. And then you go on into Shoney's, and some areas -
4 - it's there on your right, is that correct?

5 A. Shoney's? Yes.

6 Q. Shoney's is in that area?

7 A. Uh-huh (affirmative.)

8 Q. And it was in that area that it dawned on you what
9 the name of the Hunt Road was, is that right?

10 A. No, it was before that.

11 Q. Before that? Where, about there at the airport?

12 A. That would probably be about the furthest away it
13 was.

14 Q. Okay. And that's when you called in then, and told
15 them where this happened, is that correct?

16 A. No, he was already on the radio, and I was trying
17 to think of the name of the exit. I had just gone blank. I was
18 born and raised there, but for some reason I just couldn't think
19 of it at the time.

20 Q. Couldn't think of the name Hunt Road.

21 A. Right.

22 Q. And did you look back and see how many headlights
23 this vehicle had on it?

24 A. No.

25 Q. You never did look back in your rear view mirror

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1 or anything?

2 A. No.

3 Q. Did your husband look back?

4 A. I think so.

5 Q. Did he make any comments to you about the
6 headlights on the car at that time?

7 A. I don't remember. I don't remember if he did or
8 not.

9 Q. Never said anything about the headlights one way
10 or the other?

11 A. Not to me, I don't believe.

12 Q. And that's all you know, and you went on, is that
13 correct?

14 A. Uh-huh (affirmative.)

15 Q. So you were traveling how fast down through there,
16 45 or 50?

17 A. Yeah.

18 Q. At least?

19 A. I would say.

20 Q. So you know by mathematics you were traveling 65
21 or 70 feet a second, or something like that?

22 A. If you say so. I don't really know.

23 Q. How many -- you just had a chance to get a glimpse
24 of the rear of this vehicle, is that right?

25 A. Uh-huh (affirmative.)

1 Q. You never saw the front of it?

2 A. No, I really didn't -- I didn't look. I was
3 driving, so I just saw everything from the rear and side.

4 Q. So you made your opinions and your decision based
5 on what you saw of the rear of the vehicle, would that be fair?

6 A. From the rear and the side.

7 Q. And side?

8 A. Uh-huh (affirmative.)

9 Q. And that would be the left side as you went by?

10 A. Yeah, and the activity from the right that I could
11 see.

12 Q. Beg your pardon?

13 A. And the activity on the right hand side that I
14 could see as we came up from the rear.

15 Q. And, of course, as you went by it, the car would
16 be between you and any person who would be over on the right
17 hand side of the car, is that right?

18 A. You mean another vehicle?

19 Q. No, that vehicle. You passed on the left, and it
20 was sitting here to your right, and you say what activity you
21 saw was out to the right of that vehicle?

22 A. Uh-huh (affirmative.)

23 Q. So the car was between you, is that correct, ma'am?

24 A. Yes, yes.

25 Q. And after you passed it, and got just past it, you

1 never looked back to see anything in your rear view mirror, did
2 you?

3 A. No.

4 MR. DANIEL: No further questions.

5 THE COURT: Thank you.

6 **

7 REDIRECT EXAMINATION

8 BY GENERAL SCHMUTZER:

9 Q. Mrs. Walker, you indicated in looking at these
10 pictures that it looked somewhere like the vehicle. What are
11 you basing that on?

12 A. What am I basing that on?

13 Q. Well, let me ask you this.

14 A. Okay.

15 Q. Do you happen to know anything about Camaros?

16 A. Yes.

17 Q. All right. Just tell the Court and jury what you
18 do know about Camaros, and how come you do?

19 A. I have a hobby of cars. I like cars real well, so
20 I can recognize body styles of cars, not necessarily years, but
21 I like cars. I used to own a Trans Am, and Camaros used to be
22 fairly close, and they changed the body style, so I do recognize
23 those.

24 Q. Okay, and you've followed these different types of
25 body styles?

1 A. Yeah, more so in the past five years than the new
2 cars. I don't like those as well.

3 Q. Okay. And do these varied body styles have
4 different names or different types of names that they're called?

5 A. Uh-huh (affirmative.)

6 Q. Is that -- does that body style have a particular
7 name it goes by?

8 A. It may be a Z-28. It may be a Z-28 or there's a
9 Berlinetta for the newer ones. The Berlinetta's been around for
10 a while, but the Z-28, that's probably -- or an Iroc Z. They
11 call them different things.

12 Q. Different things.

13 A. Uh-huh (affirmative.)

14 Q. But what is about the rear of that -- is there
15 anything in particular that stands out that called your
16 attention to it?

17 A. I guess it was just basically the tail lights. I
18 could tell what -- the general style that it was from the tail
19 lights that were on it because they've changed the lights over
20 the past years. The older styles are different than that.

21 Q. Okay. And did you -- you say you used to own a
22 Camaro yourself?

23 A. A Trans Am.

24 Q. Trans Am?

25 A. Uh-huh (affirmative.)

1 Q. Is a Trans Am and Camaro similar?

2 A. At one time they were fairly close. They were both
3 sports cars, but comparable, they were a little different.

4 Q. Do you or your husband have anything at all in this
5 case? Do you know these defendants?

6 A. No.

7 Q. Did you know the victims or anybody involved in it?

8 A. No.

9 Q. Thank you very much.

10 **

11 RECROSS-EXAMINATION

12 BY MR. DANIEL:

13 Q. Mrs. Walker, are you familiar with what they often
14 put on the front of cars -- I think it's got a nickname of "bra"
15 or something, where they put a leather thing around the front?

16 A. I used to have one on a car, yes.

17 Q. You used to have one?

18 A. Uh-huh (affirmative.)

19 Q. Did you notice if this car that you saw had one of
20 those on or not?

21 A. No, sir, I don't know.

22 Q. You didn't -- you can't...

23 A. No, the front -- like I said, I really didn't look
24 at the front end of the car.

25 Q. Do you know whether it was -- had any paintings

1 like it had one on? You didn't even notice one way or the
2 other, did you?

3 A. No, sir, I really didn't look at the front of the
4 car.

5 Q. Tell us -- explain to the jury what we're talking
6 about because I've seen some of them on, and how -- do they fit
7 around the front of the car, and come back on the side some?

8 A. It covers the nose cone. It depends on the kind
9 you buy as to how far around the sides they come, and how far
10 up they come -- depending on what kind you buy. It just
11 protects the very front end of the car, the front bumper and the
12 headlights area.

13 Q. Don't some of them come on around on the side,
14 though?

15 A. Parts of them can, yeah. Some do.

16 Q. But the vehicle you saw, you didn't see any at all,
17 did you, ma'am?

18 A. I didn't look at the front end. I don't know.

19 Q. But as you passed by you didn't see it?

20 GENERAL SCHMUTZER: Your Honor, I object to that.
21 She's already said she didn't look.

22 BY THE WITNESS:

23 A. I don't know.

24 Q. Okay. So you didn't see anything...

25 A. I didn't look at the front end.

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1 Q. Mrs. Walker, some of those cars, I've noticed, have
2 what's called Ruger blinds in the back, and things like this.
3 Do you know what I'm talking about that sit on the back?

4 A. Uh-huh (affirmative.)

5 Q. And some put those bras on the front of them, is
6 that correct? That's extra things that you put on, is that
7 right?

8 A. Uh-huh (affirmative.)

9 Q. Do you remember one way or the other whether this
10 one had any Rugers on the back? A. I don't remember.

11 Q. You don't remember, do you, ma'am?

12 A. No, sure don't.

13 Q. Of course, those things stick out, and cover the
14 entire back window, is that correct?

15 A. Uh-huh (affirmative.)

16 Q. That's the purpose of them -- I don't know what the
17 purpose is, but it looks like shades back there?

18 A. Looks nice, I guess.

19 THE COURT: What?

20 THE WITNESS: It looks nice, I guess.

21 MR. DANIEL: Thank you, ma'am.

22 THE COURT: Anything further?

23 GENERAL SCHMUTZER: No.

24 THE COURT: You may step down.

25 GENERAL SCHMUTZER: May she be excused, Your Honor?

1 THE COURT: Without objection.

2 MR. DANIEL: No problem, Your Honor.

3 GENERAL SCHMUTZER: Call Mr. Kenneth Walker.

4 **

5 KENNETH WALKER was called, and being duly sworn,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY GENERAL SCHMUTZER:

9 Q. State your full name, please, sir.

10 A. Kenneth Roy Walker, II.

11 Q. And that was your wife, Cindy, that just testified?

12 A. That's correct.

13 Q. And your occupation?

14 A. I'm a fire fighter/paramedic.

15 Q. And who do you work for?

16 A. Full time for Y-12 Fire Department in Oak Ridge.

17 Q. Back on Friday, February the 21st, 1992, you and
18 your wife -- you all were out there on Alcoa Highway, is that
19 right?

20 A. That's correct.

21 Q. Were you riding and she driving?

22 A. Yeah, she was driving, I was riding.

23 Q. Did you see something, sir, or did she draw your
24 attention to something that was happening on the side of the
25 road?

1 A. Yes, sir. She noticed a fight taking place or an
2 altercation taking place on the side of the roadway, and called
3 my attention to it just prior to our getting up to the vehicle.

4 Q. Did you see the vehicle?

5 A. Yes, sir.

6 Q. What kind of vehicle was it?

7 A. It was a Camaro.

8 Q. Now where was this?

9 A. It was on 129 northbound just prior to the Hunt
10 Road exit from 129 to Hunt Road.

11 Q. What -- were you all heading towards Knoxville?

12 A. Going towards Knoxville, yes, sir.

13 Q. 129 being the Alcoa Highway?

14 A. Yes, sir, Alcoa Highway.

15 Q. When -- as you passed by it did you look back at
16 it or anything?

17 A. Yes, sir. After we had passed I looked back since
18 I wasn't driving, to see if I could see anything else, but I
19 could not because of the glare from the headlight.

20 Q. The headlights from what?

21 A. From the Camaro. It only had one headlight, and
22 I looked -- but I couldn't see anything from the glare shining
23 back at me from that one headlight.

24 Q. It only had one headlight that was shining -- that
25 was on?

1 A. Right.

2 Q. Did you -- either one of you call in -- I believe
3 you have a portable phone -- called in and reported it?

4 A. I had a portable fire department radio, and I
5 radioed the Blount County Ambulance Service, Rural Metro, who
6 I believe, in turn, contacted the 9-1-1 dispatch center.

7 Q. Did you all stop or did...

8 A. No, we kept going. I had my daughter with me.

9 Q. About what time was this?

10 A. It was after 7:00. I don't know the exact time,
11 but it was shortly after 7:00 p.m., I believe.

12 GENERAL SCHMUTZER: Your may cross examine.

13 **

14 CROSS-EXAMINATION

15 BY MR. MILLER:

16 Q. I take it, Mr. Walker, you didn't see exactly what
17 your wife saw? She called your attention to it, and you didn't
18 see the alleged fight or whatever?

19 A. Yes, sir.

20 Q. You did see it?

21 A. Yes, sir. As we approached I could see an
22 individual standing at the passenger side door of the Camaro
23 fighting with at least one other individual inside the car.
24 There was no way for me to tell how many were in the car, but
25 there was an altercation taking place between the outside and

1 the inside of the car. They were tussling about, exchanging
2 blows.

3 Q. She called your attention enough ahead of time for
4 you to see it?

5 A. Right, yes, sir.

6 MR. MILLER: That's all I have, Your Honor.

7 THE COURT: Mr. Daniel, Mr. Webb?

8 **

9 CROSS-EXAMINATION

10 BY MR. DANIEL:

11 Q. Mr. Walker, you say this vehicle -- you looked
12 back, and you turned around and visibly looked at the car, is
13 that correct?

14 A. Yes, sir.

15 Q. You didn't look through a mirror, did you, sir?

16 A. No.

17 Q. And you say the car that you saw had one headlight
18 on it?

19 A. Yes, sir.

20 Q. And you are just as sure of that -- that it had one
21 headlight as you are that it was a Camaro?

22 A. Yes, sir.

23 Q. So if another vehicle did not have one headlight,
24 and all headlights were burning, it couldn't be that car, could
25 it?

1 A. I can't answer that. I know the one I saw had one
2 headlight.

3 Q. Had one headlight?

4 A. One headlight.

5 Q. You are positive?

6 A. On one side. I don't know -- let's see. One side
7 was burning. Only one side of the car had headlights.

8 Q. So there was one light, and one light totally out
9 on the other side?

10 A. Totally out on the other side, that's correct.

11 Q. Kind of like a motorcycle, you'd say, sir?

12 A. Yes, sir.

13 Q. Is that right?

14 A. That's correct.

15 MR. DANIEL: Thank you, sir. No further questions.

16 GENERAL SCHMTUZER: May this witness be excused,
17 Your Honor?

18 THE COURT: Without objection.

19 MR. DANIEL: On behalf of the defendant Sutton.

20 MR. MILLER: No objection, Your Honor.

21 THE COURT: You are free to go, Mr. Walker.

22 GENERAL SCHMUTZER: Call Sharon Davis.

23 **

1 SHARON DAVIS was called, and being duly sworn, was
2 examined and testified as follows:

3 DIRECT EXAMINATION

4 BY GENERAL SCHMUTZER:

5 Q. Ms. Davis, if you will, please, state your full
6 name.

7 A. Sharon K. Davis.

8 Q. And where do you live?

9 A. In Maryville.

10 Q. And your occupation?

11 A. I'm a production associate.

12 Q. And who is that with?

13 A. Nippen Denzo.

14 Q. Back on Friday, February the 21st of 1992, did you
15 have occasion that afternoon or early evening to be traveling
16 on Alcoa Highway?

17 A. Yes.

18 Q. Which direction were you going in?

19 A. I believe it was north. We were going towards
20 Knoxville.

21 Q. You say we, was someone else with you?

22 A. Uh-huh (affirmative,) my husband and my son.

23 Q. And who was driving?

24 A. My husband.

25 Q. As you were going towards Knoxville did you see

1 anything that caught your attention?

2 A. Yeah. When we came to the Hunt Road exit I
3 happened to see a man -- a young man with no shirt on. He was
4 stumbling around near the highway, and I thought -- you know,
5 he was going to get hit by a car.

6 Q. All right. And you say he was near the Hunt Road
7 exit. There's any exit there -- you're going towards -- it
8 would be in a north direction -- going towards Knoxville?

9 A. Uh-huh (affirmative.)

10 Q. Would you mind to step down, please, and look at
11 Exhibit #7? (Witness complies.) Do you recognize that? Would
12 that help you at all in showing the Court and jury -- point out
13 first the exit that you're talking about.

14 A. Okay. Right here.

15 Q. Okay. That's the exit coming off of 129 or Alcoa
16 Highway going up to Hunt Road?

17 A. Yes.

18 Q. Okay. And about where was he located?

19 A. He was right in here.

20 Q. Okay. And would you draw a circle for that,
21 please, ma'am, where you saw him?

22 A. (Witness complies.)

23 Q. You say -- and this was in February. Did you say
24 he did or did not have a shirt on, I'm sorry?

25 A. No, he didn't have a shirt on.

- 1 Q. And he was stumbling around?
- 2 A. Uh-huh (affirmative.)
- 3 Q. When you -- where were you all headed?
- 4 A. We were going out to eat.
- 5 Q. And where did you go?
- 6 A. We went to the Waffle House.
- 7 Q. Did you have occasion to come back through this
- 8 area later?
- 9 A. Uh-huh (affirmative.)
- 10 Q. About how long was it until you came back through
- 11 there?
- 12 A. Probably about 30 minutes or so.
- 13 Q. When you came back did you look over to see if that
- 14 individual was still there?
- 15 A. Yeah, I looked to see if he was still there, if
- 16 he'd got hit or whatever.
- 17 Q. All right. Was -- did you see him?
- 18 A. No.
- 19 Q. Did you see anything else?
- 20 A. Yeah. Close to where I saw him I saw a car that
- 21 was pulled over to the side. It was a dark colored Camaro, an
- 22 older model, and there was a man out in the grassy-like area,
- 23 and I just thought -- you know, he was looking for something,
- 24 or I thought maybe he was going to pick the guy up or had hit
- 25 him or something like that. I really didn't know what he was

1 doing there.

2 Q. Okay. Would you mind to step back down again,
3 please, and point out about where it was you saw that car?

4 A. It was back before the exit right through here.

5 Q. Okay. You are indicating on the other side of the
6 exit, is that right?

7 A. Before you get to the exit.

8 Q. Thank you. About what time was it when you went
9 through there the first time with your family and saw this man
10 without his shirt on stumbling around out there?

11 A. It was around 7:00.

12 GENERAL SCHMUTZER: You may cross examine.

13 **

14 CROSS-EXAMINATION

15 BY MR. MILLER:

16 Q. I'm sorry, ma'am, but the last question, I heard
17 your answer, but I missed the question. Did he ask you what
18 time you saw the man stumbling around there?

19 A. Yes, sir.

20 Q. Okay. That was while you were on your way to
21 Knoxville to eat?

22 A. Uh-huh (affirmative.)

23 Q. And when you came -- where did you go eat?

24 A. We went to the Waffle House.

25 Q. And that's in Knoxville itself?

Courtesy of
Time of Death Podcast
by Beth Braden

1 CROSS-EXAMINATION

2 BY MR. DANIEL:

3 Q. Ms. Davis, I believe you -- of course, Camaros and
4 Trans Ams about all look alike. They are about the same body
5 style, is that correct, ma'am?

6 A. Well, I believe there's a little difference. The
7 headlights, I think, are different.

8 Q. Did you see the headlights on this vehicle?

9 A. I know that it was a Camaro.

10 Q. Did you see the headlights on it?

11 A. Not -- I really didn't pay any attention to them.

12 Q. Didn't pay any attention. Anything that you
13 noticed that told you that the headlights were -- one headlight
14 was either in or out?

15 A. No, the headlights were not on.

16 Q. There were no headlights on?

17 A. No.

18 Q. No lights were burning at all?

19 A. No, sir.

20 Q. So you wouldn't know if it had one light or if it
21 had two, would you?

22 A. No, sir.

23 Q. As I understand it, you were traveling -- when you
24 saw this you were going back west on what we call Alcoa Highway,
25 is that correct?

1 A. Yes, sir.

2 Q. Were you driving?

3 A. No, my husband was.

4 Q. So your husband was sitting to the left of you, and
5 you were sitting in the passenger side, is that correct?

6 A. Yes.

7 Q. And -- I'll approach with this diagram. You
8 traveled there a few times, Ms. Davis, and you would be, then,
9 over here on this roadway going toward Maryville, is that
10 correct?

11 A. Yes, sir.

12 Q. So between you was the grassy median and at least -
13 - which lane were you in? Do you remember which lane you were
14 traveling in?

15 A. This one.

16 Q. The left -- the fast lane, we call it?

17 A. Uh-huh (affirmative.)

18 Q. So there's two lanes between you plus the grassy
19 median, and that would be the two north bound lanes, is that
20 correct?

21 A. Yes.

22 Q. And you can't see that area until you kind of come
23 up on top of a little rise there where the, I guess, the
24 overpass goes, is that correct, ma'am?

25 A. I guess so.

1 Q. Isn't that correct? You have to be actually right
2 in here before you can actually see anything in that area? You
3 have to be past this overpass, and in this area before you can
4 see anything, is that correct, as far as what's over here
5 because there's a rise here in the road, isn't that right?

6 A. Yes.

7 Q. You top a little hill, and then -- so you actually
8 had only a couple of seconds or so to look over there, and to
9 see what you saw, is that correct?

10 A. Yes.

11 MR. DANIEL: No further questions, Your Honor.

12 GENERAL SCHMUTZER: May this witness be excused,
13 Your Honor?

14 THE COURT: Without objection.

15 MR. MILLER: No objection, Your Honor.

16 MR. DANIEL: No objection, Your Honor.

17 THE COURT: You are free to go.

18 GENERAL SCHMUTZER: The State calls Officer Brooks.

19 THE COURT: General Schmutzer, about how long do
20 you think this direct examination will take of this witness?

21 GENERAL SCHMUTZER: If you are thinking about
22 taking a break, Your Honor, this is probably a good time.

23 THE COURT: Okay. Is anybody on the jury ready for
24 a break? They are shaking their heads. We'll take a short
25 break. Do not discuss the case or let anyone talk to you about

1 it.

2 (JURY OUT)

3 (COURT STOOD IN RECESS)

4 (JURY IN)

5 THE COURT: Waive the call for the State?

6 GENERAL SCHMUTZER: Yes, Your Honor.

7 THE COURT: And the defense?

8 MR. MILLER: Yes, Your Honor.

9 THE COURT: You may be seated. Counsel, approach
10 the bench just one minute before you start, and Sheriff Ogle,
11 will you come, please?

12 (A bench conference is held on the record, to-wit:)

13 THE COURT: I know that Juror Johnson, I believe,
14 yes, Jeff Johnson, he has had some medical -- he's
15 been sick, as I understand it, with a cold or
16 whatever. Over the night inquire of him, and if
17 he should need any medical attention or whatever,
18 make sure that he gets it, as I know your staff
19 would. But please feel free to ask him about that,
20 if he needs any medical attention for his cold
21 because he's been -- I've noticed him, and he's
22 stopped up, and he's coughing, and I'm sure he
23 doesn't feel real good.

24 SHERIFF OGLE: Yes, sir.

25 MR. MILLER: Your Honor, on -- to renew the Blount

1 County other crimes evidence, consider that a
2 continuing objection.

3 THE COURT: Surely.

4 MR. MILLER: That way we don't have to come back.

5 THE COURT: Right. Okay.

6 (Said bench conference being completed, the
7 following proceedings are had in open court.)

8 **

9 STEVEN F. BROOKS was called, and being duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY GENERAL SCHMUTZER:

13 Q. State your full name, please.

14 A. Steven F. Brooks.

15 Q. And with whom are you employed?

16 A. Alcoa Police Department.

17 Q. And in what capacity?

18 A. Patrolman.

19 Q. Back on February the 21st of 1992, that afternoon
20 around 7:00, were you working that evening?

21 A. Yes, I was.

22 Q. Did you receive -- were you dispatched to the Hunt
23 Road overpass?

24 A. Yes, I was.

25 Q. And for what purpose?

1 A. The call came out as a 10-59 which is a fight. The
2 dispatcher called me on the radio, and said they was a fight at
3 Hunt Road/Alcoa Highway involving...

4 MR. DANIEL: At this time, we would make our motion
5 in limine regarding what he has heard. He can tell
6 what he saw, but not what everybody told him.

7 GENERAL SCHMUTZER: It's not offered for the proof,
8 Your Honor, but obviously to show that he received
9 some information based on that.

10 THE COURT: At this time, ladies and gentlemen,
11 that statement may be considered solely for the
12 purposes of why this officer went to the scene, not
13 that an actual fight had occurred. He obviously
14 wasn't there, at least at that juncture.

15 GENERAL SCHMUTZER: That's correct, Your Honor.

16 BY GENERAL SCHMUTZER:

17 Q. Did you respond?

18 A. Yes, I did.

19 Q. About what time was it that you got the call, if
20 you remember?

21 A. Approximately 7:00 or just a little after.

22 Q. All right. When you went out there did you see
23 anything right away...

24 A. No, I didn't.

25 Q. ...as you getting out to that Hunt Road overpass?

1 A. I couldn't find a thing.

2 Q. All right. After you got out there did you later
3 see something that caught your attention?

4 A. Yes, I did.

5 Q. And what was that?

6 A. While I was patrolling the area looking for
7 anything unusual, I made a traffic stop on a vehicle that was
8 turning -- traveling northbound. It was turning left across the
9 grass median strip which I thought was unusual. I made a
10 traffic stop on that vehicle, approached it, and it was a car
11 full of young females, and they were lost.

12 Q. While you were pulling it over was there anything
13 that caught your attention?

14 A. While I had that vehicle stopped off to my right
15 on Hunt Road at the Mill Street intersection there was a vehicle
16 there flashing their headlights at me radically.

17 Q. Okay. Now if you would, if you'd step down to
18 what's been filed here as Exhibit #7, and I'll ask you, sir, if
19 you can point out where that was? Have you had an opportunity
20 to see this drawing?

21 A. Yes, sir. This is northbound. I was traveling
22 northbound, and there was a vehicle crossing the median strip
23 right here. I stopped the vehicle. While I was stopped -- I
24 was in my vehicle issuing a citation -- let me correct myself.
25 I stopped them right here in this area. Up here at Mill Street,

1 right here in this pull off area someone was parked here
2 flashing their headlights.

3 Q. All right. Now, would you point out Mill Street?
4 Is it marked on there?

5 A. Mill Street is right here, yes.

6 Q. Okay, and this is just after you come off of the
7 exit onto -- going towards Hunt Road?

8 A. Yes, this is Hunt Road, and this is Mill Street.

9 Q. Okay. And when you saw this vehicle flashing its
10 lights at you -- would you point out again where it was?

11 A. The vehicle was parked right here flashing its
12 headlights.

13 Q. And what did you do when you saw that?

14 A. We automatically get a back up when we make a
15 traffic stop, so Officer Roberts acknowledged, and I knew he was
16 coming behind me, so I told Officer Roberts to go up and check
17 this vehicle to see why -- what the problem was, and why it was
18 flashing its lights. So he did that.

19 Q. All right. Did you go up afterwards -- after he
20 went up?

21 A. Yes, I did.

22 Q. Did you observe anyone there?

23 A. Yes, I did.

24 Q. And who was that? Was the vehicle still there when
25 you got there?

1 A. Yes, it was.

2 Q. And what kind of vehicle was it that was flashing
3 its lights at you?

4 A. It was an S-10 pickup truck, a Chevrolet.

5 Q. Uh-huh (affirmative.)

6 A. And two occupants, and they had somebody laying in
7 the back of the pickup truck -- the bed of the truck.

8 Q. And they were trying to get your attention with
9 regard to him?

10 MR. DANIEL: Objection. That would be a
11 conclusion, Your Honor.

12 THE COURT: Sustained as to the form of the
13 question.

14 BY GENERAL SCHMUTZER:

15 Q. Did they -- what did they indicate to you when you
16 got up there?

17 A. Well, Officer Roberts was already...

18 Q. Already there?

19 A. He was already there.

20 Q. Okay. The man that was in the back, did you get
21 an opportunity to see him?

22 A. Yes, I did.

23 Q. Would you describe him, please?

24 A. To the best of my knowledge, he was my height,
25 close to my build, he had a beard, mustache, sandy brown hair,

1 to the best of my knowledge.

2 Q. What kind of clothing did he have on?

3 A. He did not have a shirt on. He had tennis shoes
4 and blue jeans on.

5 Q. All right, sir. And did you observe any scraps or
6 cuts on him, or did you have an opportunity to really observe
7 him?

8 A. Yes, I did.

9 Q. And where was that?

10 A. He had scuff marks on his side -- on his ribs, his
11 stomach area, and on his face and behind, I think it was right
12 ear.

13 Q. Did you take him in or did Officer Roberts?

14 A. Officer Roberts placed him under arrest.

15 GENERAL SCHMUTZER: You may cross examine.

16 THE COURT: May he sit back down, Mr. Miller, or
17 did you need him...

18 MR. MILLER: Yes, Your Honor.

19 **

20 CROSS-EXAMINATION

21 BY MR. MILLER:

22 Q. The two men in the S-10 pickup truck, I take it,
23 you didn't get their identification, you don't know who they
24 are?

25 A. No, sir, I did not.

1 Q. Don't know what -- even what county the plates
2 were?

3 A. I have no idea, no, sir.

4 Q. Did you yourself talk to Mr. Griffin?

5 A. No, I did not.

6 Q. And that would have been the officer?

7 A. Officer Roberts did. I was standing there while
8 Officer Roberts talked to him.

9 Q. And you heard what he said?

10 A. Yes, sir.

11 Q. Did -- and Officer Roberts was questioning him
12 about some things?

13 A. Yes.

14 Q. And he said the people that he was with, he didn't
15 know who they were, is that correct?

16 A. Yes.

17 Q. In your opinion was he intoxicated?

18 A. Yes, he was.

19 Q. Very much so?

20 A. He had a strong odor of alcoholic beverage on him.
21 He didn't talk very much, so -- I'll say he was drunk --
22 intoxicated, yes.

23 MR. MILLER: Thank you, Officer.

24 **

REDIRECT EXAMINATION

BY GENERAL SCHMUTZER:

Q. Was he able to talk coherently, what you could hear?

A. Yes.

Q. All right, sir. Did you overhear all the conversation, and did Officer Roberts make a report of that or did you?

A. Officer Roberts made the report, and he had spoken to the person before I actually got up there.

Q. Oh, he had?

A. He had already been talking to him, and when I arrived Officer Roberts asked him a few questions, and then he placed him under arrest.

Q. That was -- he had already been up there a while and talking to him before you got there?

A. Yes.

GENERAL SCHMUTZER: That's all. Thank you, sir.

THE COURT: Mr. Daniel?

MR. DANIEL: No questions, Your Honor.

THE COURT: You may step down.

GENERAL SCHMUTZER: May this witness be excused, Your Honor?

MR. WEBB: No objection, Your Honor.

THE COURT: Mr. Miller?

1 MR. MILLER: No objection, Your Honor.

2 THE COURT: All right. He's free to go. Thank
3 you.

4 GENERAL SCHMUTZER: Call Officer Roberts.

5 **

6 DREW ROBERTS was called, and being duly sworn, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 BY GENERAL SCHMUTZER:

10 Q. State your full name and position.

11 A. Drew Roberts. I'm a police officer with the City
12 of Alcoa Police Department.

13 Q. Were you working in that capacity back in the early
14 evening of February the 21st, 1992, a Friday?

15 A. Yes, sir, I was.

16 Q. Did you back up Officer Brooks when he was summoned
17 to go to the Hunt Road overpass involving a fight?

18 A. Yes, sir.

19 Q. When you got there to back him up did he direct you
20 anywhere, and if so, where?

21 A. Yes, sir, he did. He directed me up to the Hunt
22 Road exit near Mill Street.

23 Q. All right. And when you got there what did you
24 find?

25 A. Found a small Ford Ranger pickup truck, two white

1 males standing outside the vehicle, and one white male sitting
2 in the bed of the truck.

3 Q. Okay. When you got there just what occurred?

4 A. I asked the guys -- one of the guys that was in the
5 truck, I asked them what was going on.

6 MR. DANIEL: Object to that -- what they said, Your
7 Honor. That would be hearsay.

8 THE COURT: Sustained as to that question right now
9 -- that answer right now.

10 GENERAL SCHMUTZER: Okay.

11 BY GENERAL SCHMUTZER:

12 Q. But you did speak to them?

13 A. Yes, sir.

14 Q. And they answered you, and what did you do then?

15 A. I asked the individual in the bed of the truck who
16 he was, and he told me his name was Tommy Griffin.

17 Q. What was his condition when you saw him there?

18 A. He had apparently been in some kind of altercation.

19 Q. And why do you say that?

20 A. He had some scrapes and scratches on his upper
21 body, and a cut behind his left ear.

22 Q. Was -- did he have -- this, of course, was in
23 February. What kind of clothing did he have on?

24 A. He had on a pair of blue jeans, a pair of tennis
25 shoes, and no shirt.

1 Q. When you asked him who he was, and he told Tommy
2 Griffin, did you ask him anything else?

3 A. Yes, sir. I asked him where he was from, and he
4 said he was from Sevier County. And I asked him what had
5 happened to him. He said that he had been in a kind of an
6 argument with his friends, and I asked him who his friends were,
7 and he said, "Well, they were just friends." And I said, "Where
8 are they?" He said, "I don't know." Then I asked him again,
9 I said, "Who are these friends?" He said, "Well, they weren't
10 good friends." And I asked him what happened, and he said,
11 "Well, I just got put -- I got put out of the car." I asked him
12 why, and he said, "I can't tell you." The whole time I was
13 talking to him his physical state that he was in was drawing my
14 attention to him because he was scared.

15 MR. DANIEL: I object, Your Honor. That would be
16 a conclusion.

17 GENERAL SCHMUTZER: Well, he can, Your Honor,
18 testify to what...

19 MR. DANIEL: That's a subjective thought.

20 THE COURT: Sustained as to his conclusions. He
21 may be asked about his observations.

22 BY GENERAL SCHMUTZER:

23 Q. What led you to that conclusion, sir? What was it
24 about him that led you to that conclusion?

25 A. Because every time I asked him what had happened

1 he said -- he kept using the phrase, "I just can't tell you.
2 I just can't tell you," and he would about cry. So he -- you
3 know, I quit asking him what happened.

4 Q. Was there evidence he had been drinking?

5 A. Yes, sir, there was.

6 Q. And what was that?

7 A. As I talked to him I could smell the alcoholic
8 beverage coming from him. I asked Mr. Griffin, I said, "Have
9 you been drinking?" He said, "Yes, I have." I asked him, I
10 said, "What have you been drinking?" He said, "We were drinking
11 beer." I asked him how many beers he had, and he said, "A few."
12 I asked him had he been drinking for a long period of time, and
13 he said, "Yes."

14 Q. Was he coherent when he talked to you? How
15 inebriated was he?

16 A. He was very coherent. He was following everything
17 I asked. It didn't take him any time to respond to the
18 questions I was asking him. He...

19 Q. Did he ask you to do anything?

20 A. He asked me if I could take him home, and I told
21 him, I said, "No, since you live in Sevier County," I said, "I
22 can't take you home." I said, "If I could, I would."

23 Q. What did he say?

24 A. He said, "Well, I appreciate that." He was -- any
25 time that I asked him a question, and he answered he would

1 apologize for causing trouble. He said, "I'm sorry I'm causing
2 you so much trouble." I said, "You're not causing me any
3 trouble." And I told him, I said, "I'm going to have to place
4 your under arrest for public intoxication." He said, "I
5 understand that." And so I placed him under arrest, and placed
6 him in the back seat of my cruiser, and before I placed him in
7 the back seat of my cruiser, he said, "It will take me just a
8 little bit to get there. I have an artificial leg." So we
9 helped him get in the cruiser, and while we were in route to the
10 jail, he said, "I appreciate you being nice to me," he said,
11 "and getting me in where its warm."

12 Q. Did you put him in the Blount County Jail?

13 A. Yes, sir.

14 GENERAL SCHMUTZER: You may cross examine.

15 **

16 **CROSS-EXAMINATION**

17 **BY MR. MILLER:**

18 Q. Officer Roberts, it was -- the truck you found him
19 in, you say that was a Ford Ranger pickup?

20 A. Yes, sir.

21 Q. You're sure about that?

22 A. Yes, sir.

23 Q. Do you remember what time it was when you came up
24 on the Ford Ranger truck?

25 A. It was approximately 7:15, somewhere in there.

1 Q. It was your testimony, I believe, that Mr. Griffin
2 was intoxicated?

3 A. Yes, sir.

4 Q. And that's why you arrested him?

5 A. Yes, sir.

6 Q. And I think Mr. Griffin told you that he didn't
7 know who the people were that he was with?

8 A. That's what he said.

9 Q. And you yourself took him on into the jail --
10 Blount County Jail?

11 A. Yes, sir, I did.

12 Q. What part did you play as far as when you got him
13 to the jail?

14 A. I took him, and we had to go upstairs to the
15 vestibule, and I took him in, and told the jailers there I had
16 a public intoxication charge. They booked him, and I was there
17 10 or 15 minutes max, and left.

18 Q. Did he use the telephone?

19 A. Not while I was there.

20 Q. I think you said you left right as they were taking
21 him to the cell, is that -- or maybe that's in one of your
22 statements?

23 A. I don't remember if they took him back to the cell
24 before I left or not.

25 Q. You don't know whether or not he had the

1 opportunity to use the phone one way or the other?

2 A. No, sir, I don't.

3 Q. Do you have any knowledge of the phones there in
4 the jail?

5 A. Yes, sir.

6 Q. Are there several phones, or at least one where a
7 person -- an inmate or somebody being processed can call out of
8 the jail?

9 A. Yes, sir, there's one.

10 Q. And do you know whether or not they can call to
11 Sevier County from that -- on a direct dial basis?

12 A. No, sir, I don't.

13 Q. You don't know that?

14 A. No, sir.

15 MR. MILLER: That's all I have, Your Honor.

16 THE COURT: Mr. Daniel?

17 **

18 CROSS-EXAMINATION

19 BY MR. DANIEL:

20 Q. Mr. Roberts, just a couple of questions. You say
21 this pickup truck where you arrested this boy was -- there were
22 two subjects in that pickup truck, is that correct?

23 A. Well, they weren't in the truck, they were standing
24 outside.

25 Q. Standing out there?

1 A. Yes, sir.

2 Q. What were their names?

3 A. I don't have any idea.

4 Q. You don't know who they area at all?

5 A. No, sir.

6 Q. And you know what -- you say you know what make and
7 model pickup truck this was?

8 A. As far as brand name, yes.

9 Q. A Ford?

10 A. Ford Ranger.

11 Q. Ford Ranger, but other than that, you can't tell?

12 A. No, sir.

13 Q. It's hard to tell one from another when they're all
14 the same make, is that correct?

15 A. It was dark in color, and -- you know, it's pretty
16 obviously a Ford truck when you see a Ford emblem on it. It was
17 a Ford Ranger.

18 THE COURT: That leads you to believe that, doesn't
19 it?

20 THE WITNESS: Yes, sir.

21 THE COURT: Tricky how they do that, isn't it?

22 BY MR. DANIEL:

23 Q. Mr. Roberts, you stated that you saw he had some
24 scratches and cuts -- scratches on him, is that right?

25 A. Yes, sir, it was up in the body through here.

1 Q. And that was because he didn't have any shirt on
2 at all?

3 A. None whatsoever.

4 Q. You didn't put any shirt on him?

5 A. No, sir.

6 Q. When you took him to jail he didn't have a shirt?

7 A. No, sir, he did not.

8 Q. You left him in jail, and he didn't have any shirt
9 on at all?

10 A. Blue jeans and tennis shoes.

11 Q. And you know from being around people that you've
12 arrested, and I'm sure many times, for public drunkenness --
13 you've arrested a lot of them, haven't you, sir?

14 A. Yes, sir, I have.

15 Q. Sometimes they'll fall down and hurt theirself, or
16 get scrapes or bruises on them? Have you seen them like that?

17 A. Very possible.

18 Q. And also you see some drunks wanting to cry
19 sometimes, is that right?

20 A. Very possible.

21 Q. And you'd never seen Mr. Griffin before?

22 A. No, sir.

23 Q. Didn't know him, and didn't know anything about
24 him, did you?

25 A. No, sir, I did not.

1 Q. He told you that he didn't know who these people
2 was that -- who had been there with him, did he? He said he
3 didn't know?

4 A. That's what he said.

5 MR. DANIEL: Thank you. No further questions.

6 **

7 REDIRECT EXAMINATION

8 BY GENERAL SCHMUTZER:

9 Q. Is that the first thing that he told you, though,
10 that he didn't know who...

11 A. No, sir, that's not the first thing.

12 Q. What was the first thing he told you?

13 A. He said they were friends.

14 Q. After he told you he didn't know them, did you
15 continue to ask him about them?

16 A. I asked him who his friends were.

17 MR. DANIEL: Object to the repetition. This has
18 done been...

19 GENERAL SCHMUTZER: Well, Your Honor...

20 THE COURT: He can ask in response to the questions
21 that you've asked, Mr. Daniel, and you may recross.

22 BY THE WITNESS:

23 A. I asked him who his friends were, and he said,
24 "Well, they wasn't friends." He said, "I didn't know them."

25 Q. All right. What did he say after that when you

1 pressed him about it?

2 A. He just said -- I asked him what happened, and he
3 said, "I can't tell you, man." He said, "I just can't tell
4 you."

5 GENERAL SCHMUTZER: That's all.

6 THE COURT: Any recross?

7 **

8 RE CROSS-EXAMINATION

9 BY MR. DANIEL:

10 Q. Did you search him to see if he had any -- a bottle
11 of Xanax or drugs on him?

12 A. I patted him down before I put him in the patrol
13 car.

14 Q. Did you find any drugs on him at all?

15 A. No, sir, I didn't find anything on him at all.

16 Q. Thank you.

17 MR. DANIEL: No further questions.

18 GENERAL SCHMUTZER: May this witness be excused?

19 THE COURT: Without objection.

20 MR. MILLER: No objection, Your Honor.

21 THE COURT: You are free to go.

22 GENERAL SCHMUTZER: Call Ms. Sandy Hicks.

23 **

1 SANDY HICKS was called, and being duly sworn, was
2 examined and testified as follows:

3 DIRECT EXAMINATION

4 BY GENERAL SCHMUTZER:

5 Q. Ms. Hicks, if you will, please, state your full
6 name.

7 A. Sandra Leona Hicks.

8 Q. And where do you live?

9 A. Maryville, Tennessee.

10 Q. Back in February of last year where were you
11 employed?

12 A. 9-1-1.

13 Q. Okay. And were you working on the evening of
14 February the 21st, a Friday?

15 A. Yes, sir.

16 Q. Let me show you a copy, ma'am, of a complaint form,
17 and ask you if you recognize that?

18 A. Yes, sir.

19 Q. And what does that complaint card show that you
20 did?

21 A. Sent an officer out to 129 north near the off ramp
22 that we thought was Hunt Road looking for a dark or black
23 Camaro.

24 Q. Okay. And when you dispatched -- what officer did
25 you dispatch?

1 CROSS-EXAMINATION

2 BY MR. DANIEL:

3 Q. Ms. Hicks, when the call came in did the caller
4 tell you that the vehicle that you would be looking for had one
5 headlight, ma'am?

6 A. No, sir, or if they did, I don't remember that.

7 Q. You would have made a note of that if you thought
8 that had been important, wouldn't you?

9 A. If they had told me, right.

10 Q. So you just remember what they called in, and you
11 wrote down?

12 A. Right.

13 Q. Thank you, ma'am.

14 THE COURT: Any further questions of this witness?

15 GENERAL SCHMUTZER: May she be excused, Your Honor?

16 THE COURT: You are free to go. Thank you.

17 GENERAL SCHMUTZER: The State calls Mr. Alvin
18 Henry.

19 **

20 ALVIN HENRY was called, and being duly sworn, was
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 BY GENERAL SCHMUTZER:

24 Q. Mr. Henry, if you will, please, state your full
25 name.

- 1 A. Alvin Lee Henry.
- 2 Q. And where do you live?
- 3 A. Bluff Heights.
- 4 Q. Is that located here in Sevier County?
- 5 A. Yes, sir.
- 6 Q. And do you know the defendants in this case, James
- 7 Dellinger and Gary Sutton?
- 8 A. Yes, I do.
- 9 Q. Back in February of 1992, where was James Dellinger
- 10 living in relation to you?
- 11 A. Above me.
- 12 Q. There in Bluff Heights?
- 13 A. Bluff Heights.
- 14 Q. And how about Tommy Griffin, did you know him in
- 15 his lifetime?
- 16 A. Yes, sir, I do.
- 17 Q. And where did he live?
- 18 A. Right down below me.
- 19 Q. If you don't mind, please, sir, if you could come
- 20 over and look at what's previously been filed here as Exhibit
- 21 #2 -- if you could step down just a minute.
- 22 A. (Witness complies.)
- 23 Q. I'll show you what's been previously identified as
- 24 a -- have you had a chance to look at this?
- 25 A. Yes.

1 Q. Step to the side so everybody can see it. If you
2 would, point out where Tommy Griffin's trailer was there on
3 Bluff Heights.

4 A. Right here.

5 Q. Okay. And where is your house shown on there?

6 A. Right here.

7 Q. Okay. And where was James Dellinger's trailer?

8 A. Right here.

9 Q. Okay. And did he have two of them on his lot?

10 A. Yeah, he had two of them right here. The first one
11 was right here, and he lives in the last one down here.

12 Q. He actually lived in the last one?

13 A. Yeah.

14 Q. Who lived in the first one there as you go up?

15 A. His daughter.

16 Q. His daughter, and what's her name?

17 A. Angel.

18 Q. And what was her last name, do you remember?

19 A. I don't know her married name.

20 Q. Okay, sir. So you're situated on the opposite side
21 of the road from Tommy Griffin and James Dellinger almost in
22 between?

23 A. Yes, sir. I live on the right hand side of the
24 road.

25 Q. Going in?

- 1 A. Going in.
- 2 Q. And they live on the left hand side?
- 3 A. Yes.
- 4 Q. You may step back up.
- 5 A. (Witness complies.)
- 6 Q. Do you remember, sir, the night Tommy Griffin's
- 7 trailer burned?
- 8 A. Yes.
- 9 Q. Were you home that evening?
- 10 A. Yes, sir.
- 11 Q. Was there anything that got your attention?
- 12 A. Yeah. Yes, sir, it did.
- 13 Q. What was that?
- 14 A. My dog was -- I have a dog, and it was outside, and
- 15 it started barking -- you know, and I was setting there watching
- 16 T.V., and it would keep on barking, and I finally got up, and
- 17 looked out the door...
- 18 Q. All right. When you got -- about how long had your
- 19 dog been barking before you finally got up?
- 20 A. I'd say it was about five minutes, sir.
- 21 Q. When you got up and looked out the door, did you
- 22 see anything that got your attention?
- 23 A. Yes.
- 24 Q. What was that?
- 25 A. I looked out the window, and I seen headlights.

- 1 Q. And where were these headlights?
- 2 A. They were about 25 feet from my trailer door down.
- 3 Q. Okay. Down on the road?
- 4 A. Uh-huh (affirmative.) On the right hand side of
- 5 the road.
- 6 Q. Now where was this -- was this going down the
- 7 hollow or up the hollow from you?
- 8 A. It was going up the hollow.
- 9 Q. The lights were going up the hollow?
- 10 A. Yeah.
- 11 Q. When you're looking at it, though, are you looking
- 12 down towards Tommy Griffin's trailer or looking up towards James
- 13 Dellinger's trailer?
- 14 A. Up -- down towards Tommy's trailer.
- 15 Q. Where were these headlights in relation to his
- 16 trailer?
- 17 A. They was about 100 feet above that.
- 18 Q. When you saw these headlights, could you make out
- 19 anything else?
- 20 A. Like what, the person in...
- 21 Q. No, sir, just could you make out what kind of
- 22 vehicle it was?
- 23 A. Yes.
- 24 Q. What kind was it?
- 25 A. It was Mr. Dellinger's truck.

1 Q. Did you recognize it right then, though, as being
2 his truck, or was that afterwards?

3 A. That's afterwards when he went up.

4 Q. When you saw it, what happened -- when you saw
5 these headlights, just what occurred?

6 A. Well, first when I looked down there, there was a
7 door open.

8 THE COURT: Down where?

9 THE WITNESS: Down off of the bank. Where my door
10 -- trailer goes out, straight down off the hollow.

11 THE COURT: Okay.

12 THE WITNESS: On the right hand side of the road.

13 BY GENERAL SCHMUTZER:

14 Q. This is where the headlights -- the vehicle with
15 the headlights...

16 A. Yeah.

17 Q. What door was open?

18 A. The passenger side.

19 Q. What happened?

20 A. Well, it was open, and then I just stood there
21 looking at it, and it closed, and then he moved down towards
22 their house.

23 Q. Towards whose house?

24 A. Mr. James Dellinger.

25 Q. Would that be going from -- would that be actually

1 going up the hollow?

2 A. Yeah, that's up the road.

3 Q. When it passed -- the truck, when it came by, did
4 it come right by in front of your place?

5 A. Yes, sir.

6 Q. Were you able to see it?

7 A. Yes.

8 Q. Did you get a good look at it?

9 A. Yeah.

10 Q. Whose truck was it?

11 A. It was Mr. Dellinger's.

12 Q. Have you seen his truck before?

13 A. Yes, sir.

14 Q. How long have you lived up there?

15 A. 10 years.

16 Q. How long had he been living up there?

17 A. Maybe four or five.

18 Q. What kind of truck was it?

19 A. White Dodge.

20 Q. When -- did you continue to watch the truck as it
21 came up there in front of your place?

22 A. Yes.

23 Q. Where did it go?

24 A. In the house. It pulled in, turned off the lights,
25 and when they done that, I looked back down towards the road at

1 Tommy Griffin's trailer, and when I did that, the fire -- I seen
2 the fire shooting out the door.

3 Q. Out of Tommy's -- Tommy Griffin's trailer?

4 A. Yes, sir.

5 Q. Did you -- when you saw that, what happened, what
6 did you do?

7 A. I hollered for my wife to call 9-1-1.

8 Q. And did she do that?

9 A. Yes, sir.

10 Q. And what did you do?

11 A. Well, after Linda called 9-1-1, and I heard Sandy
12 come running off down the road, and I went behind her, and run
13 right down behind her.

14 Q. Sandy -- who is Sandy?

15 A. Griffin.

16 Q. Is that Sandy Griffin or Sandy Branum?

17 A. Branum, I meant Branum.

18 Q. Now Boyd Branum and Connie Branum lived -- where
19 did they live in relation to you?

20 A. Right above me about 50 feet.

21 Q. On the same side of the road?

22 A. Same side of the road, right hand side of the road.

23 Q. Did they live closer to Dellinger's trailer than
24 you did?

25 A. Yes.

1 Q. In other words, they're living up towards
2 Dellinger's trailer?

3 A. Yeah.

4 Q. When you went down there how was the -- did you see
5 where the fire was -- where it was located in the house?

6 A. Yes, sir. The door was open, and it looked like
7 when you go in the hall -- front door, it was in the back like
8 you're going back towards the back bedroom and the hallway.

9 Q. In the hallway? Was it high or was it on the floor
10 or what?

11 A. When I got down there to look at it it was about
12 middle ways up, and I seen it on the floor.

13 Q. Were you there when the fire trucks all got there?

14 A. I was down there when the fire truck got there, and
15 -- yeah.

16 Q. Did you stay around there a while and watch?

17 A. I stayed down there and watched it, yeah.

18 Q. While you were there did Connie Branum and her
19 mother show up?

20 A. Yeah.

21 Q. When -- Gary Sutton, had you ever seen him up there
22 in the hollow before this?

23 A. Yes, I have.

24 Q. When was this? Had he moved up there or was
25 staying up there?

1 A. Well, I saw him...

2 MR. WEBB: Object, leading.

3 THE COURT: Sustained as to form.

4 BY GENERAL SCHMUTZER:

5 Q. Let me ask you this. You had -- have you seen Gary
6 Sutton up there in the hollow?

7 A. Yes.

8 Q. Where was he?

9 A. Staying with James.

10 Q. How long had he been there with James before this
11 fire?

12 A. I'd say about two weeks.

13 Q. Now when the truck came by you did you ever get a
14 look to see who was in it?

15 A. No, I didn't.

16 Q. When the truck went on up and pulled into
17 Dellinger's -- now, there's Angel Gray's trailer -- Angel's
18 trailer, as you call it -- you didn't know her last name. But
19 Angel's trailer, his step-daughter, and then his trailer. Did
20 they pull into the first one or his?

21 A. They pulled in his driveway.

22 Q. Did you see who got out of it?

23 A. No, they pulled in and turned off the lights, and
24 then I looked back down toward Tommy's trailer, and I seen the
25 fire.

1 Q. Thank you.

2 GENERAL SCHMUTZER: You may cross examine.

3 **

4 CROSS-EXAMINATION

5 BY MR. MILLER:

6 Q. Mr. Henry, say it was your dog that drew your
7 attention to all this? What kind of dog is that?

8 A. I guess he's what you'd call a mutt, I guess.

9 Q. Do you still have that dog?

10 A. Yes.

11 Q. Is that not the dog you got rid of because it
12 killed James Dellinger's goat?

13 A. No.

14 Q. That never happened?

15 A. What's that?

16 Q. That your dog killed James Dellinger's goat?

17 A. That ain't got nothing to do with the case here,
18 has it?

19 Q. I don't know if it does or not.

20 A. I had a dog that did kill Mr. Dellinger's goat.

21 Q. How long ago was that?

22 A. I don't know. I guess it was sometime in February.
23 I got rid of my dog, and Mr. Dellinger, he wanted \$50 for the
24 goat, and I said, "Well, okay," and I got me a new job, and I
25 told him it would be about two weeks, and I can't get pay that

1 day until my two weeks is up, and I went up there to pay him,
2 and he said, "Forgot it, you got rid of your dog. Forget it."

3 Q. And you got rid of that dog before all this
4 happened?

5 A. Yes, sir.

6 Q. In fact, I believe that sometime -- you know
7 Detective McCarter, and you've talked to him about this, have
8 you not?

9 A. Jeff McCarter?

10 Q. Jeff McCarter.

11 A. Yeah.

12 Q. You told him at some point, did you not, that there
13 was a car -- you heard a car noise out there, and that's what
14 drew your attention to the window?

15 A. Well, I heard -- my dog was barking, and I got up
16 and looked out.

17 Q. My question is did you tell Detective McCarter at
18 some time that you heard a car out there, and that's what got
19 your...

20 A. No.

21 MR. MILLER: May we approach the bench, Your Honor?

22 THE COURT: Yes.

23 (A bench conference is held on the record, to-wit:)

24 MR. MILLER: The attorney general's office has a
25 picture that shows this area that he would have had

1 -- I guess they don't have it down here, and don't
2 intend to use it. I would like to have that, if
3 I could -- if you could send somebody up...

4 **GENERAL SCHMUTZER:** They've got photographs we
5 furnished, Your Honor.

6 **THE COURT:** Have you got those?

7 **MR. MILLER:** No.

8 **GENERAL SCHMUTZER:** You can show him one of those
9 photographs.

10 **MR. WEBB:** You've showed it to us, but we didn't
11 retain a copy. We don't have a copy.

12 **MR. MILLER:** We have Blount County photographs.
13 We don't have any of those.

14 **GENERAL SCHMUTZER:** You don't have any of them?

15 **MR. MILLER:** No.

16 **GENERAL SCHMUTZER:** For our own good, Your Honor,
17 I would want to put it in myself.

18 **MR. DANIEL:** If they'll run up there and get them
19 while we cross examine, or we could let him come
20 back if he wants to...

21 **MR. WEBB:** Well, we can go get them. You are going
22 to do the cross examination.

23 **THE COURT:** Why don't you all send somebody up
24 there and get them?

25 **GENERAL SCHMUTZER:** I'll send someone up there and

1 get them. I would like an opportunity, obviously,
2 since it's my exhibit, I would get to present it.
3 I would like to present it as evidence.

4 THE COURT: Well, I don't know if it matters.

5 MR. MILLER: I could finish my cross examination.

6 MR. GREEN: May I be excused, Your Honor?

7 THE COURT: Yes.

8 (Said bench conference being completed, the
9 following proceedings are had in open court.)

10 BY MR. MILLER:

11 Q. If you would come down again, and -- so you can
12 point out on this diagram. You live right up here, is that
13 correct?

14 A. Right here, yes, sir.

15 Q. Right here. And can you point there where Mr.
16 Griffin lived?

17 A. Right here.

18 Q. And how far is it from Tommy's trailer up there to
19 yours?

20 A. About a hundred feet.

21 Q. Hundred feet?

22 A. Yeah.

23 Q. And how far from your house to the McDermon
24 residence?

25 A. From my house to there?

- 1 Q. From Tommy's to the McDermon's?
- 2 A. I guess about -- maybe about 50 feet.
- 3 Q. How far?
- 4 A. About 50 feet.
- 5 Q. About half way?
- 6 A. About half way.
- 7 Q. If you're looking -- your house is up on a hill?
- 8 A. Yes, sir.
- 9 Q. And you are looking down?
- 10 A. Down.
- 11 Q. I believe that's all. You may go back up.
- 12 A. (Witness complies.)
- 13 Q. It was dark that night, I take it?
- 14 A. It was dark, but McDermon's got a street light down
- 15 there in front of his house.
- 16 Q. And where did you see this vehicle at?
- 17 A. About 25 feet down below me.
- 18 Q. 25 feet?
- 19 A. Yeah, looking -- I was looking out the door, and
- 20 I looked down sideways, and looked straight down.
- 21 Q. So you're saying it wouldn't have -- it wouldn't
- 22 have even been down to the McDermon's, it would have been
- 23 between you -- your house and...
- 24 A. Up the McDermon's.
- 25 Q. I don't know for sure if we'll will be able to

1 figure this out or not, Mr. Henry, but I think back on March the
2 3rd, 1992 at 2:03 p.m. you gave a statement, I believe, where
3 Detective McCarter and Mr. Clabo were talking to you?

4 A. Yeah.

5 Q. And Detective McCarter asked you this question.
6 "Okay. Tell us where the vehicle that you saw was sitting in
7 reference to the houses down there." I just need help with your
8 answer here because part of it is deleted. "Well, it went like
9 it was about 100 feet above to --," and then it's deleted a
10 little bit..."house because his trailer is on an 'S' road there,
11 and there's drives." I know that's been a long time ago, but...

12 A. I don't understand the question.

13 Q. I didn't understand it either, that's why I was
14 asking. Maybe we can listen to the tapes a little later on and
15 see. Do you know what you were talking about there about an 'S'
16 road? Was that maybe somewhat that's just not typed right?

17 A. No.

18 MR. MILLER: Could I have the photographs, Your
19 Honor?

20 THE COURT: Yes.

21 MR. MILLER: I think it might make this a little
22 easier. May I approach the witness, Your Honor?

23 THE COURT: Sure.

24 BY MR. MILLER:

25 Q. Mr. Henry, is this -- this the first picture over

1 here on the left. That would be your yard, is that correct?

2 A. Yeah -- well, this fence right here wasn't up. I
3 put that up later. I didn't have that.

4 Q. Okay. When did you put that up?

5 A. About three weeks later.

6 Q. Three weeks after the...

7 A. Burning.

8 Q. Burning, okay. Can you point out there where you
9 saw the truck?

10 A. Right here.

11 Q. Okay.

12 A. About right in here.

13 Q. About right where that...what is that there,
14 something...

15 A. A guideline.

16 Q. Is that a guideline?

17 A. Yeah.

18 Q. Right there were the guideline is...

19 A. Yeah, right down -- right in there.

20 Q. Okay. And this -- of course, this is the McDermon
21 residence down here?

22 A. Yes, sir.

23 MR. MILLER: Could he maybe get up over here where
24 the jury can see, Your Honor, so I don't have to
25 do this twice?

1 THE COURT: Sure, go ahead.

2 BY MR. MILLER:

3 Q. Mr. Henry, if you'll step over here. This is your
4 yard here?

5 A. Yes, sir.

6 Q. Okay. And this is the McDermon residence, correct?

7 A. Uh-huh (affirmative.)

8 Q. And where's Tommy's trailer? This was after that,
9 but where was it?

10 A. It would be right here.

11 Q. And this is where you saw the truck?

12 A. Right here.

13 Q. All right. And the street light you're talking
14 about, that's way on down here, right?

15 A. Right here.

16 Q. Okay. So it wasn't lighting up the truck up the
17 road out there?

18 A. (No audible response.)

19 Q. And this is also from your yard looking up towards
20 Mr. Dellinger's, is that correct?

21 A. Yeah.

22 Q. Are you saying that's where he pulled in?

23 A. No, right here.

24 Q. On up there? That's his...

25 A. That driveway there.

1 Q. What other cars were up there at the Dellinger
2 residence?

3 A. That night?

4 Q. At that time. That night the truck pulled in,
5 what...

6 A. All I seen was him pull in, and the lights went
7 off, and I looked back down towards the road.

8 Q. Did you see any other vehicles up there?

9 A. No, I didn't.

10 Q. Would you say it was too dark to see the vehicles
11 up there?

12 A. Well, you could tell -- you know...

13 Q. Was it too dark to see any other vehicles...

14 GENERAL SCHMUTZER: Well, Your Honor, I object to
15 him interrupting him. Let him finish answering.

16 THE COURT: Let him finish answering, and then ask
17 him.

18 BY THE WITNESS:

19 A. From Boyd Branum's, you can't tell from his house
20 right here. Boyd Branum lives straight back across here, and
21 there's a light right up in here.

22 Q. The question was did you see any other cars up in
23 the driveway?

24 A. I didn't see no other cars.

25 Q. Sometime back, maybe, since the fire -- sometime

1 there were some cedars down here on the roadside, do you
2 remember that?

3 A. Yes.

4 Q. Maybe some evergreens, and green type trees down
5 there?

6 A. Well, this time of year you could see anything down
7 though there.

8 Q. My question was wasn't there some cedars and
9 evergreens down there sometime that had been cut?

10 A. No, not then. They were cut later.

11 Q. They were cut lately.

12 A. Yeah.

13 Q. They were cut before -- those pictures don't show
14 those cedars, do they?

15 A. Small brush.

16 Q. But you will agree with me there were some cedars
17 down through here?

18 A. Along the roadway, yes.

19 Q. And those trees were cut before this picture was
20 made?

21 A. Yes.

22 MR. MILLER: May I filed those as an exhibit, Your
23 Honor, and pass them to the jury?

24 THE COURT: Sure.

25 (EXHIBIT #10 - Two (2) photographs of trailers;

marked and filed.)

THE COURT: Does he need to mark on that exhibit where he saw the truck?

MR. MILLER: It wouldn't hurt, Your Honor.

THE COURT: Why don't you let him...

MR. MILLER: I've got a red pen that might be able to do that.

BY MR. MILLER:

Q. If you can with that pen, try to draw an "x" there where you saw the truck.

A. (Witness complies.)

THE COURT: Does it show up, Mr. Miller?

MR. MILLER: Yeah, it shows up.

BY MR. MILLER:

Q. After you saw the fire you ran right down there, is that right?

A. Yes, sir.

Q. And you said the door was open?

A. Yes, sir.

Q. Is that correct?

A. Yes.

Q. Do you know whether or not Tommy usually kept his door locked?

A. I don't know.

Q. Was there a lot of people down there at the fire?

1 A. When I got down there Mr. Mayes was out in front,
2 and then Sandy was down there, then me, and then a lot of people
3 started coming then.

4 Q. How many people ultimately got there? 50 or so?

5 A. No, not that many. I guess about 10, 15,
6 somewheres along that.

7 Q. I'm talking about fire personnel.

8 A. Oh, fire personnel. I believe they was three
9 trucks come down there.

10 Q. And did you talk to any of these firemen?

11 A. No, sir.

12 Q. Did you talk to Connie Branum?

13 A. No.

14 Q. Did you talk to Connie's mother?

15 A. No, the only person I talked to was Boyd and Mr.
16 Mayes.

17 Q. Did Boyd tell you about the faulty plug in the
18 trailer?

19 A. No.

20 Q. Did Connie -- did you hear Connie say anything
21 about the faulty plug in the trailer?

22 A. No.

23 Q. Did you hear Viola Griffin say anything about the
24 faulty plug in the trailer?

25 A. No.