

Trial audio, Day 1, part 3 (May 14, 2024): Brittany Lanham's cross-examination and the rest of the session

Machine transcript of the courtroom audio, made by computer speech recognition. It is NOT the official court transcript. Speaker numbers are assigned by the software, names are often misheard, and every line must be checked against the recording before it is relied on. Dates of birth and phone numbers have been removed.

00:00:00 Speaker 2

To get into what he wants to get into. But it's not using those.

00:00:04 Speaker 3

Alright, thank you.

00:00:06 Speaker 1

I will sustain the objection that's been made here. As the court reads 608 subsection B.

00:00:16 Speaker 1

When you're seeking, when the defense or any party is seeking to attack the witnesses character.

00:00:24 Speaker 1

With convictions of a crime, the purpose of doing it is to establish that this person is untruthful as a general proposition, the law has, you know, the law generally regards crimes of dishonesty to be or crimes of, moral turpitude, theft, right, fraud.

00:00:43 Speaker 1

Criminal impersonation things where the person has engaged in a specific, specifically immoral act of dishonesty.

00:00:54 Speaker 1

Courts have also routinely held that this does not include misdemeanor drug possession, and I don't think this court does not find that the simple Act of drug possession, which would need to be proved in this instance through extrinsic evidence.

00:01:13 Speaker 1

Is necessarily proof of untruthfulness.

00:01:17 Speaker 1

It may be proof of a poor memory. It may be proof of an altered mindset, but it is not proof of dishonesty under Rule 608. So just to be clear about my ruling, I think you're absolutely right, Mr. McNeil, that this witness has already testified that she had a long term substance abuse problem.

00:01:38 Speaker 1

And that she was suffering from that substance abuse problem at the time of these events. I think you can ask her questions about those about that. She's certainly already testified to that. But what you cannot do is put before the jury misdemeanor drug possession charges or convictions because they're not otherwise admissible under.

00:01:56 Speaker 1

All right. Does that clear? Is that ruling clear?

00:02:01 Speaker 1

All right. All right. Thank you.

00:02:05 Speaker 1

All right, since we have the jury out for a few minutes, why don't we give everyone a few minutes of break and we will be in recess now until 3:30. All right? And Miss Lana, just for the purposes of the record, you remain under oath. And I'd ask you not talk to anyone about your testimony while we're in recess.

00:02:21 Speaker 1

Right. Thank you very.

00:02:22 Speaker 1

Much.

00:02:28 Speaker 1

All right.

00:02:30 Speaker 1

Is.

00:02:30 Speaker 1

Anything else that we need to?

00:02:32 Speaker 1

Take up before we bring the jury, OK? Sure.

00:02:33 Speaker 4

There is one more matter.

00:02:38 Speaker 4

It's some one thing I I did not address. We didn't go into the inquiry. Now she does have cases, Miss Lanham, pending in this court presently, right.

00:02:50 Speaker 4

Now I know the courts already ruled about introducing documents or making reference to those things. However, I would like to inquire as to whether or not she's been offered anything of value in exchange for her testimony related to those cases, whether it be a plea agreement.

00:03:04 Speaker 3

Or.

00:03:05 Speaker 4

Offers a protection, etcetera, etcetera.

00:03:09 Speaker 1

How does the state respond?

00:03:11 Speaker 5

You can ask whether there's any offers made or anything that's been given in consideration for.

00:03:19 Speaker 1

At Mr. Moore shaking his head, yes, I tend to agree so.

00:03:23 Speaker 5

Without, I mean we.

00:03:24 Speaker 5

Would ask that you not be able to go into specifics about anything, but just ask that general question.

00:03:30 Speaker 1

So I think that the way that the the rules of evidence would operate in this circumstance is that you cannot ask Miss Lanham anything about.

00:03:38 Speaker 1

The nature of the charges pending or identify what charges are pending, but I think you can ask.

00:03:44 Speaker 1

Do you presently have any charges pending? You could even say relating to this case and then ask questions about whether there have been any offers made to her. Anything that would, you know, show some bias or prejudice on the part of the witness?

00:04:01 Speaker 1

Does that makes sense? All right. Excellent.

00:04:02 Speaker 4

Yes, Ron.

00:04:05 Speaker 1

All right. Anything else we need to bring up before I bring the jury?

00:04:10 Speaker 2

There is. There is one thing I do want to say is that we are going to be.

00:04:14 Speaker 2

Grossly overestimating how long.

00:04:16 Speaker 2

We're going to take I.

00:04:17 Speaker 2

Believe I have another one on the way in. I have one out in the hall.

00:04:21 Speaker 1

Great.

00:04:21 Speaker 6

That can call.

00:04:22 Speaker 2

Immediately, we may have to take a.

00:04:25 Speaker 2

5 to 10 minute.

00:04:26 Speaker 2

Access for that other one to get here.

00:04:29 Speaker 1

Well, I think that's fine and you know, frankly.

00:04:33 Speaker 1

If we finish with Miss Lanham's testimony, and then there's two other witnesses after that, I will. I feel like a significant amount will have been accomplished today. Do you all agree? I mean, I don't want you to call in another witness from.

00:04:42 Speaker 5

Yes.

00:04:47 Speaker 1

You know somewhere else to be here.

00:04:49 Speaker 1

Until 8:00.

00:04:49 Speaker 2

Tonight because it's taking too long.

00:04:50 Speaker 2

No.

00:04:52 Speaker 3

OK.

00:04:57 Speaker 1

OK. All right. I think I think we'll be I.

00:04:59 Speaker 1

Think we're on.

00:05:00 Speaker 1

A good pace. We're at a reasonable pace right now. I certainly don't want to rush anyone in either direction.

00:05:08 Speaker 1

All right, Miss Lanum, would you like to come back up to the stand, please?

00:05:20

The.

00:05:27 Speaker 1

All right, you just you can stand up because we're gonna stand up to let the jury in.

00:05:30 Speaker 1

Here, and we'll just make you stand right back.

00:05:32 Speaker 1

Up. All right, let's rise for the jury, please.

00:05:43 Speaker 3

So.

00:06:20 Speaker 1

Right, everyone, please be seated. All right, now. Welcome back, ladies and gentlemen of the jury.

00:06:30 Speaker 1

Before we resume the cross examination of Miss Lanham, ladies and gentlemen, you have heard evidence that Miss Lanham has previously been convicted of the crime of.

00:06:41 Speaker 1

Left, you may consider this evidence, along with other pertinent evidence, in deciding whether or not to believe Miss Lanham and how much weight to give her testimony. You may not consider that evidence for any other purpose.

00:06:54 Speaker 1

To the extent.

00:06:55 Speaker 1

That there was any inquiry about other types of convictions or any statement.

00:07:01 Speaker 1

Hi, Miss Lanham, of other types of convictions, those statements are stricken, they are not to be considered by the jury and reaching a decision regarding both this witness's credibility and the ultimate facts in this case.

00:07:15 Speaker 1

All right.

00:07:17 Speaker 1

M McNeill, you may continue your cross examination.

00:07:29 Speaker 7

OK, Miss lannen.

00:07:30 Speaker 4

I believe we we left off with.

00:07:36 Speaker 4

Yes, ma'am. Your your name is Brittany Rose Landon, is that correct? Yes, Sir. And your date of birth is [removed].

00:07:41 Speaker 8

[removed]. Yes, Sir.

00:07:44 Speaker 4

Do you recall pleading guilty to a theft on?

00:07:48 Speaker 4

October the 13th, 2014.

00:07:51 Speaker 4

In the general Sessions Court of Hamilton County.

00:07:54 Speaker 8

Yes.

00:07:57 Speaker 4

May I approach the witness runner?

00:07:58 Speaker 3

You may.

00:08:01 Speaker 7

And.

00:08:02 Speaker 4

Identify the.

00:08:12 Speaker 8

I can't read it.

00:08:16 Speaker 8

Oh, there it is.

00:08:20 Speaker 8

Theft of property.

00:08:21 Speaker 4

Yes, ma'am.

00:08:23 Speaker 8

Yeah.

00:08:24 Speaker 4

Move to introduce this as the defense exhibit 1.

00:08:29 Speaker 2

Your Honor, it is cumulative, she admitted.

00:08:31 Speaker 2

To the conduct superposed.

00:08:34 Speaker 1

Alright. Ohh overall, the objection. We'll just make that the next numbered exhibit should be exhibit #13.

00:08:43 Speaker 1

To be the judgment of what was the date. I'm sorry, Council 2014.

00:08:47

It was.

00:08:48 Speaker 4

10 October, 13th 20.

00:08:51 Speaker 4

14 thank you.

00:08:56 Speaker 4

Can you again you are Brittany Rose Lanham. Do you remember pleading guilty to theft on March 4th, 2016, in the General Sessions Court of Hamilton?

00:09:04 Speaker 4

County.

00:09:05 Speaker 8

Yes.

00:09:05 Speaker 3

OK.

00:09:09 Speaker 4

We have a few words same as we did last time. You identify that document for me.

00:09:13 Speaker 4

If you can.

00:09:18 Speaker 8

Yeah, that the property.

00:09:20 Speaker 4

We would like to introduce this, your Honor, as defense exhibit next number.

00:09:25 Speaker 1

Why don't we make that 13 one? It will be the judgments will be a collective exhibit. So that'll be we'll make that. The first one will be thirteen. One. We'll make this 13 two.

00:09:35 Speaker 3

Thank you.

00:09:43 Speaker 4

And again, ma'am, your name is Brittany Rose Lanham. And do you, do you recall pleading guilty to a theft and general sessions court on June the 1st, 2017?

00:09:51 Speaker 8

Yes.

00:09:56 Speaker 4

Just a few.

00:09:57

Stop.

00:09:58 Speaker 7

We don't have.

00:10:14 Speaker 8

OK. Yes. With the Co defendant, yes.

00:10:19 Speaker 8

We move. I was going to say it's eight years.

00:10:19 Speaker 9

OK.

00:10:21 Speaker 4

Ago, but we would move at this time, your Honor, to introduce us as as defenses next numbered exhibit for.

00:10:27 Speaker 1

The injection well, I guess the same injection that'll be exhibit 13-3.

00:10:29 Speaker 5

No, your honor.

00:10:35 Speaker 4

And this random again or Brittany Roseland. Do you recall pleading guilty to theft by embezzlement in Saudi Daisy Municipal Court?

00:10:45 Speaker 8

Yes, it was at Walmart.

00:10:47

OK.

00:11:01

Address.

00:11:02 Speaker 8

Yeah, it got brought down to misdemeanor though.

00:11:10 Speaker 1

The statement will be stricken.

00:11:15 Speaker 4

OK, Miss Lam.

00:11:19 Speaker 4

How you would indicate that day that you were?

00:11:21 Speaker 4

You were.

00:11:21 Speaker 4

You stay at the house you were in the car.

00:11:24 Speaker 7

Right.

00:11:26 Speaker 4

Now, when you allegedly saw Mr. Holland.

00:11:31 Speaker 4

Were you in the car when the when the?

00:11:33 Speaker 4

Gun was fired.

00:11:34 Speaker 8

No.

00:11:35 Speaker 4

You were saying, were you standing outside of?

00:11:36 Speaker 4

The car.

00:11:38 Speaker 8

I was walking around like there's a porch. You have to walk up the porch, go go down the porch. And I was up on the porch almost directly in line.

00:11:47 Speaker 8

With the Danielle, Randy me.

00:11:53 Speaker 8

But I was about 7-8 feet away. I wasn't as close as they to those two weren't standing. I was because I was trying to come.

00:12:02 Speaker 8

Around.

00:12:04 Speaker 4

All the people that were outside.

00:12:06 Speaker 8

Somewhere in there was two or three people in the camper and they're just people standing around. They were just like they were hanging out.

00:12:12 Speaker 8
When we pulled up.

00:12:14 Speaker 4
OK.

00:12:16 Speaker 4
Well, ma'am, that day. Do you recall being a you you had indicated earlier in your testimony when the government asked you on direct and you think that you you had indicated that you have the history of drug of drug abuse, is that true?

00:12:30 Speaker 8
Yes.

00:12:31 Speaker 4
Right on that particular day was, is there any reason to think that you weren't intoxicated or otherwise inebriated?

00:12:37 Speaker 8
Honestly, I wasn't. I was trying to get high. I was supposed to meet up with someone.

00:12:42 Speaker 8
To.

00:12:42 Speaker 8
Give me money after that. But I stood him up because.

00:12:47 Speaker 8
So my friend gets shot and I never made it back to Randy's apartment to get picked up. So to get the money.

00:12:52 Speaker 8
To get high.

00:12:55 Speaker 4
Do you remember having an interview with the authorities concerning this case?

00:13:01 Speaker 8
What about it?

00:13:02 Speaker 4
Do you remember talking to one of the detectives?

00:13:05 Speaker 4
Two of them actually came back in December of not as of 2021 you.

00:13:06 Speaker 10
Yeah.

00:13:10 Speaker 4
Recall that.

00:13:11 Speaker 8
Yes.

00:13:12 Speaker 4
You recall telling that detective that you were high on Xanax? Since that day? It.

00:13:16 Speaker 4
Was difficult for you to remember.

00:13:17 Speaker 8
Now Alzheimer's.

00:13:19 Speaker 8

Prices after the body had been picked up and me and Daniel Holland made it back to another location. He had a script of him and he started giving them to me to calm down.

00:13:32 Speaker 8

After the shooting, after the body even picked up when the minivan picked this up and we went back to a location.

00:13:41 Speaker 4

Because you never told the detective during an interview that you were on Xanax in that day.

00:13:45 Speaker 4

That never happened.

00:13:46 Speaker 8

I told Muslim Xanax just later it was all the same day. Just later that night, but I was on nothing when we went over there. Maybe they're not before I got high, but I was trying to get money to go get.

00:14:01 Speaker 8

Hi.

00:14:04 Speaker 4

Give me one second, your honor.

00:14:06 Speaker 3

Sure.

00:14:16

OK.

00:14:23 Speaker 4

Ma'am, again, I'll ask you one more time that you would indicated that day that you did you or did you not have an interview with law enforcement on December?

00:14:32 Speaker 8

The 9th, 2021 yes, I had an interview with.

00:14:34 Speaker 4

OK, this did they. Or did they not ask you, ma'am, if you were high on xanaxes that day?

00:14:40 Speaker 8

If they did, I got high on xanax's after the fact, after the murder, after everything.

00:14:42

Your honor.

00:14:46 Speaker 1

All right, hold on. Hold on. I'm sorry. There was an objection from the state. Mr. Mayor, are you?

00:14:49 Speaker 1

Wearing opposing an objection.

00:14:50 Speaker 5

Yes, your Honor, this is asked and answered. She's he's asked about a prior statement. She's explained that statement. I think she's complied with everything she needs to include with this line.

00:14:58 Speaker 3

Hmm.

00:15:02 Speaker 5

Question.

00:15:02 Speaker 3

All right.

00:15:04 Speaker 4

I have the inconsistent statement here. You and I'd like to publish it.

00:15:07 Speaker 4

For the jury.

00:15:09 Speaker 2

Rule 613 judge exactly what's going.

00:15:12 Speaker 6

On right now.

00:15:14 Speaker 1

All right, Council, please approach.

00:15:24 Speaker 3

And so are you saying you stupid?

00:15:29 Speaker 10

Well, no, she she would have to deny it.

00:15:33 Speaker 3

Well, that's true, I mean, but I think that.

00:15:37 Speaker 7

She's saying she did it after the fact, but that's not what she told the officer.

00:15:40 Speaker 4

She got high.

00:15:41 Speaker 3

After that, I think your question was did he?

00:15:47 Speaker 3

She said yes.

00:15:53 Speaker 3

She. So.

00:16:01 Speaker 3

She's admitted that she.

00:16:07 Speaker 3

The states require specific question.

00:16:14 Speaker 6

Church.

00:16:15 Speaker 3

So I think you have to.

00:16:20 Speaker 3

You have to challenge her with exactly what she just she asked about.

00:16:28 Speaker 6

OK.

00:16:30 Speaker 3

I'm sorry, Mr. No, go ahead. Thank you. Thank you.

00:17:01 Speaker 4

One one second.

00:17:06 Speaker 6

Sorry.

00:17:35 Speaker 4

OK, miss.

00:17:37 Speaker 4

OK, miss, after you after.

00:17:42 Speaker 4

You.

00:17:45 Speaker 4

Witnessed this alleged incident.

00:17:48 Speaker 4

Then you. Then you you had indicated that Mister Holland.

00:17:52 Speaker 4

Force you and.

00:17:55 Speaker 4

The alleged victim into the vehicle. Is that correct?

00:17:59 Speaker 8

Now after he shot.

00:18:00 Speaker 8

Him.

00:18:01 Speaker 8

He kicked him, then made two guys carry him into the camper and put me in the camper as well with him. Then after that, when the police drove by, came through the neighborhood.

00:18:10 Speaker 8

When it was coast was.

00:18:11 Speaker 8

Clear they met. He made two people carry Randy back out of the vehicle or camp camper.

00:18:18 Speaker 8

Put him in the back of his own vehicle and he made me get in the passenger seat.

00:18:22 Speaker 8

Randy's vehicle.

00:18:24 Speaker 4

Was that before or after you took the dancers?

00:18:27 Speaker 8

Before I didn't take the xanaxes till later that night when everything was done with.

00:18:34 Speaker 4

Ma'am.

00:18:40 Speaker 4

When you.

00:18:42 Speaker 4

When you got what? When you left the scene?

00:18:48 Speaker 4

How long did it take for you to arrive for you to get from teakwood to this alleged location? I guess it was a house off of what street? You recall what street it was? The next house that you went to, do you?

00:19:01 Speaker 4

Remember what street that was on?

00:19:02 Speaker 8

It was near Bonnie Oaks.

00:19:06 Speaker 7

OK so.

00:19:06 Speaker 8

It was. It's a 5 minute drop. If that you go on 58 and there's a neighborhood that's literally in between Barney Oaks and 58.

00:19:16 Speaker 8

And it connects to it.

00:19:21 Speaker 4

Now.

00:19:24 Speaker 4

And then when you get there, there and so you had indicated also ma'am, that that all those people that were at the house off teakwood, correct?

00:19:32 Speaker 4

They all get in the cars and they follow you and you and Mr. Holland over there to.

00:19:37 Speaker 4

This other residence. Is that true?

00:19:39 Speaker 8

Caravan. Yes.

00:19:40 Speaker 4

So all of these people just.

00:19:41 Speaker 4

Get up and go over there.

00:19:42 Speaker 8

Yep.

00:19:43 Speaker 4

And then when they get there, what happens where all these people go? They park.

00:19:46 Speaker 4

Out front yard.

00:19:47 Speaker 8

Parked in the front of the house, they all get out, come towards Wendy's car. We're me, Danielle and Randy.

00:19:53 Speaker 8

Are.

00:19:54 Speaker 4

Do you know the names of any of these 8 or 10 people that were outside?

00:19:56 Speaker 8

No, I don't. They were his acquaintances, not mine.

00:19:59 Speaker 4

OK. Well, tell me about Randall. And were they friends, Randall and.

00:20:04 Speaker 4

Daniel.

00:20:06 Speaker 4

Do you know?

00:20:08 Speaker 8

They were not friends, but they were acquaintances. They weren't.

00:20:13 Speaker 8

I mean they they weren't like best buddies, but they definitely would meet up.

00:20:18 Speaker 4

Were you aware that?

00:20:19 Speaker 4

One of Randy's nicknames was Little Pony.

00:20:22 Speaker 8

Now, I always heard savage.

00:20:24 Speaker 4

OK, well that was.

00:20:26 Speaker 4

Did you now when you got checked?

00:20:28 Speaker 2

Connection Council staff.

00:20:31 Speaker 2

The exact comment was that's one of his.

00:20:36 Speaker 1

Sustain the objection.

00:20:44 Speaker 4

No, ma'am.

00:20:47 Speaker 4

Are all of those eight and then you said you had, there was another person that showed up on the.

00:20:51 Speaker 4

Scene that day.

00:20:52 Speaker 4

Is that true? And that person showed up to provide the medical care is that the is?

00:20:52 Speaker 8

Yes.

00:20:57 Speaker 4

That the story.

00:20:59 Speaker 4

The first aid kit and what she showed then she just leaves. Is that it?

00:21:03 Speaker 8

He let her leave when he let everybody else leave.

00:21:06 Speaker 4

But, but why would he let 8 to 10 people living witnesses if he committed this crime? Why would someone do?

00:21:12 Speaker 7

That.

00:21:12 Speaker 8

Because he knew all of them from prior, he barely knew me. We knew each other for a few months. I'm the only one he didn't know and trust.

00:21:20 Speaker 4

So so are you suggesting then that that because he happens to know these people, that he trusts them?

00:21:27 Speaker 7

With.

00:21:27 Speaker 4

Just wandering around, I'm not done yet. Are you suggesting that he that because he happens to know them that he would trust 8 to 10 people that just saw him kill somebody? Allegedly they just go home by.

00:21:27 Speaker 8

And that's it.

00:21:40 Speaker 8

He did. I'm not suggesting it. He did. That's what happened.

00:21:52 Speaker 4

The next residence that you allegedly went to, what was that at?

00:21:56 Speaker 8

Glencoe St. Bonnie.

00:21:58 Speaker 4

OK, how did you? How did you learn the name?

00:22:00 Speaker 4

Of the road.

00:22:01 Speaker 8

Because I looked on the Google Maps and I.

00:22:03 Speaker 8

Knew exactly what that house looked like.

00:22:06 Speaker 8

And I remember the street looping around.

00:22:11

Ma'am.

00:22:14 Speaker 8

I turned on it. We literally were driving down the road and we turned on that street. I had to refresh my memory by looking at.

00:22:20 Speaker 8

You.

00:22:24 Speaker 8

Yes you did.

00:22:26 Speaker 8

It's been 4 years I couldn't remember the street name, but I did remember.

00:22:28 Speaker 4

The house. You think it's odd that you would have to refresh your memory so frequently after you've witnessed?

00:22:32 Speaker 4

Such a traumatic event.

00:22:34 Speaker 8

I think I have plenty of great details that I didn't have to refresh.

00:22:37 Speaker 4

Well, you indicated earlier you didn't even know if if the if the young man?

00:22:40 Speaker 4

Was wearing pants.

00:22:41 Speaker 4

Or shorts.

00:22:42 Speaker 4

But you've recounted your outfit perfectly. As it turns out.

00:22:45 Speaker 8

Yeah, because I.

00:22:46 Speaker 8

Was wearing it.

00:22:54 Speaker 4

Let me let me, let's just.

00:22:56 Speaker 4

You were there the whole.

00:22:57 Speaker 4

Time.

00:22:58 Speaker 4

Correct.

00:22:59 Speaker 4

Unfortunately yes, and for some reason you, I mean you're you're part of this according to you and you just.

00:23:06 Speaker 4

What I mean?

00:23:07 Speaker 4

You're again. You're telling you're you're telling.

00:23:09 Speaker 4

That's that. This man is begging for his life. And you just sit there. You know, a cop just drove by. You're in the camper with this man and you just you're sitting there. I mean, please help me with it.

00:23:21 Speaker 8

I'm 5/5 was 140 lbs soaking wet and you want me to go up against the six two £250.

00:23:27 Speaker 4

Then I'm asking you a question.

00:23:28 Speaker 8

Man.

00:23:30 Speaker 8

And I'm answering it.

00:23:32 Speaker 2

Question was asked. The witnesses entitled to respond is not entitled to interrupt the response when the question is asked, especially when it's explained.

00:23:41 Speaker 1

I will sustain the objection.

00:23:45 Speaker 7

Go ahead.

00:23:46 Speaker 1

You may finish your answer, man.

00:23:49 Speaker 8

I wasn't going against somebody.

00:23:51 Speaker 8

Triple my size. I'm in the camper. What am I supposed to do? They're not going to hear me from in there. I have all these people outside. I was hoping one of them would stop the cops and tell them what was going on. But everyone so scared of him.

00:24:04 Speaker 4

Now.

00:24:06 Speaker 4

But at some point in time, you were you were not in.

00:24:08 Speaker 4

The camper, right.

00:24:10 Speaker 8

The cops are gone by time I.

00:24:11 Speaker 8

Got out of the camper.

00:24:11 Speaker 4

That's not at some point in time, you were not in the campers. Yes or no. You got out.

00:24:14 Speaker 8

Yes.

00:24:15 Speaker 4

Of the.

00:24:15 Speaker 4

Camper right and that at that point in time when you stepped out of the camper, you were no longer in the camper. I think we can agree.

00:24:16 Speaker 8

Yes.

00:24:22 Speaker 8

I mean, yes.

00:24:23 Speaker 4

OK. So at that point in time, you could have sought.

00:24:25 Speaker 4

Help.

00:24:26 Speaker 4

The man died.

00:24:29 Speaker 8

From where I don't have a phone. What do you want to do is take off running when all these.

00:24:33 Speaker 8

People are right there.

00:24:35 Speaker 8

He would have chased me down in a heartbeat and then probably killed me to see how I.

00:24:39 Speaker 8

Was trying to get away.

00:24:39 Speaker 4

No. Do you not feel any? I mean it.

00:24:45 Speaker 4

And then after that you get into the car, right?

00:24:48 Speaker 8

Yeah, fortunately.

00:24:49 Speaker 4

For your spirit, wait where you're taken to another location where there are yet more people there that you claim that.

00:24:56 Speaker 4

8 to 10 people.

00:24:57 Speaker 5

Not even asking the question this point.

00:25:00 Speaker 5

Just basically narrating a statement.

00:25:03 Speaker 5

I would ask that he just ask a specific question, let her answer it rather than a bunch of compound.

00:25:09 Speaker 1

Well, I'm going to let him try to ask his question. I'm going to overrule the objection for now, Mr. Neil.

00:25:14 Speaker 3

You can proceed with your question.

00:25:18 Speaker 4

There are 8 and 10. There are 8 to 10 people.

00:25:20 Speaker 4

You said were at.

00:25:21 Speaker 4

That house and they followed you to another location.

00:25:22 Speaker 8

Yes.

00:25:24 Speaker 8

Yet in a Dodge journey and a white charger.

00:25:29 Speaker 8

You need another vehicle, too dark Gray one and.

00:25:30 Speaker 4

The teams.

00:25:31 Speaker 8

A white charger.

00:25:35 Speaker 4

There were all those.

00:25:35 Speaker 4

People around you and you never once sought help for him, did you?

00:25:38 Speaker 7

Ma'am.

00:25:39 Speaker 8

I begged him.

00:25:39 Speaker 4

Yes or no, that's a yes or no question.

00:25:41 Speaker 8

Yes, I did. No one would listen.

00:25:43 Speaker 4

You didn't call the authorities, man.

00:25:45 Speaker 8

I had no phone. He's took it from me. You remember that?

00:25:47

Did.

00:25:48 Speaker 4

Did you get your?

00:25:49 Speaker 8

Phone back? No, I didn't.

00:25:51 Speaker 4

You never got your phone.

00:25:52 Speaker 8

Back four days later, when he finally let me go.

00:26:03 Speaker 4

You went back to his house four days later to get your.

00:26:06 Speaker 4

Phone. Is that what?

00:26:07 Speaker 4

Happened. How did you get your phone?

00:26:09 Speaker 8

He never let me leave his sight.

00:26:12 Speaker 8

I finally gained his trust for him to let me go. I got my phone when I got away from him. That's when he gave it to me.

00:26:21 Speaker 4

Did he just let you leave? That's it.

00:26:23 Speaker 8

Yes, thankfully, he dropped me off at the.

00:26:25 Speaker 8

Super 8 hotel.

00:26:27 Speaker 8

On gun bear or Shalford, yes.

00:26:32 Speaker 8

And the same black tank, top black shorts and sandals that have been for days.

00:26:42 Speaker 4

Men.

00:26:46 Speaker 4

You've been.

00:26:49 Speaker 4

Do you have? Do you have any cases pending right now?

00:26:52 Speaker 4

In this court.

00:26:53 Speaker 8

Yes, I do.

00:26:54 Speaker 4

OK. Have you been offered anything?

00:26:57 Speaker 4

Related to that case, any offers of clemency any offers of?

00:27:03 Speaker 4

Reduced sentence for being here.

00:27:04 Speaker 8

Today, no Sir.

00:27:06 Speaker 4

As the day's office had any of those kinds of discussions with you, Sir, have you been offered protection? Have you been offered money?

00:27:09 Speaker 8

No.

00:27:11 Speaker 8

No, Sir.

00:27:13 Speaker 8

No, Sir.

00:27:16 Speaker 4

Hold on one second.

00:27:32

So.

00:27:49 Speaker 4

One second, Your Honor, I apologize.

00:27:50 Speaker 1

No problem, no problem.

00:28:34 Speaker 4

I'll pass.

00:28:35 Speaker 1

All right. Thank you very much.

00:28:39 Speaker 1

OK, you may approach.

00:28:46 Speaker 10

So with his last questions, he's opened the door. Why? She was so scared and why all these people are taking his orders, which is that he is a gang member and in charge of a game.

00:28:59 Speaker 6

The issue is judge reading from a case state versus ratio Burford, which unfortunately I had to live.

00:29:08 Speaker 6

Counts as we conclude trial court did not, nearby admitting evidence of prior incident of violence and issue defense counsel eliciting testimony, creating a gap in the print. The questions have been positive to this will explain why you didn't try to get.

00:29:27 Speaker 6

Help from these other people. No one else is trying to help the statement submit that he is open the door to the actual explanation of these are members of these organizations.

00:29:42 Speaker 7

Your Honor, she she is not a member of any kind of a gang. She's not. There's no proof of any of that. I simply asked her why Aiden, why she did not act when there were many witnesses present.

00:30:03 Speaker 10

Yeah.

00:30:07 Speaker 10

End.

00:30:08 Speaker 6

Character evidence being approved or not so far for evidence and convincing evidence that.

00:30:26 Speaker 3

So I think we need to.

00:30:47 Speaker 3

Sure.

00:30:49

So.

00:30:49 Speaker 11

I think.

00:30:54 Speaker 3

OK, so let's do that.

00:31:04 Speaker 1

All right, ladies and gentlemen, this is one of those times where we need to take up an issue outside of the presence of the jury. We'll try to be thorough but quick with what we're taking up outside of your presence. All allow the jury to retire to the jury room while we take up this matter. Thank you.

00:31:21 Speaker 1

All very much.

00:31:29

Use.

00:31:54 Speaker 1

And Miss Lanham, while this is taking place, I think it would be appropriate for you to stay in the hallway for this particular hearing. And again, just my same admonishment that you're under oath. And please don't speak to anyone about your testimony. Thank you. You all. Please be seated.

00:32:12 Speaker 1

Maybe I gave you the file and the file.

00:32:19 Speaker 1

Thank you so much.

00:32:43 Speaker 9

So.

00:32:43 Speaker 1

No, Sir.

00:32:57 Speaker 3

Here.

00:33:00 Speaker 1

Sorry, Council, I'm just trying to locate that previous motion that was filed that we need to.

00:33:04 Speaker 1

Address in this.

00:33:07 Speaker 1

Hearing bear with me for one moment.

00:33:12 Speaker 2

Police, specifically the stage.

00:33:13 Speaker 2

Here are filed A-404-B request.

00:33:17 Speaker 1

Well, I think before we get there, I'm looking for the motion.

00:33:20 Speaker 1

And the way that was filed by.

00:33:23 Speaker 1

By the defendant in this case to the motion in limine relating to gang evidence.

00:33:29 Speaker 1

That's I'm looking for first.

00:33:31 Speaker 1

And then we'll.

00:33:33 Speaker 1

Try to get there.

00:33:35 Speaker 1

Mission limiting number six? Or was it uncharged conduct?

00:33:40 Speaker 1

Uncharged conduct. OK. Let me get this.

00:33:48 Speaker 9

Personal questions.

00:33:51 Speaker 1

Excuse me, Mr. Wong. Ask who.

00:33:52 Speaker 9

Can I answer some questions if we?

00:33:54 Speaker 9

This this liar.

00:33:57 Speaker 1

Now, Mr. Holland. OK, so let's go ahead and have the conversation again, because we had the conversation before, and I need you to take a deep breath.

00:34:06 Speaker 1

I told you when we were in the pretrial conference, you were going to hear a bunch of things that you did not like, that you didn't want agree with, and that you did not want to hear.

00:34:15 Speaker 1

And it was going to be upsetting to you.

00:34:18 Speaker 1

We had that conversation. We also had the conversation about how you are represented by Council. Your Council is the one that's going to be asking the questions and you know.

00:34:32 Speaker 1

When your attorney is standing at the podium, he doesn't have an opportunity necessarily to confer with.

00:34:36 Speaker 1

You right at that.

00:34:37 Speaker 1

Moment questioning of this witness has not concluded. Yeah. So if there are questions that you would like you're trying.

00:34:43 Speaker 1

To address with.

00:34:44 Speaker 1

Miss Lanham, now would be your opportunity to.

00:34:47 Speaker 1

Give those to him.

00:34:50 Speaker 1

But again, your lawyer and only your law. I'm speaking, Mr. Holland, your lawyer and only your lawyer is the one that will be examining the witnesses. OK, alright.

00:35:02 Speaker 9

But she had an interrogation.

00:35:04 Speaker 1

No, Sir, no. I don't want, Sir, Mr. Holland.

00:35:08 Speaker 1

We had a.

00:35:09 Speaker 1

Mr. Holland.

00:35:10 Speaker 1

We stopped speaking. I told you previously and I will reiterate to you that the only statements I want to hear about facts in this case or allegations or impeachment.

00:35:22 Speaker 1

Any other type of evidence I want to come from that stance.

00:35:27 Speaker 1

So I it is not appropriate for me to hear.

00:35:31 Speaker 1

Any information you have that has not come out in evidence in front of the jury.

00:35:35 Speaker 9

What I'm saying is, this effects that she had a interrogation.

00:35:39 Speaker 1

Mr. Holland, I just asked you not to tell me anything. Please do not continue to argue with me. Please do not.

00:35:41 Speaker 9

Result.

00:35:46 Speaker 9

Wanted to get introduced.

00:35:47 Speaker 1

And I just told you that what did I just tell you, Mr. Holland? I'm not going to argue with you.

00:35:52 Speaker 1

I want you to listen to what I'm.

00:35:53 Speaker 1

Saying.

00:35:54 Speaker 9

What can it be?

00:35:54 Speaker 1

I. If you're talking, you're not listening.

00:35:59 Speaker 1

Please listen to what I'm saying. Here's what I'm saying. The only information that I want to receive.

00:36:06 Speaker 1

Comes from this witness stand, not from you. So if your attorney wants to go into further examination about statements that Miss Lanham allegedly made to the law enforcement officers, he can do that on examination. I want to hear it from the witness who was sworn.

00:36:27 Speaker 1

All right, now.

00:36:31 Speaker 1

The reason that we're having a jury out hearing at this time is to address an objection that was made by the state, not so much an objection, but an issue that was raised wherein the state believes that defense cross examination of Miss Lanham might have opened the door.

00:36:50 Speaker 1

The testimony that it was previously agreed would be excluded, particularly Mr.

00:36:57 Speaker 1

Holland's attorney filed at what was titled the Second Motion and Limited to exclude prior criminal convictions and uncharged criminal conduct of the defendant. I think this falls within the category of the uncharged criminal conduct, particularly, and I'm looking at that second.

00:37:17 Speaker 1

Motion limiting page 2. The motion said that there were several witnesses in this case who the accused anticipates will offer testimony that elaborates on uncharged criminal conduct of this defendant, including allegations that this is a valid that the defendant is a validated gang member.

00:37:37 Speaker 1

That he is a drug dealer to members of the public generally that he is a drug dealer as part of an ongoing and gang related criminal enterprise, OK.

00:37:48 Speaker 9

Y'all doing all that, I just want to represent myself and have him as Council member.

00:37:53 Speaker 1

No, Sir, we are. We are halfway through it.

00:37:56 Speaker 9

I want I don't like to represent myself, bring out all the 2 zip, bring out all the truth. We're gonna bring out the truth. Like bring the truth out. They lying. They lying on me.

00:37:58 Speaker 1

And I'm I am in the midst of conducting.

00:38:07 Speaker 1

Mr. Holland. Mr. Holland, we've had this conversation.

00:38:08 Speaker 9

That Lady was just sitting up there.

00:38:13 Speaker 1

Again, you are going to hear things you don't agree with the attorney.

00:38:18 Speaker 9

We got the facts, writer.

00:38:20 Speaker 1

Right. And and and again I will say to you that Mister Holland, if you continue to argue with me, I will have you removed from the courtroom. Let's be respectful of one another. Thank you.

00:38:29 Speaker 9

Yes, ma'am.

00:38:31 Speaker 1

So.

00:38:34 Speaker 1

And then as soon as I started talking, you started talking and let's be respectful of each other, OK, OK, I've launched. If you're talking, you're not listening, OK.

00:38:38 Speaker 9

Asking for her. He's not.

00:38:44 Speaker 1

So anything that you want to be brought out on examination can be brought out through your attorney.

00:38:50

No.

00:38:51 Speaker 1

We have just, we have only just begun. We're on our.

00:38:55 Speaker 1

Witness.

00:38:56 Speaker 1

Well.

00:38:57 Speaker 9

I'm asking them to ask certain questions. He's nothing.

00:38:59 Speaker 1

And I think your attorney, who is licensed in the state of Tennessee and an attorney with years of experience under his belt, is also in the best position to determine what may or may not be admissible. And he knows that he cannot elicit testimony which would be inadmissible. So I'd like to return to the hearing.

00:39:18 Speaker 1

On the issue relating to uncharged conduct, because this is a serious issue, Mr. Holland, alright, so let's.

00:39:28 Speaker 1

So the the state, excuse me, has interposed and not so much an objection, but is arguing that the defense has opened the door and its testimony as to the defendants prior uncharged criminal conduct. Would the state like to be heard further on?

00:39:46 Speaker 1

On that issue.

00:39:49 Speaker 2

The bench conference, Your honor. Set forth the the reasons that the state would seek to introduce evidence of Mr. Holland's membership, participation in gang activity. It would be the states position that that is squarely 404 B. Evidence it is.

00:40:06 Speaker 2

There is case law that says that it is uncharged conduct.

00:40:11 Speaker 2

We believe that the door has been opened by the line of questioning of Miss Britney Lanham. Specifically, the Why would these people not help? Why would they go from point A to point B? Why are these people acting at the direction of Mr. Holland as a proper of?

00:40:30 Speaker 2

Proof. The state would ask both Brittany Lanham whether or not she knows if Mr. Holland or indeed any.

00:40:39 Speaker 2

Of the people.

00:40:40 Speaker 2

Are members of a criminal organization specifically and Jermaine to this case is the Vice Lords. Also is a proper proof here on our? I believe Mr. Derrick Brown, who is a self admitted vice Lord with all the various regalia that the court will be able to see when he comes to court and his prison scrubs.

00:41:00 Speaker 2

Tomorrow he will also identify Mr. Holland as a member of the Vice Lords. Now they might be a different.

00:41:09 Speaker 2

Different group in that I think one of them is something called like 4 quarters or something along those lines. I'm probably butchering the term and my apologies to anybody with that and that Mister Holland might be a part of a different group of Vice Lords, but it's all under the same umbrella. It's kind of, I guess.

00:41:30 Speaker 2

He I think it would also be proof that on the local level, Mr. Holland outranks Mr. Derrick Brown.

00:41:38 Speaker 1

All right. Thank you. All right, So what is your response to that, Mister McNeil?

00:41:44 Speaker 4

My line of questioning concerning that issue was very limited. I mean I did suggest that that I I asked her why would Mr. Holland Trust 8 to 10 people and not her. And she said that the reason why is they just.

00:41:57 Speaker 7

Is he?

00:41:58 Speaker 4

Mr. Holland just met her, she explained.

00:42:03 Speaker 4

To the extent that that would open the door and to the the way that the government is suggesting is just to open the gates to every witness that we have now to talk about this, I I don't think it went that far in your Honor.

00:42:14 Speaker 4

There was no mention from there was no line of inquiry from me about whether or not so and so was in a gang, and certainly there was nothing that would suggest that Mister Holland was engaged in some uncharged conduct. That's not part of this indictment.

00:42:28 Speaker 1

No, but the question and there was I think there was more than one question about.

00:42:32 Speaker 1

Why he would?

00:42:37 Speaker 1

Expect why he would let these eight to 10 people go, but not her, or why he would trust all of these people but not her.

00:42:47 Speaker 1

And.

00:42:48 Speaker 1

And you're right, she did answer the question. The question she answered the question with I he's known him a lot longer. He's only known me.

00:42:56 Speaker 1

For three months, states position is not necessarily that you mentioned something about a gang, but that you've opened the door to them inquiring further on redirect examination.

00:43:06 Speaker 2

It would be a gap in the proof. Is the term that the Court of Appeals has been using recently. There's this logical gap.

00:43:18 Speaker 3

Go ahead, Mr.

00:43:18 Speaker 4

I.

00:43:19 Speaker 4

Think it's a significant gap, as as the government.

00:43:22 Speaker 4

Yes, it would be a gap. Let's say for example if if there was no way to connect.

00:43:28 Speaker 4

Where the alleged killing happened and how the body.

00:43:30 Speaker 4

Got to where?

00:43:31 Speaker 7

It is. That's a gap. This isn't a gap.

00:43:34 Speaker 4

8 to 10 people followed her from that house over there to the other one, and then the in the context of the question was man, why?

00:43:41 Speaker 4

Didn't you help?

00:43:43 Speaker 1

I believe that the question.

00:43:45 Speaker 1

Though before that, look here.

00:43:48 Speaker 4

It's hard to recall everything, your honor, for that with that the end of.

00:43:49 Speaker 1

I know, I know, especially.

00:43:51

The science script I.

00:43:51 Speaker 1

Don't mean to be when you get on a roll, Mr. Neil, and that happens to all lawyers.

00:43:59 Speaker 1

I think that the question was why would he let something to the effect of? Why would he let all these 8?

00:44:06 Speaker 1

To 10 people just leave.

00:44:08 Speaker 4

That's correct, yeah.

00:44:09 Speaker 1

And why would he trust?

00:44:11 Speaker 1

That.

00:44:13 Speaker 1

And I do think that that fairly raises is pretty substantial question with the jury that does seem to be pretty illogical that he would.

00:44:24 Speaker 1

Make her stay and not these other 8 to 10 people who were all witnesses to the exact same event.

00:44:30 Speaker 4

But she did. But again, as the court pointed out, she did answer the.

00:44:33 Speaker 7

Question.

00:44:33 Speaker 1

He did, but as as as far as a gap in proof, I mean, it does raise a fair question. Why?

00:44:41 Speaker 1

Would that be?

00:44:43 Speaker 1

8 to 10 other eyewitnesses that get to go but not Miss Lynn.

00:44:49 Speaker 1

All right. What is?

00:44:50 Speaker 1

Does the state want to put anything on the record about?

00:44:52 Speaker 1

Gaps and proof.

00:44:54 Speaker 1

You don't have to, but if I'll give you the opportunity.

00:44:57 Speaker 2

Your Honor, I'll just quickly point out that it's obvious that the line of questions posited from Defense Council was designed to.

00:45:06 Speaker 2

Make it with the incredulous tone of everything the the IT does create a question in the minds of the jury. The state should be allowed on redirect to address that particular limited issue and the way to do that is.

00:45:23 Speaker 2

Through 4:40.

00:45:24 Speaker 1

All right, Sir.

00:45:25 Speaker 4

I mean the entire.

00:45:26 Speaker 4

Hearing of my argument is going to be occasioned by some degree of complete incredulity. That of course, my tone is that way.

00:45:35 Speaker 4

So I don't know how I don't know how that would suggest to the court that that would mean that that would set simply open the door and and more open the door for all the witnesses. Now I I

don't think we've gone that far. I really don't. And again they the, the the gap in the proof so to speak is not so significant.

00:45:52 Speaker 4

Again, it's not as if we're unable to connect two competing events. That's not what we're talking about. There's not a gap in there is there's not a it doesn't create a logical gap in this government's theory as to what happened. Here's what happened at point, a transition point, a transition point B. Here's what happened here. Transit transition Point C here's what happened here.

00:46:13 Speaker 4

And now?

00:46:13 Speaker 4

We have whatever whatever follows that none of that has been disturbed by that line of questioning.

00:46:23 Speaker 1

Well, you know, I think that a way to look at opening the door is what the Court of Criminal Appeals has or and even the Supreme Court has called expanding the realm of.

00:46:37 Speaker 1

Events, right? So the most common manner by which a party opens the door to what was previously deemed inadmissible evidence is by raising that particular subject at trial. When the party raises the subject at trial, the party then expands the realm of.

00:46:58 Speaker 1

Relevance and the opposing party may be permitted to present evidence on that subject. Now in this instance, Mr. McNeil did not raise the issue of gang membership. He did not raise the issue of whether Mr. Holland had some authority.

00:47:17 Speaker 1

Over these other 8 to 10 people, but the question did raise in the courts mind.

00:47:26 Speaker 1

It did expand the realm of relevance because it raised the issue of why.

00:47:34 Speaker 1

8 to 10 other eyewitnesses would have been free to leave the scene when Miss Lanham was not. And accordingly, although she did give an answer, well, he's known them a lot longer.

00:47:48 Speaker 1

It could be that her testimony that that, that the appropriate answer that would have filled in the gaps for the jury is a subject which was previously agreed to is inadmissible.

00:48:02 Speaker 1

So I do think there's a possibility that the door has been opened here, or I do think the door has been opened. I do.

00:48:14 Speaker 1

The by asking that question why these other eyewitnesses would have been able to leave expanded that realm of relevancy such that her answer provides.

00:48:29 Speaker 1

More context, and her answer is more complete if she explains.

00:48:35 Speaker 1

How Mr. Holland was acquainted with all these individuals for a number of years and why he trusted them more now. Having said that, even though the door has been open to what was previously deemed it admissible evidence, we never actually had a 404 be hearing.

00:48:55 Speaker 1

On the second motion and limiting it was filed by the defense, the state conceded and said we're not going to introduce anything about gang membership we have. We have no intent to.

00:49:06 Speaker 1

Introduce any of that evidence at trial, and so the motion was granted upon agreement of the parties. Now that that door has been opened, I do think it's fair to have a 404B hearing as to what the testimony of Miss Lanham would be and whether the court can indeed find by clear and.

00:49:27 Speaker 1

Convincing evidence based on her test.

00:49:29 Speaker 1

Testimony that there is proof of actual gang membership in this instance. OK, so I think now would be the time to move into a 404 be hearing. Does the state wish to call Miss Lanham for an offer of proof relative to the testimony ought to be introduced. All right, can we have this plan, please?

00:49:49 Speaker 2

For the record shows, we would request a second hearing when Mr. here. Thank you. I wish that he.

00:49:54 Speaker 1

I understand, I understand. Is is he? Is he to be present tomorrow in the morning.

00:49:59 Speaker 5

Yes.

00:50:02 Speaker 2

We have them in the afternoon.

00:50:04 Speaker 1

OK. Well, we'll just take it up while the jury's out is my point. Whenever the jury is naturally out.

00:50:09 Speaker 1

We'll take that out.

00:50:26 Speaker 3

Mr. miner.

00:50:27 Speaker 5

Yes, John, now miss Lam.

00:50:31 Speaker 5

Before you testified, there was some we we instructed you that there were some topics that were off limits. One of those dealt with game membership. So we're going to have a hearing on that zipper topic right now. OK. Alright. So now you indicate that you are familiar.

00:50:47

And.

00:50:51 Speaker 5

With Mr. Holland is is are. Do you have personal knowledge?

00:50:55 Speaker 5

Of him being affiliated with the gang.

00:50:58 Speaker 8

Yes.

00:50:58 Speaker 5

Which gang is that?

00:51:00 Speaker 8

The vice Lords.

00:51:01 Speaker 5

And how do you know that he's affiliated with?

00:51:03 Speaker 5

The vice Lords.

00:51:05 Speaker 8

He used to always wear VL.

00:51:08 Speaker 8

He would wear it proudly, he he was proud that he was a vice lawyer.

00:51:14 Speaker 5

When you talk about being a Vice Lord and was he a low ranking vice Lord or high-ranking Vice Lord?

00:51:15 Speaker 8

Yes.

00:51:21 Speaker 8

I'm not sure, but I've always heard hi.

00:51:25 Speaker 5

And now the people that were around.

00:51:30 Speaker 5

Mr. Holland, where they also gang members.

00:51:34 Speaker 8

I'm not sure.

00:51:36 Speaker 5

The people that were there that day, do you know if any of them?

00:51:40 Speaker 5

Were vice Lords.

00:51:41 Speaker 8

I'm not sure.

00:51:45 Speaker 5

The people who were there.

00:51:48 Speaker 5

We're taking direction at Mr. Hollands.

00:51:52 Speaker 5

So whatever he said happened, correct.

00:51:54 Speaker 8

Yes.

00:51:57 Speaker 5

Were there any people that you did know that were there, who you recognize, like tattoos or anything that?

00:52:06 Speaker 8

The one female that was there 2. The black female. I've seen her around, but I I couldn't tell her name or.

00:52:16 Speaker 8

She drove the white Charger, but.

00:52:18 Speaker 5

OK.

00:52:19 Speaker 8

I don't know her name or.

00:52:21 Speaker 8

Anything about our just like passing by.

00:52:24 Speaker 5

OK, So what about that one female?

00:52:27 Speaker 8

I I don't know if she's.

00:52:28 Speaker 8

In the game, OK.

00:52:30 Speaker 5

So did.

00:52:33 Speaker 5

Mr. Holland, aside from wearing the shirt and talking about being a vice Lord, did he have other indicia of being in Vice Lords?

00:52:45 Speaker 5

Like tattoos that you noticed, anything like that?

00:52:49 Speaker 8

I.

00:52:50 Speaker 8

I don't. I don't remember well.

00:52:52 Speaker 5

You know, remember and.

00:53:00 Speaker 10

One second.

00:53:07 Speaker 5

The others in the group, was it common knowledge that he's a?

00:53:11 Speaker 8

Vice Lord yes.

00:53:14 Speaker 5

Did other people? Did you notice how they interacted with him when he was around?

00:53:19 Speaker 5

As far as their their demeanor?

00:53:23 Speaker 8

Anybody that ever approached him, they knew that.

00:53:27 Speaker 8

He was alpha.

00:53:29 Speaker 8

Alpha.

00:53:29 Speaker 5

What is that OK.

00:53:31 Speaker 8

He was in.

00:53:31 Speaker 8

Charge he was in.

00:53:32 Speaker 5

Charge.

00:53:33 Speaker 5

And did others that you knew about talk about him being a vice Lord?

00:53:40 Speaker 8

Did other people talk about him being a bachelor? Yes, I've heard it from numerous people, yes.

00:53:48 Speaker 5

And did that cause some concern for you?

00:53:53 Speaker 5

Outside of your need for drugs to.

00:53:56 Speaker 5

Deal with him.

00:53:59 Speaker 8

Not necessarily, because when you.

00:54:04 Speaker 8

When you are a drug addict and you're out in that kind of environment and just lifestyle, you're surrounded by gang members like you're going to be more prone to be around gang members if you're on drugs or sell drugs versus someone that's.

00:54:19 Speaker 8

Not on drugs or sell drugs was.

00:54:23 Speaker 5

Randy, affiliated with the game.

00:54:25 Speaker 8

I'm not sure.

00:54:30 Speaker 5

One second.

00:54:43 Speaker 7

Yeah.

00:54:47 Speaker 5

So again, your knowledge of him being involved in Vice Lords is that he would wear their their shirts or a shirt that identified himself as a vice Lord.

00:54:57 Speaker 8

Proudly kind of like the Louis Vuitton symbol the LV. Like that and just that sign that they throw.

00:55:04 Speaker 5

Up what? What is that?

00:55:05 Speaker 8

Like.

00:55:07 Speaker 5

OK. And you saw him throwing that sign up. Did you see him with other people?

00:55:07

The.

00:55:09 Speaker 8

Yes.

00:55:11 Speaker 5

Throwing that sign up.

00:55:12 Speaker 8

I've seen pictures but I don't know if I remember doing in person just like Facebook or whatever.

00:55:14 Speaker 5

Where did you see those pictures?

00:55:19 Speaker 5

OK. So on his Facebook page, you remember his Facebook page correct?

00:55:23 Speaker 8

He didn't really, to my knowledge, he didn't have Facebook, but people that were like fish around him. I would see him pictures throwing it.

00:55:30 Speaker 5

Other people's voices.

00:55:32 Speaker 5

Up. OK. So you saw his his photograph mixed in with other individuals on their Facebook.

00:55:39 Speaker 8

Yes.

00:55:42 Speaker 5

These individuals affiliated with gangs.

00:55:45 Speaker 8

Yes, I mean they were throwing at the same symbol, so.

00:55:47 Speaker 5

OK. And that was the vice or symbol, yes. And he admitted that he's a vice Lord along with being in pictures of Vice Lords and wearing vice Lord Clothing.

00:55:59 Speaker 5

Anything else?

00:56:03 Speaker 3

All right. Cross examination, Mr. right. Neil.

00:56:12 Speaker 4

We've indicated in your testimony previously, if you remember that you you hadn't known Mr. Holland for that long at that time. Is that true?

00:56:20 Speaker 4

How long have you known them?

00:56:21 Speaker 8

Probably two or three months.

00:56:24 Speaker 4

OK, have you? But how how often have you been at this house?

00:56:28 Speaker 8

I lived across the street off teak wood. There is a little duplex that I was staying at. That's How I Met him to begin with. Back in like February of 2020.

00:56:37 Speaker 8

Or.

00:56:38 Speaker 8

Yeah, I mean.

00:56:40 Speaker 8

Really dry across street.

00:56:44 Speaker 4

I've I've passed away. There's no further questions.

00:56:47 Speaker 1

State wish to be heard on its.

00:56:49 Speaker 1

404B.

00:56:49 Speaker 5

Argument, your Honor, I think that she's established enough proof that the defendant is a vice Lord. It's his own statement and many days a vice Lord. He's wearing vice Lord clothing and he is seen in photographs with other gang members throwing game.

00:57:07 Speaker 5

I think that based upon our testimony, that's enough for this particular purpose.

00:57:14 Speaker 4

I'm afraid that the probative value of what the government is attempting to elicit improved with this evidence is outweighed by the.

00:57:22 Speaker 4

The danger of unfair prejudice that my client will experience as a consequence of this.

00:57:28 Speaker 1

Thank you.

00:57:36 Speaker 1

So in this circumstance, the purpose of admitting testimony of gang membership would be to establish that the other eight to 10 people who were on the property.

00:57:51 Speaker 1

Either had some gang affiliation or knowledge of Mr. Holland's alleged gang affiliation, such that he would trust them enough to let them lead.

00:58:02 Speaker 1

When they were eyewitnesses to what ultimately resulted in the death of.

00:58:09 Speaker 1

Of Mr. Leslie at this point, Miss Lanham has not offered that testimony. She does not know if any of the people out there were vice Lords. She cannot testify to what the other people there.

00:58:22

To.

00:58:23 Speaker 1

She cannot testify as to the extent to which they knew or believed or felt that Mister Holland was affiliated with a gang or, more particularly the Vice Lords. So I think really just considering the just considering the offer of proof right now.

00:58:43 Speaker 1

That I don't even have to reach the issue of whether there is clear and convincing evidence, because I of his gang membership, because I don't think that her testimony would be probative. I I think it's irrelevant at this.

00:58:56 Speaker 1

Point the purpose of allowing again the purpose of allowing her to testify that he was in a gang would only be for the purpose of establishing that the other eight to 10 people there were allowed to leave. That was that. That was the door that was opened.

00:59:12 Speaker 1

We say by by Mr. McNeil.

00:59:15 Speaker 1

I will further comment just for purposes of the record that 404B relating to other crimes, wrongs or acts requires a jury out hearing.

00:59:26 Speaker 1

And #2, the court must determine that a material issue exists other than conduct conforming with the character trait.

00:59:35 Speaker 1

And must state upon request the material issued, the ruling and the reasons for admitting the evidence. So again, the material issue here is.

00:59:45 Speaker 1

Whether those other 8 to 10 people were allowed to leave the scene because of their knowledge of Mr. Holland's alleged gang affiliation or also their gang affiliation with them, I do not find that this witness can give that testimony. I think she's honestly testified.

01:00:00

That.

01:00:01 Speaker 1

She doesn't know who the other people out there were, and accordingly, I will continue to grant the second motion in limony that was filed by the defendant and deny the states request to cross examine her further relating to testimony on gang evidence. Now that resolves that issue with respect to miss.

01:00:22 Speaker 1

I understand the state just moments ago told us they plan to re raise this issue with Mr. Brown.

01:00:31 Speaker 1

So we will likely have another 404 B jury out hearing if and when Mr. Brown is called to testify. But with respect to this witness, I will not allow any testimony regarding gang affiliation at this time. All right? Does anyone have any questions about my?

01:00:45 Speaker 5

Thank you.

01:00:47 Speaker 1

Ruling.

01:00:49 Speaker 1

All right. Thank you very much. Then let's bring the jury.

01:00:52 Speaker 1

Back in so we can continue the redirect examination of Miss Linda.

01:01:43 Speaker 1

Alright, everyone, be seated. Council is the state ready to proceed with the redirect examination of Miss Lina?

01:01:55 Speaker 5

I only have a few questions for Miss Lana.

01:01:58 Speaker 5

So did you ask the defendant to let you go?

01:02:04 Speaker 5

Did Randy.

01:02:05 Speaker 5

Ask the defendant to let him go.

01:02:07 Speaker 8

Yes.

01:02:09 Speaker 5

Did he ask him?

01:02:11 Speaker 5

At each location that you went to at Teakwood, did he ask in the vehicle?

01:02:15 Speaker 8

Yes.

01:02:18 Speaker 8

He was begging to let him go and begging for his life.

01:02:22 Speaker 5

And did he ask at the Stockton address?

01:02:25 Speaker 3

Yes.

01:02:29 Speaker 5

So he asked him consistently, every place he was taken to every place that you were taken to.

01:02:36 Speaker 5

Both of you asked to be let.

01:02:38 Speaker 5

Go.

01:02:38 Speaker 3

Yes.

01:02:41 Speaker 5

And obviously he did not. No. And you were not let go until four days later. Nothing further.

01:02:47 Speaker 8

Correct.

01:02:50 Speaker 1

Thank you re cross examination, Mr. McNeil.

01:02:54 Speaker 4

Nothing.

01:02:55 Speaker 1

Alright, thank you. May this witness be excused.

01:02:58 Speaker 5

Yes, your honor. Thank you, miss Lennon.

01:02:59 Speaker 1

Miss Lanham, thank you very much for your testimony. May step down and be excused. Thank you.

01:03:09 Speaker 1

Is the state prepared to call its next witness?

01:03:11 Speaker 2

It's Greg Morris, your honor.

01:03:49

The truth, the whole truth and nothing but treats it together.

01:03:51 Speaker 11

I did.

01:03:56 Speaker 2

Good evening, Sir. Good evening, Sir. Would you please state your full name for the record and spell your last?

01:04:01 Speaker 11

My name is Gregory Martis MAR DIS.

01:04:06 Speaker 2

Sir, what do you do?

01:04:06 Speaker 11

For a living, I'm.

01:04:08 Speaker 11

Retired from the Chattanooga Police Department.

01:04:10 Speaker 2

What did you do with the Chattanooga Police Department?

01:04:13 Speaker 11

For the last 22 years I was there, I was a crime scene investigator.

01:04:17 Speaker 2

When did you finally retire, Sir?

01:04:20 Speaker 11

In January of this.

01:04:22 Speaker 2

Year so 2024.

01:04:24 Speaker 11

Yes.

01:04:25 Speaker 2

Were you working as a crime scene investigator on March the 24th of 2021?

01:04:29 Speaker 11

Yes, Sir, I was.

01:04:31 Speaker 2

As a crime scene investigator tell the jury what your general job looks like day in, day out.

01:04:39 Speaker 11

Crime scene investigations. Our unit was tasked with recording scenes of using photography, using video collecting evidence.

01:04:55 Speaker 11

Have as a really wide range of things that we do packaging evidence.

01:05:02 Speaker 11

Submitting things to labs for further testing and things along those lines.

01:05:08 Speaker 2

And as it relates to the case of.

01:05:11 Speaker 2

State versus Mr.

01:05:12 Speaker 2

Danielle Holland did you assist any other investigators in the collection of any?

01:05:17 Speaker 2

Evidence in this case. Yes, Sir, I did now.

01:05:20 Speaker 2

How would you describe your involvement? Was it heavily involved or just a minor role?

01:05:25 Speaker 11

Very minor, very minor.

01:05:27 Speaker 2

Tell the jury what role you played.

01:05:29 Speaker 2

In that case.

01:05:31 Speaker 11

It was March 24th of 2021. Detective Stokes contacted me and asked me if I could collect a buccal swab for a DNA sample from Mr. Holland, and at that time that's what I did.

01:05:49 Speaker 2

Explain to the jury what a buccal.

01:05:51 Speaker 11

Swab is so basically.

01:05:54 Speaker 11

In order to collect a known DNA sample, what we like to do, if you run your tongue over the inside of your mouth, the skin is very soft there and it slows off easily. So what we use is a it looks like a big Q-tip. AB wouldn't handle swap. They come.

01:06:14 Speaker 11

Sealed and sterile packaging and what I would do is I would glove up.

01:06:21 Speaker 11

And then rub the swab on the inside of the mouth. And what that does is it slows off some skin cells.

01:06:28 Speaker 11

And that's that's what the laboratory uses to develop a DNA sample.

01:06:33 Speaker 2

And specifically to identify a particular person to that genetic sample that.

01:06:37 Speaker 11

You that's correct, yes.

01:06:39 Speaker 2

As it relates to this case, did you collect a sample buccal swab from the individual seated at the table in front of you in the center?

01:06:49 Speaker 2

Post witness strong.

01:06:52 Speaker 2

Sir, I'm handing you what's going to be cremated? Signification.

01:06:56 Speaker 2

As exhibit #14.

01:07:02

Hey.

01:07:07 Speaker 11

Yes.

01:07:09 Speaker 2

Have you seen that item before? Yes.

01:07:11 Speaker 2

What is that item?

01:07:12 Speaker 11

This is the package. Once I collected the swab, it's put into a cardboard container and then I seal that inside of a paper evidence bag.

01:07:23 Speaker 11

And that's what that this is my.

01:07:25 Speaker 2

Packaging. So inside the the brown paper bag, there's somewhat of a a bulge, I guess is that that cardboard packaging if you described.

01:07:34 Speaker 11

Be the cardboard packaging and the swab.

01:07:37 Speaker 2

And you did collect that from this defendant.

01:07:39 Speaker 11

Yes.

01:07:39 Speaker 2

Sir, your honor, I've moved to make this the next exhibit, in this case, being specifically item 14.

01:07:47 Speaker 4

No.

01:07:48 Speaker 1

All right. The swab will be marked as exhibit #14.

01:07:52 Speaker 2

And so was that the extent of your involvement in this matter?

01:07:55 Speaker 11

Yes, Sir, it was.

01:07:57 Speaker 2

No further questions, Ron.

01:07:59 Speaker 1

All right. Thank you. Any cross examination?

01:08:02 Speaker 4

Pass the witness.

01:08:03 Speaker 1

All right. Anything further from Marcus? All right, Mr. Martis, thank you very much for your testimony. You may step down and be excused.

01:08:16 Speaker 1

Statement call its next witness.

01:08:18 Speaker 2

Jerry McElroy, you're on.

01:08:57

Hi dude.

01:09:01 Speaker 2

So would you please introduce yourself to the jury?

01:09:04 Speaker 12

Jerry McElroy.

01:09:05 Speaker 2

How do you spell your last name?

01:09:07 Speaker 2

Sir.

01:09:07 Speaker 12

McElroy.

01:09:11 Speaker 2

Pressure.

01:09:12 Speaker 12

I work as a crime scene investigator for.

01:09:14 Speaker 12

The Chattanooga police.

01:09:15 Speaker 2

How long have you been doing that?

01:09:17 Speaker 2

For a living.

01:09:18 Speaker 12

I've been with the Chattanooga Police Department in 2003, so it'll be 21 years this December. I've been in the crime scene unit since 2012, so.

01:09:25 Speaker 12

It'll be thirteen years this December.

01:09:27 Speaker 2

Prior to accepting that position as a crime scene investigator, did you have any relevant experience inside law enforcement?

01:09:34 Speaker 12

Work control for against the grand total of about five years, so handling smaller level cases, misdemeanor cases dealing with the salts, simple possessions, DUI situations like that where I had to collect evidence and maintain cut the chain of custody of evidence. Right. Detailed reports I was a robbery detective from 2006 to 2008.

01:09:54 Speaker 12

Robbery investigators for the technical Police Department investigate their own crime scene. I investigated home invasion, processed those crime scene, bank robberies and person on person robberies.

01:10:06 Speaker 2

What's your education background look?

01:10:08 Speaker 12

Like I have a high school diploma, I have about 2 1/2 years of college relevant to my training with the job I attended the National Forensics Academy that's in Knoxville, TN into the LSC. It's I lived there for 2 1/2 months to go through this Academy. It's 400 hours of receiving training from experts all over the United States.

01:10:27 Speaker 12

In crime scene investigations, all aspects of it.

01:10:30 Speaker 2

You mentioned a couple of acronyms in there. I think 1 was SLE or.

01:10:35 Speaker 12

Something like LEIC and I'm not exactly if law enforcement enforcement. I'm not.

01:10:36 Speaker 9

Yes.

01:10:39 Speaker 12

Sure, if it's a law.

01:10:41 Speaker 12

Part of the UT not UT Knoxville program.

01:10:46 Speaker 2

So what are your?

01:10:48 Speaker 2

General duties and responsibilities as an investigator with crime scene.

01:10:52 Speaker 12

Our duties of the crime scene investigator is to respond to crime theme. We document crime theme with notes, photographs, video measurements.

01:11:00 Speaker 12

Also, the evidence in the same manner and.

01:11:02 Speaker 12

We collect and preserve evidence.

01:11:11 Speaker 2

Explain to the jury how does a crime scene investigator become involved?

01:11:16 Speaker 2

In a case.

01:11:18 Speaker 12

While we're on duty, if an incident happens, generally a lead investigators assigned, whether it be a violent crimes investigator or another investigator, then they make the determination whether or not to contact the crime scene unit for us to respond and process the crime scene.

01:11:35 Speaker 2

Does that typically involve the obtaining of search warrants? Yes, Sir.

01:11:41 Speaker 2

And it's explaining to the jury what a search warrant is.

01:11:45 Speaker 12

My understanding is it's been a long time since I've written work that generally the role of the lead investigator, but I wrote many of the robbery detective search warrant is basically you make a statement of facts and.

01:11:55 Speaker 12

Writing to a.

01:11:56 Speaker 12

Judge in a court of record a probable cause for going into a residence of vehicle.

01:12:02 Speaker 12

And searching for evidence relevant to the crime that you're investigating and.

01:12:08 Speaker 2

That then gives you permission to search the confines of whatever described on the war.

01:12:13 Speaker 2

Itself, yes, Sir.

01:12:15 Speaker 2

When you actually get to the scene to assist in the processing and collection of evidence pursuant to a search warrant, walk the jury through what you do.

01:12:26 Speaker 12

Initially I try to get as much information when I received the call. Excuse me when I get on the scene, I try to see if any of the new any information is developed.

01:12:37 Speaker 12

From that point, we verify that the warrant is correct. We also create a crime scene log and then we will initially walk through the crime scene just to see what we got and everything that the third one entails. After we do our walk through, then we will.

01:12:57 Speaker 12

Document the scene as we found it, without moving anything or in that nature with photographs and video.

01:13:05 Speaker 12

And notes.

01:13:08 Speaker 2

And specifically as you described, taking video and photographs, is there a particular method that you use to photograph things?

01:13:20 Speaker 12

Yes, when you do crime scene photography, you want to make sure you have contact. So what we will do is we will photograph the scene basically as an overall type situation. So in a situation like this room, I will do this corner this corner and this corner and then I would work my way in so you could see more details of what is in this room and that the process that we use for.

01:13:39 Speaker 12

Crime scenes. If we see something in play.

01:13:41 Speaker 12

Any view that we know that would be relevant, it's in the search warrant, it's relevant. We'll go ahead and photograph it at that time and we use the far, mid close method. That way they're the farm method gives you a lot of context. The mid range gives you a little more zeroing in on what you're focusing on and then the up close is this is.

01:13:57 Speaker 12

What I'm focusing?

01:13:58 Speaker 2

On now, Sir, as I understand it.

01:14:01 Speaker 2

In addition to documenting with photographs, video, whatever is part of your job, also the collection and handling of items of evidence, things of interest and investigation.

01:14:10

I.

01:14:12 Speaker 12

Yes, Sir.

01:14:16 Speaker 2

And generally describe how evidence is collected and what you do with it after you find it somewhere.

01:14:23 Speaker 12

A procedure for the Chattanooga Police Department. We just have two investigators for every major case. So the person that's collecting the evidence that the person that's actually picking it up and putting it into.

01:14:32 Speaker 12

The back, the.

01:14:34 Speaker 12

Other person will help take notes as far as documenting where the item was located.

01:14:37 Speaker 12

The time that it was collected, we place each item in bags or boxes, whichever is appropriate for the evidence, and those are put in a place where with after the scene is done, we can secure them in our crime scene vehicles to.

01:14:48 Speaker 12

Take them back to the office.

01:14:50 Speaker 2

So what? What are you guided by when you're in a location executing a search warrant or searching for evidence?

01:14:59 Speaker 12

Well, this skill has been honed a little bit, having almost 12 years experience. It was 8 years ago, eight years experience at the time of this incident, depending on the nature of the call, if I'm.

01:15:09 Speaker 12

If I'm aware of that information received from the reporting officer that arrived on scene, information received from the lead investigator because he had to update the probable cause for the warrant based on those informations that are related to me at that time, that generally guides my search and the collection of evidence for the case.

01:15:30 Speaker 2

Is it fair to say that when you go in on a search warrant, the investigation is still at the early stages? A lot of times?

01:15:40 Speaker 12

This case I really didn't know what I was investigating other than a missing a missing person, so there's many times that.

01:15:48 Speaker 12

I I really don't know all the circumstances.

01:15:51 Speaker 2

So let's start with.

01:15:52 Speaker 2

June the 8th into June the 9th of 2020.

01:15:58 Speaker 2

Were you called out on that day?

01:16:00 Speaker 12

Yes, Sir. Believe it was 4088 teakwood Dr. OK.

01:16:00 Speaker 2

To what location?

01:16:06 Speaker 2

Was that the first location that you?

01:16:07 Speaker 2

Went to yes.

01:16:08 Speaker 2

Sir, what city is that in?

01:16:10 Speaker 12

Chattanooga.

01:16:10 Speaker 2

In what county is Chattanooga in?

01:16:12 Speaker 12

Hamilton, Hamilton County. Yes, Sir.

01:16:15 Speaker 2

Why did you go to that location?

01:16:17 Speaker 12

I was requested by the lead investigator that a search warrant had been.

01:16:21 Speaker 12

Sworn to signed, and that the SWAT team had cleared the residence and I was requested to respond to that crime scene or respond to that location and process that residents pursuant to the crime scene and what it or pursue it to the warrant search warrant and what it.

01:16:38 Speaker 12

Was listed in that. Did you?

01:16:40 Speaker 2

Implement that location 4088 teakwood Dr. Chattanooga, TN as in the manner that you described earlier to the jury.

01:16:51 Speaker 12

Yes, Sir. Yes, Sir.

01:16:53 Speaker 2

Did you take photographs at that location? Yes, Sir. Did you collect evidence specifically from that?

01:16:58 Speaker 12

Location. Yes, Sir.

01:17:28 Speaker 2

First witness, judge.

01:17:30 Speaker 1

Yes.

01:17:31

Thank you.

01:17:34 Speaker 2

Sir, I'm handing you. It's been marked for identification purposes as exhibit 15, and it contains one through.

01:17:45 Speaker 2

So 15115.

01:17:45 Speaker 12

OK.

01:17:48 Speaker 4

Please take a.

01:17:49 Speaker 2

Moment and review collective exhibit.

01:17:53 Speaker 2

For identification.

01:18:59 Speaker 2

Sir, in preparation for trial, have you had an opportunity to review that collective exhibit?

01:19:06 Speaker 2

Identified as item 15.

01:19:08 Speaker 12

Yes, Sir, I.

01:19:08 Speaker 2

Have generally, what does it depict so?

01:19:11 Speaker 12

These are photographs that I took.

01:19:13 Speaker 12

At 4088 Teakwood Dr.

01:19:16 Speaker 12

It the overall that I described and there are some photographs of as I described earlier so far and some mid and some close of rooms and evidence that was collected at that scene.

01:19:30 Speaker 2

Do they thoroughly and accurately show everything your honor at this time I.

01:19:33 Speaker 12

There it does.

01:19:34 Speaker 2

Would love to make this collective exhibit 15.

01:19:37 Speaker 1

Any objection? All right, then. Collective exhibit 15, inclusive of documents 15 one through 1515 will be.

01:19:38 Speaker 4

No judgment.

01:19:45 Speaker 1

More.

01:19:48 Speaker 2

Now, Sir, if I could direct your.

01:19:50 Speaker 2

Attention behind you.

01:19:56 Speaker 2

Please tell the jury.

01:19:57 Speaker 2

What we're looking at in this photograph here.

01:20:03 Speaker 12

This is.

01:20:06 Speaker 10

It's gonna hurt.

01:20:07 Speaker 12

Can everybody hear me? OK? This is 4088 teakwood Dr. This is the property from the kind of on the edge of the street.

01:20:19 Speaker 2

And specifically, Sir, there's kind of a silvery rectangle towards the center of this photograph. Could you tell the jury what that is?

01:20:27

The.

01:20:27 Speaker 12

This is a silver camper.

01:20:31 Speaker 2

And where was that parked it?

01:20:34 Speaker 2

What kind of building is this?

01:20:36 Speaker 2

Let's start there.

01:20:37 Speaker 12

This is the duplex. This side of the street is teakwood drive.

01:20:42 Speaker 12

Back here is I believe it's Webb Rd. if I'm not mistaken, and it was backed up against.

01:20:49 Speaker 12

The left side of 40.

01:20:52 Speaker 12

84088 teakwood Dr.

01:20:55 Speaker 2

And it's a little bit hard to see and I'll I'll try to zoom in a little bit for the jury adjacent to the trailer is a greenish.

01:21:04 Speaker 2

BLOB. Can you tell them what that is? It's it's a little hard to.

01:21:08 Speaker 2

This. Yes, Sir. That I believe that's a tree. OK. And where would the entry to 4088 Teakwood Dr. be in relation to this photo?

01:21:19 Speaker 12

I believe that behind the.

01:21:20 Speaker 12

Tree.

01:21:21 Speaker 2

Thanks.

01:21:23 Speaker 2

I'm now showing you 15-2, Sir. Is this the same picture, but panning more towards teakwood drive down the driveway.

01:21:35 Speaker 2

And it shows numerous vehicles. Would that be?

01:21:38 Speaker 2

Fair to say?

01:21:39 Speaker 12

Correct.

01:21:43 Speaker 2

Now showing you 15-3, what are we looking at here?

01:21:47 Speaker 12

This is me shifting from a position over here to more of a Direct Line view where you can see the front porch 4088 teakwood Dr.

01:21:55 Speaker 12

Side I'm not.

01:21:56 Speaker 12

Sure, if that's the side AB, but it's a less left side.

01:21:59 Speaker 2

Now, Sir to the if, if we're looking at this photograph to the far left is a silvery object.

01:22:07 Speaker 2

That same camera.

01:22:08 Speaker 12

Yes, Sir. That the.

01:22:09 Speaker 2

Camper there is a dark circular kind.

01:22:11 Speaker 2

Object towards the center is that that tree that you described earlier? Yes, Sir. Right there. Was there a gap?

01:22:18 Speaker 2

Between the camper and the tree.

01:22:19 Speaker 12

Sir. Yes, Sir. There was a porch.

01:22:22 Speaker 2

OK. And from where that red truck is parked, was there a gap in the tree between the camper and?

01:22:29 Speaker 12

That yes, I believe it was. Yes, Sir.

01:22:33 Speaker 2

Thank you, Sir.

01:22:36 Speaker 2

I'm now showing you 15-4.

01:22:40 Speaker 2

Is this that same door that you saw on the preceding photograph?

01:22:44 Speaker 12

Yes, Sir. And the method that I described earlier, this would be somewhat of a mid range photograph. So this is me coming closer to.

01:22:51 Speaker 12

Document the house.

01:22:52 Speaker 12

The porch and the area that you see in the photograph.

01:22:57 Speaker 2

The bottom left hand corner, Sir.

01:22:59 Speaker 2

What does that appear to be? And I'll I'll try to zoom in for you.

01:23:02 Speaker 2

Yes, right there.

01:23:04 Speaker 12

It appears to be a poker table, Sir.

01:23:07 Speaker 2

Thank you, Sir. Behind the door towards the upper right hand corner of this zoomed in photograph.

01:23:16 Speaker 2

What are those items?

01:23:18 Speaker 12

These items right here.

01:23:19 Speaker 2

Yes, Sir. Well, no, no, no. Down, down.

01:23:21 Speaker 2

Below.

01:23:22 Speaker 2

Yes, that is.

01:23:23 Speaker 12

But it appeared to be launch years, Sir.

01:23:26 Speaker 2

When you were at the crime scene, was there a lot of items on that porch area that you described adjacent to the camper towards?

01:23:36 Speaker 2

The front.

01:23:37 Speaker 2

Yes, Sir. Did it appear to be?

01:23:40 Speaker 2

A gathering spot to you.

01:23:43 Speaker 2

Yes, Sir. Where people would hang out? Yes, Sir. Spend time. Correct. And you didn't just walk around the exterior of this, did you go into the inside?

01:23:54 Speaker 2

Showing you 15. Five, Sir.

01:23:56 Speaker 2

It's at the front door. Yes, Sir. Now.

01:23:59 Speaker 2

To give the jury a little.

01:24:00 Speaker 2

Bit of a perspective of the layout.

01:24:03 Speaker 2

Of 4088 Teakwood Dr. as you walked in. What? What were you greeted by?

01:24:11 Speaker 12

It appeared to be a room fashion to the laundry room. Did you have a dryer right.

01:24:14 Speaker 12

There and the.

01:24:15 Speaker 12

Washer right there.

01:24:17 Speaker 12

That's what's in view of this picture.

01:24:20 Speaker 12

I believe that might be a Kitty litter box, so there's a tubing right there in future photograph. I believe that goes to some kind of a dehumidifier or venting fan.

01:24:29 Speaker 11

Got you.

01:24:31 Speaker 2

Was there a a living space inside the residence?

01:24:35 Speaker 12

As soon as you go through the doorway to the left, I believe that opens.

01:24:39 Speaker 12

To the kitchen and the.

01:24:40 Speaker 12

Dining room area. Were there any bedrooms?

01:24:43 Speaker 2

At this location? Yes, Sir.

01:24:45 Speaker 2

How many bedrooms were there to your recollection?

01:24:47 Speaker 12

I believe 2, Sir.

01:24:49 Speaker 2

And how would you describe multiple rooms in a house? For instance, if there's two bedrooms, how would you?

01:24:56 Speaker 1

Label that.

01:24:58 Speaker 12

We generally on a crime scene, we try to orientate north and then we work off of North.

01:25:03 Speaker 12

For the house. So.

01:25:06 Speaker 12

The one bedroom that was labeled northwest bedroom and then if there was a back, another bedroom, we would label it like the Southwest bedroom because it.

01:25:18 Speaker 12

Would be behind it.

01:25:19 Speaker 2

And specifically, 4088 teak wood, was there a southwest?

01:25:24 Speaker 2

Bedroom that you searched. Yes, Sir.

01:25:26 Speaker 2

I'm now showing you exhibit 15-6.

01:25:40

Really.

01:25:45 Speaker 7

OK.

01:25:48 Speaker 2

Go back, JoJo, I'm sorry.

01:25:51 Speaker 2

There we go, 15-6.

01:25:54 Speaker 2

Which band does this show?

01:25:56 Speaker 12

This was, I believe I had labeled this one the northwest bedroom.

01:26:05 Speaker 2

And as you enter a room specifically, if you're looking for a.

01:26:09 Speaker 2

Piece of evidence. Do you take a panorama shot? Like, for instance? This shows a closet to the right hand side.

01:26:16 Speaker 2

There's the bed more towards the center. Do you do anything so that you capture the entirety of the?

01:26:22 Speaker 2

Room.

01:26:23 Speaker 12

Yes, Sir. Cranky photography. You overlap your photograph. So I would start at one corner of the room, move about halfway over, photograph another part, another part of another part. So basically, if you were to slip the pictures, it's almost like watching a movie.

01:26:39 Speaker 2

So we're now looking at 16, seven, there we go and is that the same bed that we saw in the preceding image?

01:26:48 Speaker 12

Yes, Sir. As I described earlier, I'm panning left.

01:26:52

OK.

01:26:52 Speaker 2

And there's a there appears to be a.

01:26:57 Speaker 2

Sitting to the left of the bed.

01:26:59 Speaker 2

Do you see that?

01:26:59 Speaker 2

Lamp is that sitting on a piece of furniture.

01:27:04 Speaker 12

I don't know if I've described it. A piece of furniture or some kind of safe, but yes, it's on some type of furniture item.

01:27:11 Speaker 2

And we're now showing you 15-8.

01:27:11

Yeah.

01:27:17 Speaker 2

Is that a closer shot of that safe or?

01:27:22 Speaker 2

Whatever that item.

01:27:23 Speaker 12

Is yes, Sir. As I described earlier, I'm walking my photos into that to keep contact until I get focused on the item I'm focusing on.

01:27:30 Speaker 2

And specifically, Sir, did you search the item that you described as the safe behind that newer bag?

01:27:39 Speaker 2

Yes, Sir. Yes.

01:27:44 Speaker 2

I'm now showing you 15-9. Is this photograph documenting your search of the interior of that?

01:27:51

That's.

01:27:51 Speaker 12

Safe. Don't worry, that's not yet. That's the me trying to document that with the camera trying to focus on the pillow because.

01:28:00 Speaker 12

Closer, but yet that's the focus of my photograph is right.

01:28:03 Speaker 2

There not trying to be mean, but is this like a?

01:28:06 Speaker 2

Big one of those large DSLR cameras. Yes, Sir. More difficult than to focus than like your iPhone or iPad or something like that. OK, specifically, are these rooms that you're searching here in exhibit 15 well lit?

01:28:14 Speaker 12

Oh, yeah, yeah. Yes, Sir.

01:28:24 Speaker 12

I would say it would adequately live. I use my flashlight, but it was adequately.

01:28:29 Speaker 2

Lit. Sure. So it was dark enough that you needed to use a flashlight. Does that make it easier or harder to take photographs?

01:28:36 Speaker 12

It makes it.

01:28:37 Speaker 12

Harder, because then your flash tries to.

01:28:38 Speaker 12

Compensate for the flat for the light that's there. And when you use a flashlight, it's trying to meter and read the level of light in the room. So in a a room that has dark corners and.

01:28:52 Speaker 2

And if there's less light, does that mean that the shutter takes longer and that means any trimmers that are in your hand will cause the picture to blur, showing you 1510? Do you see the object that has?

01:29:09 Speaker 2

What appears to.

01:29:10 Speaker 2

Be a buckle with a black strap towards the.

01:29:12 Speaker 12

Center. Yes. I'm not sure if that would. The jury view is better than mine, but I can. This is a holster in the front of the holster is a magazine and its own little pouch. And the holster did not.

01:29:26 Speaker 12

Have a weapon in it.

01:29:27 Speaker 2

I'm going to now show you that a close up of that item, this is 1511, is that what you were just describing in that preceding photograph, Sir?

01:29:36 Speaker 12

Yes, Sir. As we talked about lighting before, I was able to bring it out into brighter light and get a more detailed photograph of the item that you just saw in the previous.

01:29:45 Speaker 12

Photograph.

01:29:46 Speaker 2

Did you collect that item as?

01:29:47 Speaker 2

Evidence. Yes, Sir, I did.

01:29:56 Speaker 2

Approach. Witness, judge.

01:29:58 Speaker 3

Yes.

01:29:59 Speaker 2

Thank you.

01:30:00 Speaker 2

I'm now going to hand you what's been marked for identification purposes.

01:30:01 Speaker 1

OK.

01:30:06 Speaker 2

As exhibit 63.

01:30:07 Speaker 3

Hey.

01:30:09

Take a look at that.

01:30:20 Speaker 2

Have you seen that?

01:30:21 Speaker 12

Item before. Yes, Sir.

01:30:22 Speaker 12

I have what is.

01:30:23 Speaker 2

That that's the item we're.

01:30:25 Speaker 12

Looking at in the photograph.

01:30:26 Speaker 2

Now if you could help me.

01:30:29 Speaker 2

Explain to the jury there's there's a bunch of.

01:30:32 Speaker 2

Stuff on that envelope. What is that red tag?

01:30:35 Speaker 2

What? What does it signify?

01:30:38

So.

01:30:38 Speaker 12

What you're looking at here?

01:30:42 Speaker 12

The red tag is applied by our property division where we secure the evidence. They will make their tag and put it on the evidence that I previously had.

01:30:50 Speaker 12

Packaged, labeled, and sealed.

01:30:51 Speaker 2

So if the jury was back there and they see this red tag, that's something that.

01:30:58 Speaker 6

OK.

01:30:58 Speaker 12

The property division.

01:31:00 Speaker 12

The white tag is the tag that I.

01:31:02 Speaker 12

Typed up in place on the item.

01:31:04 Speaker 2

And does it?

01:31:04 Speaker 2

Have a description of the item contained therein.

01:31:07 Speaker 12

Yes, Sir. That's where they get the information for the.

01:31:08 Speaker 12

Red tab.

01:31:10 Speaker 2

And the white tag. What is that?

01:31:13 Speaker 12

The white tag is something that we use. It has information regarding the evidence, the type of.

01:31:18 Speaker 12

Case specifically, I had the case number, the inventory number, which is the property number and the item number. The type of offense that had the description of what is inside the bag had the victim's name that has the date and time collected where it was collected, and then it had.

01:31:33 Speaker 12

My name on it.

01:31:35 Speaker 2

Now, Sir.

01:31:38 Speaker 2

This particular item we're looking at what appears to be a fire or a magazine, is that what that item is to the?

01:31:44 Speaker 2

Right hand side.

01:31:45 Speaker 12

Yes, Sir it is.

01:31:46 Speaker 2

And and there appears to be some.

01:31:48 Speaker 2

Riding at the bottom of that.

01:31:51 Speaker 2

You mind opening?

01:31:52 Speaker 2

This exhibit.

01:31:54 Speaker 3

Yes, Sir.

01:32:28 Speaker 2

Could you remove the magazine?

01:32:39 Speaker 2

Sir, on the bottom of this magazine that we see in 1511 that's now in physical evidence for this trial, does it have a brand or manufacturer?

01:32:50 Speaker 2

Associated with it.

01:32:52 Speaker 12

It has the brand.

01:32:54 Speaker 12

It's pronounced sky, but the spelling is SCC Y. Thank you.

01:33:12 Speaker 2

Now in the living room, did you search for anything that might help identify who may have occupied?

01:33:24 Speaker 2

4088 teakwood.

01:33:26 Speaker 12

Yes, Sir. We served the entire residence. Yes, Sir.

01:33:31 Speaker 2

15-13 what are investigators looking at?

01:33:33

What are you?

01:33:37 Speaker 12

I believe this was in the northwest bedroom behind the TV, under a box. As we surf for things. If we find something, we immediately stop and photograph it.

01:33:51 Speaker 12

Prior to picking up and.

01:33:52 Speaker 12

Touching it, so this item was forward, this item was under a box. Lift the box up and this is a wallet and there was some money with.

01:34:01 Speaker 2

It was there, an identification card in that.

01:34:05 Speaker 12

Yes, Sir. There was a Tennessee. I guess it would be a state identification card.

01:34:10 Speaker 2

I'm going to show you exhibit 15-4.

01:34:15 Speaker 2

Is that that?

01:34:15 Speaker 12

Identification. Yes, Sir. That was removed from.

01:34:18 Speaker 2

That wall and whose identification is.

01:34:20 Speaker 12

That Mister Danielle, Dwayne Holland.

01:34:24 Speaker 2

Have a date of birth.

01:34:25 Speaker 12

On it. Yes, Sir.

01:34:27 Speaker 12

[date of birth removed].

01:34:30 Speaker 2

Thank you, Sir. And finally, Sir, I'm going to show you 15-15.

01:34:40 Speaker 2

It's it's that, that camper. Just closer up, yes.

01:34:43 Speaker 12

Sir.

01:34:44 Speaker 2

Does this.

01:34:44 Speaker 12

No, I don't believe I have your.

01:34:46 Speaker 12

Side of the camper so that is the other side of.

01:34:47 Speaker 2

The camper and close up. So on this photograph. Where would it don't work?

01:34:52 Speaker 2

I'm sorry, where would the door the entryway be?

01:34:55 Speaker 12

Almost the opposite of the air conditioner on the other side.

01:35:01 Speaker 2

Did you have an opportunity to go into that camper at any point in?

01:35:05 Speaker 2

Time. Yes, I did.

01:35:07 Speaker 2

And specifically, Sir, was that camper taken by the Chattanooga Police Department?

01:35:16 Speaker 12

Yes, Sir. It was taken as evidence.

01:35:19 Speaker 2

Thank you, Sir.

01:35:21 Speaker 2

Was that the only location that you went on August the OR? I'm sorry, June, the.

01:35:26 Speaker 12

9th No Sir, we're not.

01:35:28 Speaker 2

Where else did?

01:35:29 Speaker 2

You.

01:35:29 Speaker 12

Go. I believe it was 6035 Stockton Drive.

01:35:34 Speaker 2

Why did you go to that location?

01:35:37 Speaker 12

The lead investigator advised he has search warrant for that location and in the same manner as the approach for.

01:35:42 Speaker 12

This.

01:35:42 Speaker 12

One, there was specific labels into the search warrant, plus I was given item specifically to look for. That fell within the purview of the search.

01:35:54 Speaker 6

Work.

01:36:39 Speaker 2

Handy has been marked for identification purposes as exhibit 17, specifically the collective exhibit 17 one through.

01:36:52 Speaker 2

21 OK, please review those.

01:37:15

Do you want me?

01:38:05 Speaker 2

Have you had an?

01:38:06 Speaker 2

Opportunity to review these items, yes.

01:38:07 Speaker 2

Sir, are they fairly and accurately depict what you saw with your own eyes?

01:38:10 Speaker 12

Yes, Sir.

01:38:11 Speaker 2

Move to make this collective exhibit.

01:38:13 Speaker 2

17 items one through 21.

01:38:18 Speaker 1

Any objection, Mr. McNeil? Alright, then. Exhibit 17 one through 20.

01:38:19 Speaker 6

Numbers.

01:38:24 Speaker 1

One will be marked.

01:38:25 Speaker 2

And Sir, did you document that scene in the manner that you described earlier?

01:38:29 Speaker 12

Yes, Sir, I did OK.

01:38:32 Speaker 2

And those are photographs that were taken inside that 6305 Stockton drive, correct. Is that also in what county? Hamilton County. Thank you, Sir.

01:38:46 Speaker 2

Now when you went to.

01:38:47 Speaker 2

That location actually, both of these locations.

01:38:50

On the what?

01:38:50 Speaker 2

Kind of an investigation was going on was it was it?

01:38:53 Speaker 2

A homicide investigation.

01:38:56 Speaker 12

I honestly I was told that it was a it started out as a missing person, missing person investigation and that information had developed that we need to investigate it further. So I wasn't quite sure what I was.

01:39:10 Speaker 2

Sure.

01:39:11 Speaker 12

I had no specific.

01:39:12 Speaker 2

Details. So when you went into these locations, did you collect anything that might pertain to a possible missing person?

01:39:21 Speaker 12

Yes.

01:39:23 Speaker 2

And specifically Sir.

01:39:29 Speaker 2

For instance, this is your item 68.

01:39:38 Speaker 2

Have you seen this before?

01:39:42 Speaker 12

Yes, I have.

01:39:43 Speaker 2

What is item 68?

01:39:46 Speaker 12

My description is a large kitchen knife with suspected blood on.

01:39:49 Speaker 12

It OK.

01:39:51 Speaker 2

And why was that collected?

01:39:54 Speaker 12

In the manner that I located it, it was between two mattresses in a bedroom.

01:39:59 Speaker 12

That's not a common place to put a kitchen knife, and it had a red substance on it, and the handle was broken. Having investigate.

01:40:08 Speaker 12

Hundreds and to this date over thousands, at least 1000 cases. It was enough for me to maybe collect it, to be. It may or may not be involved, but.

01:40:17 Speaker 2

I collected it so it was collected because when you were doing your investigation, you didn't have a perfect picture on what you needed to focus in. So you're casting.

01:40:17 Speaker 3

Sure.

01:40:25 Speaker 12

Correct.

01:40:27 Speaker 6

That's a wide.

01:40:28 Speaker 2

That would that be fair to say?

01:40:30 Speaker 7

Yes, Sir.

01:40:31 Speaker 2

Thank you and.

01:40:32 Speaker 2

This item was collected.

01:40:33 Speaker 2

From where in the house?

01:40:35 Speaker 12

That would be, I believe, in the southwest bedroom.

01:40:38 Speaker 7

Thank you.

01:40:40 Speaker 2

Ask that this be marked for identification as 18 and then moved into evidence.

01:40:47 Speaker 1

All right, Civic #18 will be marked, which is the kitchen knife and will be entered into.

01:40:52 Speaker 3

Evidence.

01:40:52 Speaker 2

Thank you. Now there's there's another thing on this box that we haven't seen before. It's kind of a rectangular.

01:41:03 Speaker 2

Sticker it looks like right there. You might have on a return envelope or something. Great.

01:41:08

Are.

01:41:08 Speaker 2

You familiar with that?

01:41:09 Speaker 12

Yes, Sir. This is a sticker. When an item goes to the TBI or any other lab that Quantico, the lab has their own stickers and exhibit numbers. So they will, after examining the item, they will put their stickers on the the out of the packaging of the evidence.

01:41:26 Speaker 2

So this item with the police.

01:41:29 Speaker 2

Department is labeled as item 68. Is that fair to say? What item does the TDI call this?

01:41:32 Speaker 12

Yes, Sir.

01:41:36 Speaker 12

They have it as exhibit 3.

01:41:38 Speaker 2

So when any reason why they do it that way?

01:41:42 Speaker 12

I have no idea.

01:41:44

And that's.

01:41:44 Speaker 2

Question.

01:41:47 Speaker 12

But this was collected. Yes, Sir, by me.

01:41:49 Speaker 2

And based on.

01:41:50 Speaker 2

That you could tell it was submitted.

01:41:54 Speaker 12

Correct.

01:41:59 Speaker 2

I'm showing you the first photograph in our last collective exhibit, #17.

01:42:06

Right.

01:42:07 Speaker 6

On the surface.

01:42:09 Speaker 2

Is this one of the locations that you searched inside that 6305 Stockton drive location?

01:42:16 Speaker 12

Yes, Sir.

01:42:21 Speaker 2

What are we looking at here?

01:42:23 Speaker 12

This is my standing at the doorway and as I had done in previous photographs and the previous room, I'm documenting the items that are inside the.

01:42:34 Speaker 12

Room.

01:42:35 Speaker 2

And that's just to show anything of interest.

01:42:39 Speaker 2

Is that fair site? Now 17 two.

01:42:39 Speaker 12

Correct that I thoroughly searched the residence. Yes, Sir.

01:42:47 Speaker 3

Oh 40.

01:42:49 Speaker 2

17/2.

01:42:53 Speaker 2

17 two is we saw in the preceding picture kind of 1/4 of a piece of furniture sticking out towards the doorway. Is this a photograph of that?

01:43:04 Speaker 12

Doorway. Yes, Sir. That's me panning right.

01:43:07 Speaker 12

So that you have through both.

01:43:09 Speaker 12

Photographs you can see pretty much everything. That's.

01:43:11 Speaker 12

In the room.

01:43:12 Speaker 2

And it was this the same bedroom that that knife was in, or was that the other bedroom?

01:43:17 Speaker 12

That's a separate bedroom, OK?

01:43:19 Speaker 2

So this is.

01:43:20 Speaker 2

Which bedroom do you?

01:43:21 Speaker 12

Know I don't recall the orientation of it, but I believe there was only two bedrooms downstairs, so this would be the other.

01:43:28 Speaker 2

Bedroom and 17. Three. Is this just more photos of the same room from a different angle?

01:43:36 Speaker 12

Correct.

01:43:39 Speaker 2

Now we're looking at 17, four.

01:43:43 Speaker 2

Have you seen this paper before?

01:43:46 Speaker 12

Yes, Sir. Kenneth dark. And I believe that the southwest bedroom.

01:43:50 Speaker 2

OK, I think the next picture is a little bit clear 17.

01:43:54 Speaker 12

[removed]. Yes, Sir. That the.

01:43:55 Speaker 2

Southwest bedroom. Is that the same bedroom that we saw in the preceding?

01:43:58 Speaker 2

Photograph.

01:43:59 Speaker 12

Yes, Sir. And so I recommend from the.

01:44:01 Speaker 2

If you're.

01:44:02 Speaker 12

Stereo. That's why we overlap, so we can.

01:44:04 Speaker 2

Yes, Sir. That was going to be. My question is, was that the?

01:44:07 Speaker 2

Same.

01:44:07 Speaker 2

Items in the previous one so.

01:44:09 Speaker 2

Where was that knife found?

01:44:11 Speaker 12

It was between the mattress or maybe about.

01:44:15 Speaker 12

6 inches and underneath between the box springs and the mattress.

01:44:25 Speaker 2

Along with judge.

01:44:40 Speaker 2

First witness, judge.

01:44:41 Speaker 3

Yes, thank you.

01:44:45 Speaker 2

Now handing you what's been marked for identification.

01:44:50 Speaker 2

Exhibit 19.

01:44:53 Speaker 2

What is this?

01:44:57 Speaker 12

An.

01:44:58 Speaker 12

An envelope with suspected blood on it.

01:45:01 Speaker 12

And take a look at the.

01:45:03 Speaker 2

Exterior of the envelope.

01:45:05 Speaker 2

Was that item sent to the TBI crime?

01:45:07 Speaker 2

Left.

01:45:08 Speaker 12

Yes, Sir it.

01:45:09 Speaker 2

Was is that one of the items that you collected from that bedroom that we see up there in the?

01:45:13 Speaker 2

Southwest bedroom. Yes, Sir.

01:45:16 Speaker 2

I would move to make.

01:45:16 Speaker 2

This exhibit 18. I'm sorry.

01:45:20 Speaker 1

Any objection? All right. The envelope was suspected. Blood will be marked as exhibit #19.

01:45:22

So.

01:45:27 Speaker 2

Thank you.

01:45:37 Speaker 2

Again, this is you showing the same general trying to show the entire bedroom. Is that correct? So the bed that we saw in the preceding photograph is now to the left.

01:45:45

Yes.

01:45:49 Speaker 2

Of this photo.

01:45:50 Speaker 2

OK, now let's move on to another room.

01:45:58 Speaker 2

You recognize this location?

01:46:02 Speaker 2

Part of that same collected exhibit that we're going through this time item 7.

01:46:08 Speaker 12

Yes, Sir, this during the.

01:46:10 Speaker 12

Search of the southwest bedroom.

01:46:13 Speaker 2

And inside that bedroom was anything of interest located that you can see in this photograph here.

01:46:22 Speaker 12

Yes, Sir. There's a pistol laying on the floor underneath this kind of like a.

01:46:26 Speaker 2

Hook kit. OK, the next exhibit in.

01:46:31 Speaker 2

This is 17-8.

01:46:34 Speaker 2

Is that a close up of?

01:46:35 Speaker 2

That same thing.

01:46:36 Speaker 2

Firearm that we saw in that last picture.

01:46:39 Speaker 2

Sir.

01:46:47 Speaker 2

Was that firearm collected?

01:46:49 Speaker 12

Yes, Sir.

01:46:55 Speaker 2

1st.

01:46:56 Speaker 1

Yes.

01:47:00 Speaker 2

Pending you item 20.

01:47:03 Speaker 2

Could you tell us what item 20 is, Sir?

01:47:07 Speaker 12

This is the item that you're seeing in the picture at the Smith and Wesson 40 caliber semi automatic pistol with.

01:47:12 Speaker 12

The tack light.

01:47:15 Speaker 2

I would move to make this exhibit judgment.

01:47:21 Speaker 3

Projection.

01:47:23 Speaker 1

Certainly you may approach.

01:47:29 Speaker 7

I would object to the relevance of the of.

01:47:34 Speaker 7

Showing the picture of the photograph and the actual gun being entered into evidence. If this is not the end, if this is not the murder weapon.

01:47:40 Speaker 3

What is the problem inside?

01:47:42 Speaker 6

Your arm, all of these firms were submitted to the TBI Crime Lab. Work and analysis was performed with special agent needs to be able to testify what he tested in rendering his ultimate opinion judge.

01:47:56 Speaker 6

Additionally, one of them we haven't gotten to it yet, but then I think it's the next one or the next one after that, as Mr. Hollins DNA on it, it's all found inside the same location. So that farm is going to be excluded as being the murder weapon.

01:48:13 Speaker 3

So it's going to be excluded.

01:48:20 Speaker 7

Just any redundancy with respect to parading weapons that aren't that aren't to mark the alleged murder weapon is the probative value of that is outweighed by the danger of unfair prejudice to my client. Little or no problem.

01:48:37 Speaker 6

Your honor.

01:48:39 Speaker 6

It's it's extremely relevant now. I think it's unfairly prejudicial. We have to be able to explain what was analyzed, what was tested, what was excluded and what's within the realm of possibility of being possessed by Mr. Holland.

01:48:53 Speaker 6

So on that basis, I don't think it's objectionable.

01:48:57

So.

01:49:00 Speaker 3

I do think that the evidence is particularly as we anticipate that this is going to be discussed later as having been tested by TBI agents.

01:49:05 Speaker 3

Hi.

01:49:11 Speaker 3

Obviously, the state has still put in there to the extent that any of these vendors will collect together police in making the determination as to what the facts were in this case would occur.

But I think it's relevant and I think that it's any prejudicial effect.

01:49:29 Speaker 6

And if the court would, like is an offer.

01:49:31 Speaker 6

Or if I have the lab report Andy, I'd be happy to go retrieve it. It shows SDV.

01:49:37 Speaker 3

You know, I think.

01:49:37 Speaker 3

Ultimately it would.

01:49:38 Speaker 3

Be one of.

01:49:39 Speaker 3

Him too. Everything they collected and what they found.

01:49:42 Speaker 3

Mattered and didn't matter when no determine.

01:49:46 Speaker 3

With the facts of the case.

01:49:49 Speaker 7

Yeah, sure. Thanks.

01:49:50 Speaker 1

Alright, thank you. May proceed. Council. So I've heard the objection relative to exhibit #20 and the Smith and Wesson firearm will be marked exhibit #20.

01:50:06 Speaker 2

Exhibit. I'm going to skip ahead, actually.

01:50:10 Speaker 2

Is that that same firearm?

01:50:12 Speaker 12

Yes, Sir it.

01:50:13 Speaker 2

Is taken from the other side so that you can see the.

01:50:14 Speaker 2

Make and manufacture of it. Yes, Sir, with the.

01:50:17 Speaker 12

Magazine removed. Yes, Sir.

01:50:18 Speaker 2

Thank you.

01:50:19 Speaker 7

Sir.

01:50:22 Speaker 2

Now showing you exhibit think it's 17-10.

01:50:27 Speaker 2

Is there an item of interest in this photograph, Sir?

01:50:31 Speaker 12

Yes, Sir. There was a couch right here when we lifted up the couch, we observed the red pistol on the carpet underneath the pits, underneath the couch.

01:50:41 Speaker 2

Approach the witness, judge.

01:50:43 Speaker 3

Yes.

01:50:45 Speaker 2

Many of you what's been more for identification as exhibits from?

01:50:51

What's that?

01:50:54 Speaker 12

This is the pistol that you see in the photograph. It's a sci py sky 9mm pistol with the magazine.

01:51:02 Speaker 2

Is that the same pistol that we?

01:51:03 Speaker 2

See in this.

01:51:04 Speaker 2

Photograph towards I guess the I've got a laser pointer right there. Yes, Sir. Thank you. Gonna have move to make this the next exhibit 21.

01:51:18 Speaker 1

Any objection?

01:51:21 Speaker 9

Well.

01:51:22 Speaker 1

All right, Civit #21 will be the Cy 9mm firearm.

01:51:29 Speaker 2

So I'm going to show you it's actually already in evidence as exhibit #8 that a prior witness identified. What are we looking at in Exhibit 8?

01:51:43 Speaker 12

This is the the same pistol that I found underneath the couch, the.

01:51:47 Speaker 12

Cy 9mm pistol.

01:51:49 Speaker 2

So what's shown in exhibit 8?

01:51:53 Speaker 2

It's been evidence for some point at some point this morning is the same thing that we have in.

01:52:00 Speaker 2

Exhibit 21, right?

01:52:01 Speaker 12

Here, that's what I.

01:52:02 Speaker 12

Put in that box. Yes, Sir.

01:52:03 Speaker 6

Thank you, Sir.

01:52:09 Speaker 2

Moving on to 1711, is this another room in that House and?

01:52:14 Speaker 2

I know it's dark.

01:52:15 Speaker 12

I apologize if this is my leading photo into the living room.

01:52:16 Speaker 2

Yeah.

01:52:19 Speaker 3

OK.

01:52:20 Speaker 2

Inside the living room. Was there any evidence found?

01:52:24 Speaker 12

Yes, Sir. The pistol.

01:52:25 Speaker 12

Was found in there and other.

01:52:26 Speaker 2

Items. OK, so the pistol that we described in Exhibit 8 and Exhibit 21 right here was found inside that room.

01:52:36 Speaker 12

In the living room.

01:52:41 Speaker 2

Was there a kid? A dining?

01:52:42 Speaker 12

Are you?

01:52:44 Speaker 12

Yes, Sir, there was.

01:52:47 Speaker 2

And was there anything of particular interest inside the the dining area where the table may have been?

01:52:55 Speaker 12

There was ammunition of a backpack was on the floor next to the dining room.

01:53:00 Speaker 12

Table which is.

01:53:02 Speaker 12

Really close to the.

01:53:02 Speaker 2

Living room. Yes, Sir. I'm now going to.

01:53:04 Speaker 2

Show you 17-12.

01:53:08 Speaker 9

Agents.

01:53:11 Speaker 2

What are we looking at?

01:53:12 Speaker 2

Here.

01:53:13 Speaker 12

Originally, this backpack was on the floor right here. I documented with photographs. Then I placed it on the chair because it's easier to bend over and circuit. So I began removing items out of.

01:53:26 Speaker 12

The backpack to search it.

01:53:28 Speaker 2

And as you did that, did you see anything that was of particular interest?

01:53:33 Speaker 12

Immediately observed a firearm on the left side of the back as I removed the item carefully because I don't.

01:53:40 Speaker 12

Know what they mean?

01:53:41 Speaker 2

I'll zoom in. I I see a little bit of something. Can you can you tell us where you see the firearm in this?

01:53:47 Speaker 6

Sure.

01:53:48 Speaker 12

I don't think you can see it in the picture, I don't believe.

01:53:50 Speaker 12

I can see it OK.

01:53:53 Speaker 2

Did you take a picture of that backpack?

01:53:56 Speaker 2

From another angle, yes, Sir.

01:53:58

OK.

01:54:00 Speaker 2

This is 17 dash 13 Sir. Where's the?

01:54:03 Speaker 2

Firm located right?

01:54:04 Speaker 12

There.

01:54:05 Speaker 2

Was that particular firearm which is shown in 1714?

01:54:12 Speaker 2

Collected as evidence. Yes, Sir.

01:54:23 Speaker 2

Sir, I'm handing it has been marked for identification and it's exhibit 22.

01:54:29

22.

01:54:30 Speaker 12

Now this is a firearm that you're seeing in the photograph behind me. It's a canic 9mm pistol with magazine and live rounds.

01:54:39 Speaker 7

Same one. Yes Sir.

01:54:41 Speaker 2

I've moved to make this.

01:54:45

Just.

01:54:48 Speaker 1

Oh, all right. Understood. Thank you very much. That will be marked as exhibit #22.

01:54:59 Speaker 2

I'm going to draw your attention now to exhibit 1715.

01:55:04 Speaker 2

There's a purple Crown Royal bag.

01:55:11 Speaker 2

And behind that is a it looks like.

01:55:14 Speaker 2

A piece of land.

01:55:16 Speaker 2

Maybe.

01:55:17 Speaker 2

What? What is that piece of latex affix?

01:55:20

Those two.

01:55:21 Speaker 12

Based on my training experience.

01:55:23 Speaker 12

I believe that to be the bottom of the magazine of A.

01:55:27 Speaker 2

Pistol. OK. Did you also retrieve that Crown Royal bag? I did. Did you search the interior of that Crown Royal bag? I did. What was in that?

01:55:36 Speaker 2

Crown Royal bag.

01:55:38 Speaker 12

I believe there were 4 magazines.

01:55:41 Speaker 12

Three of them, I don't recall having kind of brand stamp on them. One of them did have a Sci Py sky stamp.

01:55:48 Speaker 12

On the bottom of the magazine.

01:56:03 Speaker 2

Sir, I'm mocking you.

01:56:06 Speaker 2

I'm heading you with the marked.

01:56:09 Speaker 2

Identification purposes as exhibit 23.

01:56:13 Speaker 2

Could you tell us what that is?

01:56:17 Speaker 12

This is the bag and the items that were in the bag that you see in the photograph behind me.

01:56:22 Speaker 2

You mean?

01:56:24 Speaker 12

In in the Crown Royal bag you say?

01:56:25 Speaker 2

OK. And I'm now showing you 17-16, are there those those same magazines played out?

01:56:32 Speaker 12

Yes, Sir, they are.

01:56:33 Speaker 2

So.

01:56:35 Speaker 2

What number Sky magazine is that one that we see that's second from the top that you found at that socket address?

01:56:43 Speaker 2

Oh, I'm sorry. So.

01:56:44 Speaker 2

Is this the only magazine for that sky pistol that you found?

01:56:48 Speaker 2

At that address.

01:56:50 Speaker 12

The best I could recall, yes.

01:56:51 Speaker 2

Sir, you also found a magazine.

01:56:54 Speaker 2

At the other address for a sky pistol, correct.

01:56:58 Speaker 6

Sir.

01:57:03

Next item.

01:57:03 Speaker 1

OK. And any?

01:57:04 Speaker 1

Objection to exhibit 23, which was the.

01:57:06 Speaker 1

Crown Royal bag and magazines.

01:57:09 Speaker 4

I would simply renew my objection from the previous from the courts previous order.

01:57:13 Speaker 1

Certainly. Thank you. That exhibit. I'm sorry that will be marked as exhibit 20.

01:57:19 Speaker 1

3.

01:57:20 Speaker 2

Thank you, Ron.

01:57:22 Speaker 2

You mentioned that that blue latex item that was towards the back of the backpack in your training experience, you recognize that to be a pistol. What did it turn out?

01:57:31 Speaker 2

To.

01:57:31 Speaker 2

Be.

01:57:32 Speaker 12

A magazine and a pistol.

01:57:34 Speaker 2

OK, I'm showing you what's marked as 1717.

01:57:39 Speaker 2

Recognize that?

01:57:47 Speaker 2

Is that the the pistol?

01:57:49 Speaker 12

Yes, Sir. This is the part that I observed. And when I removed it, that was what came out with it.

01:57:53 Speaker 12

Yes, thank you.

01:57:57 Speaker 2

So I'm in and you what's been marked for identification purposes.

01:58:02 Speaker 2

Is that that pistol that we stay on?

01:58:03 Speaker 2

The screen at 1717.

01:58:03 Speaker 4

Spring and.

01:58:08 Speaker 12

Yes, Sir, it is. Thank.

01:58:09 Speaker 2

You now in addition to.

01:58:14 Speaker 2

You know, observing them, I guess, and their their natural environment where they're found.

01:58:21 Speaker 2

What else did you do with these pistols that you found? It stopped.

01:58:24 Speaker 12

Them.

01:58:26 Speaker 12

And collecting pistols, we make them safe so we don't have a chance of accidental discharge, so we will remove the magazine out of the magazine. Well, and if there's a round in the Chamber, we'll object that out.

01:58:38 Speaker 2

And what is the purpose?

01:58:40 Speaker 6

Of doing that.

01:58:41 Speaker 12

To make the weapons safe, so there's no accidental discharge because some weapons have safety, some don't. So that's just a standard procedure in making a weapon safe is clear from any way of functioning and firing around.

01:58:54 Speaker 2

Now, Sir, in addition to collecting the firearms, what did you do with that backpack?

01:59:00 Speaker 12

I continue my search and I collected as evidence.

01:59:03 Speaker 2

You collected the bag itself.

01:59:05 Speaker 12

I believe I did, Sir.

01:59:12 Speaker 4

I got a moment, judge.

01:59:32 Speaker 2

Thank you, Sir. I'm handing you for Mark for identification 25.

01:59:42 Speaker 2

Could you please identify what this item is?

01:59:44 Speaker 12

This is the black backpack that he observed earlier when I removed the two pistols from.

01:59:50 Speaker 2

And it's the.

01:59:50

Yeah.

01:59:51 Speaker 2

One that you collected at the sock.

01:59:52 Speaker 2

And drive dress.

01:59:53 Speaker 2

Yes, Sir. This the next exhibit 25.

01:59:57 Speaker 3

Any objection?

02:00:00 Speaker 1

All right, the backpack located at.

02:00:01 Speaker 1

6035 Stockton Drive will be marked exhibit #25.

02:00:04

Thank you.

02:00:12 Speaker 2

I also noticed that there was.

02:00:16 Speaker 2

An item number 80.

02:00:19 Speaker 2

In this case.

02:00:30 Speaker 2

Handing you would spend.

02:00:31 Speaker 2

This 26 for identification purposes.

02:00:37 Speaker 4

So that's that.

02:00:41 Speaker 12

Yes, Sir, I did.

02:00:42 Speaker 2

What is that?

02:00:44 Speaker 12

It's I have it labeled as numerous keys on several key rings. The keys appear to be house keys and Mercedes file before key and other keys retrieved from the back. The backpack that we just spoke.

02:00:56 Speaker 12

Of.

02:00:59

Uh.

02:01:01 Speaker 12

What people use to unlock cars and stuff now. It's had the alarm on it and such.

02:01:07 Speaker 2

Some cars you can use it as like the.

02:01:09 Speaker 2

Key itself correct.

02:01:12 Speaker 2

Make this exhibit 26.

02:01:14 Speaker 1

The objection. All right, the keys from the backpack will be marked as.

02:01:18 Speaker 3

Exhibit 26.

02:01:35 Speaker 2

Inside the living room. So we're now going back to 17.

02:01:46 Speaker 2

17-10.

02:01:48

Hello.

02:01:50

Did you find any?

02:01:53 Speaker 2

Other items besides merely that.

02:01:57 Speaker 2

Scott pistol.

02:01:57 Speaker 12

Yeah, I'm sorry.

02:01:59 Speaker 2

Did you find anything besides that sky pistol?

02:02:02 Speaker 2

In the living room.

02:02:03 Speaker 12

Yes, there was several other items that were located and collected.

02:02:07 Speaker 2

Specifically, I'm now showing you what's been marked as.

02:02:12 Speaker 2

Exit 27.

02:02:18

Recognize.

02:02:19 Speaker 2

Exhibit 27.

02:02:25 Speaker 12

I have this as a high.

02:02:27 Speaker 12

Capacity magazine with eight live round one seven round.

02:02:33 Speaker 12

And 9mm magazine with one live 40 caliber round.

02:02:38 Speaker 12

I'm showing the location of recovery within the backpack and in a backpack in the living.

02:02:42 Speaker 2

Room. So you also collected.

02:02:46 Speaker 12

From that? Yes, Sir.

02:02:52 Speaker 4

Same same objection, your honor.

02:02:56 Speaker 1

Previously, voting to the firearms.

02:02:57 Speaker 4

Yes, yes, ma'am.

02:02:58 Speaker 1

Thank you.

02:02:59 Speaker 1

This magazine, with eight rounds in the 40 caliber mag with one live round, will be marked as exhibit #27.

02:03:05 Speaker 6

Thank you.

02:03:08 Speaker 2

Now after you got back to your office as part of your investigation into the firearms that you collected, specifically the canic, the sky, and that Smith and Wesson SDVE.

02:03:25 Speaker 2

Did you do anything to them?

02:03:27 Speaker 12

Yes, Sir. We first there was 3 weapons that I swapped for DNA.

02:03:35 Speaker 12

After I swapped them for DNA, I fumed them, which basically means I place them in a Chamber. We put some super glue on a hot plate, the Hooper, the Super glue vaporizes and attaches to any fingerprints that could their fingerprint, lean proteins and your print behind that super glue will adhere to that.

02:03:54 Speaker 12

So that you can use.

02:03:55 Speaker 12

Multiple types of processing for fingerprints and I also photograph.

02:03:59 Speaker 7

Them OK.

02:04:01 Speaker 2

I'm now showing you 17.

02:04:10 Speaker 2
1719.

02:04:15 Speaker 2

That firearm looks to be quite a bit darker than it was in the preceding picture that we saw Exhibit 8. What do you attribute that darker coloration around the trigger and above?

02:04:28 Speaker 12

When you fume the gun for fingerprint, often they will look white because vaporize, super glue white. What I did after that was I applied late powder. Late powder has black dyes in it. So what you're seeing is that latent powder adhering to the gum. But there was no fingerprints on it.

02:04:59
Yes.

02:05:03 Speaker 2

And you mentioned doing a DNA swab. What do you use to?

02:05:06 Speaker 7

Do that.

02:05:07 Speaker 12

When you do a DNA.

02:05:08 Speaker 12

Swap basically for and in this instance a pistol. Our DNA swabs are basically like about a six to seven.

02:05:15 Speaker 12

Inch long q-tip.

02:05:17 Speaker 12

With two per package, we take a pair.

02:05:19 Speaker 12

Of gloves put on.

02:05:20 Speaker 12

Gloves. We open the package we put.

02:05:22 Speaker 12

This still sterile water on.

02:05:24 Speaker 12

One tip of the Q-tip and leave the other one dry.

02:05:27 Speaker 12

And then I'll swap the areas where you would hold a pistol and attempt to get DNA, particularly the grip, the textured surfaces.

02:05:36 Speaker 12

Where you probably.

02:05:37 Speaker 12

Won't get a fingerprint. That's not to disturb that evidence. Also, you can see right here that is groove so that when you pull the slide back, you don't have a smooth surface, you've got something.

02:05:48 Speaker 12

Textured to hold on to.

02:05:49 Speaker 12

So I'll swap that as well and then we place it in boxes and then we place it in the back.

02:05:56 Speaker 2

Approach the witness, judge.

02:05:57 Speaker 2

Yes, I'm handing you what's been.

02:05:58 Speaker 2

For identification purposes as exhibit.

02:06:01 Speaker 2

2829 and 30.

02:06:02 Speaker 4

Recognize those?

02:06:15 Speaker 12

Yes, Sir.

02:06:17 Speaker 2

Starting with #28.

02:06:18 Speaker 2

What is item 28?

02:06:33 Speaker 12

Item 28, Sir.

02:06:35 Speaker 12

These are 868586 and 8084.

02:06:37 Speaker 2

I'm sorry. No, I'm sorry. Exhibits.

02:06:41 Speaker 12

Oh, OK. I'm sorry. OK, alright. OK. Exhibit 28 is a DNA swab from item number 23.

02:06:41

20.

02:06:41 Speaker 2

8.

02:06:42 Speaker 2

No.

02:06:42 Speaker 2

No, your your item should be in eight.

02:06:50 Speaker 2

So item number 23, Sir. That's the mechanic pistol.

02:06:55 Speaker 12

Correct.

02:06:55 Speaker 2

OK. And you collected?

02:06:56 Speaker 12

That yes, Sir, I.

02:06:57 Speaker 12

Did.

02:06:58 Speaker 2

To make this exhibit 2028.

02:06:59 Speaker 6

Number.

02:07:02 Speaker 1

Right. And that will be marked the day names well marked with that exit without objection.

02:07:09 Speaker 2

Was it submitted to TBI Crime line?

02:07:12 Speaker 12

Yes, Sir. Thanks.

02:07:15 Speaker 2

What about item or exhibit 29 trial?

02:07:21 Speaker 12

Exhibit 29 is a DNA swab from item number 24.

02:07:26 Speaker 2

Item 24 serving the sky SCC Y pistol.

02:07:31 Speaker 12

Correct red and color.

02:07:32 Speaker 12

Sir.

02:07:34 Speaker 2

Move to make.

02:07:35 Speaker 2

Exhibit 29. Next item.

02:07:39 Speaker 1

I will mark that as exhibit #29. Without objection. The DNA swab from.

02:07:43 Speaker 3

The scout pistol.

02:07:44 Speaker 2

Mike Wise was just submitted to the crime lab.

02:07:46 Speaker 12

Yes.

02:07:48

Thank you.

02:07:48 Speaker 2

And finally, Sir, process of elimination exhibit 30 to the trial, was that a swath of the item number 22, the S&W SD40VE?

02:08:06 Speaker 12

Yes, Sir.

02:08:08

Move.

02:08:11 Speaker 1

Without objection, I'll move the DNA swab from the Smith and Wesson pistol as exhibit.

02:08:16 Speaker 3

#30.

02:08:22 Speaker 2

You mentioned latent prints. You submitted these firearms to fumigation to try to develop them and then dusting.

02:08:31 Speaker 2

Were you ever able to develop any identifiable?

02:08:34 Speaker 2

Prints. No Sir.

02:08:36 Speaker 2

Not for lack of.

02:08:36 Speaker 2

Trying.

02:08:37 Speaker 12

No, I used two different processes and I didn't observe.

02:08:40 Speaker 12

Print to lift.

02:08:41 Speaker 2

How long have you been trying to collect?

02:08:43 Speaker 12

Fingerprints, fingerprints is very fickle. There's a lot of variables. Temperature, length of time. Since somebody touched it. So just because somebody touched something maybe 2 weeks ago, you may get print. Somebody may have touched something two months ago and you may get print. There's just a lot of variables.

02:09:02 Speaker 12

So it's not a guaranteed thing on anything that you process.

02:09:04 Speaker 2

For instance, the manner in which the object that was touched was stored could have an effect on it.

02:09:10 Speaker 12

Yes, Sir.

02:09:11 Speaker 2

Like being in a backpack with a bunch.

02:09:13 Speaker 12

Of other items correct? That's the purpose. While we feel them, so we can further eliminate any possible loss of possible fingerprints.

02:09:21 Speaker 2

Thank you, Sir.

02:09:23 Speaker 2

In addition to these two search warrants.

02:09:26 Speaker 2

That you executed.

02:09:29 Speaker 2

June the.

02:09:30 Speaker 2

9th.

02:09:31 Speaker 2

Did you stop there or were you involved in additional investigations? Yes, Sir. Do you recall being involved in a search of a Mitsubishi Lancer?

02:09:42 Speaker 12

Yes, Sir.

02:09:44 Speaker 1

Council approach just for the.

02:09:52 Speaker 3

I think it's a good start. I was waiting for him to finish that search locations. There seems to be.

02:10:06 Speaker 3

A breaking point for tonight.

02:10:10 Speaker 3

Compact model to complete the crime scene evidence. Is that satisfactory? Yes, judge.

02:10:15 Speaker 3

Thanks.

02:10:15 Speaker 7

You sure? Thank you.

02:10:20 Speaker 1

Alright everyone, ladies and gentlemen of the jury, I think we can all see that there's additional. There are additional items here. I think that this witness has substantially more testimony and it is 540 in the evening. So I think that this is a good stopping point for this evening and we will continue with investigator.

02:10:37 Speaker 1

Mcelroy's testimony tomorrow morning. OK, sorry. You may step down. You remain under oath, and of course, get the same admission admonition not to discuss your testimony with anyone. Thank you very much.

02:10:48 Speaker 12

Yes, ma'am.

02:10:55 Speaker 1

Alright so.

02:10:59 Speaker 1

Ladies and gentlemen of the jury, a few things before we recess for the evening tomorrow, I'd like to get started around 9:00. So if you can be here a little before 9:00 tomorrow, that would be great. So that we can start properly at 9:00 and make good use of everyone's time. OK.

02:11:18 Speaker 1

Now this has been an issue in a previous trial. Not in here, but just so you're aware, you do not need to call the number on your badges going forward because you are hours until a verdict is reached until we retire for deliberation. OK, so no need to call that number on the back of your badge or worry about.

02:11:38 Speaker 1

They're reporting this week. All right. Finally, members of the jury, before we adjourn for the evening, let me remind you of my admonitions regarding your conduct as jurors throughout the trial of.

02:11:49 Speaker 1

This case, again, apart from notifying your family, your employer, or other persons that you were on a jury, and how long the case may take and apart from warning them not to communicate with you about the case, please do not communicate with anyone, including for now, your fellow jurors about any aspect of this case, including.

02:12:11 Speaker 1

But not limited to the evidence, the lawyers, the.

02:12:14 Speaker 1

Court or your own?

02:12:16 Speaker 1

Thoughts, opinions or reactions? This means that you must not discuss the case face to face with anyone. It also means that you must not share or receive information about the case from other means. For example by phone, text, e-mail, tweeting or posting on social networking sites.

02:12:22

1.

02:12:35 Speaker 1

Just Facebook.

02:12:37 Speaker 1

In addition, please do not research any fact issue, law or person relating to the case, or try to get information relating to the case from any source other than the proceedings that have taken place here in the courtroom. You must not do any personal investigation relating to the case.

02:12:56 Speaker 1

Including visiting any of the crime scenes that have been discussed or viewing them on the Internet, including using Google.

02:13:03 Speaker 1

Maps you must not consult any new source reference material search engine such as Google or websites for information about the case. The law that applies to the case or any participant in the case.

02:13:18 Speaker 1

Please remember that it is your duty to decide this case solely on the evidence introduced in trial. Furthermore, please do not express or even form an opinion about this case until the Court has submitted it to you for deliberation and verdict.

02:13:35 Speaker 1

Finally, please report promptly to the court any incident involving an attempt by any person improperly to influence any juror or another jurors, violation of any of the courts admonitions with that, you will be excused. You will actually retire to the rear here.

02:13:54 Speaker 1

And our court officers will make sure that you are able to get out of the building when you come in tomorrow. Tommy, do you want them to come to that door? You want them to come right through the front.

02:14:04 Speaker 2

4.

02:14:05 Speaker 1

OK. All right. So you'll see it next to my curtain. There's a middle door that has a buzzer. We'll have officers out there waiting to escort you back to the jury room tomorrow. OK. I wish you all a good restful evening. We'll see you tomorrow morning by 9:00 AM. All right. Please rise for the.

02:14:21 Speaker 1

Jury.

02:14:47 Speaker 1

Thank you all you may.

02:14:48 Speaker 1

Be seated.

02:14:50 Speaker 1

For the state of Tennessee, is there anything else that you need to take up before we adjourn for the evening? I understand that you might still go through and mark the exhibits that have already been marked, is that correct?

02:15:03 Speaker 2

Yes, you're on the digital. Like for instance, I'll fill in, I think this is 1717-19.

02:15:08 Speaker 1

19 so excellent.

02:15:10 Speaker 5

Alright.

02:15:11 Speaker 1

All right. Thank you. Anything further on behalf of Mr. Holland before we adjourn for the evening?

02:15:17 Speaker 4

Nothing from the accused young.

02:15:18 Speaker 1

All right, then that will conclude our business for the evening. I'll be here before 9:00 AM tomorrow to take up any matters that need to be taken up outside the jury's presence. For now, we will be adjourned for the evening. Thank you all.