

Trial audio, Day 2, part 3 (May 15, 2024): Derik Brown's testimony and the rest of the session

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00:00:00 Speaker 2

All right. So so the reasons I've already stated that would be the limited purpose of any testimony regarding Vice Lord affiliation from Derek Brown and I believe that concludes the 404B portion of this hearing, Mr. McNeil, I understand you have another motion you'd like to make it for the court.

00:00:17 Speaker 1

Your Honor, just simply as in light of the courts ruling, we would just simply request a jury instruction that reflects the courts limited ruling with respect to the testimony that's to be anticipated by Mr. Brown.

00:00:28 Speaker 4

Absolutely. And the state would agree to a limiting instruction at the time of the evidence so that it's not sinking in.

00:00:30 Speaker 3

Absolutely.

00:00:36 Speaker 2

And and I do have a limiting instruction and let's talk about that right quick, OK, so.

00:00:44 Speaker 4

That's.

00:00:46 Speaker 2

It's going to be similar to the limiting instruction that I gave during the testimony of Miss Lanham that they had heard of six O 9 impeachment evidence. It's going to be very similar to that. Let me tell you what I'm going to say or what.

00:00:52

Yes, Sir.

00:00:57 Speaker 1

Yes, I do recall those.

00:01:02 Speaker 2

I would suggest.

00:01:16 Speaker 2

So the general rule on 4/04 be like the general instruction sounds like this.

00:01:23

If.

00:01:24 Speaker 2

From the proof, you find that the defendant has committed a crime other than that for which he is on trial, you may not consider such evidence.

00:01:32 Speaker 2

To prove his.

00:01:33 Speaker 2

Disposition to commit such a crime as that on trial.

00:01:37 Speaker 2

The evidence may only be considered by you for the limited purpose of determining whether it provides either A and. Then it goes into a. The complete story of the crime that is that evidence may be considered by you, where the prior charges and the present alleged crime are logically related or connected, or part of the same crimes.

00:01:56 Speaker 2

Option.

00:01:58 Speaker 2

Or be the defendants identity C, motive, D intent and so the way that I would modify that.

00:02:05 Speaker 2

Would be to say, ladies and gentlemen.

00:02:07 Speaker 2

You've just heard.

00:02:08 Speaker 2

Testimony that the defendant is member is a member of the Vice Lord Organization.

00:02:15 Speaker 2

If you find this to be true, you may not consider such evidence to prove his disposition to commit the crimes for which he is on trial. This evidence may be may only be considered by you for the limiting purposes of X, and that would again be the complete story of the crime.

00:02:34 Speaker 2

Defendants, identity and I mean.

00:02:37 Speaker 2

Is the state.

00:02:38 Speaker 2

Offering it for motive or intent. I don't think it's appropriate for motive or intent. I would strike that from the limiting instruction. Does that make?

00:02:46 Speaker 1

Sense it does make sense.

00:02:48 Speaker 2

Tell me what you're thinking. You sound like you look like you want.

00:02:50 Speaker 2

To tell me something, Mr. McNeil.

00:02:51 Speaker 1

No, I I suspect the court will articulate that from the bench and it will also be reduced to writing when they go to to.

00:02:57 Speaker 2

Absolutely it will. And it will. Also there will also be limiting instructions naturally for any like six O 9 or six O 8 impeachment material that's come in.

00:03:06

And.

00:03:07 Speaker 2

But there will absolutely be a limiting instruction, so we'd give it after Mr. Brown's testimony, and then we would give it again at the time that the jury, the jury is instructed.

00:03:20 Speaker 1

Yes, ma'am.

00:03:20 Speaker 2

All right, I'm I absolutely.

00:03:23 Speaker 2

Think that's appropriate? Thank you.

00:03:23 Speaker 1

Thank you.

00:03:26 Speaker 2

Mr. Meyer.

00:03:27 Speaker 5

Before we have the jury come in and I'll touch base with Mr. Brown so I can go over our new rules. That way he is has a clear understanding before.

00:03:38 Speaker 2

Yes.

00:03:39 Speaker 5

OK, I'm going to.

00:03:39 Speaker 5

Do that real quick.

00:03:41 Speaker 2

Very long. So we're going to take a brief recess. Mr. Holland will remain in the courtroom because Mr. Miners going back there to have a conversation.

00:03:52 Speaker 2

With Mr. Brown.

00:03:55 Speaker 2

So why don't we give them about 10 minutes and then we will have the jury come in. Do you want to tell the jury that we've now completed?

00:04:02 Speaker 2

The.

00:04:02 Speaker 2

Hearing and we'll have them brought in ASAP.

00:04:06 Speaker 2

OK.

00:04:06 Speaker 2

All right, let's be in recess for.

00:04:08 Speaker 2

10 minutes.

00:04:09 Speaker 2

And Mr. Holland can remain.

00:04:21 Speaker 2

Just yet.

00:04:25 Speaker 2

Is everybody ready to proceed?

00:04:27 Speaker 4

Yes, George.

00:04:28 Speaker 2

All right, we're back on the.

00:04:30 Speaker 2

Record in state of Tennessee versus John John Holland. Commute the jury. Please. Please rise for the.

00:04:35 Speaker 2

Jury.

00:04:50

Thank you.

00:05:21 Speaker 2

All right, everyone, please be seated. Ladies and gentlemen, welcome back from your break. It was a little bit longer break than we intended, but we actually concluded a number of matters, a good amount of business that will allow us to proceed with the trial and get.

00:05:36 Speaker 3

Through some other witnesses today.

00:05:39 Speaker 2

So I apologize for that delay, but I think we're ready to proceed now with our next witness.

00:05:43 Speaker 2

And be efficient with our time. So is the state prepared to call its next witness?

00:05:49 Speaker 2

Go right ahead.

00:06:30 Speaker 6

The truth, the whole truth, and.

00:06:31

Nothing but the truth.

00:06:38 Speaker 5

Good afternoon, Mr. Brown.

00:06:40 Speaker 5

Would you state your full name for the record, dear brown, and do you mind spelling that for the?

00:06:47

The court reporter.

00:06:48 Speaker 7

ER KB ROW.

00:06:51 Speaker 5

And now, Mr. Brown, obviously you're you're currently incarcerated.

00:06:56 Speaker 5

Is that correct?

00:06:58 Speaker 5

So why don't you I guess, tell the jury.

00:07:03 Speaker 5

You you've had prior criminal convictions, correct? Can you tell the jury? I guess a little bit about your prior criminal history.

00:07:13 Speaker 7

Well, I've because I've been getting in trouble since.

00:07:15 Speaker 7

I.

00:07:15 Speaker 7

Was about 10-9 or ten. I caught some robberies when I was 15.

00:07:22 Speaker 7

I got tried as an adult, got sent to juvenile prison, so I turned 18, went to state prison, flat my time in state prison got out.

00:07:33 Speaker 7

Out this in the year called Field case.

00:07:38 Speaker 7

Did about 12 years day-to-day on that.

00:07:43 Speaker 7

Got out and.

00:07:46 Speaker 7

Of.

00:07:48 Speaker 7

Ain't been convicted of nothing since then.

00:07:51 Speaker 5

When was the the last conviction, the one when you were released from federal prison?

00:07:57 Speaker 7

That convention was in 2000 and I got convicted in 2007. I think the charge was from 2006, so.

00:08:06 Speaker 5

Do you recall when you were released from federal prison, how long were you in federal prison?

00:08:12 Speaker 7

Least the first time in 2016. And then I went back a couple of times for federal probation violation.

00:08:18 Speaker 5

And the last time that.

00:08:23 Speaker 5

That you were incarcerated for that charge, whether it was a probation violation, 19, so that that sentence had expired then.

00:08:25 Speaker 7

2019.

00:08:30 Speaker 7

Yeah, this one expired.

00:08:32 Speaker 5

And now, obviously, you're currently incarcerated. And why? Why are you incarcerated currently?

00:08:43 Speaker 7

I have some pending charge.

00:08:44 Speaker 7

This.

00:08:47 Speaker 7

Prior to this situation right here and one of the charges that's on my federal indictment stems from this situation.

00:08:55 Speaker 5

Sims, from the events of May 27th of 2020.

00:08:59 Speaker 7

Yeah, not May 27th. I think it was may.

00:09:00

OK.

00:09:02 Speaker 7

28th when?

00:09:03 Speaker 5

Right, that's when you were involved, but May 27th was when Mr. Leslie was killed.

00:09:11 Speaker 7

I guess.

00:09:12 Speaker 5

But so May 28th is when you were involved in this.

00:09:16 Speaker 7

May 28th.

00:09:17 Speaker 5

Yes, hold on.

00:09:20 Speaker 7

I've been. I've been that night and I've been like 20.

00:09:24 Speaker 7

7.

00:09:25 Speaker 5

OK.

00:09:25 Speaker 7

Because I think the next day, I.

00:09:26 Speaker 7

Got a reason?

00:09:28 Speaker 5

And.

00:09:29 Speaker 5

Your your federal charges that are they related to a firearms charge.

00:09:34 Speaker 7

My federal indictments, yeah.

00:09:35 Speaker 5

Yes.

00:09:36 Speaker 7

2/5 on 751.

00:09:37 Speaker 5

I'm going to show you this exhibit.

00:09:48 Speaker 5

What's her name?

00:09:49

52.

00:09:51 Speaker 5

We'll ask to mark this as zip #50.

00:09:54 Speaker 5

2 for identification.

00:10:33 Speaker 5

I'm going to show you what's.

00:10:35 Speaker 5

Mark, for identification purposes as exhibit 52.

00:10:42 Speaker 5

Look at that.

00:10:49 Speaker 5

Now, I'm not asking that.

00:10:53 Speaker 5

You admit to possessing the firearm. OK, that's not what I ask when I ask, you know, is this the firearm that you're accused of having in your possession at the time of the?

00:11:05 Speaker 5

Federal.

00:11:09 Speaker 5

We'd ask that it be marked as exhibit 52 after spin.

00:11:13 Speaker 2

Identified any objection?

00:11:15 Speaker 1

Jacksonville.

00:11:16 Speaker 2

All right, then, the Smith and Wesson pistol will be marked as exhibit.

00:11:19 Speaker 2

#52.

00:11:25 Speaker 5

So along with your criminal history at the age of 13, you became involved in an organization. Tell us about that.

00:11:36 Speaker 7

Below I went to a juvenile facility and I was introduced to.

00:11:42 Speaker 7

Organization Vice Lord and I was affiliated with it, but I didn't get properly.

00:11:53 Speaker 7

I guess you can say accept it.

00:11:56 Speaker 7

And to.

00:11:57 Speaker 7

Properly said, until years later in federal prison, that's always represented from the age.

00:12:05 Speaker 5

So it's it's sort of a process of of becoming a member.

00:12:09 Speaker 7

It's not really there, it's just Tennessee. Really just.

00:12:15 Speaker 7

Represent the representation in Tennessee in the state of Tennessee was uh wasn't proper.

00:12:20 Speaker 5

So the vice Lords come from outside.

00:12:21 Speaker 5

Of Tennessee, yeah.

00:12:24 Speaker 5

And now there's what?

00:12:28 Speaker 5

Is considered official Vice Lord business, correct? And those are things that, that, that the organization has sanctioned and and is a part of. Is that correct? And then there there's things that are outside of my store business.

00:12:43 Speaker 5

That the the organization isn't a part of is.

00:12:46 Speaker 7

That correct? Yeah. Things that people do that are claiming Vice Lord, things that they do that aren't actually acts that are sanctioned by the nation.

00:12:58 Speaker 5

And now as a Vice Lord or a member of that group, if you have associations with or, you know of another member of that group.

00:13:10 Speaker 5

And that member ask you to assist them in some sort of.

00:13:16 Speaker 5

You know, assist them in some way and it may be a criminal activity.

00:13:22 Speaker 5

That's outside of Isler business. So how would?

00:13:25 Speaker 7

Yeah.

00:13:26 Speaker 7

That work well, I mean this, this, the the law we got saying it says the law will be your shield and your sword either use it to protect yourself from unrighteous pretenders in the nation or administer justice.

00:13:42 Speaker 7

Against them. And if I'm asked to be to aid and Sister, brother on something that's outside of visible law, if I choose to do that, then I'm outside of law.

00:13:53 Speaker 7

She, I'm saying, but.

00:13:54 Speaker 5

Would that open the door for you and that other person to communicate with each other? And would that affect your decision on whether you help that other Member or not?

00:13:58 Speaker 7

Yeah, of course.

00:14:04 Speaker 7

It was. It would definitely sway in my decision on whether or not I would aim the sister, brother or sister on something.

00:14:11 Speaker 5

And.

00:14:11 Speaker 7

Outside of our school.

00:14:12 Speaker 5

Now I'm going to ask you, do you know the gentleman behind me in?

00:14:17 Speaker 5

The black shirt.

00:14:18 Speaker 7

Yes.

00:14:19 Speaker 5

Can you identify him for the jury?

00:14:21 Speaker 7

He is Pony Donald Holland.

00:14:24 Speaker 5

OK. But you know, he missed. Poor me.

00:14:26 Speaker 5

That's this is, that's his nickname.

00:14:28 Speaker 7

That's hard. That's hard.

00:14:29 Speaker 5

You've always known and now it's pony a member under that Vice Lord umbrella.

00:14:31 Speaker 7

Yeah.

00:14:39 Speaker 7

I say under the umbrella. Yeah, he's affiliated.

00:14:42 Speaker 5

OK, so there there's I guess I don't want to get too deep in this, but there's different sects I suppose, or different group branch branches and he would be on one of the offshoot branches.

00:14:53 Speaker 7

He's not on the same branch as.

00:14:54 Speaker 7

Me yet, right?

00:14:56 Speaker 5

And there is another individual. His name is Jimmy Green. Do you know that?

00:15:03 Speaker 5

Is he affiliated with with the Vice Lord?

00:15:06 Speaker 7

Years.

00:15:08 Speaker 5

Now.

00:15:10 Speaker 5

Let's talk about May 27th of 2020.

00:15:15 Speaker 5

How did you become involved in?

00:15:19 Speaker 5

This with Mr. Holland and Randall Leslie, the victim in this case.

00:15:25 Speaker 7

Well.

00:15:27 Speaker 7

I was in a hotel and.

00:15:30 Speaker 7

Jimmy was sending people pounding on my door and it's like it's urgent.

00:15:36 Speaker 7

And when I finally answered, he told me that pony needed some aid and assistance.

00:15:42 Speaker 7

I was on, you know, I was out running the vehicle and everything. So they he needed me to take him over there to him where he was at.

00:15:51 Speaker 7

And.

00:15:52 Speaker 7

And he let me know that.

00:15:55 Speaker 7

Somebody got down?

00:15:57 Speaker 7

That was the term used.

00:15:59 Speaker 5

What? What does that mean?

00:16:00 Speaker 7

That means somebody got down. They mean they got. Usually it means they somebody got shot knocked down by by shot. Would it be dead or whatever and so.

00:16:15 Speaker 7

We got in the vehicle, got the address. We went to a location that ain't never been before.

00:16:22 Speaker 7

And.

00:16:25 Speaker 7

I made it with boom.

00:16:27 Speaker 5

OK. Now, would you recognize that that location if I showed it to you?

00:16:34 Speaker 7

I and I would middle layer.

00:16:37 Speaker 5

Will you tell us?

00:16:38 Speaker 5

The layout would it look like when you drill down.

00:16:41 Speaker 7

Pulled into a driveway.

00:16:43 Speaker 7

And when you're facing into the driveway.

00:16:46 Speaker 7

The houses would be on the right.

00:16:48 Speaker 7

There was a concrete patio. I think that like the driveway or there was a concrete patio on the backside of the house like.

00:16:56 Speaker 7

Right on the.

00:16:57 Speaker 7

Back and then facing.

00:17:00 Speaker 7

Past that, it was a wood line.

00:17:03 Speaker 7

They went into a hill shape. They get made the yard and the vehicle.

00:17:08 Speaker 7

Was pulled into the wood line out.

00:17:10 Speaker 7

Of sight from the driveway.

00:17:12 Speaker 5

OK, so so how did you know that the vehicle was back there, but it was out of sight?

00:17:17

It.

00:17:19 Speaker 7

Because he wouldn't got it.

00:17:20 Speaker 5

OK, so you pull in.

00:17:23 Speaker 5

And were you driving?

00:17:25 Speaker 7

Yeah, I was driving.

00:17:26

OK.

00:17:26 Speaker 5

And.

00:17:28 Speaker 5

I guess Mr. Green was.

00:17:30 Speaker 7

Yeah, he was in the passenger side, I believe.

00:17:32 Speaker 5

All right and.

00:17:34 Speaker 7

No matter of fact, he might have been the backseat. I can't remember. He was there.

00:17:36 Speaker 7

Was four people in.

00:17:37 Speaker 5

The car. And when did you first make contact with Mr. Holland so?

00:17:43 Speaker 7

We've got pulled up.

00:17:44 Speaker 5

OK. Where was he at?

00:17:45 Speaker 7

He came from the back part of the house.

00:17:49 Speaker 5

Like where the patio was or some other, OK.

00:17:51 Speaker 7

I would assume that's where it came from. There's a doorway into the house, I think.

00:17:54 Speaker 7

Right. They came from around there.

00:17:56 Speaker 5

Did you see anyone else out there?

00:17:58 Speaker 7

There was some cheap standing out there, but she was.

00:18:01 Speaker 7

Kind of like hanging out behind in the corner of the house and I've seen her peep out a.

00:18:06 Speaker 7

Few times didn't really get good looking.

00:18:07 Speaker 5

So can you can you describe how she was peeping?

00:18:10 Speaker 5

Out.

00:18:10 Speaker 7

I mean, she was just kind of hanging out right there in.

00:18:12 Speaker 7

The pedal, when she come up to the vehicle.

00:18:15 Speaker 5

Could you see like her whole body? Or was she just kind of like like?

00:18:18 Speaker 7

I seen this. I seen the body, I seen the see the where it was cold outside. She had sweats, sweat shirt on the hood here she had some wrapped around her face and head. I couldn't really see.

00:18:28 Speaker 7

Much of her.

00:18:29 Speaker 5

OK. Could you tell if she what? What race she was?

00:18:34 Speaker 7

She was white.

00:18:35 Speaker 5

A white girl. OK, now, honey comes from from the area where the where the woman is standing and he.

00:18:43 Speaker 5

What does he do?

00:18:45 Speaker 7

When it comes up to the to the window and I was I had was confused about something about an individual because I was looking for a female name.

00:18:58 Speaker 7

That's how I was even really tricked to get over there because I was. I was confused about the girl's names. The girl named Kiara. That was involved in all this. But if that's it wasn't who I was looking for, I was looking for a girl named Kira and.

00:19:14 Speaker 7

I was talking. I was asking him about her where she at? Because she had owed me some money and he was talking about a different girl, so I didn't realize it at the time, but he was like, man, I can find it for you, bro. You know, I'm saying or whatever, but he needed me to get rid of.

00:19:19

M.

00:19:32 Speaker 5

His body. All right. So when did you first find out?

00:19:37 Speaker 5

That he had.

00:19:38 Speaker 7

Killed somebody, I mean.

00:19:41 Speaker 7

He let me know the dudes dead, but he told me that he told me that he he did it in the.

00:19:44 Speaker 5

How did he do that?

00:19:48 Speaker 7

Back seat of the car.

00:19:51 Speaker 7

You know and and that when nobody was.

00:19:52 Speaker 7

Looking for the car? That was my main concern.

00:19:54 Speaker 5

Why did he say?

00:19:55 Speaker 5

That they would no longer be.

00:19:56 Speaker 5

Looking for the car?

00:19:57 Speaker 7

Because he supposed to be driving the car.

00:19:59 Speaker 5

The victim was supposed to be dropped. Yeah, so no one would know it was missing.

00:20:04 Speaker 5

And.

00:20:05 Speaker 5

Did did you ask him where the victim was shot?

00:20:11 Speaker 7

I I I don't know if I asked him where he was shot at or but I think some kind of way the conversation come up about.

00:20:21 Speaker 7

You know, because in the back seat. So I'm thinking he's, you know, he told me he's got to be cleaned out. So I'm like, damn, how bad is it? I'm like, I think I asked him if he shot him in the head and he didn't say he shot him.

00:20:31 Speaker 7

In the head, he said he did. He made this.

00:20:33

MHM.

00:20:34 Speaker 7

Like movement. So I'm I felt like from that it was a body.

00:20:40 Speaker 5

OK. And did Mr. Holland refer to himself in some particular way?

00:20:46 Speaker 7

Oh, yeah, yeah. When we was talking about the money situation.

00:20:50 Speaker 7

He was like, you know, when we got robbed, somebody every night for food.

00:20:55 Speaker 5

No, no, no, no.

00:20:56 Speaker 7

Oh.

00:20:57 Speaker 5

I'm asking about.

00:20:59 Speaker 5

Did he call himself a particular name or referred to what particular name he called himself a demon?

00:21:02 Speaker 7

Yeah, yeah, yeah, he's a demon.

00:21:06 Speaker 7

Yeah.

00:21:07 Speaker 5

And that was in relation to shooting the victim.

00:21:11 Speaker 7

Just just character. Period.

00:21:14

Projection guy.

00:21:16 Speaker 2

Would you like to approach?

00:21:17 Speaker 1

Yes.

00:21:22 Speaker 1

It's getting a little close. You just mentioned more character I.

00:21:25 Speaker 3

Mean.

00:21:26 Speaker 1

It's getting a little dicey little close to violating the court order his testimony.

00:21:30 Speaker 8

I'm not going to go any further, I'm just going to go into the other facts. I really just wanted, I mean, understand this story is that.

00:21:40 Speaker 8

Mr. Holland, after he made that gesture, saying that he was a demon.

00:21:50 Speaker 3

I don't think that the testimony.

00:21:55 Speaker 3

Behavior consistent with it, but it is a thing I think you're right there. As of right now, it's. Here's a statement that's an admissibility statement, you know.

00:22:07 Speaker 3

I think we need to.

00:22:08 Speaker 8

OK.

00:22:11

Thank you.

00:22:13 Speaker 5

Now y'all have this conversation about the car and that ends and.

00:22:20 Speaker 5

What does Mr. Holland do next?

00:22:22 Speaker 7

He goes and get the.

00:22:23 Speaker 5

Card. All right. Can you describe where he walked?

00:22:27 Speaker 7

We.

00:22:29 Speaker 5

I'm sorry. You know, I like to visualize stuff in my head. And so I'd like for you to describe what he.

00:22:35 Speaker 5

Did and and where he went.

00:22:35 Speaker 7

OK, we walked.

00:22:36 Speaker 7

From the vehicle, he walked up into.

00:22:38 Speaker 7

The wood line.

00:22:40 Speaker 7

Disappeared for a min.

00:22:41 Speaker 7

And.

00:22:42 Speaker 7

Then he backed the car up.

00:22:45 Speaker 7

And he came down the hill and he got stuck in the grass in the.

00:22:48 Speaker 7

Yard.

00:22:49 Speaker 7

And having trouble getting out of there trying to because it was on the slant. It was raining out, so I got.

00:22:57 Speaker 7

I told me get out.

00:22:59 Speaker 7

That I had it and I got it out.

00:23:01 Speaker 5

OK.

00:23:01 Speaker 5

OK. And when you got into the car, did you notice Mr. Leslie in the vehicle?

00:23:06 Speaker 7

Yeah. The back seat, yeah.

00:23:08 Speaker 5

And can you describe what you saw?

00:23:11 Speaker 7

He's just laying there like he was.

00:23:13 Speaker 7

You just did. He was there, yeah.

00:23:15 Speaker 5

This is Dan.

00:23:21 Speaker 5

So what did you do next?

00:23:26 Speaker 7

We'll talk about money, but you know, pay.

00:23:31 Speaker 5

Tell me about that.

00:23:32 Speaker 7

You just told me you gonna have to pay, you know, saying that was a whole. That was the whole point.

00:23:37 Speaker 7

You know.

00:23:39 Speaker 7

Me and bro, you don't mean financially. It was hard at that time crawling up with nothing, you know? I mean, it was just hard and.

00:23:50 Speaker 7

You know, bro had real bad drill problems, a little bit worse than mine, so he needed money a little bit more than me, yeah.

00:23:54 Speaker 5

You're talking about Jimmy Green?

00:23:57 Speaker 7

But we just needed money. So the agreement was.

00:24:02 Speaker 7

To pay now.

00:24:03 Speaker 5

So you would get paid and in some fashion. Yeah. And so.

00:24:11 Speaker 5

Do the two of you leave at that point?

00:24:13 Speaker 5

With the vehicle.

00:24:14 Speaker 7

Yeah, we took, we, our little jimmy'z girl, drive my truck and I, me and Jimmy got into the vehicle.

00:24:20 Speaker 5

And what what kind of truck did you have?

00:24:23 Speaker 7

It was a suburban.

00:24:25 Speaker 5

And do you recall the color green, green?

00:24:29 Speaker 7

Our forest room.

00:24:31 Speaker 5

So a darker color I guess.

00:24:34 Speaker 5

And so the girl laughed. Or or at least Jimmy Greene's girlfriend left driving your vehicle. And you and Mr. Green take. Do you recall what kind of vehicle it was?

00:24:48 Speaker 7

Yeah, it was a Mitsubishi.

00:24:49 Speaker 5

Thank Lance. OK. May I ask you?

00:24:54 Speaker 5

I'm going to show you some.

00:24:56 Speaker 5

Exhibits this is.

00:24:58 Speaker 5

If you look behind you, it's exhibit 31. Do you recognize that vehicle?

00:25:02 Speaker 5

Yeah. Is that the vehicle?

00:25:07 Speaker 7

I mean, it looks like.

00:25:09 Speaker 5

Do you want to go to 3/2?

00:25:19 Speaker 5

Hamilton County tag.

00:25:21 Speaker 7

Yeah, I mean, I don't remember the tag number, but I remember was in McKinney tag.

00:25:25 Speaker 5

Yeah, but it's.

00:25:26 Speaker 5

It's basically identical.

00:25:28 Speaker 5

To that car, if it's not the car.

00:25:32 Speaker 5

That's the car.

00:25:34 Speaker 7

Eggs was it belongs to the guys mom, because when they got a ring, when I got pulled over in the car.

00:25:38 Speaker 7

This we came back to.

00:25:40 Speaker 5

OK.

00:25:41 Speaker 5

Now, so you and Jimmy Green leaving that vehicle. And where do you go?

00:25:48 Speaker 7

When we go to Bakewell and we go to the Marina.

00:25:52 Speaker 5

Where is Bakewell?

00:25:52 Speaker 7

And.

00:25:54 Speaker 7

So the past sunny days on Hwy. 27, Newark.

00:26:00 Speaker 7

And then.

00:26:02 Speaker 7

We go to Marina and it was just me and Jimmy was arguing a lot about he just he just.

00:26:07 Speaker 7

He.

00:26:09 Speaker 7

He wanted to do things differently than I did, and we couldn't.

00:26:14 Speaker 7

Get to agreement. He kept trying to get on the phone and all that stuff, so it was just we just the first thing we do is just put the body in the trunk because it's in the back seat. You know, I'm saying so. We went on here.

00:26:23 Speaker 5

OK.

00:26:25 Speaker 5

Why did y'all? Why did I move it?

00:26:26 Speaker 5

From the back seat to the truck.

00:26:27 Speaker 7

I mean because like I said, we couldn't come up with an agreement on what needed to be done and he kept trying to get on the phone and that was making me nervous. So I thought we got to get him out of the site because if we did get pulled over, I got valid drivers license and I felt like, you know, me at least we could stand.

00:26:43 Speaker 7

Traffic stop.

00:26:44 Speaker 5

Now Bakewell is on the other side of Saudi, like you said. Did Mr. Holland give you any instructions about where you should go? OK.

00:26:49 Speaker 7

He wanted to go out of state. He wanted to buy him somewhere.

00:26:52 Speaker 7

Out of state.

00:26:53 Speaker 5

All right. So did he designate a state?

00:26:56 Speaker 7

No, I didn't say that. He just said out of state.

00:27:00 Speaker 5

So he won. He wanted Mr. Leslie's body taken out of state. So y'all y'all are in Bakewell at the boat ramp. You move the body from the Intel car to the back.

00:27:11 Speaker 5

Of the trunk.

00:27:13 Speaker 5

And was there anything in the trunk that?

00:27:16 Speaker 5

Or you have to get rid of stuff what?

00:27:17 Speaker 7

Mean like what?

00:27:20 Speaker 7

I don't know what I was in the trunk, cause I what was in the trunk. I let I I let Jimmy hate it, but I I know of it being some bullets and stuff. And I heard it was a gun in there too. But I didn't pay attention to none of that. It was dark outside and there was some bags.

00:27:37 Speaker 7

Some, some some stuff in there. I didn't pay attention and just open the trunk and put the body in there and we drove. But like I said, he kept trying to get on his phone because he's trying to talk to his girl and his girl was because he knew his his girl was or whatever. So we dropped, started driving back towards her when she was at the house with Johnson and Tip Tony.

00:27:57 Speaker 5

OK, so y'all y'all leave Saudi or Bakewell and you're headed towards tiftonia.

00:28:03 Speaker 5

Where do you go?

00:28:04 Speaker 7

We go, we get on Cummins highway and go up towards the.

00:28:09 Speaker 7

The state Trooper office or whatever. I guess it's going the opposite way of.

00:28:19 Speaker 7

Yeah, you'll be going towards George on Cummings highways post going back towards down like Broad Street or whatever. Look out wherever.

00:28:24 Speaker 5

Right. And do you know how far away you drive?

00:28:32 Speaker 7

Man, we just drove up. We drove past that sheriff's place and we seen a little spot that.

00:28:40 Speaker 7

You know, I mean, it wasn't a good spot according to what we supposed to be doing, but like I said, it broke. It kept trying to get on the phone and do things, you know, and it's just.

00:28:51 Speaker 7

We end up dumping the body right down.

00:28:54 Speaker 7

The side of the road.

00:28:58 Speaker 5

And do you recall?

00:29:02 Speaker 5

Was there do you? Can you describe, I guess?

00:29:05 Speaker 5

Where you where.

00:29:06 Speaker 5

You dump the body. Was there anything like that or anything like that?

00:29:08 Speaker 7

It was.

00:29:08 Speaker 7

Like.

00:29:09 Speaker 7

It was just weird wooded areas, woods on both sides of the road, and it seemed like that.

00:29:17 Speaker 7

It was a kind of a ditch right outside of the road and just looked like wouldn't wouldn't. Nobody seen could.

00:29:26 Speaker 5

Who? Who had to move the body from the trunk?

00:29:28 Speaker 7

Me and Jimmy.

00:29:30 Speaker 5

So took the two of.

00:29:31 Speaker 5

You and once you had Mr. Leslie's body in your hands.

00:29:31 Speaker 7

Yeah.

00:29:37 Speaker 5

Which side did you have?

00:29:40 Speaker 7

Sarah grabbed his uh.

00:29:43 Speaker 7

Feet, I believe.

00:29:45 Speaker 5

And you guys?

00:29:48 Speaker 5

Laying down or what? What did you?

00:29:49 Speaker 7

Do killed them off to the side and.

00:29:50 Speaker 7

Yeah.

00:29:55 Speaker 7

I mean it's.

00:29:57 Speaker 7

It's real steel, so it's hard to deal with, you know what?

00:30:00 Speaker 7

I mean so.

00:30:02 Speaker 7

We just kind of tried the 123.

00:30:06 Speaker 5

And he just kind of tossed him, yeah.

00:30:11 Speaker 5

Now.

00:30:13 Speaker 5

The two of you have.

00:30:15 Speaker 5

Said Mr. Lane, Leslie's body off in into that little ditch area you as you.

00:30:22 Speaker 5

Described.

00:30:23 Speaker 5

The two of you get back in the vehicle.

00:30:25 Speaker 7

Yeah.

00:30:26 Speaker 5

And what do you?

00:30:27 Speaker 7

Do next we go back to the.

00:30:28 Speaker 7

Hotel and uh.

00:30:31 Speaker 7

And like I said, I think that's when bro got the stuff at the.

00:30:33 Speaker 7

Trunk. What was there? Whatever was in there.

00:30:35 Speaker 5

You mean Jimmy? Jimmy green. Got it. Whatever was in there, OK.

00:30:37 Speaker 7

Jimmy green. Yeah, yeah.

00:30:40 Speaker 7

And then then I went into the room and a a little brother from Tullahoma was coming down to get the car was giving the.

00:30:40 Speaker 5

What did you do?

00:30:48 Speaker 7

Car to him.

00:30:56 Speaker 7

These Caucasians white.

00:30:58 Speaker 5

And I guess the two of you are friends or you know each other rather though, OK.

00:31:01 Speaker 7

Well, I mean, he's affiliated.

00:31:03 Speaker 7

You know, I'm saying with us.

00:31:06 Speaker 5

And so was he in Chattanooga. Or was he someone home? OK, so he drives from Tahoma or.

00:31:11 Speaker 7

He wouldn't tell.

00:31:14 Speaker 7

He catches up, he gets a ride. Him and another girl, they get a ride from there and I pay for the ride and gas when they get there.

00:31:20 Speaker 5

OK. Are you at the Howard Johnson?

00:31:22 Speaker 7

Yeah, I told him to stop and get some bleach or something. It was Corona and.

00:31:25 Speaker 7

I was bleaching.

00:31:25 Speaker 7

Bought up. OK, so he got some hand.

00:31:27 Speaker 5

What do you get?

00:31:29 Speaker 5

Like how much?

00:31:31 Speaker 7

This bottle seems like a gallon.

00:31:32 Speaker 5

Like a big bottle.

00:31:35 Speaker 5

A gallon of paint sanitizer.

00:31:37 Speaker 7

Yeah, that's all you can find.

00:31:38 Speaker 5

And So what did you tell him to do with that?

00:31:40 Speaker 7

Totally clean the car.

00:31:42 Speaker 5

And you didn't have to clean it, he cleaned.

00:31:43 Speaker 5

It.

00:31:44 Speaker 5

And now, did he do that because he was going to get the car, or did he do it because of y'all's?

00:31:51 Speaker 5

Connection.

00:31:52 Speaker 7

He's getting the car, but I told him he needed to clean the car too. You know what I'm saying? So.

00:31:57 Speaker 5

So he had he kind of had to.

00:31:59 Speaker 7

Do it. Yeah. I mean, I don't think he he. I think he pretty much kind of understood.

00:32:05 Speaker 7

He asked no questions or whatever, but I think he kind of felt like, you know, but he's he's another drug addict, didn't have nothing, so he just getting a free car. So he like, you know, he didn't.

00:32:15 Speaker 5

He didn't care.

00:32:16 Speaker 5

Care. So did you watch him clean the car or did you get in the car?

00:32:22 Speaker 7

I mean, I ain't observed it now, but I told you that he did do a good job when we actually got into the car, coach, I wasn't initially supposed.

00:32:29 Speaker 7

To get.

00:32:29 Speaker 7

In the car again, but I ended up doing it because he had no license and he had to get it back to to the home and the girl he brought with. I wanted her to stay with me.

00:32:37 Speaker 5

OK.

00:32:42 Speaker 7

So in order for that to happen.

00:32:45 Speaker 7

She I had her drive, my vehicle, my truck to go help stablsh Jimmy and his girlfriend in the hotel and all that stuff. And while they was doing that, I was going to go to tell Homa with payday.

00:33:01 Speaker 7

And let him try to sell a car or whatever. And she she was going to come up there because that's where she lived and get her bags and.

00:33:08 Speaker 7

Stuff like that. Then we was gonna leave and my fear.

00:33:10 Speaker 5

So you you mentioned that he didn't clean it well, can you just what what did you find unacceptable.

00:33:15 Speaker 7

I mean it just.

00:33:17 Speaker 7

This mail.

00:33:20 Speaker 7

That was the main thing, the smear.

00:33:21 Speaker 5

What it what it smell like?

00:33:24 Speaker 7

I mean smell like blood.

00:33:27 Speaker 5

And did you see either before it was cleaned or after it was cleaned?

00:33:32 Speaker 7

Blood be able to see anything, but I didn't see blood though. That's what I'm saying. I didn't see.

00:33:41 Speaker 5

Did you?

00:33:44 Speaker 5

How did you keep the blood off of you?

00:33:46 Speaker 7

Just grab the legs and the feet.

00:33:48 Speaker 5

So you didn't you didn't touch.

00:33:49 Speaker 5

This torso no.

00:33:50 Speaker 7

Now.

00:33:52 Speaker 5

And did you? Did you happen to see where he was injured?

00:33:56 Speaker 7

No.

00:33:57 Speaker 5

You just didn't. You tried not.

00:33:59 Speaker 5

To.

00:33:59 Speaker 7

Yeah, I mean, I didn't wanna. You don't mean like I ain't. I ain't not in the habit of dealing with dead bodies. So I wasn't comfortable. You know, I'm saying, but none of that.

00:34:09 Speaker 5

Now did you have a pair of?

00:34:12 Speaker 5

Gloves.

00:34:13 Speaker 7

Yeah.

00:34:14 Speaker 5

When did you get those gloves?

00:34:15 Speaker 7

I keep gloves you keep and I.

00:34:17 Speaker 7

Keep them on.

00:34:18 Speaker 5

And where are you?

00:34:20 Speaker 7

On my hands.

00:34:21 Speaker 7

But just growing the term so it definitely had them on on design.

00:34:25 Speaker 5

OK. Did those assist you in any way or is that something that?

00:34:29 Speaker 5

You would always have.

00:34:30 Speaker 7

I just always keep those on like.

00:34:33 Speaker 7

Just always do and. I mean, I'm honestly, I I usually stay. I usually keep a firearm when I'm in Chattanooga anyway.

00:34:44 Speaker 7

And I just keep gloves on and I keep I keep impact gloves in case I got it.

00:34:49 Speaker 7

Use my fears to something like that I got.

00:34:51 Speaker 5

What are?

00:34:52 Speaker 5

Can you describe impact gloves?

00:34:54 Speaker 7

You got rubber nobles.

00:34:55 Speaker 5

OK. Or is there a particular brand that you usually buy?

00:34:58 Speaker 7

I mean, I just go to Walmart.

00:35:00 Speaker 7

And grab whatever.

00:35:01 Speaker 5

Walmart sales, but you always look for the ones with the number projections.

00:35:01 Speaker 7

It is whatever.

00:35:04 Speaker 7

Yeah, yeah. I don't really got no specific branded.

00:35:07 Speaker 5

Up. Do you recall what color your gloves were?

00:35:11 Speaker 7

And I buy so many.

00:35:12 Speaker 7

Have too many. I buy so many I bought like cause I always lose them. It's like cell.

00:35:16 Speaker 5

Phone charger did Mr. Green wear gloves?

00:35:21 Speaker 7

I'm pretty sure he did have some gloves on, but I can also.

00:35:23 Speaker 5

I can't remember. Did payday work gloves?

00:35:29 Speaker 7

Thank you. Might have had some because of me, but they're just, they're kind of I'm. I'm just a little bit more cautious about things than they are. They're reckless. So I talk to me, keep up with them. So I can't say what another thing was not.

00:35:50 Speaker 5

Now.

00:35:52 Speaker 5

I want to talk to you about a couple of different addresses you you've talked about the one where you picked up the vehicle from now, Mr. Holland.

00:36:03 Speaker 5

Lived at at a location. Do you? Have you ever been out to where his home was?

00:36:09 Speaker 7

The place with the campground farms? Yeah, I've been.

00:36:12 Speaker 5

Have you ever been to another house off Stockton?

00:36:17 Speaker 7

Our own stock. May I be knowing where to get, how to get to places, but.

00:36:20 Speaker 7

I don't always know the streets.

00:36:22 Speaker 7

And.

00:36:22 Speaker 5

Roads, so.

00:36:25 Speaker 5

Has.

00:36:26 Speaker 5

Have you?

00:36:28 Speaker 5

Seeing Mr. Hahn being connected, have you known Mr. Holland to be connected to an address off Bonnie Oaks between Bonnie Oaks and?

00:36:36 Speaker 5

Hwy. 58 that area.

00:36:40 Speaker 5

Are you familiar with that?

00:36:41 Speaker 7

Area, I mean there was a the the house with the camper and in that area on 58 and there was on the other side with the McDonald's at that side of the 58 there was another address that he was associated with but I don't I don't think it was his.

00:36:55

OK.

00:36:57 Speaker 5

House, though, but he would spend time there.

00:36:59 Speaker 7

Yeah, I think you just spent time there.

00:37:01 Speaker 5

OK. And did you know that from actually seeing him there and?

00:37:05 Speaker 5

Being there with him.

00:37:05 Speaker 7

Yeah, I've been there a couple of times.

00:37:07 Speaker 5

OK, so you've been to an address, you know, on the other side of 58 by that you know from down from McDonald's?

00:37:14 Speaker 7

I can get there, but I can't tell you what street.

00:37:17 Speaker 7

And all that.

00:37:17 Speaker 5

Would you recognize?

00:37:20 Speaker 7

It was just a brick house on.

00:37:22 Speaker 7

Brick house. He doesn't like a little neighborhood.

00:37:23 Speaker 5

Mr. Brick house.

00:37:26 Speaker 5

And did did was there.

00:37:29 Speaker 5

An older individual.

00:37:29 Speaker 5

Who lived there pretty much all the time? Yeah.

00:37:32 Speaker 5

And do you do you know his nickname?

00:37:35 Speaker 7

I mean, I think that I believe that's the guy they refer to, but I never just spoke to him.

00:37:40 Speaker 5

He never spoke to him. You just talked.

00:37:41 Speaker 5

To Mr. Hogan.

00:37:45 Speaker 2

I will sustain it as to the last.

00:37:47 Speaker 3

Question so.

00:37:50 Speaker 5

I believe that you were saying that you didn't have much connection with him. So your purpose for going out to that address off 58, the one that was in charge of who did you visit there or who did you visit there?

00:38:06 Speaker 5

Let me ask you that.

00:38:41 Speaker 5

Can we pull up exhibit 10?

00:38:44 Speaker 4

Sorry.

00:38:54 Speaker 5

Do you do you recognize?

00:38:58 Speaker 7

Oh, yeah, yeah, that's. That's where Bonnie office is. Where we went to pick up.

00:38:58 Speaker 5

This location.

00:39:05 Speaker 7

Keep the call.

00:39:06 Speaker 5

That's where you went.

00:39:07 Speaker 5

The car.

00:39:07 Speaker 7

I'm almost positive now I just would just put it in GPS and they said they put the address in GPS and I'm just following the address, but I'm pretty sure we went over there.

00:39:17 Speaker 5

Now, can we go to exhibit 12?

00:39:20 Speaker 5

Does that appear to be that the same house?

00:39:22 Speaker 7

Yeah, called set, but it was.

00:39:25 Speaker 7

It was more foliages, it was more green.

00:39:28 Speaker 5

So well, this might have been taken more recently.

00:39:29

Yeah.

00:39:33 Speaker 7

Yeah. See, back open there. Back up there.

00:39:36 Speaker 5

Let me can you have a point?

00:39:40 Speaker 5

Show me. Just push, push the button and you can.

00:39:45 Speaker 5

Point to which you want to point it to.

00:39:47 Speaker 7

Like Carl was up in there somewhere.

00:39:50

Yeah.

00:39:50 Speaker 5

Back behind the house wishes.

00:39:52 Speaker 7

Yeah. When you come down.

00:39:54 Speaker 7

Come down right here.

00:39:56 Speaker 7

You got stuck. You got.

00:39:57 Speaker 7

Stuck right here could back up.

00:40:01 Speaker 7

So I just got.

00:40:02 Speaker 7

In the car and drove it down like that.

00:40:06 Speaker 7

I got it out of there.

00:40:10 Speaker 5

I'm going to show you another exhibit.

00:40:26 Speaker 5

This is an exhibit 21.

00:40:57 Speaker 5

Have you? Have you ever seen this fire before?

00:41:01 Speaker 7

Yeah, I've seen a gun like that real gun like.

00:41:03 Speaker 7

That.

00:41:03 Speaker 5

And who did you see holding this or in possession of this red guy?

00:41:07 Speaker 7

Only.

00:41:08 Speaker 5

Mr. Hall is in possession of this guy.

00:41:08

Sir.

00:41:10 Speaker 7

Yes.

00:41:13 Speaker 5

Do you recall when you saw him in possession that gun?

00:41:16 Speaker 7

Yeah. What time I come to deal with on something. And he had it in his, like, in his lap. He was sitting in his truck sitting there.

00:41:26 Speaker 5

And that was before May 27th.

00:41:28 Speaker 7

The other way, another way. This is probably some weeks, maybe a week or so.

00:41:51 Speaker 5

Do you recall?

00:41:54 Speaker 5

The clothing that the victim was wearing, Mr. You know, you know, recall, if you had anything distinctive on.

00:42:01 Speaker 7

So maybe have blue jeans.

00:42:03 Speaker 5

On he had blue jeans and he.

00:42:05 Speaker 5

Had blue jeans. What about his shirt?

00:42:09 Speaker 7

All my saves like a sweatshirt or something. I can't really remember, man. It's it's like I said it was. It was dark out. I wasn't trying to.

00:42:18 Speaker 7

Locking any details like that.

00:42:20 Speaker 5

OK.

00:42:33 Speaker 5

Do you recall what?

00:42:34 Speaker 5

You were wearing on the day that you were invested in coffee Cam.

00:42:40 Speaker 7

Yeah, I've had some gym shoes on and a.

00:42:44 Speaker 7

I think I had it like Adidas shirt, some Adidas shoes.

00:42:49 Speaker 7

I can't really remember. I changed clothes so much.

00:42:51 Speaker 5

Were you wearing gloves?

00:42:54 Speaker 7

Yeah.

00:43:00 Speaker 5

I'm going to.

00:43:03 Speaker 5

Exhibit 6.

00:43:14

So.

00:43:27 Speaker 5

This isn't exhibit 6 yet.

00:43:31 Speaker 5

We're going to.

00:43:31 Speaker 5

I want to play you a video and have you look at it and tell us if you recognize that scene.

00:43:39 Speaker 5

OK, alright.

00:43:51 Speaker 3

State may proceed.

00:43:54

Right.

00:43:58

Today's date is June 21st, 2000.

00:43:59 Speaker 6

20.

00:44:01 Speaker 6

20.

00:44:02 Speaker 7

Is now 244.

00:44:05 Speaker 6

And Mary Kay, off half, 140 millions.

00:44:31 Speaker 7

Let me tell you.

00:44:32 Speaker 5

You.

00:44:35 Speaker 5

Go ahead.

00:44:35 Speaker 7

That, that's, that's where we dump the body.

00:44:42 Speaker 5

That's a that's a tough thing to do, isn't it?

00:44:45 Speaker 7

Yeah, yeah, but it wasn't easy.

00:44:49 Speaker 5

And does that not bothering you?

00:44:52 Speaker 7

I mean, yeah, yeah, but it bothers me, I think. But all the time, you know, just because I don't know the dude and his family. You.

00:44:57 Speaker 7

Got kids? Stuff like that, you know.

00:44:59 Speaker 7

Think about that, you know like.

00:45:02 Speaker 7

What it be like?

00:45:03 Speaker 7

From my family, if they didn't have my body or whatever. So yeah, I thought about it a lot, but I I made the decision and I got to live with with.

00:45:13 Speaker 7

The guilt. You know what I'm saying?

00:45:17 Speaker 5

And.

00:45:18 Speaker 5

You know, obviously part of your charges are federal.

00:45:21 Speaker 7

Yeah.

00:45:24 Speaker 5

Now, I'm not saying that you're asking for this, but in federal court, is there a potential of getting some sort of break if you want it?

00:45:34 Speaker 5

If you testify.

00:45:35 Speaker 5

If that's what you ask for.

00:45:35 Speaker 7

I'm pretty sure I'm pretty sure that my lawyer is going to try to get me some kind of benefit.

00:45:43 Speaker 7

I'm going to say this right.

00:45:44 Speaker 7

Here.

00:45:44 Speaker 7

Though.

00:45:47 Speaker 7

You know.

00:45:50 Speaker 7

I probably wouldn't.

00:45:52 Speaker 7

Even be doing this?

00:45:54 Speaker 7

I probably just went ahead and did whatever.

00:45:58 Speaker 7

I'm pretty much sure I would, but the man tried to blame me.

00:46:02 Speaker 7

For it who did?

00:46:04 Speaker 7

Pony, you know I'm side of Texas company and.

00:46:09 Speaker 7

Tell me that, he said. He watched me.

00:46:13 Speaker 7

Shoot this guy and put him in the car, you know, and pay for his mistake that he made. You know what I mean? And I didn't believe it first, but when the video.

00:46:20 Speaker 7

Came out.

00:46:22 Speaker 7

Of him doing it, saying this and crying, saying he watched me shoot his homeboy, you know, and then and try to frame me for this, for for the something he did. That's what. That's why.

00:46:34 Speaker 7

You know, I forfeit my whole representation. Everything I ever stood for and worked for and everything, even though it ain't really nothing. But I forfeit all that. And to do this, you know what I'm saying? And I just put my life in danger because the guys, the people that I'm committed to, they're not going to have. They're not going to accept no excuse for this. Even that.

00:46:54 Speaker 7

You know what I mean? But it's just, that's the truth. You know what I mean? And and I and I and I said responsibility. Whatever comes along with it.

00:47:03 Speaker 7

And do I want any 5K ones on my federal and all that? No, I asked my lawyer not to give me any of that, you know? And it's one of the main reasons because it can easily.

00:47:13 Speaker 7

Be.

00:47:13 Speaker 7

Found out you know what I mean and.

00:47:15 Speaker 5

So you think that would put you in danger?

00:47:17 Speaker 7

I definitely puts me in danger. I don't know who. I don't know where he got his representation from, but the people that I don't feel they would they not, it's not going to fly, you know, I mean, I'm in danger for the rest.

00:47:26

My life.

00:47:27 Speaker 7

You know, even though they don't even know him. But you know, I mean like, like I said when you know.

00:47:33 Speaker 7

When they came to him about this, he pointed at me and said he watched me do it. He.

00:47:37 Speaker 7

Was an eyewitness.

00:47:39 Speaker 7

You know what I'm saying? And it put me and I the charges I got wouldn't even I wouldn't even be federal. I wouldn't even have. I would. I wouldn't be going through this. I was out on bond. I was. My charges was in litigation. All this come about because of this, you know, because of this. Because he said what he said about me.

00:48:00 Speaker 7

And even and and even.

00:48:02 Speaker 7

Still, it took a long time for.

00:48:03 Speaker 7

Me to make this decision.

00:48:05 Speaker 7

But I'm regret for his family.

00:48:09 Speaker 7

This deceased family not being able to have a body when normal people's deaths happen and have their own time, funeral and and all that for his kids. I apologize for that. I didn't know it, man. You know what I mean? And I came after he was dead.

00:48:26 Speaker 7

You know, I mean, but I got. But but that man pointed the finger at me. He told him people he.

00:48:30 Speaker 7

Watched me kill that man.

00:48:32 Speaker 7

You didn't.

00:48:34 Speaker 2

Mr. Holland, Mr.

00:48:34 Speaker 7

Me.

00:48:36 Speaker 2

Holland, Mr. Holland, please stop.

00:48:38 Speaker 7

Come on.

00:48:39 Speaker 5

Man, it's OK Sir.

00:48:40 Speaker 7

Stand up like me. So I'm saying ain't no honor, man. You know what I mean? You stand up like a.

00:48:42

Yeah, I know.

00:48:45 Speaker 5

Man, I appreciate you being here, OK? I know it wasn't easy.

00:48:55 Speaker 7

Yeah.

00:48:58 Speaker 5

And I know.

00:48:58 Speaker 5

That it's not easy to talk about.

00:49:00 Speaker 5

Something awful that you've done, yeah.

00:49:04 Speaker 5

But I hope that your life is better.

00:49:08 Speaker 7

I got no tools but sharing my life.

00:49:10 Speaker 2

Yes, Sir. All right. Just one moment please.

00:49:17 Speaker 7

Apologize.

00:49:18 Speaker 2

Thank you, Mr. Holland. Ladies and gentlemen, you are hereby directed by this court to disregard the outburst in the courtroom by the defendant and the response from the witness.

00:49:31 Speaker 2

It was inappropriate. Please let me remind you that you were to decide this case faithfully and impartially, and only upon the evidence presented under.

00:49:40 Speaker 2

Growth and the law provided by this court by a raise of your hand, you all believe you'll be able to set aside what just transpired and decide the case on the law and the facts. If so, please raise your hand. All jurors have answered in the affirmative. Thank you. All right, Mr. McNeil, would you like to proceed with cross examination?

00:49:59 Speaker 1

Yes.

00:50:01 Speaker 1

Mr. Brown.

00:50:02 Speaker 1

Let's begin on May 27, shall we? Right. You get a phone call. I guess it was. That's you.

00:50:10 Speaker 1

Indicated.

00:50:11 Speaker 7

No, I didn't.

00:50:11 Speaker 1

If someone told you that.

00:50:13 Speaker 1

That miss?

00:50:13 Speaker 7

I didn't get no phone call. He he couldn't contact me. He.

00:50:16 Speaker 7

Had my phone number.

00:50:17 Speaker 1

But regardless, someone told you that Mister Holland needed some help. Is that is that true? All right, now the next thing that happens.

00:50:20 Speaker 7

Yes, that's true.

00:50:24

Yes.

00:50:25 Speaker 1

With regard to your contact with law enforcement, what's the next thing that happens in this sequence of events? Who's the first officer you come into contact with after you dispose of the corpse? OK, now you got pulled over by Blake Simmons, correct? And when you were pulled over by Blake Simmons?

00:50:37 Speaker 7

Blake Sims.

00:50:45 Speaker 1

You were occupying the car driven previously driven by Mr. Leslie, is that correct? And in that vehicle you encountered Blake Simmons in that vehicle, and Mr. Simmons asked you where you got that car from. Do you recall that, Sir?

00:50:58 Speaker 1

Do you recall giving him an answer that night, Sir? Yes. Do you recall telling him that you were in the process of buying that car from someone? Do you recall in that exchange, Sir? Just I would, I suspect, just minutes later that you also told that same officer that same night that you were undertaking.

00:51:17 Speaker 1

Some mechanical repairs on that particular vehicle, is that also true? We know today that what you said to Mr. Simmons on that night, it's not.

00:51:24 Speaker 1

True. Is that correct?

00:51:25 Speaker 7

That's true.

00:51:26 Speaker 1

Now the next.

00:51:31 Speaker 1

Your next encounter with law enforcement, Sir, correct me if I'm wrong. It's on June the 10th, as I recall.

00:51:35 Speaker 1

Is that true?

00:51:37 Speaker 7

I don't know. Today they when the homicide tips came talked to.

00:51:40 Speaker 7

Me.

00:51:41 Speaker 1

Were you incarcerated at that time, Sir, when they?

00:51:41

Yes.

00:51:43 Speaker 1

Came and.

00:51:44 Speaker 7

You have locked up.

00:51:44 Speaker 1

Talked to me. Were you in Coffee County?

00:51:46 Speaker 1

At that time.

00:51:47 Speaker 1

You remember during that interview with them, you.

00:51:50 Speaker 1

Discussed.

00:51:51 Speaker 1

Also, where you got the car from, do you recall that?

00:51:55 Speaker 1

Do you recall telling the officers during that interview that you procured that vehicle, that you were driving, you were caught in Mr. Leslie, that you recall telling them that you were going to rent that vehicle from a lady named Kiki, is that you recall that story?

00:52:08 Speaker 1

That you told them.

00:52:13

OK.

00:52:13 Speaker 1

Do you recall telling those officers, Sir?

00:52:16 Speaker 1

That that my client allegedly brokered that deal between.

00:52:20 Speaker 1

And Miss Key concerning this vehicle, do you?

00:52:22 Speaker 1

Recall telling that story.

00:52:22 Speaker 7

And then I don't remember what I said. I like. I was lying. And I, you know, I mean, I I don't remember everything.

00:52:27 Speaker 7

Exactly what I said. So you were lying on.

00:52:30

Yes.

00:52:31 Speaker 7

I yeah, I was lying. I was.

00:52:32 Speaker 7

I was. I wasn't telling the truth.

00:52:35 Speaker 1

OK, now on June the 18th, Sir, is the next encounter that you have with law?

00:52:40 Speaker 1

Enforcement, if you recall.

00:52:41 Speaker 7

When they came back to.

00:52:42 Speaker 1

That's correct. When they came back, it was also an ATF agent present that.

00:52:47 Speaker 1

Day if you remember.

00:52:49 Speaker 1

Now on the June the 18th interview.

00:52:57 Speaker 1

Did you?

00:52:59 Speaker 1

You didn't mention anything about.

00:53:02 Speaker 1

Meeting of Mr. Jimmy Green in that interview on June 18th.

00:53:05 Speaker 7

The added burns name of now.

00:53:06 Speaker 1

You didn't mention anything about a payday.

00:53:10 Speaker 7

Yeah, I'll write your name on.

00:53:10 Speaker 1

Kind of that.

00:53:11 Speaker 1

You didn't mention anything about disposing of the body, and in fact you didn't mention that during the June 10th interview either.

00:53:13 Speaker 7

No.

00:53:17 Speaker 1

Did you, Sir?

00:53:18 Speaker 7

No.

00:53:19 Speaker 1

Little did you know at the time, I don't suspect it, but three days later, on June 21st, they recovered that body, didn't they, Sir?

00:53:25 Speaker 7

I didn't know when they.

00:53:26 Speaker 7

Did they recovered?

00:53:29 Speaker 1

The body was recovered shortly thereafter. Yeah, I.

00:53:31 Speaker 7

I didn't know that.

00:53:31 Speaker 1

In both of those interviews, you didn't.

00:53:33 Speaker 1

Mention any of that.

00:53:35 Speaker 1

None of that, not nothing. And it wasn't until.

00:53:36 Speaker 7

No.

00:53:38 Speaker 1

Sir, when you.

00:53:39 Speaker 1

Had a when you had what we refer to as a proffer in November of 2021, do you recall that where you met with a federal agents and also agents from our? I'm not agents. Excuse me? District attorneys from our office here.

00:53:55 Speaker 7

With the 810 or 8? Yeah, I don't know what.

00:53:58 Speaker 7

You're talking about.

00:53:58 Speaker 1

Federal agents and members from our district Attorneys Office interview. Is that correct?

00:54:02 Speaker 7

Yeah, that's after I stamped that he tried to blame me.

00:54:06 Speaker 1

Well, but yeah, but you knew that, though. You knew that he attempted.

00:54:08 Speaker 1

To blame that and.

00:54:08 Speaker 7

Yeah, but I didn't believe it. First, you know what I'm saying? So I got, you know, folks, you know, do they, they got strategies of how they go about trying to get people to confess that things or tell certain things. And I just didn't believe I gave them benefited that at first when I felt that it was the truth, I wouldn't hear it told.

00:54:11

We.

00:54:25 Speaker 1

The truth. So in November of 2020.

00:54:28 Speaker 1

21.

00:54:31 Speaker 1

That's when you finally decide to.

00:54:34 Speaker 1

Regale everyone with your tails about disposing of a body meeting with Jimmy Green, how you procured the car all then. Now you finally decide to.

00:54:41

Tell.

00:54:43 Speaker 7

What's up? Saying that it was the truth about him saying that he seen me do.

00:54:46 Speaker 1

This to this guy and you only told the truth, Sir. Isn't that true? Because you got you're. You're in a jumpsuit and you have a federal case pending.

00:54:52 Speaker 1

And now no reason why you told the truth today. You just said that.

00:54:54 Speaker 7

Man this year.

00:54:56 Speaker 7

I didn't do a time all my.

00:54:57 Speaker 7

Like I can do time in it all day, every day that that it's. I'm not running for no time. But I'm not going to. I'm.

00:55:04 Speaker 7

Not.

00:55:05 Speaker 7

Going to sacrifice my life for somebody that pointing a finger at me for something he did. I'm not going to do that now. I may have would have not testified to the truth if he didn't do that.

00:55:18 Speaker 7

And I'm one probably 100% sure that I wouldn't, but at the same time.

00:55:24 Speaker 7

After he tries to frame me for it then, then I'm going to tell the truth. I'm not willing to sacrifice my life so he can go out there and do whatever he wants to do with his life and laugh at me. You know, I'm saying this just ain't gonna happen. So I'm I'm telling the truth. He did. If he didn't want the truth revealed, then he shouldn't implemented me.

00:55:43 Speaker 1

I suspect the truth would get a lot more colorful, so Sir, wouldn't it if you had a better offer on the table, there'd be.

00:55:49 Speaker 1

A lot more details, wouldn't it?

00:55:50 Speaker 7

Listen, I've I've I've asked my it's on record. I've asked my attorney to not give me no 5K ones and none of that stuff because you understand some of my life in danger for getting on the stand.

00:56:00 Speaker 7

It's more than just doing jail time. I can go to jail time live like a king if I don't testify.

00:56:06 Speaker 7

You know, I mean the only thing I'm I sacrifice as a woman, you know? I mean, just so much time. Without that, I I can know. I know how to deal with that. I got my mind. So my mind with that, that's not the thing. It's it's I'm not.

00:56:18 Speaker 7

Going to let him.

00:56:20 Speaker 7

Stay free and point the finger at me and and and have me pay for his mistake. I'm not going to do that.

00:56:27 Speaker 7

This man pointed the finger at me, he told the homicide detectives that he watched me do this.

00:56:31 Speaker 1

Your story doesn't make any sense in the interview with 610 you knew then.

00:56:35 Speaker 4

I'm going to check.

00:56:40 Speaker 2

I would ask the jury to put aside the first part of the Defense Counsel statement. You may go ahead with your questions.

00:56:47 Speaker 1

So you you you knew on June the?

00:56:49 Speaker 1

10th.

00:56:50 Speaker 1

That my my client had implicated you in.

00:56:52 Speaker 7

This, they told me they took.

00:56:53 Speaker 1

You know I'm not done.

00:56:54 Speaker 1

You're not responding to question.

00:56:56 Speaker 1

You knew that on June the 10th. You also knew that on June the 18th.

00:57:00 Speaker 1

And you knew it. On in February of 2021, you knew all of this. You just decided not to tell anyone, and you knew it.

00:57:06 Speaker 1

Would like Simmons had contacted you.

00:57:08 Speaker 1

But there's not a deal, so you don't have to.

00:57:10 Speaker 1

Tell the truth.

00:57:10 Speaker 7

Is that correct? No. That's not what happened. I didn't believe it first. And if you listen, if you play back the recording, why we? Why they and they told me. I said I don't believe you.

00:57:18 Speaker 7

Before playing recording, you're talking about the.

00:57:21 Speaker 7

Interview play. Let him hear it.

00:57:23 Speaker 7

I said I don't believe you. No, I said I do not believe you when you saying that this man said I did something. I do not believe you play play recording back. You talking about a synopsis something.

00:57:35 Speaker 1

Well, I'm not. I'm not asking you for your.

00:57:37 Speaker 1

Commentary, Sir.

00:57:38 Speaker 7

That's all right. We're playing record. We keep talking.

00:57:40 Speaker 7

About an event that.

00:57:40 Speaker 1

You, Sir, I'm not asking. You're.

00:57:41 Speaker 1

Not it's not responsive to a question.

00:57:45 Speaker 1

You've told several different stories through the course of this.

00:57:48 Speaker 1

Case. That's the bottom line is.

00:57:49 Speaker 1

That true or not, that's true.

00:58:10 Speaker 1

No further questions. I passed a.

00:58:11 Speaker 2

Witness. Thank you, Mr. McNeil. Any redirect examination?

00:58:15 Speaker 5

Thank you, Mr.

00:58:17 Speaker 2

Mr. Brown, thank you for your testimony.

00:58:28 Speaker 2

Ladies and gentlemen, I also want to give another instruction at this time that I will reiterate to you a little bit later on.

00:58:40 Speaker 2

At this point, the jury has heard proof that the defendant has an association with the Vice Lord.

00:58:51 Speaker 2

Organization. You may not consider that evidence to prove that he has a disposition to commit the crimes for which he is on trial. That evidence may only be considered by you for the limited purpose of determining whether it provides.

00:59:11 Speaker 2

Either.

00:59:13 Speaker 2

1st, The complete story of the crime, that is that the evidence of his affiliation with the Vice Lords may be considered by you where that affiliation and the present alleged crimes are logically read, related or connected or are part of the same transaction.

00:59:33 Speaker 2

So that the proof of one 10s or is necessary to prove.

00:59:40 Speaker 2

The the crimes that are charged or necessary for a complete account.

00:59:46 Speaker 2

Thereof.

00:59:48 Speaker 2

2 the defendants identity, that is that evidence may be considered by you if it tends to establish the defendants identity in the case at Trump. Thank you.

01:00:04 Speaker 2

Is the state prepared with its next witness?

01:00:06 Speaker 4

Yes, your honor. Denver Hall.

01:00:45

Truth the whole truth.

01:00:53 Speaker 4

Good afternoon, Sir. Would you please introduce yourself to the jury and spell your last name?

01:00:58 Speaker 6

My name is Denver Hall HALL.

01:01:01 Speaker 4

What's your occupation of profession, Sir?

01:01:04 Speaker 6

I'm a special agent, forensic scientist at the TBI Crime Lab in Nashville, and the firearm and Toolmark Identification Unit.

01:01:12 Speaker 4

How long have you been employed with the TBI crime?

01:01:16 Speaker 6

About 7 1/2.

01:01:17 Speaker 4

Years. Do you have any experience in the field of forensic science before working for the TBI?

01:01:22 Speaker 6

No, I did not.

01:01:24 Speaker 4

What type of education does it take to become a special agent? Forensic scientist such as yourself?

01:01:29 Speaker 3

So.

01:01:30 Speaker 6

Bachelor's degree and one of the natural sciences.

01:01:34 Speaker 4

What is your degree in?

01:01:37 Speaker 6

I have a backstretch in biology with a minor chemistry.

01:01:42 Speaker 4

In addition to your formal education, your the degrees that you just mentioned. Do you have any training regimen that you have to go through in order to become a forensic science?

01:01:52 Speaker 4

Yes.

01:01:53 Speaker 6

In the firearm and Toolmark identification unit, we go through a two year in-house training program under the guidelines of the ATF and the Association of Firearm and Toolmark Examiners.

01:02:07 Speaker 4

Does that involve any sort of peer review process?

01:02:12 Speaker 6

Yes, it includes a lot of different training assignments, research papers, practical exercises and things of that.

01:02:23 Speaker 4

And successfully complete that prior to beginning any actual work on your own, as forensic scientist back in May of 2023, had you gone.

01:02:35 Speaker 4

Through that process, can you?

01:02:38 Speaker 4

Describe to the jury what.

01:02:40 Speaker 4

Is the.

01:02:43 Speaker 4

Term tool mark analysis.

01:02:47 Speaker 6

So firearm and toolmark analysis is basically under the umbrella of tool mark analysis under the idea that a stronger material such as a tool, leaves markings on a softer material, such as a work piece, which in turn would be.

01:03:07 Speaker 6

A A gun on a bullet, for example, the same as a bolt cutter would be on lock.

01:03:14 Speaker 4

Have you received any specialized training in the specific field of tool mark analysis? Yes, I have. What is that training?

01:03:23 Speaker 6

I have undergone two different week long courses and tool mark analysis.

01:03:29 Speaker 4

Do you hold any certifications from anyone?

01:03:32 Speaker 6

I have no certifications currently.

01:03:37 Speaker 4

Have you ever testified as an expert witness?

01:03:40 Speaker 6

Yes, I.

01:03:40 Speaker 6

Have.

01:03:43 Speaker 6

Tennessee State courts.

01:03:45 Speaker 4

How many times, Sir?

01:03:46 Speaker 6

I believe the 11 times.

01:03:51 Speaker 4

In what fields specifically?

01:03:54 Speaker 6

Specifically, firearm and toolmark analysis.

01:03:58 Speaker 4

Your Honor, at this time, I would tender Tinder Special Agent Hall as an expert in firearms toolmark now.

01:04:06 Speaker 2

Thank you. Any objection?

01:04:07 Speaker 1

No objection from you.

01:04:08 Speaker 2

All right, then. Special Agent Hall will be admitted as an expert in firearm toolmark identification and analysis.

01:04:15 Speaker 4

Thank you, ma'am. I'm sorry, Sir. In May of 2023.

01:04:23 Speaker 4

And before did you receive a quantity of exhibits related to the homicide of Mr. Randall Leslie and the suspect of Mr. Danielle Holland specifically served.

01:04:38 Speaker 4

What the type?

01:04:39 Speaker 4

Of items did you receive for your analysis?

01:04:43 Speaker 6

I received multiple pistols.

01:04:46 Speaker 6

Of some of those pistols had cartridges or ammunition with them.

01:04:51 Speaker 6

And I received 2 bullets.

01:04:53 Speaker 4

Books.

01:04:56 Speaker 4

Specifically, Sir, how may I approach the witness? I'm showing you what's been marked for identification purposes as exhibit 167.

01:05:00

Cool.

01:05:09 Speaker 4

That's the CPD number. Put it for trial purposes. This is exhibit #48. Have you seen this item before?

01:05:19 Speaker 4

And specifically, what is that item, Sir?

01:05:22 Speaker 6

This is my exhibit 26C.

01:05:27 Speaker 4

Did you analyze that projectile in that exhibit there and specifically identified as the bullet from the autopsy?

01:05:39 Speaker 4

Yes it is.

01:05:41 Speaker 4

Thank you, Sir.

01:05:43 Speaker 4

How does someone in your field conduct a tool mark analysis on an item specifically, such as that bullet that you?

01:05:53 Speaker 4

Have in front.

01:05:54 Speaker 6

So typically what we do in casework is once I receive the evidence, I document the packaging of the evidence. Once I do that.

01:06:04

I.

01:06:04 Speaker 6

Will remove the evidence and document it itself, and in a particular case like this one where I have a evidence bullet.

01:06:14 Speaker 6

As well as firms, those firms will be test fired and those test fired bullets will be compared.

01:06:21 Speaker 7

To the evidence board.

01:06:23 Speaker 4

How do you do that comparison, Sir?

01:06:25 Speaker 6

Under a comparison microscope.

01:06:28 Speaker 4

Can you describe what that looks?

01:06:29 Speaker 4

Like to the jury.

01:06:30 Speaker 6

Yes, a comparison microscope is basically 2 microscopes joined together with an optical bridge. That way you can see two different things at once and compare them together.

01:06:42 Speaker 4

And what are you looking for under that microscope on a projectile?

01:06:47 Speaker 6

The first thing that we look for is agreement of class characteristics of class characteristics are predetermined by the manufacturer.

01:06:56 Speaker 6

So for example, with a bullet it would be the number of lanes and groove impressions on that bullet. The direction of the twist and the measurement of the lines and groups. If there is agreement of class characteristics, then I will be looking for individual characteristics.

01:07:12 Speaker 6

Which occur incidental to manufacture.

01:07:15 Speaker 6

As well as use and abuse of that firm.

01:07:18 Speaker 4

So.

01:07:20 Speaker 4

I guess using a kind of analogy.

01:07:23 Speaker 4

To.

01:07:23 Speaker 4

Firearms have, I guess, general characteristics like the barrel spins in a certain direction with a certain number of imprints that it leaves on the bullet.

01:07:37 Speaker 6

That's correct, they did.

01:07:38 Speaker 4

And each manufacturer it can vary.

01:07:40 Speaker 6

That's correct.

01:07:42 Speaker 4

But then you also mentioned specific.

01:07:47 Speaker 4

Things that allow you to identify.

01:07:50 Speaker 4

Particular firearm to a particular bullet is that almost like a firearm such as this is exhibit 21. OK, did you receive this item for testing?

01:08:03

Yes.

01:08:05

OK.

01:08:06 Speaker 4

So for instance, this particular firearm, the sky pistol, does it have all of its its own fingerprints that it leaves our bullet when it fires?

01:08:16 Speaker 6

Yes, we we liken it to a mechanical fingerprint.

01:08:22 Speaker 4

What types of things affect your ability to do a comparison where you in essence match the fingerprint to the barrel?

01:08:32 Speaker 4

Of a gun.

01:08:34 Speaker 6

So when I testified the following, when I received it, I testified it into a bullet recovery tank, which is a large tank of water.

01:08:45 Speaker 6

When the bullet hits the water, it slows down. It doesn't come in contact with anything but the water, so that bullet is kept in pristine condition. Bullets that are received as evidence have struck something at some point, whether it be a person or a vehicle or a wall, that they typically are damaged as they're received.

01:09:09 Speaker 4

And using that process, you're able to use that special microscope and conduct that comparison.

01:09:15 Speaker 6

That's.

01:09:15 Speaker 4

Correct is that the process that you use to analyze the evidence?

01:09:19 Speaker 4

In this particular case.

01:09:21 Speaker 4

It is and in addition to that, that Red Sky pistol that we have.

01:09:27 Speaker 4

Is exhibit 21.

01:09:29 Speaker 4

Did you also receive these other firearms for comparison?

01:09:46 Speaker 4

You may have to open that.

01:10:04 Speaker 6

Yes, I have examined all of these.

01:10:08 Speaker 4

And for the record of when we're referring to to all of these, we're specifically talking about exhibits 22 the Canon pistol.

01:10:19 Speaker 4

Exhibit 20, The Smith and Wesson SDVE.

01:10:22 Speaker 4

40 caliber. Is that correct?

01:10:24

That's great.

01:10:26 Speaker 4

The.

01:10:29 Speaker 4

Taurus PT140.

01:10:32 Speaker 6

That's correct.

01:10:33 Speaker 4

Which is exhibit 24.

01:10:36 Speaker 4

And Exhibit 52A Smith and Wesson.

01:10:41 Speaker 4

M&P shield.

01:10:42 Speaker 6

That's correct.

01:10:45 Speaker 4

Did you take test fires from all?

01:10:47 Speaker 4

Of these fires.

01:10:50 Speaker 6

I believe that I did testify.

01:10:53 Speaker 6

Some of those I did not test fire. Some of them were opened and examined. I.

01:11:02 Speaker 6

Once we document a pistol as it's received, I can look down the barrel and look at those class characteristics of that barrel. So in this case a couple of these and have referred to my notes to.

01:11:16 Speaker 6

See which ones I.

01:11:17 Speaker 6

Opened, looked down the barrel of the pistol. It was a different class characteristic than the evidence bullet.

01:11:22 Speaker 6

Therefore, no further examinations were performed.

01:11:25 Speaker 4

Thank you, Sir.

01:11:32 Speaker 4

So I'm handing.

01:11:32 Speaker 4

You what's going to be marked for identification purposes?

01:11:40 Speaker 1

You recognize that?

01:11:45 Speaker 7

Yes, I do.

01:11:46 Speaker 3

What is that document?

01:11:48 Speaker 6

This is a copy of my official firearms report.

01:11:52 Speaker 4

And does it fairly detail the findings that you made based upon your examination of the items indicated on the first page and those items being on the first page largely consisting of the firms and that projectile?

01:12:01 Speaker 2

Yes it does.

01:12:08 Speaker 3

Exhibit #48.

01:12:10 Speaker 6

That's correct.

01:12:11 Speaker 4

Is that something that's kept in the regular course of business for the Tennessee Bureau of Investigation?

01:12:16 Speaker 7

It is.

01:12:18 Speaker 4

Your Honor, I will move to make.

01:12:19 Speaker 4

This exhibit 53.

01:12:20 Speaker 4

Of the trial.

01:12:21 Speaker 2

Any objection?

01:12:22 Speaker 1

No objection from the accused.

01:12:23 Speaker 2

All right, the official firearms report will be marked exhibit #53 and entered into evidence.

01:12:28 Speaker 4

Now, Sir, you mentioned class characteristics, the projectile that.

01:12:35 Speaker 4

You have in front of you. We've got some pictures of it that were introduced by our medical examiner earlier today and I'm going to show them to you.

01:12:48 Speaker 4

This is exhibit.

01:12:51 Speaker 2

I'm sorry I put it on.

01:12:54 Speaker 2

Because of the previous exhibit that was up there, I had turned off your laptop capabilities.

01:13:04 Speaker 2

It'll come back in just a second.

01:13:11 Speaker 4

So I'm showing you 44-6. So the 6th photograph and collective exhibit 44 is that appear to be the same projectile that you analyzed and it's in the 48.

01:13:26 Speaker 6

It looks to be consistent with the same.

01:13:31 Speaker 4

How would you describe the condition of the projectile in this photograph and also in?

01:13:38 Speaker 4

Exhibit 48.

01:13:39 Speaker 6

It was.

01:13:41 Speaker 6

Very isn't a very oxidized state, so there's a lot of.

01:13:47 Speaker 6

Greenish coloring or patinas that cover the bullet. And there's also a lot of pitting that occurred from the oxidation.

01:13:57 Speaker 4

Does that make your job easier?

01:13:59 Speaker 6

No, it does not.

01:14:01 Speaker 4

What kind of difficulties does it?

01:14:03 Speaker 4

Introduce in your examination projectile.

01:14:07 Speaker 6

So when the oxidation occurs.

01:14:11 Speaker 6

Microscopically, I'm looking for very fine striations on the surface of that bullet. If that bullet has been oxidized, that can potentially remove a lot of those very fine stride.

01:14:25 Speaker 4

And specifically in this case, at the level of oxidation, corrosion, what, whatever that green stuff is.

01:14:33 Speaker 4

Did that remove a lot of the fine details that you would be looking for to do that mechanical fingerprint match between?

01:14:40 Speaker 4

This and some firearm. Yes, it doesn't.

01:14:43 Speaker 6

Removed basically all all of those characteristics.

01:14:48 Speaker 4

The Super Fine ones.

01:14:50 Speaker 6

Yes, the individual characteristics.

01:14:52 Speaker 4

Now, just because this the the very fine individual characteristics are no longer present due to oxidation or corrosion. Did that limit your ability to look for the larger class characteristics?

01:15:06 Speaker 6

No, it didn't inhibit that examination.

01:15:12 Speaker 4

And why is that?

01:15:14 Speaker 6

The class characteristics are are very gross characteristics, so looking down the barrel of a rifle.

01:15:23 Speaker 6

Firearm you have raised portions and you have lower lower portions kind of like hills and valleys.

01:15:30 Speaker 6

Those hills are what are predetermined by the manufacturer because they tool is cutting those into the barrel.

01:15:39 Speaker 4

Did you examine?

01:15:43 Speaker 4

Item 48 exhibit 48. Under that microscope, did you observe class characteristics for the firearm that this fired this bullet?

01:15:54 Speaker 7

Yes, I did.

01:15:55 Speaker 4

Did you record your findings on the first page of that report that was just admitted into evidence?

01:16:03 Speaker 6

I did.

01:16:05 Speaker 4

Sir, I'm now showing up on the screen the the official firearms report and I'm going to draw your attention down here to the very, very bottom.

01:16:15 Speaker 4

It's hard to see.

01:16:18 Speaker 4

You write that the.

01:16:19 Speaker 4

Bullet and exhibit 26C.

01:16:22 Speaker 4

And just so the the jury.

01:16:25 Speaker 4

Is is clear exhibit 26 C is.

01:16:32 Speaker 4

This item is that correct? OK. So exhibit 48 is exhibit 26, C exhibit 26. C is exhibit 48.

01:16:34

That's.

01:16:44 Speaker 4

So you microscopically examined that and compared it to test fire bullets from Exhibit 18A.

01:16:56 Speaker 4

Sir, what item number is exhibit 21 to the trial?

01:17:02 Speaker 6

It is my exhibit 18A.

01:17:03 Speaker 4

OK, so you fired a projectile through exhibit 21 and compared that projectile to exhibit 48.

01:17:12

That's correct.

01:17:13 Speaker 4

Thank you, Sir.

01:17:17 Speaker 4

What did a comparison of those two projectiles reveal, Sir?

01:17:22 Speaker 6

That the.

01:17:24 Speaker 6

Bullet and my exhibit 26 C bears the same class characteristics as test fire bullets from my exhibit 18A.

01:17:34 Speaker 4

Specifically, Sir, what is unique?

01:17:37 Speaker 4

About the markings that were left behind on 20.

01:17:41 Speaker 6

The class characteristics OF26C were that it was A7 racked rifle pattern.

01:17:48 Speaker 1

I'm sorry. Can you repeat that?

01:17:51 Speaker 6

Yes, it was.

01:17:52 Speaker 6

7 rock Rock wing class characteristics that.

01:17:55 Speaker 6

Were left on.

01:17:56 Speaker 4

Does that mean that there's seven indentations that rotate to the right, so a clockwise fashion? Is that normal? Is that something that you see?

01:18:02 Speaker 6

That's correct.

01:18:05

That's great.

01:18:09 Speaker 6

Seven right rifling is not very common.

01:18:14 Speaker 4

What manufacturers use 7 right rifling patterns?

01:18:19 Speaker 6

The only known 9mm Luger caliber pistol that the only brand that rifles their barrels with, seven right rifling and Scott.

01:18:31

Sir.

01:18:32 Speaker 4

Who manufactured exhibit 20?

01:18:35 Speaker 6

It is a scar pistol.

01:18:37 Speaker 4

The only known manufacturer that utilizes 7 right rifle going through these other items exhibit 24. This this Taurus pistol. Does it utilize 7 right?

01:18:43 Speaker 6

That's correct.

01:18:57 Speaker 1

Point pattern.

01:18:58 Speaker 6

You know it is a six rap raffling.

01:19:01 Speaker 4

So does that mean that?

01:19:04 Speaker 4

Is it even remotely possible, Sir, that this bullet came out of this barrel in this?

01:19:09 Speaker 6

Time. No, it is not possible.

01:19:15 Speaker 4

Exhibit 20 is the Smith and Wesson SV40 power. What caliber is the bullet in exhibit 40?

01:19:24 Speaker 6

It is a 9mm Luger caliber.

01:19:29 Speaker 4

Is 40 caliber 9mm Luger.

01:19:31 Speaker 6

It is not.

01:19:32 Speaker 4

The Smith and.

01:19:33 Speaker 4

Wesson utilize the seven right rifle pattern.

01:19:37 Speaker 6

No, they use A5 right cropping pattern.

01:19:41 Speaker 4

Could that bullet have been fired from this gun?

01:19:44 Speaker 6

No, it could not have been.

01:19:45 Speaker 4

Physically impossible.

01:19:47 Speaker 6

That's correct.

01:19:49 Speaker 4

How about exhibit 22 canik?

01:19:52 Speaker 4

TP99 by 19.

01:19:55 Speaker 6

It is a six raffle pattern.

01:19:59 Speaker 4

Did it leave the lands and grooves on?

01:20:02 Speaker 4

48.

01:20:04 Speaker 6

It could not have.

01:20:08 Speaker 4

And finally, Sir, the Smith and Wesson.

01:20:12 Speaker 4

M&P.

01:20:13 Speaker 4

Shield 26A.

01:20:17 Speaker 6

It is a fibre waffle pistol.

01:20:20 Speaker 4

They've left those.

01:20:23 Speaker 6

No, it couldn't have.

01:20:27 Speaker 6

No, that's that's great.

01:20:33 Speaker 4

In fact, all of these farms are excluded from having fired that projectile.

01:20:38 Speaker 6

That's correct.

01:20:47 Speaker 4

Did you record that on the final?

01:20:49 Speaker 4

Page of your report, page 2 I did.

01:20:54 Speaker 4

So when we'll see 13, a 1617 so on and so forth.

01:21:00 Speaker 4

That there that little sentence right there memorializes.

01:21:04 Speaker 4

What we just said, that's correct.

01:21:17 Speaker 4

Nothing further, judge.

01:21:19 Speaker 2

Thank you.

01:21:23 Speaker 2

Cross examination, Mr.

01:21:25 Speaker 2

McNeil.

01:21:33 Speaker 1

Special Agent hall, yes.

01:21:36 Speaker 1

Yes, Sir. My name is David McNeil. I represent the accused with regard to your just when you receive items at your office, Sir, if you look at all of these packages, that is, there's several of them. Just for the record, all in front of.

01:21:51 Speaker 1

You all of them have.

01:21:53 Speaker 1

Just if you just look right, there's there are several days, they all have labels, they all have names written on people signing things. Can you describe for for the jury, if you will, please, Sir. What that indicates on these various packages.

01:22:07 Speaker 6

So typically on packages for one, they'll be initials of who sealed the package.

01:22:15 Speaker 6

If another scientist opened that package and then resold it, their initials will also be on that seal. Or if it's a new seal, they.

01:22:23 Speaker 6

Will.

01:22:23 Speaker 6

Be there and as well as initials, there will be case number, exhibit number and initials somewhere else in the package of whatever forensic scientist has.

01:22:35 Speaker 6

Examine that piece of.

01:22:36 Speaker 1

Evidence now when you examine a piece of evidence, whether it's this particular, whether it's on this list or any.

01:22:42 Speaker 1

Case do you adhere to the same procedure? Do you sign a piece of paper like that indicating that you were the last person to handle the piece of tangible evidence?

01:22:52 Speaker 6

Yes, we do.

01:22:53 Speaker 1

You do that for every piece, correct?

01:22:55 Speaker 1

That's correct. Now with regard to you, you have indicated your testing procedure with weapons generally is that you fire the weapon correct you do personally and you fire the weapon into a pool of water?

01:23:07 Speaker 6

That's correct.

01:23:10 Speaker 6

Correct.

01:23:11 Speaker 1

And did you do that with every one of these weapons that?

01:23:13 Speaker 1

Are in front of.

01:23:14 Speaker 6

You today not all of them.

01:23:16 Speaker 1

Which ones did you do a test fire on?

01:23:19 Speaker 6

Did you say did or did not?

01:23:21 Speaker 1

You did do one on personally.

01:23:23 Speaker 6

I did, I testified. Exhibits 18A and exhibit 26A.

01:23:30 Speaker 4

Now.

01:23:32 Speaker 1

OK, 26 is the lowest and.

01:23:34 Speaker 1

That 26 C is the bullet correct?

01:23:36 Speaker 6

That's correct.

01:23:37 Speaker 1

All right, now the bullet is. Would you regard that bullet as being rather damaged?

01:23:41 Speaker 6

Yes, I.

01:23:42 Speaker 1

Would now how?

01:23:45 Speaker 1

How compared to other how damage is that bullet compared to other cases that you've seen and save of a similar circumstance bullet lodged in the body out in the elements for a while is this

day. Is this bullet pretty badly damaged to what you're normally accustomed to seeing under these similar circumstances?

01:24:04 Speaker 6

Yes, it's.

01:24:07 Speaker 6

The physical condition of the bullet and we I examined the whole bullet a lot of times we just get fragments.

01:24:13 Speaker 6

Or.

01:24:14 Speaker 6

Pieces of a bullet. This was a a whole bullet, and from what I've seen in case work in the past, if if a bullet sits in the evidence for a while with bodily fluids.

01:24:27 Speaker 6

Or.

01:24:28 Speaker 6

Even just water that can cause it to rust or oxidize.

01:24:34 Speaker 1

Now.

01:24:36 Speaker 1

You indicated during your testimony, Sir, that is it, is it correct to say that every gun has its signature?

01:24:43 Speaker 1

That's correct. Similar to a fingerprint on a human.

01:24:46 Speaker 1

Being.

01:24:46 Speaker 6

Correct.

01:24:47 Speaker 1

Now does each gun OK? Let's say for example, if you fired 2 Smith and Wesson.

01:24:55 Speaker 1

Let's say that's just the SSD. Whatever is the 40,000,040 caliber, let's say 2 of the exact same gun.

01:25:03 Speaker 1

Same make, same same year everything the same.

01:25:06 Speaker 1

You shoot both of them at the same time into the into the testing facility. Is there going to be a difference between those two projectiles?

01:25:15 Speaker 6

Yes, there will be a difference of individual characteristics.

01:25:19 Speaker 1

OK, now are you able to observe, let's say you fired one of those. Smith and Wesson? Is that just the example that I'm not necessarily, this would just.

01:25:28 Speaker 1

Smith and Wesson. You fired 1 into the control pool and then you fired the exact make and model year the gun into, let's say, just a, you know, into a wall.

01:25:40 Speaker 1

What are the chances under those circumstances that you'll be able to observe the same quality? Would you be able to tell under those circumstances the differences between those two exact guns?

01:25:50 Speaker 6

That's depending on the microscopic examination and how badly the bullet is damaged that hits the hard surface that can.

01:25:59 Speaker 6

That can prevent a conclusive result if only have.

01:26:04 Speaker 6

Part of the bullet or it's the pieces I do have, are too damaged to see the individual characteristics now, Sir.

01:26:14 Speaker 1

Your report, do you have your report in?

01:26:15 Speaker 1

Front of you.

01:26:16 Speaker 1

Self it's been marked as exhibit 53.

01:26:16

Yes.

01:26:19 Speaker 1

The first page, last paragraph and the last sentence.

01:26:25 Speaker 1

It indicates that.

01:26:29 Speaker 1

However, I'm reading from Page 1, Sir, last paragraph last sentence. However, the damaged condition of the bullet in exhibit 26 C.

01:26:37 Speaker 1

Precludes a more conclusive determination and then on the next page you go and and you exclude that gun from having been fired from you. You go, you exclude all the other guns except for the SC Y pistol. It's a little it's it's a little contradictory because you, would you mind explaining that?

01:26:51 Speaker 6

That's correct.

01:26:57 Speaker 6

Yes, so.

01:26:59 Speaker 6

An example of.

01:27:03 Speaker 6

To compare it to something.

01:27:04 Speaker 6

Else.

01:27:06 Speaker 6

Let's say you have cookie cutters.

01:27:09 Speaker 6

If I have 5 different styles of cookie cutters, one star shaped, one square, 1 circular and so on.

01:27:16 Speaker 6

And then I look at the evidence cookie that I received and it's star shaped.

01:27:21 Speaker 6

That means that the square shaped cookie cutter could not have produced that star shape. The circular cookie cutter could not have produced that * shape and so.

01:27:30 Speaker 6

On.

01:27:32

OK.

01:27:33 Speaker 1

One second, Sir.

01:27:34 Speaker 8

Yes.

01:27:50 Speaker 1

Thank you, special Agent, I passed.

01:27:52 Speaker 2

All right. Thank you. Redirect.

01:27:58 Speaker 4

Using that analogy.

01:28:02 Speaker 4

Star shaped bullet that can we assign this star shape?

01:28:07 Speaker 6

Sure.

01:28:11 Speaker 4

Over here, the Smith and Wesson exhibit 20.

01:28:15 Speaker 6

Not star shape.

01:28:16 Speaker 4

Circle.

01:28:20 Speaker 4

Exhibit 22.

01:28:23 Speaker 4

Mechanic, rhombus shape I think sure.

01:28:30 Speaker 4

Exhibit 52 Octagon.

01:28:34

Yes.

01:28:38 Speaker 4

Exhibit.

01:28:40 Speaker 4

24 triangle.

01:28:42 Speaker 6

Yes.

01:28:45 Speaker 4

Our red panic pistol.

01:28:48 Speaker 4

What's the star shape? The Council asked you about?

01:28:57 Speaker 4

The level of.

01:28:59 Speaker 4

Damage to the bullet and you mentioned bodily fluids can have an effect on the I guess how pristine the bullet is that you're able to analyze from.

01:29:09 Speaker 4

A particular crop.

01:29:10 Speaker 6

That's correct.

01:29:13 Speaker 4

So I'm showing you.

01:29:14 Speaker 4

What's been admitted into evidence as exhibit hot?

01:29:20 Speaker 4

I'm not going to put.

01:29:21 Speaker 4

It up on stream.

01:29:22

But.

01:29:23 Speaker 4

Permission to publish to the journal.

01:29:26 Speaker 2

You may.

01:29:28 Speaker 4

It's a picture of the.

01:29:30

Body.

01:29:34 Speaker 4

If the testimony was that that.

01:29:35 Speaker 4

Bullet our star shaped bullet.

01:29:39 Speaker 4

Came from this body.

01:29:43 Speaker 4

And the medical examiner said this was heavily decomposed.

01:29:48 Speaker 4

And the testimony is that this individual died on the 27th of May 20.

01:29:53

Oh.

01:29:54

20.

01:29:55 Speaker 4

And this body was found on a I'm sorry, June, the 21st of 2020.

01:30:02 Speaker 4

Would that be consistent?

01:30:03 Speaker 4

With the level of corrosion you find on board.

01:30:05 Speaker 6

Yes, it would definitely have an effect on it.

01:30:09 Speaker 4

But even with all that.

01:30:12 Speaker 4

Degradation of the the copper jacket. You're still able to see those faster.

01:30:18 Speaker 6

That's great because.

01:30:19 Speaker 4

They're both stars.

01:30:22 Speaker 6

That's correct.

01:30:23 Speaker 4

Thank you, Sir.

01:30:25 Speaker 2

Any recross examination, Mr. McNeil.

01:30:28 Speaker 1

None.

01:30:29 Speaker 2

All right. Thank you.

01:30:30 Speaker 2

Very much may this witness be excused.

01:30:32 Speaker 4

Yes, Sir.

01:30:33 Speaker 2

All right. Thank you. So.

01:30:34 Speaker 2

Much special agent. Thank you so much.

01:30:36 Speaker 2

For your testimony, you may step down and be.

01:30:38 Speaker 2

Excused. Thank you.

01:30:47 Speaker 4

With that, your honor, that they would be resting.

01:30:52 Speaker 2

The state has arrested its proof in this case. We're going to take a very short break while I speak with the parties about how our schedule will proceed.

01:31:03 Speaker 2

Over the next day or so, and then, ladies and gentlemen, I'll bring you back in as it I suspect we may conclude for the day, but I want to confer with the parties before we do that. OK, so we're going to be in a very short recess. Please rise for the jury.

01:31:46 Speaker 2

Please be seated everyone.

01:32:07 Speaker 2

Does the defense wish to make any motions at this time?

01:32:11 Speaker 1

Yes.

01:32:12 Speaker 2

All right, you may proceed.

01:32:19 Speaker 1

The accused would like to make that motion under Rule 29 for a judgment of acquittal concerning each count of the indictment. I'll begin obviously with the first count indictment number 3317210, the defendant is charged with in count.

01:32:35 Speaker 1

On 1st degree murder.

01:32:39 Speaker 1

Which is the pre that I'm reading from 3913202 first degree murder is a premeditated and intentional killing of another.

01:32:47 Speaker 1

That would be the first theory that the government is proceeding on your honor, and we would suggest to the court that there's not, there's not sufficient proof before the court for that for that particular cause, to go before the jury for them to render a verdict. And we would ask accordingly that that count count one in the indictment be dismissed.

01:33:07 Speaker 1

The second count in the indictment, Your Honor, is felony murder. That is also first degree murder. But it is. It is also under the same statute, and that statute is 3913202. And I'm reading from the relevant portion of that statute beginning in, in subparagraph a, and then subparagraph 2 of.

01:33:27 Speaker 1

3913202 a killing of another committed in the perpetrator.

01:33:32 Speaker 1

Creation of or attempt to perpetrate any first degree murder, arson, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult and violation OF3915511 aggravating neglect of an elderly or vulnerable adult in violation of 3915508 aggravated child abuse, aggravated child neglect.

01:33:52 Speaker 1

Or aggravate air aircraft piracy, we would suggest to the court, Your Honor, that the the proof before the court and the evidence in the record does not support a conviction for first degree murder under the theory of.

01:34:08 Speaker 1

Felony murder because the government has failed to prove the predicate funding that is necessary in order for there to be a conviction under that provision of the statute OF3913202 subsection at A2.

01:34:25 Speaker 1

And Count 2 leads in the Count 3. The trouble with the reason why count New 2 needs to be dismissed is because the government has failed to approve and count 3 of the same inducement, especially aggravated kidnapping 3913305. And I'm reading those elements for the court in subsection a.

01:34:46 Speaker 1

Especially aggravated kidnapping as false imprisonment as defined in 3913302, accomplished with a deadly weapon or display of any article used or fashion to lead the victims reasonably believe it to be a deadly weapon element #2 where the victim was under the age of 13 at the time of the removal of.

01:35:06 Speaker 1

Or confinement #3 committed to hold the victim for ransom or reward, or as a shield or hostage, and finally #4, where the victim suffers serious bodily injury.

01:35:20 Speaker 1

Your Honor, we would submit to the court this afternoon that element #2 where the victim was under the age of 13 at a time when removal of confinement has not been proven by the state beyond a reasonable doubt. Accordingly, count 3 of the indictment should be dismissed. Count 2 of the indictment should likewise be dismissed because count 2 of the indictment.

01:35:41 Speaker 1

A conviction under Count 3 is necessary to carry the state's burden with respect to count 2 of regarding felony murder and finally count 4 with which is relevant to these proceedings. Count 5 will be handled in a separate proceeding.

01:35:57 Speaker 1

Employing the firearm during the day during the Commission.

01:36:02 Speaker 1

Of a dangerous felony. And I'm reading your honor from.

01:36:14 Speaker 1

OK, make sure I have the right statute, section 39171320.

01:36:18 Speaker 1

Or it is an offense to possess a firearm or antique firearm with the attempt to go arm during the Commission or attempt to commit a dangerous felony. It's an offense to employ a firearm or antique firearm during the Commission of a dangerous felony, attempt to commit a dangerous felony flight or escape from the Commission of a dangerous felony or flight or escape from the attempt to commit a dangerous felony.

01:36:40 Speaker 1

And this this count likewise should be dismissed, your Honor.

01:36:45 Speaker 1

Certainly with respect to the to the especially aggravated kidnapping, a felony has not been proven in this case. We would also with respect to count 2 of the indictment, felony murder likewise is unavailing and ought to fail as a matter of law because count 3 in the indictment, especially aggravated kidnapping, has not been proven by the state beyond a reasonable doubt.

01:37:05 Speaker 1

With respect to count #1, likewise the state has failed to carry their burden, and none of these counts should go before the jury, and the Court should enter a judgment of acquittal on each and every count of the indictment and should be dismissed.

01:37:17 Speaker 2

With prejudice. Alright, thank you so much, Mr. McNeil. His state like to respond.

01:37:20 Speaker 1

Yes.

01:37:23 Speaker 1

Your Honor, viewing the.

01:37:24 Speaker 4

Evidence and why most available to the state, the court has her submission proof, Your Honor, knows what she's heard. She could take diligent notes throughout this trial, subject to your honors questions. That would be the states.

01:37:35 Speaker 2

Are all right. Thank you.

01:37:40 Speaker 2

So Rule 29 of the Tennessee Rules of Criminal Procedure governs the motion for judgment of acquittal on defendants motion. The Court shall order the entry of a judgment of acquittal of one or more offenses charged in the indictment, presentment, or.

01:38:00 Speaker 2

After the evidence states evidence is closed, if the evidence is insufficient to sustain a conviction of such offense or offenses in considering a Rule 29 motion for judgment of acquittal, the state, excuse me, the court is to consider the evidence in a light most favorable to the state of Tennessee.

01:38:19 Speaker 2

Discarding all countervailing evidence and making a determination as to the sufficiency of that.

01:38:24

See.

01:38:26 Speaker 2

Beginning first with Count 1, which is first degree per meditated murder. I understand the defendants argument to be that there is not proof of premeditation that has been put before the jury, such that that count should be allowed to proceed.

01:38:46 Speaker 2

The testimony of Miss Lanham I find was particularly important on this point.

01:38:54 Speaker 2

Her testimony was that Mister Holland and Mr. Leslie had engaged in a back and forth discussion that grew into an argument over a very short period of time, Mr. Holland becoming increasingly, in her words, more upset.

01:39:13 Speaker 2

With the victim in this.

01:39:15 Speaker 2

Case at which point, then the weapon was fired one time, and Mr. Leslie was shot. Premeditation under the law. And as will be the instruction I think to the jury, premeditation can be formed in an instant. Per meditation is not planning. That must take place over a substantial period of time, or really any period of time.

01:39:35 Speaker 2

At all.

01:39:37 Speaker 2

Premeditation exists if, in the mind of the perpetrator, they had formed that intent to do something, which in this case would be shoot Mr. Leslie in advance of committing that act. So based on the testimony that there was an argument that preceded.

01:39:58 Speaker 2

With this shooting and that Mister Holland became more upset than firing the weapon at Mr. Leslie, I do believe there is sufficient proof of premeditation such that count 1 can go to the jury.

01:40:17 Speaker 2

Count 2 and count 3 are intertwined. I agree with Mr. Mcneil's position on that in order for the state to prevail and count 2, which is felony murder, then the underlying felony offense must also have been proven by the state. The underlying felony offense in this case is especially aggravated kidnapping.

01:40:36 Speaker 2

Now the especially kid aggravated kidnapping statute is codified at TCA 3913 three O 5, and here's what it states especially aggravated kidnapping is false imprisonment as defined in 3913302 that is.

01:40:55 Speaker 2

One accomplished with the deadly weapon.

01:41:00 Speaker 2

2 where the victim was under the age of 13 at the time of removal or confinement.

01:41:06 Speaker 2

Three committed to hold the victim hostage for ransom or reward or shield, or 4.

01:41:14 Speaker 2

Where the victim suffers bodily injury, it does not have to be. All four of those things it has.

01:41:19 Speaker 2

To be one of those things.

01:41:21 Speaker 2

In this case, I think that there is sufficient evidence we have heard a multitude of testimony, but particularly from Miss Lena regarding the Red Sky 9mm firearm that was possessed by Mr. Holland and that this firearm was brandished and it was this firearm that was used to fire shot into Mr.

01:41:41 Speaker 2

Leslie's body, so there is a one especially aggravated kidnapping, accomplished with a deadly weapon, I think also.

01:41:53 Speaker 2

Then we could argue as well. The state could argue, especially aggravated kidnapping, subsection 4, where the victim suffers serious bodily injury, there is testimony not only from Miss Lanum, but also from Doctor Carney, who is the medical examiner in this case.

01:42:14 Speaker 2

That the single gunshot wound into the right side between the 8th and 9th ribs would have been travelling at a trajectory, A downward trajectory that would have been placed the.

01:42:27

Place.

01:42:28 Speaker 2

The projectile, somewhere near the spinal column. She didn't say. It severed the spinal column, but in and around the spinal column of Mr. Leslie, which then would have incapacitated.

01:42:39 Speaker 2

Him he would.

01:42:39 Speaker 2

Have been had he would not have had an ability to move his legs. This is actually corroborative of the testimony of Miss Lanham. That alone constitutes serious bodily injury.

01:42:50 Speaker 2

I think also the testimony of the medical examiners that the bullet would have also pierced the right lung of the victim. I believe that is serious bodily injury and ultimate.

01:42:59 Speaker 2

Lee's Mr. Leslie expired. He passed away as a result of these significant wounds, which would also be serious bodily injury, so I do feel there is sufficient proof for the jury to consider the charge of especially aggravated kidnapping and likewise sufficient proof to establish or to allow the jury to make a further determination.

01:43:21 Speaker 2

On Count 2, which is that Mister Wesley was murdered during the Commission of an especially aggravated kidnapping, and then Count 4 was the employment of a firearm during a dangerous felony offense. And I want to make.

01:43:36 Speaker 2

Sure, I say that exactly right.

01:43:38 Speaker 2

Employing A firearm during Commission of a dangerous felony offense. Again, we have testimony from Miss Lanham that the Red Sky firearm was utilized in the Commission of the offense and then the testimony of the medical examiner with respect to this single projectile that was recovered from miss less, Mr. Leslie's.

01:43:58 Speaker 2

Body finally, I think the testimony of special Agent Harris indicated that the class characteristics of the projectile recovered from the body matched those of the side firearm they would.

01:44:12 Speaker 3

Have.

01:44:14 Speaker 2

Been identical.

01:44:16 Speaker 2

And accordingly there is sufficient proof that Mister Holland employed.

01:44:22 Speaker 2

A firearm in the Commission of this dangerous offense, such that this issue should be considered by the jury, so respectfully, the defendants Rule 29. Motion for acquittal is or motion for judgment of acquittal is denied at this.

01:44:38 Speaker 2

All right. That leads us to where we are heading next in this trial. Ladies and gentlemen, the state has rested its proof, the defense is.

01:44:48 Speaker 2

Now able to present proof, Mr. McNeil, it is not my habit to ask you how many witnesses you have or anything of that nature.

01:45:02 Speaker 2

I think it might be appropriate to, but to consider adjourning for the night so that we can have a moment hearing first thing in the morning and that will give you some time to speak with Mr. Holland. Do you have a copy of the moment forms that were with the original jury instructions?

01:45:23 Speaker 2

If not, I will get them for you. There is one form he can review that says that he will elect to testify and one form that says he will not elect.

01:45:31 Speaker 2

To testify.

01:45:31 Speaker 1

I I've I've reviewed the draft, I don't recall if.

01:45:34 Speaker 1

There was. I don't I.

01:45:35 Speaker 1

Don't know, I don't recall.

01:45:35 Speaker 2

We'll, we'll get you a copy of those forms here momentarily so you can review them with Mr. Holland, but my suggestion would be that we, unless you would like to take that up this evening or you would like to begin calling witnesses this evening. Would you like a minute to confer with your client?

01:45:51 Speaker 2

Or your or.

01:45:52 Speaker 2

You're welcome to just address me on it how you'd like to proceed.

01:45:54 Speaker 2

To me.

01:45:56 Speaker 1

Your Honor, we don't have any witnesses to call other than Mr. Holland. If he elects to testify.

01:46:02 Speaker 2

OK. So would you like to have that conversation about his election to testify with him this afternoon? Would you like to do it? I mean, you could still have the conversation this, this afternoon. Would you like to put it on the record? This.

01:46:12 Speaker 2

Afternoon or in the morning.

01:46:15 Speaker 2

I'll leave it to you how much time you think you need to have.

01:46:18 Speaker 2

That conversation.

01:46:19 Speaker 1

I think leaving it for the morning. Your Honor, I think would be to give him time to consider more carefully what his options.

01:46:25 Speaker 1

Might be is.

01:46:26 Speaker 1

It is his right to exercise his court notes.

01:46:28 Speaker 2

100% we'll get those momon forms for you here shortly so that you can have that conversation with him.

01:46:34 Speaker 2

This evening and he can make an election first thing in the morning. Now the other thing, Council, is that I've already begun revising the first draft of jury instructions. So you will get a second draft of the jury instructions this evening that has eliminated some of the instructions.

01:46:55 Speaker 2

You will note that there was there are three different ways that you can talk about any statements alleged to have been made by the defendant in this case, 1 is a confession, 1 is a statement against interest, and 1 is just called prior statements of the defendant clearly.

01:47:14 Speaker 2

Don't think that we necessarily have a confession in this case, but I do think the instruction on a statement against interest would be appropriate, so please review that carefully as to which of those instructions each party thinks is appropriate in this case.

01:47:32 Speaker 2

I will also put.

01:47:33 Speaker 2

A limiting instruction in there about Rule 609 testimony, particularly with respect to Miss Lanham and Mr. Brown, as well as, of course the 404 be limiting instruction with this respect to Mr. Brown's testimony about Mr. Holland, OK, so all of that will be most of it's already been done.

01:47:52 Speaker 2

I can do the rest in.

01:47:53 Speaker 2

About.

01:47:54 Speaker 2

10 minutes and you will get a copy of that tonight so that you can review.

01:47:59 Speaker 2

That as well.

01:48:01 Speaker 2

For the state, is there anything else that we need to take up this evening?

01:48:04 Speaker 4

I don't know that it needs to be taken up this evening, but it does need to be taken up for Mr. Holland potentially testifies. Obviously, that decision I I'm not.

01:48:11 Speaker 2

Sir. Sure.

01:48:14 Speaker 4

I don't care what the.

01:48:15 Speaker 4

Election is judged, but we did file notice of impeaching convictions. I attached those judgements. We just.

01:48:23 Speaker 4

Need a ruling on that prior to?

01:48:26 Speaker 2

Well, let's take a look at that because that could be helpful to Mr. Holland's discussion.

01:48:35 Speaker 2

It could be.

01:48:36 Speaker 2

Helpful to Mr. Holmes, discussion with his attorney, please.

01:48:40

Thank you.

01:48:44 Speaker 2

Now.

01:48:46 Speaker 2

Having before we get into this is everybody fine with me excusing the jury for the evening?

01:48:51 Speaker 2

All right, Tommy, do you? Well, actually, let's bring them back in. Let me excuse them with an admonition for the evening and give them instructions for reporting. Then we're going to take up this issue about impeaching convictions tonight. OK? Can we have the jury, please?

01:49:04 Speaker 4

Yes.

01:49:09

Keep doing.

01:49:12 Speaker 2

Mr. Holland, we can handle it. Thank you.

01:49:14 Speaker 2

So much.

01:49:53 Speaker 2

All right, everyone, please be seated.

01:50:01 Speaker 2

All right, ladies and gentlemen. So we are going to recess for the evening. There are some matters we can take up outside of your presence. You don't need to wait around for that this evening.

01:50:11 Speaker 2

Tomorrow we will continue with any presentation of proof from the defense as well as any rebuttal evidence from the state if there is any. And also I think we will likely charge the jury and have closing arguments tomorrow as well. So tomorrow, if you could just like today.

01:50:30 Speaker 2

Be here just a little bit before 9:00 so that we can get started as close to 9:00 as possible. Just like today. You'll come through that, that hallway door, and that Tommy will meet you at. OK and we'll, we'll get you. We'll get you in here.

01:50:46 Speaker 2

Again, no need to call the number on the back of your badges this evening as well, because again, you're with us until this matter is concluded. So members of the jury, before we adjourn for the evening, let me remind you of my admonitions to you regarding your conduct as jurors throughout the trial of this case. Again, apart from notifying your family.

01:51:06 Speaker 2

Your employer or other persons that you are on a jury and how long the case may take and warning them not to try to communicate with you about the case.

01:51:15 Speaker 2

Please do not communicate with anyone, including for now, your fellow jurors about any aspect of the case, including not, but not limited to the evidence, the lawyers and the Court, as well as your own thoughts, opinions or reactions. This means that you must not discuss the case face to face with anyone.

01:51:35 Speaker 2

It also means that you must not share or receive information about the case by any other means, for example by phone, text, e-mail, tweet or posting on social networking sites such as Facebook.

01:51:50 Speaker 2

In addition, please do not research any fact issue, law or person relating to this case, or try to get information relating to the case from any source other than the proceedings.

01:52:01 Speaker 2

In the courtroom.

01:52:03 Speaker 2

You must not do any personal investigation relating to the case, including visiting any of the scenes that have been testified to.

01:52:11 Speaker 2

Or viewing them on the Internet using Google map.

01:52:14 Speaker 2

You must not consult any news sources, reference materials, including a dictionary. Such search engines such as Google or websites for information about the case. The law that applies to the case, or any participant in the case. Please remember that it is your duty to decide this case solely on the evidence.

01:52:35 Speaker 2

Introduced here at Charles. Furthermore, please do not form or express any opinion about this case until the Court submits it to you for deliberation and Verdict.

01:52:45 Speaker 2

Finally, please report promptly to the court any incident involving an attempt by any person improperly to influence any juror or a juror's violation of any of the courts admonitions, all right. With that, I will allow you to adjourn for the evening, and I will see you all.

01:53:06 Speaker 2

In the morning. OK, drive safely.

01:53:38 Speaker 2

All right, you may all.

01:53:38 Speaker 2

Be.

01:53:38 Speaker 2

Seated. Let me just find the the states notice in the.

01:53:54 Speaker 4

And beyond our about 4th of April 2020.

01:53:56 Speaker 2

Four, yes, thank you.

01:54:21 Speaker 2

OK.

01:54:22 Speaker 2

Do you have a copy of that, Mister? Mr. wonderful. All right, So what I'm looking at is the notice of intent to seek enhanced punishment and or notice of impeaching convictions that was filed April 4th, 2024 by the state and lists.

01:54:41 Speaker 2

A number of convictions here. So, Mr. Moore, would you like to be heard on this?

01:54:48 Speaker 4

Yes, Sir. And and I guess this is the.

01:54:52 Speaker 4

The peril of filing a notice of enhanced punishment and notice of impeaching convictions, obviously for enhancement purposes, all priors are convicted articles, and when they occur. That being said, they're specifically for judgments that the state believes would be admissible under Rule 6 O.

01:55:13 Speaker 4

They include a conviction for possession of marijuana. It is a felony drug offense. Date of conviction is December the 6th of 2017. That's obviously well within the 10 years.

01:55:27 Speaker 4

Set out by.

01:55:28 Speaker 4

Rule 609.

01:55:30 Speaker 4

Next is an aggravated assault data. Conviction on that is March the 29th, 2011. It's 86 year sentence, but it does appear as though that was a straight probation based on the face of the judgement. The state does have a concern.

01:55:50 Speaker 4

Given the nature of the offense, it being a crime against person, a crime of violence that the court would be inclined to say that the risk of unfair prejudice for that outweighs its appropriate values of the state will just point that out to the Court.

01:56:04 Speaker 4

However, there are two two other convictions, both of them occur on the same day of March, the 29th, 2011. However, they do have different offense dates. There's a carjacking that's alleged to have occurred. The judgment shows March the 26th of 2008, and attempted carjacking was the actual offense where the defendant was sentenced to serve.

01:56:25 Speaker 4

Six years in, the Tennessee Department of Corrections, also in an attempted aggravated robbery, a Class C felony, also six years to serve latency Department of Corrections when you factor in the.

01:56:37 Speaker 4

Incarceration that does, I think, get us within the the 10 years. They are both crimes of moral turpitude. They are both crimes which would render an individual infamous for the purposes of impeachment. It should, they testify. So the state is asking that specifically these two crimes.

01:56:57 Speaker 4

Alternate to the recent drug offense be permitted, should the defendant testify on leave, the agg assault to.

01:57:05 Speaker 4

The court sound discretion.

01:57:06 Speaker 2

Could you do you know Mr. Moyle? With respect to the attempted carjacking and attempted aggravated robbery 6 years?

01:57:14 Speaker 2

Sentences when the defendant.

01:57:17 Speaker 2

Would have been released from incarceration.

01:57:20 Speaker 4

That I don't know. I'd have to ask the.

01:57:23 Speaker 4

The Tennessee Department of Corrections, but it should be pointed out.

01:57:26 Speaker 4

That they are both.

01:57:30 Speaker 4

Consecutive, Your Honor, as on the face of the judgement 2263112 which.

01:57:33 Speaker 2

OK.

01:57:40 Speaker 4

Something.

01:57:41

To find.

01:57:41 Speaker 4

All right.

01:57:51 Speaker 4

236112 Your honor, as a Class C felony for aggravated assault where the defendant was given in three years in 2007, I believe there was a probation.

01:58:02 Speaker 4

Revocation for that offense, and that would be why it was consecutive.

01:58:07 Speaker 4

The defendant in 20.

01:58:08 Speaker 4

11 would be half these cases.

01:58:12 Speaker 4

Executive to it because.

01:58:13 Speaker 4

By date of conviction, it should have expired already.

01:58:17 Speaker 2

I think that the issue is and and because we've already addressed this issue once before with Mr. McNeill's 609 motion is that the?

01:58:29 Speaker 2

10 year the the time limit, the 10 year time limit is counted as.

01:58:36 Speaker 2

The date between the release of from confinement and commencement of the action or prosecution. So I think the original commencement of the action or prosecution was in 2021. I'm fairly certain I'll double check here.

01:58:56 Speaker 2

March 10/20/21 is the indictment, but that actually wouldn't have been if the case was in general sessions court. It would have actually.

01:59:06

Then.

01:59:07 Speaker 1

I believe it was about 5.

01:59:09 Speaker 2

Percent it was my presentment. Thank you. So March 10/20/21, let's say that that is our date and so we need to know when.

01:59:19 Speaker 2

There would have been a release from incarceration. I tend to believe because it is a six year sentence, that it would have been some time after the sentence was imposed on March 29th, 2011.

01:59:35 Speaker 2

Which would put it with well.

01:59:36 Speaker 2

Within the 10 year.

01:59:37 Speaker 2

Period.

01:59:38 Speaker 2

I think out of an abundance of caution, it's appropriate if you can determine incarceration dates on the attempted carjacking and attempted aggravated robbery just to make sure those are within the 10 years. I tend to think that they are just doing the math between.

01:59:59 Speaker 2

The March 10 of 2021 and these convictions were March 29th of 2011 and there there was a six year sentence. I think it is exceptionally likely that we are well within the 10 years, but I think the state.

02:00:14 Speaker 2

Has to show that.

02:00:17 Speaker 2

Were you going to say something, Mr. McNeil?

02:00:19 Speaker 1

I know I haven't wanted.

02:00:20 Speaker 1

To be heard on just some of.

02:00:21 Speaker 1

The I don't know my time yet.

02:00:22 Speaker 2

Sure. Well, I'm getting there. Sorry. It's OK. So I would like the state to have that information before the state seeks to use those two convicts.

02:00:25

Thanks.

02:00:33 Speaker 2

Options at all for impeachment purposes. All right. So, Mr. Neil, would you like to be heard?

02:00:40 Speaker 1

I didn't mean.

02:00:41 Speaker 1

To interrupt before.

02:00:41

It's alright.

02:00:42 Speaker 1

I misinterpreted body language.

02:00:44

It's OK.

02:00:46 Speaker 1

The what I would just add it and.

02:00:50 Speaker 1

One concern, of course, is if the similarity of these offenses, every offense that has been cited by the government, that they would like to use to impeach Mr.

02:01:01 Speaker 1

Holland are well, they're violent offenses. That's a problem that shows this propensity for violence in this particular indictment part. I wouldn't say it's an element of the case, but it's definitely, I mean, it is an element of the case requires a killing, an unlawful killing.

02:01:15

Sure.

02:01:17 Speaker 1

Now again, the problem with these impeaching convictions is that they're violent offenses. They're not necessarily. They don't necessarily have anything to do with truthfulness of whether he told the truth or not. The other problem with these convictions, and really all of them, fall under this issue.

02:01:37 Speaker 1

Is that much of this because some of the gang implications have come in? I'm afraid that the mention of some of these will further open the door, and it may go beyond or may cause the proceedings to go beyond the confines of the courts present order concerning issues of his gang related activities, or things that could emerge.

02:01:57 Speaker 1

From that as a consequence.

02:01:58 Speaker 1

Of of using these for impeachment purposes.

02:02:02 Speaker 1

And that's what I'd like to say concerning.

02:02:04 Speaker 2

That you're sure. Thank you, Mr. McNeil.

02:02:07 Speaker 2

Anything further, Mr. Moore?

02:02:09 Speaker 4

Judge candidly the the marijuana conviction is not a crime of violence that one absolutely is not.

02:02:20 Speaker 4

And that is a very recent 2017.

02:02:24 Speaker 4

So I would.

02:02:25 Speaker 4

Submit to the court they are novel violence. Specifically, I don't. I don't know how I could use a judgement to get into things beyond the judgement. As I pointed out to the court earlier today.

02:02:40

That.

02:02:41 Speaker 4

If he's asked about those.

02:02:43 Speaker 4

Convictions and admits to him that's the end of the.

02:02:46 Speaker 4

Only then, if he denies it.

02:02:48 Speaker 4

Do I get to introduce the certified?

02:02:50 Speaker 4

Copy that I.

02:02:50 Speaker 8

Have but I.

02:02:51 Speaker 4

Don't get to ask about the facts and circumstances surrounding those conditions. That seems to be a big, big misconception with a lot of orders. It the fact of the conviction is what's important, that they're being rendered infamous. It's not the underlying you stuck a gun in somebody's face.

02:03:06 Speaker 4

Took their car.

02:03:08 Speaker 4

I don't get to get into that, so I don't.

02:03:10 Speaker 4

Think that the evil that the.

02:03:12 Speaker 4

The defendant was complaining of just now is applicable.

02:03:17 Speaker 1

Mr. McNeill carjacking someone if someone gets carjacked someone, the person is not asking for a box of tissues. I'm not being trying to do smart. It's just the name of the charge is bad enough and Mr. Moore is correct and I I didn't mean to suggest that selling marijuana is necessarily a

crime of violence, but that charge.

02:03:26

Sure.

02:03:37 Speaker 1

Nonetheless, is suggestive of gang activity and in the context of this proceeding, that particular conviction would produce would be its probative value would be outweighed by the danger of unfair prejudice, especially in light of the procedural posture concerning the courts orders regarding the motions.

02:03:55 Speaker 3

Thank you.

02:03:57 Speaker 2

So in this context, the state is seeking to.

02:04:02 Speaker 2

Proof of these convictions. One only if Mr. Holland testifies, because the state would seek to impeach his testimony with the proof of these convictions.

02:04:16 Speaker 2

The Rule 6609 would 609 says, is that for the purpose of attacking the credibility of a.

02:04:23 Speaker 2

Witness evidence that the witness has been convicted of a crime may be admitted under certain procedures. Now, of course, the first of that is that to be asked about the conviction on cross examination, if the witness says no, I was not convicted then and only then could the proffering party.

02:04:33 Speaker 2

Must.

02:04:44 Speaker 2

Seek to establish identity through extrinsic evidence.

02:04:49 Speaker 2

But if the witness says yes, I have that conviction, then that is the end of the inquiry. There is no further testimony to come from that impeaching evidence. Now, the way that the rule is also written is that.

02:05:05 Speaker 2

Two types of evidence is considered impeachment in this circumstance, 1 is evidence of any crime punishable by death or imprisonment of is in excess of one year. So any type of felony.

02:05:19 Speaker 2

Or if not a felony, then the crime must have involved dishonesty or false statement. It is not a both proposition. In other words, it doesn't have to be that aggravated robbery is also, you know, a crime of dishonesty. It's it's one or the.

02:05:36 Speaker 2

Other.

02:05:37 Speaker 2

So.

02:05:39 Speaker 2

We've talked some about the the 10 year time limit, the statutory time limit. I do believe that.

02:05:49 Speaker 2

The conviction from.

02:05:53 Speaker 2

Make sure I get this right December 6th of 2017. Possession of marijuana for resale is proper impeachment material under Rule Six O 9.

02:06:06 Speaker 2

To the extent that the attempted carjacking conviction on March 29th, 2011, and the attempted aggravated robbery conviction on March 29th, 2011 had a criminal justice sentence where Mr. Holland.

02:06:23 Speaker 2

Serve time and it has been less than 10 years from the time.

02:06:28 Speaker 2

Excuse me? He was released from incarceration.

02:06:32 Speaker 2

To the date of the original indictment that I believe those two offenses are also appropriate impeachment material under Rule Six O 9. The aggravated assault charge. I am not going to allow. It was a suspended sentence and he did not serve any time and accordingly it would not be within that 10 year time frame.

02:06:53 Speaker 2

In the courts estimation.

02:06:57 Speaker 2

If.

02:06:59

If it is.

02:06:59 Speaker 2

Within that 10 year time frame, I believe it would be marginal and I and frankly adding that aggravated assault charge in this circumstances not necessary if there are three other convictions that can be used for impeachment material, I'd rather not add that as out of an abundance of caution due to the time limit.

02:07:19 Speaker 2

Constraints. Again, the burden will be on the state to establish that the time 10 year time frame has been met with respect to the carjacking and attempt. Excuse me. Attempt carjacking and attempt aggravated robbery convictions. But if the.

02:07:32 Speaker 2

That are within that 10 year period. Then of course they would be admissible for impeachment only. Now let me also state.

02:07:42 Speaker 2

That so that would be the ruling of the court with respect to the use of those all of the other offenses listed in that notice. I don't think the seat the state is seeking to use because they're outdated and those were included for purposes of punishment enhancement.

02:07:58 Speaker 2

Now again, there will be a limiting instruction given we can give that limiting instruction after the testimony of Mr. Holland. If he chooses to testify. Also there would be there is an instruction included in jury instructions about rule six O 9 evidence. And again, it's not for any other purpose.

02:08:18 Speaker 2

Except to impeach credibility, it's not proof of conformity with specific character trait for wrongdoing. So that would be the courts ruling on the impeaching convictions.

02:08:32 Speaker 2

Any questions about that from the?

02:08:34 Speaker 2

State.

02:08:34 Speaker 4

No, your Honor, we're working on.

02:08:35 Speaker 4

Trying to get those dates.

02:08:36 Speaker 2

OK. And Mr. McNeil, all right, very well.

02:08:41 Speaker 2

OK, so that addresses that outstanding motion. Are there any other outstanding motions that the Court needs to address at this time? All right, so we will be adjourned until tomorrow. You know, I'd say about [number removed], Mr. McNeil. I will get you those Mormon.

02:09:01 Speaker 2

Forms actually, miss Dina. Has your has those right now, could you please pet hand those to and?

02:09:09 Speaker 2

Mr. Yeah, thank you.

02:09:12 Speaker 2

Perfect. So we've now provided the defense with the Mulan forms so that they can have that conversation this evening. That is the first item of business we will take up.

02:09:21 Speaker 2

In the morning.

02:09:28 Speaker 2

All right. Is there anything else we need to take up?

02:09:32 Speaker 2

All right, I will.

02:09:33 Speaker 2

Get jury instructions, revised jury instructions to you here shortly. We will be adjourned until tomorrow.

02:09:38 Speaker 2

At 9:00 AM.

02:09:39 Speaker 5

Thank you.

02:09:43

The.